

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON STATUTORY REGULATIONS AND ORDERS**  
**Wednesday, 10 July, 1985**

**TIME — 8:00 p.m.**

**LOCATION — Winnipeg, Manitoba**

**CHAIRMAN — Mr. C. Santos (Burrows)**

**ATTENDANCE — QUORUM - 6**

*Members of the Committee present:*

Hon. Messrs. Bucklaschuk, Cowan, Penner, Plohman, Storie; Messrs. Birt, Kovnats, Mercier, Orchard, Santos

**APPEARING:** Hon. Messrs. Desjardins, Evans, Hon. Ms. Hemphill, Hon. Mr. Uskiw

Messrs. Driedger, Filmon, Mr. Manness, Mrs. Oleson

**MATTERS UNDER DISCUSSION:**

Bill 17 - The Transboundary Pollution Reciprocal Access Act; Loi sur les droits de recours réciproques contre la pollution transfrontalière

Bill 19 - An Act to amend The Highway Traffic Act (2); Loi modifiant le code de la route. (Hon. Mr. Plohman)

Bill 28 - The Manitoba Habitat Heritage Act; Loi sur la protection du patrimoine écologique du Manitoba. (Hon. Mr. Uskiw)

Bill 37 - An Act to amend The Public Schools Act; Loi modifiant la loi sur les écoles publiques. (Hon. Ms. Hemphill)

Bill 40 - The Workplace Innovation Centre Act; Loi sur le Centre d'innovation des lieux de travail. (Hon. Mr. Evans)

Bill 47 - The Infants' Estates Act; Loi sur les biens des mineurs. (Hon. Mr. Penner)

Bill 57 - An Act to amend The Law Society Act; Loi modifiant la loi sur la Société du Barreau. (Hon. Mr. Penner)

Bill 59 - The Statute Law Amendment Act (Family Law) Act; Loi modifiant le droit statutaire concernant le droit de la famille. (Hon. Mr. Penner)

Bill 60 - The Statute Law Amendment Act (1985); Loi de 1985 modifiant le droit statutaire. (Hon. Mr. Penner)

Bill 62 - The Charter Compliance Statute Amendment Act; Loi modifiant diverses dispositions législatives afin d'assurer le respect de la Charte. (Hon. Mr. Penner)

Bill 67 - An Act to amend The Registry Act; Loi modifiant la loi sur l'enregistrement foncier. (Hon. Mr. Penner)

Bill 70 - An Act to amend The Agricultural Credit Corporation Act; Loi modifiant la loi sur la société du crédit agricole. (Hon. Mr. Uruski)

Bill 72 - An Act to amend The Teachers' Pensions Act; Loi modifiant la loi sur la pension de retraite des enseignants. (Hon. Ms. Hemphill)

Bill 73 - An Act to amend The Special Survey Act; Loi modifiant la loi sur les arpentages spéciaux. (Hon. Mr. Penner)

Bill 74 - The Equal Rights Statute Amendment Act; Loi modifiant le droit statutaire afin de favoriser l'égalité des droits. (Hon. Mr. Penner)

Bill 78 - An Act to amend The Amusements Act; Loi modifiant la loi sur les divertissements. (Hon. Mr. Kostyra)

Bill 81 - An Act to amend The Cooperatives Act; Loi modifiant la loi sur les coopératives. (Hon. Mr. Cowan)

Bill 82 - An Act to amend The Real Property Act; Loi modifiant la loi sur les biens réels. (Hon. Mr. Penner)

Bill 84 - An Act to amend The Public Schools Finance Board Act; Loi modifiant la loi sur la Commission des finances des écoles publiques. (Hon. Ms. Hemphill)

Bill 86 - An Act to amend The Consumer Protection Act; Loi modifiant la loi sur la protection du consommateur. (Hon. Mr. Penner)

Bill 90 - An Act to amend The Ecological Reserves Act; Loi modifiant la loi sur les réserves écologiques. (Hon. Mr. Uskiw)

Bill 94 - An Act to amend The Housing and Renewal Corporation Act; Loi modifiant la loi sur la Société d'habitation et de rénovation. (Hon. Mr. Bucklaschuk)

Bill 98 - An Act to Validate an Expropriation Under The Expropriation Act; Loi validant une expropriation effectuée en vertu de la loi sur l'expropriation. (Hon. Mr. Penner)

Bill 14 - An Act to amend The Community Child Day Care Standards Act; Loi modifiant la loi sur les garderies d'enfants. (Hon. Mrs. Smith)

Bill 36 - The Mortgage Dealers Act; Loi sur les courtiers d'hypothèques. (Hon. Mr. Penner)

Bill 55 - An Act to amend The Liquor Control Act; Loi modifiant la loi sur la réglementation des alcools. (Hon. Mr. Penner)

Bill 58 - An Act to amend The Mortgage Act; Loi modifiant la loi sur les hypothèques. (Hon. Mr. Penner)

Bill 85 - An Act to amend The Health Services Insurance Act (2); Loi modifiant la loi sur l'assurance-maladie. (Hon. Mr. Desjardins)

\* \* \* \*

**MR. CHAIRMAN:** There being a quorum, the Committee of Statutory Orders and Regulations will please come to order.

**BILL 17 - THE TRANSBOUNDARY  
POLLUTION RECIPROCAL ACCESS  
ACT; LOI SUR LES DROITS DE  
RECOURS RÉCIPROQUES CONTRE LA  
POLLUTION TRANSFRONTALIÈRE**

**MR. CHAIRMAN:** The Attorney-General.

**HON. R. PENNER:** Thank you, Mr. Chairperson.

I beg your indulgence and that of the committee to go back to Bill 17, The Transboundary Pollution Reciprocal Access Act, which was passed this morning to be reported. There is just a title that legislative counsel draws to my attention and, by leave, to reopen to make that typographical change, to change No. 135 to 145, but first if there is leave.

**MR. CHAIRMAN:** Leave is granted.

**HON. R. PENNER:** Then I would move, Mr. Chairperson

THAT Bill 17, The Transboundary Pollution Reciprocal Access Act, be amended so that on Page 3, in both the French and the English versions, the number appearing in the first line of section 10 appearing as T135 read T145.

**MR. CHAIRMAN:** Is that agreed? (Agreed)  
The Minister of Natural Resources.

**HON. S. USKIW:** I'm wondering whether I can offer some suggestions. That is that I know that we are going to hear the bills in the order of their number here but, when we get to a Minister who isn't a member of the committee, would it not be reasonable to hear the Minister's bills, all of them, so that person doesn't have to wait intermittently, if you like, to have other bills come up — (Interjection) — no, no, for any Minister who is not on the committee. It is not just myself; there are others as well. Because otherwise, you are tying them up unnecessarily all evening.

**HON. R. PENNER:** I have no problem with that.

**MR. CHAIRMAN:** Is there leave by the committee?

**MR. A. KOVNATS:** Do you promise not to go out and do campaigning if we let you out?

**HON. S. USKIW:** On my honour.

**MR. CHAIRMAN:** The committee grants leave that whenever a bill comes under a Minister who is not a member of the committee, all the bills under him will be taken in sequence despite the previous agreement of the committee.

**HON. R. PENNER:** Agreed.

**MR. CHAIRMAN:** So granted.

**HON. S. USKIW:** Mr. Chairman, that is only with respect to those Ministers who are not members of the committee.

**HON. R. PENNER:** That is understood. The rest of us are slaves, bound and chained to this desk.

**MR. CHAIRMAN:** The Member for Pembina.

**MR. D. ORCHARD:** Might I make a suggestion? If it is the will of the committee - we're dealing with 19, we are part way through it - might we be able to move Bill 85(2). I wonder if we might be able to do that fairly shortly after Bill 19. We've got the staff of the Health Services Commission here.

**HON. R. PENNER:** Agreed.

**MR. CHAIRMAN:** Is that agreed to by the committee by leave? (Agreed)

By leave, after Bill 19 is completed, we shall consider Bill No. 85. For all Ministers who are not members of the committee, they are entitled to proceed with other bills under their jurisdiction.

**HON. R. PENNER:** If they behave themselves.

**MR. CHAIRMAN:** If they behave properly.  
Agreed to? (Agreed)

**HON. R. PENNER:** Bill 19.

**MR. A. KOVNATS:** Do you want to pass 17 now that it's been amended?

**HON. R. PENNER:** I think that's probably right. For the record, Bill 17 . . .

**MR. CHAIRMAN:** For the record, Bill 17, as amended, is passed as a bill.

**BILL 19 - THE HIGHWAY TRAFFIC  
ACT (2); LE CODE DE LA ROUTE (2)**

**MR. CHAIRMAN:** Bill No. 19, proceeding page-by-page. Page 1 - the Member for Pembina.

**MR. D. ORCHARD:** Mr. Chairman, we were discussing that 2(2)(a) and the Minister was giving us an explanation at the closing of the committee this afternoon as to the necessity of this amendment. I recall the Minister saying that this was merely a change in numbering of this Session that nothing had changed. If that's the case, Mr. Chairman, why is the section repeated?

**MR. CHAIRMAN:** The Honourable Minister.

**HON. J. PLOHMAN:** Mr. Chairman, what the section does, other than the changes that I said with regard to subsections 4 and 5 of the act, is renumber the sections that are outlined and restructure them, but the same wording is used. It combines a couple of subsections together in one paragraph. So there is no change in the actual wording or substance of it. It's simply a matter of changing the structure of it.

The only change is as outlined that I gave with regard to subsections 4 and 5 of the previous act. Those deal with the truck used for an exception from the commercial truck for transporting gravel, sand or other material for use in the construction or maintenance of a public highway, and a truck which the board, after examination of the circumstances, certifies in any year

is not to be regulated either as a public service vehicle or a commercial truck in that year.

I said that under regulation 231 73, which power is provided for under section 286 of the act, the registrar is already doing that, exempting sand and gravel trucks and also other public service or safety trucks by virtue of that section.

**MR. D. ORCHARD:** Mr. Chairman, since the Minister is mentioning T-plated trucks which are carrying sand and gravel, could the Minister indicate to the committee that with his change in licensing category, the number of trucks that are involved in the T to PSV reclassification and what the revenue pickup to the government is?

**HON. J. PLOHMAN:** First of all, Mr. Chairman, I stated earlier this afternoon that there is no change by virtue of this change in the act. The change would come about as a result of a change in the regulation 231 73, if we were to indeed undertake that change as we indicated in our White Paper that was tabled in the House in May on Page 6 which I referred to today. That would result in a change. We have not made that final decision to do that. That is our intent that T-plated trucks currently used as dump trucks would be required to be registered as PSVs, but that is not the decision that is being made at this time and that is not given any effect by any changes to this act.

It's a good question and we perhaps could get the answer, but it is hypothetical at this point because we have made no decision to do that.

**MR. D. ORCHARD:** So, Mr. Chairman, is the Minister indicating to me that he will provide that information tomorrow?

**HON. J. PLOHMAN:** It's very difficult, Mr. Chairman, and again we're dealing with a regulation change, not the act, but even in terms of that, to actually break it down, all of the T-plated trucks that operate within the 20 kilometres of the city or within 30 kilometres of any town, would of course not be affected and we don't have the actual location as to whether they're registered for use just within the city or out of the city, and that makes it difficult to determine exactly how many of those would be affected. We perhaps could get that information at some point and we certainly would want to have it before we make a final decision with regard to the regulation change, but do not have that breakdown in a definitive way at this time and it is not effective.

**MR. CHAIRMAN:** Page 1 - the Member for Pembina.

**MR. D. ORCHARD:** Mr. Chairman, let's pass Page 1 and the Minister can explain the amendments (b), (c) and (d), Page 2 then.

**MR. CHAIRMAN:** Page 1—pass.  
Page 2 - the Attorney-General.

**HON. R. PENNER:** Yes, I move that section 3 on Page 2 . . .

**MR. D. ORCHARD:** Mr. Chairman, before we move that amendment, the Minister was going to offer an explanation for sections (b), (c) and (d) on section 2.

**HON. J. PLOHMAN:** Well, Mr. Chairman, those are the provisions as defined in the current act and there's no change in that except to reletter them and combine sections. In the current act, there's an exception for certain trucks as outlined in section 22(a) a truck that has a gross weight including its load not exceeding 3,700 kilograms and then (b) is unladen or is carrying only the household goods and so on. What we've done is combined (a) and (b) into one subsection at that time to include both of those provisions, so that is now becoming the new (a); then the old (c) becomes the new (b) and then the old (d) becomes the new (c) and the old (e) becomes the new (d) and there's no change.

**MR. D. ORCHARD:** Mr. Chairman, is the Minister saying that trucks that fall within this category, will be plated with T-plates?

**HON. J. PLOHMAN:** They could be T-plates - they are T-plates.

**MR. D. ORCHARD:** Mr. Chairman, the Minister said "could be" T-plates.

**HON. J. PLOHMAN:** They are T-plates.

**MR. D. ORCHARD:** This is the restriction that is going to be in effect for a CAT versus a CT-plate anytime a vehicle of the weight classification that we passed on Page 1, is operated more than 30 kilometres from any city, town or village or more than 20 kilometres from Winnipeg, it would have to be a CT-plate, is that correct?

**HON. J. PLOHMAN:** If they were not exempted by any other section of the act from being certified or required to be registered, I should say, as CT as outlined in this definition. This is the same provision that was in place when the Member for Pembina was the Minister.

**MR. D. ORCHARD:** Mr. Chairman, is the Minister saying that these are the requirements for T if these are not met; in other words, if you need more than a 30 kilometre range, does the plate then become CT or does it become PSV?

**HON. J. PLOHMAN:** That is an exception from the CT definition as outlined here only.

**MR. D. ORCHARD:** So then what you are saying is that they would be CT and not PSV?

**HON. J. PLOHMAN:** Yes.

**MR. D. ORCHARD:** Mr. Chairman, then the Minister should, I think with relative ease, be able to indicate, even though he is indicating this section does not contain the statutory changes, that it's a regulatory change to require T-plated trucks, which are larger presumably than the 3,700 kilogram, now are going to be licensed as PSV with this exception still in place; and with the move in this section from T to CT only, I would think that the Minister could, with relative ease, come up with the numbers of vehicles and the economic impact that was given to the committee yesterday, I believe it was, by the Heavy Construction Association,

wherein they have some serious concerns about the regulatory change this Minister is proposing for sand and gravel carrying T-plated trucks by requiring a PSV plate on them at considerable expense to the industry.

We have made the case, Mr. Chairman, that that is another revenue grab by this Minister and this government in terms of their attempts to glean more money from the trucking industry and the driving public while still not living up to their obligations of maintaining our highway system.

**HON. J. PLOHMAN:** Well, I will endeavour to get that information. The estimate that I get is 500 to 700 gravel trucks, maximum, that would be involved if that regulation change was made, but that has absolutely nothing to do with the provisions in this section or any changes that were made in this section with the deletions of subsections 4 and 5 from it. The rest of the wording remains the same.

**MR. CHAIRMAN:** Page 2 amendment - the Honourable Attorney-General.

**HON. R. PENNER:** I would move

THAT the proposed new subsection 180(5) to The Highway Traffic Act as set out in section 3 of Bill 19 be amended

- (a) by striking out the words "other than a truck or truck trailer combination with more than 3 axles"; and
- (b) by adding thereto at the end thereof the words "not to exceed indemnification for out of pocket expenses actually incurred in the performance of the transportation."

**MR. CHAIRMAN:** Explain, Mr. Minister.

**HON. J. PLOHMAN:** Yes, Mr. Chairman, we heard from the Keystone Agricultural Producers, from the Vegetable Growers' Association yesterday, and we have had many discussions with them in the past and have, as a result of that, had some of the proposals that we put forward influenced in that we did not adopt the changes that were put forward by the task force with regard to elimination of these exemptions to farm plates.

We were proposing to limit the size of a farm plate that could be used for hauling for compensation to those farm trucks that would be three axles or less. As a result of the presentations yesterday, and the practices that have developed, particularly amongst the potato growers and other vegetable growers and perhaps the sugar beet growers, we felt that this may cause some hardships on small farmers in the area who rely on their neighbours at the cost that they're able to provide for, trucks that are made by available by their neighbours to haul their produce when it's needed on very short notice.

So in order to facilitate that practice, and yet recognizing that there is a problem with commercial operators abusing the system, utilizing purple fuel or farm fuel and lower registration fees and registering as farmers so that they could haul commercially, to eliminate that abuse, we have added a definition of compensation under this section which, as the Attorney-General in moving the amendment stated would be

worded to the effect that they could not receive more than the indemnification for out-of-pocket expenses actually incurred in the performance of the transportation. We feel that this is reasonable, that this is in the spirit of neighbourly help, neighbours helping neighbours. We were told yesterday by the vegetable growers and members of the Keystone Agricultural Producers that they are not interested in making dollars from each other, that they're simply interested in helping each other and not being out-of-pocket because of it. So we feel that this will eliminate the abuses for those who are attempting to haul commercially and at the same time, will provide for that practice that has grown up over the years in the industry and therefore addresses the concerns that were raised.

**MR. D. ORCHARD:** With this amendment, what is the reporting procedure and the investigative powers under which compliance with the proposed amendment will be achieved?

**HON. J. PLOHMAN:** Well, we see this working that there would be simply complaints raised. If an individual were dissatisfied, and felt that he was overcharged, he would complain to the courts, to the RCMP, and charges could be laid accordingly a the judge would define whether the individual had indeed taken more than out-of-pocket expenses on his operation.

**MR. D. ORCHARD:** Is the terminology "out-of-pocket expenses" defined anywhere in The Highway Traffic Act?

**HON. J. PLOHMAN:** I don't believe, Mr. Chairman, that it is. We could for the purposes of this section define it. That's one option. The other option, of course, is to - perhaps the Attorney-General will have some comments on that.

**HON. R. PENNER:** It's a term that has been used frequently at law. It's not susceptible of definition except in its own terms. I mean you would define out-of-pocket expenses - you could if you wanted - "expenses less than" sort of thing, but what the out-of-pocket expenses does is really leave some flexibility, so that a court would act reasonably rather than being stuck to some ironclad formula. It's used in all kinds of compensation type of cases. I don't know if it's the exact word, but there's words like it in those sections of the MPIC legislation dealing with reimbursement.

**MR. D. ORCHARD:** Mr. Chairman, since the intent of this amendment is to allow for the use of semi-trailers, some of them specialized and used in the vegetable industry, but as well oil seeds by clause (a) to be transported by a neighbour - or indeed there is no restriction on a farmer but by a neighbour - can the Minister indicate whether that would permit, for instance, the transportation by semi-trailer of flax seed from a grower in southern Manitoba to Minneapolis, or are there restrictions preventing that from occurring?

**HON. J. PLOHMAN:** Mr. Chairman, what the Honourable Member for Pembina is getting at, of course, is the reciprocity agreement that he was asking

about in the House today. Of course, that would be limited only by conditions that are outlined in the reciprocity agreement, there is no other limitation. If he can transport for compensation, as outlined in the act, with an F-plate, if an agreement exists with the other jurisdiction that they recognize that F-plate, then, of course, he would be able to, under this section, continue to do that, providing he only charged, if it wasn't his own goods, his neighbour or whoever he is hauling for out of pocket expenses as outlined in the proposed change to this section.

Since the question was asked by the member this afternoon, I have received the full text of the agreement that was put forward by the State of Minnesota altering a 1954 reciprocity agreement. The only changes in that agreement were the ones dealing with the limitations on the size of a farm truck. It is coincidental that they brought that forward about the same time that we are proposing that semi-trailers would not be used in Manitoba with F-plates for compensation.

The point is that they have limited to 26,000 pound net gross vehicle weight. Anything above that they would not recognize and a special trip permit fee would be charged for an F-plated truck transporting to Minnesota and they would also require, under this agreement, that Manitoba would require any farm trucks from Minnesota coming up to Manitoba to be registered as CT plates for the purposes of their transport through Manitoba.

So that change was there, and yes, it does limit the size of the truck that could be used. It does not prevent them from hauling, except that they would have to pay a special trip permit fee or register for a minimum of 30 days in the jurisdiction.

**MR. D. ORCHARD:** Mr. Chairman, why did the Minister agree to that?

**HON. J. PLOHMAN:** Mr. Chairman, we had no choice. The agreement as outlined is stated that it can be cancelled . . .

**MR. D. ORCHARD:** . . . by the hog thing, do you realize that? Do you realize you give it up on the hog thing to try to get the hog problem solved?

**MR. CHAIRMAN:** Page 2, as amended.

**HON. J. PLOHMAN:** I was in the middle of talking when the Member for Pembina quit listening.

**MR. CHAIRMAN:** No incrimination.

**HON. J. PLOHMAN:** What do you mean no incrimination? I was waiting, Mr. Chairman, so that I could continue once he resumed listening to what I was saying.

**MR. CHAIRMAN:** Page 2, as amended—pass.

**MR. D. ORCHARD:** Mr. Chairman, he was in the middle of an explanation and you have rudely cut him off.

**MR. CHAIRMAN:** The Minister may continue explaining.

**HON. J. PLOHMAN:** Okay, what I was saying was that either party could terminate the agreement, which in

fact they gave notice that they were going to do, on 30 days notice. They notified us that was what they intended to do. Rather than have no reciprocity agreement whatsoever with that jurisdiction, we felt that it was prudent to sign this one as it was, which still allowed for reciprocity with CT and PSV. At the same time, we would have the opportunity to review further with our officials contacting theirs to see whether there would be any way that we could have this altered, or whether indeed we wanted to continue an agreement under those circumstances at all.

They have indicated that they have made a policy change for enforcement purposes with all jurisdictions, and they are changing the reciprocity agreements with all other jurisdictions that adjoin their borders. So we will continue to work with them to attempt to have this change but, if we cannot, obviously we will have to make a decision as to whether to continue under this system or not. As I said, it can be terminated within 30 days by either party on notice.

**MR. D. ORCHARD:** Well, Mr. Chairman, that's another loss from this Minister to the farm community . . .

**HON. J. PLOHMAN:** Get lost. Minnesota did it.

**MR. D. ORCHARD:** This Minister hasn't got the ability to assure that the farm community can carry on in their transportation services, as they have in the past. If it wasn't for an extensive lobby yesterday at committee, this Minister would have restricted small farmers. He has brought in an amendment which may well work. It wouldn't be the simplest amendment. He had another one proposed to him that probably would have been much simpler.

But, Mr. Chairman, as I said earlier on in this bill, this bill should be withdrawn so the Minister can come back after he has taken a little time to get his act together and to get the amendment drafted so that it is suitable, but that isn't the style of this Minister.

**MR. CHAIRMAN:** Page 2, as amended—pass.  
Page 3 - the Member for Pembina.

**MR. D. ORCHARD:** Mr. Chairman, you had a presentation at committee which indicated that section 284(3) should have a 40 percent limit in the number of vehicles under this section for any given franchise holder.

Does the Minister have any comments on that proposal?

**HON. J. PLOHMAN:** Mr. Chairman, we did not adopt that proposal at this time. Of course, it may be that at some point, these kinds of ratios or formulae could be put in place. But what we are attempting to do here is recognize the practice that has existed with regard to owner operators.

In The Highway Traffic Act, where there are no provisions at the present time, of course, if we were to get into that kind of ratio, we may see a number of operations that currently exist have severe financial difficulties in meeting those criteria, because I believe some of those are operating now almost exclusively with leased vehicles, and would then be forced to

purchase 40 percent or divest themselves or cut down their operation in order to meet this kind of stringent criteria.

So we didn't feel it was timely at this time to get into that kind of a situation, but it is something that could be considered in the future perhaps by grandfathering all existing operations and putting that requirement in all new operations. But that would have to be looked at as to whether it provides for inequities and difficulties in terms of competitiveness.

**MR. CHAIRMAN:** Page 3 - the Member for Niakwa.

**MR. A. KOVNATS:** I had the opportunity of coming from home this evening. I came right by one of these big trucking firms, and I guess for the very first time I noticed the sign outside that said "Owner Operators".

Anyway, I came by, and I thought that this is the way that these businesses are run. For me to consider that a big organization like the one that I saw - I guess I can mention it's Arnold Brothers, because it's the only one that I come by. Would this put them in any jeopardy if we started playing around with the amount of leased trucks that they have and that they own themselves and things of that nature? Would that put the company into any jeopardy at all? Because, if they are going to put them into jeopardy, then I don't even think that we can consider it.

I don't understand the reason why this person who made the presentation was so strong in trying to put a figure of 60-40. It didn't seem right to me at the time. But can the Honourable Minister just advise whether he would even consider it, or for what reason wouldn't he consider it?

**HON. J. PLOHMAN:** I outlined just previous to his statement that we are not considering it at this time, because of indeed the hardships that it would undoubtedly cause to certain firms. The loss of those firms would result in a loss of employment and contribution to the economy of this province. So we are not interested in pursuing it at this time.

As I said, it is possible that, in order to maintain the employment levels of employees rather than owner-operators - I think that was where the Canadian Brotherhood of Railway and Transport General Workers

**MR. A. KOVNATS:** It was "owner operators" - that was the term, yes.

**HON. J. PLOHMAN:** They would rather see the persons hired under their union as employees, as opposed to owner operators under contract agreements. That's the reason that they would like to see a certain ratio to protect the number of employees and keep their numbers up.

**MR. A. KOVNATS:** Fair enough.

**MR. CHAIRMAN:** Page 3—pass.  
Page 4 - the Member for Pembina.

**MR. D. ORCHARD:** On section 292, the president of the Manitoba Trucking Association indicated to the

Minister the very likelihood of problems under these fixed or minimum tolls.

One of the examples he used was detrimental to the radial carriers in terms of distribution of beer, as one example. The Motor Transport Board further objected to the board's ability to establish a minimum toll which is provided for, I believe — (Interjection) — no, that is the section.

The Minister indicated when he introduced this bill that he had had extensive consultation with the industry, etc., etc. When they arrived here to present a brief, we find out that certainly doesn't appear to be the real case. They have serious concerns about this minimum toll and, particularly, they have serious concerns as to its potential impact on the radial carriers.

Why would the Minister not propose to delete this section, if he is not going to pull the whole bill, and go back to the negotiating table with the MTA and with the interested carriers and resolve this problem, rather than passing this legislation which is not supported, as the Minister indicated, by the industry?

**HON. J. PLOHMAN:** Mr. Chairman, as I said, we had consultation with a lot of different groups during the course of the consultative process. We talked with the CBRT, the Canadian Brotherhood of Railway Workers, the CCMTA, that's the Canadian Council of Motor Transport Administrators, CITL, CNCP, the Independent Dump Truck Operators, Keystone Agricultural Producers, Manitoba Pool Elevators, the Manitoba Trucking Association, the National Farmers Union, the Private Motortruck Carriers' Council, the Pembina Valley Development Corporation, the Sugar Beet Association, and the Winnipeg Chamber of Commerce. So there were a tremendous number of groups that we discussed this with.

Of course, there were varying degrees of concern and varying concerns expressed. The MTA was in complete support of only maximum rates, but there were a number of groups including the CBRT, an association of local rural carriers, the NFU, who were concerned about only having maximum rates set and having no minimum rate, if predatory pricing were to indeed take place. As a matter of fact, the MPE, the Manitoba Pool Elevators were concerned as well about the matter of predatory pricing and the difficulty of policing it.

So there was a broad range of views expressed there. We felt it was necessary to be able to monitor whether indeed rates were being charged in excess of maximum rates. We felt it was necessary to be able to detect unacceptable discrimination in rates charged to shippers, and also provide a better understanding of actual rate-making practices so that the maximum rate determination reflected the needs of carriers and shippers. There was a lot of information that was required.

That is why these provisions are in here, to assist in the monitoring of the rates that were indeed charged below the maximum rates. Certain requirements put in place that, if there were allegations made or concerns raised by individuals that indeed someone was involved in non-compensatory pricing, the Transport Board could indeed step in.

Now it would be necessary, as I said earlier, to define clearly the guidelines for what is not in the public interest

Wednesday, 10 July, 1985

something detrimental to the public interest. We propose under that section then to develop that set guidelines, and to do that within consultation with the Manitoba Trucking Association.

But I think I can say quite clearly and unequivocally that they would not like to see the present system of filing to file all rates continue. They feel that is certainly a regressive measure that is currently in place with regard to the fixed tolls and the requirement to file all rates with the Transport Board, and would not like to see that continue.

So notwithstanding the fact that they thought perhaps a section dealing with minimum rates should have other six months or some time for a consultation, which we proposed to do in any event, they would not like to see the fixed tolls continue at the expense of filing out on a maximum toll system that we are proposing here. So they are in agreement with the maximum toll. They would like to see the other part of it worked out, and we intend to do that.

**R. D. ORCHARD:** Mr. Chairman, just to correct the Minister, I believe if we had Hansard, the question was asked as to whether this bill could be delayed for six months, and whether it would have any adverse impact on the industry. The answer was, it could be withdrawn and brought back six months from now with no impact on the industry, contrary to what the Minister is saying. There is not support for this aspect, and particularly when we move to Page 5 for 292.2(1), and the necessity of the ability to publish tolls other than the maximum tolls.

**R. CHAIRMAN:** Pages 4 to 7 were each read and passed. Preamble—pass; Title—pass. Bill, as amended, be reported?

**R. D. ORCHARD:** No. Mr. Chairman, I move, seconded by the Member for St. Norbert, that the bill not be reported.

**R. CHAIRMAN:** There is a motion that the bill not be reported.

As many as are in favour of the motion, say aye; as many as are opposed, say nay.

**MEMBER:** The ayes have it.

**R. CHAIRMAN:** Only members of the committee may vote.

**R. D. ORCHARD:** Let's count them.

**R. CHAIRMAN:** The nays have it. The Member for Pembina.

**R. D. ORCHARD:** Would you please call a standing count, Mr. Chairman?

**COUNTED VOTE was taken,** the result being as follows:

Yeas, 4; Nays, 5.

**R. CHAIRMAN:** The motion is defeated. The bill be now reported shall be the decision of the committee.

**ON. R. PENNER:** Yes, okay.

## BILL 85 - THE HEALTH SERVICES INSURANCE ACT (2); LA LOI SUR L'ASSURANCE-MALADIE (2)

**HON. R. PENNER:** We had previously agreed we would now go to Bill 85.

**MR. CHAIRMAN:** By leave, we have agreed that Bill 85 will follow Bill No. 19, An Act to amend The Health Services Insurance Act (2).

We are now considering Bill No. 85, An Act to amend The Health Services Insurance Act (2). We shall proceed. The Honourable Minister.

**HON. L. DESJARDINS:** Mr. Chairman, I want to make sure that everybody received a copy of the proposed amendment. It might be helpful. Page-by-page.

**MR. CHAIRMAN:** Page-by-page. Page 1 - The Member for Pembina.

**MR. D. ORCHARD:** Prior to starting, we dealt with this bill at 2 o'clock this morning. People in the Manitoba Medical Association, the president, the executive director, their legal counsel, College of Physicians and Surgeons, past president of same and a couple of other physicians were here and they were here from 8 o'clock till 2 o'clock, waiting to make their presentations. Could the Minister indicate whether he has had an opportunity to avail himself of the comments that they made to Bill 85 last night?

**HON. L. DESJARDINS:** Yes, I have, Mr. Chairman. In fact, most of what was said last night had been discussed at some time or other with staff mostly. That is one of the reasons that resulted in some amendments as I mentioned yesterday afternoon.

**MR. D. ORCHARD:** So, Mr. Chairman, the Minister is indicating that he got Hansard or whatever to enable him to review the comments made by those three individuals and organizations.

**HON. L. DESJARDINS:** No, I got a copy of two of the briefs and then I got some information of what was said by the third one.

**MR. D. ORCHARD:** So then what we're doing is dealing with this bill without the Minister or his staff having access to Hansard, answers to questions posed, etc., etc.

**HON. L. DESJARDINS:** Mr. Chairman, if the member is going to ask me a question, I wish he would listen to the answer. I said I was aware, I don't necessarily need Hansard here. This is the brief from the other man and there's the one from the College of Physicians and we know of some of the things that were mentioned by the other member also. We had had some discussion with them before, so I'm well aware of what was said.

I could say that I met with the Attorney-General this afternoon with staff and we reviewed some of this again.

**MR. CHAIRMAN:** The Leader of the Opposition.

**MR. G. FILMON:** Mr. Chairman, there was a concern expressed by the MMA that this bill would probably create far more problems than the problems that it seeks to overcome. The question that I wanted to ask the Minister before we get into the clause-by-clause is, what problems does this bill seek to overcome?

**HON. L. DESJARDINS:** If my honourable friend had listened to the second reading, I think that I was quite direct on that. First of all, let me say that there is an amendment. It has not been an intention of taking the standards away from the responsibility of the College of Physicians and Surgeons. That certainly will remain. Some of these things in this bill are bringing under this act something that was done under the previous act.

The main thing, and I'll be as candid as I was yesterday afternoon on that, it is a bill that will enable the Commission to make sure that there is no proliferation of these labs or duplication in an area where they're not needed. In effect, what the Commission will be doing is exactly what for years they've been doing vis-a-vis hospitals and personal care homes.

**MR. G. FILMON:** What is that that they've been doing vis-a-vis hospitals and personal care homes?

**HON. L. DESJARDINS:** What does the Commission do, was that the question?

Well, it plans and organizes and develops throughout the province, the balanced and integrated system of hospitals related to health facilities and services commensurate with the needs of the residents of the province. That is the role of the Commission.

**MR. G. FILMON:** Mr. Chairman, I'll respond to the Minister in the same way that he responded earlier and say that I have read his remarks in Hansard on second reading of the bill. The only thing that I can see that he refers to as a rationale for the bill is that in his view, or in the view of the Health Services Commission, the cost of diagnostic and laboratory services has increased too rapidly since 1974. Is that the only rationale that he has for this bill?

**HON. L. DESJARDINS:** That, Mr. Chairman, is a very important part of the bill. Now at the present for those that might be unaware of this, we have a standing committee on diagnostics that consists of nine people, two from the MMA, two from the College of Physicians and Surgeons, one from the School of Medicine, University of Manitoba, two from the Manitoba Health Services Commission and a chairperson who happens to be from Health and a Health Department a lay member on this committee. They're the ones that advise and as you will see, we've made some changes. The change would be an officer, not the Commission, so there could be an appeal to the Commission instead of the Minister.

**MR. G. FILMON:** Mr. Chairman, is the Minister saying that this committee made up of representatives of the MMA, the College of Physicians and Surgeons, lay people and so on, recommended this bill?

**HON. L. DESJARDINS:** No, that wasn't their mandate at all. That's not what they were set up for at all. I say

that these people are there to look and recommend the need when there is a need, to the Commission.

For instance, let me give you a condition, something that could happen. You might have a new hospital such as Seven Oaks, with complete lab facilities, and somebody might decide to build right in front and they would be open from 9:00 a.m. to 9:00 p.m. or something and then expect, in the hospital, to be there in the evening and you would have two that would be underutilized; or to pay for the equipment, there would be a tendency, certainly a temptation, to order more of these tests than are needed.

**MR. G. FILMON:** Then, Mr. Chairman, the remarks of the various speakers last evening were correct, that this is a bill that is designed to permit and give authority to the government to ration diagnostic and laboratory services.

**HON. L. DESJARDINS:** I don't think that the word rationing is appropriate at all. To control the proliferation of too many of these, to control the duplication, yes. I don't apologize for that at all.

What I have been saying all along, the costs that we'll have to pay in 10 years for health, we'll have to start doing more of these things. We're not doing anything unusual, anything that we're not doing with the hospitals and personal care homes.

**MR. G. FILMON:** Mr. Chairman, one of the presenters last evening said that, although the cost of diagnostic and laboratory services had increased four times between 1974 and 1984, the cost of institutional care had increased five times and the cost of personal care homes had increased 10 times in the same period of time. That being the case, is the Minister going to ration institutional care and personal care, as well?

**HON. L. DESJARDINS:** I'm not going to respond if the honourable member keeps using the word "ration." I already told him we are not rationing. If he wants to mean that we are careful, I'll say, yes, but he has no fear because we've built an awful lot more personal care homes than they ever did.

**MR. G. FILMON:** Mr. Chairman, in view of the fact that his administration has closed more than we ever did, as well, it is obvious that they are rationing health care, they are rationing institutional care, personal care and everything else, but, Mr. Chairman, that is the case. Under any other name, this is a bill to ration diagnostic and laboratory services and to put that control in the hands of MHSC. Mr. Chairman, that control is being taken out of the hands of the physicians who are the ones who are most aware of patient needs, most aware of where the demands are, and that is the difficulty that we are dealing with. This is a bill that is attempting to superimpose a bean-counter mentality over professional health care in this province.

**HON. L. DESJARDINS:** How ridiculous a statement. That is too ridiculous a statement to comment on it.

**MR. G. FILMON:** Too intelligent for you to understand it.



**MR. D. ORCHARD:** You know, the Minister always gets into his huff and gruff posture when we point out some of the realities of what he is doing.

Mr. Chairman, there is no rationale for this legislation. Various groups last night indicated to us that there was no consultation with them in the drafting of this legislation. They could not understand why the bill was before us because the system has been, even in the Minister's estimation, running quite smoothly. His argument of payments to private labs was not, in terms of comparison of cost increase in other lines in his estimates, not as dramatic an increase. Even his cost argument fell by the wayside last night.

So, Mr. Chairman, there is no other apparent reason for this legislation - after we listened to the briefs last night it became even more evident - then the paymaster, i.e., the Health Services Commission, and the Government will become the controlling arm of all aspects of diagnostic services.

Now the Minister, I notice in here, has at least come to his senses and left the standards of operation of diagnostic labs with the College of Physicians and Surgeons because that would be a conflict of interest to have the paymaster, not only licenced and determine what procedures are paid for, but to also have them determine what standards those procedures are undertaken by.

So, Mr. Chairman, there is no need for this legislation, the Minister hasn't demonstrated a need for it. The Minister, in reply to the Member for River East, said that he didn't agree with what he said, that the standards were not good in Manitoba. There is no demonstrated need for this legislation, other than the argument that my leader has put forward, that this is the Minister's and the government's method of putting a cap on the spending for diagnostic services and thereby rationing health care services to the people of Manitoba. The need that is being addressed in Bill 85 is not the need of the patient, in terms of quality health care, it is the need of the government to meet a restricted budget.

**HON. L. DESJARDINS:** For the edification of the Leader of the Opposition and the Member for Pembina, let me say that all we are doing is what the Commission has been doing now for a number of years, except we want to do it legally. It could be now that somebody could take the Commission to court.

Again, I am very surprised that the Member for Pembina should speak as he is today because, during the estimate, he knew exactly the concern that we had not to let this thing get out of control, and he made that point himself. He was honest enough to accept that and to say that during the estimates.

It is a concern, look at the abuse that you have in the United States on some of these tests, and some of his colleagues yesterday were agreeing with me on that. Then with this new technology, all these new things we were talking about - my honourable friend himself talked about somebody coming in with a CAT scan or something, parking it somewhere and then starting to prescribe tests. This is what we are trying to do.

All of a sudden, things that were done by the Commission and done by the Commission while my honourable friends were in power, exactly the same

way. That is also done by the Commission for hospitals and for personal care homes. We have a five-year capital plan from the Commission that is brought in advance every year and there has been no criticism of that. You can look as much as you can, you are not going to find a kind of scandal or a plot to do away with private enterprise and so on. I'm sorry, it's not there.

**MR. D. ORCHARD:** Mr. Chairman, I just have to respond to the Minister that in the course of the estimates when we discussed various spending estimates, there was no indication by the Minister that the diagnostic lab testing procedures were in need of some legislative change such as we are having proposed here tonight, or I can assure the Minister that we wouldn't be taking time tonight to find out why he is doing this, we would have done it in estimates. There is no indication given of any problem, any need for legislative change, any need for this kind of a bill to come in. Now we have it in the dying days of this Session, and I don't think I want to prolong the time taken at this committee much longer but, Mr. Chairman, this Minister brought this bill in without any consultation as to the content of the act . . .

**HON. L. DESJARDINS:** That is not correct.

**MR. D. ORCHARD:** Mr. Chairman, the Minister once again is going to get on his high horse and say that's not correct.

**HON. L. DESJARDINS:** That's right, you are not going to mislead the people in this committee, that is not correct.

**MR. D. ORCHARD:** Well, Mr. Chairman, that question was put to individuals presenting this brief last night . . .

**HON. L. DESJARDINS:** And what did they tell you?

**MR. D. ORCHARD:** . . . and you read Hansard and you will find what out they said.

**HON. L. DESJARDINS:** What did they tell you?

**MR. CHAIRMAN:** Order please.

**MR. D. ORCHARD:** They said that they saw this bill the first time several days ago; that's what they say . . .

**HON. L. DESJARDINS:** And what other information have you received?

**MR. D. ORCHARD:** . . . and, Mr. Chairman, . . .

**HON. R. PENNER:** A point of order.

**MR. CHAIRMAN:** A point of order being raised.

**HON. R. PENNER:** That's not what they said. They said they had only seen the bill because it was printed late, but they said that they had had "informal" - was

the word that they used - informal discussions. All of them qualified they had informal discussions.

**MR. CHAIRMAN:** That's a point of information.

**MR. D. ORCHARD:** That's right.

**HON. R. PENNER:** Oh, sorry.

**MR. D. ORCHARD:** And the Attorney-General's information is correct - it was informal information. If the Minister cares to ask any of those groups whether they consider his informal contact by staff to be consultation and working towards production of this legislation, they will tell him "no" as they have told me "no."

Now we are sitting here tonight with this legislation for what appears to be no apparent purpose.

**HON. L. DESJARDINS:** Mr. Chairman, I will just read one paragraph, the first paragraph of a letter from the Physicians and Surgeons of Manitoba.

"Thank you for the opportunity to review the draft bill to amend The Health Services Insurance Act. I reviewed this with Dr. Brown and also with Dr. Gary Hansen, who is chairman of the Program Review Committee, which is ultimately responsible for the laboratory and x-ray programs."

**MR. D. ORCHARD:** What's the date on that letter, Mr. Chairman?

**HON. L. DESJARDINS:** June 11th.

**MR. D. ORCHARD:** When was Bill 56 first brought out, Mr. Chairman?

**HON. L. DESJARDINS:** Eh?

**MR. D. ORCHARD:** When did you bring out Bill 56?

**HON. L. DESJARDINS:** That's just it. They had the bill before it was even brought here. If anything, we broke the rules in giving it to them before we brought it in this House.

**MR. D. ORCHARD:** I'll bet you did break the rules.

**MR. CHAIRMAN:** Page 1 - the Member for Niakwa.

**MR. A. KOVNATS:** Well, I would like to ask a couple of questions also. On my way down this evening, I mentioned I went past Arnold Brothers, and I also went past the Provencher Medical Diagnostic Clinic which is in the Honourable Minister's constituency.

Now I would like to find out who initiated this bill concerning the diagnostic clinics. You have mentioned that there are nine people that are on a review committee. Who initiated the bill, and why?

**HON. L. DESJARDINS:** I think we told you why. Who? There is no way that this is a question that should be answered at this time that you are going to start naming staff or anybody else. It is a bill that I take, and the

government takes, full responsibility for. It is a bill that is needed.

For instance, what I meant when talking about the Member for Pembina not necessarily for this area but the concern that we had for instance of there are too many GPs. I will tell you that one of the concerns that we have is these people, these walk-in clinics that are being set up, they all want x-rays and labs also, and that is duplicating what we have and the cost will skyrocket, it will be a heck of a lot higher than that. We will not be able to keep what we have. That's what we are trying to do. In the meantime that has been monitored and done by the Commission.

It's just that this is now protection in case one decides to challenge and go to court because then with the Bill of Rights we have to make sure that everything is clear or anything could be done. They would say the standards are good, go ahead and build. There could be one at every corner of the street, and that's what we don't want.

**MR. A. KOVNATS:** Well, you know, Mr. Chairman, I can see that what is happening is that medical services, medical clinics and whatever are going to be limited then because somebody is taking the decision on themselves saying who can be a doctor, who can't be a doctor . . .

**HON. L. DESJARDINS:** Who is doing that? Who is saying that?

**MR. A. KOVNATS:** Well, obviously, you are cutting back on some of the medical services.

**HON. L. DESJARDINS:** Who is saying that you can be a doctor and you can't be a doctor? Well answer that - you made the statement.

**MR. CHAIRMAN:** Order please.

**MR. A. KOVNATS:** I forgot. I thought I was the one that was asking the questions.

**MR. CHAIRMAN:** The Member for Niakwa is the one asking the questions.

**MR. A. KOVNATS:** Thank you. Anyway, what I see happening is all kinds of medical services being cut back for because the Minister says that the costs are increasing so we have to cut back and we have to start doing more of this - were the Honourable Minister's actual remarks.

What medical group is the next one that is going to be cut back?

**HON. L. DESJARDINS:** I don't think that the member is correct when he said that we'll start cutting things. I said we'll have to be careful. We are not cutting services; at no time did I start talking about cutting services. I think that is there to make sure that there is no mushrooming or proliferation or duplication of this, and I can show you good examples of those. That's all we have in mind. We are going to provide the same services as before, I can assure you.

**MR. A. KOVNATS:** The Honourable Minister said that he had a discussion with the Attorney-General and the

Wednesday, 10 July, 1985

Attorney-General advised him the questions and answers that were taking place at 2 o'clock this morning . . .

**HON. L. DESJARDINS:** No, we discussed some of the things that happened at this committee that I wasn't here last night and then I was also given the two briefs that I read very carefully.

**MR. A. KOVNATS:** The only point I am trying to make, Mr. Chairman, is that the Honourable Minister didn't or doesn't know exactly what happened last night at 2 o'clock even though . . .

**HON. L. DESJARDINS:** That's why I met with the Attorney-General who was here.

**MR. A. KOVNATS:** Well, I'll tell you - I think if the Attorney-General is that proficient at it then he should be the one that's doing Hansard rather than the girls downstairs because I can't believe that he could give you a verbatim thing of what happened last night, and there were some things that happened, because I was very very . . .

**HON. L. DESJARDINS:** You don't know how sharp he is.

**MR. A. KOVNATS:** Well, he is very sharp and he was last night also, but what really bothers me, and I was upset, because these professional people were here till after 2 o'clock in the morning, they were interested in looking after their profession. I don't think any of them . . .

**MR. CHAIRMAN:** No reference to absence or presence of members.

**MR. A. KOVNATS:** I was here, Mr. Chairman, so I guess I can't even say I was here.

**MR. CHAIRMAN:** No.

**A MEMBER:** Neither was the chairman there.

**MR. A. KOVNATS:** Anyway, it was very very disturbing that these people who had enough feeling towards the medical profession had come down, and I don't think any of them were connected at all with diagnostic clinics, but every one of them spoke against this bill concerning the limiting of diagnostic clinics because the regulations now seem to be able to handle it quite well.

Unless the Minister has something else in mind, I think that maybe he should just keep right out of trying to limit diagnostic clinics.

**MR. CHAIRMAN:** Page 1—pass; Page 2.

**HON. L. DESJARDINS:** Page 2, there is an amendment . . .

**MR. CHAIRMAN:** There is an amendment

**HON. L. DESJARDINS:** . . . for 140.3.

**MR. CHAIRMAN:** The Honourable Attorney-General.

**HON. R. PENNER:** Yes, I have a motion. I move THAT the proposed new subsection 140.3(1) of The Health Services Insurance Act as set out in section 1 of Bill 85 be struck out and the following subsection be substituted therefor:

Operation of diagnostic laboratories.

140.3(1) No person shall operate a diagnostic laboratory except

- (a) pursuant to the approval of an officer of the commission, designated for the purpose by the executive director of the commission and hereinafter in this section referred to as "the officer"; and
- (b) in accordance with such terms and conditions subject to which the approval under clause (a) may be granted, and such requirements as may be prescribed therefor under section 140.4.

**MR. CHAIRMAN:** Explanation - the Honourable Minister.

**HON. L. DESJARDINS:** I think the explanation I already made, the word "Commission" is replaced by "officer" who has the responsibility, and then the Commission would replace the Minister, the appeal would be made to the Commission.

**MR. CHAIRMAN:** Amendment—pass; Page 2, as amended—pass.

Page 3 - the Attorney-General.

**HON. R. PENNER:** I have a motion

THAT the proposed new subsection 140.3(2) of The Health Services Insurance Act as set out in section 1 of Bill 85 be amended

- (a) by striking out the word "commission" where it appears in the 1st line, in the 4th line, in the 6th line and in the 7th line thereof and substituting therefor, in each case, the word "officer"; and
- (b) by adding thereto, immediately after the word "with" in the 3rd line of clause (b) thereof, the words "such standards as may be prescribed therefor by The College of Physicians and Surgeons of Manitoba and".

**MR. CHAIRMAN:** Amendment pass?  
The Member for Pembina.

**MR. D. ORCHARD:** The amendment can pass, Mr. Chairman.

Could the Minister enlighten us as to what the definition of "need" will be in clause (a) and what approvals would be contrary to the public interest, the circumstances under which (c) would hold?

**HON. L. DESJARDINS:** The need would be, as it has been done in the past, and as recommended by the Standing Diagnostic Committee that I am talking about, to see where the needs are the same way as the Commission would have that responsibility, the same way as they would have the responsibility for the

advising and construction and the definition that I gave you earlier, in other words, to plan, organize and develop throughout the province a balanced and integrated system of health. The hospitals relay the health facilities. It would be exactly the same thing; that is where the need would be determined.

**MR. D. ORCHARD:** Mr. Chairman, I am sorry, if the Minister gave an explanation of (c), I missed it.

**HON. L. DESJARDINS:** Oh, (c) - I thought you said (a) - (c) contrary to the public interest, for instance the example that I gave. There is one that is open, a clinic, a lab that is open, and somebody wants to open just next door and so on, for instance, let's say one is a hospital, so for the result that they will not be busy, the two would suffer and the temptation might be to order tests that are not needed.

**MR. D. ORCHARD:** Now, Mr. Chairman, the amendment . . .

**HON. L. DESJARDINS:** Excuse me, that has happened in rural Manitoba, and we feel that in rural Manitoba we probably have the best set-up of any province in Canada, and that is a concern that might be if somebody has a hospital, let's say, and somebody decided they wanted to open a clinic right in front and they certainly can't support two labs, I should say. This is one of the concerns that we would have.

**MR. D. ORCHARD:** Mr. Chairman, this amendment retains with the College of Physicians and Surgeons the setting of standards which this act, as originally drafted, would have removed and left with the Commission?

**HON. L. DESJARDINS:** Well, the language was ambiguous and it was never the intent of doing that. After discussing with the College and with legal advisors, as I had mentioned yesterday, as I mentioned earlier, these amendments were prepared.

**MR. CHAIRMAN:** Amendment—pass.  
Page 3, another amendment.

**HON. R. PENNER:** I move  
THAT the proposed new subsection 140.3(3) of The Health Services Insurance Act as set out in section 1 of bill 85 be amended  
(a) by striking out the word "commission" in the 1st line thereof and substituting therefor the word "officer"; and  
(b) by striking out the word "it" in the 3rd line thereof and substituting therefor the words "the officer".

**MR. CHAIRMAN:** Amendment—pass.  
Motion - the Attorney-General.

**HON. R. PENNER:** Thank you. I move  
THAT the proposed new subsection 140.3(4) of The Health Services Insurance Act as set out in section 1 of Bill 85 be amended  
(a) by striking out the word "minister" where it

appears in the 6th line, in the 10th line and in the 11th line thereof and substituting therefor, in each case, the word "commission"; and  
(b) by striking out the word "commission" in the 9th line thereof and substituting therefor the word "officer".

**MR. CHAIRMAN:** Amendment pass?  
The Member for Pembina.

**MR. D. ORCHARD:** Could the Minister explain the last amendment?

**HON. L. DESJARDINS:** That is the appeal. That was a request also of the MMA. The appeal would be to the Commission and not the Minister.

**MR. C. ORCHARD:** What is the appeal process now?

**HON. L. DESJARDINS:** Well, before this amendment, the Commission was deciding and then the appeal was to the Minister. We felt that was too political and therefore there is a designated officer who will approve . . .

**MR. D. ORCHARD:** Who is the executive director?

**HON. L. DESJARDINS:** No, not necessarily. To make sure that I understood the question, I gave the answer as if you had asked what the original without amendment, but . . .

**MR. D. ORCHARD:** Without this bill.

**HON. L. DESJARDINS:** Oh, without this bill, pretty well what this amendment will do is asking for it - the Commission is appealing and there is an officer.

**MR. D. ORCHARD:** So, Mr. Chairman, this act was going to change the currently existing . . .

**HON. L. DESJARDINS:** This act would have the appeal to the Minister instead of the Commission, and that's changed.

**MR. CHAIRMAN:** Amendment—pass; Page 3, as amended—pass.  
Page 4 - the Member for Pembina.

**MR. D. ORCHARD:** Mr. Chairman, a couple of questions on Page 4. Under the Exclusions, the short list as referenced in 140.3(6)(a), I understand that's a short list which is established, I believe, by the College of Physicians and Surgeons of call it routine diagnostic tests that can be undertaken within a lab located in the office of a physician or medical practitioner. Mr. Chairman, there is a concern - and I bring this to the Minister's attention - by the Manitoba Association of Lab Technologists that the short list can be expanded and now with this legislation there labs are exempted from the licensing, etc., etc., and the standards that are being put out in this legislation and that they could, in effect, lengthen the short list, add more procedures to the short list. Their concern is by pass the intent of

the legislation. Is that in the Minister's opinion a legitimate concern?

**HON. L. DESJARDINS:** The short answer for category 1, is it would have to be approved, it can't be changed in this way. Did I hear the question correctly, that there was a concern also with the nurses, from the technologists, you didn't mention that?

**MR. D. ORCHARD:** So, Mr. Chairman, their concern was that this was a de facto way of removing from an independent lab, either attached to a hospital or a private lab, the Minister doesn't share that concern?

**HON. L. DESJARDINS:** In sending it to increasing the area one or . . .

**MR. D. ORCHARD:** Increasing the volume between the lab and the physician's office.

**HON. L. DESJARDINS:** No, not at all. This is done, there are certain tests and so on that are needed; there's a doctor and this, of course, would not be practical to start worrying about them at this stage.

**MR. D. ORCHARD:** Okay, Mr. Chairman, last question. 140.4 gives to the Commission the regulatory ability to prescribe standards, etc. Now I thought that we just put an amendment in whereby the standards are to be left with the College of Physicians and Surgeons. If that's the case, then what is the need for section 140.4?

**HON. L. DESJARDINS:** This is going back to the personal-care homes, that's not the lab.

**MR. D. ORCHARD:** Oh, I'm sorry, Mr. Chairman, is that . . .

**HON. L. DESJARDINS:** (b) is lab prescribing requirements, but that's not standards. That might be the requirement for the facilities, for space or something like that.

**MR. D. ORCHARD:** Okay.

**MR. CHAIRMAN:** Page 4—pass.  
Page 5 - the Member for Pembina.

**MR. D. ORCHARD:** Are the offence and penalty sections changed in any way?

**HON. L. DESJARDINS:** No, it isn't.

**MR. CHAIRMAN:** Page 5—pass. Preamble—pass;  
Title—pass.  
Bill be reported.

**MR. D. ORCHARD:** Nay.

**A MEMBER:** Aye.

**MR. D. ORCHARD:** I think the nays have it, Mr. Chairman.

**MR. CHAIRMAN:** Bill, as amended, be reported.  
The Honourable Attorney-General.

**HON. R. PENNER:** In terms of how we should proceed, I think that there are one or two persons here who are not members of the committee and if we could deal with their bills and then . . .

**MR. CHAIRMAN:** That has been approved already, by leave.

**HON. R. PENNER:** Okay. So if we could deal with Mr. Uskiw's bill and then Ms. Hemphill's. I think we should do things right, I think we should deal with Ms. Hemphill's first, then those two can toss a coin.

**MR. CHAIRMAN:** The Honourable Attorney-General.

**HON. R. PENNER:** I'm trying to do this on a consultative, consensual, aren't we all happy tonight basis and, if I could, as a result of some very quick consultation, propose the following, that we deal with the small easy, virtually nothing bills of Uskiw and Evans, and then with the Community Child Day Care Standards, there's some staff, it won't take long, then, the three bills of the Minister of Education.

Well, we'll see where we are at that time. Okay? It's agreed.

### **BILL 28 - THE MANITOBA HABITAT HERITAGE ACT; LOI SUR LA PROTECTION DU PATRIMOINE ÉCOLOGIQUE DU MANITOBA**

**MR. CHAIRMAN:** Agreed. By leave, we are calling Bill No. 28, The Manitoba Habitat Heritage Act.

**HON. S. USKIW:** Mr. Chairman, I'm wondering whether you shouldn't first of all determine whether there's anyone here to present any brief on it, because it hasn't been through that stage.

**MR. CHAIRMAN:** Since this is a bill that has not gone through public hearing, are there any members of the public who wish to be heard on Bill No. 28? Hearing none, we proceed to the consideration of Bill No. 28, clause-by-clause? Page-by-page?

Bill 28, Page 1—pass. Page 2—pass.  
Page 3 - the Member for Emerson.

**MR. A. DRIEDGER:** I just want to raise a few concerns. In spite of the fact that everybody feels - and I think it's insulting to the Minister of Natural Resources that his bills are referred to as nothing bills. If they're nothing bills, then we shouldn't even have had them on the Order Paper. I want to raise some questions on a general basis and then we can possibly pass the bill.

Can the Minister indicate whether he's been in consultation with the Manitoba Wildlife Association in terms of support for this bill?

**HON. S. USKIW:** Well, Mr. Chairman, I believe the history of this bill is that it's been strongly promoted and partially, I suppose, or wholly, developed with

continuous consultation of the Naturalist Society and the Wildlife Federation and others. It's a product of that kind of process, Mr. Chairman.

**MR. A. DRIEDGER:** I raise some concerns in dealing with the bill this afternoon, nothing that major because I think, as I indicated, that we basically support this kind of a concept. I think it is something that everybody feels quite comfortable with.

Since this afternoon till now, the one concern that I had is that this is one approach to it. I'm not arguing against the approach of establishing this kind of a bill and an act and a commission that is being set up.

The one thing that I think I would like to draw to the Minister's attention at this stage of the game is the fact that, by and large, our farmers in the province are the biggest promoters of wildlife habitat, have been very involved in that, and I would like to maybe see that we make some kind of provision that could probably enhance our wildlife habitat aspect of it by giving certain concessions.

There are various approaches to this and I think this is one approach. I can appreciate that. But what could have happened is, if we had made some kind of a provision, many of our farmers have land that is marginal land that is not good for production. We have farmers who have potholes, you know, sloughs, this kind of thing, and the farmers, because they pay high taxes on the land, try and make every foot and square yard and acre arable to try and recover their costs. Just the thought that possibly, if you had worked out some kind of an incentive program or maybe a tax concession where these farmers would not have to pay taxes on some of this marginal land or the potholes, I think would possibly have done more to enhance the retaining of habitat for wildlife or the potholes for waterfowl, things of this nature.

As I indicated before, I am not arguing that this is not a step that we should take, but I think there are other steps that would probably do much more to try and retain habitat for wildlife.

I just wonder how the Minister feels about that end of it.

**HON. S. USKIW:** Mr. Chairman, the member addresses an area of interest of many people in society and he is right. In recent years, farmers have become very active in various wildlife associations throughout the province. The co-existence, if you like, of interest groups in this area has been developing very well. There are always, however, some conflicts and those are, I suppose, unavoidable.

I have initiated within the department a process for sort of doing a listing of things that might be considered in a way which would encourage farmers to co-operate and to perhaps give up some of their resource as a trade-off for other things that they may get in return. The department is now preparing a list of things that might be considered, part of which could be a concession on assessment, if we could get the trade-off for habitat protection. But that is very preliminary at this point in time.

I make the point only to agree with the member that it's worth looking at. We will likely be coming down with some kind of a recommendation on that sometime in the next several months.

**MR. CHAIRMAN:** Page 3 - the Member for Emerson.

**MR. A. DRIEDGER:** I just have one point, Mr. Chairman, that I want to raise and then I have no objection for the bill passing to committee.

I wonder why the Minister did not specify more precisely as to the members who would be appointed to the board. In the working notes that I received from the previous Minister of Natural Resources, it indicates that it is intended to appoint a cross-section of interested groups and organizations, Manitoba Wildlife Federation, Manitoba Naturalist Society, rural representatives and government staff will also be on the board. I wonder why he did not specify a bit more precisely exactly how he intended to set up this board. It leaves it pretty wide open.

**HON. S. USKIW:** Well, Mr. Chairman, it is another point that was considered. In government's wisdom, we decided that would be determined as a matter of policy from time to time and announcements will be made accordingly when the appointments are made. But it is intended that all of those interest groups would be represented on the board as a matter of policy. We didn't want them to show up as representatives of groups. We want them to be the representatives of the corporation, knowing that they have backgrounds of varying degrees from different quarters, if you like.

**MR. CHAIRMAN:** The Member for Gladstone.

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

I just wanted to emphasize what the Member for Emerson has been saying, particularly about the board, that I would see that it would be very important to have people that are involved in agriculture on this, particularly from the point of view that the people who are involved in agriculture are providing a great deal of the habitat and some of it happens to be right in the middle of the grain fields. So there is wide concern with wildlife damage and other aspects of wildlife habitat that the people involved in agriculture are very concerned with. I would hope that the policy will include that definitely people in the agricultural field will be included on the board of directors.

**HON. S. USKIW:** Well, Mr. Chairman, in closing the debate on second reading, I did indicate that agriculture would be represented, not any particular organization within agriculture, but there would be farm people on the board of directors.

**MR. CHAIRMAN:** Page 3 - the Member for Niakwa.

**MR. A. KOVNATS:** Yes, on Page 3, under Public Information, I see where there is going to be advertising through publication, newspaper, radio, television, films and things of that nature. Is this strictly non-political or is it a manner of getting another mailing list like we have known some other departments to do so that they can get ready for the next election?

**HON. S. USKIW:** Mr. Chairman, if the member reads it carefully, this is a permissive section permitting the new board to disseminate information and to promote

their program. I guess one can give it a political interpretation if one wants to go the length of suggesting that the board will be politically motivated. That is always a possibility, but not a likelihood. I guess the proof will be in the pudding, Mr. Chairman.

**MR. A. KOVNATS:** I can believe that with the Honourable Minister making that remark. Can the Honourable Minister give us any idea as to what the cost would be for this type of a program, and is this to counteract and to assist in a project like Garrison where it does affect the wildlife and the water system?

**HON. S. USKIW:** Mr. Chairman, the operation here can be a small amount or it can cost millions, depending on the success of the corporation to entice Manitobans to make contribution to its operations. So it is from zero to millions, depending on how successful they are as a board of directors.

**MR. CHAIRMAN:** Pages 3 to 8 were all read and passed; Preamble—pass; Title—pass.  
Bill be reported.

### **BILL 90 - THE ECOLOGICAL RESERVES ACT; LOI SUR LES RÉSERVES ÉCOLOGIQUES**

**MR. CHAIRMAN:** The next bill is Bill No. 90, An Act to amend The Ecological Reserve Act.  
The Member for Emerson.

**MR. A. DRIEDGER:** Mr. Chairman, I raised some concerns during the debate on this bill and I hope that the Minister has acquainted himself with some of the concerns that I raised at that time, and I would like to have the Minister make some remarks as to the concern I raised about the specific area where "the Minister may appoint any person as an officer for the purpose of enforcing this act and the regulations." I'd like to refer the Minister to the second page of the bill where it says, "for the purpose of this Act, an officer is, and has and may exercise the powers and authority of, a police officer, police constable or peace officer." I have some concern of the powers that the Minister is going to be giving to an individual that he appoints as an officer without any training, there's no specification on that. I wonder if the Minister would want to comment on that?

**HON. S. USKIW:** Well, Mr. Chairman, I would simply comment on the fact that this is not unlike the conservation officer's authority. It's very much on the same line of duty and the same kind of powers will be provided for them.

**HON. R. PENNER:** I should add that through resources available in the Department of the Attorney-General, and under the general direction of the Director of Police Services, we seek to develop and have developed a number of training programs. They're not, of course, of the sophistication of the RCMP Training School in Regina but, nevertheless, wherever there are officers appointed who have duties similar to those of peace officers they do get some in-service training.

**MR. A. DRIEDGER:** I wonder whether either the Minister or the Attorney-General could indicate, because in here that is not the indication it gives. The Minister may "appoint any person", it says, and that is my concern. It does not indicate that this person should have a certain amount of training or whatever the case may be, and it leaves that area wide open. You know, if that portion were covered somewhere along the line, then it would be justified. I'm not saying this Minister would, but it could be a Minister that maybe didn't feel that responsible, would appoint people that maybe not as responsible, maybe don't know, because the powers that are given to the individual that is going to be appointed as an officer are quite far-reaching and I think it is a matter of concern that we outline the guidelines, to some degree, as to under what guidelines this individual would operate.

You could appoint anybody, without any training, the way it is right now, and that individual has very far-reaching powers. When you give him the powers of a police officer, that means that the individual could go and confiscate vehicles, weapons, all kinds of things, somebody who is not trained, doesn't know what he's doing. You see, the other concern I have is that in the last portion of this bill it says "no liability attaches to the Crown or the Minister or any officer for loss or damage, etc." Now if you appoint someone that doesn't have any qualifications, or any training, we could run into a situation that could create all kinds of problems. You know, there's nothing that puts a guideline on this thing. I would assume that it would probably be conservation officers, and stuff of this nature, but that is not specified in here and that is my concern at this stage of the game.

**HON. S. USKIW:** Well, Mr. Chairman, again I'm going to answer this question in the same manner as I did the previous one, and that is that these officers will be handled in very much the same way, through the screening process of employment, on through the system through training, as do the C.O.s that we now have within the Wildlife section, so that the process is no different. I concur with the member that one has to be very cautious, careful, about the people we do bring in and the training that we do offer, because they do have to be responsible for the provisions that are in this act. Indeed, they reflect upon the government if they're not so and we will pay the price for that. So we have, perhaps, as a government, more interest than anyone in making certain that those concerns that the member is alluding to are, indeed, dealt with.

**MR. A. DRIEDGER:** The question that I have then is that if we're going to put up a bill where we allow certain individuals to have this kind of authority, why would we not be more specific in terms of the kind of individuals that will be appointed to have this kind of responsibility?

**HON. S. USKIW:** Well, Mr. Chairman, that's where the screening process is when they apply for these positions. The department will have to assure themselves, or satisfy themselves, that they have selected, from the group that has applied, the best people. It's a selection process and from time to time we may not be able to

keep all of them. We may have to let some go if they don't work out.

**MR. A. DRIEDGER:** Yes, Mr. Chairman, I think I could, without trying to compliment the Minister, feel relatively comfortable, and would hope, would anticipate that he would use proper judgment in doing that. But once this bill is passed we can anticipate in the future there are people that are not going to be conscientious about this aspect of it and could create a problem. If we're already passing a bill, it would have been better if we could have covered this aspect of it in terms of putting more specific guidelines as to who would qualify as an officer. That is the only concern I have because we're giving them far-reaching powers by appointing them as an officer and there's no restriction as to who could be appointed. Just as an example, you know, no reflection, the Member for Inkster for example, would have much different views than possibly the Minister and myself and many other people. No reflection on that individual, but I'm just saying, that individual will take the power of officer and probably arrest half the province because he didn't agree with the way they looked at the process.

**HON. S. USKIW:** Well, Mr. Chairman, if the member's worried about the Member for Inkster, I can assure him that he will probably not pass the RCMP security test which these people must undergo.

**MR. CHAIRMAN:** That's an imputation.  
The Member for Emerson.

**MR. A. DRIEDGER:** Well, okay, I'm just going to call up momentarily on the last comment of the Minister where he said that these people have to pass . . . Or do you want to receive that statement that they would have to pass the . . .

**HON. S. USKIW:** My understanding is that the RCMP do a check, or we consult with them, on whether there's anything to suggest that they should not be appointed. There is a process that is applied in the selection to protect us against that problem.

**HON. R. PENNER:** I don't want anybody to get the wrong impression. They're run through what is called CPIC which is Canadian Police statistics to see whether or not they have a criminal record.

**MR. A. DRIEDGER:** Is that the only restriction there would be, that they would have to pass the security of the RCMP that they don't have a criminal record, would that be the only restriction for somebody to be appointed as an officer here?

**HON. S. USKIW:** Mr. Chairman, I would hope not. I would hope that they would, indeed, be qualified people in the view of the department who was going to select them, apart from the fact that they have a clear record from a criminal point of view.

**MR. CHAIRMAN:** Page 1 - the Member for Emerson.

**MR. A. DRIEDGER:** To the Minister then, why would he not be more specific then in his appointment of

officers and outline exactly the type of individual that would qualify for this kind of thing?

**HON. S. USKIW:** Well, Mr. Chairman, I'm advised that it's not generally done with respect to any of these kinds of acts, certainly The Wildlife act does not provide for it, which is a much larger operation than what this one is going to be.

**MR. CHAIRMAN:** Page 1—pass. Page 2—pass.  
Preamble—pass; Title—pass.  
Bill be reported.

### **BILL 40 - THE WORKPLACE INNOVATION CENTRE ACT; LOI SUR LE CENTRE D'INNOVATION DES LIEUX DE TRAVAIL**

**MR. CHAIRMAN:** By leaver we have Bill No. 40, The Workplace Innovation Centre Act.  
Page 1—pass.  
Page 2 - the Member for Gladstone.

**MRS. C. OLESON:** The word "investigate" is used a couple times in 3(1)(b) and (i). I wonder, could the Minister clarify on what pretext an investigation would take place. Who would, for instance, initiate an investigation - a company that was wanting to introduce technology, a company that was going to use it, or someone who was concerned about it, or the board itself would initiate it? Would the Minister clarify that for me, please?

**MR. CHAIRMAN:** The Honourable Minister.

**HON. L. EVANS:** Well, the board, of course, can decide to initiate it, but the board will be, as I have explained in second reading, essentially made up of business representatives and labour representatives more or less on an even basis and they will be, in many instances, dealing with specific companies who have come to them to ask for help. The word "investigate" is simply to research. I mean it is not as though it is a police investigation by any means, but the board could initiate it by way of research or I would think in many cases, in fact most cases, they would be responding to individual companies who have some kind of a problem because of technological change.

**MRS. C. OLESON:** One point that I had raised during the debate on second reading was who would be the owner of the information. Can the Minister pass some comments on that?

**HON. L. EVANS:** The data acquired I guess would be owned as such by the centre as an established body. However, the intent of the centre is to disseminate information and not to covet it and to retain it in some kind of a secretive fashion. In fact, one of the major thrusts is to disseminate information to the business community, to labour, in order to assist and to promote the human dimension, if you will, of technological change.

**MRS. C. OLESON:** I guess what I am meaning is if a company asks or contracts for a study, does that



company own the information, the data that is gathered for it, and would a similar company then have access to it or would it provide the information from the original company that has the investigation?

**HON. L. EVANS:** I see what the honourable member is speaking of.

No, I would think they would act as an ordinary type of consulting firm who, on contract, would do a particular study, research. That information would be for that particular company and would not be made available to others who may be competition. Who knows? So the board would want to respect the confidentiality of that individual firm.

**MR. CHAIRMAN:** Page 2—pass.  
Page 3 - motion.

**HON. R. PENNER:** I move  
THAT clause 3(3) of Bill 40 be amended by striking out the word "and" at the end thereof.

**HON. L. EVANS:** That is purely a minor technical . . .

**MR. CHAIRMAN:** Amendment—pass?

**HON. R. PENNER:** I move  
THAT the French version of Bill 40 be amended by striking out the word "d'application" in the 1st line of clause 3(4)(b) thereof and substituting therefor the word "internes".

**MR. CHAIRMAN:** Page 3, as amended, amendment pass in French. Pass 3, as amended—pass.  
Page 4 - motion.

**HON. R. PENNER:** I move  
THAT clause 4(c) of Bill 40 be amended by striking out the words "a representative panel of nominees presented by" in the 2nd and 3rd lines thereof and substituting therefor the words "the faculties of".

**MR. CHAIRMAN:** Amendment—pass? Page 4, as amended—pass; Page 5—pass.  
Page 6 - motion?

**HON. R. PENNER:** I move  
THAT subsection 6(3) of Bill 40 be amended by striking out the word "The" at the commencement of the 1st line thereof and substituting therefor the words "Unless otherwise provided by by-law, the".

**MR. CHAIRMAN:** Motion—pass? Page 6, as amended—pass.  
Page 7 - motion?

**HON. R. PENNER:** I move  
THAT subsection 7(6) of Bill 40 be amended by striking out the word "last" in the 2nd line thereof and substituting therefor the word "least".  
Can I speak to this?

**MR. CHAIRMAN:** Motion—pass?  
The Attorney-General may speak on this.

**HON. R. PENNER:** Well, the last shall be least. You know what the Bible says.

**HON. L. EVANS:** I'm against that.

**MRS. C. OLESON:** Thank you, Mr. Chairman.  
In 8(1), I believe it is 8(1), that there is a reference to hiring staff . . .

**HON. R. PENNER:** Yes, if there is.

**MRS. C. OLESON:** Is there any limit to the staff that this board can hire?

**HON. L. EVANS:** Well, not theoretically, but in reality they are limited by their budget, by the amount of funds that they have. Essentially, they would be funded by the government in the first instance, although in the years ahead they may be earning some revenues by charging fees to companies, etc. But I would imagine a relatively small staff and this is not the staff, these are the officers, these are the members of the board.

**MRS. C. OLESON:** Since the Minister raised the question of initially supplying funds, has the Minister an amount that he could give us, the cost to set this up?

**HON. L. EVANS:** Yes. I believe I indicated in second reading, but I'd be pleased to review that. We have estimated \$1.2 million for a three-year initial period. So that is roughly \$400,000 a year on average.

**MR. CHAIRMAN:** Page 7, as amended—pass; Page 8, pass.  
Page 9 - motion.

**HON. R. PENNER:** I move  
THAT subsection 11(2) of Bill 40 be amended by striking out the heading "Annual report" and substituting therefor the heading "Audit".

**HON. L. EVANS:** Yes, because that's what it is talking about. The annual report is on the next page - pass.

**MR. CHAIRMAN:** Pass? Motion—pass.  
The Member for Gladstone.

**MRS. C. OLESON:** No, I was going to speak on No. 9. We passed the amendment.

It says here that members of the board can be paid for actual loss of wages. Would that result in different board members being paid different amounts of money?

**HON. L. EVANS:** 9(4).

**MRS. C. OLESON:** A different salary for each one, could that be the end result of that?

**HON. L. EVANS:** Well, I guess it is if it says actual loss of wages. It could vary; it depends on the wage level of the person. Many people who may serve may be in the happy position of not suffering any income loss if they happen to be, let's say, a faculty member of the University of Manitoba, for example. They may be able

to have the time to come to a meeting without any real loss of income. So we would not expect to pay out anything, but if a person, let's say a union representative had to take three hours off of work, we would pay that person for the actual wage loss.

**MRS. C. OLESON:** Is that customary with other boards and commissions?

**HON. L. EVANS:** It's not customary.

**HON. R. PENNER:** But it's not unusual.

**MR. L. EVANS:** Yes, it varies. Some pay per diems; some will pay an annual stipend. No matter how many meetings, you get X thousands of dollars. But this, I would trust, will be a relatively modest expenditure, and it was felt that it was a reasonable way to proceed.

**MR. CHAIRMAN:** Page 9, as amended—pass. Pages 10 to 13 were each read and passed. Preamble—pass; Title—pass.

Bill, as amended, be reported.  
The Attorney-General.

**HON. R. PENNER:** Well, Mr. Chairperson, apparently they may be waiting for the education critic on the other side to do the Minister of Education's bill. We'll go through a couple of minor acts while waiting, okay?  
Call 47 and 59.

**BILL 47 - THE INFANTS' ESTATES  
ACT; LOI SUR LES BIENS DES  
MINEURS**

**MR. CHAIRMAN:** Bill 47, The Infants' Estates Act, the committee passes the bill as a whole, in its entirety.  
Bill be reported.

**BILL 59 - THE STATUTE LAW  
AMENDMENT  
ACT (FAMILY LAW) ACT;  
LE DROIT STATUTAIRE CONCERNANT  
LE DROIT DE LA FAMILLE**

**MR. CHAIRMAN:** Bill No. 59, the Statute Law Amendment Act (Family Law) Act.  
The Member for St. Norbert.

**MR. G. MERCIER:** Mr. Chairman, one question with respect to 11(2) of The Family Maintenance Act where the period of one year is deleted. That's where a man and woman have cohabited for a period of one year, and you delete the "for a period of one year or more". Do you or your department have any concerns about the fact that there really are little criteria left for obtaining an order, other than one person is a man and one person is a female?

**HON. R. PENNER:** I appreciate the concern raised by the member, but the overriding consideration was the protection of women, particularly who might be found in circumstances where a previous relationship has been entered into bona fide with the intentions of living

together or cohabiting but, in a period of less than a year, a problem arises that requires the immediate powers that a court can grant. That's the main explanation.

**MR. G. MERCIER:** Pass the bill.

**MR. CHAIRMAN:** Bill No. 59 passed in its entirety.  
Bill be reported.

**BILL 67 - THE REGISTRY ACT; LA LOI  
SUR L'ENREGISTREMENT FONCIER**

**HON. R. PENNER:** Bill 67.

**MR. CHAIRMAN:** Bill 67, An Act to amend The Registry Act.

**MR. G. MERCIER:** Are there any amendments?

**HON. R. PENNER:** No amendments. This is consequent upon the real property.

**MR. CHAIRMAN:** The Member for St. Norbert.

**MR. G. MERCIER:** A question: are you making amendments to Bill 73, The Survey Act, in accordance with the surveyors' recommendations that would require amendments to this bill?

**HON. R. PENNER:** Yes.  
Will it require amendments to The Registry Act? No.

**MR. G. MERCIER:** No? Okay, pass the bill.

**MR. CHAIRMAN:** The bill in its entirety is passed by the committee.  
Bill be reported.

**HON. R. PENNER:** I think we're ready to do 14.

**MR. CHAIRMAN:** Are we ready to do Bill No. 14?

**BILL 14 - THE COMMUNITY CHILD DAY  
CARE STANDARDS ACT; LA LOI SUR  
LES GARDERIES D'ENFANTS**

**MR. CHAIRMAN:** Bill No. 14, An Act to amend The Community Child Day Care Standards Act.  
The Attorney-General.

**HON. R. PENNER:** I just want to indicate so that there is no problem, Mr. Chairperson, in you following the procedure that we are dealing, of course, with amendments to an act. There will be, in some instances, amendments to the amendments proposed by the Member for Fort Garry. In one or two instances, I will be proposing an amendment to the amendment, just so that everybody has the same program and the same box of popcorn.

**MR. CHAIRMAN:** Okay. Shall we proceed page-by-page?  
Bill No. 14. Page 1—pass; Page 2—pass.

Page 3 - the Member for Fort Garry.

**MR. C. BIRT:** I move

THAT section 3 of Bill 14 be struck out and the following section be substituted therefor:

Section 3 am.

3 Section 3 of the act is amended  
(a) by repealing subsection (1) thereof and substituting the following subsection therefor:

Responsibility to provide proper environment.

3(1) Every person providing day care shall at all times provide an environment that is conducive to the health, safety and well-being of the children; and

(b) by adding thereto, immediately after subsection (2) thereof, the following subsection:

Requirement for parental involvement.

3(3) Every person providing day care in a day care centre shall provide for parental involvement in the operation or management of the day care centre to the extent required in the regulation.

**MR. CHAIRMAN:** We don't have a copy of the amendment. The Clerk doesn't have any copy of the amendment.

**MR. C. BIRT:** Mr. Chairman, I had filed an initial motion, and it has been modified in agreement with the departmental staff and myself. This is the motion that is to proceed. It is to mandate actually parental involvement in the day care operation, so that certain things such as the Charleswood situation that occurred a year-and-a-half ago, at least the parents would have someone who could monitor the situation. The government has agreed to this and, as a result, this compromise amendment has been put forward.

**MR. CHAIRMAN:** Amendment—pass.  
Other amendments?

**MR. C. BIRT:** I move

THAT proposed section 5.1 of The Community Child Day Care Standards Act, as added by section 5 of Bill 14, be amended by adding thereto, immediately after subsection (1) thereof, the following subsections:

Ex parte order granting director.

5.1(1.1) Where the director on reasonable and probable grounds believes that the health, safety or well-being of the children is threatened or in jeopardy in any facility or premises, and is of the opinion that the operator may conceal from the director any condition or circumstance relating to the health, safety or well-being of the children, the director may apply ex parte to a judge of the Court of Queen's Bench or a justice for an order authorizing the director to enter the facility or premises to inspect them and the services provided and to require the operator to provide such information relating to the facility or premises as is specified in the order.

Director to act within 7 days.

5.1(1.2) The director shall act on any order granted pursuant to subsection (1.1) within 7 days of its effective date.

Mr. Chairman, I had moved an almost identical motion, and the staff and the Minister have asked for a couple of minor changes to my motion. It is agreeable, so the amended motion is here. This added paragraph is to give the director the option that, should they feel that something is happening in a facility, if they give them due notice, the operator might take steps to conceal or prevent the director from coming in, they can move ex parte to a court to allow them immediate access without any delay. If this authority had been in place, again approximately two years ago, it would have been a great help to the department in dealing with the problem in Charleswood.

So I move the amendment.

**MR. CHAIRMAN:** Amendment—pass. Page 3, as amended—pass.

Page 4 - any amendment?

The Member for Fort Garry.

**MR. C. BIRT:** I move

THAT the proposed section 5.1 of the Act be further amended

(a) by striking out the words "books of account and other" in the 6th and 7th line of subsection (1); and

(b) by striking out the words "books of account and other" in the 9th line of subsection (2).

That is the motion.

**MR. CHAIRMAN:** Motion pass?  
The Attorney-General.

**HON. R. PENNER:** No.

It is with regret that I must oppose this motion. I have considered it, and we feel that the power which is granted is one that, after very careful consideration, is necessary to the operation of the scheme as a whole. We believe that there is adequate protection for the individuals who may be affected because of the involvement of the courts and the requirements of the judicial process.

**MR. CHAIRMAN:** Is the amendment withdrawn?

**MR. C. BIRT:** No.

**HON. R. PENNER:** Put it to a vote.

**MR. CHAIRMAN:** A vote is being called on the amendment being proposed by the Member for Fort Garry. Those who are in favour of the amendment; those who are against the amendment.

The amendment is defeated.

**MR. CHAIRMAN:** Page 4—pass; Page 5—pass. Page 6? Is there anything on Page 6? Page 6 is okay? Page 6—pass.

Page 7 - motion.

**HON. R. PENNER:** I move

THAT Bill 14 be amended by adding thereto, immediately after section 16 thereof, the following section:

Subsection 26(3) and (4)

16.1 Subsection 26(3) and (4) of the Act are amended by striking out the word "facility" wherever it appears and substituting therefor in each case the words "day care centre".

**MR. CHAIRMAN:** Amendment—pass. Page 7, as amended? Are those all the amendments on Page 7?

**HON. R. PENNER:** No, no.

**MR. CHAIRMAN:** Another motion.

**HON. R. PENNER:** I move

THAT the proposed subsections 26(1), (2) and (2.1) to The Community Child Day Care Standards Act as set out in section 18 of Bill 14 be amended by striking out the word "facility" wherever it appears and substituting therefor in each case the words "day care centre".

**MR. CHAIRMAN:** Amendment—pass. Other amendments on Page 7? Page 7, as amended—pass. Page 8—pass. Page 9 - the Member for Fort Garry.

**MR. C. BIRT:** I have an amendment on a motion

THAT Bill 14 be amended by striking out section 20 thereof and substituting therefor, the following subsection:

Sec. 35 am.

- 20 Section 35 of the act is amended
- (a) by renumbering the present section as subsection 35(1) thereof; and
  - (b) by striking out the words "after the 1st day on which it occurred" in the last line of such renumbered subsection and inserting the following "after the first day on which a person is found guilty"; and
  - (c) by adding thereto immediately after subsection 1, thereof, the following subsection:

Offence.

35(2) Every person who resists or wilfully obstructs the director or a person duly authorized by the director under subsection 5(2) or a provisional administrator appointed under subsection 26(1) in the execution of the duties under this Act, commits an offence punishable on summary conviction.

This change was recommended by Manitoba Association of Rights and Liberties in their presentation to us, MARL, and after considering their proposal I feel that it's a worthy recommendation for change.

**HON. R. PENNER:** Mr. Chairperson, I have a difficulty, I've considered the MARL position and the amendment as proposed is one that I don't think is legally possible because it appears to me that the effect of it is that there is the suggestion of the imposition of what is, in effect, an ongoing penalty.

I wonder if the member could respond and just perhaps go over this amendment a little bit more fully so that its purpose and effect may be better grasped by me. I may be missing something.

**MR. C. BIRT:** Mr. Chairman, the wording I took straight from the MAORL brief, but hearing the representation,

this has nothing to do with say the Charleswood type situation. It's where an operator might be doing something without their knowledge and without having any knowledge that they're operating illegally once they're brought to the court and found guilty of it. In effect, the way it is now, they can be charged for each day. I think the maximum fine is \$200 a day and it can go back to the date of discovery. That can go back at least a year and the attempt is to remove the retroactive aspect of the penalty; because if the person didn't know they were doing something that was illegal or improper, why should they be penalized for it?

**HON. R. PENNER:** I'm advised by Legal Counsel that this is, in a legal sense, not operable. It seems to have this effect, as I understand it - there's an allegation that someone has committed an offence, let's say, on November 20th and in the normal course, the trial comes on, let's say, December 20th. The suggestion here seems to be that although charged with an offence on November 20th, and found guilty of an offence on December 20th, it really only operates prospectively and you can't do that.

I think, rather than perhaps taking up more time, I would feel constrained to oppose the amendment now but would say, although there's not a lot of time to the member, that I'll check this out between now and report stage.

**MR. CHAIRMAN:** Amendment withdrawn? Withdrawn. Page 9—pass.

**HON. R. PENNER:** Wait a minute, I have a renumbering motion.

I move

THAT Legislative Counsel be authorized to renumber Bill 14 to eliminate decimal points.

**MR. CHAIRMAN:** Motion pass? Pass; Preamble—pass; Title—pass.

Bill, as amended, be reported.

### **BILL 37 - THE PUBLIC SCHOOLS ACT; LOI SUR LES ÉCOLES PUBLIQUES**

**MR. CHAIRMAN:** Bill No. 37 - An Act to amend The Public Schools Act.

Any amendment on Page 1? Page 1—pass. Page 2 - there is an amendment.

**HON. R. PENNER:** I move

THAT section 5 of Bill 37 be struck out and the following section be substituted therefor:

Subsec. 173(1) am.

5 Subsection 173(1) of the act is amended

- (a) by striking out the words "education support" in the 3rd line thereof and substituting therefor the words "government support to education"; and
- (b) by adding thereto at the end thereof the words and figures "except in order to provide each school division in 1986 and subsequent years the same amount of support as in the preceding year, providing that there is no reduction in services."

Explanation?

**MR. CHAIRMAN:** Explanation - the Honourable Minister.

**ION. M. HEMPHILL:** Yes, Mr. Chairman. I think a very good point was made in the presentation last night by the Teachers' Society when they raised the concern for the removal of the 85 percent, the guarantee for the program, the size of the program, and the removal of the 85 percent, not on eligible expenditures, but on what would now be supportable expenditures. It defined the size of the program, in their mind guaranteed the existence of the program. The removal of the 85 percent gave them some concern because they felt that it was open to some changes easily down the road. While I explained that we had agreed, in principle, to move toward 90 percent of supportable expenditures when the resources were available, and it was difficult to define the percentage, we have felt that they should have some guarantee that the program is going to exist, will continue to exist in its present form, so that school divisions are not concerned year from year that they are going to get the same formulas and the same grants that are in the new program.

So we have defined it in a different way by guaranteeing, in fact, that money that goes to school divisions would be no less than it was in the previous year which means that all of the formulas and all of the elements of the program are guaranteed, but they are guaranteed through the funding of the school divisions.

**MR. C. MANNES:** I have two questions. I suppose when the Minister says they are guaranteed the same amount of support she is talking about actual dollars. Secondly, is there any potential, given the formula which the Minister has shared with me during estimates, whereby there are radical falls in student numbers, let's say 10 percent, would the guarantee still hold? Would that school division still receive no less support in actual dollars than they did the year previous?

**HON. M. HEMPHILL:** It is actual dollars. Because we have declining enrolment formula and increasing enrolment formula, those would apply to any decline in students.

**MR. C. MANNES:** Well, Mr. Chairman, the Minister is a little vague on that. I want to know if what she is saying then is that, given that there is no change in student numbers, that there won't be a decrease in formula; I can accept that, but I want to know how sensitive this formula is. If the numbers drop 5 percent in the school division, would there be a drop in the payment received?

**HON. M. HEMPHILL:** If there is a change in program, what we have suggested is that they will continue to get exactly the same funding as they got last year providing they are continuing to provide the same programs, so that if there was a drop in program that affected a certain number of students in a program, but didn't mean that they were eliminating the program, they would get the same dollars. However, if the

reduction was such, in a certain program area, that they eliminated the program, clearly we would not continue to provide the formula for the program that doesn't presently exist.

So what we are basically telling school divisions is what we told them this year when we applied the variable block, and that is that they would not get any less under the new program than they were entitled to receive under the variable block. What we are now saying is that they will not get any less in subsequent years than they received in the previous years.

**MR. C. MANNES:** But that is subject to, of course, the numbers not falling, because if numbers did fall - and we are talking now, not about just next year, we may be talking about some years forward - that in fact that school division might receive less, even though they provided the same levels of programs and the same programs.

**HON. M. HEMPHILL:** If they eliminated a program, they would not receive the funding they were eligible to for that program.

**MR. C. MANNES:** Mr. Chairman, I'm not saying that they are going to reduce the programs. I'm saying that they are going to reduce - let's say, the numbers are reduced. There are declining numbers, 5 percent declining numbers, and yet the school division is going to maintain the same programs. The question is would the level of support in that school division fall below the year's previous support?

**HON. M. HEMPHILL:** The declining enrolment factor that we have built in is built in for a three-year period, so it protects them for a loss. I think it is at 60 percent the first year, 30 percent and then 10 percent. So they are protected for the declining enrolment loss for a three-year period. If they lost, for instance, a vocational program that was a very specific program, and they weren't delivering that program, they would not be entitled to the funds for that program.

**MR. C. MANNES:** Mr. Chairman, the amendment spells that out. I have no difficulty with the removal of programs; we are not arguing that.

**HON. M. HEMPHILL:** Okay.

**MR. C. MANNES:** I want to know how sensitive the formula would be before there would be a decrease from year to year. Would it take a sudden drop in 10 percent from this year to the next year? Would that cause the formula to spew out a number of support which should be lower the coming year than it has been in the present year for example?

**HON. M. HEMPHILL:** No, Mr. Chairman.

**MR. C. MANNES:** The Minister says no. Do we know what figure, what drop in enrolment would trigger a decline in support?

**HON. M. HEMPHILL:** Mr. Chairman, we believe that the drop would only affect them if it was a drop in a

major program, not an overall drop in general student population.

**MR. C. MANNESS:** Mr. Chairman, I won't belabour this, I am just talking about the regular block funding. My feeling is that, even in spite of the formula, because it is taken into account in the formula, if it dropped, for instance 25 percent in a school division, that would have an impact on the funding immediately the next year. My point is then it would be in contravention of the new amendment. That's my only concern and I only put that . . .

**HON. M. HEMPHILL:** All right. I'll take a look at it to see.

**MR. CHAIRMAN:** Amendment pass?

**MR. C. MANNESS:** The amendment can pass.

**MR. CHAIRMAN:** The amendment is passed.  
Other motions on the same page?

**HON. R. PENNER:** I move,  
THAT proposed new section 178 of The Public Schools Act as set out in section 8 of Bill 37 be amended by striking out the words "on the date established by the finance board" in the 1st and 2nd lines thereof and substituting therefor the words and figures "On or before January 15, in each year,".

**MR. C. MANNESS:** Mr. Chairman, we heard the discussion on this last night. I have no great difficulty with this, but has this date been presented to the Manitoba Association of School Trustees? I believe most school divisions are meeting this date anyway, but I want to know whether they have been provided with this date and whether they have any difficulty with it?

**HON. M. HEMPHILL:** Mr. Chairman, in terms of specific, they haven't been provided with the date, except to be given the date. They had been told that was the date that we wanted the budgets in last year. What I said last night was that this was the practice and that we had moved away and removed the February date because it was too late, boards were getting their budgets in too late and we didn't have enough time to respond, we only had a two-week period before their final budgets had to be in. It wasn't enough time to give them the information they needed.

This year we moved towards giving them the information they needed to do their budgets much sooner. It allowed them to get their budgets in much sooner and they were almost all in by the January 15th date. So I think there has been general agreement through this past year's practice that that is a reasonable date to strive for and I'm sure we won't have any problem with it.

**MR. C. MANNESS:** Mr. Chairman, I'll accept that statement. Before we pass this page though, I'd like to ask one question with respect to clause or section No. 4. That's where section 172 of the act is repealed. I mentioned it in speaking on second reading and the Manitoba Teachers' Society mentioned it last night. Why

is the Minister not going to enshrine in the act her new formula, as indeed the former Education Support Program was so enshrined?

**HON. M. HEMPHILL:** Mr. Chairman, I think that we're just making a distinction between what we think needs to be spelled out in regulation and what needs to be spelled out in legislation; and definitions such as eligible expenditures which are now going to be supportable expenditures will be defined in regulation instead of in legislation.

I would say that the definition is going to be that those that are the enabling legislation, the broad legislation, is going to be left in legislation and the specific calculations are going to be in regulation. I don't think it's unusual to have specific formulas that are related to the legislation contained in regulation, so they're going to be spelled out but just in regulation.

**MR. C. MANNESS:** Mr. Chairman, I'm prepared to pass this page, but on the next page I'll continue the debate.

**MR. CHAIRMAN:** Page 2, as amended—pass.  
Page 3 - the Member for Morris.

**MR. C. MANNESS:** Mr. Chairman, the Minister just said that Orders-in-Council and the Cabinet could look after some of the changes with respect to modifications of formulas that are required. She said that detail wasn't required in the bill and yet I look at section 1.(a)2.(2) - pardon me, of the act, coming under section 11.

**HON. M. HEMPHILL:** What number were you looking at?

**MR. C. MANNESS:** Clause or section 11 of this bill and I see where the mill rates are fixed and they're locked into the act. I have no trouble with that, but I say that contradicts her argument that she just offered with respect to the whole formula. I wonder how she can justify putting into the act one set of numbers, which I think could be more easily altered by way of regulation, and yet the whole formula is kept out.

**HON. M. HEMPHILL:** I suppose, Mr. Chairman, that's just an indication that maintaining the mill rates at the level they were at, as we have attempted to do in the previous years, is something that is very important and I suppose that we are prepared to have in the legislation which, to my mind, is just an indication of our strong commitment to maintain the mill rates at the level they are and therefore give some control to property tax, an important point for us.

**MR. C. MANNESS:** A final question on this page, Mr. Chairman. Is the Minister then saying that in this point in time that the mill rates in support of education on property and on other forms of assessment will not increase in the next coming year?

**HON. M. HEMPHILL:** Yes, Mr. Chairman.

**MR. CHAIRMAN:** Page 3—pass; Page 4—pass; Preamble—pass; Title—pass. Bill, as amended, be reported—pass.

Wednesday, 10 July, 1985

**BILL 72 - THE TEACHERS' PENSION ACT;  
LA LOI SUR LA PENSION  
DE RETRAITE DES ENSEIGNANTS**

**R. CHAIRMAN:** Bill No. 72, An Act to amend The Teachers' Pension Act.  
Page 1 - The Member for Morris.

**R. C. MANNESS:** Mr. Chairman, I'd like to talk to Legislative Counsel only for a second.

**R. CHAIRMAN:** Can we continue? Which bill?

**R. C. MANNESS:** 72.

**R. CHAIRMAN:** Page 1. Any amendments?  
The Member for Morris.

**R. C. MANNESS:** Mr. Chairman, I just have a question in inquiry with respect to the change added to in section 2 to clause 2(1). In the act, the beginning of section 2 in the area of definitions, this talks about the relationship and (f.1) talks about common-law relationship and (f.2) common-law spouse and (f.3) commuted value. I wonder why those were added on here. Is there any rationale to the way they were slotted

**HON. M. HEMPHILL:** I believe that they're defined that way just in order to use the same terminology used in the Pension Benefits Act. In a number of cases throughout the bill you will find definitions that we have brought in, the same wording, in order to comply with the wording in The Pension Benefits Act and this is one of them. It's to make our compliance sections parallel to The Pension Benefits Act.

**MR. CHAIRMAN:** Page 1—pass.  
Page 2 - the Member for Morris.

**R. C. MANNESS:** Mr. Chairman, I'm wondering if when we're going through this bill if the Minister would tell me specifically what are new sections and what are compliance sections. I'm wondering if she would just take the time to tell me the sections because I think there is compliance sprinkled throughout this whole bill and when we're looking at every page, if she could tell me which is which.

**HON. M. HEMPHILL:** 2(1)(n.1) is compliance, as is 2(1)(o.01), 2(1)(r) - those are all compliance; and 2(1)(t) is administrative on that page.

**R. C. MANNESS:** Thank you.

**MR. CHAIRMAN:** Page 2 - the Member for Morris.

**R. C. MANNESS:** Mr. Chairman, one final question. Clause 4(c) talks about an "eligible employee". It's a new addition within those individuals who comply with section 62. Why was this added; who was not covered in the previous breakout?

**HON. M. HEMPHILL:** The purpose of this clause is to allow the employees of MTS to be able to belong to

the teachers' plan. Most of them are teachers that are employed by the Teachers' Society, but they have a couple of staff members who are not teachers and they would be precluded from being able to belong to the teachers' pension plan. This change is to allow to make an eligible employee, employees of MTS, so that whether they're teacher or non-teacher employees, they're all entitled. — (Interjection) — Teachers only. — (Interjection) — Okay, sorry teachers only.

**MR. C. MANNESS:** I'm glad that final distinguishing comment came in by the Minister. I would wonder why anybody shouldn't be eligible to be covered under this pension act. I ask the Minister, does this also then include individuals who may work in the MAST Office that are teachers?

**HON. M. HEMPHILL:** Yes. This is not a change, they've always been allowed, it's only putting it in the definitions, it's only defining it. It's to correct the act, it's an administrative change

**MR. C. MANNESS:** Fine, pass.

**MR. CHAIRMAN:** Page 2—pass.  
Page 3 - the Member for Morris.

**MR. C. MANNESS:** Again, Mr. Chairman, I would ask the Minister whether section 5 is compliance?

**HON. M. HEMPHILL:** It's compliance, yes.

**MR. C. MANNESS:** Mr. Chairman, there's also, beginning on Page 3, a description of the formula which is basically the same as the one spelled in the old act, but the wording is changed somewhat. What is the significance of the word changes, particularly under every definition under the various formula letters?

**HON. M. HEMPHILL:** Yes, Mr. Chairman, this section says that when a person reaches the normal retirement age and is entitled to the full-formula pension regardless of the amount of time worked. It's consistent with The Pensions Act.

The only changes are in formula definitions (a), (b), (c), and (d), to note that the number of years of salary to be averaged can be less than seven or five if total service is less. It's required because a normal formula pension must now be granted at normal retirement age regardless of length of service.

**MR. CHAIRMAN:** Page 3—pass; Page 4—pass; Page 5.

**MR. C. MANNESS:** Just one second, Mr. Chairman. Pass.

**MR. CHAIRMAN:** Page 5—pass.  
Page 6 - the Member for Morris.

**MR. C. MANNESS:** Again, I ask the Minister on Page 6 which is compliance and what is new?

**HON. M. HEMPHILL:** Two areas. One is compliance and the other is negotiated through negotiation. It

provides for pensions at 55 instead of 60 on a full formula pension.

**MR. CHAIRMAN:** Page 6—pass.  
Page 7 - the Member for Morris.

**MR. C. MANNESS:** Mr. Chairman, that's fine, we can pass 7.

**MR. CHAIRMAN:** Page 7—pass; Page 8—pass; Page 9—pass.  
Page 10.

**MR. C. MANNESS:** One second, Mr. Chairman. What specific section, Mr. Chairman - we're on Page 10, that's 17. Pass.

**MR. CHAIRMAN:** Page 10—pass; Page 11—pass; Page 12—pass; Page 13—pass.  
Page 14 - the Member for Morris.

**MR. C. MANNESS:** We're on Page 14? I'm looking for clause 24. We can pass till then.

**MR. CHAIRMAN:** Page 14—pass; Page 15—pass.  
Page 16 - the Member for Morris.

**MR. C. MANNESS:** Mr. Chairman, I'd ask the Minister in this area of commuted value if she could tell us whether the actuaries of the government have been able to determine the cost of the new type of consideration of commuted value to the government since The Pensions Act was passed one or two years ago, the compliance sections having been met by the government at the beginning of 1985, I believe.

**HON. M. HEMPHILL:** Mr. Chairman, the total cost for present teachers will be \$32.5 million.

**MR. C. MANNESS:** And what share of that was the government going to pay?

**HON. M. HEMPHILL:** That is the government's share.

**MR. C. MANNESS:** So, Mr. Chairman, the Minister is now telling us that the present value of the government's share of the new concept of commuted value, which was something that came about as a result of the new Pensions Act, is in the area of \$32 million.

**HON. M. HEMPHILL:** Yes, Mr. Chairman.

**MR. C. MANNESS:** Thank you.

**MR. CHAIRMAN:** Page 16—pass; Page 17—pass; Page 18—pass.  
Page 19 - the Member for Morris.

**MR. C. MANNESS:** Mr. Chairman, just one second, please. I just want to catch up. That's section 25.  
Page 19—pass.

**MR. CHAIRMAN:** Page 19—pass.  
Page 20 - the Member for Morris.

**MR. C. MANNESS:** Mr. Chairman, clause 26 reads "Clause 36(10)(f) of the Act". Mr. Chairman, I have looked at my act, and I can't see any reference to that, and yet my statutes are up to date. I believe they're September, 1983. Is there some reason for that?

**HON. M. HEMPHILL:** Mr. Chairman, it's my understanding that was the section that hadn't been proclaimed.

**MR. C. MANNESS:** I see. So although I have a September, 1983 page and the consolidating statute, it would not show that. Is that correct?

**HON. R. PENNER:** If it's not proclaimed, it wouldn't be on that.

**MR. G. MERCIER:** Fine.

**MR. CHAIRMAN:** Page 20.

**MR. C. MANNESS:** No, just wait a minute, Mr. Chairman. I believe it's Page 20 that makes - oh yes, the "Fees for actuarial expenses." Could the Minister tell us why the board would not charge a fee on all enquiries to specific vested portfolios? Why would not the board, on all occasions when people are enquiring, charge a flat fee?

**HON. M. HEMPHILL:** Mr. Chairman, the cost on calculating such things, for instance, as marriage breakup could require quite a number of calculations. The board is prepared to carry the costs of those initial calculations, but wants to have some control over the total amount of the cost, and holds the right to charge on subsequent costs after the initial calculation has been made.

**MR. C. MANNESS:** Is this a firm policy then, Mr. Chairman? In all cases, the very cursory review of pension benefits is gratis, and yet the ones coming after that, there will be a charge? Is that the policy?

**HON. M. HEMPHILL:** Yes, it's the same principle for all requests.

**MR. C. MANNESS:** Mr. Chairman, I would like to move back to clause 26 for a second. That clause now amends it by adding (f), where it says the Lieutenant-Governor-in-Council can determine who should be a reciprocating employer for the purposes of this subsection.

Again, who would be considered, other than other provinces and other bodies within this province? What is contemplated there that is not already covered within the act that the Lieutenant-Governor-in-Council needs the power to be able to designate?

**HON. M. HEMPHILL:** Mr. Chairman, one example might be a social agency, such as the United Way, would be an example that they might want to consider.

**MR. C. MANNESS:** The Minister is saying, in cases where teachers are doing community service with that organization, for instance, that there may be . . .



**HON. M. HEMPHILL:** Employed by.

**MR. C. MANNES:** Employed by, yes. There may be a wish to set up a reciprocating agreement as far as pension contributions.

**HON. M. HEMPHILL:** Yes, Mr. Chairman.

**MR. C. MANNES:** Section 28 repeals the revenue guarantee section. I think the Minister has made a strong statement on this on a number of occasions. Can the Minister tell me the present revenue guarantee? I believe it has been and it continues to be for a three-year period or term. When is the beginning of the present three-year revenue guarantee period?

**HON. M. HEMPHILL:** January 1, 1984, Mr. Chairman.

**MR. C. MANNES:** Now, Mr. Chairman, does that mean that the guarantee on the first year, 1984, will be known some time in 1985, or is it January '84 known for '83?

**HON. M. HEMPHILL:** It's done for a three-year period. Although we know the '84 now, we don't know '85 and '86. They hold off until they have all the calculations in for the three-year period, because some may be up and some may be down. Then they take into consideration the range of increases or decreases over the three-year period.

I think it's important to note, if I might just take a moment though here, Mr. Chairman, that the information that is contained in the report that I just tabled, under the Teachers' Retirement Allowance Fund, tells us that the rate of return in 1984 has declined from 10.45 percent to 8.86 percent. We are expecting, if that continued, that's going to be about \$5.2 million below the guarantee by the province for that year. If that continued for the next two years, we would be looking at a figure of about \$16-million loss or, had the revenue guarantee clause still been in effect, the Province of Manitoba would have to have provided that amount of money in April of 1987.

So while it is too early to tell, in that we don't have the next two years, we have the information that we have been stating repeatedly that the revenue guarantee was a ticking time bomb. It was going to go off, and it was going to cost the government money. Our only question was exactly when it would kick in, and when the government would have to provide the money.

It looks like it is going to certainly be, on the basis of this year, earlier rather than later, and would be a 5.2 million cost this year that, if it carries on in the next two years, could be a \$16 million cost.

**MR. C. MANNES:** One final question on this page, Mr. Chairman, can the Minister indicate, when she talks about a ticking time bomb, whether it is the experience within the market as a whole which will determine the shortfall, or whether it is because of Teachers' Fund investments which may have gone bad and, therefore, caused a shortfall under the three-year estimate provided by the actuary?

**HON. M. HEMPHILL:** Mr. Chairman, it could be all of the things that the Member for Morris mentioned.

**MR. C. MANNES:** So, Mr. Chairman, if in fact the Teachers' Fund made a bad investment and the investment return within their pension fund experienced a significant shortfall, under the old act, the Province of Manitoba would have to guarantee a level which had been ascertained by the actuary some time previous.

**HON. M. HEMPHILL:** Mr. Chairman, the province, under the old act with the revenue guarantee clause in place, would have been required to make up the difference of the loss of the percentage increase that was predicted, regardless of what the reason was. It could have been any of the three reasons that he mentioned, and it doesn't matter what the reason is. If there is a decline in the interest, other than was predicted, we would have to pay that out.

**MR. CHAIRMAN:** Page 20—pass.  
Page 21.

**HON. R. PENNER:** I have a motion.

**MR. CHAIRMAN:** Motion - Attorney-General.

**HON. R. PENNER:** I move

THAT Bill 72 be amended by adding thereto, immediately after section 29 thereof, the following section:

Subsec. 43(3) rep. and sub.

29.1 Subsection 43(3) of the Act is repealed and the following subsection is substituted therefor:

Account B.

43(3) Account B shall be credited

- (a) with moneys paid into the fund by the Minister of Finance under section 52;
- (b) with contributions in excess of 6 percent of applicable salary paid to the board under subsection 55(2.1);
- (c) with 50 percent of moneys paid to the board under subsections 56(5) and (6);
- (d) with moneys paid to the board under section 61; and
- (e) with all interest earned on investments credited to the account.

**MR. CHAIRMAN:** Motion pass?  
The Member for Morris.

**MR. C. MANNES:** Mr. Chairman, can the Minister explain this amendment?

**HON. M. HEMPHILL:** Yes, Mr. Chairman. This just really allows the government to get its share. On marriage breakup, the government pays half of the - is that the one?

I'm sorry, I've gone the wrong amendment. The same point, but wrong - it's educational leave instead of marriage breakup. The amendment provision simply allows the government to get its half of the money.

**MR. CHAIRMAN:** Amendment pass?

**MR. C. MANNES:** Just wait a minute, Mr. Chairman. Amendment? Yes.

**MR. CHAIRMAN:** Is there another motion on Page 21.

**MR. C. MANNES:** No.

**MR. CHAIRMAN:** Shall we pass the page? Page 21 - the Member for Morris.

**MR. C. MANNES:** One question, Mr. Chairman, 44(2) removes the stipulation from the Teachers' Fund, whereby they could not purchase stocks beyond 25 percent of the portfolio. Can the Minister tell us why that has now been removed?

**HON. M. HEMPHILL:** Mr. Chairman, it is my understanding that this was needed previously because of the provincial guarantee, and now is no longer needed because the guarantee is removed.

**MR. CHAIRMAN:** Page 21, as amended—pass. Pages 22 to 25 were each read and passed. Page 26, motion - the Attorney-General.

**HON. R. PENNER:** I may have missed an amendment, but I'll do this one in any event. No, I haven't missed it.

I move

THAT section 39 of Bill 72 be amended

- (a) by striking out the word "section" in the 3rd line thereof and substituting therefor the word "sections";
- (b) by renumbering section 40 thereof as section 69 of The Teachers' Pensions Act; and
- (c) by renumbering sections 41, 42 and 43 thereof as sections 40, 41, and 42 respectively.

**MR. CHAIRMAN:** Motion—pass. Page 26, as amended—pass; Page 27—pass. Page 28 - the Member for Morris.

**MR. C. MANNES:** Mr. Chairman, I would like to move a motion at this time if I could. I move

THAT Bill 72 be amended by adding thereto, immediately after section 39 thereof, the following section:

Increase in government contributions.

39.1 Notwithstanding anything to the contrary in The Teachers' Pensions Act or in any provision thereof as amended or enacted by this Act, any increase in the required contribution of the government to a teacher's pension resulting from a provision of The Teachers' Pensions Act as enacted or amended by this Act shall not be paid from and out of the Consolidated Fund or from or out of money received from the Consolidated Fund.

**HON. M. HEMPHILL:** Mr. Chairman . . .

**MR. CHAIRMAN:** Are you accepting this amendment?

**HON. M. HEMPHILL:** No.

Mr. Chairman, it's with regret that I am unable to accept this amendment and I'd like to take a minute or two explaining why. I'm sure that the intent of the amendment is to make sure that there is no additional

or extraordinary cost to the Provincial Treasury and therefore the taxpayer. We don't have any quarrel with the intention. However, we believe there are a couple of points that should be made.

First of all, a fair amount of the costs are not just related to the penalty for early retirement but would deal with compliance costs. Those are elements that were brought in by The Pensions Act last year. All we're doing is making The Teachers' Pensions Act conform to that; and I would find it hard to expect that those costs would not be borne the way they are for all other people that are entitled to what we consider to be basic pension reforms. Those are for things like marriage breakup; they are not allowing sex discrimination; it allows for common-law relationships; protection of pension rights after five years; the requirement that the employer pay 50 percent, which is not required now. We think that we have to recognize that a fair amount of the costs are compliance.

Secondly, we think that we negotiated and have believed all along that we have negotiated the best deal that we could and that the deal we negotiated is going to not only limit the costs to government, but is probably - and I think I have some information that will demonstrate that - going to save them, not a bit of money, but potentially a lot of money in the long run.

The first thing that's happening is we know that the teachers are picking up all the costs for the first five years. The second thing that is happening is that because school divisions are going to be able to hire young teachers at the bottom end of the scale and they will be losing teachers at the top end of the scale, we expect our school divisions to be saving between half a million and a million dollars per year. That is a saving to the taxpayer.

However, the big saving, and it is an offset to the \$6.2 million cost of the early retirement package which I think is the one that is legitimate to say, should that be picked up by the taxpayer - perhaps it should either be paid by the teachers - I agree - or there should be an offsetting figure that would be a cost to the Provincial Government, that offsets the amount the government would be paying.

The information that we have about the revenue guarantee, in the actuarial report on Teachers' Retirement Allowance Fund as of January 1, 1984, suggests that if the existence of the guarantee had caused the use of the guaranteed rate as the assumed rate of return, there would have been an improvement in the financial position of the fund of an amount equal to \$75 million.

What that means, Mr. Chairman, what the actuary is saying to us is that if the revenue guarantee clause continued to stay there, the teachers' plan over a period of time, would have an additional \$75 million in there. That's the present value of what the teachers' plan would get, so it would get a lot more. If that's true, that they would have an additional \$75 million in their pension plan because the revenue guarantee clause was still there, that means that would be a cost to government and that is the potential saving to government, \$75 million. That's not our figure, that's the actuary figure, which I think are the only figures that we can depend on.

So my point to the resolution is that we're far better off with the agreement that we negotiated, where they

pay for five years and they remove the revenue guarantee, the cost to the taxpayers over the long run and the benefit to government are far greater than they would be over having the teachers pick up the \$6.2 million costs of the early retirement package.

**MR. C. MANNES:** Just three quick points, Mr. Chairman. First of all, let it be said our party is no way opposed, in principle, to teachers retiring at age 55 or any age for that matter, or any sector of society retiring at any age they wish. Where we part company at times is to what extent government should be expected to support that retirement.

Secondly, the Minister talks about the revenue guarantee and the present value or present saving of removing it, the \$75 million. That obviously then would lock into place, using that analysis, the assumption must be that that revenue guarantee by the actuary would be in place at the same level it is now for years to come. I'm led to believe that that's reviewed every three years. Obviously then, the actuary would have to downgrade it and so I can't accept that figure; and yet this isn't the place to debate it.

My third and final point is that the Teacher's Investment Fund, in 1984, made \$44 million - in 1984 alone - because the Minister just tabled today the Teachers' Retirement Allowance Fund Board, 1984 Annual Report. I'm saying that if the teachers had funded the \$6.2 million up front, then there would have been no cost. The Minister's argument, on compliance, that is certainly a strong argument and I wish we had time to have sorted that out so that we didn't have to include it within the amendment; but the point is that we didn't have that time and that's why we brought forward the amendment at this time.

**HON. M. HEMPHILL:** I would just make the point, to the point if they were paying it out right away, the difference between paying out right away and the costs of paying down the road, I quite agree with the point the Member for Morris made. But I'm sure that he remembers that the changing, this fund from a funded fund to an unfunded fund, which is one of the only two acts, The Teachers' Pensions Act and The Civil Service Act are the only two that are set up that way. The Teachers' Pensions Act previously was a funded plan and that was changed by the Conservative Government, the Roblin Government, in March of 1960; and they went from a funded plan to a non-funded plan.

The information that I have is that the largest amount of the costs of the changes that we're making in the pension plan, including compliance, are not coming from the changes in the benefits that we're giving, but they're coming from the changes in the plan from being a funded plan to an unfunded plan. So that is what is causing the large increase in money, not the benefits but the change in 1960 from a funded plan to an unfunded plan.

**MR. C. MANNES:** Mr. Chairman, my final point, and as I said in debate, the Government of the Day has to hold the bargain that the Roblin Government made in 1961. I have no difficulty with that. Our party, though, is on record as saying that the penalty removal from 60 to 55 - and that doesn't deal with compliance - strictly that cost . . .

**HON. M. HEMPHILL:** Right, just the penalty.

**MR. C. MANNES:** . . . should have been borne, in our view, totally by the Teachers' Retirement Allowance.

**HON. M. HEMPHILL:** It's being more than borne.

**MR. C. MANNES:** And that was the intent of the resolution.

**MR. CHAIRMAN:** Is the member withdrawing the resolution?

**MR. C. MANNES:** No, he's not.

**MR. CHAIRMAN:** As many as are in favour?  
The Member for Pembina.

**MR. D. ORCHARD:** Mr. Chairman, I just want to make one comment to the Minister, because in her rebuttal of the necessity of this amendment, she rolled in the fact that school boards will be hiring lower cost teachers. That has nothing to do with this amendment; this amendment is designed to save the taxpayers' dollars.

**HON. M. HEMPHILL:** Mr. Chairman, I was trying to make the point that we had negotiated an agreement that was going to have offsetting factors to the costs of the \$6.2 million cost. As far as I'm concerned - and they've said it before in the House - a cost to the taxpayer is a cost to the taxpayer. My point is, if there is savings at both the local school division level, to the local taxpayer and the school division, that is a savings part of what we have negotiated.

**MR. CHAIRMAN:** The question is being called. As many as are in favour of the motion, please say aye. As many as are opposed, please say nay. The nays have it. Motion defeated.

Page 28—pass.

Page 29, motion - the Attorney-General.

**HON. R. PENNER:** I move

THAT section 43(1) of Bill 72 be amended

- (a) by adding thereto, immediately after the figures "18.1" in the 1st line thereof, the figures "29.1"; and
- (b) by striking out the words and figures "section 35 comes" in the 4th line thereof and substituting therefor the words and figures "sections 29.1 and 35 come".

**MR. CHAIRMAN:** Motion—pass.

Another motion? The Attorney-General.

**HON. R. PENNER:** I move

THAT section 43(2) of Bill 72 be amended by striking out the words and figures "section 35 is" in the 2nd line thereof and substituting therefor the words and figures "sections 29.1 and 35 are".

**MR. CHAIRMAN:** Motion—pass; Page 29, as amended—pass; Preamble—pass; Title—pass.  
Bill, as amended, be reported.

**BILL 84 - THE PUBLIC SCHOOLS  
FINANCE  
BOARD ACT; LOI SUR LA COMMISSION  
DES  
FINANCES DES ÉCOLES PUBLIQUES**

**MR. CHAIRMAN:** Bill No. 84, An Act to amend The Public Schools Finance Board Act.

**MR. CHAIRMAN:** Bill as a whole—pass.  
Bill be reported.

**BILL 78 - THE AMUSEMENTS ACT;  
LOI SUR LES DIVERTISSEMENTS**

**HON. R. PENNER:** Mr. Chairperson, would you call Bill 78?

**MR. CHAIRMAN:** Bill 78, An Act to amend The Amusements Act.

Pages 1 to 7 were each read and passed.  
Page 8 - motion.

**HON. R. PENNER:** I move

THAT proposed new section 41 to The Amusements Act as set out in section 9 of Bill 78 be amended by adding thereto, immediately after subsection (9) thereof, the following subsection:

“Application of section.

41(10) This section applies only to

- (a) the refusal of an application for a licence; or
- (b) the refusal of an application for the renewal of a licence; or
- (c) the exercise of a power by the board that adversely affects a party”.

**MR. CHAIRMAN:** Motion—pass; Page 8 as amended—pass; Page 9—pass; Page 10—pass.  
Page 11 - the Member for Sturgeon Creek.

**MR. F. JOHNSTON:** Mr. Chairman, it is the intention, naturally, because the opposition has passed all of the pages of this bill to support the principle of this bill and, quite frankly, the principle of the bill is to hopefully do anything possible to stop the porno type of video tapes getting into the hands of young people and being distributed to any citizens in the Province of Manitoba. This bill does not really accomplish all of that, but it is what we would call a small step in the right direction.

Unfortunately, the passage of this bill does create a lot of problems for small businessmen, 400 of them in this province, and will be very costly to them and unfortunately the costs that they will incur will have to be passed on to the public and the bill will only, in a small way, help the situation that the bill is designed to help. When I say “help” that is for the benefit of the people of Manitoba not to have porno videos.

We had presentation from the Women's Action Association last night that basically said that this does not do the job. We have had presentation from the Video Retailers Association who absolutely agree that there should be some formula that they can work to. As a matter of fact, they would be willing to say that

they would sell whatever you allow them to sell, but please tell them what they can't sell.

Mr. Chairman, I would only make a plea to the Minister and before putting this bill into effect have discussion with the retail video people of the Province of Manitoba and all others that are concerned with the problem. I would ask the Minister that he have conversations and discussions with other provinces to see what can be done to create a situation where there would be some uniformity among the provinces so that there would not be any mailings coming into this province from other provinces.

My main plea on this bill would be to the Minister of Small Business or Business Development and Tourism who should have some concern for small businesses in this province when there is going to be a bill that will cost them money and not really do anything to alleviate the situation that this bill is trying to do except in a very small way. I would say to the Minister that I hope he would consider before putting this bill into effect that there is consultation with the other provinces; there is consultation with the industry; and I would hope for once that the Minister of Business Development and Tourism would be concerned about the small businesses in this province and listen to their concerns and maybe be helpful to the Minister of Cultural Affairs, who I'm sure is trying to do his job, but unfortunately we have a Minister of Small Business and Tourism, or Business Development and Tourism, who has no knowledge of what this bill will do to the small businesses.

So, Mr. Chairman, I would only make the plea that we pass this bill on the basis that it is a small step towards solving the problem. There are a lot of big steps to be taken. We have definitely heard that from the presentations from last night. I don't know of any organization which knows the law or studies the law better than the association of the women's action group because they do make a very concerned study of the law. They are saying that this does not go nearly far enough to help the situation within the province.

So we have passed this bill. We agree that it is a small step, but we say to the Minister, there are many big steps to be taken to solve the problem, and I say that there is a concern for the small businessmen, 400 of them out there, who are going to be harmed because the bill puts all the financial problems on them. They can still be charged under the Criminal Code. They have to spend all the money for the labelling, etc., which will not do that much for them.

So I would say that I hope the Minister would consider it, and I would hope that the Minister of Business Development and Tourism would start to consider some of the small business within this province.

**MR. CHAIRMAN:** The Minister of Culture.

**HON. E. KOSTYRA:** In response to a couple of the questions or points that were raised by the member, I just would like to respond to update him on some developments with respect to this area and the national scene. I have written to all of my colleagues across the country suggesting that there ought to be some kind of national scheme with respect to dealing with this area of public policy. In addition, we have started direct

discussions. In fact, there was a meeting in Winnipeg the end of June, early part of July, with both Ontario and Saskatchewan, and we are working out a mechanism for co-operative action with respect to classification and sharing of information to lessen the overall cost to each of the three provinces. So those things are taking place.

**MR. CHAIRMAN:** Pages 11 to 18 were each read and passed. Preamble—pass; Title—pass.

Bill, as amended, be reported.

### **BILL 70 - THE AGRICULTURAL CREDIT CORPORATION ACT; LA LOI SUR LA SOCIÉTÉ DU CRÉDIT AGRICOLE**

**MR. CHAIRMAN:** Bill No. 70, An Act to amend The Agricultural Credit Corporation Act; Loi modifiant la loi sur la société du crédit agricole.

The bill as a whole, since there are no amendments - the Member for Pembina.

**MR. D. ORCHARD:** To the Acting Minister, wherever he is - there he is.

Mr. Chairman, the first question, with this new inclusion of part-time farmers into the clientele who are available to get loans through MACC, can the Acting Minister indicate whether the government has provided additional credit authority to MACC to no doubt cover the additional applications for credit that will occur with this amendment, or are we, by this amendment, simply providing a warm handshake and a smile and spreading existing credit thinner to all of the farm community?

**HON. J. BUCKLASCHUK:** There has been no specific amount allocated. There is a question as to when the provisions of the bill will be put into force, whether it will be later on this fall or in the new fiscal year.

**MR. D. ORCHARD:** Is the Minister, in that response, saying that it is the intention of the government to vote an extra several million dollars in loan authority to MACC to accommodate these additional loans that will be no doubt forthcoming as a result of this amendment?

**HON. J. BUCKLASCHUK:** Yes, this is to again indicate that there has been no specific amount designated in this fiscal year, but if there appears to be a substantial number of applications for loans under this program this will be budgeted for in the forthcoming fiscal year.

**MR. D. ORCHARD:** Mr. Chairman, that is a silly answer because why would you pass an amendment to allow credit to go to part-time farmers if you don't expect applications. Mr. Chairman, if you don't expect applications, you don't need the amendment. Furthermore, if you don't have money in addition to your present authority, this amendment will turn out to be to the detriment of the farm community, the full-time farm community because you are going to spread your existing credit thinner so that legitimate full-time farmers will not have access to the same amount of credit. This amendment means nothing unless this government is willing to back it up with more lending authority to MACC.

**HON. R. PENNER:** Well, what is wrong is the premise. The premise is that we are not prepared to back it up. In fact, at the moment, as far as we can see, and some provision was made for it, there is likely enough authority, but if there isn't, then sufficient authority will be given to meet the implementation of the program.

**MR. CHAIRMAN:** The bill as a whole - the Member for Pembina.

**MR. D. ORCHARD:** A second question, Page 2, "the corporation shall determine who is a farmer for the purposes of this act". Presumably that includes in the next section defining who is a part-time farmer. Have those definitions been drawn?

**HON. J. BUCKLASCHUK:** No, not yet, but it certainly is the intent of the Minister to consult with farmers this fall to get a precise definition of who will be included as a part-time farmer.

**MR. D. ORCHARD:** Does the acting Minister expect that the definition of part-time farmer used by MACC will be similar to that used under The Assessment Act?

**HON. J. BUCKLASCHUK:** The primary purpose of this assistance will be to those young farmers who intend to enter into the enterprise on a full-time basis and to those farmers who have, for whatever reason, been forced off the farm and intend returning again on a full-time basis with the intention of becoming full-time farmers.

**MR. CHAIRMAN:** The bill as a whole—pass.  
The Attorney-General.

**HON. R. PENNER:** Could I ask that Bills 86, 36 and 58 - 86 is The Consumer Protection, 36 is The Mortgage Dealers and 58 is The Mortgage Act.

**MR. CHAIRMAN:** There is no 36.

**HON. R. PENNER:** I didn't say 36 - I'm sorry, 86.  
Is Charlie Birt here?. Is he up in his office? Did you see Charlie, Frank.

**MR. CHAIRMAN:** Can we do something else?

**HON. R. PENNER:** Do you want to send for Charlie?  
73.

### **BILL 73 - THE SPECIAL SURVEY ACT; LA LOI SUR LES ARPENTAGES SPÉCIAUX**

**MR. CHAIRMAN:** Bill No. 73, An Act to amend The Special Survey Act; Loi modifiant la loi sur les arpentages spéciaux.

**HON. R. PENNER:** There is a small amendment.

**MR. CHAIRMAN:** So we'll go page-by-page then.

**HON. R. PENNER:** There is one amendment I should indicate which is just a change in may to shall in section

5. Do you just want to go page by page and then we'll do it.

**MR. CHAIRMAN:** Page 1—pass.  
Page 2, motion - the Attorney-General.

**HON. R. PENNER:** I move  
THAT proposed new section 5 to The Special Surveys Act as set out in section 2 of Bill 73 be amended by striking out the word "may" in the 1st line thereof and substituting therefor the word "shall".

**MR. CHAIRMAN:** Motion—pass. Page 2, as amended—pass. Page 3 to 6 were all passed.  
Preamble—pass; Title—pass.  
Bill, as amended, be reported.

**BILL 82 - THE REAL PROPERTY ACT;  
LA LOI SUR LES BIENS RÉELS**

**HON. R. PENNER:** Bill 82.

**MR. CHAIRMAN:** Bill No. 82, An Act to amend The Real Property Act; Loi modifiant la loi sur les biens réels.  
Are there amendments?

**HON. R. PENNER:** Yes, there is one little amendment.

**MR. CHAIRMAN:** Page 1—pass; Page 2—pass.  
Page 3.

**HON. R. PENNER:** Amendment.

**MR. CHAIRMAN:** Amendment - motion.

**HON. R. PENNER:** I move  
THAT section 8 of Bill 82 be struck out and sections 9 to 17 both inclusive be renumbered as sections 8 to 16.

**MR. CHAIRMAN:** Motion—pass.  
Page 3, as amended—pass.  
Page 4 - the Member for St. Norbert.

**MR. G. MERCIER:** Mr. Chairman, on section 70(4), in speaking to the bill on second reading, I asked the Attorney-General to enquire into whether or not, in addition to applying this where a barrister, solicitor or notary public witnesses a signature, why couldn't it also be a Commissioner for Oaths?

**HON. R. PENNER:** I consulted with the people in the Land Titles Office, and they felt that, given the significance of the kind of instruments that are being signed, it is better if we make sure that, since a notary public now is almost always either a barrister or solicitor, we ought to leave it at that and not dilute it. It is thought there might be some problem with respect to a Commissioner for Oaths, because there are all kinds of Commissioners for Oaths floating around.

**MR. CHAIRMAN:** Page 4—pass.  
Page 5 - the Member for St. Norbert.

**MR. G. MERCIER:** Mr. Chairman, what investigation has the Attorney-General done with respect to the lapsing of development agreement caveats? Ten years may seem a long period of time, but there are situations in which, if you have a large subdivision and a development agreement with the City of Winnipeg, it may very well be that the caveat could still be required. Has there been consultation with the City of Winnipeg, particularly?

**HON. R. PENNER:** Yes. It's their view and the view of the officials in the Land Titles Office that, with the tight zoning that we now have, the development agreement really is spent once the proposed development is fulfilled. The development is there, and it's then governed by the zoning by-laws. I raised the same question and I was assured that was so, that 10 years, in fact, was a generous amount of time.

**MR. G. MERCIER:** Okay.

**MR. CHAIRMAN:** Page 5—pass; Preamble—pass; Title—pass.  
Bill, as amended, be reported.

**HON. R. PENNER:** 98.

**MR. CHAIRMAN:** Bill 98, An Act to Validate an Expropriation Under The Expropriation Act.

**HON. R. PENNER:** Mr. Birt is here, the Member for Fort Garry. Perhaps . . .

**BILL 86 - THE CONSUMER PROTECTION  
ACT; LA LOI SUR LA PROTECTION  
DU CONSOMMATEUR**

**MR. CHAIRMAN:** Correction. Bill No. 86, An Act to amend The Consumer Protection Act.  
The Member for Fort Garry.

**MR. C. BIRT:** I spoke at second reading on the question of I believe it's notification. I'm just trying to remember what I said now. The Minister and I never talked in private about - the principle of, I think, notice as referred to in The Mortgage Act was raised. It's so late, I can't remember what we were talking about, but there was a concern there . . .

**HON. R. PENNER:** I don't think it related to 86, The Consumer Protection Act.

**MR. C. BIRT:** Is this the true cost to borrow?

**HON. R. PENNER:** No, that comes under The Mortgage Act.

**MR. C. BIRT:** Okay.

**MR. CHAIRMAN:** Bill as a whole?

**HON. R. PENNER:** Move it.

**MR. CHAIRMAN:** Bill—pass.  
Bill be reported.

**BILL 36 - THE MORTGAGE DEALERS  
ACT; LOI SUR LES COURTIERES  
D'HYPOTHEQUES**

**HON. R. PENNER:** Bill No. 36, The Mortgage Dealers Act.

**MR. CHAIRMAN:** The Mortgage Dealers Act, Bill No. 36.

**MR. C. BIRT:** Any amendments?

**HON. R. PENNER:** No.

**MR. C. BIRT:** Move the entire bill.

**MR. CHAIRMAN:** The entire bill—pass.  
Bill be reported.

**HON. R. PENNER:** 58, The Mortgage Act.

**BILL 58 - THE MORTGAGE ACT;  
LA LOI SUR LES HYPOTHEQUES**

**MR. CHAIRMAN:** Bill No. 58, An Act to amend The Mortgage Act.

**HON. R. PENNER:** I move

THAT proposed new subsection 26(1) of The Mortgage Act, as set out in section 2 of Bill 58, be amended by adding thereto

- (a) immediately after the word "mortgage" in the 8th line of clause (a) thereof; and
- (b) immediately after the word "mortgagor" in the 5th line of clause (a) thereof, in each case, the words "that the regulations may require to be disclosed and".

**MR. CHAIRMAN:** Motion—pass; Page 1, as amended—pass.

Is there any amendment on Page 2?  
The Member for St. Norbert.

**MR. G. MERCIER:** Mr. Chairman, I raised a point in discussing this bill on second reading with respect to the costs of obtaining a discharge of mortgage. I don't think it has been addressed. I wonder if the Minister could indicate whether he's made any enquiries in that regard.

**HON. R. PENNER:** The intention was certainly not to require that as a disclosure, but that is the reason for the amendment to 26(1). It's so that we can set out with some greater precision, as may be required in the regulations, what has to be disclosed.

**MR. G. MERCIER:** Mr. Chairman, why not - I'm looking at Page 2, (a)(vi), which is "other disbursement, expenditure, payment, cost or charge" - include in there the words "discharge fee"?

**HON. R. PENNER:** I think you're getting to a different level of costs which are, in a sense, more the cost of the legal transaction than the cost of borrowing in a

strict sense. I suppose you could argue the case both ways, but there are search fees and fees of that kind. We think that disclosing the true cost of borrowing is essentially satisfied. You could never, I think, perhaps completely satisfy that requirement by the matters which are set out on Page 2.

**MR. G. MERCIER:** Mr. Chairman, I just repeat quickly that it's come to my attention that, in my view, some exorbitant charges have been made with respect to obtaining a discharge fee. The one example I referred to is \$85 done by the company internally, and I think that is outrageous. That's why I raised it, and I was hoping that the Minister might give some consideration to including that in an amendment.

Let me ask another question with respect to interest, (a)(v), what happens where you have a variable interest rate? How is that to be disclosed?

**HON. R. PENNER:** The disclosure document clearly can only disclose the prevailing rate at the time of the transaction, and will have satisfied the terms or the requirements of the act in doing that. Now it's true you can get - one hopes that we don't - back to the volatile interest fluctuations of late '82 and through '83. There is a little more evenness in the market now. Most mortgages are still short term, and it may be that the variable rate is the effective rate through the one-year life of an average mortgage. But, in any event, the short answer is that we can't really do more than require the true cost as it is at the time the transaction is completed.

**MR. G. MERCIER:** I raise it, Mr. Chairman, to say that it's allowed in the regulations and not overlooked.

**MR. CHAIRMAN:** Page 2, any amendment? Amendment—pass; Page 2, as amended—pass. Page 3—pass; Page 4—pass. Page 5, amendment - the Honourable Attorney-General.

**HON. R. PENNER:** I move

THAT the proposed new subsection 26(8) of The Mortgage Act as set out in section 2 of Bill 58 be amended

- (a) by striking out the words "solicitor or agent" in the 2nd line thereof; and
- (b) by striking out the words "solicitor or agent" as the case may be in the 3rd and 4th line thereof.

This responds to points that were made by the Member for Fort Garry and by other persons that we were likely painting with too wide a brush. We really ought not to attempt to fix liability in such circumstances on either the solicitor or the agent who may be a real estate agent who, in helping a purchaser complete a transaction, has helped him obtain a mortgage, and might inadvertently find himself or herself fixed with some liability if the mortgagee hadn't met the requirements of the act.

**MR. CHAIRMAN:** Amendment—pass; Page 5, as amended - motion.

**HON. R. PENNER:** Motion:

THAT the proposed new subsection 26(9) of The Mortgage Act as set out in section 2 of Bill 58 be renumbered as subsection 26(10).

**MR. CHAIRMAN:** Amendment—pass.  
Motion?

**HON. R. PENNER:** I guess I am tired.

Motion:  
THAT Bill 58 be amended by adding thereto, immediately after subsection 26(8) thereof, the following subsection:

Mortgage defined.

26.(9) The expression "mortgage" wherever used in this section includes for the purposes of this section the renewal or extension of an existing mortgage and whether or not the renewal or extension is affected by the execution of a document.

**MR. CHAIRMAN:** Motion—pass.

**MR. C. BIRT:** Next motion.

**HON. R. PENNER:** I move

THAT the proposed new subsection 26(10) of The Mortgage Act as renumbered in Bill 58 be amended (a) by striking out the words, figures and letters "in addition to those set out in clause 1(a)" in the 2nd and 3rd lines of clause (a) thereof; and (b) by striking out the words "that clause" in the 4th line of clause (a) thereof and substituting therefor the words, figures and letters "clause 1(a)".

**MR. CHAIRMAN:** Motion—pass.  
Page 6, no motion? Page 6—pass.

**HON. R. PENNER:** Just for the record, I would state very briefly that I had a brief discussion with representatives of the industry who were here last night, and they would like some continuing consultation. It should be noted that the act comes into force on the day fixed by proclamation. I would like to place it on the record that I'm not proposing to have the act proclaimed until there is an opportunity for such consultation.

**MR. CHAIRMAN:** Noted.  
Preamble—pass; Title—pass.  
Bill, as amended, be reported.  
Next.

**HON. R. PENNER:** Okay, let's go just to the top of the list then and work down — (Interjection) — okay, the Minister of Housing, 94.

**BILL 94 - THE HOUSING AND RENEWAL CORPORATION ACT; LA LOI SUR LA SOCIÉTÉ D'HABITATION ET LA RÉNOVATION**

**MR. CHAIRMAN:** Bill 94, An Act to amend The Housing and Renewal Corporation Act.

There is no amendment on this bill. Shall we pass the bill as a whole? The bill passed as a whole.

I'm sorry, the Member for Sturgeon Creek.  
Page 1—pass.  
Page 2 - the Member for Sturgeon Creek.

**MR. F. JOHNSTON:** On Page 2, Mr. Chairman, 2(e), when we propose for purposes and objects of this bill and we look at 2(e) on Page 2, "to carry out and implement the policies of the Government of Manitoba with respect to housing as directed by the Minister." Mr. Chairman, the Minister in this bill becomes the chairman of the board; the Deputy Minister becomes the vice-chairman of the board and the members of the board will be government employees appointed by the government, or by the Minister, but they will be employees of the government. So in all intents and purposes, Mr. Chairman, the Minister and the Lieutenant-Governor-in-Council are completely in charge of the housing policies of the Province of Manitoba. This says "to carry out and implement the policies of the Government of Manitoba with respect to housing as directed by the Minister" which would be the Lieutenant-Governor-in-Council.

Mr. Chairman, the legislation and acts are a vehicle for policy. This particular section really says that this bill will never have to come back to the Legislature in 100 years of this province. It says that the Minister will carry out the policies of the Government of Manitoba. If the Government of Manitoba decides to eliminate a district, to do whatever they so please with regard to the housing policy of this province, they wouldn't have to ask anybody, and I am quite aware of the fact that if it was taken to court the judge might say, well it doesn't stipulate exactly in the bill what you can do or you can't do. But basically, under this particular section, this section (e) really means there is no sense in having any more legislation regarding housing policy in the Province of Manitoba.

**MR. CHAIRMAN:** The Member for Sturgeon Creek is so effected that there is a proposal here to eliminate (e).

**MR. F. JOHNSTON:** Mr. Chairman, did I understand you correctly, were you eliminating section (e)?

**MR. CHAIRMAN:** Yes.

**MR. F. JOHNSTON:** Great.

**HON. J. BUCKLAŠCHUK:** Yes, we are prepared to replace a semicolon after whole with a period; delete the word "and", and delete section (e).

**MR. F. JOHNSTON:** Okay, good.

**MR. CHAIRMAN:** The amendment is to delete section (e), Page 2, as amended—pass; Page 3—pass; Page 4—pass.

Page 5 - the Member for Sturgeon Creek.

**MR. F. JOHNSTON:** Mr. Chairman, I believe the opposition is prepared to pass to the last page.

**MR. CHAIRMAN:** Pages 5 to 11 were each read and passed.



The Honourable Member for Sturgeon Creek.

**MR. F. JOHNSTON:** Mr. Chairman, I would only comment on this bill. Let's make no mistake about the fact that the present government has eliminated the Manitoba Housing and Renewal Corporation. It no longer exists, it is the government that has taken control; there is no longer a board of people to advise. I might say that when we were in government we were accused of the fact that we might eliminate the Manitoba Housing and Renewal Corporation. We were suspected and criticized of the fact that we might; we didn't. This government has now eliminated the Manitoba Housing and Renewal Corporation for all intents and purposes.

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

### **BILL 57 - THE LAW SOCIETY ACT; LOI SUR LA SOCIÉTÉ DU BARREAU**

**MR. CHAIRMAN:** Bill No. 57, An Act to amend The Law Society Act; Loi modifiant la loi sur la Société du Barreau.

Page 1. There being no amendments, shall we pass Bill 57 in its entirety?

**HON. R. PENNER:** Pass.

**MR. CHAIRMAN:** Bill 57—pass.  
Bill be reported.

### **BILL 81 - THE COOPERATIVES ACT; LOI SUR LES COOPÉRATIVES**

**HON. R. PENNER:** Okay, do you want to do all the little shorties - 81?

**MR. CHAIRMAN:** Bill No. 81, An Act to amend The Cooperatives Act; Loi modifiant la loi sur les coopératives. Bill No. 81, are there any amendments?

Shall we pass the bill in its entirety?

The bill is passed in its entirety.

Bill be reported.

### **BILL 60 - THE STATUTE LAW AMENDMENT ACT, (1985); LOI DE 1985 MODIFIANT LE DROIT STATUTAIRE**

**HON. R. PENNER:** Let's take Bill 60.

**MR. CHAIRMAN:** Bill 60, The Statute Law Amendment Act (1985); Loi de 1985 modifiant le droit statutaire.  
No amendments.

**HON. R. PENNER:** There is an amendment on Page 21.

**MR. CHAIRMAN:** Shall we take leave by the committee that we only take those pages with amendments?  
The Member for St. Norbert.

**MR. G. MERCIER:** I want to ask one question. What is the cost of the Workers Compensation Board amendments?

**HON. R. PENNER:** I'm trying to recall, Mr. Cowan, what was it, 7.5 million?

**MR. G. MERCIER:** Mr. Chairman, I asked that question when this bill was on second reading. If the Minister does not have that information, I would ask him to undertake to obtain it and provide the House with it tomorrow at or prior to third reading.

**MR. CHAIRMAN:** Agreed?

**MR. G. MERCIER:** Which Minister undertook that?

**HON. R. PENNER:** Okay, it is my bill. There shouldn't be an argument in the family after 12. What is it I'm supposed to do? The cost of the . . .

**MR. G. MERCIER:** The cost of the amendments dealing with the Workers Compensation.

**HON. R. PENNER:** Okay. Do you want to make a bet, I mean, anything over 7.5 million I get, anything under 7.5 million you get?

**MR. CHAIRMAN:** Since the amendment seems to be only on the last page, shall we go page-by-page.

**HON. R. PENNER:** Gerry.

**MR. G. MERCIER:** Well, I just have a question on Page 9, Mr. Chairman.

**HON. R. PENNER:** Why don't we take any questions.

**MR. CHAIRMAN:** We will take any questions, then we will pass the bill in its entirety.

**HON. R. PENNER:** Up to Page 21, then do the amendments on 21.

**MR. CHAIRMAN:** Page 9 - the Member for Sturgeon Creek.

**MR. F. JOHNSTON:** Mr. Chairman, I brought this up in the discussion on second reading of the Intercultural Council, and I made the point to the Minister that the explanations he was kind enough to give us on Page 3 ends up by saying the council may do business virtually with anyone.

I'll be very brief that, when we were in the Estimates of the Department of Cultural Affairs, we passed \$195,000 for the Manitoba Intercultural Council on the basis of the act as it previously stood. Now we have a situation where we have an amendment to the act that says that this \$195,000 can be, as I mentioned, virtually invested any way that the Intercultural Council so desires.

I don't believe the Intercultural Council is a Crown corporation that should not have some responsibility as to how they spend that money. I would like to suggest, and maybe the Minister has taken it into consideration, that any investments or agreements that they make with other organizations should probably be approved by the Minister.

**HON. R. PENNER:** I did, in fact, discuss that matter with the Minister, and again before he left tonight. The authority that is sought is simply because of the fact that they deal with the Lotteries Commission and lotteries funds, and that's what it is intended to cover.

**MR. F. JOHNSTON:** Mr. Chairman, can't we say so in the bill, who they can deal with? The explanation is that, conversely, there are very few organizations which have the same purpose. I, quite frankly, agree with that. That would limit any agreements they could make. But I would like to suggest that, if the Minister believes that they could virtually have agreements with anyone, then I would suggest that the council have the responsibility to inform the Minister who they're intending to make agreements with for his approval.

**HON. R. PENNER:** I'll certainly pass on the concern to the Minister, and he may address it on third reading.

**MR. F. JOHNSTON:** Thank you.

**MR. CHAIRMAN:** Amendments to the motion?

**HON. R. PENNER:** Okay, the amendments are all on one page, I believe, Page 21 of the bill. Is that right? Okay, here we go, five motions.

I move:

THAT Bill 60 be amended by adding thereto, immediately after section 39 thereof, the following section:

Subsec. 17(2) of Water Rights Act am.

40 Subsection 17(2) of The Water Rights Act, being chapter 25 of the Statutes of Manitoba, 1982-83-84, as enacted by subsection 13(2) of The Statute Law Amendment Act (1984)(2), being chapter 19 of the Statutes of Manitoba, 1984, is amended by striking out the word and figure "subsection (4)" in the 3rd line thereof and substituting therefor the word and figure "section 4".

**MR. CHAIRMAN:** Motion—pass.

**HON. R. PENNER:** I move

THAT subsections 40(1) and (2) of Bill 60 be renumbered as subsections 41(1) and (2).

**MR. CHAIRMAN:** Motion—pass.

**HON. R. PENNER:** I move

THAT renumbered subsection 41(1) of Bill 60 be amended by striking out the word and figures "and 30" in the 1st line thereof and substituting therefor the figures and word "30 and 40".

**MR. CHAIRMAN:** Motion—pass.

**HON. R. PENNER:** I move

THAT renumbered subsection 41(1) of Bill 60 be further amended by adding thereto, immediately after clause (d) thereof, the following clause:

(e) section 38 is retroactive and shall be deemed to have been in force on, from and after July 1, 1985.

**MR. CHAIRMAN:** Motion—pass.  
Next motion.

**HON. R. PENNER:** I move

THAT renumbered subsection 41(2) of Bill 60 be amended by striking out the word and figures "and 30" in the 1st line thereof and substituting therefor the figures and word "30 and 40".

**MR. CHAIRMAN:** Motion—pass; Page 21, as amended—pass.

**HON. R. PENNER:** Bill as a whole, as amended?

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

**BILL 62 - THE CHARTER COMPLIANCE  
STATUTE AMENDMENT ACT: LOI  
MODIFIANT DIVERSES DISPOSITIONS  
LÉGISLATIVES AFIN D'ASSURER LE  
RESPECT  
DE LA CHARTE**

**MR. CHAIRMAN:** Bill No. 62, in entirety—pass.

**BILL 74 - THE EQUAL RIGHTS STATUTE  
AMENDMENT ACT; LOI MODIFIANT LE  
DROIT STATUTAIRE AFIN DE FAVORISER  
L'ÉGALITÉ DES DROITS**

**MR. CHAIRMAN:** Bill No. 74, The Equal Rights Statute Amendment Act. Are there any amendments?

**HON. R. PENNER:** Yes, one amendment. The amendment is on the second-last page. Any questions?

**MR. CHAIRMAN:** The Member for St. Norbert.

**MR. G. MERCIER:** Mr. Chairman, perhaps we could follow this procedure of just asking a few questions.

**HON. R. PENNER:** Okay.

**MR. G. MERCIER:** On Page 8, the adoption leave, Mr. Chairman, I made the argument and while I wasn't here, I think the Charter of Rights Coalition supported the argument that adoption leave should be the same as maternity leave. I think it makes a good deal of sense, particularly for an infant child. An infant child who is adopted requires the same amount of bonding as the natural mother of a child. The Charter of Rights Coalition, whom I have not discussed this matter with, have supported that position.

As well, I'll make the additional point that I forgot to make on second reading. That's with respect to the notice provision with respect to adoption, because members may well realize that it would be very rare to get four weeks notice that a family would be fortunate enough to be chosen to receive an adopted child. The Charter of Rights, I think, rightly makes that point also. They suggest two weeks, and even then people don't receive two weeks notice. It is more like 24 hours or

hours notice as to receiving a child, particularly if you're receiving an infant child.

So I make those two points, Mr. Chairman. I don't think you can equate adoption leave with paternity leave, because it's much, much different, an obvious difference. Secondly, the notice provision is wrong, as the Charter of Rights Coalition points out. You just don't get four weeks of notice.

**DN. R. PENNER:** I would like to consider the proposal that is being made. I am not unsympathetic to it, I would like an opportunity to discuss it with my colleagues, and we'll see if we can go along with it on report stage.

**R. G. MERCIER:** I thank the Attorney-General. Hopefully, he and his caucus will agree with that because I think, if you're talking about equality, that's the situation where there should be equality between adoption leave and maternity leave.

The second point I want to ask the Attorney-General about is on Page 9, the amendment to The Employment Standards Act also, which deletes that phrase "with respect to a weekly day of rest", it eliminates the words and wherever possible the rest period shall be on a Sunday." The Minister may well recall my comments at second reading, but I think this is a very significant action.

I thought the Attorney-General, in response to questions earlier on in the Session, had indicated there would be no need to amend any of the provincial legislation as a result of that Supreme Court decision in The Lord's Day Act which came out of Alberta. Again, for two reasons, (1) labour does not want to work on Sunday; and secondly, as I indicated, the vast majority of Manitobans are Christians who want Sunday to remain a day of rest. In saying that, I would want to recognize the right of members of any other religion who want to observe another day, that that day, of course, should be respected.

Why are we making this amendment? I am not in favour of opening up Sunday, and I don't think Manitobans want to open up Sunday. If we have to opt out of the Charter of Rights to protect the traditional day in which Sunday has been regarded in this province, then I think we should. Certainly we shouldn't change it unless there has been some demonstrable evidence that the majority of Manitobans want a change in the way Sunday is regarded in our society.

**ON. R. PENNER:** I think it should be noted, in the first instance, that the provision in the act is discretionary in any event. It simply says: "and wherever possible the rest period shall be on a Sunday." It's not a mandatory Sunday observance. I am not so sure I'm not persuaded that, by this amendment, we're striking at what has become in so many areas the additional day - call it the seventh day, but the day on which that day of rest falls - that I doubt whether this is anything more than symbolic. I can't see it as really affecting the present utilization of Sunday.

I say that, because it has to be read in context with the provisions of The Retail Businesses Holiday Closing Act, which is the one that really protects us against the wide-open Sunday.

**MR. G. MERCIER:** Why make the change then?

**HON. R. PENNER:** As I said, we were looking and doing this to bring our statutes into conformity with the requirements of the Charter in terms of equality, in terms of not appearing to discriminate. We did have representations from the Seventh Day Adventists who feel quite strongly about this. We try to listen to such representations. We didn't think that we were, in any way, striking at effectively the utilization of Sunday as the preferred day of rest, but that we were removing a possible source of discriminatory interpretation.

**MR. G. MERCIER:** Mr. Chairman, the Retail Sunday Closing Act may perhaps be found to be discrimination.

**HON. R. PENNER:** It's The Retail Businesses Holiday Closing Act.

**MR. G. MERCIER:** I make that argument, Mr. Chairman. I think it's right, and I think at some point in time the government is going to have to come to grips with this issue to protect Sunday.

I would just ask one other question. I find it amazing, Mr. Chairman, that in these so-called Charter compliance statutes, there really is nothing that affects labour relations. There are plenty of challenges going on with respect to The Labour Relations Act; there are plenty of precedents in the United States. Has the Attorney-General and his staff reviewed our Labour Relations Act with respect to Charter compliance?

**HON. R. PENNER:** In effect, we did a once-over review of virtually all the statutes. With respect to labour relations, we thought that the key piece of legislation that fit into the equality rights mode, if you will, was the pay equity bill.

There are some issues in the labour relations field or related to the labour relations field which we think are very complex; for example, the exemption from the minimum wage provisions with respect to sheltered workshops, just to use that as one example. This is a continuing process, as I indicated, both when the bill was introduced at the time of first reading and at second reading. We are setting up interdepartmental committees to look at the ramifications of some changes which are far more complex and do need further study.

**MR. CHAIRMAN:** There are some amendments. Motions?

**HON. R. PENNER:** I move,

THAT section 43 of Bill 74 be struck out and the following section substituted therefor:

Commencement of act.

43 This Act, except section 13, subsection 17(3), 22(2) and (3), 28(13) to (15), 29(1) and 32(1) and sections 37 and 42 comes into force on the day it receives Royal Assent, and

(a) sections 13, subsection 17(3) and section 37 come into force on September 1, 1985;

(b) subsections 22(2) and (3), 28(13) to (15), 29(1) and 32(1) and section 42 come into force on November 1, 1986; and

(c) section 41 is retroactive and shall be deemed to have been in force on, from and after July 1, 1985.

This amendment, in part, speaks to a point raised by the Member for St. Norbert who pointed out to me that in one instance at least some advance notice has to be given where forms are being used, that are no longer with The Dower Act acknowledgement, so that will come into force September 1st and give us an opportunity to contact the practising profession so that it may deal with it and so too, the other sections are ones where some form of notice ought to be given.

**MR. CHAIRMAN:** Motion—pass; Page 30, as amended— pass; Page 31, as amended—pass; Preamble—pass; Title—pass.  
Bill, as amended, be reported.

**HON. R. PENNER:** That brings us to 98 and 55. Shall we do 98?

**BILL 98 - AN ACT TO VALIDATE AN  
EXPROPRIATION UNDER THE  
EXPROPRIATION  
ACT; LOI VALIDANT UNE EXPROPRIATION  
EFFECTUÉE EN VERTU DE LA LOI SUR  
L'EXPROPRIATION**

**MR. CHAIRMAN:** Any amendment? Shall we pass the bill in its entirety?

The Member for St. Norbert.

**MR. G. MERCIER:** We have made our concerns well-known, Mr. Chairman, on second reading. I take it the Attorney-General and the government are determined to proceed with that.

**HON. R. PENNER:** Yes, I feel that we have to. I do feel that this is not the heavy hand of government. The property owner is fully protected with respect to its right to claim compensation. If indeed it will suffer the losses it anticipates or is arguing, then it shall be compensated by the appropriate procedures through to its ultimate recourse to the courts.

**MR. CHAIRMAN:** Bill No. 98, An Act to Validate an Expropriation Under The Expropriation Act is passed in its entirety.

Bill be reported.

That takes us to the last bill, I think.

**HON. R. PENNER:** Yes, that takes us to the last bill, Bill 55.

**BILL 55 - THE LIQUOR CONTROL  
ACT; LA LOI SUR LA RÉGLEMENTATION  
DES ALCOOLS**

**MR. CHAIRMAN:** Bill No. 55, An Act to amend The Liquor Control Act.

Any amendments?

**HON. R. PENNER:** Yes, there is an amendment. Just wait until I get the amendment. The amendment comes on Page 3.

**MR. CHAIRMAN:** Page 1—pass.  
Page 2 - the Member for St. Norbert.

**MR. G. MERCIER:** Mr. Chairman, I have the amendment here in both languages.

I move

THAT Bill 55 be amended by adding thereto, immediately after section 4 thereof, the following section:

Sec. 10 rep. and sub.

Section 10 of the Act is repealed and the following section is substituted therefor:

Regulations respecting advertising.

5 Subject to the approval of the Lieutenant-Governor-In-Council, the commission may make regulations regulating advertising with respect to licensed premises and liquor.

If that amendment passes, Mr. Chairman, then I would have a subsequent motion with respect to renumbering.

**MR. CHAIRMAN:** The Clerk has no copy of the proposed amendment.

**MR. G. MERCIER:** Just briefly, Mr. Chairman, because I think we're well aware of the reasons for the amendment, but it would appear - and I think the Attorney-General really shares this opinion - that the present act and regulations conflict with the Charter of Rights with respect to discrimination. I understand that the industry have had discussions with the Liquor Control Commission and agree on using the Ontario guidelines. There certainly would be no advertising during programs aimed at children. We're well aware that over \$1 million in revenue is presently going to the United States to pay for advertising which United States cable television stations then beam back into Canada in substantial number.

Also because of the regulations, Manitoba receives national publications which do not comply with the Manitoba regulations. That causes a problem for that industry in Manitoba. The 10:00 p.m. restriction - obviously anybody who has young teenagers, there is not any limitation on young teenagers watching present-day advertising which occurs after 10:00 p.m. certainly during weekends and summer months. So the advertising is being received by a group that, I suppose, the regulations were intended to prevent from seeing.

I refer, Mr. Chairman, to the Ministerial Advisory Committee on Liquor Control which was done in late 1981, chaired by Mr. Mel Michener. He dealt with the question of advertising, and I'm not going to review it in whole but just refer to three conclusions he came to.

At Page 148, he came to the conclusion that: "Whatever may be the case, the committee concludes that no demonstrable link between the volume of advertising and the volume of per capita consumption can be found."

On Page 150, the committee came to the conclusion that: "It must conclude that bans on advertising in Canada do not demonstrably lead to a reduction in consumption."

On Page 154 in the conclusions, the committee recommends that the ban on advertising be rescinded.

They went on, Mr. Chairman, and this is something that could be used by the Liquor Control Commission: "The advertisements in radio and television be restricted in their frequency to two only, 30-second spots per hour per station." So that would be something that could be considered by the Commission and by the government.

They also recommended that: "The content of advertising regulations be redrafted so that they conform with the Ontario regulations, which would then permit the inclusion of ads originating on network programs." I understand certainly the industry in Manitoba is agreeable to this. They went on to talk about regulations for print media, and the industry working in establishing a national code of liquor advertising. So, Mr. Chairman, I make those points.

The industry apparently was of the view that the Attorney-General had committed himself and the government to making such change in regulations. Strong arguments are made, of course, under the Charter of Rights with respect to discrimination. There was indeed a lengthy and thorough review of The Liquor Control Act by Mr. Michener and his committee which made this change.

In fact, the amendment that I am proposing personally here would allow the Commission simply to make regulations. It certainly doesn't remove the time limit, but would leave the whole basis for making regulations with the Commission and the government. So certainly they could proceed slowly and cautiously and carefully, as they well might want to do, but it would certainly eliminate that time limit and give them the discretion to move carefully and cautiously, if that's what they felt was necessary, to change the regulations. Those are my comments, Mr. Chairman.

**HON. R. PENNER:** Mr. Chairperson, I'm not at all unsympathetic to the, in a sense, apparent logic of the remarks made by the member. I do want to say, incidentally, that I have never made the kind of commitment which is alleged that I did make. What I did say - and I have no hesitation in repeating that for the record - is I thought that there might be some merit to the argument with respect to the application of the Charter. It's one of those grey areas, of which there are going to be many, that may ultimately have to be established by precedent and court rulings, not that I think that is the path to be taken in this instance.

The problem with this at the moment is that it remains, in a sense - I don't want to be misread on this - in the realm of logic. That is, it appears logical that this should be done. It appears logical that it should be done not merely because of the Charter, because I was looking at this before Section 15 of the Charter came into force. It appears logical for the reasons that have been advanced, in terms of the fact that the advertising in question appears, to a considerable extent, already through American cable stations and it seems hard to accept that that amount of revenue and what that revenue means - at least, a considerable amount of it - is lost to the private broadcasters in the Province of Manitoba.

Our thinking is, and we have really considered this at some length - some would say at agonizing length - because it has been a matter not only of conscience

but of some considerable deliberation, that we ought not to move on this without some further consultation, consultation which we haven't had the time to do, with a number of interested bodies out there, church groups, the AFM, groups of that kind; and I take responsibility for not having initiated that kind of consultation process.

Perhaps had that been done, there might be a different result at this time. I must say however that - and I'll conclude my remarks with this - that when the Commission in '82 I think, did some survey of public opinion on two key issues, supper hour closing and the advertising, that while there was a fairly substantial number of Manitobans, a majority, who were in favour of removing the supper hour closing, it was the other way - not by a big margin, but the other way - at that time on the broadcasting, even though the broadcast ads were coming into many of these homes in prime time but on American cable.

So that's why I say, from the point of view of logic, one might come to the same conclusion as the member has but, without the consultation process, I don't think we should move at this time and it's with some regret that, because we are sympathetic to the needs and plight of the private broadcasters, that we have to take the position of opposing the amendment at this time.

**MR. CHAIRMAN:** Question. As many as are in favour of the amendment, say aye. As many as are opposed, say nay. The nays have it.

Page 2—pass.

Page 3 - the Attorney-General.

**HON. R. PENNER:** I move

THAT Bill 55 be amended by adding immediately after section 8 thereof, the following section

Cl. 131(4)(b) am.

9 Clause 131(4)(b) of the act is amended by striking out the words "or game of chance therein" in the 3rd line thereof.

**HON. R. PENNER:** I'll explain that. What this is, this is in response to the St. Boniface Medical Research people and others involved in medical research, the sale of break-open tickets, which is permitted in hotel lobbies brings in a very considerable amount of money for medical research. There is insufficient money from all sources for medical research. Everybody will admit that, and this is an excellent source of such funding. The amendment would remove an anomalous section of 131(4) which prohibits - while the sale of the break-opens are allowed in the lobby, they can't be sold in the beverage room where the traffic is. So that's the only effect of this amendment. That is, the break-opens which are being sold in the lobby and will be still be sold in the lobby can now, in addition, be sold one step over, in the beverage room. That's the effect of the amendment.

**MR. CHAIRMAN:** The Member for La Verendrye.

**MR. R. BANMAN:** Mr. Chairman, I have to vehemently oppose this because I think the Minister, while he maybe intends that it is a good amendment, I think there has not been enough research gone into this.

I predict, Mr. Chairman, if this amendment is passed, we are going to see the revenue increases in this

particular field quadruple in a matter of a few months. You haven't seen the type of break-open sales that are going to happen if you propose this amendment.

I have two concerns: No. 1 is that you have conferred on the St. Boniface research people an amount of money which is about \$3 million right now. When they move into all the pubs and all the drinking establishments in this province with this amendment, you are going to see an increase of sales the likes of which, I predict, the government hasn't, even though the sales have grown dramatically, seen.

I would urge the Minister to sit down with the Minister of Lotteries - I wonder if the Minister of Lotteries has had a chance to look at this, and the former Minister who knows what is going to happen. Suddenly, not only has the St. Boniface Research Council received and been conferred a monopoly in this particular area, but what you are going to see happen is that, instead of the people at least having to come out and having some response to trying to temper their playing with regard to these break-opens - my goodness, I think all the members here have seen people just sitting there with stacks of break-opens around them. If you look at what has happened in the last four years in the sales of that, it has just mushroomed without this type of thing happening.

I have a concern and I think the former Minister of Lotteries would have the same concern, by conferring this type of monopoly on one group, worthwhile as it may be, the St. Boniface medical research people, you are going to now, instead of them making \$3 million, next year will be into \$10 or \$12 million.

Ontario has gone through this, many provinces have gone through this, without providing the checks and balances within lotteries. By conferring a monopoly on one group, whether it be the Heart Foundation or any worthwhile group, by conferring one game or one aspect of gaming on one group and opening the doors for those people in those areas, suddenly the government will find itself in a position where the funds, on a matter of principle - no matter how good the organization is - they are receiving such funds, maybe very often at the detriment of some other people who are involved in another aspect of the gaming, because the games have a tendency of shifting.

Once you have conferred this monopoly on them, I caution the Minister you can't take it away. There is no such thing, and we have all gone through this as a one-time only grant. Once you have given it to them, you can't take it away, and that is what I caution the government on. You are moving into an area, and I say to you that while I know it is going to be lucrative for the hotel owners who are looking at it, not only from a monetary standpoint, but also from a communion standpoint, as the Minister indicated, but there is something going to happen here which I do not really believe that the Minister has anticipated and really is desirous of happening.

So I would say to the Minister that before this amendment is passed that he do some serious consultation with the present Minister of Lotteries and the former Minister of Lotteries to see what, in essence, this effect is going to have. You are going to see something happen here which I don't think he can even conceive at this present point. We have all seen, all too often, what happens in the field of lotteries. We,

as governments, have a tendency to react to something that has happened - the old adage about the horse being out of the barn - because we are pioneering, we are breaking ground in many of these instances and there is no precedence set on these things.

So I caution the Minister to go very slow on this. I would ask that before this kind of an amendment is introduced that more research be done. If this is the way we want to go, and maybe it is the way that it eventually will happen, but I think there should be some checks and balances put in place so that if this thing really takes off, which I tell the Minister I think it will, I think you are going to see tickets sold. You see the problem with instant win games, rather than the 6/49 or the Western Lotteries and all these, you buy a ticket and you go home and you wait for the paper to be printed. But we all know what happens, if somebody wins \$5, what do you do? They don't put the \$5 in their pocket, they spend it on more tickets. If you win \$25, you spend it on more tickets. That is the problem with instant-win games.

I caution the Minister, the instant-win games, from my perspective, are the most objectionable ones if you are going to list them in categories. The 6/49 you buy the ticket, go home and wait. There isn't the constant drive to buy more. In an establishment where people have a tendency of maybe being a little more freer with their money because they have had a few drinks and that, that sort of mentality is maybe even aided and abetted.

So I say to the Minister sincerely, from a standpoint of making sure that, not only the funds that will flow from this, but also the impact that this will have, should be studied very carefully by the government. I would just refer him back to the pilot project that was run some four years ago when this was first introduced in the lobbies of the hotels. He will find that the projections that were given to us at that time have been outstripped to the extent that nobody dreamed of. I say that this move over here will do the same thing and I would ask the Minister to have another look at this. Like I say, we are breaking ground, we are breaking new ground, there is no historical data that we can draw on what has happened in other areas. My concern is that we will move and then we won't have the checks and balances in place. Later on it doesn't matter if they are in power or we are in power, you just can't take something the way you conferred on somebody in this business.

I leave it at that.

**HON. R. PENNER:** First of all, I would like to say to the member that this, indeed, has the strong backing of the present Minister of Lotteries. I can't speak for the former Minister of Lotteries, but I would be surprised if it didn't have his backing as well.

The monopoly that is being talked about is that only in a sense. I think what one has to take into account is that the end result that is being sought here is some considerable enrichment of medical research in this way. Now it may be said, and I wouldn't quarrel with it, that while there are other ways of funding medical research, but go on saying that time in and time out, but this, in fact, has worked very well.

When the sale of break-opens in the lobbies was first introduced, the same kind of prediction as the

member is now making was made, and it was right for a time. That is, there was an increase and then it leveled off. Now what is happening is it is beginning to shrink so that the amount of money from that source going to medical research is beginning to shrink. That was the plea that was made to us here when the delegations came in committee and asked for this particular change.

Now it's true that the hotel operators clearly, because they get part of the action, will benefit. I don't think that is, in itself, necessarily a bad thing. Nobody has come to me, or anybody else to my knowledge, and protested the present edge that hotels have, in any event, selling the break-opens in their lobbies where the traffic is into the other parts of the hotel.

So the member expresses concern that it's going to take off. I think undoubtedly there will be some enhancement of the revenues, otherwise, why do it? That's the particular object. I don't think, however, it's going to be anything like the extent he envisages, and the end result is something that badly needs some funding.

**MR. G. MERCIER:** Mr. Chairman, it's a difficult problem to deal with because the legions and the clubs now have the right to do it and they do it. The Hotel Association want to be able to do it for a very worthwhile cause, and no one here would argue with the cause. The only question I raise is, if the Member for La Verendrye's prediction is accurate - and I believe it probably is accurate, because I would think the sales would multiply if they're sold in the beverage room compared to in the lobby, so his revenue predictions are probably accurate.

Now, as worthwhile as the St. Boniface Hospital Research Foundation is, I believe there is other medical research. I know we started funding medical research. I don't believe that has been expanded. The question would ask, what sort of mechanism would be available to the revenue raised, as a result of doing this, reaches that \$12 million figure, then there would be a moral question of whether St. Boniface Research should receive all that or it should be shared with the other medical research that the government still continues to fund, whether there should be an equitable sharing of those monies for medical research. I would think that would be — (Interjection) — The Attorney-General indicates that could be done, and that would certainly be an assurance that I would like to see. That's without any criticism at all of St. Boniface but it's just that, if that kind of money is available, it should be shared.

The other question I would ask is, when you make blanket amendment of this sort to eliminate game of chance, I take it it would still read that a person could play any game or sport but it would have to be authorized by the Commission.

**MR. R. PENNER:** That's right.

**MR. G. MERCIER:** Again, I take it that the Attorney-General would give us an assurance that this section here for a good reason. There is not going to be an immediate expansion of games of chance in beverage rooms, which I don't think would be quite acceptable.

**MR. D. ORCHARD:** Mr. Chairman, I'm not as expert on the workings of the Lotteries Commission as either

of my two previous colleagues that have spoken. They have much more knowledge of the workings of it. But I think what is happening here - and I don't fault the government for this - but I perceive that the purpose of the funds is so laudable, i.e. medical research, and I share the same concerns of one area of medical research receiving the potential to dramatically increase the amount of money available to them, possibly to the detriment of others.

But I think what's happened is that the purpose that the money is being used for is allowing us to not carefully consider the new principle we're introducing. I certainly have some concerns about the movement of the lottery tickets into the licensed beverage room premises, period, and in this case for the one organization, despite the laudable goals that they are trying to enhance.

I have seen what happens with the break-open sales in the private clubs, such as, the legions. The floors are literally covered with them, and they are a substantial area of revenue. The predictions made by my colleague, the MLA for La Verendrye, I believe will be accurate. I think, every time we've come up with an amendment to The Lotteries Act to change the system to bring in new games, we've always expressed the same kind of concerns. I guess we can go right back to - what? - 1967 when lotteries came in as a one-time purpose of paying for the costs of the Centennial.

We have constantly added to and added to and, in this case, the end use of the money is what is persuasive. I'm not sure the method of achieving that additional revenue is something that we want to set the precedent on tonight. I think the Attorney-General expressed some concerns about further consultation on the advertising amendment into what its implications would be. I really think this deserves some pretty serious additional thought and research before we make this move.

I want to, once again, make clear that the end use of the money is laudable and something we all want to see; there is no question about that. It's the method by which we are conferring on the organization to raise it that is a precedent and will be one that will be established and irreversible, because we have all been through that lottery scene and know how entrenched past patterns become. I would urge the Attorney-General and his colleagues to give this some pretty consideration.

**MR. CHAIRMAN:** The Minister of Business Development and Tourism, I saw you raise your hand. The Member for La Verendrye.

**MR. R. BANMAN:** The Attorney-General made my points. I just want to reiterate that I know that the hotelkeepers - and that was one of the basic arguments and a very valid one that they made with regard to the one-hour closing - that was that the private clubs and legions were involved in that already.

To sort of highlight my point I have tried to make that, once you give somebody, or confer this type of monopoly on any group, what will happen is that it's virtually impossible to take away. Let me tell you, if the Lotteries Minister ever tried to take away the break-opens from the legions or the private clubs, I mean that would be one way of ensuring that you'd never

be re-elected again, because you would have everybody after you.

So if we move on this path . . .

**HON. R. PENNER:** Thanks for the advice, in any event.

**MR. R. BANMAN:** Well I think the Minister is smart enough to know that, I don't have to give him that advice, but I just point that out. Once you have given somebody the right and the vehicle to do this, no government will be able to pull it back. We have seen that in so many instances.

So while I understand that the hotelmen want the same type of treatment that the private clubs and the legions are getting, I want to caution the Minister that, unless some formula is worked out so that other agencies maybe get a piece of the pie and there is some mechanism put in where there are checks and balances on the amount of money that any individual can make or any group can make on this - I think the Lotteries Commission now already controls the amount of commissions that the hotels can get, so that's not my concern. But I see a large increase in sales and, if we give that to one group, as worthwhile as it is, there are many more out there that want a little piece of the pie. If the pie gets very big, let's spread it around a little bit, and let's make sure we have the mechanism in place to do that.

Now I will ask the Minister one final question. If this passes, is it still up to the Lotteries Commission to license? In other words, if this passes here this evening and we give it third reading and it becomes a part of this bill, will it then be automatic that the hotels and

the St. Boniface Medical Research people will be able to move automatically the day that it passes into the hotels?

What I understand from previous experience is that the licensing is controlled by the Lotteries Commission. If that is the case, I would want clarification. Maybe the Minister can come back tomorrow at third reading and indicate to us before this happens whether or not the Lotteries Commission has a check and balance in dealing with this, because I would think that they are the people that have made the deal with the St. Boniface Research people, not the Liquor Commission. I think it's the Lotteries Commission. So I think we should check that out.

**HON. R. PENNER:** Okay.

**MR. CHAIRMAN:** Amendment—pass.

**HON. R. PENNER:** Motion:

THAT Bill 55 be further amended by renumbering sections 9, 10, 11, 12 and 13 as sections 10, 11, 12, 13 and 14 respectively.

**MR. CHAIRMAN:** Motion—pass; Page 3, as amended—pass; bill, as amended—pass.

**HON. R. PENNER:** The whole kit and caboodle.

**MR. CHAIRMAN:** Bill, as amended, be reported.  
Pleasure of the committee? Committee rise.

**COMMITTEE ROSE AT:** 12:59 p.m.

509