



Third Session - Thirty-Fifth Legislature
of the
Legislative Assembly of Manitoba

STANDING COMMITTEE

on

LAW AMENDMENTS

39-40 Elizabeth II

*Chairperson
Mr. Jack Penner
Constituency of Emerson*



VOL. XLI No. 9 - 5:23 p.m., TUESDAY, JUNE 23, 1992



MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fifth Legislature

Members, Constituencies and Political Affiliation

| NAME | CONSTITUENCY | PARTY |
|----------------------------|--------------------|---------|
| ALCOCK, Reg | Osborne | Liberal |
| ASHTON, Steve | Thompson | NDP |
| BARRETT, Becky | Wellington | NDP |
| CARSTAIRS, Sharon | River Heights | Liberal |
| CERILLI, Marianne | Radisson | NDP |
| CHEEMA, Gulzar | The Maples | Liberal |
| CHOMIAK, Dave | Kildonan | NDP |
| CONNERY, Edward | Portage la Prairie | PC |
| CUMMINGS, Glen, Hon. | Ste. Rose | PC |
| DACQUAY, Louise | Seine River | PC |
| DERKACH, Leonard, Hon. | Roblin-Russell | PC |
| DEWAR, Gregory | Selkirk | NDP |
| DOER, Gary | Concordia | NDP |
| DOWNEY, James, Hon. | Arthur-Virden | PC |
| DRIEDGER, Albert, Hon. | Steinbach | PC |
| DUCHARME, Gerry, Hon. | Riel | PC |
| EDWARDS, Paul | St. James | Liberal |
| ENNS, Harry, Hon. | Lakeside | PC |
| ERNST, Jim, Hon. | Charleswood | PC |
| EVANS, Clif | Interlake | NDP |
| EVANS, Leonard S. | Brandon East | NDP |
| FILMON, Gary, Hon. | Tuxedo | PC |
| FINDLAY, Glen, Hon. | Springfield | PC |
| FRIESEN, Jean | Wolseley | NDP |
| GAUDRY, Neil | St. Boniface | Liberal |
| GILLESHAMMER, Harold, Hon. | Minnedosa | PC |
| HARPER, Elijah | Rupertsland | NDP |
| HELWER, Edward R. | Gimli | PC |
| HICKES, George | Point Douglas | NDP |
| LAMOUREUX, Kevin | Inkster | Liberal |
| LATHLIN, Oscar | The Pas | NDP |
| LAURENDEAU, Marcel | St. Norbert | PC |
| MALOWAY, Jim | Elmwood | NDP |
| MANNES, Clayton, Hon. | Morris | PC |
| MARTINDALE, Doug | Burrows | NDP |
| McALPINE, Gerry | Sturgeon Creek | PC |
| McCRAE, James, Hon. | Brandon West | PC |
| McINTOSH, Linda, Hon. | Assiniboia | PC |
| MITCHELSON, Bonnie, Hon. | River East | PC |
| NEUFELD, Harold | Rossmere | PC |
| ORCHARD, Donald, Hon. | Pembina | PC |
| PENNER, Jack | Emerson | PC |
| PLOHMAN, John | Dauphin | NDP |
| PRAZNIK, Darren, Hon. | Lac du Bonnet | PC |
| REID, Daryl | Transcona | NDP |
| REIMER, Jack | Niakwa | PC |
| RENDER, Shirley | St. Vital | PC |
| ROCAN, Denis, Hon. | Gladstone | PC |
| ROSE, Bob | Turtle Mountain | PC |
| SANTOS, Conrad | Broadway | NDP |
| STEFANSON, Eric, Hon. | Kirkfield Park | PC |
| STORIE, Jerry | Flin Flon | NDP |
| SVEINSON, Ben | La Verendrye | PC |
| VODREY, Rosemary, Hon. | Fort Garry | PC |
| WASYLYCIA-LEIS, Judy | St. Johns | NDP |
| WOWCHUK, Rosann | Swan River | NDP |

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LAW AMENDMENTS

Tuesday, June 23, 1992

TIME – 5:23 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Jack Penner (Emerson)

ATTENDANCE 9 – QUORUM - 6

Members of the Committee present:

Hon. Messrs. Ducharme, Ernst, McCrae

Messrs. Chomiak, Gaudry, McAlpine, Penner,
Storie

*Substitutions:

Mr. Gilleshammer for Mrs. Dacquay

Ms. Barrett for Mr. Chomiak (1740)

Ms. Friesen for Mr. Storie (1740)

Mr. Martindale for Ms. Barrett (1850)

APPEARING:

Becky Barrett, MLA for Wellington

Kevin Lamoureux, MLA for Inkster

Ann Bailey, Legislative Counsel

MATTERS UNDER DISCUSSION:

Bill 78—The City of Winnipeg Amendment Act
(3)

Bill 97—The Winnipeg Bible College and
Theological Seminary Incorporation
Amendment Act

* * *

Committee Substitution

Mr. Gerry McAlpine (Sturgeon Creek): I move, with leave of the committee, that the honourable member for Minnedosa (Mr. Gilleshammer) replace the honourable member for Seine River (Mrs. Dacquay), as a member of the Standing Committee on Law Amendments effective today. [Agreed]

**Bill 97—The Winnipeg Bible College and
Theological Seminary Incorporation
Amendment Act**

Ms. Ann Bailey (Legislative Counsel): As required by Rule 108 of the Rules of the House, I now report that I examined Bill 97, The Winnipeg Bible College and Theological Seminary

Incorporation Amendment Act, and have not noted any exceptional powers sought or any other provision of the bill requiring special consideration.

Mr. Gerry McAlpine (Sturgeon Creek): I move that this committee recommend to the House that the fees paid with respect to Bill 97, The Winnipeg Bible College and Theological Seminary Incorporation Amendment Act, be refunded, less the cost of printing.

Mr. Chairperson: Agreed?

Some Honourable Members: Agreed.

Mr. Chairperson: Agreed and so ordered.

What are the wishes of the committee? Do you want to pass the whole bill or deal with the whole Bill 97 at once, or do you want to go clause by clause? The whole bill?

Some Honourable Members: The whole bill.

Mr. Chairperson: Bill 97. Is it the will of the committee to adopt The Winnipeg Bible College and Theological Seminary Incorporation Amendment Act?

Some Honourable Members: Agreed.

Mr. Chairperson: Agreed and so ordered.

* (1725)

**Bill 78—The City of Winnipeg
Amendment Act (3)**

Mr. Chairperson: This bill will now be considered clause by clause. During the consideration of a bill, the title and the preamble are postponed until all other clauses have been considered in their proper order by the committee. Should we start with Clause 1?

Hon. Jim Ernst (Minister of Urban Affairs): While I do not have an opening statement and I do not intend to make any substantive remarks, I want to say to the members of the committee, I propose to present I believe 18 amendments which deal with a variety of issues, including typographical errors and so on. Two of those amendments are proposed to be out of scope, according to the Clerk, in that they

are not related to the specifics of the bill but rather deal with the statute.

One is a consequential amendment with respect to the tax collected on the sale of natural gas to regularize the City of Winnipeg's tax with that of the Province of Manitoba, which bill was passed last week in the Legislature. The second is a request of the City of Winnipeg to forestall the effects of proclamation on another section of the act that was amended last year. Both of those, Mr. Chairperson, I propose to introduce at a later time.

Mr. Chairperson, I might ask if there is unanimous consent, or you would ask if there is unanimous consent of the members to introduce those two amendments.

Mr. Chairperson: First of all, does the official opposition have an opening statement on this bill?

Ms. Jean Friesen (Wolseley): Yes, thank you. We have spoken briefly on this bill in the House and indicated that we have a number of concerns, particularly with the sections dealing with alteration in the powers of community committees and the appeal process. We also have some concerns about some environmental sections of this bill dealing with buildings over waterways.

I think also, perhaps at this stage—and I will reserve most of my comments on that for the actual amendments, and I do propose to bring amendments in both of those areas.

There are some typographical errors in the bill, and I do not know how the procedure on this would work, whether we should perhaps look at those first so we are all working from the same script.

Mr. Chairperson: Thank you.

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

Mr. Neil Gaudry (St. Boniface): Yes, Mr. Chairperson. I would like to indicate at this time, again, I made my comments in the House the other day in regard to Bill 78, and of course I am pleased to see there is more that has been done for the French services in the province. Like I indicated before, these are not services that are taken away from us at this time, but they were services that we were entitled to right from when the act of Manitoba, in 1870, was presented.

I would like to put on the record that I understand it is not practical for the law to dictate a specific date for implementation. However, the act should

indicate by an appendix or note that it is the intention of the contents of the act to assume that the City of Winnipeg will comply with the terms of the law by starting the implementation of the directive as directed in the act within one to two years from the date that the act has been given Royal Assent.

I would also like to indicate that I am of the opinion that it would be appropriate that the government give reasonable time to establish the functions and appointment of a French language co-ordinator. For example, it would be reasonable that such an appointment take place no later than three to four months following the municipal elections.

Like I said before, it is services that we should be able to have access to at any time that we want to. I have indicated that there is time that they have phoned different departments where they have not been able to access the services in French, and it should be available to people of Manitoba of French descent. I think it is important. I think the committees that the minister has met with have indicated that they have been satisfied with the meetings, maybe not on all the issues, but it is important for them and for us as Francophones in the community that we are served in one of the official languages of the province of the country.

At this stage, I would also say thank you to the minister for meeting with us and expressing his concerns for the French community and where there were concerns expressed by the two parties in opposition that either addressed the issues and presented amendments for the corrections of what was in the bill that we pointed out that was to be corrected. I do not want to be too lengthy on this issue. I could be I guess if I wanted to. [interjection] Now, the minister told me the time is over, but I will speak for the next 40 minutes on this issue.

Mr. Ernst: If you do, I will not introduce the amendments.

Mr. Gaudry: No, I would like to say that we will be supporting the bill and with extensive discussions with the community and himself. The minister has had meetings and will continue, I am sure. In the future, I am sure we will be looking forward that these services are implemented and not wait the 20 years that we have waited, because it has been 20 years now since 1972. I know maybe the NDP had good intentions, but it took 20 years to receive these services that we have wanted and we expect them to be there.

We do not want to dictate to say that they are going to be there, but I think we expect that when we ask for services in French that they are there for our Francophones. It is one of our official languages of the country, and it is important for the Francophones. I think we heard a lot of presentations last night and the two languages are official for the country, and it is important. We could go on forever I guess if there were other languages that wanted to be part of the country, but it is important.

* (1730)

I think we have a bill that has been presented in Bill 98 with multiculturalism. I think this is something that Canada, we should be proud. We should look at the unity of Canada and we look forward that this bill passes through, and we look forward that there will be an implementation schedule that will be met to serve our people in the Francophone community.

With these comments, I will look forward to going through the bill and passing whatever has to be passed today and with great pleasure as far as the Francophone community is concerned. Like I said last night, I think it was indicated again that we did not get the French translation when the Société franco-manitobaine presented their bill, but it is probably our fault. Myself, as a Francophone, I maybe should have requested that we have translation, because like I said yesterday, I do not need 24-hour service or a 24-hour request. I have asked within five minutes, and I have asked within 15 minutes, and the Speaker or the Clerk's office have given me the opportunity to have French services available, and French translation in the House. Thank you very much, Mr. Minister, through the Chairperson.

Mr. Chairperson: We will now move into clause-by-clause consideration of the bill; however, before we into clause-by-clause consideration, I understand that the minister is going to be proposing a number of amendments, most of them being of a minor nature, making spelling error adjustments and those kinds of things.

I understand that there are, however, two amendments that are outside of the scope of this amending bill, and I am wondering whether I could have unanimous consent of the committee to deal with those two amendments, if and when they come up.

Mr. Gaudry: Yes, what are the amendments that he is proposing outside of the—

Mr. Chairperson: Maybe I could ask the minister to give you an overview of what the two amendments might be before we say yea or nay to allowing the amendments to proceed.

Mr. Ernst: There are two amendments. The first is a consequential amendment, as a consequence of the province changing the rules with respect to refunds of tax paid on natural gas purchased through a broker.

In other words, what happens is on a private home, for instance, as an example, if you buy gas from Centra Gas company, you are billed on Centra's gas rate and pay tax, both the city tax and provincial tax, on that utility bill. If you then register with a broker and get a refund of your gas bill paid, you then should get a refund of your tax.

The province has changed its regulations under the taxation act to allow for a refund of the provincial tax, but the City of Winnipeg has its own tax levied against that. They also require permissive authority to allow them to deal with it the same way as the province is dealing with it, or such other way as they require. That matter has come to light as a consequence of the changes by the government with respect to its own provincial tax.

The second is as a request that the City of Winnipeg to not proclaim the section that was passed last year in Bill 35. We have already proclaimed it. The city is in technical violation of the act as a result of not having complied with the passage of a by-law as required under Bill 35. The letter came the day before proclamation date, even though the city agreed to it.

We propose then to rescind that section, then repass it, and then seek a new proclamation date that is acceptable to the city. So those are the two amendments that I propose.

Mr. Kevin Lamoureux (Inkster): Mr. Chairperson, I just seek further clarification on the second point. I do not see too much of a problem. I understand the first one is more so, just to enable the consumer to receive additional monies that they would be entitled to. We do not see any problem with that.

But the second one, I seek a bit further clarification. When you say the city has requested, is this something that came through City Council unanimously, or is this something that the minister

has been in contact with a few select councillors who have put in the request? I do not understand where this is coming from, and could you clarify it.

Mr. Ernst: Yes, I provided last evening to your member, the member for St. James (Mr. Edwards), a copy of the letter from the city requesting that this matter not be proclaimed.

The problem is we have already proclaimed it, as we had agreed to, and told the city sometime ago. Even though the proclamation date was the 27th of May, in fact, the letter was dated the 26th of May and arrived in my office on June 4. [interjection]

Well, it is academic. If they are not going to give unanimous consent, then it does not really matter.

Mr. Chairperson: There is not going to be unanimous consent. Then I have no choice but to rule the two—[interjection] Okay.

We will then proceed with clause-by-clause consideration of the bill till we come to that section where we are going to be dealing with the amendments, and we can rule on them at that time.

Point of Order

Mr. Lamoureux: Mr. Chairperson, on a point of order. I had indicated that on the first one I did not foresee any problem with, given the minister's explanation.

Mr. Ernst: Well, they are opposed anyway, so it does not matter.

Mr. Lamoureux: Okay, just as long as the record shows that the first one we do not have any problem with.

Mr. Chairperson: The record will show that. Thank you.

Mr. Chairperson: Clause 1, shall Clause 1 pass?

Ms. Friesen: Just for procedural information, where is the minister actually planning to bring those sections in?

Mr. Ernst: At the end.

Ms. Friesen: Right at the end of everything. Okay, good.

Mr. Ernst: Or close.

Mr. Chairperson: Section 1—pass; Section 2—pass.

Shall Section 3 pass?

Mr. Ernst: Mr. Chairperson, I have an amendment. I move, in both official languages of Canada,

THAT the proposed clause 33(4)(c), as set out in section 3 of the Bill, be amended in the English version by striking out "major" and substituting "mayor".

[French version]

Il est proposé que la version anglaise de l'alinéa 33(4)(c), énoncée à l'article 3 du projet de loi, soit amendée par substitution, à "major", de "mayor".

Motion agreed to.

Mr. Chairperson: Item 3, as amended—pass.

I understand we have some problem with the make-up of the committee. I think we need to rectify that in the committee. I wonder whether a member could move a committee change at this time?

* (1740)

Committee Substitutions

Hon. Gerald Ducharme (Minister of Government Services): I shall move, with leave of the committee, that the honourable member for Wellington (Ms. Barrett) replace the honourable member for Kildonan (Mr. Chomiak). [Agreed]

I also move, with the leave of the committee, that the honourable member for Wolseley (Ms. Friesen) replace the honourable member for Flin Flon (Mr. Storie). [Agreed]

Mr. Chairperson: Section 33(4)—pass; Section 4 of 33(4)—pass.

Section 5, shall the item pass?

Mr. Ernst: I have a series of amendments relating to parts of this section, so I would suggest we go subsection by subsection, Mr. Chairperson.

Mr. Chairperson: Part 3, 87.1(1), designated area—pass; municipal services—pass; St. Boniface Ward—pass; 87.1(2)—pass; 87.2(1)—pass; 87.2(2)—pass; 87.2(3)—pass; 87.3(1)—pass.

87.3(2), shall the item pass?

Mr. Ernst: Mr. Chairperson, I have an amendment. I move, in both official languages of Canada,

THAT the proposed subsection 87.3(2), as set out in section 5 of the Bill, be struck out and the following substituted therefor:

Notice

87.3(2) A notice referred to in subsection (1) shall be in writing, shall specify the matter and the proceeding and shall be given to the city clerk

(a) in the case of a regular meeting of council, not less than two working days before the proceeding; and

(b) in the case of a special or emergency meeting of council, within a reasonable time having regard to the period of notice that is given for the special or emergency meeting.

[French version]

Il est proposé que le paragraphe 87.3(2), énoncé à l'article 5 du projet de loi, soit remplacé par ce qui suit:

Avis

87.3(2) L'avis visé au paragraphe (1) est donné par écrit et fait mention de la question ainsi que des travaux en cause. Il est transmis au greffier municipal:

(a) dans le cas d'une séance ordinaire du conseil municipal, au plus tard deux jours ouvrables avant les travaux;

(b) dans le cas d'une séance extraordinaire ou d'urgence du conseil municipal, dans un délai raisonnable compte tenu du préavis donné pour la séance extraordinaire ou d'urgence.

This was requested by the SFM, and if I do not need to go into an explanation, I will not.

Motion agreed to.

Mr. Chairperson: Shall the item as amended pass? Pass.

87.3(3), shall the item pass?

Mr. Ernst: I move, Mr. Chairperson—

Mr. Chairperson: Could you wait two seconds until we distribute the amendment?

Mr. Ernst: I move, in both official languages of Canada, Mr. Chairperson,

THAT the proposed subsection 87.3(3), as set out in section 5 of the Bill, be amended by striking out "in proceedings of or before the community committee in the designated area and those proceedings" and substituting "in a proceeding of or before the community committee in the designated area with respect to a matter and the proceeding with respect to that matter".

[French version]

Il est proposé que le paragraphe 87.3(3), énoncé à l'article 5 du projet de loi, soit amendé par substitution, à "zone désignée. Les", de "zone désignée ayant trait à une question particulière. Ces".

Again, this is an amendment requested by the SFM. It is a technical drafting amendment to clarify simultaneous translation.

Motion agreed to.

Mr. Chairperson: Shall the item as amended pass? The item is accordingly passed.

87.3(4), shall the item pass?

Mr. Ernst: Mr. Chairperson, I move in both official languages of Canada,

THAT the proposed subsection 87.3(4), as set out in section 5 of the Bill, be struck out.

[French version]

Il est proposé que le paragraphe 87.3(4), énoncé à l'article 5 du projet de loi, soit supprimé.

This, Mr. Chairperson, deletes the by-law provision enabling council to extend the notice requirement for simultaneous translation beyond two days. Two days is adequate.

Motion agreed to.

Mr. Chairperson: Shall the item as amended pass? Pass.

87.4(1), shall the section pass?

Mr. Ernst: I move, in both official languages of Canada,

THAT the proposed subsections 87.4(1), (2) and (3), as set out in section 5 of the Bill, be amended in the French version by adding "oralement" after "servir".

[French version]

Il est proposé que la version française des paragraphes 87.4(1), (2) et (3), énoncés à l'article 5 du projet de loi, soit amendée par adjonction, après chaque occurrence de "servir", de "oralement".

Motion agreed to.

Mr. Chairperson: Shall all three sections as amended pass? Pass. 87.4(4)—pass; 87.4(5)—pass.

87.4(6).

Mr. Ernst: There are two amendments: 87.4(6), which is the change; and then 87.4(7), which is the description. So 87.4(6) goes first.

If I can offer an explanation to the members of the committee as to what is happening here, as soon as I have the attention of the members of the committee.

Mr. Chairperson: Ms. Friesen, could we have your attention, please?

Ms. Friesen: You have it, absolutely.

Mr. Chairperson: Thank you.

Mr. Ernst: Mr. Chairperson, the amendments I will be proposing in a moment.

The first will be to suggest, to say—not to suggest—to say that the St. Boniface office for that community area will have to be located in historic St. Boniface. All right? That is the first amendment that I will be proposing.

The second gives a description of what historic St. Boniface represents. Those boundaries are the boundaries of the historic Tache ward. So then I will deal with, Mr. Chairperson, the first amendment.

I move, in both official languages,

THAT the proposed subsection 87.4(6), as set out in section 5 of the Bill, be amended by striking out "the St. Boniface Ward", and substituting "historic St. Boniface".

[French version]

Il est proposé que le paragraphe 87.4(6), énoncé à l'article 5 du projet de loi, soit amendé par substitution, à "Saint-Boniface", de "le vieux Saint-Boniface".

Motion agreed to.

* (1750)

Mr. Gaudry: I could speak for an hour. No, I think—

An Honourable Member: You will be toast if you do.

Mr. Gaudry: You will be toast by the time you are finished tonight.

I think if this section is to be taken literally, it was assumed that it is great because it gives where the office should be, and it is good protection for the Francophone community of St. Boniface.

Mr. Chairperson: What I will do is accept the amendment and the passage of the next

amendment and then we will deal with Section 87.4(6) as amended by both these sections.

Mr. Ernst: I move, in both official languages of Canada,

THAT section 5 of the Bill be amended by adding the following after the proposed subsection 87.4(6):—Mr. Chairperson, with the leave of the committee, I will not read all of the requirements or all of the text, but it is as distributed.

Definition

87.4(7) In subsection (6), "historic St. Boniface" means the area bounded on the east by the centre line of Panet Road, extending north from the Canadian National Railway Right of Way to the centre line of Mission Street, thence north along the centre line of Panet Road to the northern limit of River Lot 72 in the Parish of St. Boniface; on the west by the eastern bank of the Red River; on the north by the northern limit of River Lot 72 in the Parish of St. Boniface and on the south by a line drawn south-easterly from the eastern bank of the Red River along the northern limit of Lots 37, 36, 33 and 32, Plan Number 4709 to the centre line of St. Mary's Road and thence south-east along the centre line of St. Mary's Road to the centre line of Enfield Crescent and its straight projection east to the centre line of Kenny Street and its straight projection north to the back lane between Berry Street and Goulet Street and its straight projection east to the eastern limit of Plan No. 692, thence northerly to the centre line of Bertrand Street and its straight projection east to the centre line of the Seine River, thence north along this line to the northern limit of Plan No. 1507 extending to the eastern limit of the land taken for the Right of Way of the Canadian Pacific Railway (Emerson Branch) thence northerly along the eastern limit of the land taken for the said Right of Way to the north-eastern limit of the land taken for the Right of Way of the Canadian National Railway according to registered Plan No. 6705; thence south-easterly along the said north eastern limit to the northern limit of Parcel 4 in Plan Number 6737 and its straight north-easterly projection along the Canadian National Railway spurline to the North limit of the Canadian National Railway spurline known as the MacArthur cut-off; thence easterly to the centre line of Panet Road.

[French version]

Il est proposé que l'article 5 du projet de loi soit amendé par adjonction, après le paragraphe 87.4(6), de ce qui suit:

Définition

87.4(7) Pour l'application du paragraphe (6), le "vieux Saint-Boniface" est la zone délimitée comme suit: à l'est, par la ligne médiane du chemin Panet se prolongeant vers le nord à partir de l'emprise des Chemins de fer nationaux du Canada jusqu'à la ligne médiane de la rue Mission, de là, vers le nord le long de la ligne médiane du chemin Panet jusqu'à la limite nord du lot riverain 72 dans la paroisse de Saint-Boniface; à l'ouest, par la rive est de la rivière Rouge; au nord, par la limite nord du lot riverain 72 dans la paroisse de Saint-Boniface; au sud, par la ligne tirée vers le sud-est à partir de la rive est de la rivière Rouge, le long de la limite nord des lots 37, 36, 33 et 32, plan no 4709, jusqu'à la ligne médiane du chemin St. Mary's, de là, vers le sud-est le long de la ligne médiane du chemin St. Mary's jusqu'à la ligne médiane du croissant Enfield et de son prolongement vers l'est jusqu'à la ligne médiane de la rue Kenny et son prolongement vers le nord jusqu'à la ruelle située entre les rues Berry et Goulet et son prolongement vers l'est jusqu'à la limite est du plan no 692, de là, vers le nord jusqu'à ligne médiane de la rue Bertrand et son prolongement vers l'est jusqu'à la ligne médiane de la rivière Seine, de là, vers le nord le long de la ligne médiane jusqu'à la limite nord du plan no 1507 se prolongement jusqu'à la limite nord du plan no 1507 se prolongement jusqu'à la limite est de l'emprise du Canadien Pacifique (voie de service d'Emerson), de là, vers le nord le long de la limite est de l'emprise jusqu'à la limite nord-est de l'emprise des Chemins de fer nationaux du Canada, ainsi que l'indique le plan enregistré no 6705, de là, vers le sud-est le long de la limite nord-est jusqu'à la limite nord de la parcelle 4 du plan no 6737 et de son prolongement vers le nord-est le long de l'embranchement des Chemins de fer nationaux du Canada jusqu'à la limite nord de l'embranchement des Chemins de fer nationaux du Canada connu sous le nom de "MacArthur cut-off", de là, vers l'est jusqu'à la ligne médiane de chemin Panet.

Motion presented.

Mr. Gaudry: Yes, in this definition here, has the minister taken into consideration that you go to the Land Titles Office and a lot of these lands where it

shows the Parish of St. Boniface, I know you go into Elmwood and into St. Vital and St. Norbert and it indicates still today that it is this Parish of St. Boniface. That is what has been taken into consideration in this—[interjection] No, you have got lands in St. Norbert that are.

Mr. Ernst: The short answer is "oui." The longer answer is that it has been, I am advised, updated to reflect all of the current boundaries, street changes and things of that nature but reflects the former boundaries of the Tache Ward.

Mr. Gaudry: You are talking about just the Tache Ward as it exists today but not as it existed before where you go to the Land Titles Office today and it says the Parish of St. Boniface on many of the titles of the properties.

Mr. Ernst: Mr. Chairperson, in 1971 when The City of Winnipeg Act was passed, there were descriptions outlining the boundaries of the wards. One of those wards was Tache Ward which reflected old historic St. Boniface, the northern part of St. Boniface. This description is that description properly updated to today's requirements.

Mr. Gaudry: So, if I understand, it is the Tache Ward that was set up in 1971.

Mr. Ernst: Yes.

Mr. Chairperson: I am going to ask the committee for consent to ask Hansard to publish this amendment without reading into the record. That way it will be printed in the record but save us a bunch of time. Agreed?

Some Honourable Members: Agreed.

Motion agreed to.

Mr. Chairperson: Item 87.4(6), as amended, by both sections—pass.

87.5(1), shall the item pass? With an amendment? Proceed.

Mr. Ernst: I would ask unanimous consent of the committee not to have to read all of the requirements and that Hansard be required to print it as distributed.

Mr. Chairperson: Agreed? Is there unanimous consent?

Some Honourable Members: Agreed.

Mr. Chairperson: Thank you.

Mr. Ernst: I move, in both official languages of Canada,

THAT the proposed section 87.5, as set out in section 5 of the Bill, be struck out and the following substituted:—

MUNICIPAL SERVICES

Application

87.5(1) This section applies in respect of municipal services other than those available at an office.

Receipt of municipal services in St. Boniface Ward

87.5(2) Every person resident in St. Boniface Ward is entitled to receive in the official language of his or her choice at a facility of the city within that Ward or at his or her place of residence all municipal services that are ordinarily provided at that facility or place of residence.

Municipal services for designated area

87.5(3) Every person who is resident in the designated area and who goes to a facility of the city where a municipal service is ordinarily provided is entitled to have that municipal service provided in either official language within the designated area or at any location designated by council by by-law under subsection 87.11(1) for the purposes of this subsection.

Subsequent communications

87.5(4) A person who is entitled to a municipal service in the official language of his or her choice under this section and who initiates communication respecting that service in the official language of his or her choice is entitled to use or to require the use of that official language in all subsequent communications, whether spoken or written, with respect to that service.

[French version]

Il est proposé que l'article 87.5, énoncé à l'article 5 du projet de loi, soit remplacé par ce qui suit:

SERVICES MUNICIPAUX

Application

87.5(1) Le présent article s'applique aux services municipaux qui sont offerts à l'extérieur des bureaux.

Langues officielles—Saint-Boniface

87.5(2) Les résidents de Saint-Boniface ont le droit de recevoir, dans la langue officielle de leur choix,

soit à leur résidence, soit à une installation de la Ville située dans le quartier, les services municipaux qui sont ordinairement fournis à ces endroits.

Langues officielles—zone désignée

87.5(3) Les résidents de la zone désignée qui se rendent à une installation de la Ville dans laquelle un service municipal est ordinairement fourni ont le droit de recevoir ce service dans l'une ou l'autre des langues officielles dans la zone désignée ou aux endroits que le conseil municipal désigne par arrêté pris en vertu du paragraphe 87.11(1) pour l'application du présent paragraphe.

Communications subséquentes

87.5(4) La personne qui, en vertu du présent article, a droit à la fourniture d'un service municipal dans la langue officielle de son choix et qui communique dans cette langue avec la Ville à l'égard de ce service a le droit d'utiliser et d'exiger l'utilisation de la même langue dans toutes les communications orales ou écrites ayant trait à ce service.

Mr. Ernst: I would point out, Mr. Chairperson, just at the time, that this is technical drafting changes to clarify the overall meaning of this section and it was requested by the SFM and we have agreed to that as an appropriate technical drafting change.

Mr. Gaudry: Mr. Chairperson, through you, these changes have been requested by the SFM and this is to comply with their request.

Mr. Ernst: Yes.

Motion agreed to.

Mr. Chairperson: Item 87.5(1), as amended—pass; 87.5(2)—pass; 87.5(3)—pass; 87.5(4)—pass; 87.5(5)—pass. [interjection]

Mr. Ernst: All of this stuff is struck out.

Mr. Chairperson: Then why do we read this? Okay, till where is it struck out?—till 87.5(4). [interjection] Then we do not have to deal with this.

87.6(1)—pass; 87.6(2)—pass; 87.7(1)—pass; 87.7(2)—pass; 87.7(3)—pass; 87.8(1)—pass.

Mr. Gaudry: I know there was some concern by the SFM, and you have met with them since. Can the minister give us just a brief explanation of what transpired in the meeting and what has been the comment?

Mr. Ernst: We have an amendment, and it was indicated in my book that the amendment should

come after 87.8(1), because it is numbered 87.8(1.1), but I will move that at the—

Mr. Gaudry: That it comes after.

Mr. Chairperson: This will then be deemed to amend 87.8(1) and add a new section, .1.

Mr. Ernst: Mr. Chairperson, I would move in both official languages,

THAT section 87.8, as set out in section 5 of the Bill, be amended

(a) in the heading preceding subsection (1), by striking out "Information signs" and substituting "Signs respecting municipal services"; and

(b) by adding the following after subsection (1);

General information signs

87.8(1.1) In addition to the signs referred to in subsection (1), all signs that are inside or outside each location where municipal services are available in both official languages and that provide information to the public shall be erected and maintained in both official languages.

[French version]

Il est proposé que l'article 87.8, énoncé à l'article 5 du projet de loi, soit amendé:

(a) par substitution, au titre du paragraphe (1), de "Panneaux—services municipaux";

(b) par adjonction, après le paragraphe (1), de ce qui suit:

Panneaux—renseignements généraux

87.8(1.1) En plus des panneaux visés au paragraphe (1), sont érigés et entretenus dans les deux langues officielles les panneaux qui fournissent des renseignements au public et qui sont situés à l'intérieur ou à l'extérieur des endroits offrant des services municipaux dans les deux langues officielles.

Motion agreed to.

Mr. Chairperson: Item 87.8(2)—pass.

87.9(1) Shall the item pass?

Mr. Gaudry: No, I just want to pass comment, and I think it is a very good incentive that has been put forward here.

Mr. Chairperson: Item 87.9(1)—pass; 87.9(2)—pass; 87.9(3)—pass; 87.10—pass; 87.11(1).

Ms. Friesen: I have a question on 87.10.

Mr. Chairperson: The item had already been passed.

Ms. Friesen: Yes, it is passed. I wondered, did the minister have a date for the appointment of an Ombudsman by the City of Winnipeg?

* (1800)

Mr. Ernst: The act requires that the city to have appointed an Ombudsman on January 1, I believe, of 1992.

Ms. Friesen: As far as I understand it, the city has not yet appointed an Ombudsman.

Mr. Ernst: Mr. Chairperson, you are correct that they have not yet hired one. They are in the process. They have bulletined for the job, and they have advertised and are in the process of hiring one. They are technically in violation of the act.

Ms. Friesen: Has this been discussed at the official delegation? Has the minister been in contact with the city on this?

Mr. Ernst: Ad nauseam.

Mr. Chairperson: Mr. Minister, would you proceed with the amendment, please.

Mr. Ernst: I move, in both official languages,

THAT the proposed subsection 87.11(1), as set out in section 5 of the Bill be amended

(a) in that portion of the subsection preceding clause (a) by adding ", not later than September 1, 1993," after "The City of Winnipeg shall";

(b) in clause (b), by striking out "87.5(4), 87.5(5)" and substituting "87.5(2), 87.5(3)"; and

(c) in clause (c), by striking out "87.5(5)" and substituting "87.5(3)".

[French version]

Il est proposé que le paragraphe 87.11(1), énoncé à l'article 5 du projet de loi, soit amendé:

(a) dans le passage introductif, par substitution, à "La", de "Au plus tard le 1er septembre 1993,";

(b) à l'alinéa (b), par substitution, à "87.5(4), 87.5(5)", de "87.5(2), 87.5(3)";

(c) à l'alinéa (c), par substitution, à "87.5(5)", de "87.5(3)".

Motion presented.

Mr. Ernst: If I may, Mr. Chairperson, just indicate that this was requested—if you remember at the public hearing yesterday, the request for a time limit

for the city to implement its procedure by-law. We have established the date as September 1, 1993, as the date by which they should have their by-law in place.

Mr. Gaudry: . . . discuss with the community, Mr. Chairperson, to the minister?

Mr. Ernst: The specific date, no. The time frame we talked about was a year.

Mr. Gaudry: So the community was more or less satisfied with this amendment that within the year, in September 1993, that we would have services accordingly.

Mr. Ernst: Mr. Chairperson, we did not discuss a specific date. The expectation that we had, and conveyed to the community members, was to give them a year to get their French language co-ordinator to put their implementation plan in place.

A year from date of Royal Assent would be approximately—assuming that this stuff passes—a year from now. So we decided rather than make it July, make it September 1. So they are not aware of a specific date.

Mr. Gaudry: Thank you.

Motion agreed to.

Mr. Chairperson: Item 87.11(1), as amended—pass.

87.11(2), shall the item pass?

Mr. Gaudry: You are talking about Priority services here in 87.11(2)?

Mr. Chairperson: Yes.

Mr. Gaudry: I think it is in compliance with what the community wanted. I hate to give compliments to the government here or even to the official opposition, but it is services that have been given and I think that you give them credit where it is due, and I am doing that at this time.

Mr. Chairperson: Thank you, Mr. Gaudry.

Item 87.12—pass; 87.13—pass.

87.14, shall the item pass?

Mr. Ernst: Mr. Chairperson, I move, in both official languages of Canada,

THAT the proposed section 87.14, as set out in section 5 of the Bill, be renumbered as subsection 87.14(1) and the following added after it:

Consultations

87.14(2) In the course of the review referred to in subsection (1), the minister may consult with the public with respect to such matters as the minister considers advisable.

[French version]

Il est proposé que le paragraphe 87.14, énoncé à l'article 5 du projet de loi, soit amendé par substitution, à son actuel numéro, du numéro de paragraphe 87.14(1) et par adjonction de ce qui suit:

Consultations

87.14(2) Aux fins de l'examen visé au paragraphe (1), le ministre peut faire, auprès du public, les consultations qu'il juge indiquées.

Motion agreed to.

Mr. Chairperson: Shall the item as amended pass? The item as amended is accordingly passed.

Item 126.1(1), shall the item pass?

Ms. Friesen: Just a procedural question, had we agreed to rise at six or were we planning to go through till seven, now that we finished that section?

Mr. Chairperson: It was my understanding—and maybe I took this for granted, Ms. Friesen—that we were going to work through and finish the bill, if that is the will of the committee. What is the will of the committee? Shall we finish the bill?

An Honourable Member: Agreed.

Mr. Chairperson: Thank you.

Item 126.1(1)—pass; 126.1(2)—pass; 126.1(3)—pass; 126.1(4)—pass.

Item 126.1(5), shall the item pass?

Mr. Ernst: Mr. Chairperson, I have no further amendments for the balance of Section 6.

Mr. Chairperson: All items on page 11—pass.

Ms. Friesen: I do not think we passed all of 10.

Mr. Chairperson: Yes, we did.

Shall all items on page 12 pass?

An Honourable Member: Pass.

Mr. Chairperson: All items are passed.

An Honourable Member: No.

Ms. Friesen: On page 12, we come to the by-laws on construction over waterways, which we have already talked about in the House and indicated as one of our strong concerns about this bill. I do

propose to introduce some amendments on this one.

What the minister is doing here is changing, I believe, a permissive regulation to one which requires the city to pass a by-law prohibiting construction of any buildings or classes of buildings. The definition of buildings in this act is quite broad. It includes ditches, drains and things which might not be generally considered as commercial buildings.

I have had some difficulty in preparing the amendments on this. The city does not have a good record on dealing with buildings over waterways. I am particularly thinking of Omands Creek, which is at the far end of my own constituency, where there have been a number of occasions of particular individuals who have wanted to build across that creek and who, I believe by community action, have found alternatives. In one case, as I mentioned in the House, when I talked about this bill, the previous government was able to create part of the section of Omands Creek, the north end, into a park, Bluestem Park, and find some alternatives for people who wanted to build across waterways.

* (1810)

So I have concerns, as I believe many people in the community do, about the record of the city on buildings over waterways. I notice that this particular by-law also requires the city to have public hearings. I think that is important—public consultation. I know that at the public consultations, people on both sides of Omands Creek and in different areas of the city, where waterways are believed to be at danger, will appear.

I think it is particularly unfortunate that the minister is proceeding with this particular by-law or this particular section of the act in this way, in advance of having agreements with the city. I do not necessarily say that it is entirely his fault, I know that there have been considerable difficulties with the city in trying to create a provincial-city co-ordination of the regulation of waterways, the cleanup, the environmental issues affecting all of Winnipeg's rivers.

We believe that this is something which should be primarily a provincial responsibility, and where the co-operation of the city, the goals, the methods and the preservation of our waterways, is something which should be given a very high priority. So we are very reluctant to see this go through in the

absence of those common goals and a common policy developed between the city and the province.

As I said, I had some difficulty in trying to find ways to amend this. I am glad to see the public will be involved in the by-law. So I think at this stage the best thing that I could do from the perspective of our party and of the people whom I believe I represent is to focus our attentions upon Section 494.71(3). I have prepared an amendment which suggests the deletion of that section.

My concerns here with Section 494.71(3) is that it enables council to proceed without—to change the by-law, passed under the earlier sections—a public hearing. I think, again, given the history of the city on waterways, given the history of the Omands Creek issue and the concern of the public for all the environmental issues affecting Winnipeg waterways, that I would not want to see any changes to the by-laws without public hearings.

This particular section says also that the public hearings may be dispensed with "where, in the opinion of the council, the amendment is of a minor nature" and, again, that gives me cause for concern given the earlier experiences we have had with waterways, in my constituency particularly.

The second part says "and does not prejudice the rights of any person." That gives me a great deal of cause for concern. The rights of any person does not include, in the legal interpretations that I was able to obtain, the rights of a community. I believe for hearings to go ahead in the absence of concern for the rights of a community, that should not be in there. That particular interpretation of the law should not be in doubt.

The third thing, actually, I would draw to the minister's attention is the translation of that, which also gives one even greater cause for concern: "does not prejudice the rights of any person," is translated as "que'elle ne brime aucun droit." There is an ambiguity, it seems to me in that, does not breach any law or any right. There are two ways in interpreting "droit." It is not specific enough.

Since I am proposing to delete both of them, I am simply drawing that to the minister's attention as an issue which I believe he ought to pursue, but in the context of that sense of the rights of any person and the absence of the rights of a collectivity, communities who have already expressed themselves, particularly in the Omands Creek issue,

but I am sure on other rivers and streams in Winnipeg as well.

So my proposal is to—and I move, in both official languages,

THAT the proposed subsection 494.71(3), as set out in section 9 of the Bill, be struck out.

[French version]

Il est proposé que le paragraphe 494.71(3), énoncé à l'article 9 du projet de loi, soit supprimé.

Mr. Chairperson: Before I ask committee consideration of the amendment, I am going to take the committee back to page 11, 126.1(9) and ask for adoption of 126.1(9). Are we agreed to adopt that section? Agreed. Then 494.71(1), are we agreed to adopt 494.71(1)? Agreed. Are we agreed to adopt 494.71(2)? Agreed.

Motion presented.

Mr. Ernst: All I can say, Mr. Chairperson, is I respect the concerns of the member for Wolseley (Ms. Friesen). With all due respect, we cannot accept your amendment.

Mr. Chairperson: Shall the amendment pass?

Ms. Friesen: Would the minister undertake—assume that now this is going to be voted down—to check that translation so that it is clear?

Mr. Ernst: I am just doing it right now.

Ms. Friesen: Okay. Thanks.

Mr. Chairperson: Are you satisfied with that?

Mr. Gaudry: Mr. Chairperson, I just had a few comments of the fact that the member for St. James (Mr. Edwards) expressed concerns on the waterways, in regard to banning commercial construction and properties of waterways. I will be supporting the amendment by the member for Wolseley.

Mr. Chairperson: On the amendment, THAT the proposed subsection 494.71(3), as set out in section 9 of the Bill, be struck out.

All those in favour, would you indicate by saying yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, would you indicate by saying nay.

Some Honourable Members: Nay.

Mr. Chairperson: I declare the amendment lost.

An Honourable Member: On division.

Mr. Chairperson: On division.

Item 494.71(3)—pass.

494.72(1), shall the item pass?

Mr. Ernst: Mr. Chairperson, I have no further amendments on that page unless others have a concern.

Mr. Chairperson: Shall 494.72(2) to 574(2) pass?

Some Honourable Members: Pass.

Mr. Chairperson: Pass.

Ms. Friesen: Sorry, what was the last one you were going to?

Mr. Chairperson: 574(2), page 13.

Ms. Friesen: I think this is the one that I want to amend, one of them.

Mr. Ernst: No, this is not the one.

Ms. Friesen: I think it is.

Mr. Ernst: It is one of them.

Ms. Friesen: Mr. Chairperson, the next section of the bill does hold some very difficult issues for us, and I would like to propose a series of amendments beginning with this particular one, 574(2). They all deal with the same issue which is the committee of council and the proposal by this particular act to remove the right of appeal from community committees. What it is, is a proposal to change what has only just been proclaimed or at least put into practise.

Most members of the committee were present when we had hearings on this particular bill yesterday. I think it was very evident the sentiment that was expressed by people from various parts of Winnipeg, from the suburbs, from Kildonan, from most of the inner city. There were several presentations there, in fact, one which was submitted today, a written one from the president of the McDermot-Sherbrook Residents Association, all of them, I think, taking a very similar perspective on the bill that it is. As Cathy Collins, the president of the McDermot-Sherbrook Residents says, Bill 78 is a step backwards in civic government. It is a violation of the democratic processes that we believed had been put in place by Bill 35 last year.

When Bill 35 created an appointed—not elected—an appointed board of adjustment to look at variances, it also—

Point of Order

Mr. Ernst: Sorry to interrupt the member for Wolseley, I had meant to interrupt earlier before she got on her roll. Can I suggest to the members of the committee—the members indicated a series of amendments all related to this issue. Can we agree to have the debate on this amendment and then deal with the other amendments accordingly? I think it makes it logistically a little easier.

Mr. Chalrperson: Agreed.

* * *

* (1820)

Ms. Frlesen: I believe when I was inadvertently interrupted by the minister that I was talking about the board of adjustment and the creation of an appointed board to look at variances and the opportunity that was left in Bill 35 last year for the appeal of that decision by an appointed board to an elected committee, one at the most local level of Winnipeg and that is the community committee.

There are some community committees in the city which have had now a series of opportunities to look at the way in which that works. Some of the people in the north end particularly spoke of that. In my own part of the city, there have not been many which have been brought. I believe Councillor Timmers spoke of one issue which had been brought as an appeal from the board of adjustment and gave us the benefit of his experience and the way in which that had proven a satisfactory way of handling the concerns of the community.

But we did hear over and over again from a variety of individuals and people representing residents' associations and other groups the importance of maintaining in the City of Winnipeg the most basic, the closest level of democracy to the people. That is what concerns us in this bill. It is one of our major difficulties with this bill. I spoke on it at second reading.

I was very interested to hear the support for that opinion in the people who came to present at the committee. I want to emphasize it again that this is a great difficulty for us, particularly, in the context in which we have seen the City of Winnipeg change over the last few years. One of the major goals of this government in dealing with the City of Winnipeg, I believe, has been to move from a system of very close representation of people who in some cases, although it was not universal, represented 15,000 to

20,000 people in their constituencies, where there was an opportunity for people to go to community committees, to be part of RAG groups and to have a relatively close relationship with their own councillors.

This provincial government, many of them, who have served on City Council, chose to use that experience to create what I think is a management system at City Council, one which focuses upon a centralized management process and, to my mind, ignores the democratic process and the value that people, in my community particularly, place upon their closeness to their local councillor. So what they did was to reduce it from 29 people to 15. I think if some people in the cabinet had had their druthers, it would have been 12, but the committee appointed came back and said 15 was the best one, given the very limited options which they were offered.

But what this has done is created very large constituencies. It means very expensive election budgets that the City Council is currently debating. It gives the opportunity for money to speak much more loudly than it has in the past in the election of city councillors, and it means a much greater distance in a constituency of 60,000 people, in some cases, from one's local councillor.

In some cases, in the way in which the boundaries have been drawn—although I think the committee which drew the boundaries saw that it was doing the best job it thought it could—what it has done has created essentially pie-shaped wards, because I think that really is what has happened in my own constituency, where my constituents now, at the corner of Portage and Sherbrook, are essentially represented by a councillor who now has to deal with issues as far away as Kenaston Blvd. So you have that narrow core of the inner city being far outweighed in votes and in influence by a much larger suburban area consisting of River Heights and the area to the south and west of there. So that, in essence, pie-shaped ward and a small City Council, more distant from its electors, I think gives us enormous cause for concern, and we opposed this very strongly in the Legislature last year.

Now what we see is that the role of the community committee, which was one of the important elements in the creation of Unicity and in all of the changes and reforms that have come since then, was something which I think people, certainly in the inner city of Winnipeg, place great store by. I think

people welcomed that section of Bill 35, which enabled the community committee to decide upon appeals.

People who spoke on this at the committee talked about the accountability that was there for the councillors. They talked about the process of a community deciding upon its own priorities. They talked about the differences between different communities across Winnipeg and the need for a community council rather than a central city committee on which their own people may not be represented, that their own community committees can take account of those differences. They brought forward issues as different as bed and breakfast, as video parlours, as massage parlours, pawnbroker shops, all the things which I think do lead to concerns when they are introduced into communities, and that community committees are the best to deal with these issues.

So there was a wide variety of concerns that they brought. They brought, I think, one further element which I found very useful. I wanted to remind the committee again today that most people said, give it a chance, let the system work. We did, last year, offer the opportunity to communities to set their own priorities to decide upon the nature of the community and for neighbours to discuss this with each other in the context of a community committee. It really has not had the opportunity to work. I think it would be very difficult for the minister to point to a series of cases which say that this is not working and hence we must change it. I know that the minister listened with care to the people who came to present, and I hope that he heard that particular part of their presentation.

There seems to be no evidence that anybody has presented that this is not working. It seems to me at the very least the minister should let it work for two or three more years, perhaps, for the round of this new council and then let us see if it works or if it does not work. What I heard yesterday was that people in the communities and particularly in my community, but also we heard from Crescentwood—we heard from Kildonan and other parts of the northern part of the city, and people said, this is important to us; do not take it away.

So we see this as a major flaw in this bill. We feel that it is taking away something which people believe that they had won and which was to the benefit of their communities and to the benefit of democracy. I think there is great disappointment to

see the way in which this particular bill has proceeded on this issue.

So I would like to propose and to move in both official languages at this stage on page 13,

THAT clause 11(d) of the Bill be amended

(a) in the proposed subsection 574(2), by striking out "except in subsections 641(4), 643(2) or 643(3),"; and

(b) by striking out the proposed subsection 574(3).

[French version]

Il est proposé que l'alinéa 11 d) du projet de loi soit amendé:

a) dans le paragraphe 574(2), par suppression de "à l'exception des paragraphes 641(4), 643(2) et 643(3),";

b) par suppression du paragraphe 574(3).

Motion presented.

Ms. Friesen: Mr. Chairperson, I think there are a series of amendments on this. I do not know how you want to deal with it. They all deal with the same issue. I will leave it in your hands.

Mr. Ernst: For the last 20 years or so in the history of dealing with variances and conditional uses at the City of Winnipeg, about 90 percent of them are noncontroversial or affect only adjoining neighbours and really are not of great consequence. With the exception over the last month or so, appeals have always been heard by central council committees.

When dealing with Bill 35 last year, interestingly enough, no concern was expressed with regard to returning the community committee function over to an appointed board of adjustment. That seemed to be acceptable. In fact, many councillors who appeared welcomed the idea. They thought it was going to reduce their workload. No comment was made then with regard to the question of appeals to community committees, Mr. Chairperson.

The intent was all along, by the government at least, to have appeals heard by central council committees. In my view, a loose interpretation by council and perhaps some less than desirable wording in the act has resulted in community committees now hearing appeals as opposed to a central council committee.

It is my view that central council committee hearing appeals should be a lot less parochial in their outlook and take a broader view of issues

affecting this city than would a community committee. They should be able to provide a more consistent application in dealing with controversial issues, and they should be able to become familiar quickly with issues facing different communities making up the city—as was the case, by the way, from 1971 until, I believe, 1980 when the standing committee on planning heard all the appeals to the City of Winnipeg. The world did not come to an end then when those matters were heard by the committee on planning at the time, nor in the years following, quite frankly, when the appeals were heard by the conditional-use appeal committee.

* (1830)

Mr. Chairperson, very often the community committee decisions were very political, taking the easy road in front of the local residents, and shifting the onus for fair treatment onto an appeal body. That was my experience in a number of occasions. I personally witnessed that, both from sitting on the appeal body and from viewing the general issues surrounding it. So they are very political in a number of circumstances.

Now, theoretically at least, there should be no political bias on a board of adjustment. The board of adjustment are private citizens appointed by council; they should have no axe to grind. I am saying in theory because it is very difficult for anybody to have no bias, but they should deal with matters on their merits. By putting the appeal decision back to the community committee, again, Mr. Chairperson, I think it will politicize the process far beyond what it should.

Much has been said about councillors' accountability and the loss of the democratic process and so on by a number of delegations. I think, quite frankly, both are enhanced by these amendments and those previously adopted under Bill 35 last year. For the very first time, Mr. Chairperson, a local councillor may advocate on behalf of his or her community before the court of first resort—that is the board of adjustment. The councillor's position will be public, well-known, and they will be held accountable for that position.

Also, Mr. Chairperson, local councillors may now advocate before the appeal committee, the court of last resort. The councillor's position again will be public and there will no longer be the ability to hide behind the legal constraints preventing the advocacy on appeal, which has been the case up

until this point. They will be obliged to take a very public position on those issues.

Many of the representations that were heard seemed to stem from one application that did not turn out the way the protesters or the presenters wished, which was, I gather, a video arcade application in Garden City that seemed to have irritated a number of these people. On the one hand, these people seemed to strongly support the need to have the local councillor make the final decision because that person knows the community best. Yet in this case, that councillor made a decision they did not like, so they would not accept that decision. So, Mr. Chairperson, I find it a little difficult to understand.

As well, their arguments and those arguments of others suggested that only local councillors know anything about their community and are in a position to pass judgment on things like conditional uses on video arcades. Yet the planning committee and City Council, as a whole, can decide for that entire community committee to change the zoning by-law, to allow video arcades on every street corner, and they do not have to consult the community committee.

So no one suggested that the board of adjustment was not capable of making fair decisions either. As a matter of fact, Mr. Saper, when he was here, said he thought it was working quite well. He was one of the representatives of West Kildonan. So he thought the board of adjustment was working quite well when there was no official member of West Kildonan on that particular board. He thought that worked fine. Why would an appeal committee of central City Council not be also just as fine in that case? I do not understand.

For instance, the board of revision currently now deals with assessment appeals, does not have geographic representation on it, and that could be a lot more costly, quite frankly, than a variance appeal to an awful lot of taxpayers in some of those communities.

In discussing this issue, there seems to be considerable confusion between variances and conditional uses and licensing procedures. The two are interchanged as if they were the same thing. They are not. For example, the video rental shop is a use under the zoning by-law and does not differentiate as a land use between Walt Disney videos and XXX videos. A video shop is a video

shop, regardless of what it rents, the kind of material that it represents, as far as land use is concerned. It may be unacceptable from a business point of view; it may be unacceptable from a moral point of view, but from a zoning or by-law point of view on which these things are heard, they have to deal with the question of the zoning by-law, a video shop is a video shop.

Some people are, I think, labouring under the view that somehow by having the appeal before the community committee, they can put a stop to these. Well, they cannot. The community committee of West Kildonan, the one that seemed to be best represented here amongst all of those presenters, started off in 1971, for instance, with the boundaries more or less related to the former city of West Kildonan. That was changed to the Lord Selkirk-West Kildonan Community Committee in 1977 with the reduction in the size of council to 29. Now, under the latest reduction, it is now taking in land all the way down to Notre Dame Avenue.

So tell me, how does a councillor representing the area down by Notre Dame Avenue have any more or specific knowledge of West Kildonan than what a central councillor or a councillor sitting on a central council appeal committee? I do not understand that at all.

Finally, Mr. Chairperson, I would suggest that if this is such a major issue, why did one councillor out of 29 appear? Why did the city not take a position or communicate that to us? We have no communication from the City of Winnipeg at all. So we have, I think, not well founded in terms of their representation and so we would oppose the amendment.

Mr. Chairperson: That Clause 11(d) of the Bill be amended

(a) in the proposed subsection 574(2) by striking out "except in subsections 641(4), 643(2) or 643(3),"; and

(b) by striking out the proposed subsection 574(3).

[French version]

Il est proposé que l'alinéa 11d) du projet de loi soit amendé:

a) dans le paragraphe 574(2), par suppression de "à l'exception des paragraphes 641(4), 643(2) et 643(3),";

b) par suppression du paragraphe 574(3).

Is the committee willing to adopt the amendment? All those in favour of adopting the amendment, would you indicate by saying, yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: The Yeas have it, or I am sorry, the Nays have it. I declare the amendment lost.

Ms. Friesen: Could we have a vote count on that.

A COUNTED VOTE was taken, the result being as follows: Yeas 2, Nays 5.

Mr. Chairperson: I declare the amendment lost.

Item 574(2)—pass; Item 574(3)—pass; Item 608(4).

Mr. Ernst: I have an amendment, Mr. Chairperson.

I move in both official languages

THAT subsection 608(4), as set out in subsection 12(2) of the Bill, be amended by adding "made after July 26, 1991" before ", does not exceed five years".

[French version]

Il est proposé que le paragraphe 608(4), énoncé au paragraphe 12(2) du projet de loi, soit amendé par adjonction, après "dérogation précédentes", de rendues après le 26 juillet 1991".

Motion presented.

Mr. Ernst: If you want an explanation, Mr. Chairperson, I can advise that this was requested by the City of Winnipeg. There are a number of time-limited variances that have been granted up to this point. What they are saying is, July 26, 1991, was in fact the date that Bill 35 was passed last year. So we are saying that after that period of time then those people have a right to have that five-year ended variance and then after that, no more.

Motion agreed to.

Mr. Chairperson: Item 608(4), as amended—pass; Item 641(3).

Mr. Ernst: We are a little ahead of ourselves here; 608(4), as amended, was passed. Now I want to introduce a motion. This is the motion for which I am seeking unanimous consent.

Mr. Chairperson: Is there unanimous consent to consider an inordinate motion at this time. Agreed?

An Honourable Member: No.

* (1840)

Mr. Chairperson: No? I would indicate then that it is the Chair's opinion that the motion should not be introduced.

According to Beauchesne's 698(8)(b): "An amendment may not amend sections from the original Act unless they are specifically being amended in Clause (a) of the bill before the committee.

Mr. Ernst: With all due respect, Mr. Chairperson, I challenge your ruling.

Mr. Chairperson: There has been a challenge to the ruling. All those in favour of sustaining the ruling of the Chair would you please indicate by raising your hands; all those opposed, would you indicate.

A COUNTED VOTE was taken, the result being as follows: Yeas 2, Nays 5.

Mr. Chairperson: I declare the ruling of the Chair overturned.

Mr. Ernst: Mr. Chairperson, it is unfortunate that we had to do things that way as opposed to seeking unanimous consent. Obviously, it is not a good situation. Nonetheless, I would move in both official languages

· THAT the bill be amended by adding the following after section 12:

12.1(1) Section 617, as enacted by The City of Winnipeg Amendment Act, S.M. 1991-92, c. 15, s. 18 and proclaimed in force on May 27, 1992, is repealed and is deemed never to have been in force.

12.1(2) The following is added after section 616:

SUBDIVISION STANDARDS

Subdivision standards by-laws

617(1) Council shall pass by-laws establishing standards, criteria or requirements respecting the subdivision of land in the city.

Content of standards by-laws

617(2) A by-law passed under subsection (1) shall conform with this Act, Plan Winnipeg, secondary plans and development by-laws, and may establish standards, criteria or requirements respecting any of the following:

(a) the layout of, and access to, dedicated land, lots, blocks, and other units of land;

(b) the construction, reconstruction and alteration of highways;

(c) the width, grade and election of highways, by reference to minimum or maximum standards, criteria or requirements, or to any other standard council considers appropriate;

(d) the provision and location of strips of land to act as buffers;

(e) the efficient use of energy, including the orientation of lots and parcels so as to obtain maximum benefit from solar energy;

(f) transportation systems, including their operation in a manner that is efficient and convenient for citizens;

(g) the determination of whether land is suitable for subdivision;

(h) the provision of utilities and municipal services;

(i) sites for schools, parks and recreation areas;

(j) the protection of sensitive lands;

(k) flood control;

(l) the conveyance or dedication of land for public purposes other than highways;

(m) such other matters as council considers advisable.

Referral of proposed by-law for report

617(3) Notwithstanding subsection 628(2), council shall, before giving second reading to a by-law proposed under subsection (2), refer the proposed by-law to a committee of council which shall give notice of, and conduct, a public hearing and submit a report to council in accordance with a by-law passed under subsection 628(1).

[French version]

Il est proposé que le projet de loi soit amendé par adjonction, après l'article 12, de ce qui suit:

12.1(1) L'article 617, édicté par l'article 18 de la Loi modifiant la Loi sur la Ville de Winnipeg, c. 15 des L.M. 1991-92, et proclamé le 27 mai 1992, est abrogé et est réputé ne jamais avoir été en vigueur.

12.1(2) Il est ajouté, après l'article 616, ce qui suit:

NORMES DE LOTISSEMENT

Arrêtés portant sur les normes de lotissement

617(1) Le conseil municipal peut prendre des arrêtés établissant des normes, des critères ou des exigences à l'égard du lotissement des biens-fonds de la Ville.

Contenu des arrêtés

617(2) L'arrêté pris en vertu du paragraphe (1) est conforme à la présente loi, à l'arrêté portant sur le plan de la Ville de Winnipeg, aux plans secondaires et aux arrêtés d'aménagement, et peut établir des normes, des critères ou des exigences à l'égard de ce qui suit:

- a) l'accès à des biens-fonds, lots, blocs et autres unités de bien-fonds affectés, ainsi que leur aménagement;
- b) la construction, la reconstruction et la modification des routes;
- c) la largeur, la pente et le niveau d'élévation des routes par rapport aux normes, aux exigences ou aux critères minimaux ou maximaux ou aux autres normes que le conseil municipal juge indiquées;
- d) l'emplacement de bandes de terrain devant servir de zones tampons;
- e) l'utilisation efficace de l'énergie, y compris l'orientation des lots et des parcelles de manière à ce que l'énergie solaire soit utilisée au maximum;
- f) les systèmes de transport, y compris leur exploitation d'une manière qui est efficace et indiquée à l'égard des citoyens;
- g) la possibilité qu'un bien-fonds fasse ou non l'objet d'un lotissement;
- h) la fourniture d'installations et la prestation de services municipaux;
- i) l'emplacement des écoles, des parcs et des lieux de loisirs;
- j) la protection des biens-fonds sensibles;
- k) le contrôle des inondations;
- l) la cession ou l'affectation des biens-fonds à des fins publiques autres que des routes;
- m) les autres questions que le conseil municipal juge indiquées.

Renvol de l'arrêté proposé

617(3) Par dérogation au paragraphe 628(2), le conseil municipal, avant de procéder à la deuxième lecture de l'arrêté proposé visé au paragraphe (2), renvoie l'arrêté à un comité qui donne avis de la tenue d'une audience publique, préside l'audience et présente un rapport au conseil municipal conformément à l'arrêté pris en vertu du paragraphe 628(1).

Motion presented.

Ms. Friesen: I know the minister does not want to read it all, but what I got from the minister last night is not what I have here, so I do want some clarification on that. It is the difference between one page and two pages. Last night, you gave me this. As I understood it yesterday, 617(1) and 617(2)(a)(b) and (c) was what you were going to put in, that you were not going to put in (d)(e)(f)(g)(h)(i)(j)(k)(l)(m).

Mr. Ernst: Mr. Chairperson, the intent is to replace—what happened was—and I will try and explain it again—it was to be proclaimed I think on January 1 or thereabouts. The city came and said, we are not going to be ready on January 1, can you proclaim on the 27th of May. We said, sure, we will do that. So we postponed it until the 27th of May for the official proclamation date, but what we did do is we enacted the appropriate Order-in-Council back in March. When that happened of course, the deed is done so to speak, notwithstanding the date is the 27th of May.

On the 26th of May dated letter, but received in my office on June 4, they come and say, please do not do that, do not proclaim it. Well, the only way of getting around that is to repeal that whole section, which is what I just moved, and then replace it with this new section and then take a new proclamation date from that.

Ms. Friesen: Having only received the first page gave me a great cause for concern. I still have some concerns, and one is the letter from the mayor. I checked this out, this particular issue on subdivisions and the growth management study that the City of Winnipeg is doing and, as I understand it, this has not formed part of the discussions of the official delegation and that this has not been discussed at City Council. So I wondered what the minister's understanding of this was. I am really now talking about the general issue rather than dates of proclamation, that kind of thing.

Mr. Ernst: Mr. Chairperson, the question of the growth management study has been discussed on several occasions with the City of Winnipeg. We, in fact, made the offer to them. I made the offer to them a year ago to conduct the study. Heretofore, they had not planned on doing it. We suggested that in fact we go ahead, as a matter of fact, in partnership with the city, the province and the Urban Development Institute, each paying a third of the cost. The city subsequently has been humming and

hawing around and I think are now getting their act together finally with respect to this issue.

I think it is important, probably long overdue, that it should be undertaken. So from that point of view we have had a number of discussions. Now I do not know that a formal vote of council was taken with respect to having it or not. That I cannot tell you offhand. I am assuming, if the mayor is writing a letter requesting this, that he is doing it on some authority.

Ms. Friesen: The minister provided us with a letter from Mayor Norrie dated May 26. I did not get a clear impression from this letter as to the reasons for his request. Why does the prospect of a growth management study mean that we have to change the date of proclamation? What, in his mind, is the connection? It is not very well explained.

Mr. Ernst: What has happened is they have not done the work that was necessary to prepare the by-law. The reason they have not done that is they say, why go to all that work to prepare the by-law when we are going to have this growth management study, and a detailed analysis of all of the parameters are also going on at the present time? Why go to the trouble of preparing a by-law and passing it based on information that is going to be out of date very quickly? So that is why. They have not done the work. They have not passed the by-law, and they are in violation of the act because of our proclamation, which they asked for.

Ms. Friesen: By what date are they expected to produce this by-law? Is there an implementation date in the act?

Mr. Ernst: No, Mr. Chairperson, it comes on proclamation again. We will be pressing them on this issue as we have up to now, and I have provided further correspondence to the member to indicate that we are not terribly pleased with the way the city has handled this. They have been dragging their feet a little bit. I understand between now and the election day in October that there is not likely a lot to happen at City Hall, but at the same time, we hope that once the new council is in place we will be able to press upon them very quickly this and a number of other areas where they have not really complied with the act as they should.

Ms. Friesen: Are we not realistically going to be faced with a new council in October that is going to say it is a whole new ball game and, yes, we have this study and we would like to have a look at some

new prospects for this study and, yes, maybe we will get to this by-law three years from now?

* (1850)

Mr. Ernst: Well, I would not anticipate it being more than a year. I think that is adequate time. Do not forget, we are also involved with the study, so we can drive that from our participation on that study as a 50-percent partner. If they want our money, they are going to kind of do the logistical end of it, hiring the consultants. So if they want our participation then our participation from staff and others on the committee will be there to drive it.

Ms. Friesen: I was looking for some sense of schedule on this, whether we are looking at six months or a year or three years.

Mr. Ernst: About a year.

Motion agreed to.

Mr. Chairperson: Item 608(4)--pass.

Mr. Ernst: We passed that already.

Mr. Chairperson: Item 641(2), shall the item pass?

Mr. Ernst: I have an amendment. There is a typographical error.

I move in both official languages

THAT the proposed clause 641(3)(b), as set out in section 13 of the Bill, be amended by striking out "clause (1)(b)" and substituting "clause (2)(b)".

[French version]

Il est proposé que l'alinéa 641(3)(b), énoncé à l'article 13 du projet de loi, soit amendé par substitution, à "alinéa (1)(b)", de "alinéa (2)(b)".

Motion agreed to.

Mr. Chairperson: Clause 641(2), as amended--pass; 641(3), shall the item pass?

Ms. Friesen: I have two issues here. One is we need to change a committee member.

Mr. Chairperson: Is there a consent to change the committee member? [Agreed]

Committee Substitution

Ms. Friesen: With the leave of the committee, I move that the honourable member for Burrows (Mr. Martindale) replace the honourable member for Wellington (Ms. Barrett) as a member of the standing committee [Agreed].

Mr. Chairperson: Item 641(4).

Ms. Friesen: I also had an amendment on this particular issue, and it deals with 641(4).

Mr. Ernst: With all due respect, Mr. Chairperson, this matter seeks to address an issue that has already been decided by the members of the committee. Notwithstanding the fact the member indicated in the past a number of amendments to accomplish the same objective, the matter has been decided by committee. I ask you to rule it out of order.

Mr. Chairperson: Ms. Friesen, I am going to allow you to read the proposed amendment into the record that we know at least what we are dealing with.

Ms. Friesen: I will not take the committee's time up by reading it. The purpose of it is essentially to return to the status quo to the position that we have now with the community committees able to deal with appeals. I have spoken on it before, so I will not repeat the arguments that I have made.

Mr. Chairperson: Order, please. According to Beauchesne's 698(2) An amendment must not be inconsistent with, or contradictory to, the bill as so far agreed to by the committee, nor must it be inconsistent with a decision which the committee has given upon a former amendment.

Therefore, I rule that the amendment is out of order, seeing that we had dealt with it previously.

Section 641(3)—pass; 641(4)—pass; 650(2.1)—pass; 650(2.2)—pass; 666.3—pass.

Mr. Ernst: I have an amendment, Mr. Chairperson, for which I seek unanimous consent of the committee to deal with. It is a matter of dealing with the gas tax.

Mr. Chairperson: Is there unanimous consent to deal with this resolution? Agreed. Proceed.

Mr. Ernst: I move in both official languages

THAT the bill be amended by adding the following after section 17:

17.1(1) Subsection 668(1) is amended

(a) in the definition "purchase price", by adding "by a seller" after "electricity or gas is sold"; and

(b) by repealing the definition "seller" and substituting the following:

"seller" means

(a) in the case of electricity, a person, including Manitoba Hydro, who has agreed to sell to a consumer electricity that the person supplies directly to that consumer, or

(b) in the case of gas, a person

(i) who has agreed to sell to a consumer gas that the person supplies directly to that consumer, or

(ii) who supplies gas to a consumer on behalf of a broker who has entered into an agreement to sell that gas to the consumer; ("vendeur")

17.1(2) The following is added after subsection 668(6):

Refund of money paid as tax on gas

668(6.1) A by-law passed under this section may, where a consumer has entered into an agreement with a broker for the purchase of gas at a price (referred to in this subsection as the "broker's price") that is less than the purchase price of the seller who supplies the gas,

(a) provide for a refund to the consumer of the difference between the amount of tax that

(i) the consumer paid to the seller on the purchase price of the gas, and

(ii) the consumer would have paid if the tax had been paid only on the broker's price of the gas;

(b) prescribe the amount below which no refund is required to be made; and

(c) require any application for a refund to be made before the expiration of such period as is prescribed.

[French version]

Il est proposé que le projet de loi soit amendé par adjonction, après l'article 17, de ce qui suit:

17.1(1) Le paragraphe 668(1) est modifié:

(a) à la définition de "prix d'achat", par substitution, à "l'électricité ou le gaz est vendu", de "le vendeur vend l'électricité ou le gaz";

(b) par substitution, à la définition de "vendeur", de ce qui suit:

"vendeur" Selon le cas:

(a) personne, y compris Hydro-Manitoba, qui a consenti à vendre à un consommateur l'électricité qu'elle lui fournit directement;

(b) personne:

(i) qui a consenti à vendre à un consommateur le gaz qu'elle lui fournit directement,

(ii) qui fourni du gaz à un consommateur pour le compte d'un représentant qui a conclu une entente pour vendre le gaz en question au consommateur. ("seller")

17.1(2) Il est ajouté, après le paragraphe 668(6), ce qui suit:

Remboursement—taxe sur le gaz

668(6.1) Si un consommateur a conclu une entente avec un représentant à l'égard de l'achat du gaz au "prix du représentant" inférieur au prix d'achat du vendeur qui fournit le gaz, un arrêté adopté en vertu du présent article peut:

(a) prévoir un remboursement au consommateur de la différence entre les deux montants de taxe suivants:

(i) la taxe que le consommateur verse au vendeur sur le prix d'achat du gaz,

(ii) la taxe que le consommateur aurait versée si celle-ci avait été versée uniquement sur le prix du représentant;

(b) prévoir le montant minimum pour lequel un remboursement est accordé;

(c) prescrire un délai pour le dépôt de demandes de remboursement.

Motion presented.

Ms. Friesen: Who initiated this? Is there a request from the city for this?

Mr. Ernst: Mr. Chairperson, this is initiated by actually the Department of Finance in their bill, The Taxation Amendment Act which was passed last week. That changed the way the province will deal with the tax related to gas refunds in order to give the city powers to be consistent and to deal with the question of tax refunds. This is a consequential amendment, in effect, and quite frankly should have been included, in my view, in The Taxation Act as a consequential amendment. However, it was deemed by whomever that it would be included in this act.

Ms. Friesen: So there has been no request by the city for this extension of powers. Could the minister tell us who is going to benefit by this?

Mr. Ernst: Mr. Chairperson, I can advise Ms. Friesen that the city did, in fact, write to us and said: If you are going to change your act, then please make ours consistent. So what we are doing is giving them permissive authority to make that consistency, if they require it or if they wish to do it.

Ms. Friesen: Could the minister table that letter or pass me a copy at some other time?

Mr. Ernst: Yes, I can.

Ms. Friesen: Thank you.

There is no set limit in here. I believe the province has a \$25 limit, does it not?—cutoff, minimum.

Mr. Ernst: That is correct. The decision by the province by the Minister of Finance (Mr. Manness) was that we will not refund anything less than \$25 on an annual basis because of the administrative costs associated with it. The city will have the authority to set their own rules and regulations under this as to how they wish to deal with it.

Motion agreed to.

Mr. Chairperson: Shall the preamble pass?

* (1900)

Mr. Ernst: There is one further amendment. There are actually two. This is the "coming into force" section, Mr. Chairperson.

I move in both official languages

THAT section 18 of the Bill be amended

(a) in subsection (1), by striking out "3, 5, 9, 11 and 12" and substituting "3, 4, 5, 9, 11, 12 and subsection 12.1(2)"; and

(b) by repealing subsections (3) and (4) and substituting the following:

Coming into force: s. 4, 5, 9 and 12.1(2)

18(3) The following provisions come into force on a day fixed by proclamation:

(a) section 4;

(b) section 5;

(c) section 9; and

(d) subsection 12.1(2).

[French version]

Il est proposé que l'article 18 du projet de loi soit amendé:

(a) au paragraphe (1), par substitution à "3, 5, 9, 11 et 12", de "3, 4, 5, 9, 11 et 12 ainsi que du paragraphe 12.1(2)";

(b) par substitution, aux paragraphes (3) et (4), de ce qui suit:

Entrée en vigueur: art. 4, 5, 9 et par. 12.1(2)

18(3) Les dispositions qui suivent entrent en vigueur à la date fixée par proclamation:

- (a) l'article 4;
- (b) l'article 5;
- (c) l'article 9;
- (d) le paragraphe 12.1(2).

Motion agreed to.

Mr. Ernst: I move, Mr. Chairperson, in both official languages of Canada

THAT Legislative Counsel be authorized to change all section numbers and internal references necessary to carry out the amendments adopted by this committee.

[French version]

Il est proposé que le conseiller législatif soit autorisé à modifier les numéros d'article et les renvois internes de façon à donner effet aux amendements adoptés par le Comité.

Motion agreed to.

Mr. Chairperson: Preamble—pass; Title—pass. The bill, as amended, be reported.

Committee rise.

Mr. Ernst: Thank you, Mr. Chairperson. Thank you, members of the committee.

COMMITTEE ROSE AT: 7:02 p.m.