



**Third Session - Thirty-Sixth Legislature**  
**of the**  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
**on**  
**Law Amendments**

*Chairperson*  
*Mr. Jack Penner*  
*Constituency of Emerson*



**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Sixth Legislature**

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BARRETT, Becky	Wellington	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
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HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KOWALSKI, Gary	The Maples	Ind.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
MACKINTOSH, Gord	St. Johns	N.D.P.
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**LEGISLATIVE ASSEMBLY OF MANITOBA**

**THE STANDING COMMITTEE ON LAW AMENDMENTS**

**Wednesday, June 25, 1997**

**TIME – 3:30 p.m.**

Bill 60–The Elderly and Infirm Persons' Housing Amendment Act

**LOCATION – Winnipeg, Manitoba**

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**CHAIRPERSON – Mr. Jack Penner (Emerson)**

**Mr. Chairperson:** Will the Standing Committee on Law Amendments please come to order.

**VICE-CHAIRPERSON–Mr. Peter Dyck (Pembina)**

**ATTENDANCE - 11 – QUORUM - 6**

This afternoon, the committee will be conducting clause-by-clause consideration of Bill 38, The Highway Traffic Amendment Act (2); Bill 42, The Provincial Court Amendment and Consequential Amendments Act; Bill 43, The Law Society Amendment Act; Bill 45, The Manitoba Evidence Amendment Act; Bill 46, The Criminal Injuries Compensation Amendment Act; Bill 48, The Child and Family Services Amendment and Consequential Amendments Act; Bill 52, The Statute Law Amendment Act, 1997; Bill 56, The Family Maintenance Amendment Act; Bill 58, The Law Reform Commission Amendment Act, and Bill 60, The Elderly and Infirm Persons' Housing Amendment Act. As you can see, we have a fairly full agenda before us.

*Members of the Committee present:*

Hon. Mrs. Mitchelson, Hon. Messrs. Radcliffe, Reimer, Toews

Mr. Dyck, Ms. Friesen, Messrs. Jennissen, Mackintosh, Maloway, Penner, Sveinson

*Substitutions:*

Ms. Cerilli for Ms. Friesen  
Mr. Martindale for Mr. Maloway

**APPEARING:**

Mr. Gary Kowalski, MLA for The Maples

Did the committee wish to indicate what numerical order we want to proceed in? Should we follow the order as I have read out? Is that agreed? [agreed]

**MATTERS UNDER DISCUSSION:**

**Bill 38–The Highway Traffic  
Amendment Act (2)**

Bill 38–The Highway Traffic Amendment Act (2)  
Bill 42–The Provincial Court Amendment and Consequential Amendments Act  
Bill 43–The Law Society Amendment Act  
Bill 45–The Manitoba Evidence Amendment Act  
Bill 46–The Criminal Injuries Compensation Amendment Act  
Bill 48–The Child and Family Services Amendment and Consequential Amendments Act  
Bill 52–The Statute Law Amendment Act, 1997  
Bill 56–The Family Maintenance Amendment Act  
Bill 58–The Law Reform Commission Amendment Act

**Mr. Chairperson:** Can we then deal with Bill 38? Are there any opening statements on Bill 38?

**Mr. Gerard Jennissen (Flin Flon):** Mr. Chair, we on this side of the House have always supported initiatives that would make roads safer. We all have a stake in making sure that drinking and driving is gradually eliminated from Manitoba roads. I do not think we need to dwell very long on the horrible consequences of drinking and driving, and this bill certainly attempts to lower the punishable threshold of blood alcohol content from .08 to .05 which raises the question, I guess, inevitably of why that particular figure was picked or

selected. Some people would argue that there should be a zero threshold.

We also notice that in Ontario there is legislation which allows for three strikes and you are out, which is not in this particular bill. I guess it is a start. One could argue that perhaps in the future we should also be looking at graduated licences and novice drivers should not be allowed any blood alcohol level whatsoever, at least in their first or probationary year. Those are some directions we could go in. This bill does not go that direction; however, it is a step in the right direction.

I have a number of questions on this bill, and I will be asking them as we go through it clause by clause. I was particularly interested in one of the presenters the other day, Dianna Bussey from the Salvation Army Correctional and Justice Services; she certainly shed aspects on the bill that I had not really considered. I am sure that some of my colleagues, certainly the colleague for St. Johns, will be asking some very specific questions on this bill, as well as the other colleague from The Maples. Thank you.

**Hon. Vic Toews (Minister of Justice and Attorney General):** I feel that it is incumbent upon me to add certain comments on the record here. In respect of Bill 38, I think it naturally falls into two sections: one deals with the .05 aspect; the other deals with the issue that was raised by the presenter the other day. I feel I should point out what exactly the government is doing in respect of that second issue, so I will deal with it at some length.

The point made by the member for Flin Flon (Mr. Jennissen) in respect of the three strikes and out legislation dealing with the permanent taking away of somebody's licence has been something that was in effect in Manitoba at one time. It was simply found to be counterproductive; that is, people who had their licence permanently taken away, there was no incentive for them ever to rehabilitate themselves and therefore kept on reoffending, and so the Department of Highways—and I stand to be corrected here, I do not exactly know the sequence—but I recall the Department of Highways bringing in legislation to limit the extent to which a licence can be suspended at any one period of time. I believe it is about seven years now. I am sorry, five years. That is an appreciable length of time,

and I think it focuses the issue back on rehabilitating some of these individuals. The consequence of losing your licence for five years is very, very significant when one looks at the many uses of a licence in a province. This is not to take away from the very serious consequences that can flow from the improper use of your privilege of driving a motor vehicle. So, I think that is something that we can discuss. If there are other things that we need to do, I am certainly willing to discuss those matters further with the members from the New Democratic Party. This bill, however, does not focus on that specific issue, but I think the member raises a good point and that should be the subject of much future debate in which we can weigh the pros and cons of that type of action.

In respect of the second aspect of the bill, I would just indicate that, as we all know, prostitution is a serious problem in our community. It has invaded neighbourhoods and subjected innocent people including young children to solicitation. It is not a victimless crime. In addition to the tragic consequences for the prostitutes themselves, it destroys the character and safety of neighbourhoods, subjects innocent residents at risk and places a severe economic burden on social services and health care programs. All Manitobans are victimized to some extent by the problems arising from unchecked prostitution in our communities. It has long been apparent that the solution lies not only in the targeting of the prostitutes but in holding accountable the customers of prostitutes or johns, as they are commonly called. Manitoba Justice is introducing this amendment to The Highway Traffic Act to ensure that these customers fully understand the impact of prostitution on individuals and the community. The johns school to be established in Winnipeg under this proposal will take an administrative approach to making these individuals understand the far-reaching consequences of their support for this illicit sex industry.

I use the term administrative in contrast to criminal. As the member knows, the recent drinking and driving legislation that was brought in in Manitoba in 1989 and now has been basically adopted right across Canada is not a criminal proceeding. It is an administrative process. Similarly, this administrative approach has proven to be an effective deterrent in other jurisdictions. Under a new program developed in co-

operation with the Winnipeg Police Service, individuals facing arrest on prostitution-related offences are given the option to attend a program relative to the social and personal impact of prostitution. Topics will include the legal consequences of prostitution, the risk of sexually transmitted diseases, compulsive behaviour and the serious impact of prostitution on individuals as well as the community itself.

This legislation is not a free walk for the accused or an easy means of escaping the consequence of their actions. Indeed, it seeks to hold the john accountable to the community in a more direct and effective way than courts are often able to accomplish through the criminal process. There are very many specific requirements which must be met by the accused before they can take this alternative to facing criminal charges. This program is aimed primarily at first offenders, although others may be considered as the presenter indicated. It is a question of developing the program, ensuring that it works and then expanding it, building on the strength of the program.

\* (1540)

These individuals must sign a contract admitting their guilt and agree to attend and successfully complete the johns school program. With these amendments in place, any individual who does not attend and complete the course faces suspension of their driver's licence and being charged with a prostitution offence. If the accused person chooses to drive while suspended under these provisions, their vehicle will be subject to seizure and impoundment through the sections that are already there in The Highway Traffic Act. There will be no appeal for licence suspensions related to prostitution offences, and these suspensions will remain in effect until the charges have been dealt with by the courts.

The other aspect of this program is that prostitutes, as an alternative to criminal charges, will be required to attend a positive lifestyles program developed by the Salvation Army in order to provide an alternative to life on the street. This program will be free of charge to the prostitutes, paid for out of the fees levied against the johns taking the alternative measures course. This amendment is in furtherance of a commitment made by this government to address the serious social problem of people involved in prostitution. Some may argue

that this may not be the most effective way to accomplish this goal. It is acknowledged that the criminal law tool is in the hands of the federal government and its authority.

This government has asked the federal Justice minister to consider amendments to the Criminal Code to provide an additional tool. To date, the federal government has failed to act on our request. I might note that the Alberta study also into this area asks the federal government to create certain amendments to the Criminal Code in respect of the solicitation of child prostitutes, and this government fully supports that initiative.

In the meantime, Manitoba Justice is committed to doing everything possible to curb the growth of prostitution in our community. We fully recognize that while there are many underlying causes of prostitution, we cannot accept its existence or overlook its long-term cost to society. It should be noted that we are considering other methods as well. This measure, as I have indicated in other places, should not be seen as ruling out the possibility of other or further actions by this government to seek to deal with this very serious issue.

In the interim, we are confident that this legislation will help reduce the prostitution threat to our communities by striking directly at the customers of these services and assisting the prostitutes involved in the provision of these services. I specifically want to thank Chief Cassels of the Winnipeg City Police, the Winnipeg City Police and the Salvation Army in the development and support of this approach.

Thank you very much.

**Mr. Chairperson:** Thank you, Mr. Minister.

As previously, the title and the preamble will be set aside, and we will now begin clause- by-clause consideration. Clause 1.

**Mr. Gord Mackintosh (St. Johns):** I am not on the clause yet. The people who at least voted for the government voted, I suspect in some part although you cannot measure, for the Conservative Party because they had promised to get tough, as they said, with johns

and specifically promised to seize vehicles used by johns and provide for the forfeiture of those vehicles. Even though the minister has I think tried to make Manitobans think that they are getting what they voted for, that is not the case.

Does the government need more time—it has already been two years—to go and draft the amendments and bring them in in compliance with the promise?

**Mr. Toews:** Well, as my colleague knows, it is often very difficult to implement legislative programs, and we are continuing to work on the implementation of other initiatives. The constitutional issues, of course, are always very troubling.

I know the colleague the member for St. Johns even in this session understands how difficult it is to bring forward effective constitutional legislation, why his own bill, Bill 206, which deals with the sniffing of solution problem is a very, very large, large problem. The government has a committee working on that specific issue, and indeed the Department of Health drafted a paper to address that issue. Now the member, in utilizing that paper or perhaps a document that referred to that paper, because the proposal of Bill 206 is almost identical to that Department of Health paper—

#### Point of Order

**Mr. Mackintosh:** On a point of order, Mr. Chairperson, I ask the minister to withdraw that comment. It is not the truth. He is putting on the record for the second or third time something that is untruthful. For the Minister of Justice to say such a thing is shameful. There were 22 amendments proposed in Bill 206 by us. There was a proposal in the Department of Health for I think 11 or 12 amendments, two of which only were the same as ours. Those two could only be worded in a certain way, and that is to remove the word “minors” in reference to children for people under 18.

The bill proposed to deal with sniff was innovative, based on legislation around North America. Extensive consultations moreover with the Manitoba Pharmaceutical Association's committee, comprised of community organizations concerned about sniff, is also

reflecting, I might add, on the work of that committee. I ask the minister to withdraw that wrong statement, a very wrong statement.

**Mr. Chairperson:** The honourable member does not have a point of order. It is a dispute of the facts.

\* \* \*

**Mr. Toews:** Now I am going to have to take, for the time being, my colleague's comments as accurate, but even leaving that issue aside, an analysis of his bill indicates that each and every section that he has proposed in that bill is unconstitutional. I do not know if he knows that—as a lawyer he probably should know that—but let us assume that he does know that. He, himself, knows how difficult it is to deal with innovative measures. While I commend the actions of the member in proposing the bill, because it is a very serious problem, clearly his efforts would not be legally successful. So the only point that I am trying to draw is we can go and ignore the realities of the legal framework that we live in and attempt to pass bills in order to satisfy various political pressures that the member for St. Johns might have, but I think my duty is a broader one.

My duty is to deal with this particular issue addressed in Bill 38 in an effective way, and we are doing that and we are continuing to analyze ways of dealing with this situation. As the presenter the other day indicated, in Toronto, 500 johns went through this course and no recidivism. Now, in my opinion that is effective legislation; that is dealing with the problem. I would like to see legislation that is effective that actually deals with the problem. I am not ruling out the issue of more stringent administrative measures and indeed not ruling out the alternative of more stringent criminal matters. That is something that we support. As I have indicated, the Alberta recommendations in respect of amendments to the Criminal Code are amendments that we could support.

I wanted to clarify the context of this particular bill and the very real efforts that this government has been taking in respect of resolving this issue.

\* (1550)

**Mr. Mackintosh:** What the minister is saying, and he can disagree if he wants to, is that the government made an election promise to do something very specifically which it is now of the opinion that it could not do; it did not have the power to do. Now, I know the minister has his views on the provincial jurisdiction regarding the control of inhalants, and I happen to disagree with the minister's view. I know he has a legal opinion and a review of that, and I reviewed that, and I do not share the same view. But here the government boldly made a promise in the bright lights of the media and in front of the microphones that it had no right to make. If the minister in any way can contradict what I have just said, I would like him to do so. Otherwise, I just want that for the record.

**Mr. Toews:** The information that the member for St. Johns has put on the record is inaccurate. There are mechanisms of achieving that result. What I have done in the course of consulting with community organizations and the Winnipeg City Police is arrived at a point where these organizations have said that even if that is the case, even if the simple seizure of motor vehicles is effective, this is a more effective way.

Now, that is their position. I am willing to listen to the Salvation Army. I am willing to listen to Chief Cassels and the Winnipeg Police Service, because I think both of those organizations have a good track record. In my understanding of all the facts in the law, their position has merit. So I will in this context defer and agree with their proposal and their approach to this matter, and I am quite comfortable in doing so. In the meantime, we will continue to look at ways of resolving this issue.

**Mr. Mackintosh:** We on this side certainly welcome the introduction of the Johns school concept, but we are concerned that it is being limited in its usage. When you look at the Toronto record, certainly their relapse rate is excellent, but that can be explained largely, if not wholly, as the presenter said yesterday, based on the fact that the people that go through that program are first-timers. One of the real challenges facing Manitoba neighbourhoods and communities are the repeaters, those individuals who go out night after night causing a real threat to our community and destroying the lives of individuals.

What is also a real challenge are those who prey on child prostitutes, and neither of those groups are dealt with through the program offered by the Salvation Army. We also think that there could certainly be an educational value I think of great import to seizure and impoundment of vehicles; that is preventative. I think the minister should also be aware of that. It is not merely a sanction but has a deterrent value.

I asked the minister this question, and this goes both to the drinking and driving and the prostitution sections of the bill. The minister, I understand, has been taking the position that the forfeiture of vehicles is not something that can be done administratively, as he calls it, or done at a provincial level, that that is a federal power.

I wonder if the minister could—

#### Point of Order

**Mr. Toews:** Since he has ended his statement there, that is totally incorrect. That has never been my position, that the power to seize motor vehicles or forfeit motor vehicles is only in the area of federal law. That is clearly, clearly an erroneous statement. In terms of provincial law, whether one seizes it for 60 days or 90 days or 30 days or permanently, the consequence is absolutely irrelevant once you are dealing in the area of property and civil rights or some other heading under the Constitution, so I do not need any lectures in what the province can do in respect of the seizure of motor vehicles. I, and indeed Mr. Yost, who is sitting beside me, was extensively involved in the drafting and the putting together of the legislation in 1989 when every lawyer in this province told us what we were doing was unconstitutional. They were proven wrong, and the issue—getting back to some of the other aspects of the question—

**Mr. Chairperson:** I am going to interject here. It is clearly not a point of order that you have raised, Mr. Minister. This is clearly a dispute of the facts. I want to remind both learned friends that you are both of the legal profession. We respect that. This committee is dealing, however, with a bill and we are dealing with the contents of the bill. If you have disputes over facts that pertain to other matters, I would suggest that you, at some point in time, entertain each other either over

a cup of coffee or at lunch and discuss those matters with each other. Let us now return back to the bill and deal with the clauses, as we have before us, of the bill.

**Mr. Toews:** Mr. Chair, I was not answering the point of order. I was answering the question.

**Mr. Chairperson:** You raised it on a matter of a point of order. I have interjected, and I have ruled that you did not have a point of order. If you want to discuss matters that do not pertain to this bill, I would suggest that you do so over a cup of coffee.

\* \* \*

**Mr. Mackintosh:** If the minister is saying that in his view the province does have powers of forfeiture of vehicles either for drinking and driving or in respect of prostitution, I want to know why it is not in this bill either dealing with repeat offenders for drinking and driving or with johns.

**Mr. Toews:** In respect of the question that was put, the presenter indicated that the individuals in the Toronto program were first offenders, first offenders in the sense of their being involved with the law, not necessarily first offenders in picking up prostitutes. Obviously, this law will address repeat offenders in the sense that people who go and pick up prostitutes on a daily basis, they are not going to be asked, say, was this your first time you went and picked up a prostitute and, if it is more than the first time, then you are disqualified. So, what the member for St. Johns is putting on the record is completely inaccurate. This deals with people, whether they have picked up prostitutes once, 10, a hundred or a thousand times. It still deals with people who in that sense are involved in one isolated act or a continuous pattern of conduct. So, his comments in that respect are completely wrong.

The program, secondly, does not prevent the Salvation Army or others or the government from negotiating another program that will deal with people who are in front of the law for, not just the first time, but the second time. There is nothing in this legislation that would prevent that and, indeed, the comments of the presenter were such that they could expand that program, but they wanted to start out in Winnipeg at this point.

The issue that this does not deal with the issue of child prostitutes, again, the member is wrong. This legislation and the program make no distinction as to whether or not the offender thought he was picking up an 18-year-old girl or woman, a 17-year-old girl, a 14-year-old girl or a 13-year-old girl. There is nothing in the legislation that prevents them from addressing that issue, so the criminal law, of course, applies in these situations. We are strongly in favour of those types of measures that will bring to bear the impropriety of this kind of contact and conduct, indeed, the illegality of this type of activity.

So what we have said is, that this is in furtherance of a commitment that the government made in respect of addressing this issue. We continue to look at this issue, and we want to take a look at the success of this issue, assess its impact, and determine what other steps may be necessary to take.

\* (1600)

**Mr. Mackintosh:** The minister did not deal with my question which was with regard to forfeiture and the use of it for johns and for repeat drunk drivers.

Moving away from this deceitful election promise the government has not come through on whatsoever, I would like to look at the drinking and driving regime set out in the bill and ask the minister specifically why there are not meaningful, stringent provisions in this bill to deal with what the community has identified as one of the most significant and difficult challenges and that is that of repeat offenders, those hard-core drinkers who keep getting back on the road. The hard core are not going to be—going to 0.05 from 0.08 is not going to be the effective way to deal with repeat drinking drivers. So I ask the minister: Why did the government not come through? I think they know well that that is the focus of our concerns. I understand that has been a focus of AFM and CAID over the years, those repeat drunk drivers.

**Mr. Toews:** Mr. Chair, I had the opportunity of meeting with CAID on this particular legislation, and they applaud the government's move in this respect. Frankly, I prefer the opinion of CAID and those members who actually understand the issue to the comments of the member for St. Johns. I find it very

unfortunate that the member attempts to cherry-pick various sections as though these types of sections or programs exist in some kind of a legal vacuum. What the member is looking for is some kind of a magic bullet that will cure every problem. Those do not exist. If he thinks they do, perhaps he should have a discussion with the member for The Maples, (Mr. Kowalski) who as a police officer and a very fine police officer spent a lot of time in the very community that the member for St. Johns represents.

I dare say, if he talked to that member and got an understanding of what law enforcement is actually all about, he would not bother asking those kinds of questions. I can talk about the steps that we have taken in The Highway Traffic Act. This government has taken more steps in respect of administrative licence action and seizure of motor vehicles than any government ever in Canada, ever.

Indeed, when this legislation first came in, I had occasion to meet with members of the Attorney Generals' departments across Canada when I was a member of the Attorney General's staff, and the lawyers at that time specifically told us this was unconstitutional; this could not be done. Now the same provinces are following Manitoba's lead. The success of Manitoba's program, I submit, is that we have always taken a cautious and a legally sound basis, but where there is a legally sound basis we have developed that administrative program and we have proceeded to develop some of the finest legislation and programs in Canada.

Now the second aspect that the member conveniently forgets to mention are the laws under the Criminal Code which deal with repeat offenders, which deal with those who flagrantly and criminally abuse their right to drive a motor vehicle. What we have to understand and what the member fails to understand is that provisions under The Highway Traffic Act deal with matters of property and civil rights in the province, and we focus our efforts in that context. The Criminal Code which deals with criminal conduct falls within the purview of the federal Parliament. We will continue to work with the federal Parliament in order to ensure that if there are better ways of passing criminal law, we want to talk to them and we want to be involved in that process. The member seems to suggest that because we come up

with one bill, that somehow draws the curtain on our ability to move in other directions or further directions in the future. The member is wrong.

**Mr. Mackintosh:** Actually, it is interesting to see the minister—the way he handles himself, very similar to a former Justice minister. I might want to reflect on the way he deals with his questions, but that is up to him. To suggest that I am ignorant on these issues I think is unfortunate, and to suggest I am not familiar with what CAID has been advocating is unfortunate. Of course we support what is in this bill, as CAID does. Why would an organization like CAID or ourselves not support this legislation? What we are asking is for the government to deal with repeat drunk drivers. That point has to be made. The other question is, why has it not brought it in, in this bill? This was an attempt to look at how drunk driving legislation can be improved in Manitoba. It is unfortunate that the bill does not go as far as we would like to see it go.

I ask the minister, is it his view that vehicles cannot be forfeited under The Highway Traffic Act for those who continue to disobey society's needs when it comes to repeat drunken drivers?

**Mr. Chairperson:** Clauses 1, 2 and 3.

**Mr. Mackintosh:** I do not know if the minister is going to respond.

**Mr. Toews:** The answer is—I put the answer clearly on the record. If there is any aspect of that that he did not understand, I would be happy to refer the member to the transcript when it is available. But my position on that is very, very clear.

**Mr. Gary Kowalski (The Maples):** I do not know if this would be an appropriate time for my question, but in the opening remarks the member for Flin Flon (Mr. Jennissen) had mentioned about changing the levels. I should know better because I am a breathalyzer operator; I am qualified to operate ALERT units, so it has been a while. But from what I understand, there is nothing in this bill that changes the levels in any way, shape or form. Is the member for Flin Flon misinformed that nothing is in this bill that is changing the levels at which a person receives a “warn”? Nothing in this bill changes the .08 requirement for

impaired? There is nothing in here that changes the levels? Is that correct?

**Mr. Toews:** It is absolutely correct. It is absolutely correct. It is the consequences that flow as a result of blowing a "warn" that are changed, so the member is correct.

**Mr. Mackintosh:** The Province of Ontario has recently brought in amendments—

**Mr. Chairperson:** Mr. Mackintosh, could you please pull your mike up just a wee bit, so we can all hear.

**Mr. Mackintosh:** The Province of Ontario has recently brought in amendments to its legislation to deal with drinking and driving, and it is essentially—although when you look carefully, not quite so—but a three strikes and you walk law. I am wondering if the government had considered that policy option and why it did not pursue that.

**Mr. Toews:** First of all, the Ontario law did not deal with changes to their drinking and driving law. What it dealt with, as I understand, is the consequences in respect of the length of the licence suspension upon a conviction for drinking and driving. This does not deal with the administrative licence suspension program as I understand it, so the member is mistaken in that respect.

As I indicated in my opening statement, the permanent licence suspension was a feature of Manitoba legislation and was done away with in recognition of the fact that it was counterproductive.

Indeed, Mr. Yost, sitting beside me, reminds me of the research that we did back in 1988 and 1989 in developing this administrative drinking and driving program, that all of the literature, and it was all American, because this is where the idea of administrative licence suspensions come from, all of the research indicated that permanent licence suspensions were counterproductive, that is, it did not give people an opportunity to ever desire to rehabilitate themselves. So I think that the Manitoba position in that respect is a reasonable one. Whether it should be five years or 10 years or 15 maybe is an issue that can

be discussed with the Department of Highways and the Minister of Highways.

\* (1610)

**Mr. Chairperson:** Clauses 1, 2, 3—pass; Clauses 4, 5—pass; Clause 6—pass; Clause 7—pass; Clauses 8 and 9—pass; preamble—pass; title—pass. Bill be reported.

#### **Bill 42—The Provincial Court Amendment and Consequential Amendments Act**

**Mr. Chairperson:** Bill 42, The Provincial Court Amendment and Consequential Amendments Act, the same provisions, the title and the preamble and the table of contents will be set aside until we have considered clause by clause the rest of the bill.

Clause 1—pass. By the way, I forgot to ask whether there are any opening statements.

**Hon. Vic Toews (Minister of Justice and Attorney General):** None for me.

**Mr. Gord Mackintosh (St. Johns):** Well, a couple of questions, and it might speed up the process of clause by clause. Section 45(2) prescribes the composition of the nominating committee, which is to be the Chief Judge or designate and two persons appointed by the minister. We have concerns that the composition and appearance of the nominating committee is not independent. The Justice minister is the one who has the control of that nominating committee. I do not think that is in the best interests of justice. I have no real problem with the minister having one person on the nominating committee, but is there not a person or organization other than the minister and the Chief Judge who can appoint a third person to that nominating committee? Would the minister respond to that?

**Mr. Toews:** That was an issue that we discussed and for various practical reasons one such suggestion was not found to be a practical one, for example, the issue of whether one of those people should be appointed by the Law Society of Manitoba, being an independent organization. So we considered that issue and, because of various practical results, that was rejected.

**Mr. Mackintosh:** The Law Society first came to mind, and I am wondering: What were the practical difficulties that the government identified in having the Law Society be one of the appointers of a member of the nominating committee?

**Mr. Toews:** While that type of system might work in Winnipeg, I think we as a government have to look beyond the Perimeter Highway. I think this is something that the member for Flin Flon (Mr. Jennissen) would appreciate, that in some of the more isolated reserves, there may not be a lawyer on the reserve, but there is an alternative. For example, the chief or one of the elders or one of the council members may perform indeed a better job than a lawyer might in those circumstances. I think the point here is not so much who appoints but rather that it is an acceptable appointment and that the independence of that person is preserved, and that is what we are doing in this bill to ensure that once the person is appointed, there is an independence so that person can carry out his or her judicial duties without fear of interference by government or other authorities.

**Mr. Mackintosh:** I would feel a little more comfortable with that argument if the criteria that are referred to in the next subsection were actually set out in the bill. In the bill, there are no criteria as to this person's qualifications.

I do not think the interests of justice would be served by justices of the peace being selected from the rank of defeated candidates, for example, who have partisan affiliation and where a pattern of that kind of appointment develops. I think that would lead to sort of the dismissal of the potential and the importance of justices of the peace.

I am wondering if the minister did not look at the issue of somehow setting out a criterion here, including perhaps criteria that the appointments must be nonpartisan, as is the case with, for example, members on panels dealing with environmental assessment.

**Mr. Toews:** Well, contrary to the member's view that defeated candidates are all incompetent, I take a contrary view. There are many members of Liberal parties, of NDP parties and Conservative parties who simply because they lost an election does not mean they

are incompetent. I think that is a real slight on politicians generally.

#### Point of Order

**Mr. Mackintosh:** On a point of order, Mr. Chair, the minister seems to be off today and does not seem to understand what my comments are. I did not reflect on the competence or incompetence of any defeated candidate. I said any—I do not have to clarify my remarks. It is unfortunate he does not listen because then he just lowers the debate.

**Mr. Chairperson:** Unfortunately, it was not a point of order that was raised. It was, again, a dispute of the facts. I ask members of the committee to deal with the bill and the contents of the bill that is before us. Please, if you could do that, I would appreciate that.

\* \* \*

**Mr. Chairperson:** The honourable minister, to finish his comments.

**Mr. Toews:** As I have indicated, I think that a committee which will be headed by the Chief Judge of the Province of Manitoba and two other members of that committee I believe can come to a very good and fair assessment of the suitability of someone who is applying for this type of position.

In order to put the member's mind at ease, I would refer him to Section 81 of The Provincial Court Amendment and Consequential Amendments Act which deals perhaps with his concern, which says: "No judge or justice of the peace shall engage in any manner whatsoever in partisan political activities." So the issue of ensuring the independence and refraining from activities which would be, I think, inconsistent with a judicial office are, in fact, recognized in Section 81.

**Mr. Mackintosh:** I recognize the nonpartisanship requirement in the course of service, but it is the course of selection that it is also important, so I gave some thought as to what kind of organization or person would be good to serve on the nominating committee that would be perceived as impartial and nonpartisan, and it certainly is difficult when you try to look at the diversity in the province.

The Union of Manitoba Municipalities, for example, that would not be acceptable because that would exclude aboriginal communities and First Nations communities, in particular. I thought, well, should a president of a university, but then what university? I thought of a Chief Electoral Officer. I recognize it is very difficult. Given that, and I am certainly not prepared to stop thinking about alternatives, but has the minister developed criteria that he, for one, as the occupier of the office of Justice minister is prepared to follow in deciding on who should comprise the nominating committee? In other words, does he have individuals in mind? Is he looking for some diversity on that nominating committee for those two persons?

**Mr. Toews:** I thank the member for that question. It is a good question. One of the things that has been done in the past is in fact put representatives on that committee from UMM, mayors, indeed aboriginals, either chief or members of the community on isolated reserves or First Nations community, so those are things that we do already do. What I want to, even if, for example, the nominating committee somehow did not pick the best person for the job, what I want to emphasize what this act does is make that Justice of the Peace accountable not to the minister for their judicial activities, but to the Chief Judge and the process set out there.

So I think that any concerns that the member may have in terms of improper appointments are well addressed by the fact that the conduct of that person will be scrutinized by an independent judicial figure, and I am confident that, as an entire package, this is the way to proceed. I think when you look at the informal processes now. Presently there is no statutory requirement to comprise any kind of a nominating committee. It could be in fact three failed candidates for a political party who make up the nominating committee, and while that is nothing wrong in and of itself, I think what this does, by statutorially guaranteeing that the Chief Judge or his or her designate will be on that committee, I think, sends a strong message as to the type of people that we want on the bench.

\* (1620)

This is not to reflect badly on the magistrates who have been appointed under the past system, because by

and large they have been doing an excellent job in many of our communities, whether it is urban south or in the north.

**Mr. Chairperson:** Clauses 1, 2 and 3(1)—pass; Clauses 3(2), 3(3), 4, 5, 6, 7, 8, 9—pass; 10, 11, 12, 13, 14(1) and 14(2)—pass; Clauses 14(3), 14(4), 15, 16, 17, 18—pass; Clauses 19(1) and 19(2)—pass; Clauses 20 and 21—pass; Clauses 22—pass; 23—pass; Clauses 24, 25, 26, 27(1), 27(2), 27(3), 27(4)—pass; 27(5), 28, 29, 30, 31, 32(1)—pass; 32(2), 32(3), 33(1), 33(2), 33(3), 34, 35—pass; preamble—pass; table of contents—pass; title—pass. Bill be reported.

#### **Bill 43—The Law Society Amendment Act**

**Mr. Chairperson:** Bill 43, The Law Society Amendment Act. As previously, the title and the preamble will be set aside until we have considered the clause by clause of the bill.

Clause 1—pass. Clause 2, shall the item pass—[interjection] Do you have an opening statement?

**An Honourable Member:** No, I do not.

**Mr. Chairperson:** Clauses 1, 2 and 3—pass; Clauses 4, 5—pass; Clauses 6(1), 6(2)—pass; Clause 7—pass; Clauses 8, 9, 10—pass; preamble—pass; title—pass. Bill will be reported.

#### **Bill 45—The Manitoba Evidence Amendment Act**

**Mr. Chairperson:** Bill 45, The Manitoba Evidence Amendment Act. We will set aside the title and the preamble in consideration of the bill.

Mr. Mackintosh, have you an opening statement?

**Mr. Gord Mackintosh (St. Johns):** I have some questions for the minister.

**Mr. Chairperson:** Does the minister have an opening statement?

**Hon. Vic Toews (Minister of Justice and Attorney General):** No, I am prepared to answer questions.

**Mr. Mackintosh:** In the bill, why is there an appeal available only to the Attorney General and not to the accused?

**Mr. Toews:** Well, that is incorrect.

**Mr. Mackintosh:** There may be other legislation I should be referring to. I am just looking at the bill, Section 10.1(2) and there, that allows for an appeal to lie at the instance of the Attorney General of Manitoba from an order for the disclosure of information. Is the minister saying that there is also an appeal available to the accused?

**Mr. Toews:** That is correct.

**Mr. Mackintosh:** Would the minister advise where the right of appeal is available to the accused? Is that just at law?

**Mr. Toews:** No, it is in the act that this forms a part of, The Evidence Act. That is, at the completion of the case and the determination of the result, the accused has an appeal. I wanted to clarify that. There is not an interim right of appeal, and I wanted to make that clear on the record.

**Mr. Mackintosh:** Under Section 10.1(2) then, the Attorney General is given the right of appeal before trial or after.

**Mr. Toews:** During.

**Mr. Mackintosh:** During trial.

**Mr. Toews:** Yes.

**Mr. Mackintosh:** In what way does that right differ from the right of the accused?

**Mr. Toews:** Well, the accused and the Crown in this particular situation are not in the same position, so the appeals have to reflect the different positions of each of the parties in relation to the documents.

**Mr. Mackintosh:** Well, how does the minister respond to concerns from the defence bar that this is one-sided, that this gives rights to the Attorney General that are not given to the accused when there is concern about

the content of an order for disclosure of information? Are they inaccurate when they make that comment?

**Mr. Toews:** Well, they are inaccurate if they think that there is any unfairness or unconstitutionality about this. Yes, they are.

**Mr. Chairperson:** Clauses 1 and 2—pass; Clause 3—pass; preamble—pass; title—pass. Bill will be reported.

### **Bill 46—The Criminal Injuries Compensation Amendment Act**

**Mr. Chairperson:** Bill 46, The Criminal Injuries Compensation Amendment Act. As previously, the title and the preamble will be set aside, and we will now go to clause-by-clause consideration.

Mr. Mackintosh, do you have an opening statement?

**Mr. Gord Mackintosh (St. Johns):** A series of questions for the minister on this one. Can the minister tell the committee whether the result of this bill is to take away or to prohibit eligibility for wage-loss benefits to someone who has an offer of employment with employment to begin tomorrow if the injury occurred today?

**Hon. Vic Toews (Minister of Justice and Attorney General):** The purpose of this bill is to ensure that people are not put in an advantageous position over anyone else. That is, what it attempts to do is prevent people from receiving income from two sources at the same time, from The Criminal Injuries Compensation Act and some other source.

**Mr. Mackintosh:** I think the committee needs some clarification here. Let us take an example where someone has never been in the workforce and is not receiving any benefits today. They are injured as a result of a crime today; tomorrow they were to start employment. Is this bill not saying that this person will not be entitled to wage loss benefits?

**Mr. Toews:** This is exactly the same as in a workers compensation situation. The principle is exactly the same.

**Mr. Mackintosh:** Then I think the minister has made perhaps an error here, because you cannot compare criminal injuries compensation to workers compensation. To qualify for workers compensation, you, by definition, must be working at the time of your injury, so I take it then the answer to my question was, yes, the person with an offer of employment to begin tomorrow who cannot go to work will not receive any benefits.

\* (1630)

**Mr. Toews:** That is correct.

**Mr. Mackintosh:** Well, how dare the government do this. Is this person a victim of crime and suffering a wage loss or not? Absolutely. That is what criminal injuries comp is there for.

I also ask, what if someone is seasonally unemployed and just before they are to return to their seasonal employment they are injured as a result of a crime? Does this bill prohibit that person from applying for wage loss benefits?

**Mr. Toews:** Well, this person would still obtain all the other benefits available under the act. It is just that he or she is not losing wages.

**Mr. Mackintosh:** Well, surely the minister recognizes that wage loss can be and often is the most significant loss, particularly if there is a very serious injury and there is a loss of employment opportunity because of the injury. How, morally, can the government introduce such an amendment?

**Mr. Toews:** I think that there is a rationale for that. I have explained the rationale. Indeed, this rationale has been accepted by eight other provinces in Canada, including Saskatchewan and British Columbia.

**Mr. Mackintosh:** I do not give a darn about the other provinces. I know the minister goes shopping around for the lowest common denominator, and that is the trend. I want to know what this government is going to do to live up to its election promises to provide more resources for victims of crime. That is the election promise; that is the rhetoric, and what I see, not just here but as a whole series of changes to criminal

injuries comp, is a chipping away at compensation for victims. I think the minister has just confirmed my concerns.

**Mr. Toews:** I think the member should also know that the department is currently studying a report conducted on victims' services in Manitoba and is in the process of reviewing its recommendations with the municipal government. Our intention is to introduce an enhanced Victim Assistance Program later on this year, and an objective of this exercise is to make these services more widely available, especially to rural Manitobans who have limited or no access today. So that is an issue that we are very mindful of, that we are continuing in that direction and we hope to have something in place in the near future.

### Committee Substitutions

**Mr. Chairperson:** Before we proceed with the bill, I would like to inform the committee that the committee substitutions were made in the House for the Law Amendments committee for this afternoon just a few minutes ago and that Mr. Maloway and Ms. Friesen have been taken off the committee and Ms. Cerilli and Mr. Martindale have been substituted on to the committee for this afternoon.

\* \* \*

**Mr. Chairperson:** Clauses 1, 2 and 3—pass; preamble—pass; title—pass. Shall the bill be reported?

**Some Honourable Members:** No.

**Mr. Chairperson:** No.

### Voice Vote

**Mr. Chairperson:** All those in favour of reporting the bill, would you say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those opposed, would you say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** I declare the Yeas have it.

### Formal Vote

**Mr. Mackintosh:** A count-out, Mr. Chair.

*A COUNT-OUT VOTE was taken, the result being as follows: Yeas 5, Nays 3.*

**Mr. Chairperson:** The bill will be reported.

### Point of Order

**Mr. Doug Martindale (Deputy Opposition House Leader):** Mr. Chairperson, on a point of order, it is actually House business. I have been talking to the government House leader, and we are trying to accommodate some people who have graduations. I am wondering if we could maybe finish Mr. Toews' bills, if it is not going to take too long, and also do Mr. Reimer's bill, if my critic agrees, to accommodate Mr. Reimer going to a graduation tonight, and then start Bill 48, which is probably going to be the longest one in any case.

Also, your House leader has agreed that bills not finished by six o'clock, the committee will reconvene at 10 a.m. tomorrow.

**Mr. Chairperson:** Is the committee agreed? [agreed]

We will then deal with Mr. Toews' bills first and Mr. Reimer's—or which ones did you want to proceed with first? Bill 52.

### Bill 52—The Statute Law Amendment Act, 1997

**Mr. Chairperson:** We will then, if it is the wish of the committee, deal with Bill 52. As previously, the title and the preamble will be set aside and the table of contents will be set aside until we have considered clause by clause of the bill.

Are there any opening statements to the bill? Seeing none, Clause 1—pass; Clause 2(1)—pass; Clauses 2(2), 2(3), 2(4), 2(5), 2(6), 2(7), 2(8), 2(9) and 3—pass; Clauses 4, 5, 6(1), 6(2), 6(3), 7(1)—pass; Clauses 7(2), 7(3), 7(4), 7(5)—pass; Clauses 7(6), 8 and 9—pass; Clause 10.

**Mr. Gord Mackintosh (St. Johns):** Would the minister explain why the government is doing away with this section, when it is my understanding that—his statement on second reading that the Legal Aid Society does away with the need for assistance or for payment for the poor and the very poor—in fact Legal Aid does not handle all kinds of cases. It turns down cases, and individuals also represent themselves.

**Hon. Vic Toews (Minister of Justice and Attorney General):** It is the government's position that with the advent of Legal Aid Manitoba, the providing of this type of certificate has ended and therefore the provision is not required.

**Mr. Mackintosh:** Well, what the government is doing then is doing away with the administrative scheme to support what is law. How can the minister justify doing away with what is law by an administrative scheme? You cannot justify the removal of a section of the act by saying, well, we do not respect it in the first place.

**Mr. Toews:** Well, I might indicate that a portion of this, in fact the most integral part of this was administered by the Law Society who no longer administers it. The Law Society is an independent agency. They no longer make these certifications and therefore with the advent of Legal Aid in Manitoba there is an appropriate alternative, and that is why we are moving to repeal this particular section.

**Mr. Mackintosh:** I will make this point. There is no appropriate alternative. The government has the ability and the power to ensure that this section of The Law Fees Act was respected and in fact it should have been promoted. I also make the comment that this section is inappropriately in this bill. This bill is for technical changes. This is a policy change. This is a hit on the poor, another one by this government, by this minister in particular.

**Mr. Toews:** I have been advised that this is appropriate for statute law amendments.

**Mr. Chairperson:** Items 10, 11(1), 11(2), 11(3), 12, 13, shall the items pass? No?

**An Honourable Member:** Section 10, no.

\* (1640)

### Voice Vote

**Mr. Chairperson:** All those in favour of passing Section 10, 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 Yeas have it

### Formal Vote

**An Honourable Member:** Count-out vote, Mr. Chair.

*A COUNT-OUT VOTE was taken, the result being as follows: Yeas 5, Nays 4.*

**Mr. Chairperson:** I declare the item passed. Items 11(1), 11(2), 11(3), 12 and 13—pass; items 14, 15, 16(1), 16(2), 16(3)—pass; Clauses 16(4), 16(5), 17, 18, 19(1)—pass; 19(2), 19(3), 19(4), 20 and 21—pass. Clause 22.

**Mr. Toews:** In respect of Clause 22, we would move to strike Section 22 from the bill, that is the section that states The Treasury Branches Act RSM 1988, CT 155 is repealed.

**Mr. Chairperson:** Is it agreed that committee agrees in striking this section from the bill? [agreed]

Clauses 23(1), 23(2), 23(3), 23(4), 23(5)—pass. Shall the preamble—before we proceed, there seems to be a proposal for a motion on the table. Is there a motion, Mr. Minister?

**Mr. Toews:** Yes, Mr. Chair. In view of the fact that 22 is now struck from the bill, I move

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; table of contents—pass; title—pass. Shall the bill as amended be reported?

**Some Honourable Members:** No.

**Mr. Mackintosh:** On division.

**Mr. Chairperson:** The bill, on division, will be reported.

Now, which bill did you want to proceed with next?

**Mr. Toews:** Bill 56.

### Bill 56—The Family Maintenance Amendment Act

**Mr. Chairperson:** Bill 56, The Family Maintenance Amendment Act, as previously, the title and the preamble will be set aside until we consider the balance of the bill. Clauses 1 and 2—pass.

**Mr. Gord Mackintosh (St. Johns):** Mr. Chair, it is best to go section by section on this bill if we could, clause by clause.

**Mr. Chairperson:** Clause by clause?

**Mr. Mackintosh:** I have amendments to this bill.

**Mr. Chairperson:** Why do you not just stop me whenever we get to—I will call the clauses out and give me a shout when you want to stop me.

Clauses 3, 4(1), 4(2), 4(3), 4(4), 4(5)—pass. Clause 5.

**Mr. Mackintosh:** I have an amendment that Section 5 of the bill be amended. I move, Mr. Chair,

THAT section 5 of the Bill be amended by adding the following after the proposed subsection 36.1(2):

**Penalty for false information**

**36.1(3)** Where a person provides false information under subsection (1), a court on application may, in addition to or in substitution for any other penalty to which the person providing the false information is liable under this Act or the child support guidelines, order that person to pay to the applicant an amount not exceeding \$5,000.

**[French version]**

*Il est proposé que l'article 5 du projet de loi soit amendé par adjonction, après le paragraphe 36.1(2), de ce qui suit:*

**Peine**

**36.1(3)** *Le tribunal peut, sur demande, ordonner à toute personne qui fournit de faux renseignements de verser au demandeur un montant d'au plus 5 000 \$, en plus ou à la place de toute autre peine prévue par la présente loi ou les lignes directrices sur les pensions alimentaires pour enfants.*

**Motion presented.**

**Hon. Vic Toews (Minister of Justice and Attorney General):** I would just indicate that I will not be supporting that. Mr. Chairperson, 36.1(2) indicates that where a person fails to comply with subsection (1), a court on application may, in addition to or in substitution for any other penalty to which the noncomplying person is liable under this act or the child support guidelines, order that the person pay to the applicant an amount not exceeding \$5,000. There are all kinds of other actions that a court can already take. It do not think this is necessary to add this. There may indeed be other issues under the Criminal Code of Canada which are also applicable, so I do not think this is necessary.

**Voice Vote**

**Mr. Chairperson:** All those in favour of the amendment, will you indicate by saying yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** I declare the amendment lost.

**Mr. Mackintosh:** On division.

**Mr. Chairperson:** On division. It will be reported that the item is lost on division.

Clause 5—pass. Clause 6.

**Mr. Mackintosh:** I have an amendment to Section 6, Mr. Chair, that Section 6 of the bill be amended by adding the following after the proposed subsection 37(1), as distributed. I understand that is being sent around now.

*THAT section 6 of the Bill be amended by adding the following after the proposed subsection 37(1).*

**Costs of raising child to be primary consideration**

**37(1.1)** *Despite the other provision of this Act, a court, in making a child support order or a variation order, shall consider*

*(a) first and foremost, the cost of raising the child including*

*(i) the cost of residential accommodations, housekeeping, food, clothing, recreation and supervision for the child; and*

*(ii) the need for and cost of providing a stable environment for the child;*

*b) the financial circumstances and other financial obligations of the persons who have the obligation to provide for the child's support, maintenance and education; and*

*(c) any additional factors the court considers relevant.*

**[French version]**

*Il est proposé que l'article 6 du projet de loi soit amendé par adjonction, après le paragraphe 37(1), de ce qui suit:*

### **Coûts liés à un enfant**

**37(1.1)** *Malgré les autres dispositions de la présente loi, lorsqu'il rend une ordonnance alimentaire au profit d'un enfant ou une ordonnance modificative de celle-ci, la tribunal tient compte des éléments suivants:*

*a) en tout premier lieu, ce qu'il en coûte pour élever un enfant, notamment:*

*(i) le coût du logement, de l'entretien, de la nourriture, des vêtements, des loisirs et de la surveillance de l'enfant.*

*(ii) la nécessité d'offrir un environnement stable à l'enfant et le coût d'un tel environnement;*

*b) la situation financières des personnes qui sont tenues de fournir des aliments à l'enfant et de pourvoir à son entretien et à son éducation;*

*c) tout autre élément qu'il juge pertinent.*

### **Motion presented.**

**Mr. Mackintosh:** This amendment is moved in order to ensure that the courts address the costs of raising the child first and foremost. It is similar, not virtually identical, to an amendment that we moved to the maintenance enforcement legislation earlier on. This responds to the main concern identified in studies and concern by organizations and individuals who have looked at the pattern of how orders are determined. It is important that it is need that must come first.

**Mr. Toews:** I am advised that this amendment is not necessary. The federal guidelines are based on national data on average expenditures on children at various income levels. Also, the federal guidelines give the court ample discretion to increase table support amounts if there will be an undue hardship to a parent or a child. In addition to the undue hardship cases, a court can also attribute income to low income payors in many circumstances. It should also be indicated the table amounts are a floor, and the courts can add amounts.

So there is ample discretion, and this is simply repetitive and indeed will be confusing if one wants to ensure that there is a consistent and fair program right across Canada. This, in fact, sets national standards.

**Ms. Marianne Cerilli (Radisson):** I just want to ask the minister to clarify then, given that he has just read sort of a statement in response to this amendment, if he can assure the committee that judgments in determining rates of pay for child maintenance will, in fact, have the needs of the child considered first before the noncustodial parent will have consideration of their payments for car loans or other expenses they may have, mortgages on additional properties, as I know is currently the case.

I think that is what this amendment is trying to ensure, that above and beyond any other expenses that a noncustodial parent would have, their responsibilities to provide payment for the maintenance and care of their child are going to come first.

**Mr. Toews:** Well, Mr. Chair, the law now is that car loans are not taken ahead of children. Children are the primary concern of the courts under the law now. This simply makes this clear and establishes guidelines. In a case where a car is taken over the interest of a child, I would be very surprised to find that that is, in fact, in compliance with the existing law or the law as amended.

\* (1650)

**Ms. Cerilli:** My question, though, is: Can the minister indicate where that is spelled out then? I am aware of situations where, in fact, judgments have been made where it was stated that there were other expenses that would be affected if higher maintenance payments were made, that there were other expenses. One of the examples that comes to mind is that there was a car loan that had to be paid on a new car, so that is why the judgment was lower for child maintenance payments, so I am wanting the minister to clarify for me where, in fact, his assurance is coming from.

**Mr. Toews:** The problem with generalizing about law and specific cases is that I can think of a lot of cases where a car loan or a truck loan would be very, very important to income. For example, if a person is a truck driver who has a loan and he makes his living from driving that truck, if the judge were to say, I am sorry, you cannot pay your loan, the person would lose his truck, lose his job and then no award would be made. So obviously a judge has to exercise a bit of

common sense in that kind of a context. The goal is clear under the legislation, and I believe most judicial figures, to ensure that the needs of children are met. How one determines that is, of course, a difficult process, and these guidelines go a long way to clarifying that.

**Ms. Cerilli:** I was just going to say, I think that the amendment would have allowed for those kinds of considerations. The kind of argument that the minister has just made is a legitimate one, but that is not the kind of situation where there have been other financial requirements that a noncustodial parent would have that have been put ahead of the needs of the child.

I would just urge the minister to give further consideration to this issue. I have heard it raised time and time again, when there are hearings or reviews or study of the issue of child maintenance that this issue comes up time and time again.

**Mr. Toews:** Basing an amendment in a statute on the basis of one case often makes bad law, or a small minority of cases. What we have to indicate is that we want to ensure that there is a fair process in order that the needs of children are met. That is the goal of this legislation. This is what all of the advocate groups have advocated for, including women's groups, saying that this is a step in the right direction.

I know that over the course of years there may be problems that are discovered; that is not uncommon in any statutory scheme. But, for now, we are advised by not just government or the federal government employees but by outside advocacy groups, including the major women's organizations across Canada, that this is the appropriate way to proceed. We have considered their opinion, and we are proceeding in that direction. Therefore, it is for that reason that I cannot support this amendment at this time.

**Mr. Chairperson:** Shall the amendment pass?

**Some Honourable Members:** Pass.

**Mr. Chairperson:** There seems to be some confusion as to what we are dealing with. I will read out again the amendment.

THAT section 6 of the Bill be amended by adding the following after the proposed subsection 37(1).

***Costs of raising child to be primary consideration***

***37(1.1) Despite the other provision of this Act, a court, in making a child support order or a variation order, shall consider***

*(a) first and foremost, the cost of raising the child including*

*(i) the cost of residential accommodations, housekeeping, food, clothing, recreation and supervision for the child; and*

*(ii) the need for and cost of providing a stable environment for the child;*

*b) the financial circumstances and other financial obligations of the persons who have the obligation to provide for the child's support, maintenance and education; and*

*(c) any additional factors the court considers relevant.*

**[French version]**

*Il est proposé que l'article 6 du projet de loi soit amendé par adjonction, après le paragraphe 37(1), de ce qui suit:*

***Coûts liés à un enfant***

***37(1.1) Malgré les autres dispositions de la présente loi, lorsqu'il rend une ordonnance alimentaire au profit d'un enfant ou une ordonnance modificative de celle-ci, la tribunal tient compte des éléments suivants:***

*a) en tout premier lieu, ce qu'il en coûte pour élever un enfant, notamment:*

*(i) le coût du logement, de l'entretien, de la nourriture, des vêtements, des loisirs et de la surveillance de l'enfant.*

*(ii) la nécessité d'offrir un environnement stable à l'enfant et le coût d'un tel environnement;*

*b) la situation financières des personnes qui sont tenues de fournir des aliments à l'enfant et de pourvoir à son entretien et à son éducation;*

*c) tout autre élément qu'il juge pertinent.*

**Mr. Chairperson:** Now, shall the amendment pass?

**Some Honourable Members:** No.

**Some Honourable Members:** Yes.

**Mr. Chairperson:** Yes, no.

#### Voice Vote

**Mr. Chairperson:** All those in favour of the amendment, will 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.

**Mr. Mackintosh:** On division.

**Mr. Chairperson:** On division.

Item No. 6, shall the item pass?

**Mr. Mackintosh:** I move

THAT section 6 of the Bill be amended by adding the following after the proposed subsection 37(2):

#### Minimum amount of order

**37(2.1)** Despite anything in this Act or the child support guidelines, a court shall not make a child support order that provides for child support in an amount that is less than the amount of child support as set out in the applicable Table in the child support guidelines.

#### [French version]

*Il est proposé que l'article 6 du projet de loi soit amendé par adjonction, après le paragraphe 37(2), de ce qui suit:*

#### Montant minimal d'une ordonnance

**37(2.1)** Malgré les autres dispositions de la présente loi ou les lignes directrices sur les pensions alimentaires pour enfants, le tribunal ne peut rendre une ordonnance de pension alimentaire au profit d'un enfant d'un montant moindre que celui prévu au tableau applicable des lignes directrices.

#### Motion presented.

**Mr. Mackintosh:** This is to make it absolutely clear that the guidelines are to be a floor. It addresses that issue head-on, and it requires that a court shall not make an order in an amount that is less than the amount of child support, as set out in the applicable table. It is important that the law back up what the claims are of individuals, that this table is a floor, and that the court can go beyond it. It is just a reminder to the court. More than that, it is a direction to the court.

**Mr. Toews:** I understand that this is the law already, and that this is therefore not necessary.

**Mr. Mackintosh:** It may be the minister's view that this is the law, but we are calling for a section that makes it absolutely clear that this is the law. You do not think that we should be risking any appeals or any judicial decisions that may not view the amounts in the tables as anything but a floor?

**Mr. Gary Kowalski (The Maples):** Yes, unless I am reading it incorrectly, Section 37(6) specifically allows for deviation from the guidelines. So this amendment and that section are diametrically opposed, because it specifically says that "a court may award an amount that is different from the amount that would be determined in accordance with the child support guidelines." So, right there, it says it. When the minister says it is already law in this section, it is the opposite of what this amendment says.

**Mr. Toews:** I think the concern is that, if there are two parties to a situation and the one disagrees, 37(6) deals with the situation where there is agreement between the two parties, and so that does not address the issue that I was responding to.

**Mr. Chairperson:** It has been moved by the honourable Mr. Mackintosh

THAT section 6 of the Bill be amended by adding the following after the proposed section 37(2).

**Minimum amount of order**

**37(2.1)** *Despite anything in this Act or the child support guidelines, a court shall not make a child support order that provides for child support in an amount that is less than the amount of child support as set out in the applicable Table in the child support guidelines.*

**[French version]**

*Il est proposé que l'article 6 du projet de loi soit amendé par adjonction, après le paragraphe 37(2), de ce qui suit:*

**Montant minimal d'une ordonnance**

**37(2.1)** *Malgré les autres dispositions de la présente loi ou les lignes directrices sur les pensions alimentaires pour enfants, le tribunal ne peut rendre une ordonnance de pension alimentaire au profit d'un enfant d'un montant moindre que celui prévu au tableau applicable des lignes directrices.*

**Voice Vote**

**Mr. Chairperson:** 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.

**Mr. Mackintosh:** On division.

**Mr. Chairperson:** On division.

Item 6, shall the item pass?

\* (1700)

**Mr. Mackintosh:** I move

THAT section 6 of the Bill be amended by adding the following after the proposed section 37.2. That is indexing.

**Mr. Chairperson:** It has been moved—

**Mr. Mackintosh:** That is indexing. Is that the indexing section? Moved as distributed.

**Mr. Chairperson:** —THAT section 6 of the Bill be amended by adding the following after the proposed section 37.2. Dispense.

**Indexing of support payments**

**37.3(1)** *Where the court makes a child support order or a variation order, the court shall also order that the amount payable shall be increased annually on the order's anniversary date by the indexing factor determined in accordance with subsection (2), unless the court is of the opinion that such an order should not be made because of exceptional circumstances.*

**Indexing Factor**

**37.3(2)** *The indexing factor for a given month is the percentage change in the Consumer Price Index for Canada for prices of all items since the same month of the previous year, as published by Statistics Canada.*

**[French version]**

*Il est proposé que l'article 6 du projet de loi soit amendé par adjonction, après l'article 37.2, de ce qui suit:*

**Indexation des aliments**

**37.3(1)** *Lorsqu'il rend une ordonnance alimentaire au profit d'un enfant ou une ordonnance modificative de celle-ci, le tribunal ordonne aussi que le montant payable fasse l'objet, à la date anniversaire de l'ordonnance, d'une majoration annuelle égale au facteur d'indexation, calculé conformément au paragraphe (2), sauf s'il est d'avis qu'une telle ordonnance ne devrait pas être rendue en raison de circonstances exceptionnelles.*

**Facteur d'indexation**

**37.3(2)** *Le facteur d'indexation pour un mois donné est le taux de variation de l'indice des prix à la consommation pour le Canada, en ce qui concerne*

*l'indice d'ensemble par rapport au mois correspondant de l'année précédente, tel qu'il est publié par Statistique Canada.*

**Motion presented.**

**Mr. Mackintosh:** The purpose of this amendment is to ensure that awards made under the act are indexed automatically. It is important that the amount of the order not deteriorate and diminish over time as a result of inflation.

**Mr. Toews:** The point is that these orders are income based, and they depend on income. So, if the income grows or falls, there has to be some reflection on that. To simply say, you keep on increasing an order without taking into account the ability to pay, does not make sense and detracts from the general principle that this is trying to get at, that there is fair payment made by the payor to the payee on behalf of the children, so I cannot support this.

**Mr. Mackintosh:** Is the minister saying that it is the law that when one receives incremental pay increases that the order increases?

**Mr. Toews:** What I am saying is, it is grounds for a variation.

**Mr. Mackintosh:** What this amendment says is that the needs of raising the child have to come first and foremost.

**Voice Vote**

**Mr. Chairperson:** All those in favour of the amendment, 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 item lost.

**Mr. Mackintosh:** On division, Mr. Chair.

**Mr. Chairperson:** On division.

Are there any further amendments that are going to be proposed here?

**An Honourable Member:** Yes.

**Mr. Chairperson:** On this section?

**An Honourable Member:** No.

**Mr. Chairperson:** Section 6—pass; item 7—pass. Items 8 and 9—pass.

**Mr. Mackintosh:** Mr. Chair, are we on Section 9 or Clause 9?

**Mr. Chairperson:** Yes, we just passed No. 9.

**Mr. Mackintosh:** I have an amendment to—

**Mr. Chairperson:** You want to revert back to No. 9?

**Mr. Mackintosh:** Yes, Mr. Chairman.

**Mr. Chairperson:** We will revert back to No. 9.

**Mr. Mackintosh:** Mr. Chair, I move

THAT section 9 of the Bill be amended by adding the following after the proposed clause 39.1(1)(a):

*(a.1) assist persons in the determination of the amount of child support;*

*(a.2) assist custodial parents to obtain a child support order or a variation order;*

**[French version]**

*Il est proposé que l'article 9 du projet de loi soit amendé par adjonction, après l'alinéa 39.1(1)a), de ce qui suit:*

*a.1) aider des personnes à fixer le montan des aliments pour enfants;*

*a.2) aider le parents qui ont la garde des enfants à obtenir une ordonnance alimentaire au profit d'un enfant ou une ordonnance modificative de cellae-ci;*

**Motion presented.**

**Mr. Mackintosh:** I also have a question for the minister. I would like the minister to tell us what resources are being appropriated for this new child support service, and can he describe who will comprise that child support service? How many staff years are we looking at? As for the amendment, that goes to the scope of the child support service. We think that the scope certainly has to be enlarged to include these kinds of services.

**Mr. Toews:** I understand that the subject matter of this amendment is already being carried out by the Child Support Resource unit, which has been recently opened, June 16, 1997, and this is in fact being done now. This parallels a lot of the federal resources in respect of the same type of issue. We are setting up a broader framework to deal with the support that needs to be given in this particular case, but as of now the Child Support Resource Centre is already providing the assistance that is indicated in the measure. So at the centre itself, at this time, they do not obtain a child support order, which is really a legal function. We have to be very careful about what we give to some of these organizations. Legal Aid already does that type of thing, and they are assisting in variation orders at this time.

This Child Support Resource Centre is in fact what is in place at this time. It is not essentially what is envisaged in the section that is being sought to amend. As indicated, that entire framework is being set up in co-operation with the federal government. In fact, the federal government is very impressed with the services that we are offering under the Child Support Resource Centre, and in fact this resource centre is one of three presently being evaluated by the federal government with the hope that perhaps some of the things that we are doing here already can be transferred to some of the other provinces. So Manitoba is known in this area to be quite progressive and ahead of most of the other provinces, if not all of the other provinces. I do not think this amendment is necessary; in fact, reflects what we are already doing.

**Mr. Mackintosh:** Again, what resources is the government prepared to commit in terms of staff years and dollars to the child support service?

**Mr. Toews:** In respect of the final program that is being set up, that is what is being worked on with the federal government now. The present resources, my staff can make that information available to you.

**Voice Vote**

**Mr. Chairperson:** On the proposed motion of Mr. Mackintosh, shall the item pass? All those in favour, would you say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those opposed, would you say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** I declare the item lost.

**Mr. Mackintosh:** On division, Mr. Chair.

**Mr. Chairperson:** On division.

**Mr. Mackintosh:** Mr. Chair, a final amendment.

**Mr. Chairperson:** One more amendment.

**Mr. Mackintosh:** I move

THAT section 9 of the Bill be amended by adding the following after the proposed subsection 39.1(1):

**No fee for service**

**Mr. Chairperson:** Dispense.

*39.1(1.1) Despite anything else in this Act, no fee shall be required to be paid by any person receiving assistance from the child support service.*

**[French version]**

*Il est proposé que l'article 9 du projet de loi soit amendé par adjonction, après le paragraphe 39.1(1), de ce qui suit:*

**Service gratuit**

**39.1(1.1)** *Malgré les autres dispositions de la présente loi, aucun droit ne peut être exigé des personnes qui reçoivent de l'aide du service des aliments pour enfants.*

**Voice Vote**

**Mr. Chairperson:** 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 item lost.

**Mr. Mackintosh:** A question for the minister. Is the minister intending to introduce user fees for the child support service clients?

\* (1710)

**Mr. Toews:** I certainly have received no indication that we are even considering introducing fees, so the amendment that was suggested at this time, I do not know what the consequences or effects of it is, but we would certainly have to review this before voting on an issue like this. We want to make sure that there is not something that an agreement with the federal government might not affect our actions in this. We certainly do not want to lose any funding from the federal government that may be available to us.

**Mr. Mackintosh:** Is the minister then saying that the government is open to the concept of user fees for the child support service clients?

**Mr. Toews:** No, I am not saying that.

**Mr. Chairperson:** Clause 9—pass; Clauses 10, 11, 12—pass; preamble—pass, title—pass. Bill be reported.

**Bill 58—The Law Reform Commission  
Amendment Act**

**Mr. Chairperson:** Bill 58, The Law Reform Commission Amendment Act, the title and the

preamble will be set aside as normal. Clause 1, shall the item pass?

**Some Honourable Members:** No.

**Voice Vote**

**Mr. Chairperson:** All those in favour of passing Clause 1, 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 item passed. The clause shall be passed.

Clauses 2, 3, 4, and 5.

**Hon. Vic Toews (Minister of Justice and Attorney General):** I have an amendment in respect of Section 3.

**Mr. Chairperson:** Shall we deal then with Clause 2? Shall the item pass?

**An Honourable Member:** No.

**Voice Vote**

**Mr. Chairperson:** All those in favour of passing Clause 2, 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 item passed. Clause 3.

**Mr. Toews:** I move

THAT section 3 of the bill be struck out and the following substituted:

3 Subsection 5(3) is repealed.

**[French version]**

*Il est proposé que l'article 3 du projet de loi soit remplacé par ce que suit:*

*3 Le paragraphe 5(3) est abrogé.*

**Motion presented.**

**Mr. Toews:** This relates to the issue that was raised by Professor Edwards. He indicated that he was concerned that the repeal of the entire section would, in fact, not allow the commission members to be paid.

Clearly, that is not the intent of the government. In fact, The Interpretation Act presently says that there is authority to pay them, and so what this is simply doing is making it very clear that there still is a statutory entitlement to pay these commissioners, and that is the purpose of the amendment.

**Voice Vote**

**Mr. Chairperson:** 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:** Amendment—pass.

Clause 3 as amended—pass. Clauses 4 and 5.

**An Honourable Member:** No.

**Voice Vote**

**Mr. Chairperson:** 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 items passed.

Clauses 6, 7 and 8.

**Some Honourable Members:** No.

**Voice Vote**

**Mr. Chairperson:** 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 items passed. Preamble—pass; title—pass. Shall the bill be reported?

**An Honourable Member:** No.

**Voice Vote**

**Mr. Chairperson:** All those in favour of reporting the bill, 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 item shall be reported.

**Formal Vote**

**Mr. Mackintosh:** Count-out, Mr. Chair.

*A COUNT-OUT VOTE* was taken, the result being as follows: Yeas 6, Nays 5.

**Mr. Chairperson:** I declare that the bill as amended will be reported. Thank you.

**Bill 60—The Elderly and Infirm Persons' Housing Amendment Act**

**Mr. Chairperson:** Bill 60, the title and preamble will be set aside. Clause 1—pass; Clause 2—pass; Clause 3—pass. Clauses 4 and 5.

**Some Honourable Members:** Oh, oh.

**Ms. Marianne Cerilli (Radisson):** Mr. Chairperson, this is completely unacceptable, what you just tried to do there. I have a number of questions for the minister about Bill 60.

**Mr. Chairperson:** I will now call order to the committee. It was my view that we had indicated that we would set aside the title and the preamble. Ms. Cerilli has a number of questions.

**Ms. Cerilli:** I do not know if you want to ask if the minister has any opening statement or comments to make on the bill. I think that is the usual practice.

**Mr. Chairperson:** The minister had not indicated he wished to have an opening statement.

**Ms. Cerilli:** I will just move into questions then. First of all, I want to draw the committee's attention to the fact that there were no presenters on this bill. I, in talking with people that are working in the field of seniors housing, want to indicate that is not because people were not interested in wanting to come out to speak to this bill. It is because of the speed with which the bill was brought in; it was only brought in about two weeks ago to the House. It also had to do with the speed that it was going to committee and the fact, largely, that the minister had not really consulted or notified anyone in the community dealing with seniors housing that this bill was coming forward.

So I am disappointed and concerned that there were no presenters and, like I said, it is not because there is not the interest and there was not the desire to make

presentations, to make comments on the bill, but it has to do with the fact that the minister seems to be in a big rush to get this through, and he has not consulted.

(Mr. Vice-Chairperson in the Chair)

So I am wanting to ask the minister, why is that the case? Who did the minister talk to with respect to this legislation?

**Hon. Jack Reimer (Minister of Housing):** As the member is aware, this piece of legislation is legislation that was brought back in, as the member for Crescentwood (Mr. Sale) mentioned in his speaking notes, speaking on the bill, back in 1959. [interjection] What did I say? I thought I said the legislation was brought in in 1959.

**An Honourable Member:** You said the member was speaking in 1959.

**Mr. Reimer:** Oh, pardon me. As mentioned by the member for Crescentwood, who was speaking in his remarks on the bill.

The legislation was brought in at that time to correct a situation in the fact that the demographics and everything were indicating that seniors housing was starting to be of a concern. At that time, when it was brought forth, it was brought forth to address the situation of housing, the standards of housing and the controls of housing. At that time, it was actually brought in under the control of the Municipal Affairs department and not under the present Housing department. In 1969 or '70, the act was split, and the administration of the act was then put into the Department of Health and the department of the Manitoba Housing and Renewal Corporation for seniors.

The legislation has come to a point now where it does not adequately represent the concerns of seniors in a sense that a lot of the applications and the licensing that is available now gives seniors homes, of 55 and over, the ability to ask for tax exemption. So the idea behind bringing in amendments to this bill is to bring in modesty standards only regarding the application of this bill. It is not meant to change things in any other way, in a sense, other than it gives us the ability to bring in

regulations so that some of these units that are being brought on stream by developers, where you have large accommodations of upwards of 1,500, 1,800, and 2,000 square feet, are now being eligible for school tax rebates, and they are not really under the true guidelines of what we call seniors housing. So this is the main reason for bringing in the bill, Mr. Chairperson.

\* (1720)

**Ms. Cerilli:** I believe it is the minister that has an event in his community and wants to finish off as quickly as possible with this bill, so I would urge him, rather than repeating his remarks from second reading, if he could just answer the question, which was a very simple, clear question about who was consulted on this legislation. Did you consult with any of the properties that are going to be grandfathered through Bill 60? If not, why not? Did you consult with the social housing managers association? If not, why not?

**Mr. Reimer:** Mr. Chairperson, it has been brought to my attention that this is something that has been discussed for a long time. In fact, the comment was made that there has been talk of this for the last couple of years in regard to trying to come to some sort of resolve as to the discrepancy in the interpretation of how people apply for the tax rebate under The Elderly and Infirm Persons' Housing Act. So it is not as if this has not been consulted with. If the member is asking whether there was a form of procedure or forums or public meetings called or anything, that was not called, no.

**Ms. Cerilli:** Well, can the minister explain, and he is getting there, why housing developments that are on the list of 17 seniors blocks that are going to be protected through Bill 60 did not know about it. They did not know that this legislation was coming in. They were surprised when I contacted them and told them they could make a presentation at the committee. They did not know. I do not understand why that is the case, and I would like for the minister to give me an explanation of that.

**Mr. Reimer:** Mr. Chairperson, it has been pointed out that there would be no change in the application of the eligibility of these units or these complexes. They would still enjoy the tax benefit of paying no school

tax. So there would be no change in their relationship or their expenses or their situations as to how they cater to the seniors market. Where the change would be is in the new ones or the new developments that would be coming in. So we are gearing this amendment so that the new developments would know that they would not be eligible for the school tax rebate, unless they came within the guidelines of the modesty standards that we are recommending in our regulations. So the units that are existing really will see no change at all in their application for the EPIH licence, and they would still be granted the tax exemption under the school tax. So to say that these would be affected, there is no effect on these 17 units or 18 complexes which she refers to.

(Mr. Chairperson in the Chair)

In total, I think there are 184 units altogether that enjoy the tax-free exemption from school tax, and that represents over \$2.5 million. These, I believe—she has the figure in front of her—I believe it is around \$780 or \$1,000, so they would still have that tax-free basis, but the new ones that are being proposed by developers would not have that unless they came in under the guidelines of the bachelors being 435 square feet, the one-bedroom 585 square feet, and the two-bedroom 840 square feet, not like the ones that have been coming forth with 1,200 and 1,400 and 1,800 square foot units.

**Ms. Cerilli:** Well, I guess I differ in the way that I am going to interpret this from the minister, but I think there is a change, and that is that these properties are going to be judged on a different standard than properties similar to them in the future. Would the minister not agree that they would then benefit, and it is reasonable that they should know that, that there is going to be a different standard applying to them where they will qualify for the exemption, but, in the future, properties similar to them will not be exempt and will have to pay the property school tax. So I think the other question that needs to be asked and for the minister to realize is that there may be agencies or nonprofit groups that have sponsored these blocks. Certainly there will be developers that have been involved with this that would like to pursue this same arrangement in the future. Does the minister not think that they should know this is not going to be available, and they should know about Bill 60 prior to it being

introduced and when it is being introduced into the Legislature? I think we could have benefited at this committee from hearing from them, but because of the fact that the minister did not notify them about the bill, that has not happened.

**Mr. Reimer:** Mr. Chairperson, the list that was provided to the member was a list that was provided through the Housing department under a specific request by the member wanting to know which were the 55-plus units that have been granted the EIPH licence. The list that she has, the 17 or 18 of them, are the ones that are granted the EIPH licence.

Also, as I pointed out, I believe there are 184 total complexes that operate under The EIPH Act. They were not notified either of this change because they, along with these 18 complexes, will have no change in their status. Anything that is going to now be built will not be eligible to have the tax rebate, and that is exactly the emphasis of this legislation that we are proposing.

**Ms. Cerilli:** The minister does not seem to be acknowledging the point that I am making, that they will be judged by a different standard than ones in the future—[interjection] Yes, that is the purpose of the bill. These ones are going to be grandfathered in the future. Similar blocks that are life-lease, Mr. Chair, 55-plus will not qualify for the exemption. So there could be Kiwanis club or Lions could be involved and be approached in the future, and they will not be eligible for the same arrangement. I am saying that I think it would have been valuable for them to know about that. The minister, I know, has also said that currently there are no applications for licence under the elderly person and infirm persons act, and that was another reason for trying to do this right now and right away. I still think it would have been good for us to have these people notified.

Also, I know the minister has met with the social housing managers group and talked to representatives from that organization, and they were not aware that this bill was coming forward at this time and they would have liked to know as well. They were very interested and concerned, and they were very pleased when this list came forward and there was some clarification that for sure, as the minister responded in the House to questions in Question Period, there was

not going to be any deviation from the grandfather protection under Bill 60. I want to move on. I do not know if the minister wants to respond to that point, but I think it makes sense to ensure that parties that are going to be affected by legislation know when that legislation is coming through the House.

If the minister has no comments on that, I will proceed to my next question. That is, I want to ask, of these 17 units on the list that are life-lease projects with an EIPH licence, how many would qualify under the square-foot standard that is going to be brought in as a regulation under Bill 60? How many on this list have units that are going to be—maybe I can read the square footage into the record. So that would be bachelor units at or less than 435 square feet; one bedroom at or less 585 square feet; and two bedrooms at or less 840 square feet. How many of these apartments have units that would fall under that standard?

\* (1730)

**Mr. Reimer:** It is a bit of a difficult question to answer in a sense that the 17 units that the member is referring to have various sizes, various configurations in their layouts and everything. In general, I guess the comment could be made that a lot of them would be a lot bigger than what the modesty standards are that are shown in the regulations that are being proposed. I guess it is of the opinion that somewhere you have to draw the line in the sand, sort of to say, and say that the existing ones are going to be grandfathered, the new ones have to fit within this criteria, or they are not eligible.

The direction that was happening with the 55-plus movement was the fact that more and more they were becoming more luxurious, larger units. The square footage kept going up and up on it, so somewhere government makes a decision that these are the standards. What has happened, we cannot change. We could not go back and look at the square footage on an individual basis on each unit and say that these are eligible and these are not eligible. So it is better to look at the whole complex and say that these 17 units that we are referring to as the life-lease units would still remain eligible, and there will be units in there that would not fit under the existing guidelines. But, as I mentioned, you have to start somewhere and you have

to draw the line somewhere in the sand, and this is why the legislation is being proposed now.

**Ms. Cerilli:** Maybe I will ask the question a different way then. How many units, and I think this is an important question, in this group of seniors life-lease apartments would be beyond the square footage standard that is going to be in regulations under this section of the act?

**Mr. Reimer:** I am informed more than half.

**Ms. Chairman:** Clause 1.

**Ms. Cerilli:** I have a number of other questions. This issue of there being apartments that are going to have mixed units, some of them that would qualify under what the minister is calling a modesty standard and some of them that would not, could continue in the future. I am wondering if the minister and his staff have anticipated that if in the future there are blocks that are constructed, where some of the units are going to be under the standard and some of them are going to be over the standard, what is going to happen?

**Mr. Reimer:** It is highly unlikely that the unit that would go on the market now under new development would be under those guidelines of square footage such as been indicated. The member also mentioned the mix of units. There is quite a range mixed within certain complexes of elderly housing out there. There are units now where you have a personal care home part of a building, you have life-lease as part of the building, you have Manitoba Housing units that are part of the building, you have units that are RGI in part of that same building, and the whole mix falls under The EIPH Act.

So we cannot just pull out little segments of a complex and say that they are eligible and others are not when we are looking at the complex, so the licensing is of the complex itself in total. Like I mentioned earlier, the range of square footage and the range of contractual arrangements, if you want to call it, within those complexes can vary, like I say, from PCHs to RGI units. So there is quite a range in there. The EIPH though will give the tax exemption for that total unit on the school tax exemption.

**An Honourable Member:** On the total block.

**Mr. Reimer:** On the total block itself.

**Ms. Cerilli:** Well, there are a number of questions that flow from that. I guess, the most obvious is why did you decide to do it that way when you know that this has occurred in the past and it has been part of social housing policy to try and have a combination of different size of units, different incomes mixed in one block? That has been an attempt to not sort of ghettoize lower-income tenants and residents, and that has been consciously done in social housing policy. So why have you decided to do it this way where you are dealing with the block as a whole?

**Mr. Reimer:** The member has pointed out a very good point in the fact that it sounds very complicated and convoluted, and that is exactly what has happened. There has been so many add-ons and so many diversifications of housing that fall under the Manitoba Housing jurisdiction in a sense. One of the reasons was to try to accommodate housing for seniors, try to accommodate housing for the socially disadvantaged segment of our population, and also at the same time, the social responsibility of government to provide housing for people in need. There was the room for a lot of creative involvement and arrangements not only in funding but in mortgaging and in co-operative movements which the member has mentioned from time to time in PTSTA granting, in the SAFER and SAFFR programs. There is a numerous amount of housing milieu that brings into trying to work providing housing.

Somewhere along the line though, you have to start to make changes and try to bring it more directed towards the housing that is needed, and in the seniors housing one of the things that we do want to encourage is seniors housing not only in the city but in the rural area, and the life-lease concept is a good area. But under The EIPH Act, what was happening is the units became more and more luxurious and bigger and better, and they were still not paying the school tax. We were concerned that this would be coming to a point now where it not only jeopardizes some of the funding for school divisions, but it also sets up a tremendous amount of unfair comparison of people who are still living in their homes and paying school tax and people

moving into luxurious units and not paying school tax. So this is why we have to, like I mentioned earlier, you have to draw the line somewhere and make a change, and this is why we are proposing these legislative amendments.

**Ms. Cerilli:** I was having problems following the minister of why it is you decided to either exempt or not exempt seniors housing by the block and not by the size of the unit, particularly when you know that there are mixed blocks?

**Mr. Reimer:** I will try to be short on this.

**An Honourable Member:** I hope so.

\* (1740)

**Mr. Reimer:** Yes. The interpretation of an assessment and the taxation really is under the authority of the Rural Development and the assessment act, and you cannot grant tax assessment—well, you give the tax assessment and the grant to the whole property.

**Mr. Chairperson:** Clause 1.

**Ms. Cerilli:** That makes more sense in answering that question, but in answers previously, the minister suggested that he did not think that housing constructed in the future as life-lease apartments would build units that are going to be at this low-end standard. Am I understanding that correctly? I see the staff are nodding. I am wanting an explanation of why you believe that is so if you do not think that this could sort of drive the market and encourage developers to create life-lease blocks that would qualify for these modesty standards that would then have the exemption on the property school tax.

**Mr. Reimer:** Life-lease units will still continue to be built. We have no problem with that. I think that there is a market out there that some seniors will want to invest their money in and, if life-lease is the method of choice, we certainly are not going to step in front of that. But what we will do is we will not allow them to have an EIPH licence. That is the main thing that we are trying to stop. If people want to get in the construction of seniors complexes that do fall within the guidelines of The EIPH Act, which will have the

modesty standards involved with them, then they are totally eligible to apply for The EIPH Act if they have no problem in fitting the qualifications.

**Ms. Cerilli:** And they would then qualify for the exemption. What I am asking you though is if you think that is going to happen? If you think that the legislation now will encourage certain developers to construct seniors housing that will qualify for the modesty standard and still have the exemption on the property tax, do you think that is going to happen?

**Mr. Reimer:** I could not predict exactly what would happen, but I guess it is like anything. It is going to be market driven, and market demand is going to dictate where the complexes are going to be built, whether they are going to be in the high-end life-lease or that if the market develops for the low-end or the modesty standard apartments and the availability of the tax concessions. Those are some of the things that developers and the market will dictate.

**Ms. Cerilli:** This is a very important question though. Given that the federal and provincial government are no longer funding seniors social housing, this exemption of the property school tax is really going to be the only government incentive. There are no grants anymore, and the minister has said that there is still a need for seniors housing to be constructed, so I am hoping that there has been some consideration on this. The minister said he cannot predict what is going to happen but, hopefully, there has been some analysis from a policy point of view of this for us to have a sense if we are going to see seniors housing constructed at the low end where there is a need. We have an aging population. They have fixed incomes, modesty, very modest fixed incomes, and I think that we have to have some idea if we are going to have some encouragement for housing to be developed for those seniors. Does the minister think this is going to do that?

**Mr. Reimer:** I think that where a lot of the housing seniors development is taking place to an extent is in the rural area where a lot of communities and a lot of towns are taking the initiative on their own to provide housing in four- and six-plexes, and the standards and the vacancy rate there is very low in the sense that a lot of these places are picked up very fast. A lot of times it is the local town or the local municipality and some

of the local service clubs that step in and decide that they are going to do it, and that will continue to happen. Again, like I say, market dictates will make seniors housing available.

**Ms. Cerilli:** Well, part of my point is that in the past it has not just been market dictate. There has been government support financially through different programs for construction of seniors housing and concern that is not happening anymore, and that the only thing we have left now is this exemption under The Elderly and Infirm Persons' Housing Act. So I think this is a very critical point, and I am wanting to move on. I think I have made that point, so I will carry on.

One of the other things I wanted to ask about is if through the analysis of the property school taxes that are now not being paid, if the department has broken this down by school division or if the Department of Education has done that? I have the chart here that shows that it is \$757,358. I am assuming that is annually that is going to be exempt, that these 17 properties would have generated that amount of money as school tax, and that is not going to happen on an ongoing basis in the future. I would be interested in knowing how that breaks down in terms of the different school divisions.

**Mr. Reimer:** We do not have that available. The Department of Education, I imagine, would be able to pinpoint the units through the various divisions, but we do not have that information.

**Ms. Cerilli:** Can you get it?

**Mr. Reimer:** Yes, we can get that for the member.

**Ms. Cerilli:** Okay, thank you. I am also wanting you to explain the review process under the act that there will be and there has been a periodic review of the properties that qualify under the act and that is going to continue. I looked through the legislation and the regulations, and it was not clear to me where that is outlined. So I am wanting some assistance with that in understanding this review process.

**Mr. Reimer:** As pointed out, the licences are renewable and with that renewal comes an evaluation

and a cheque, as the member mentioned, to make sure that there is a qualification, is still in order and if it is not, well, then the licence is not issued to that complex, and that is an ongoing review.

**Ms. Cerilli:** So how often does that review take place? It is done by the Manitoba Department of Housing, I am assuming, and the properties that are listed on this list of 17 that are going to be grandfathered under Bill 60, those will still be part of a review? Three questions there.

**Mr. Reimer:** Originally, it was an inspection annually, but the licence has now been granted on a two-year period, so the review is done every two years.

**Ms. Cerilli:** Done by whom?

**Mr. Reimer:** Manitoba Housing—the Housing Authority I should say.

**Ms. Cerilli:** The Manitoba Housing Authority does the review on the properties that are listed. This list of 17 is protected, having their exemption for school tax protected, are they still going to be reviewed?

**Mr. Reimer:** Yes.

**Ms. Cerilli:** So could their qualifications change? What would they have to do so that their qualifications—what would have to happen so that their qualifications would be changed under the act?

\* (1750)

**Mr. Reimer:** If they did not fit under the qualifications and the guidelines of The EIPH Act, as it currently stands and as they are aware of when they make application and they do not fit the qualifications, well, then their licence would not be granted.

**Ms. Cerilli:** This is why I was saying earlier, I have reviewed the legislation and I have looked at the regulation which I have here—and it says that an application for licence under Section 1 shall be accompanied by—and they have to have a list containing all the names of those on their board. They have to have a balance sheet. They have to have evidence that they have status as a nonprofit, and they have to have

further information as you require. I am wondering, is that all that they have to comply with or are there other things? If you cannot describe them for me here, just direct me where I can find that. I checked with the library. There is no other regulation under this act.

I am also interested in this because in the minister's speech on second reading and in other places, there has been reference that there are income guidelines with respect to this legislation. I could not find that in the act or regulations either.

**Mr. Reimer:** What we can provide the member is a complete listing of all the qualifications, and one of the things is that the rental is not more than five times their income. That is one of the criteria. There is other, I do not have all the specifics here, but I can get them for the member so that she is aware of what qualifications are for The EIPH Act.

**Ms. Cerilli:** Specifically with the income guideline with respect to it being five times the rent, where is that? Is it in a regulation? Is it in the legislation? I could not find it.

**Mr. Reimer:** We will find that somewhere in our legislation and get it to the member.

**Ms. Cerilli:** I understand now that there are other programs that would be available to developers and nonprofits that are wanting to create seniors housing. I am wondering if the new blocks that could be created in the future could also have rent geared to income units as do the life-lease projects that are on this list of 17?

**Mr. Reimer:** The member asked whether in a new development of a life-lease, whether RGI units would be part of that complex?

**Mr. Chairperson:** The honourable minister, which one are we looking at?

**Mr. Reimer:** The RGI units are government subsidies. There would be no government subsidies at all involved with 55-plus units other than what we are trying to amend here regarding the school tax. So there would be no subsidies for life-lease units for RGI.

**Ms. Cerilli:** Is that because there are no longer any funds through CMHC and through the Manitoba Housing Renewal Corporation to construct social housing because those programs have been discontinued?

**Mr. Reimer:** Right.

**Mr. Chairperson:** Clause 1.

**Ms. Cerilli:** I am wondering if in the development of the legislation there was also consideration given to having an income criteria that would continue to apply with the exemption that rather than having the exemption be solely based on these blocks, if there would also be a requirement to have it income-based? Well, as the minister has said that more than half of the blocks that are exempt and are grandfathered with that exemption are beyond the standard, and there is no income criteria attached to those. Or is there?

**Mr. Reimer:** That is one of the problems under the act. The income requirement, theoretically, you can have people that are making \$60,000 a year paying rent which is about \$1,000 a month qualifying for the school tax rebate. That is not low-income housing, and that is not housing for seniors. So this is why the five times rent—actually that is not a limiting factor in bringing in the exemption for the school tax rebate, because a person with \$100,000 income can still afford the five times rent, and they still could get the tax rebate under the existing law, the existing EIPH Act. So, looking at the modesty standards, that is where we feel that we can bring into line the discrepancy in the taxes.

**Ms. Cerilli:** I am wondering when you developed the legislation you have done any analysis or considered that the grandfather clause or the protection under this bill would be given based on the tenants and the tenancy in the block now, so that those more than half of the units in these blocks, when those tenants that are currently there move out, that those units would not be protected any longer. Was that considered? If it was, I am interested in seeing if there is any sort of written policy analysis on that that I could have.

**Mr. Reimer:** The member must remember we do not own those properties, so we do not have control of them. We only have control of giving a licence which

gives them the eligibility, but we cannot control who goes in or the turnover of units within there. So we do not have that type of control.

**Ms. Cerilli:** So was that considered?

**Mr. Reimer:** No. We can only exempt the total building itself.

**Mr. Chairperson:** What is the will of the committee? Are we going to continue the discussion or are we going to rise at six o'clock?

**Ms. Cerilli:** I think there is an agreement to rise.

**Mr. Chairperson:** At six o'clock? So you do not want to pass this bill?

**Ms. Cerilli:** I am afraid I still have a few questions. It should not take much longer when we reconvene. We have hardly had any attention to this bill which we are opposing.

**Mr. Chairperson:** The only bill, as I understand it, that has been referred for tomorrow in the House was Bill 48. So if we want to deal with this bill today, then I ask that we want to give consideration and not see the clock and deal with the rest of the bill. If not, then I want to ask the committee to rise at six o'clock. I mean, it is up to the committee what the committee wants to do. What is the will of the committee?

**Mr. Reimer:** If there is a willingness for a few more questions, I feel we can try to finish the bill off today then. I will try to be short.

**Ms. Cerilli:** I am willing to stay a few minutes longer. I do not have that many more issues I want to discuss.

**Mr. Chairperson:** Okay, we will not see the clock.

**Ms. Cerilli:** I know that there were people, including the minister, that wanted to get out of here by six o'clock. So I do not understand if there is a real hesitation to coming back with this bill. If the committee agrees to come back with this bill when this committee reconvenes, I think that would be—

**Mr. Chairperson:** This bill we cannot agree to. It was referred in the House. Bill 48 was referred in the House till tomorrow. That is the only bill that is referenced. So I suggest to you that we not see the clock and deal with the bill.

\* (1800)

**Ms. Cerilli:** The large substantive issue that we are concerned about is that there will remain a loophole for these life-lease apartments qualifying for licence under this act, because they will find new creative ways to keep within the modesty standard, but yet they will increase the common areas. They will do all sorts of other wonderful things, offering—who knows?—trips, bus service, large swimming pools, recreational facilities, and be able to charge higher rents and have tenants that would pay those rents and still qualify for the exemption. The minister is shaking his head. How can he explain that?

**Mr. Reimer:** Firstly, the licence has to be renewed every two years. They have to meet the qualifications. Regulations can be added to fill in loopholes or areas where there is an overexuberance of amenities and things like that to get around the law regarding the EIPH and, like I say, it is reviewed every two years. So we have the ability to make changes so that they cannot circumvent the act.

**Ms. Cerilli:** I appreciate you can always make more changes, but I am concerned about this act as it is now, and it is going to be there at least till we are sitting again. I do not know if you want to bring in regulations that are going to close those loopholes, but would the minister agree that there are ways that developers could find around this standard that is being brought in through this bill?

**Mr. Reimer:** I should point out that what we are doing is we are making an amendment to this act so that it allows us to bring in regulations, plural, so it may not be just what we are talking about. We can make the changes if it comes about.

**Ms. Cerilli:** Trying to keep up with those developers.

**Mr. Reimer:** That is right.

**Ms. Cerilli:** I am sure you have had this legislation reviewed by lawyers, and if you think that there is any ability for it to be challenged in court, always when you get into a situation where there is this type of different standard for the past and then the future, especially when some of the units are going to be over the standard that are going to be protected, if that is going to be challenged in the future by developers, if you have considered that and had any legal opinion?

**Mr. Reimer:** I should refer to my honourable colleague from River Heights on this, with his legal background. I can only say that, I guess, anything is challengeable, and we will stand the test of time and wait for anything that comes about.

**Ms. Cerilli:** I was concerned by comments that you made earlier. I am less concerned now after your answer in this House in Question Period, but you had said that you wanted to weed out, I quote, "weed out" those that should not qualify. There would be a review so those that are qualifying that should not would not qualify. I am wondering if you can explain that?

**Mr. Reimer:** What I was referring to was the fact that because there is a review process of the licences on a bi-annual basis, it gives us the opportunity to see whether there are abuses and complexes that do not qualify so that we can, as the member mentioned, weed them out of the process of still having the tax exemption. That was what we can now start to—with the modesty standards, new units will, in all likelihood, not be constructed because of the fact of life-lease, and a lot of them are looking at the large complexes with the huge square footage, and the evaluation, like I mentioned under the two-year period, gives us an opportunity to make the changes that if they do not comply they will not get the licence.

**Ms. Cerilli:** So then the \$750,000-question is, could some of the buildings that are in this list of 17—if they did not meet the guidelines in the future and they were reviewed, then they would be taken off the list? There are some properties here that have no RGI units that are all life-lease. That is what they are going to be interested in, and they could then lose their licence.

**Mr. Reimer:** I should point out to the member that it is the existing guidelines they are operating on, and we are not changing the ball game for them so they would—

**Mr. Chairperson:** Item 1.

**Ms. Cerilli:** Again, this is a big issue, but I have to ask this question. I want to ask the minister if he can give me an explanation, either now or in writing by letter in the future—I would be happy with that—about what happened with Lindholm Place, which is on this list of 17 properties. It is in the riding of the former Minister of Consumer and Corporate Affairs. Am I understanding correctly what happened in that case, where the exemption on the property school tax was backdated to 1989? I would like an explanation of what happened there.

**Mr. Reimer:** I am not aware of anything like that, but I certainly can have the staff look into that situation for the member.

**Ms. Cerilli:** The 167 seniors blocks or apartments that are not on this list that also have licence under The EIPH Act all meet the square-footage guidelines then.

**Mr. Reimer:** I would say to the best of my knowledge they do, yes.

**Ms. Cerilli:** A developer that is approaching service clubs now to develop seniors apartments, would they qualify for any public funds?

**Mr. Reimer:** No, they do not.

**Mr. Chairperson:** Clause 1.

**Ms. Cerilli:** This is another big question, but I am wondering if through the Manitoba Housing or the Department of Education—I am assuming because MAST, the Manitoba Association of School Trustees, was one of the organizations that was pushing for this amendment that there may be some involvement with the Department of Education. I do not know if I am right about that. The minister can clarify that.

I am wondering if there has been any research analysis done looking at the number of homes and households that are currently paying school tax, and if there are any trends with respect to that. Some people have said there could be this—I do not know—large flux of seniors that are now going to be flocking to purchase

these types of dwellings and that we are going to lose a large tax base for school tax.

**Mr. Reimer:** I am not too sure what type of demographics that I could reply to regarding that question, other than the fact that the member is well aware that the population of seniors is growing significantly, and one of the areas that was growing to a proportion where it became of notice was the fact that the 55-plus were using this loophole, as was pointed out regarding The EIPH Act, and this was the reason that we felt that it was best to try to eliminate that. As to the general scope of what the member is asking, I could not answer that question as to education and their research into the taxation that they are going to be getting or not getting.

**Ms. Cerilli:** I just want to wrap up by saying that through these discussions I am feeling more comfortable with this legislation, but many of my caucus colleagues realize that this is a huge can of worms. This whole issue of seniors and paying property tax for school property tax is a huge issue. We are concerned that there are areas where there has not been due consideration with respect to this legislation, that there still may be sort of loopholes that are out there. We are voting against this, even though we support the principle that everyone who has property should have to pay property school taxes, but we are concerned about some of the dual standards and some of the other issues that I have already put on the record and I will not go into. I just wanted to let the minister know that the time we have spent now here for about forty-five minutes dealing with these questions has helped.

**Mr. Chairperson:** Clauses 1, 2, 3—pass; Clauses 4 and 5—pass; preamble—pass; title—pass. Shall the bill be reported?

**Some Honourable Members:** Agreed.

**Some Honourable Members:** No.

**Mr. Chairperson:** No?

#### Voice Vote

**Mr. Chairperson:** All those in favour of reporting the bill, would you say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those opposed, would you say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** I declare the Yeas have it.

**Ms. Cerilli:** On division.

**Mr. Chairperson:** On division. The bill will be reported.

Could I have the attention of the committee for just a few seconds. It has been agreed in the House that this committee will sit tomorrow at 10 a.m. to consider the bill left here on the agenda, Bill 48. So we will see you all bright and early at 10 a.m. in this same room.

Committee rise.

**COMMITTEE ROSE AT:** 6:10 p.m.