

LAW AMENDMENTS COMMITTEE  
8:00 p.m., Monday, May 27, 1974

CHAIRMAN: Mr. D. J. Walding.

MR. CHAIRMAN: Order please. A quorum being present, the meeting will come to order. Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, I'd like to speak on a point of order.

MR. CHAIRMAN: Would you speak into the microphone.

MR. CHERNIACK: Yes, Mr. Chairman. The point of order I'd like to raise is literally a point of the order dealing in these bills before us. I've looked at the list of bills, I've also checked the names of the members of committees and I find that there are three Ministers who have bills to present and who are not members of the committee. I'm wondering if the committee would be willing to take those bills out of order and ahead frankly to release me, for example, from having to sit through the meeting until we come to the very last bill which happens to be the one that I'm involved in.

MR. MILLER: The point of order is out of order.

MR. CHERNIACK: I'm wondering if it would be acceptable to the committee that we do that. I notice that Burtiak, Schreyer and I are not members of the committee but we each have a bill to present.

MR. CHAIRMAN: Mr. Graham.

MR. GRAHAM: Mr. Chairman, I also have a bill that I have particular interest in too and it falls fairly far down the line. Can I get some special privileges too.

MR. CHERNIACK: Are you a member of the committee?

MR. GRAHAM: Yes.

MR. CHERNIACK: Oh, well, that's my point. But, Mr. Chairman, if there's not consensus, I'll have to live with it.

MR. JORGENSEN: . . . we have been guilty from time to time of showing extreme consideration and on this occasion I have no objections either to accommodating the Minister. — (Interjection) — And sometimes much to our regret.

MR. CHAIRMAN: Would you care to specify which those bills are, Mr. Cherniack.

MR. CHERNIACK: My bill is No. 62, I don't know whether Schreyer and Burtiak are here but that's the point I'm making.

MR. CHAIRMAN: Mr. Spivak.

MR. SPIVAK: One of the problems we have is that all of these bills are bills in which amendments are to be forthcoming. The reason they weren't passed on the last occasion was that there were amendments to be forthcoming. We haven't received those amendments and it makes it very difficult for us, we should have had those . . .

MR. CHERNIACK: No. 62 has an amendment?

MR. SPIVAK: That's our problem at this point. The reason that all these bills were held back was because there were to be amendments but we haven't received any.

MR. CHAIRMAN: Mr. Jorgenson.

MR. JORGENSEN: May I ask the Minister if he has an amendment to Bill 62.

MR. CHERNIACK: No.

MR. JORGENSEN: If he has no amendment to Bill 62, why don't we deal with that right away and then relieve the Minister.

MR. CHERNIACK: Wouldn't that be nice?

MR. JORGENSEN: Well I'd be perfectly happy to do that.

MR. CHAIRMAN: Bill 62 seems to be a one-page bill. (Sections 1 and 2 were read and passed.) Section 3. . .

MR. SPIVAK: Mr. Chairman, I wonder if the Minister would explain what Section 3 is all about.

MR. CHERNIACK: I sent my copy of the bill to Mr. Craik who didn't return it.

Yes, Mr. Chairman, Section 3, I can give it to you in a long technical response or I can give it to you the way I understand it and then read the response.

The way under the existing Financial Administration Act, the way it has been all along, when moneys are advanced by governments to an agency, the interest rate charged is the interest rates which is payable at the time of the advance. When there is a change in the nature of the advance then the interest rate has to be adjusted under the present Act. Now literally what has happened is this throughout all the years. The government's Department of Finance would advance to say the

(MR. CHERNIACK cont'd) . . . . Manitoba Hydro as required 5 million, 3 million, whatever is required, until there is a sum accumulated which would be sufficient to justify a public issue of let's say 40 or 50 million, and then that issue is put out. Now the practise has been that when the government would advance that money short term to Manitoba Hydro or any of its agencies, it would charge interest on the short term at the rate, let's say payable to the bank. And then when the moneys would be—when the advance would be rolled over and there would be a borrowing say on the public market at whatever the rate would be - let's say 8½ or 9 or whatever - then the interest rate would change to the amount payable on that particular loan and that's in accord with the present Act.

Now what has been negotiated with all the agencies by my department is that the agency will indicate as it needs money the length of time which it will—it expects it will take for the moneys to be repaid. And then the department will indicate the interest rate that would be payable at the time of the borrowing on the markets. And then that amount would be the amount chargeable to the agency for that particular loan without being related to the actual costs of the actual dollars. This has been an inconvenient way, as I understand it, not so much for the Department of Finance but really for the Crown agencies when they don't know in advance what some of their borrowing is going to cost them. And therefore they have some difficulty in setting up their books that way. The system that is now being proposed is one that members may be familiar with with, I think CPP is an example where they advance the money and they determine the rates some months later and inform us what the rate will be based on the market.

I understand that this is the system that has been used by the Federal Government for some time and is modelled on that.

And now I notice, Mr. Chairman, my Assistant Deputy Minister, Mr. Curtis, is here and I'd like to know whether I described it — (Interjection) — Well thanks for the commendation - but that's correctly it.

Maybe I should sit beside Mr. Curtis and invite him to participate in answering questions, Mr. Chairman. — (Interjection) — Yes, if you don't mind, Mr. Chairman, I'll feel more secure. . . — (Interjection) — He knows more than I'll ever learn about this.

MR. CHAIRMAN: Section 3—pass.

MR. SPIVAK: No, Mr. Chairman, is there nothing on the explanation list. Well, Mr. Chairman, I want to question the interpretation that the Minister's given. — (Interjection) — Yes, I heard it but I wonder, I also read the proposal and I read the clause that it's amending and I'd like to understand how that relates to the explanation that was given.

The clause that is being removed and deleted and substituted says: "Where a debt is self-sustaining debt, any charges mentioned in subsection (1) relative to the debt shall be recovered from the government agency on whose behalf the debt is created, and shall be credited to the Consolidated Fund." The substitution now proposes: "Where a debt is self-sustaining debt, the Lieutenant Governor in Council may direct that any charges mentioned in subsection (1) relative to that debt shall be recovered from the government agency" - it doesn't have to, it may direct. Now I interpret that section to mean or be capable of being interpreted in a way different or in addition to the explanation given by the Minister. Because I would interpret that power if it is passed in this bill to give the Cabinet essentially the right to determine whether any charges shall be recovered from a government agency should or should not be recovered in connection with any kind of advance that may have been given. Where as right now my understanding would be that there'd be an obligation for the agency to pay back that advance. And I think the Honourable Member for Riel today in the Department of Finance's Estimates indicated when he talked about the write-off on CFI whether there was an intent in this Act to deal with this matter in this way and it would appear that it would be possible to interpret the debt owing for moneys advanced by the government to the Manitoba Development Corporation, for moneys further advanced to CFI, could in fact be written off by the Cabinet by an Order-in-Council under this section and this really has nothing to do with the explanation given by the Minister. And I wonder if there is not, unless my understanding of the section is completely wrong, unless the power that I'm talking about isn't contained in those words. But as I understand it this would give the power for the government who before would have had the obligation to recover from the government agency the debt, to alter as they see fit and without any restriction on it by Order-in-Council.

MR. CHAIRMAN: Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, I now understand what Mr. Craik was talking about this afternoon. It is not the intention to do as Mr. Spivak describes and if there is any doubt I would ask Mr. Tallin or Mr. Balkaran to clarify because that is not the intent. The intent is what I said and it is only the rate of interest to be related to the nature of the loan and that's the only point and if the wording lends itself to the interpretation Mr. Spivak has given then that's not what we want and I would be quite prepared to change it.

MR. CHAIRMAN: Mr. Spivak.

MR. SPIVAK: Again I think when we talk about debt you're talking interest rate, that's one part of the debt and the capital payment, which is another, when you talk debt.

MR. CHERNIACK: So there's no question in my mind that if there is to be a forgiveness it has to be done by way of a proper let's say the Estimates, to show that it comes out of either current or deadweight debt whatever it is. The intent that I describe is as I described it and if there's any question about the wording I don't want to quibble about wording, I want it to be clear so that I don't know if Mr. Balkaran - who drew this, Ray. Well Mr. Tallin is not - he's here but he hasn't been listening.

MR. CHAIRMAN: Mr. Tallin would you come up to the microphone?

MR. CHERNIACK: May I just put it to Mr. Tallin and see if I'm and Mr. Spivak will of course correct me if I'm not explaining the question. Mr. Tallin I understood that the section is it 3,

MR. CHAIRMAN: Yes 56 sub (3)

MR. CHERNIACK: Is designed to make it possible for the government to establish a rate of interest which is the, let us say the market rates rather than the actual rate payable and the example I gave was that if we borrow money from the bank at let's say prime, we are now required to charge prime even though we know that this is let's say a forty or a twenty five year loan to Hydro which will be replaced by a bond issue in the following year, when we know that the interest rate is more likely to be let us say, 8 percent than prime at the bank and that is our intent, that when Hydro borrows temporarily from us to be rolled over into a long term long, that we would fix the rate at the time of borrowing so it will be a rate which is consistent with long term borrowing. Now that's what I explained is our intent and Mr. Spivak has read into the amendment, the replace section the possibility that the government would waive interest entirely or even capital and I said that is not our intent.

MR. TALLIN: What were the charges though?

MR. CHERNIACK: Well but that's the explanation there's charges on self sustaining debt but nevertheless I do want it to be clearly what I said we want, not what any other interpretation could be.

MR. TALLIN: Well it would allow the Lieutenant-Governor-in-Council to refrain from directing that the charges be charged back and in that case nothing would be charged back but this would allow them to decide what charges of those that are chargeable should be charged back.

MR. CHERNIACK: Well we do not intend to ask that the Lieutenant-Governor-in-Council have the right to cancel a debt.

MR. TALLIN: No, it's not cancelling the debt, it's just the cost, the charges.

MR. CHERNIACK: Refrain from paying the charges.

MR. TALLIN: That's right.

MR. CHERNIACK: Well that means like showing a nil interest.

MR. TALLIN: Have you got the financial ....

MR. SPIVAK: Well can I ask one thing Ray, when you look at 56 (1) it talks about the retirement of a debt and the retirement of the debt is not just the interest charges, it's the actual proportion of the debt that's retired each year.

MR. CHERNIACK: I assume that this is a, is it an exact copy of the federal legislation.

MR. TALLIN: I'm afraid I couldn't tell you that...the federal legislation.

MR. SPIVAK: Well, my point is that even without, when it says debt is a self sustaining debt, any charges mentioned relative to that, they may direct any charge mentioned on such a relative debt from the government agency, it gives them a discretion which I don't think they've asked for and which you really don't want. You spelled out more or less the conditions and it would seem to me that the section should be altered to spell out those conditions so that it will be very clear.

MR. CHERNIACK: Could we have Mr. Curtis give an explanation of this. It's a technical matter and I do need his help.

MR. CHAIRMAN: Mr. Curtis.

MR. CURTIS: Mr. Spivak we have had some requests from particularly the smaller agencies, Water Supply Board for example, Agri Credit for an example where we are advancing the money over a period of a year at varying rates of interest. They are having to recover those interest costs from their clients - in most cases small municipalities or various customers. When we go to put them into long term debt if the interest rate has gone up, they are in effect losing, they are obliged at this point in time to pay us back the entire cost of the debt to them, so it's not good business practice to not be able to confirm a rate to them at the time that we're making the loan to them.

MR. SPIVAK: Yes but I'm not quarrelling with that.

MR. CHERNIACK: All we're asking for is the right to establish the rates and we are not asking for the right to cancel debts, so I'm wondering if we could get from Mr. Tallin some assistance on this.

MR. SPIVAK: Really, what you're really talking about is that the rate that you want should not be lower than a certain level,

MR. TALLIN: Realistically that's what we're doing.

MR. SPIVAK: And the problem is that this is, an ability for anything you want to do and I think you know, there's a way in which to frame this. I think that the charges we're talking about are interest charges, that would be one amendment to be proposed, "where a debt is a self sustaining debt, the Lieutenant-Governor-in-Council may direct that any interest charges" that would take care of part of this.

MR. CHERNIACK: Yes for the interest charges. Well then, there's no problem about the capital because we're not asking for that.

MR. SPIVAK: But then they specify interest there and then it would be a question of really spelling out in legal language what you've just said, otherwise you have that ability and I don't think that that power you're asking for now I don't think it should be given to you.

MR. CHERNIACK: I can tell you one of the problems we've had with big debt. Charlie Curtis gave you the example of the small ones but the big one we had was that under the agreement between MDC and CFI there was an interest rate stipulated of some 6-6½ percent and at the time we were lending it, it had gone up to 8-8½ and MDC was therefore in a position where they had to pay under this Act the interest rate which was the cost of the borrowing, whereas they were bound to lend money at 6½ and had a built in deficit right there that we couldn't get around except looking for cheaper money for them, which was difficult to find of course.

MR. SPIVAK: But any mortgage company does that in any case and any mortgage company which will give a commitment for a loan to be paid out over a period of a year or a year and a half or two years, gives a firm interest rate and the factors can change but the only difference is that they have to make a profit from other operations to be able to take care of ...

MR. CHERNIACK: When that make that kind of commitment they also are sure that their borrowing is available at a rate as well.

MR. SPIVAK: Not necessarily.

MR. CHERNIACK: But that's why they have a one year or a two year or a five year certificate that they over all try to balance it that way but the example I've given you is one where the amount was so great that no one could really balance ahead on that. However, that is the kind of problem that if Mr. Tallin can help us with that, that's you know there's no difference of opinion as to the intent.

MR. CHAIRMAN: Mr. Tallin's working on a re-wording of that section, if we can give him just a minute or two to finish it off.

MR. CHAIRMAN: Could we go to Bill 6 while we're waiting? I believe there was to be one small amendment Mr. Pawley. Do you have one small amendment to Bill 6?

#### BILL NO. 6

MR. PAWLEY: Mr. Chairman in the House today I gave notice of intended amendment to Bill 6 which pertains to the salary each Judge of the Surrogate Court is to receive and involves an increase from \$2,500 to \$3,500. There has not been a salary adjustment for quite a number of years. The Member for Birtle Russell had mentioned this in second reading of the bill and also there had been representations made to myself in connection with this amendment. I suppose it's not in order for me to move it myself is it Mr. Chairman?

MR. CHAIRMAN: That's section 4 is it?

MR. PAWLEY: I should just add that also to the printed sheet Mr. Tallin has added a further clause that section 6 of the Bill 6 be amended by adding thereto after the word "Act" the words and figure "except section 4 " and (b) by adding thereto at the end thereof "the words and figures in section 4 comes into force on July 1, 1974" so that there would be a date on which the salary adjustment would come into force and Mr. Tallin has amended it with those words.

MR. CHAIRMAN: Is that the same amendment?

MR. PAWLEY: Yes

MR. CHAIRMAN: It could then be made at the same time.

MR. PAWLEY: No that's right, that's the addition to the printed sheet.

MR. CHAIRMAN: Sections 1, 2 and 3 were read and passed.

MR. BOYCE: Mr. Chairman, I would move that Bill No. 6 be amended by re-numbering sections 4 and 5 thereof as sections 5 and 6 and by adding thereto immediately after section 3 thereof the following section: Section 8 repealed and substitute for Section 8 of the Act is repealed and the following section is substituted therefor: "Salary to Judges 8 The Minister of Finance shall pay each Judge annually the sum of \$3,500".

MR. CHAIRMAN: Is there any debate on the amendment? Section 4 as amended passed. Section 5 was read and passed. Section 6

MR. BOYCE: Mr. Chairman, I would move that Section 6 of Bill 6 be amended by (a) by adding after the word "act" the words and figures "except section 4" and (b) by adding thereto at the end thereof the words and figures "and section 4 comes into force on July 1, 1974". The effect of this amendment is to set a date certain for proclamation.

MR. CHAIRMAN: Is there any discussion? Amendment passed. Section 6 passed. Preamble passed. Title passed. Bill be reported.

BILL NO. 13

MR. CHAIRMAN: While we're waiting for Bill 62, could we go to Bill 13 The Boxing and Wrestling Commission Act.

Section 1 was read and passed. Section 2. Mr. Boyce

MR. BOYCE: I move that the proposed new section 2 of the Act as set out in section 1 of Bill 13 be struck out and the following section be substituted therefor:

Definitions: 2 In this Act (a) "minister" means the member of the Executive Council charged by the Lieutenant-Governor-in-Council with the administration of this Act; and (b) "wrestling exhibition" includes a wrestling contest.

MR. CHAIRMAN: The amendment as read, is there any discussion? Mr. Patrick.

MR. PATRICK: Mr. Chairman, I wonder if the Minister would explain if he gave any consideration to have a further appeal, say an appeal to a Judge.

MR. BOYCE: That's under section 12.

MR. CHAIRMAN: This is Section 12 under definitions. Mr. Graham

MR. GRAHAM: Just as a matter of interest and maybe the Minister can indicate if, is there really a difference between a Wrestling Exhibition and a Wrestling Contest?

MR. TOUPIN: Well Mr. Chairman, having wrestled for ten years myself sometimes it's debatable and that's why we want to put both in the Act.

MR. CHAIRMAN: Any further discussion? Section 2 was read and passed. Section 3 10 (1) to (6) were read and passed. 10 (7)

MR. BOYCE: Mr. Chairman, I would move the proposed new section 10 of the Act as set forth in section 3 of Bill 13 be amended by adding thereto the following subsection. "Appeal 10 (7) Where under this section the commission refuses to grant a permit to a person that person may appeal the decision of the commission to the minister whose decision thereon is final."

MR. CHAIRMAN: Mr. Patrick.

MR. PATRICK: Mr. Chairman, that's the one I raised earlier I wonder if the Minister would explain if he's satisfied that this is as far as it should go because if the Commission who were appointed by the minister himself and then appeal from the Commission to the minister may be not sufficient, it maybe should be further, you know I just want to hear the minister's view on this.

MR. TOUPIN: Mr. Chairman I personally am satisfied with this provision now it's up to the members of the committee to indicate if they are. It's a further provision on what we have in the existing Act and as you know when we did have this problem in regard to boxing, that provision was not in the Act and this is one of the

(MR. TOUPIN cont'd) . . . . reasons why we included the minister here and it was on the suggestion of the advisor counsel that this is included as it is now instead of having the court to have an appeal to the Minister.

MR. CHAIRMAN: Mr. Spivak.

MR. SPIVAK: Well I think that there would be no disagreement about the right of an appeal, there should be. If the minister doesn't feel that strongly with respect to where it should go, as a choice between the minister and a Judge of the County Court as an example, or the Court of Queen's Bench and I would suggest the County Court, I would hold for the Judge of the County Court simply because it takes it out of the political arena as an exhibition and it puts it before the Court but I would think that so long as the Commission exercises the right that it has and has handled the decision it has to make in a proper manner, it's not likely that the Court would be in a position nor would it interfere, the Commission having the right to exercise it but if the Commission based its determination on incorrect facts, if the information was supplied or was made available was not accurate, then the courts could have a right to . . . on the basis that they have not handled themselves properly and I think it would be better to have the Court as the group who would decide the appeal, rather than the minister unless you feel that strongly.

MR. CHAIRMAN: Mr. Bilton. Speak into the microphone please.

MR. BILTON: Mr. Chairman I forego to my honourable colleague Mr. Sherman.

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: Well Mr. Chairman I just think that it's safe - the safest course would be to remove it as far as possible from any possible political influence. I think that we have to recognize the fact that the Commission is appointed by the Minister and there are human flaws and human frailties that creep into all these situations. There could be somebody on the Commission who didn't like a particular promoter and that promoter would then have extreme difficulty in obtaining a license or in winning an appeal which went to the minister whose resolution lay vested in the powers of the minister and there's one other aspect and that is the possibility, remote as it may be, of you know political pressure being applied and I just cite it as a remote possibility but it's still there. If there is a promoter who has built an empire of some kind and exercises a great deal of financial power, there might be people in a certain situation who expect him to contribute to political campaigns. These are things that can happen. I think that just to be on the safe side, it's much better to take the avenue of appeal out of the political arena altogether and place it in the hands of the courts where there is no political influence and no political interference, so I would like to see that section amended to call as the Member for Assiniboia originally called in the House for the avenue of appeal to lie directed to the Courts.

MR. CHAIRMAN: Mr. Toupin.

MR. TOUPIN: Well Mr. Chairman, again I'm not on the Committee I can only suggest what can be accepted or rejected by the Committee. It is I think you know a sound recommendation to have an appeal to the minister that can be brought to Cabinet and like the appointment of a Judge, of a Provincial Judge who's made on the recommendation of a minister and is appointed by Cabinet, I don't believe that you can get everything out of the political arena. I don't think that any minister that's appointed by the Executive Council would want to have any political interference into a recommendation made by a Commission and the reversal of such.

MR. CHAIRMAN: Mr. Spivak.

MR. SPIVAK: Mr. Toupin sort of weakens the argument for the minister by his own remarks because surely this is not intended to be something that would be brought to Cabinet if the appeal goes to the minister. I think we have to recognize two things: The Commission would make the decision on the fact and would exercise its discretionary right. The only right of appeal would be not for a new decision but whether the individual who was before the Commission was not given a proper hearing or his rights in some way or other were jeopardized because information was supplied that was not available to him on which decisions were made and the hearing itself was proper. That's my understanding of what the appeal would be all about. What the Minister is really saying is that this is really a fresh new review of the same set of circumstances that the Commission has already decided and I think that the appeal should be the Court, to the Court and the Court would be the one that would make a decision as to whether the individual if all the information was available upon which the facts were to be determined, and the facts were presented were accurate and I don't think it's up to the Judge to exercise the discretion

(MR. SPIVAK cont'd) . . . . that the Commission has to exercise. I think that's what the Commission's there for and I don't think it should go to the Minister, and I certainly don't think it should go to the Cabinet.

MR. CHAIRMAN: Mr. Boyce.

MR. BOYCE: I'm just questioning the Leader of the Opposition saying in the first instance it should go to the Judge of the Queen's Bench you know it should go to County Court. Well you know, I'm not arguing whether it should or it shouldn't but nevertheless I just was questioning that.

MR. SPIVAK: My suggestion would be the County Court and the Attorney-General has already referred to me about time limits and I think that could be written right into it, that the matter should be heard within a week.

MR. CHAIRMAN: Mr. Boyce

MR. BOYCE: Well just another question and here is a question that you know hasn't been answered to my satisfaction in several jurisdictions. This as I understand it, if it goes through the County Court, then what would be ascertained is if the applicant had complied with the law

MR. SPIVAK: and the discretion

MR. BOYCE: It's not a discretionary ... it's whether the applicant has complied with the law.

MR. SPIVAK: I would assume that the Boxing Commission, the Boxing and Wrestling Commission has the discretion to allow a license or not or to allow an exhibition or not and if they decided against it, that's their decision and the appeal will be against the decision on the basis that the decision was made on incorrect information or without all the information or was it a particular discrimination against the individual and if the rights of the individual who had applied and was refused had in fact been impinged on, then the court would be in a position to reverse or ask for a new hearing. If not, the court would then have to accept the Boxing Commission's decision. And I think that's what the minister should be in a position to accept I don't think that he should be in a position to over-rule them because he thinks it should be over-ruled or the Cabinet thinks it should be over-ruled. I don't think Cabinet wants that responsibility any way.

MR. BOYCE: Well this is the question. If you vest a discretion in a body then you subject that discretion to a review. You say that it should be, their quashed or re-apply or whatever.

MR. SPIVAK: Well either it's a trial de nova, a new trial - a new review or it's a review by the court to see that the individual's rights were protected or at least have been protected in the way in which the application was made and I think that the whole idea of the appeal is to insure that that's been done and to leave the commission with the responsibility of making the decision and exercising their discretion.

MR. CHAIRMAN: Order please.

MR. BOYCE: I'm not going to debate Mr. Chairman, but nevertheless this is what my question is, if you're saying that it should be one or the other, if it is a trial as to whether the person who applied for a permit or a license to hold an exhibition has complied with the law, that is one thing but if you're saying that the trial should be whether the Commission was right or wrong in exercising a discretion that's another thing in my mind. I just ask what are you proposing?

MR. SPIVAK: I'm saying that the Commission should exercise a discretion and the right of appeal exists for someone whose rights have been impinged on because in the manner in which they exercised it, they either did not handle themselves correctly in reviewing the information or they obtained wrong information or obtained documentation that was made non available to the license applicant in which they then said that you're not a good person, we don't want to provide a license for you and he would say what information have you, and they'd say - that information is our own and I think the court would find that that information would have to be released to him. All I'm simply saying is that I don't think that the whole object of the appeal is for a complete review de nova of the license application is to see that the law's been upheld and that the individual's rights are being protected.

MR. CHAIRMAN: Mr. Toupin.

MR. TOUPIN: Mr. Chairman, first of all not being the initiator of this clause, I checked with Mr. Balkaran for the reason for having "the minister" instead of any level of the court itself and I'm told that it was in some cases a question of time where a court would not be accessible as say the minister given responsibility for this Act. The minister in taking the decision would necessarily want to make probably the same review as the Judge of the Court would before reaching a decision, so that's the reason that was given to me.

MR. CHAIRMAN: Mr. Pawley.

MR. PAWLEY: Mr. Chairman I want to comment first on the time element because I do suspect that there's a serious time element here that a person applies to the Commission for a permit, generally would not be too distant from the event itself, and in the event of refusal by the Commission to grant the permit then there would be a very limited period of time in which the matter could be dealt with in a court thus the matter is referred to the minister so that the time squeeze - also I would suggest that the wording is such that it reads "may appeal the decision of the commission" relates to the appeal of the decision itself. Certainly if the commission has acted in a way that is abusive or excessive of its powers, then I would suspect and bow to Mr. Balkaran on this, that there would be then a course, an avenue to the court if there's an excess of power being dealt with in a way that is contrary to the function of the Commission itself but here we're dealing with the discretion, the decision, the discretion as to the actual decision limited to that narrow area which really is a question of discretion rather than one of law in which the minister would for time element only, the practical reason of time element I would think would be the better person to make it. I would concur that I would sooner not - it was purely a question of theory I would sooner see the minister not be placed in this position that I suspect it's a matter of practicality that he's being placed in this position.

MR. CHAIRMAN: Mr. Graham

MR. GRAHAM: Mr. Chairman, I fail to see the reasoning behind the so-called slowness of the court because it wasn't too long ago that we sat in this committee and we heard the various arguments put forward on whether a Judge of the Court should be required when it came to the question of blood transfusions which I'm sure is a far more urgent nature than this and the committee at that time decided in favour of a Judge.

MR. CHAIRMAN: Any further discussion? Mr. Sherman

MR. SHERMAN: One final note Mr. Chairman, I think that we would certainly agree to this section the way it is worded provided the decision of the minister weren't final but I fail to see why a political person should be able to sit in judgment on a decision affecting somebody's livelihood. I don't see the reason or the logic or the fairness in that. It seems to me that where a boxing promoter or a wrestling promoter's livelihood is concerned, or anybody's livelihood is concerned, the recourse should be to the courts, not to a political person but as long as the minister's decision is not final, then if there were one further step that the promoter could take, then this section would be acceptable.

MR. CHAIRMAN: Any further discussion? 10 (7) passed. Mr. Graham

MR. GRAHAM: I think this is a fairly important thing mainly because of the fact that we have a section 10 (5) and I want to refer the Committee to section 10 (5) which says "the commission may, where it considers it to be in the interest of the public or in the general interest of boxing" now that in itself almost invites a difference of opinion and the difference of opinion I think should and can only best be clarified by the court.

MR. CHAIRMAN: Mr. Bilton

MR. BILTON: Well Mr. Chairman, I thought that my colleague, Mr. Sherman made a sincere and sound plea and I would like to hear from the sponsor of this amendment as to whether or not what he had to say is acceptable.

MR. CHAIRMAN: Mr. Pawley.

MR. PAWLEY: I would like to just say to Mr. Graham that I think there are many licensing boards had that final discretion as to whether a particular license can be issued. It must rest with the opinion of the licensing board working within the terms of references referred to that Board, that commission which is really a board that must be sensitive to the policy as established by government whether it is a licensing board of the Manitoba Liquor Control Commission or any other licensing board, they have to use their discretion wisely and reasonably and here I think we have exactly the same type of situation where it's that licensing board that must determine whether or not the general interest of professional boxing or wrestling is enhanced by the refusal to grant a permit to any person. I think the commission which deals with this matter is best equipped to deal with that rather than a court. Certainly if the commission on the other hand is acting in a way which would be excessive of its powers or abusive of its powers then that would be a matter of concern for the court but as to whether or not the opinion of the commission was right or not, whether it was reasonable or not, would be a matter which would be best handled in the way that is proposed by the bill before us.

MR. CHAIRMAN: Mr. Bilton.

MR. BILTON: I appreciate the minister's remarks but there's one thing one word that seemed to escape him and that's the matter of appeal, after the commission has made its decision and the person concerned, he has no other recourse but to appeal to the minister and as has been abundantly pointed out tonight, the minister himself appoints the commission and it makes it somewhat sticky and how can the minister handle that appeal judiciously in order that everything's fair all round?

MR. CHAIRMAN: Mr. Graham.

MR. GRAHAM: Mr. Chairman I was very sorry to hear the Attorney-General liken this to the actions of the Liquor Control Commission or the Liquor Licensing Board because that further strengthens the very argument that we're putting forward.

MR. CHAIRMAN: Mr. Adam.

MR. ADAM: Mr. Chairman, it brings to mind the Drivers' License Suspension Appeal Board and it seems to me that the License Suspension Appeal Board are doing a very good job and handling those decisions that come before them in a very responsible manner as a board and I'm just wondering what this argument is all about.

MR. CHAIRMAN: Mr. Graham.

MR. GRAHAM: And the License Suspension Appeal Board's decision is further appealed to the court.

MR. CHAIRMAN: Is there any further discussion on that? Mr. Boyce

MR. BOYCE: Mr. Chairman on a point of order may I suggest there is a motion before the committee. If someone has a suggestion maybe they should introduce a sub amendment and we can speak to that or vote on it or something, we're just going around in circles I would suggest.

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: Well in response to Mr. Boyce's suggestion I was trying to hastily scribble an amendment Mr. Chairman and I would like to move it, but I'm not sure that it's absolutely technically correct in the way I've written it but the sense of it would be this that I would move that proposed new section 10 (7) of the Act be amended by eliminating all the words after the word "minister" and I leave it to you Sir, as to whether that is a properly described sub amendment. I may have left something out there but anyway, what the amendment or the sub amendment is asking is that 10 (7) end with the word "minister" and that the last five words be eliminated, and as Mr. Petursson suggests a period be put after "minister".

MR. CHAIRMAN: I'm advised that this sub amendment is in order. It's accepted. Is there any discussion? Mr. Toupin.

MR. TOUPIN: Well Mr. Chairman, if I read the sub amendment correctly it repeals all words after "minister" meaning that there's an appeal to the minister whose decision is not necessarily final. It could be appealed to the courts. This may not convince members on Law Amendments but I would like to refer to the Horse-racing Commission section 12, "The Commission may in its absolute discretion grant or refuse to grant any license, registration or approval required under this Act or the regulations", not even an appeal to the minister.

MR. CHAIRMAN: Is there any further discussion? Mr. Sherman.

MR. SHERMAN: Well all I would say in response to that Mr. Chairman is that that's an appeal to the commission but it is not an appeal to a political person. This amendment, in its original form in front of us calls for an appeal to a political person and says that that appeal will be filed, but it would be far better really if the minister wants to put it that way, I would rather see an appeal just go to the commission than go to the minister but I'm not suggesting that. I think that appeals should be able to be carried to the court but what we object to is the fact that the judge would be a political person, in this case.

MR. CHAIRMAN put the question on the sub amendment and after a voice vote declared the motion lost. (Defeated 12-9)

MR. CHAIRMAN: The sub amendment is lost, any further debate on the amendment. 10 (7) agreed passed. Section 3 passed. Sections 5 to 11 were read and passed. Mr. Patrick.

MR. PATRICK: Mr. Chairman this would probably come in section 9, about a medical examiner, where is this in the Act - I wonder if the minister can give us some indication or explain where the Act covers medical examiner.

MR. CHAIRMAN: Mr. Balkaran.

MR. BALKARAN: Mr. Chairman, I wonder if I might very briefly reply to that whole question of medical examiners and seconds and trainers and what not is to be covered by a fairly lengthy regulation which is to be filed shortly after this Bill has been passed.

A MEMBER: By regulation?

MR. PATRICK: Well as long as its covered because the whole key to this Act Mr. Chairman is the medical examiner.

MR. BALKARAN: I might add that most of what's in that regulation emanated as a result of the Hewak Inquiry Commission and you will find that a lot of those recommendations are embodied in that regulation.

MR. CHAIRMAN: Mr. Spivak.

MR. SPIVAK: May I ask why it wasn't incorporated in the Act as opposed to regulation, just as a matter of ...

MR. BALKARAN: Well there were a lot of administrative details Mr. Chairman and we thought that these are properly things for regulation rather than legislation.

MR. SPIVAK: The only problem Mr. Chairman on this and I know, I appreciate the work that the Legislative Counsel have, the difficulty, the reason for this legislation comes as a result of a need for the medical certificate that the Member for Assiniboia has mentioned and the fact is that I think in principle we should have dealt with it in the Act itself.

MR. CHAIRMAN: Mr. Toupin

MR. TOUPIN: Well Mr. Chairman I agree definitely with the principle involved here, whether it be in the Act or in the regulations as long as we can have it stick that's the main thing and if legal counsel tells us that we are empowered to pass regulations to that effect that would satisfy me.

MR. SPIVAK: Well can I ask one question, was the power there to pass such a regulation?

MR. BALKARAN: Yes, section 9 of the Act ...

MR. SPIVAK: So therefore the medical examination certificate could have been passed before - it wasn't and that's all the more reason why it should have been specific in this Act as opposed to being implied.

MR. CHAIRMAN: Preamble passed, Title passed, Bill be reported.

#### BILL NO. 62

MR. CHAIRMAN: The new clause is now prepared for Bill 62, we can go back to that and finish it up. Mr. Miller.

MR. MILLER: I would move that section 3 of Bill 62 be struck out and the following section substituted therefor and I believe it's being distributed now. 3 subsection 56 (2) of the Act as amended by adding thereto at the end thereof the words "but the Lieutenant-Governor-in-Council may fix the charges or any of them as a rate of interest not less than the long term borrowing rate of the government at the time the advances of the government agencies were made."

MR. CHAIRMAN: Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, this proposed amendment then would eliminate the proposed section in the bill, would revive the original section with this addendum that is in the amendment.

MR. CHAIRMAN: Any discussion on the new section 3. Mr. Minaker.

MR. MINAKER: Mr. Chairman is that a typographical error in the third line there where it says "Counsel may fix the charges or any of them". Should that not read "of any of them".

MR. CHERNIACK: Well Mr. Chairman, I think the reason for the question is Mr. Minaker doesn't have the Bill before him. I'm sorry the Act, if you look at the Act the preceding section describes various charges which could be discounts, foreign exchange, brokerage fees, but all of it would be translated into an interest rate because the borrowing agency doesn't care what the nature of the charge is just the ...

MR. MINAKER: Thanks Mr. Chairman.

MR. CHAIRMAN: Any further discussion. Section 3 passed. The remainder of the Bill was read and passed.

MR. CHERNIACK: May I thank honourable members Mr. Chairman and you.

#### BILL NO. 14

MR. CHAIRMAN: Bill 14 Section 1. Mr. Boyce

MR. BOYCE: I move that Bill No. 14 an Act to amend the Amusement Act be amended by striking out Section 1 thereof. That's a motion. Yes then there's a re-numbering, yes then we'll renumber section 2 and No. 1.

MR. CHAIRMAN: Mr. Spivak.

MR. SPIVAK: Can I understand the reasons for it, for the deletion?

MR. CHAIRMAN: Mr. Balkaran.

MR. BALKARAN: Mr. Chairman, as I recall without having the Act before me now that in the definition of a place of amusement, schools, colleges, universities and churches, some of them were not excluded and this was an attempt to exclude some

(MR. BALKARAN Cont'd). . . . of them under the circumstances set out in (v.1) and (vi) and apparently a decision was made at a later date not to exempt them and so they are taken out, so that they will then come within definition of places of amusement under certain circumstances.

MR. SPIVAK: Well really what you're saying is that the law will be as it was before.

MR. BALKARAN: Right.

MR. TOUPIN: I have the Bill and the explanation of the Bill before me and that is the explanation given here (v.1) as an example is school, college or university or church where an admission fee is charged and where the public is invited to view the amusement and that's the reason why it's been withdrawn.

MR. CHAIRMAN: Any further discussion? Amendment passed. Section 2 Mr. Boyce.

MR. BOYCE: Then this becomes technical Mr. Chairman. That Bill No. 14 being an Act to amend the Amusement Act be amended by re-numbering sections 2, 3, and 4 thereof as sections 1, 2, and 3 thereof. We have stricken 1 and so 2 becomes ...

MR. CHAIRMAN: Order please. Mr. Balkaran.

MR. BALKARAN: Mr. Chairman, because of the re-numbering of section 2 as section 1, I wonder if members would in the first line of section 2 now re-numbered No. 1 strike out the word "the Act" and include the phrase "The Amusements Act being chapter A70 of the Revised Statutes of Manitoba.

MR. BOYCE: So moved Mr. Chairman.

MR. CHAIRMAN: Any debate on the amendment to renumber sections 2, 3 and 4? Agreed. Mr. Boyce.

MR. BOYCE: If you'd now pass the renumbered sections 1, 2 and 3

MR. CHAIRMAN: Sections 1 and 2 were read and passed. Section 3. Mr. Boyce.

MR. BOYCE: Mr. Chairman I would move that Bill 14 be amended by adding thereto immediately after the renumbered section 3 thereof the following section: subsection 22 sub clause (1) amendment as amended 4 subsection 22.1 of the Act is amended by adding thereto immediately after the word "chairman" in the third line thereof the words "and one as vice chairman who shall act in the place of and with all the duties and functions of the chairman during the absence or incapacity or at the request of the chairman".

MR. CHAIRMAN: Mr. McKenzie.

MR. MCKENZIE: Somebody explain that section because that's a new one.

MR. CHAIRMAN: Mr. Toupin

MR. TOUPIN: Well Mr. Chairman, yes it is a new section and I thought that the section as read by Mr. Boyce was you know quite clear. The main purpose for this section is to allow the vice chairman to act instead of the chairman when so requested, with the same powers. If you take as an example the classification board as we have it, there is a practical full time vice chairman and the chairman is only part time and we're intending the vice chairman to act with the powers of the chairman.

MR. CHAIRMAN: Any further discussion?

MR. BOYCE: Maybe we could use this as a model for mayor and deputy mayor.

MR. CHAIRMAN: 4 passed. Section 5 Mr. Boyce

MR. BOYCE: Mr. Chairman, I move that section 5 of Bill 14 be struck out and the following section be substituted therefor: Section 26 amended (5) Section 26 of the Act is amended (a) by striking out the words "leased or exhibited" in the first line of subsection (1) thereof and substituting therefor the words "or leased or exhibited at a place of amusement", and (b) by adding thereto immediately after subsection (1) thereof the following subsection schools, colleges, etc. deemed to be place of amusement 26 (1.1) notwithstanding clause 2 sub (j) for the purposes of this section, "a school, college, university or church where a film or slide is exhibited, to which the public is invited and for which an admission fee is charged shall be deemed to be a place of amusement and a film or slide shall not be exhibited until it is first classified by the board."

MR. SPIVAK: I think the Minister should explain this clause.

MR. CHAIRMAN: Mr. Toupin

MR. TOUPIN: Well again Mr. Chairman, as the Act now stands if a film that is shown say at a university, at a school and even though there is an entrance fee charged, those films are not being classified and what we're saying here if there is to be a fee charged, when those films are being shown in the school, college, university or church, that the film classification board regulation or act should apply and that's the reason for the amendment.

MR. CHAIRMAN: Mr. McKenzie

MR. MCKENZIE: Can I ask the Minister another question. Mr. Chairman, am I to understand then that you can't show any type of film in a school or church unless it's been classified.

MR. TOUPIN: Mr. Chairman, if there is a charge.

MR. MCKENZIE: By the Board or by who?

MR. TOUPIN: By anyone, you know classified by the Board.

MR. CHAIRMAN: Mr. Spivak.

MR. SPIVAK: But Mr. Chairman, let's understand it and I haven't the Act in front of me and I don't know what the interpretation of slide is. Is there a definition section as to what slide is, or a slide to be interpreted as to what we understand a slide presentation to mean.

MR. CHAIRMAN: Mr. Toupin

MR. TOUPIN: There is a definition.

MR. CHAIRMAN: Mr. Balkaran.

MR. BALKARAN: The present definition Mr. Chairman reads "Slide means any stationary picture, slide or any similar device for use in conjunction with a cinematograph and includes an advertising slide."

MR. SPIVAK: Well but Mr. Chairman, let's try and understand the full intent of the section and then understand its application. That would mean that any visiting lecturer in the province, who has a slide presentation to make and in connection with any matter that he may be discussing, and it's presented by a college or a university or a church, will have to have the film classification board approve the slide before that presentation can be made if there's a charge for the lecture - the lecture being a slide film presentation along with his remarks.

MR. CHAIRMAN: Mr. Toupin

MR. TOUPIN: Mr. Chairman, my understanding is that the film or the slide would have to be classified by the classification board if there is a charge to see the film or the slide in question, not to hear the lecturer.

MR. SPIVAK: Yes, but I don't think that's clear in this section and there may have to be an amendment. I mean, there are many many lectures that take place in universities and colleges and schools, where there are slide presentations and for which there are charges, no, no for which there are charges - it's not an uncommon practice for universities to bring in a visiting lecturer who in fact, for which there will be a nominal charge. As a matter of fact Mr. Chairman, there are a number of programs conducted at university which would consist of a whole week of programming and for which a person would pay an admission in which there could be a number of things, a number of events one of which would be a lecturer talking on a particular subject, with a slide presentation, and I don't think that this is clear and I don't think it's the intent to try and have the film classification board be in the position of having to classify every slide presentation.

MR. MILLER: It depends on the subject matter.

MR. SPIVAK: Well I know but I think the intent of the Act is sort of implicit in the remarks of the Honourable Minister of Health and Social Development but I don't think you're covering it there and as a matter of fact, I think this brush is away too broad for what is intended.

MR. CHAIRMAN: Mr. McKenzie

MR. MCKENZIE: Mr. Chairman I'm rather annoyed that these amendments are wide ranging and they change the whole concept of the Bill at this late stage in committee and the next section they're dealing with, 27 where it's again changing the context from "and" to "or" I just wonder maybe the Bill should be redrafted.

MR. CHAIRMAN: Mr. Johnston.

MR. J. FRANK JOHNSTON: Mr. Chairman, I'd just like to get something clear on this bill. Are we saying if some fellow comes into the city or some fellow that lives in this city rents a church hall and wants to show slides on his trip to Africa and charges 50 cents a person for doing so, that he has to have it classified? I don't think you can police it. I think you've got a piece of legislation that's impossible to police.

MR. CHAIRMAN: Mr. Patrick.

MR. PATRICK: Mr. Chairman if I can use an example if we had MTC or Manitoba Telephone System which is MTS showing us a film on communication and we happened to charge say for some worthy cause, will that film or slide - would that have to be classified?

MR. CHAIRMAN: Mr. Jorgenson.

MR. JORGENSEN: ...for a teacher in a junior class in school could show the worse pornographic slides you could possibly imagine and because that teacher wasn't

(MR. JORGENSEN Cont'd). . . . charging they would be permitted to be shown. I think the minister should have another look at this. I see the perplexed look on his face and I'm sure that he's now filled with consternation and I wonder if he would now want to take a little time off to look at it and have his staff perhaps re-draft the section.

MR. CHAIRMAN: Mr. Toupin. Order please.

MR. TOUPIN: Mr. Chairman, we have two alternatives before us, one is to accept this very limited amendment to this bill which has some type of control for slides, films that are being shown in our schools for those that have a charge to it or if we don't have the section at all, there is no provision whatsoever in the existing act to actually have any type of classification for film slides whatever there is shown in the school, college or church.

MR. CHAIRMAN: Mr. Spivak

MR. SPIVAK: Well I think Mr. Chairman, we are really down to the point of making a decision. Is the purpose of the amendment to make colleges, universities and schools comply with the law like the commercial institutions or is the purpose of the bill to be a form of censorship, because in effect what I believe the honourable member is saying, the minister is saying that this is one way of insuring and reviewing and conceivably censoring films or slides that can be shown at churches, schools, colleges or universities and it would seem to me that if that is the intent, then let's forget about it and let's eliminate this section.

MR. CHAIRMAN: Mr. Boyce

MR. BOYCE: Mr. Chairman I've had an opportunity to consider the suggestion of the Member for Morris and sometimes his suggestions are worthy of note and in this particular case, I would be inclined to ask leave of the committee to withdraw my amendment.

MEMBERS: Good

MR. CHAIRMAN: Agreed. Section 5 passed. Section 6, Mr. Boyce.

MR. BOYCE: I would move that the proposed subsection 27 (4) of the Amusement Act as set out in section 6 of Bill 14 be amended by striking out the word "and" where it appears for the first time in the 4th line thereof and substituting therefor the word "or".

MR. CHAIRMAN: Mr. Toupin

MR. TOUPIN: Mr. Chairman, if you look at the bill itself, the only reason for this amendment is to not have both the chairman and the vice chairman view, but to have the chairman or the vice chairman, allowing for either to chair on say a committee of three to view a film and in some cases you could have two committees working at the same time viewing different films and that is the only intent of this slight amendment.

MR. CHAIRMAN: Agreed. 6 as amended passed. Sections 7 and 8 were read and passed. Section 9. Mr. Boyce.

MR. BOYCE: I would move that section 9 and this amendment is on the other sheet that was distributed, that section 9 of Bill 14 be struck out and the following section substituted therefor: Subsection 35 (1) amended 9. Subsection 35 (1) of the Act is amended (a) by adding thereto immediately after the word "forms" in the first line of clause (g) thereof the word "for the exhibition at a place of amusement and" and (b) by adding thereto immediately after clause (k) thereof the following clause (l) prescribing forms of identification cards for use under this Act.

I submit this amendment for the committee's consideration.

MR. CHAIRMAN: Mr. Toupin

MR. TOUPIN: Mr. Chairman the explanation that I have before me for the amendment in regard to section 35 first of all to permit unclassified films to be shown in schools, colleges and universities for educational purposes where no admission fee is charged, well that would have to be actually that first part of the amendment Mr. Chairman I contend could be dropped now that we've decided to drop the other amendment. It would leave us with (b) that you have before you.

MR. CHAIRMAN: Mr. Spivak

MR. SPIVAK: Are you talking about the amendment to the Act?

MR. TOUPIN: No the amendment.

MR. CHAIRMAN: 35 (1) So we would then delete (a) and renumber (b) as (a)

MR. TOUPIN: Mr. Chairman, that's because we've dropped the - the Committee decided to drop the other section dealing with unclassified films.

MR. BOYCE: Mr. Chairman if I may by leave, then I would move, withdraw that motion and move that section 9 of Bill 14 be struck out and the following section substituted therefor: Subsection 35 (1) amended. 9 Subsection 35 (1) of the Act is

(MR. BOYCE Cont'd) . . . . . amended by adding thereto immediately after clause (k) thereof the following clause (l) prescribing forms of identification cards for use under this Act. Is that what you want?

MR. TOUPIN: Yes.

MR. CHAIRMAN: Mr. Spivak.

MR. SPIVAK: Well let's now understand, are there identification cards now being prescribed by a government agency, by the government?

MR. CHAIRMAN: Mr. Toupin

MR. TOUPIN: Mr. Chairman, there is not now but the intent is to have them and to be empowered by this section of the act.

MR. SPIVAK: Has this request come to the minister?

MR. TOUPIN: Yes it has.

MR. SPIVAK: From whom?

MR. TOUPIN: It has come from the operators of theatres and others.

MR. SPIVAK: Do they not operate their own identification card system?

MR. TOUPIN: No not to the extent that we would like to see them, to the extent that we could enforce certain sections of the Act.

MR. GREEN: It's a voluntary system. In other words if a person wishes to have a card...

MR. CHAIRMAN: Would you use the microphone Mr. Green please.

MR. GREEN: I'm sorry, well Mr. Chairman I'm sorry for the informality my understanding is that if a person wants to have a card which he knows will be accepted by the theatre, that this kind of card will be available. I do not believe that there is a section in the act which says that a person must have a card in order to get in. That is something that if he comes without a card, he'll sort of depend on whether the theatre lets him in. If he wants that type of card, he can get one.

MR. SPIVAK: Can I ask - is the card to be distributed by the government or a government agency?

MR. CHAIRMAN: Mr. Toupin.

MR. TOUPIN: Mr. Chairman that decision has not been taken. It could be either.

MR. CHAIRMAN: Mr. Spivak.

MR. SPIVAK: I think it is one thing for the government to prescribe a form of identification card that may be suitable for those for whom the Act applies. I think they themselves could get together and prescribe that form without the government having to do it. It would be another thing for a government agency to distribute it or for requests, or processing to have to go through a government agency. I don't think you particularly want that and I don't think that's a desirable thing. I just wonder really whether this is something that we should be legislating or whether this isn't really something that comes in agreement of those people who come under the Amusement Act for they themselves to decide.

MR. CHAIRMAN: Mr. Green.

MR. GREEN: Well Mr. Chairman I think that probably we're talking about a sort of enforcement problem or an estoppel kind of situation whereby if a person has this card, such as is prescribed and he is satisfied that, and the theatre owner is satisfied that having looked at that card he will not sort of be charged with having permitted a person under the age of 18 to see the film that if it's their own form of identification he isn't sure because it's not something which has any official effect. Now I sort of presumed that, I don't know whether that's the minister's intention, that's what he indicates.

MR. CHAIRMAN: Mr. Jorgenson.

MR. JORGENSON: Mr. Chairman as I understand it, there is no compulsion on the part of anyone to have such a card - all this section is doing is outlining the form of the identification card, so that there is a standard card that is to be used. Now that individual as I understand it, can get it processed anywhere. The only regulation that is intended here is that there would be a standard form which would be used in the making of those cards. Is that correct? Nobody was listening.

MR. GREEN: Mr. Jorgenson has asked a question.

MR. TOUPIN: I'm sorry Mr. Chairman I didn't hear that.

MR. CHAIRMAN: Mr. Jorgenson would you like to repeat the question?

MR. JORGENSON: Thank you.

MR. CHAIRMAN: Mr. Spivak

MR. SPIVAK: Mr. Chairman, I would think that if the answer is yes and I believe that that is the case from what Mr. Green has told me, that it would be necessary clearly for the Minister to state that, so that we know that because that

(MR. SPIVAK Cont'd) . . . really would mean that the possibilities that he talked about have been eliminated, at least one has been eliminated and we now know that this is just a form that will be designed by the government. That's all this really is.

MR. TOUPIN: Yes

MR. SPIVAK: Well, but it will not be distributed by the government?

MR. TOUPIN: Well Mr. Chairman in all fairness, I did say awhile ago that that decision was not taken by government. Right now the government is not supplying cards, the only card that is being supplied by a government department right now is the birth certificate by the Department of Health and Social Development.

MR. CHAIRMAN: Mr. Spivak

MR. SPIVAK: But Mr. Chairman, again I accept that and I accept the fact that this is to protect the theatre owners. I have a comment that maybe could be made on that in one second, particularly with Mr. Mackling present here, but I'll talk about it in a few moments but I would think that what we're really talking about is a form or an identification card to be approved as a card recognized by all theatre owners or all those who are under the Amusement Act and not to be published by the government but to be made available by those who are under the Amusement Act and if that's clear, it's fine but the Minister isn't really still confirming that. He's still saying it could be processed by government and I don't see the necessity of that and I'd like some declaration that that will be the policy.

MR. JORGENSON: Say it isn't true.

MR. SPIVAK: Again Mr. Chairman, the minister

MR. TOUPIN: Mr. Chairman, on a point of order the government is not going to set policy in this room.

MR. SPIVAK: Well I know but you're asking

MR. TOUPIN: The Honourable Leader of the Opposition is attempting to get a government policy struck on the section of this Bill that allows certain things to happen by regulation and he can read what he likes in the amendment. The amendment is before him. If he doesn't like it, he can vote against it.

MR. SPIVAK: Well Mr. Chairman, you know I think this is probably . . . and maybe that he would want to caucus and then arrive at a decision on this but I - because I don't think the general feeling of the members of the government here would be that they would want to be involved in the actual distribution of it and my concern is that I can understand an approval for a form to be agreed on and to be the form that will come out of regulation but I think it's another thing to talk about the government being involved in the distribution of it and being involved in the identification of it.

Now I mentioned the theatre owners for a very good reason and Mr. Mackling for a very good reason as well. I just want some of the members to recall the debates that occurred with respect to the changes that took place in this Act in the Classification Board and the fact that theatre owners were liable under the Criminal Code for obscenity and the pleas that were made at that time for some recognition to be given to the theatre owners of what likely would be considered obscene under the Federal Act so that the theatre owner would not be put in jeopardy as a result of making or playing the film and the position was that the decision would have to be that of the theatre owner, not the government and not the Classification Board. It was not up to them. It was a legal position to be determined in law and therefore the theatre owner wasn't protected and he had to take the risk himself.

Now the position of the government was there that there would not be some protection for the theatre owner, but the identification card that we're talking about was essentially for the purpose of protecting the theatre owner right today that's really one of the reasons for it. It's not for the protection of the individual. It's for the protection of the theatre owner, so there's a bit of a contradictory position, but rather than debate the issue at length, it would seem to me that the government, through the Minister should make some indication now that the identification cards are for distribution by those involved in the amusement field and under the Amusement Act and is not something that will be required to be distributed by a government body or agency.

MR. CHAIRMAN: Mr. Green.

MR. GREEN: Well, Mr. Chairman, the honourable member says that there is a contradiction, I don't think that there is a contradiction and that's not really the thrust of his position but I'll deal with it very briefly. When we said that the theatre owner would have to decide what obscenity meant and that there would be no clearance by the Provincial Government as to what is obscene and what is not obscene, it was relative to a federal statute. The prohibition about children under 18 coming to an unclassified film is a provincial statute, a provincial prohibition and it's the enforcement of your own law that is being involved and therefore if there is an identification card which the province will accept as being satisfactory identification, I think that something like this what done with regard to liquor as well, I'm not sure but if it wasn't -- no. But there was a voluntary identification dealt with at another time. I would like to know from the Minister or from the Opposition members who have raised it, provided it is strictly voluntary and provided it is dealing with a form, what is the danger of having the form prescribed and available to anybody who wants it through the Department of Tourism, if that is what is requested, and the Minister hasn't indicated that it will be that way or the other way. But at this point, I don't see why if the Provincial Government said that this is the form and it's available at this place, how in that way, how that would in any way interfere with the rights of the persons concerned and it certainly would make it much easier than to have identification forms distributed by each theatre or by a number of theatres. If there is a problem, I'd like to know what it is.

MR. CHAIRMAN: Mr. Patrick.

MR. PATRICK: Mr. Chairman, the Minister of Mines and Natural Resources asked what the feeling is of the Opposition or the members of the committee. My personal feeling is that there's nothing wrong with the prescribed form, I think it's good, in fact I think it will facilitate many young people and it would also facilitate the theatre owners as I see nothing wrong with that at all. I think it's a good thing provided it is strictly voluntary and provided the government just provides the form and it's a specific special form and let the ones who want to use it, it will be up to the theatre owners or to the people that want to secure the card, it would be up to them to get one.

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: Well, Mr. Chairman, just a question, through you to the Minister, it's my understanding that there is a form of I.D. card that many students carry at the present time, not necessarily for films but for obtaining entry to drinking establishments and that sort of thing. And I would just like to know from him or from the Minister of Health and Social Development what are, you know, what are the parameters under which those I.D. cards are drawn up and made available. And is it done in a way which would could be applicable in this situation and that would be acceptable all round.

MR. CHAIRMAN: Mr. Toupin.

MR. TOUPIN: Well, Mr. Chairman, again I have to go to legal counsel that would advise us to have a section within this bill to provide for a form that could have certain I.D. cards that are now in circulation qualify those having, say, you know, the birth of the individual, the picture of the individual concerned in that, but that form itself will have to be spelled out by regulation but there's a need in this Act to provide for us.

MR. CHAIRMAN: Mr. Miller.

MR. MILLER: Mr. Chairman, I know that many of the high schools, most of them, do have I.D. cards. They have them because the students want to take a bus and they want to pay student fare and they're fairly large in size, they are questioned by the transit people. They also use it to get into theatres. It shows their picture and other information about the student. However, it's not a requirement, it's something that the school itself arranges for and some number of commercial firms supply them.

MR. SHERMAN: Well, Mr. Chairman, do these follow a prescribed form or would have a student from Sisler for example have a different looking card . . .

MR. MILLER: They might, yes, every school might come up with a different form or a different card. Some have pictures, some don't; some have descriptions, some don't, some don't even have an age, just their grade.

MR. CHAIRMAN: Section 9 as amended --pass. Section 10--

MR. BALKARAN: Could I explain the change to Section 10?

MR. CHAIRMAN: Mr. Balkaran.

MR. BALKARAN: Section 10, Mr. Chairman, it's not on that sheet of amendments but Section 10 would have to read this way and I understand from the Minister

(MR. BALKARAN cont'd) . . . that he wanted this last change with respect to the I.D. card to come into force on proclamation. And so that Section 10 would read: "This Act except Section 9 comes into force on the day it received Royal Assent and Section 9 of the Act comes into force on the day affixed by proclamation.

MR. BOYCE: So moved.

MR. CHAIRMAN: Section 10 as amended--pass. Preamble--pass; Title--pass. Bill be reported.

BILL 15

MR. CHAIRMAN: Bill 15. The Queen's Bench Act. Section 1 -- Mr. Miller.

MR. MILLER: Mr. Chairman, THAT Bill 15 be amended by numbering sections 1 to 4 thereof as sections 2 to 5 respectively and by adding thereto, at the beginning thereof, the following section:

Section 6 as amended.

1. Section 6 of The Queen's Bench Act, being chapter C280 of the Revised Statutes, is amended by striking out the word "seven" in the 2nd line thereof and substituting therefor the word "eight".

MR. TALLIN: This increases the number of puisne judges in the Court of Queen's Bench from seven to eight but it has to come into force on proclamation because it depends on an amendment to the Judges' Act, the Federal Act.

MR. CHAIRMAN: Order please. Mr. Pawley.

MR. PAWLEY: Mr. Chairman, this relates to the addition of one judge in the Court of Queen's Bench from the existing seven, increased to eight. A year ago there was a request to the Law Society of Manitoba to prepare a report for us and after consultation with the Judges of the Court of Queen's Bench, the amount of cases that had been handled over the past while, significant increase in cases all pointed to the justification for an increase by one of the number of judges in the Court of Queen's Bench, and that's led to the amendment proposed by Mr. Miller.

MR. CHAIRMAN: Mr. Boyce.

MR. BOYCE: Well with a due respect to my colleagues well versed in the law, can somebody explain to me what in heavens name a "puisne" judge is?

MR. CHAIRMAN: Mr. Pawley.

MR. PAWLEY: A puisne judge simply relates to the judges in the Court of Queen's Bench. Trial judges in the Court of Queen's Bench.

MR. BOYCE: Could you spell that?

MR. PAWLEY: P-u-i-s-n-e. Norman French meaning "lesser"; lesser to the Court of Queen's Bench--lesser to the Court of Appeal.

MR. CHAIRMAN: Just so that you don't give the transcribers any difficulty, would you just explain that again, you were spelling the word puisne.

MR. PAWLEY: Yes, it relates to lesser than the Chief Justice.

MR. CHAIRMAN: Thank you. Section 1 as amended--pass. (Sections 1 to 4 were read and passed.) Section 5--Mr. Miller.

MR. MILLER: Mr. Chairman, I move that Section 5 of Bill 15, as renumbered, (section 4 of the Bill as printed) be amended

(a) by striking out the word and figure "section 1" in the 1st line thereof and substituting therefor the words and figures "sections 1 and 2"; and

(b) by striking out the words and figure "section 1 comes" in the 2nd line thereof and substituting therefor the words and figures "sections 1 and 2 come".

MR. CHAIRMAN: Section 5 as amended--pass. Preamble--pass; Title--pass. Bill be reported.

MR. CHAIRMAN: Is Mr. Burtniak here? Mr. Boyce.

MR. BOYCE: Just so we'll know, some people are here under the impression that Bill No. 7 is coming up. It's my understanding that the Minister of Labour is not going to proceed with this at this hour. What is the intention of the House Leader, may I ask.

MR. MILLER: There's still the Child Welfare Act. I hope it's covered.

MR. BOYCE: No, I just wanted to make arrangements to see how long I was going to be here this evening is all . . .

MR. PAULLEY: We will not as far as I am concerned . . .

MR. CHAIRMAN: Will you use the microphone please.

MR. PAULLEY: Well you don't need the microphone for that. Unless I'm over-ruled by my colleagues, we will not proceed with Bill No. 7 this evening.

MR. CHAIRMAN: Mr. Spivak.

MR. SPIVAK: I know that the Honourable Minister of Health and Social Development wants to go on 49 and there were some amendments that were given. But I wonder if there are any other bills that we still have to do other than 49, other than 7 and 49.

MR. CHAIRMAN: We have several bills left. . .

MR. SPIVAK: I don't know how long we're going to be here tonight.

MR. CHAIRMAN: The next one I have before me is Bill 23. Is Mr. Jorgenson here? Bill No. 36. Bill No. 36, The Public Schools Act.

BILL NO. 36

MR. CHAIRMAN: (Sections 1 to 7 were read and passed.) Section 8.-- Mr. Boyce.

MR. BOYCE: I would move that clause 8(1) (b) of Bill 36 be struck out and the following clause substituted therefor:

(b) for a ward in a school division or a school division that is not entirely within the City of Winnipeg, the same as the term of office for councillors of the municipality in which a major part of that ward or school division is situated.

MR. CHAIRMAN: Mr. Hanuschak.

MR. HANUSCHAK: The reasons for this, I believe that I did make reference to it when I introduced the bill for second reading or upon closing debate. Of the school divisions listed in section 7, there is one, namely St. Vital, which is not divided into wards but where all the trustees are elected at large. And this would take care of St. Vital and of any other school division which at any time in the future may decide to elect all of its trustees at large. So then it would mean that the election day and the term of office would be that of the term of office of the municipal councillors in which the major portion of the ward; it takes care of both wards and school divisions because you'll notice it refers to both because there are school divisions around the fringe of Winnipeg whose wards extend beyond the boundaries of Winnipeg. So this takes care of both. It takes care of what (b) originally intended to take care of and also takes care of St. Vital.

MR. CHAIRMAN: Mr. Paulley.

MR. PAULLEY: . . . have a look at that because I'm not sure how this might apply in the school division of Springfield-Transcona. There's a major portion outside, whether it's one ward or not, Mr. Minister, I'm not sure.

MR. HANUSCHAK: No, it isn't one ward. Transcona-Springfield is divided into wards and therefore in those wards that are located within the City of Winnipeg, the term of office and election day would be the same as that for the City of Winnipeg Council. Those wards lying outside the City of Winnipeg or if the major portion of the ward lies outside the City of Winnipeg then the election day and terms of office would coincide with the election day and term of office of the municipal councillors of that ward.

MR. PAULLEY: Okay, we'll let it go. Maybe I should have done some more homework.

MR. CHAIRMAN: Mr. Graham.

MR. GRAHAM: Mr. Chairman, when the Minister refers to a major part, is he talking about geography or geographical portion, population portion or assessment portion?

MR. HANUSCHAK: I believe it's geographical.

MR. GRAHAM: Would the Minister then care to spell that out in the amendment?

MR. TALLIN: Because of the fact that school districts and divisions and wards are described as areas, a part of it could only be a part of the area, not a part of the population.

MR. CHAIRMAN: Section 8, as amended--pass. Section 9--

MR. HANUSCHAK: Mr. Chairman, well at some point but I will mention it now before we pass Sections 9 and 10. We should add a section and I wish to thank the Honourable Member for Brandon West for drawing this to the House's attention when this bill was up for second reading. But the election day and term of office of trustees elected, commencing in the year 1976, and continuing thereafter isn't spelled out with absolute clarity. The election day and term of office for those elected this fall and next year is quite clear but then what happens commencing 1976. So the Honourable Member for Brandon West has made a suggestion that some reference be made to it but in the year 1976 and continuing thereafter, while it would then read something similar to Section 7, you know, where 1976 and continuing thereafter the election for members of school trustees shall be held in the same date and for the same terms as the members of the council of the City of Brandon.

MR. MCGILL: Could I just add to that explanation of the Minister. You'll notice here that you have Section 9 - Elections in Brandon School Division in 1974 - and then parts 1 and 2 deal with the election and the term of office. Then in 1975, you have the same thing, parts 1 and 2, except that it's two years. Now I think to add additional clarity, we need . . .

MR. HANUSCHAK: I'm sorry, 77 not 76.

MR. MCGILL: That's right. We should have a section, Elections in Brandon School Division in 1977, which would become 11 and it would read "notwithstanding any provision of any Act of the Legislature, elections in the year 1977 and thereafter for school trustees in Brandon School Division No. 40 shall be held on the same date on which elections for the council of The City of Brandon are held, and subsection 119(1) of The Public Schools Act applies thereto." And then the term of office follows.

Now it simply spells out what may be taken for granted but not necessarily so. So there is a renumbering involved here that also involves the amendment that is about to be proposed by the government.

MR. HANUSCHAK: Yes, well I'm not certain whether this section should properly be numbered 11 or 10(3)--no, maybe it should be 11 but I'll be guided by Legislative Counsel on that point.

MR. BALKARAN: I suggest that the amendment proposed be number section 11, that the proposed amendment be numbered 12 and existing section 11 be numbered 13.

MR. HANUSCHAK: Mr. Chairman, perhaps if you back to 9(1) and then we come to 11, we can deal with the amendment proposed by Mr. McGill.

MR. CHAIRMAN: Mr. McGill.

MR. MCGILL: I'd like to try this on legal counsel. My first point amendment would be that section 10(3) be deleted, then that present section 11 become section 13, then that the following section be added immediately after 10(2) and this would be Elections in Brandon School Division in 1977 and thereafter. And then you have 11(1) as I have read it; then 11(2) term of office would follow that which would read: "The term of office of trustees elected pursuant to subsection (1) shall be 3 years, the same as the term of office for councillors in The City of Brandon."

Then "Commencement of term of office" would become 11(3) now and it would: "The term of office elected pursuant to sections 9, 10 and 11" - this is really 10(3) now being read as 11(3), "elected pursuant to section 9, 10 and 11 shall commence 14 days after the 4th Wednesday in October of the year in which the election is held." Right. Okay.

And then we would follow with the proposal which on this amendment lists as No. 11 would become No. 12 as you mentioned.

MR. CHAIRMAN: Could you give us a copy of your amendments, Mr. McGill, please. (Section 9 was read and passed.) Section 10(1)--pass; (2)--pass; (3)--

MR. HANUSCHAK: Yes, subject to the renumbering that was proposed by the honourable member to . . . his amendment.

MR. MCGILL: Yes, we're all right up to that point. Now 10(3) becomes 11(3) and we have to fit that in. And we amend 10(3) as it now stands by adding "and 11" after 9 and 10.

MR. HANUSCHAK: Yes. Mr. Chairman, I have a -- how far have we proceeded?

MR. CHAIRMAN: We completed 10(2).

MR. MCGILL: And I have written out 11(1) and (2) here.

MR. CHAIRMAN: 11(3) stands.

MR. HANUSCHAK: Yes.

MR. CHAIRMAN: 11(1)--pass; 11(2)--pass; 11(3) as printed--pass; section 11--pass. Mr. Boyce.

MR. BOYCE: Mr. Chairman, I would move that Bill 36 be amended by adding thereto immediately after the new numbered section 11 thereof the following section:

Other school divisions. 12. Where a written request is received by the Minister from a school board of a school division or district indicating that the school board is in favour of a 3 year term of office for its trustees, the minister may approve the request and sections 9 and 10 apply mutatis mutandis.

MR. HANUSCHAK: Mr. Chairman, after the bill was drafted, in fact after it was introduced for first reading, I was advised by the association of school trustees and by some individual boards that they too may wish to tie in the election of their trustees with the election dates and the terms of office of municipal councillors.

Brandon of course was one that did make a specific request to do that commencing this year. So therefore this section which would make it optional at the request of the -- at the initiative of the boards to do as I have just indicated and if they should so choose to do then the provisions of Sections 9 and 10 which really provide a mechanism for staggering the election dates to bring them in line with the election dates of municipal councillors and terms of office would apply in those cases.

MR. CHAIRMAN: Mr. Jorgenson.

MR. JORGENSON: I just want to raise a point of order. I'm not sure but I

(MR. JORGENSEN cont'd) . . . . think I'm correct in saying that it is quite possible for non-members of the Committee to move an amendment. If I am incorrect then the motion or the amendments that have been proposed by the Member for Brandon West who is not a member of this Committee can be transferred to my name just to make sure that technically we're not moving illegal motions. (Agreed)

MR. CHAIRMAN: New Section 12 -- pass. Mr. Boyce.

MR. BOYCE: Mr. Chairman, I would move that Section 11 of Bill 36 as printed be renumbered as Section 13. (Agreed)

MR. CHAIRMAN: Preamble--pass; Title--pass; Bill be reported.

BILL 48

MR. CHAIRMAN: Bill 48. Mr. Boyce.

MR. MILLER: Can we pass everything until we get to the new stuff on Section 125? -- (Interjection) -- Oh I see, I haven't got the bill.

MR. CHAIRMAN: Bill 48, Section 1. Mr. Miller.

MR. MILLER: I propose that the new subsection 125.1 (v) to The Liquor Control Act as set out in Section 1 of Bill 48 be amended by striking out the words "entertainment and performance" in the first line thereof.

MR. CHAIRMAN: Second line.

MR. MILLER: Re-amend. In the second line thereof. The amendment is incorrectly typed.

MR. CHAIRMAN: Mr. Boyce.

MR. MILLER: We're not supposed to move our own bills. Somebody says we can't move our own bills.

MR. JORGENSEN: You can't amend them.

MR. MILLER: I'm not arguing. I'm asking for an explanation.

MR. CHAIRMAN: Order please. Mr. Boyce.

MR. BOYCE: Mr. Chairman, let the record show that this bill was introduced on my behalf by the Member for St. Vital. I would ask the legal counsel to explain this technicality.

MR. CHAIRMAN: Mr. Tallin.

MR. TALLIN: Well they wanted to distinguish this licence that is for the Convention Centre from the performance and entertainment licences which are issued to the Centennial Centre and to the Brandon Auditorium and so the Liquor Commission thought that if it was called a convention licence it would be sufficient because under the convention licence they could give whatever type of activity was going on in the Convention Centre. I was just so they wouldn't get confused with the type of licence that was being issued for essentially the entertainment centers in the province.

MR. MILLER: The Concert Hall you mean.

MR. CHAIRMAN: Mr. Spivak.

MR. SPIVAK: What I think I'd like to understand is the actual substantive change that it really means between the kind of licence that the Convention Centre will have and the kind of licence that the Centennial Centre has. I mean in a substantive way what is the difference?

MR. TALLIN: Yes, the entertainment and performance licences for the Concert Hall and for the Theatre Center and that sort of thing relate to particular performances or entertainments that are on there. If you want to get it for a convention that might be using it you get a standard banquet permit. This will be a special licence issued to the operators of the Convention Centre to cover any activities that they allow in their Convention Centre.

A MEMBER: Just like a banquet permit.

MR. SPIVAK: Well then really this is like an open banquet permit.

MR. TALLIN: Yes.

MR. SPIVAK: But in effect they have no more rights than any other facility would have that could apply in each particular case. In other words as a result of it they have a right of not having to apply for a licence in the same way that someone using the Centennial Centre would for a particular convention. But it does not give them any more rights than would be available to the Centennial Centre on proper application. Is that correct?

MR. TALLIN: No, I don't think it does except that when you apply for a banquet permit they can apply special conditions to the banquet permit which may be different for various buildings.

MR. SPIVAK: But I just want to understand whether the intent is to give them . . .

MR. TALLIN: No. It's just to allow them to sell liquor at activities held in the Convention Centre.

MR. SPIVAK: Yes, I appreciate that. But it doesn't give them any additional rights.

MR. TALLIN: No, than any other licensee. No.

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: Through you to legal counsel, Mr. Chairman. Is there such a licence as a "special convention licence" which is a licence that is specifically spelled out and categorized and is different from other kinds of licences or is this a new invention?

MR. TALLIN: No this is a new invention in exactly the same way as the entertainment and performance licences that are allowed to be issued to the Theatre Center, the Concert Hall and the Brandon centers were developed for that type of a facility. They are special licences issued because the ordinary dining room liquor licence and cocktail room liquor licences don't fit to them, to their facilities, don't fit in their facilities.

MR. SHERMAN: This licence would in effect be broader, would provide a broader base of permission, broader scope of activities than an entertainment and performance licence would.

MR. TALLIN: Yes. As I understood Mr. Spivak's question it was as to the way they served the liquor and I was looking to hours and that sort of thing. It would relieve them of the condition of having to have a restaurant to go along with a liquor licence, that's all.

MR. SHERMAN: But does it contain provisions such as hours of operation and that sort of thing or is that open-ended.

MR. TALLIN: No, that's covered elsewhere in the Act.

MR. CHAIRMAN: 125.1 (3) as amended--pass; (a)--pass; (b)--pass; Section 1 as amended--pass; Section 2--pass; Preamble--pass; Title--pass; Bill be reported.

#### BILL 49

MR. CHAIRMAN: Bill 49, the Child Welfare Act. Mr. Miller.

MR. MILLER: Mr. Chairman, there are a number of amendments. I would ask Mr. Balkaran to distribute them. Some are stapled, there's a single sheet as well. However the first amendment isn't until Section 14 so if you want to start on the bill in the meantime you can.

MR. CHAIRMAN: Can we go page by page until we get to the first amendment? Mr. Spivak.

MR. SPIVAK: Mr. Chairman, I think if we go up to Section 12 and there will be an explanation required by the Honourable Member for Rhineland. So that I think that if we go up to that point and then -- Section 12.

MR. CHAIRMAN: Is your amendment after that, Mr. Miller?

MR. MILLER: Yes, mine is after that.

MR. CHAIRMAN: (Pages 1 to 5 were read and passed)

MR. SPIVAK: It's on Page 6, Mr. Chairman.

MR. MILLER: What number?

MR. CHAIRMAN: Section 12 is Page 10.

MR. SPIVAK: Oh I'm sorry, you'll forgive me. I'm looking at the old Act and not at the bill.

MR. MILLER: Section 12 is on Page 10.

MR. CHAIRMAN: (Pages 6 to 9 were read and passed) Page 10. 11(1)--pass;-- Mr. Brown. Would you use the microphone please.

MR. BROWN: On Page 11, 12(3), there seems to be quite a change . . .

MR. CHAIRMAN: We haven't got there yet. We're still on page 10, 11(1). Page 10--pass. 12(3) -- Mr. Brown.

MR. BROWN: There seems to be quite a difference between the old Act and the new Act. In the old Act that is 19(4) and this is in regards to a homemaker and it says over here, the homemaker is not liable where the director or a society has placed a homemaker in premises under subsection (1) the homemaker is not liable for any damages caused by her. Nothing is related in the new Act on 12(3) and I'm wondering whether this is an oversight in the Act.

MR. CHAIRMAN: Mr. Miller.

MR. MILLER: I'll have to ask staff to respond to that one. I'm not sure it's an oversight. They are simply providing in this what the homemaker can do and that they can live in the home etc., etc. With regard to liability I'm not quite clear.

REVEREND GREENE: Mr. Chairman . . .

MR. CHAIRMAN: Will you identify yourself for the record please.

MR. MILLER: The Reverend Greene, the Director of Child Welfare.

MR. CHAIRMAN: Thank you.

MR. GREENE: Mr. Chairman, in regards to the liability to which the honourable member referred it was discussed in the committee responsible for the drafting and it was the opinion of legislative counsel at the time that the liability question was not - it wasn't necessary to place a special non-liability type of clause or wording because it gave permission to the homemaker to perform various tasks within reason and this was not necessary. It was not overlooked, it was looked at and felt it wasn't necessary at this point.

MR. CHAIRMAN: Mr. Spivak.

MR. SPIVAK: In the previous Act what really happened here is that the homemaker was released from liability for damages that are caused. Now obviously it's a question of fact as to whether there is any liability or not if the person has exercised reasonable control and discipline over the child. That's really the position. Let me put it in another way.

How many claims were made with respect to 19(4) of the previous Act.

MR. GREENE: There were no claims, Mr. Chairman.

A MEMBER: It's just deleted.

MR. CHAIRMAN: Page 11-pass; Section 13 -- pass.

MR. MILLER: Hold it. Section 14.

MR. HANUSCHAK: That Section 14 of Bill 49 be amended by adding thereto immediately after the word "supervision" in the second line thereof the words "pursuant to an order of the Director of Psychiatric Services."

MR. MILLER: That was a deletion which should have been in originally.

MR. SPIVAK: Is that the same as the previous Act?

MR. MILLER: Yes it was. It was in the previous Act. It should have been in this one. It was just an improper list.

MR. CHAIRMAN: 14 as amended--pass; 15(1) - Mr. Hanuschak.

MR. HANUSCHAK: 15(1), Mr. Chairman, that Section 15(1) of Bill 49 be amended by striking out the words "having attained the age of majority" in the second line thereof.

MR. CHAIRMAN: 15(1) as amended-pass; 15(2)--pass; 15(3)--pass; 15(4)--pass. Section 15 as amended--pass. (Section 16 was read and passed) Section 17 - Mr. Hanuschak.

MR. HANUSCHAK: That Section 17, Mr. Chairman, of Bill 49 be amended (a) by numbering the present section as subsection (1) thereof and (b) by adding thereto immediately thereafter renumbered subsection (1) the following subsection: "Apprehension of child." 17(2) An officer of a child caring agency or of a family court or a peace officer who on reasonable and probable grounds believes that a child is in need of protective guardianship may apprehend the child without a warrant and take the child to a place of safety.

MR. CHAIRMAN: 17(1)--pass; 17(2)-- Mr. Miller.

MR. MILLER: That was inadvertently left out, Mr. Chairman.

MR. CHAIRMAN: Mr. Spivak.

MR. SPIVAK: Is this in the previous Act.

MR. MILLER: Yes.

MR. CHAIRMAN: Section 17 as amended passed. Page 13 and Page 14 were read and passed. Page 15, Sections 22, 23 and 24--pass. Section 25--

MR. HANUSCHAK: Section 25, Mr. Chairman, of Bill 49 be amended by adding thereto immediately after subsection 8 thereof the following subsection:

Examination for Discovery 25(9). Notwithstanding any other provision of this Act prior to the hearing of an application under this section, the applicants or any of their persons affected by the application has the right to an examination for discovery or to obtain particulars with respect to the application. And the rules of the Court of Queen's Bench with respect to examination for discovery applied thereto.

MR. CHAIRMAN: Mr. Miller.

MR. MILLER: Mr. Chairman, this amendment comes about as a result of the representation made at Law Amendments, if you recall the discussion amongst the lawyers present about trial de novo etc., etc. Legal counsel has written this amendment in order to meet that particular requirement.

MR. PAULLEY: Did the lawyers agree?

MR. MILLER: Apparently they did.

MR. BALKARAN: Mr. Chairman, I think it was Mr. Walsh who was present at the

(MR. BALKARAN cont'd) . . . . Committee at that time and there was I believe agreement between himself and Mr. Greene and the Committee that a section such as this if drafted would meet their objections and hence this amendment.

MR. CHAIRMAN: Mr. Boyce.

MR. BOYCE: Mr. Chairman, while it's my intention to support the amendment nevertheless I would caution my colleagues that one of the reasons there's a separation in my mind between family courts and Courts of Queen Bench and county courts is because of the informality of the county courts. As I said I was going to support the amendment but I would caution my colleagues who are not of legal profession to be vigilant about such encroachments on the family courts unless it is the intention of the Legislature to change the format in the future. I just want to put on the record my apprehension in this regard.

MR. CHAIRMAN: Mr. Spivak.

MR. SPIVAK: Well I think that there's two points to this. One is the applicant has a right to an examination for discovery and then or to obtain particulars with respect to the application of the rules of the Court of Queen's Bench with respect examination for discovery applied thereto. Who does he obtain the particulars from and who are the body or who are the people who have to furnish accurate information to the applicant? You're really talking about two different things here.

MR. CHAIRMAN: Mr. Green.

MR. GREEN: Mr. Chairman, let's recall how the amendment arose. Mr. Walsh appeared and said that you are taking one of the principal positions relative to the jurisprudence that where you have a trial before a family court judge you then have another trial before a county court judge and what the Act was doing was saying we're going to eliminate one of these two trials. You're going to go to a family court judge and if there is an appeal it goes straight to the Court of Appeal and Mr. Walsh said that that would hurt very badly because the original information that you could get from the first trial would be missing.

So this enables them to have an examination for discovery which means either the applicant or the respondent could ask the other side to appear and afford discovery. Either side, either the applicant or the respondent could demand particulars and if you are demanding particulars you are demanding particulars of presumably the person who is alleging that there is a neglected child and that would be the person who wishes to make the apprehension. You don't generally demand particulars of the defendant.

So, Mr. Chairman, Mr. Boyce raises a point about informality, etc. Having suggested that this is a way to overcome Mr. Walsh's difficulty and I think that it probably is I think it should be understood that in different parts of the province it's not that easy. For instance if you had a family court hearing in let us say Lynn Lake it might not be very easy to get an examiner to conduct an examination for discovery. That is a problem but I guess it is no less a problem than requiring an appeal to a county court judge in that area where you have to wait until they go on circuit etc. So this does give them the right to ask for such discovery and get it etc.

MR. CHAIRMAN: Mr. Miller.

MR. MILLER: Mr. Chairman, the answers by Mr. Green - and I think Mr. Spivak concurs - are satisfactory.

MR. CHAIRMAN: 25(9)--pass; 25 as amended pass. (The remainder of Page 16 and Page 17 down to Section 30(2) were read and passed) Mr. Hanuschak.

MR. HANUSCHAK: Mr. Chairman, I wish to move that subsection 30 subsection (2) of Bill 49 be amended by adding thereto immediately after the word "may" in the second line thereof the words "in the best interests of the child."

MR. CHAIRMAN: Amendment--pass; 30(2) as amended--pass; Page 17--pass. 33(1) - Mr. Hanuschak.

MR. HANUSCHAK: I wish to move that subsection 33 subsection (1) of Bill 49 be amended by adding thereto immediately before the word "guardian" in the last line thereof the word "permanent".

MR. CHAIRMAN: 33(1)--pass; 33 as amended--pass. Sections 34 to 46(3) were read and passed).

MR. HANUSCHAK: Mr. Chairman, I wish to move that subsection 46 subsection (4) of Bill 49 be amended by adding thereto immediately after the word "child" in the second line thereof the words "who is in the care and custody of the Director or child caring agency and".

MR. CHAIRMAN: 46(4)--pass; 46 as amended--pass. (Sections 46(5) to 91(1) were read and passed).

MR. HANUSCHAK: I wish to move that subsection 91 subsection (2) of Bill 49 be amended by striking out the word "four" in the fourth line thereof and substituting therefor the figure "five".

MR. CHAIRMAN: Section 91(2) as amended pass. (Sections 99 to 99(1) were read and passed)

MR. HANUSCHAK: Mr. Chairman, I wish to move that subsection 99 subsection (2) and subsection (3) of Bill 49 be struck out and the following subsection substituted therefor: "suitability of applicants".

99 subsection (2). Upon receiving an application under subsection (1), the child caring agency shall ascertain the suitability of the applicants as adoptive parents and upon being satisfied that they are suitable it shall forward to the Director the relevant particulars respecting the applicants and the Director shall enter the names and particulars of the applicants in a central registry to be maintained and kept by him. Placement subject to prior approval of Director.

99 subsection (3). A child caring agency may place a child in the home of the applicants for the adoption of child whose names have been entered in the central registry mentioned in subsection (2) but if the child is two years of age or younger it shall not be placed in a home for adoption unless the Director has previously approved the placement.

MR. CHAIRMAN: Mr. Brown.

MR. BROWN: Mr. Chairman, I wonder if the Minister could give us a little further explanation on these clauses.

MR. CHAIRMAN: Mr. Miller.

MR. MILLER: Mr. Chairman, I mentioned this when I introduced the bill. The amendment comes about as a result of requests from members of the House because of the extreme shortage of children under the age of two and the large number of adoptive parents who wish to adopt children. Right now everything is handled through the children's aid societies and therefore there is an imbalance in the length of time that people have to wait depending on where they happen to live. Even within Winnipeg if you're in the west end you may have to wait for as much as two years whereas somebody living in another part of Winnipeg may have to wait a much shorter time because each children's aid society does its own placements and there is no central registry as such.

The suggestion here deals with those who are easy to place, that is there's a long list waiting for them, under two years of age, and the suggestion is that a central registry be established in order that no long waiting list need develop and we get a more equitable system in the adoption process.

MR. CHAIRMAN: Mr. Spivak.

MR. SPIVAK: This is actually the same amendment that was introduced at the time . . .

MR. MILLER: A slight variation.

MR. SPIVAK: Can you tell me where the variation is.

MR. MILLER: Yes. I think Mr. Balkaran added in 99(3) - I forget the actual wording but it's the first part: A child caring agency may place a child in the home of the applicants for the adoption of the child. . .

MR. BALKARAN: . . . was inadvertently removed.

MR. MILLER: What they did is remove the entire authority for placement from anybody.

MR. CHAIRMAN: Mr. Spivak.

MR. SPIVAK: But the problem I see on this - and I did not hear all the representations but I heard the first presentation and I'm familiar with it from examples of people who have been in contact with my office and members of the caucus who have dealt with it both openly in this Committee and in discussion with the Minister. The fact that there is a registry in which the names are entered does not give any priority at all whatsoever to an applicant or nor does it necessarily guarantee as far as I can see that an applicant will be considered on the basis of the timing of having applied and the timing of having the application completed as far as eligibility is concerned. The difficulty is that 99(2) in one sense is a bit of a meaningless clause although in practice it may not be.

MR. MILLER: In practice it isn't.

MR. SPIVAK: But the point is if in practice it's not going to be a meaningless clause then why don't we take 99(2) and then really put into the clause the wording that will apply to the way in which this will operate.

MR. CHAIRMAN: Mr. Miller.

MR. MILLER: Mr. Chairman, I think we have. We've said this, that the

(MR. MILLER con't) . . . . child caring agency, children's aid society or whatever agency it is shall as it's always done ascertain the suitability of the applicants. You know there are many people who apply and they are simply not considered suitable and they're just not there. This process was . . . to go on within the region that's covered by that particular child agency. It's only after they've been ascertained to be suitable that their name is even considered and placed on a waiting list. It's in order to then cope with the problem of a waiting list which can't be met and where there is as I say a two-year waiting list as compared to some other area where there maybe is only a four-month waiting list because of an imbalance in where the children are because of the hospital in which they happen to be born.

MR. CHAIRMAN: Mr. Spivak.

MR. SPIVAK: The problem here is there's nothing that indicates - having accepting everything the Minister has said - that it follows necessarily that priority will be given to the length of time of an application. The fact that it's filed in a central registry means nothing because there's nothing that flows from it being filed except the recognition by the child caring agencies that in fact it has been filed and the discretion that they would exercise to try and see to it that people would be given priority. Really there's no teeth to this section.

MR. MILLER: Well the teeth are implied. The teeth are implied in this sense. It gives the Director the responsibility to place the children for adoption based on information which he receives from the children's aid society. There isn't a timetable. It doesn't say ten days or two weeks or anything of the kind. But it does give to the central office the ability to place the children on a more equitable basis than existed in the past. The same question you pose could have been posed all these years up to now only it was broken up in different areas. Now it's under one roof and at least the onus now is on the Director of Child Welfare to make sure that some attempt is being made to be equitable.

MR. SPIVAK: Mr. Chairman, I would say to the Honourable Minister that if we did not pass this section, that is 99(2), it wouldn't make any different one way or the other based on past practice and what he's just said. I've heard somebody say that it's all right we can pass it but I don't think anything flows from it. There's no onus really placed on anybody except for the filing in the central registry.

MR. MILLER: I believe the Reverend Greene wants to say something on this.

MR. CHAIRMAN: Reverend Greene.

MR. GREENE: Mr. Chairman, if I could perhaps clarify. Presently what takes place is that we have five children's aid societies within the province operating independently under their own charters and although they have to abide by the statutory provisions for child welfare which are vested in them there is a large degree of autonomy within their own areas.

In addition to that we have several other child caring services given to our regions where children's aid societies do not function.

Now under that system each agency was responsible for its own placements and the Director was merely informed after the fact which meant that the Director simply okayed it as a final after-the-fact condition but the de facto placement of the child was with the local agency in the local area. Now where many children were born in a given area the placement pressures existed because there's only ten days under the statutes must elapse before consent can be given for the child to be adopted away by the mother and fourteen days elapses and the Health Services Commission requires as quickly as possible for them to be out of the hospital. So there's a kind of pressure that exists at that point.

Therefore it's the simplest of all things for an agency to make an immediate placement as quickly as possible.

Now this provision has drawn in under 99(2) a provision for something which does not exist at the present time, namely a register of all applicants. This means that since they are registered they will be dated. Therefore there will be a chronological listing.

Then under 99(3) since the placement cannot be made until the Director has previously approved the placement we have in fact provided for placement to come through central office rather than through the local agency. And because of this, as the system functions in Alberta at the present time and through the Directors of Child Welfare across Canada, has been thoroughly endorsed. It offers the possibility of a more equitable availability of children.

But, Mr. Chairman, we have to be extremely careful that we retain as one of the representatives pointed out to us, the fact that it is the welfare of the child that we're principally concerned with. This is not a marketing process for shunting

(MR. GREENE cont'd) . . . . babies around. It is principally the welfare of the child we're concerned with. And so for this reason we hesitated to draft in or we declined to draft into the Act a specific provision that they must be placed chronologically. We felt that would be too hard and fast and it would not allow for some of the variety and intangible values that enter into the process.

MR. CHAIRMAN: Mr. Boyce.

MR. BOYCE: I just had one question perhaps through the Minister to Reverend Greene. Nothing in this would prevent you though from — well a case. A child is orphaned and it comes to your attention that relatives would be willing to adopt this child. They're not on the register, they're not listed. This wouldn't preclude you from . . .

MR. GREENE: That's quite correct. Yes.

MR. BOYCE: This would still allow you . . .

MR. CHAIRMAN: 99(2)—pass; 99(3)—pass; 99 as amended pass. (Sections 99(4) to 100(1) were read and passed) Section 100(1) - Mr. Hanuschak.

MR. HANUSCHAK: That clause 100 subsection (2) subsection (b) . . .

MR. SPIVAK: Well I think there's something to be said on 101.

MR. HANUSCHAK: I'm on 100 sub (2).

MR. BROWN: Yes, Page 34.

MR. CHAIRMAN: Section 100 sub (1) - Mr. Brown.

MR. BROWN: Mr. Chairman, the way it seems at the present time is that when an unmarried mother marries she has to relinquish her right to the child before and then apply for adoption. That means that during this period she has absolutely no hold on her own child. I wonder if the Minister could give us any further comments on this.

MR. CHAIRMAN: Mr. Miller.

MR. MILLER: No, Mr. Chairman, I don't think it says that at all. I think the mother certainly has the - it's her child and there's no question about it. This simply deals with a person who marries the parent of a child may, together with that new parent apply to a judge so that the new parent, one of the new parents, can then adopt the child. They're not relinquishing any rights. They're acquiring them.

MR. CHAIRMAN: Mr. Boyce.

MR. BOYCE: Mr. Chairman, not to disagree with my Minister but having been through an adoptive procedure where I adopted a stepchild there was a period of time in which the child was a ward of the court as I understand it, that my wife had to actually re-adopt her own child. Now whether this is what is being raised at this particular time or not I don't know but nevertheless what Mr. Brown is suggesting was correct.

Now whether the same applies to an illegitimate — you know I hate using that term "an illegitimate child" at all.

MR. MILLER: We don't use it anymore.

MR. BOYCE: Nevertheless both of us had to adopt my wife's child.

MR. MILLER: The natural mother has custody of that child. We're not talking about adoption by parents. We're not talking about the child who is given up for adoption. We're now talking about a case where there is a natural mother who has a child and then remarries.

MR. BOYCE: That's right. I understand. Well the children's aid society erred in their advice to me in the process through which my wife and I went, then they erred. But I would suggest that Mr. Brown's point, if they did not err at this time is well taken, that my wife had to in fact, to her natural child who was in her custody adopt her child in my name.

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: Mr. Chairman, is that difficulty not accommodated by the clause which stipulates if the child is living with the applicants and is being cared for by them? Does that not remove the possibility of that kind of difficulty. The clause talks about the prescribed form necessary to adopt a child if the child is living with the applicants and is being cared for by them. I stand to be corrected but I would ask the Minister through you, Sir, whether it was possible for a child to be a ward of the courts and still be living with applicants, applicants for adoption, and being cared for by them. If the child is living with applicants and being cared for by them presumably it's not a ward of the court. Is that not correct?

MR. CHAIRMAN: Mr. Miller.

MR. MILLER: Well yes. In this particular case, under adoption by parents

(MR. MILLER cont'd) . . . . where the mother has the custody of the child and the child is living with the mother and the mother marries then the child can be adopted or adoption is entered into by the father and the child is living with the mother. You're quite right. This is the situation. Now the question you're asking is, is it conceivable that the child could be a ward of the courts and still be living with the mother and yes, that is possible but they are still living with the mother.

MR. CHAIRMAN: Would you use the microphone.

MR. BOYCE: I'm sorry to have to get into debate with my Minister but in the particular case at point this was not the case.

MR. MILLER: Maybe you were misinformed.

MR. BOYCE: Maybe the children's aid society was misinformed and misinformed me. If Mr. Brown raises the question then perhaps other people are misinformed and the practices of the children's aid society too.

MR. MILLER: Well what does the law say?

MR. BOYCE: Well this is what Mr. Brown raises and I would like the question answered to clarify it.

MR. CHAIRMAN: Order please. Mr. Brown.

MR. BROWN: Mr. Chairman, this is precisely what I was going to ask for, if we could have some clarification, maybe some change of wording within the Act so that there is absolutely no doubt about what is meant. That would be acceptable to us.

MR. MILLER: Well I've asked legal counsel here.

MR. BALKARAN: I'm not at all certain what the problem is that's being raised, Mr. Chairman. I wasn't following very closely.

MR. MILLER: Well the problem that's posed is that the mother although having custody of the child would have to give up custody of the child to the state since the child must become a ward of the state and then both would have to apply for adoption.

MR. BALKARAN: I don't think so. I think technically it's legally possible for the child to remain with the mother even though the child is declared to be a ward of the court.

MR. CHAIRMAN: Mr. Adam.

MR. ADAM: Mr. Chairman, my interpretation of the confusion here lies with the words "together with that parent" and to me those words indicate the natural parent. In other words a person who marries the parent of a child may together with that parent - and that is where I think the confusion is. That "together with that parent" to me indicates the natural parent.

MR. CHAIRMAN: Mr. Miller.

MR. MILLER: I could be the natural parent or it could be a parent of an adopted child. It could be an adoptive parent who has already legally adopted that child. Either way.

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: On that point. I was going to say that I don't think Mr. Adam is right in that interpretation of the term "parent". "Parent" doesn't have to be a natural parent. But to get back to the other issue it seems to me that Mr. Miller's answer to my question eliminates the problem because if a child can be living with applicants for adoption and at the same time be a ward of the court well that eliminates - does that not eliminate the problem? Even if you have a situation here, it wouldn't mean that the mother had to give up custody because the Minister has said it's possible for a child to be living with a parent and still be a ward of a court.

MR. CHAIRMAN: Reverend Greene.

MR. GREENE: It may be that there is an aspect of this that is a bit of a question too and that is the fact that where someone marries a single parent and wishes to adopt that both parents are making the application together.

MR. MILLER: That could happen, yes. But the child still remains with the parent.

MR. CHAIRMAN: Does that clarify the situation, Mr. Brown?

MR. CHAIRMAN: Mr. Adam.

MR. ADAM: It doesn't clarify in my mind because when you talk about the parent of a child "together with that parent" the person marrying that person with a child, we understand that that person would have to adopt the child but the mother shouldn't have to or vice versa, a widower for instance.

MR. MILLER: Well in a sense the mother re-adopts the child because of the new relationship between a new father and herself.

MR. CHAIRMAN: Mr. Brown.

MR. BROWN: Mr. Chairman, we were merely going to point out that there seems to be a certain vagueness in this particular area and if the Minister can see fit to change this so that it leaves no doubt in anybody's mind to what is meant I think that this would be quite beneficial to everyone.

MR. MILLER: Mr. Chairman, there's no doubt in my mind what it should be and what is meant and if by regulation we can clarify it we will and certainly the children's aid societies will be informed as to what is intended so that if any one of them is acting differently than the other that certainly there must be a constancy in how this is applied.

MR. CHAIRMAN: 100(1)—pass; 100(2) - Mr. Hanuschak.

MR. HANUSCHAK: Mr. Chairman, I wish to move that clause 100 sub (2) sub (b) of Bill 49 be amended by striking out the words and figure "with 14 days from the filing of the application" in the first and second lines thereof and substituting therefor the words and figure "30 days prior to the day of the hearing of the application or within such other period as the court may allow."

MR. CHAIRMAN: 100(2) as amended—pass. (Sections 100(3) to Section 114 were read and passed) Section 115(1) - Mr. Hanuschak.

MR. HANUSCHAK: Mr. Chairman, I wish to move that subsection 115 subsection(1) of Bill 49 be amended by striking out the word "A" in the first line thereof and substituting therefor the words "where a child is without a parent or a guardian, a".

MR. CHAIRMAN: 115(1) as amended—pass. (Sections 115(2) to 118(3) were read and passed) 119 - Mr. Hanuschak.

MR. HANUSCHAK: On Page 44, Mr. Chairman, that Section 119 of Bill 49 be amended by adding thereto immediately after the figure "105" in the first line thereof the figure "115".

MR. CHAIRMAN: Section 119 as amended—pass. (Sections 120 to 127(7) were read and passed) Mr. Hanuschak.

MR. HANUSCHAK: On Page 48, Mr. Chairman, that Section 128 of Bill 49 be amended by adding thereto at the end thereof the following clause: "(i) respecting the placing of children into homes for adoption pursuant to Section 99".

MR. CHAIRMAN: Section 128 as amended—pass. Preamble—pass; Title—pass; Bill be reported.

Committee rise.