

LEGISLATIVE ASSEMBLY OF MANITOBA
Friday, 11 July, 1980

Time 8:00 p.m.

OPENING PRAYER by Mr. Speaker.

MR. SPEAKER, Hon. Harry E. Graham (Birtle-Russell): Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports By Standing and Special Committees . . . Ministerial Statements and Tabling of Reports . . . Notices of Motion . . . Introduction of Bills . . .

ORDERS OF THE DAY

MR. SPEAKER: The Honourable Government House Leader.

MR. JORGENSEN: Will you call Bill 104, Mr. Speaker?

BILL NO. 104
AN ACT TO AMEND
THE HIGHWAY TRAFFIC ACT (2)

MR. ORCHARD presented Bill No. 104, An Act to Amend The Highway Traffic Act (2), for second reading.

MOTION presented.

MR. SPEAKER: Are you ready for the question? The Honourable Minister of Highways.

MR. ORCHARD: I would comply with the Member for St. Boniface's request, if he had support among his colleagues. He has support from the Liberal Party, I wonder if that is an indication of his previous commitment to politics, Mr. Speaker.

Mr. Speaker, Bill No. 2, which is An Act to amend The Highway Traffic Act, deals with two matters only. Pardon me, Bill No. 104. Mr. Speaker, the first of these amendments in Bill 104 deals with the Medical Review Committee, and it deals with all medical suspensions and restrictions imposed upon drivers' licences which are imposed for medical reasons.

The current Act provides for the establishment of a Medical Review Committee, and the legislation was enacted, Mr. Speaker, concurrently with legislation requiring doctors to report to the Registrar the names of patients, who, in their opinion, suffer from a disease or medical condition which renders them unfit to drive. The Committee was never established, Mr. Speaker, principally because its powers were limited to suspensions resulting only from doctors' reports.

Now the numbers of such cases are relatively few, Mr. Speaker, and in those cases where a suspension is imposed as a result of information received from other sources such as accident reports, medical reports for drivers that are required to file under the class licence system, the Committee was without jurisdiction to hear appeals from such suspensions or the imposition of restrictions placed on medical grounds.

It was felt, Mr. Speaker, that the Licence Suspension Appeal Board, as presently constituted, is not competent to deal with such cases, some of which are extremely difficult, particularly where conflicting medical diagnoses are made. There exists a need for an appeal mechanism to deal with medical suspensions, as well as restrictions, and because of the specialized knowledge required, the Review Committee composed of medical doctors from various specialties would more adequately and fairly meet existing needs.

The Committee, Mr. Speaker, would be empowered to hear appeals from any suspension imposed on medical grounds or where certain restrictions were imposed on a driver's licence based on medical reasons. As well, the proposed amendment would require a payment of fee; the amount of the fee will be prescribed by regulation, Mr. Speaker.

We believe this legislation will go a long way to deal with such matters, restriction on driving privileges, and such matters will be dealt with on a more fair and impartial basis with the establishment of the Medical Review Committee.

Mr. Speaker, this bill contains one further amendment, and is one that the Member for Ste. Rose had received certain correspondence to deal with. This amendment deals with signal lights on motorcycles. Last year we enacted legislation which required all motorcycles to be equipped with signal lights. That legislation was proclaimed to come in force April 1st of this year. Subsequent to the proclamation it was found that there are a number of older motorcycles, Mr. Speaker, which are of such design that it is impractical to equip them with signal lights. In other cases, owners have experienced considerable difficulty in acquiring signal lights, considerable expense, Mr. Speaker, which pertain particularly to the model of motorcycle that they own.

Mr. Speaker, this federal legislation was enacted in 1975, requiring turn signals on motorcycles, and what we are proposing in this amendment is parallel legislation in the province requiring signal lights only on motorcycles of 1975 vintage and later. Motorcycles manufactured prior to 1975 will be exempt from the turn signal legislation, and this is in compliance with the federal legislation and we believe will eliminate some of the problems that antique motorcyclists and motorcycle owners of vintage year prior to 1975 have incurred in attempting to comply with the legislation that was enacted last year.

That is the sum total of the two amendments which are proposed in Bill No. 104, Mr. Speaker, and I recommend them to the House.

MR. SPEAKER: The Honourable Member for St. George.

MR. URUSKI: Thank you, Mr. Speaker. Before I make my remarks, I would like to ask the Minister one question with respect to the appeal period. I believe in the Act the time to appeal has been

reduced from six months to thirty days, the Minister didn't comment on that in his remarks. Has he any information with respect to the Medical Review Committee, why is it changed from six months to thirty days?

MR. SPEAKER: The Honourable Minister of Highways.

MR. ORCHARD: Mr. Speaker, I will let the Member for St. George make his comments to the bill and I will compare legislation. I am not aware that is part of the amendment.

MR. URUSKI: Thank you, Mr. Speaker. In making remarks to this legislation, Mr. Speaker, there is no great opposition from members on this side. There is a number of questions that we would like to pose with respect to this legislation.

The Honourable Member, first of all, for Ste. Rose, could not be here this evening and asked that I convey some of his thoughts as well as my thoughts on the legislation. There is no doubt that he is satisfied with respect to the amendment dealing with the signal lights on a motorcycle, the amendment dealing with a motorcycle of vintage years 1974 or earlier, with respect to the representations he has made to Minister's office.

As well he indicated, and he wanted to raise the question with the Minister, and I am just taking the question from memory, with respect to appeals, dealing with the suspension of a motorist, I believe, for driving with blood alcohol in excess of .08, where there is a suspension for the mandatory second offence for five years, if the motorist can show by medical evidence to the Suspension Appeal Board that he has complied, number one, through either an AA Program, through many medical steps, to show what one would consider beyond the shadow of a doubt that he has conquered his drinking problem, and that his situation has been corrected, whether or not there is a provision within the Act or the Minister is considering a provision in the Act to allow that motorist to appeal the five-year suspension prior to the five years going up; whether that suspension can be appealed within, say, six months or the first year and the Appeal Board can hear it, or even in the second year to deal with the suspension that he has? That is the question that the Member for Ste. Rose raised with me.

With respect to the specifics of the legislation, I raise the point that the appeal period is being reduced from six months to 30 days in terms of a suspension. I wonder whether there may be instances where an individual, during the time of an appeal, maybe he has suffered an attack, a medical attack of some sort, whether it be diabetes, whether it be a heart attack, and he may be recuperating in the hospital during the period of time which he has to make an appeal and the thirty-day period may go by and the individual being in the hospital would not have time to file his appeal. I would like the Minister to give consideration, or at least, either through regulations or through the Act, that an individual, provided of course all the medical information backs him up, is able to have the appeal in the event that he has been suspended for medical reasons. That is the reason of the questions that I raised.

With respect to the addition of members to the Medical Review Committee, there is certainly no difficulty with members on this side adding additional qualified practitioners dealing with the ophthalmologist or the optometrist, which would be an addition to the Medical Review Committee, and we are quite satisfied with that addition of personnel who are added to it.

Mr. Speaker, there is also an amendment dealing with the powers of the Medical Review Committee, which is, I believe, a fundamental change in the legislation and it deals with the decision of the Medical Review Committee. The amendments that are being proposed are to the effect that the decision of the committee is final. The decision presently in the Act leaves the Committee's decision, I believe, to probably further appeal and, in this case, it takes that decision completely out of the hands for further appeal and makes that committee, the Medical Review Committee's decision final.

I would hope that the Minister would consider that if new medical evidence were to come forward that an appeal could be held. What would be the mechanisms for having an individual to be able to appeal an earlier decision of this committee? What is the mechanism that will be allowed in the event that there is new medical information that individual can bring forward to substantiate and make the committee change its mind?

Mr. Speaker, we raise that concern because there may not be a chance to appeal further to the Medical Review Committee or some other body, but I think being of the medical nature, I believe that the Medical Review Committee could be called again and have that individual's appeal allowed again.

As well, Mr. Speaker, the question has to be raised as to what kind of fees for appealing will be charged, whether the fees will be the same or similar to those that are presently being charged by applicants to the Appeal Board and I think the fee now is at 35 and whether or not the fee is waived or returned in the event that an applicant is successful in his medical appeal. I believe in the regular appeal process the fee is paid in and that is the fee for the hearing and I believe the amount of money is not paid back; it is simply a matter of administration, and the fee is paid in and that is it. I would like to have the Minister's comments with respect to that area.

Basically, Mr. Speaker, the section of the Act dealing with medical reviews, I believe, and as the Minister pointed out, dealing with the class licensing system, there is much greater scrutiny coming in on individuals who apply for classes of licence beyond the Class 5 or the ordinary licence and, as a result, more medical reports have to be filed, therefore bringing out any health deficiencies that people may have, and rightly so, Mr. Speaker, that those individuals who are driving for a livelihood and are involved in traffic every day of their working lives, there is no doubt that this Review Committee and the added scrutiny that this bill could bring in certainly is a provision that really cannot be argued against.

Mr. Speaker, on this we are prepared to let the bill go to committee, but I would like to hear some of the Minister's comments on this.

MR. SPEAKER: The Honourable Member for St. Vital.

MR. D. JAMES WALDING: Thank you, Mr. Speaker. It had not been my intention to speak on the bill until I heard the Minister's remarks and those of my colleague.

I am glad to see that the principle in the bill having to do with turn signals on motorcycles has now been clarified. This had been brought to my attention, too, and I had mentioned it previously to the Minister and we see before us that the promised amendment to the bill, which would take care of that particular problem.

The main reason why I rose to speak, Mr. Speaker, was the matter of the addition to the Medical Review Committee, and I noticed that the addition, the expansion to this committee, suggested to be either an ophthalmologist or an optometrist. Now the appointment, Mr. Speaker, is to a Medical Review Committee. I am not sure whether the Minister has taken into account the fact that an optometrist is not a medical man. He has expertise in the optics of vision, the measurement of sight and its correction by certain devices, but when it comes to the medical aspects of vision he makes no claim to be an expert, Mr. Speaker. Since it would seem that this Medical Review Committee has been empowered to review other situations and reports from other persons, both lay, in the form of optometrists and professionals in the medical field, it would seem perhaps more suitable that this third position be filled by someone who is an ophthalmologist, who has the necessary medical background to judge what might be a cause of a restriction or a loss of licence, something that an optometrist on that committee would not be able to do.

It is not a particularly big issue, Mr. Speaker, and I am certainly not going to vote against it. I make the point merely for the benefit of the Minister and with the hope that perhaps he would look into this matter, perhaps review it with his staff and perhaps even with the Department of Health or the College of Physicians and Surgeons, and perhaps give some consideration to bringing in an amendment at committee stage.

MR. SPEAKER: The Honourable Minister of Highways will be closing debate.

MR. ORCHARD: Thank you, Mr. Speaker. If I may deal with the last speaker first, Mr. Speaker, when we added the medical expertise as dealing with eyesight, we fully realized that we were, shall we say, contravening classic medical lines when we grouped ophthalmologists with optometrists. We were well aware of that, and the only reason that was done, Mr. Speaker, was to provide us with the flexibility that should we not be able to recruit an ophthalmologist as a member of the Medical Review Committee, that we would still have expertise in vision as supplied by an optometrist, and that was the only reason why we left ourselves that kind of flexibility in the makeup of the committee, Mr. Speaker. Our first choice will, of course, be to attempt to strike the committee with an ophthalmologist as a member. Should that be possible, that is what we will do, Mr. Speaker, but as

the Member for St. Vital well knows the numbers of ophthalmologists are not all that great in the province or in any province, and to avoid the potential of not having that aspect of medical fitness to drive being included in the Medical Review Committee, we included the optometrist.

Mr. Speaker, the Member for St. George mentioned a couple of concerns. His first concern was in the 30 days versus 6 months, and I believe that deals with two separate aspects of the bill. The appeal to the Medical Review Board has to be done within 30 days of a suspension, and that is what is embodied in the amendment. Mr. Speaker, that, I believe, is somewhat separate from what the six-month reference the Member for St. George had made.

The Member for St. George made a point that we should, in the event of a five-year suspension, offer, let's say, a second day in court to someone who has corrected himself of an alcoholic problem. Mr. Speaker, that is, I might say, the prime function of the Medical Review Board, in that they will act as the medical expertise to determine whether in fact the person, such as the Member for St. George has referred to, is in fact a rehabilitated person from a problem related to excessive drinking. There is no current form where such medical opinion can be properly evaluated and reviewed and give a definitive decision as to whether that person under a five-year suspension is in fact no longer suffering from a drinking problem, which would render him a hazard on the road, and quite frankly, Mr. Speaker, that is probably going to be the main type of person who comes before the Medical Review Board.

We have taken, by the membership of the Board, the eyesight, the internist to give us the other aspects of possible medical problems which would restrict a person from operating a motor vehicle. As the Member for St. George well knows, the prime person who will be appealing to this Board is one who has had his driving privileges suspended because of the federal or the Criminal Code laws dealing with blood alcohol content. This Medical Review Committee will have the expertise, Mr. Speaker, to deal effectively with those people coming back. That is the prime intention of striking this Committee.

His question as to the fees, I might point out, as you well know, the fees may be prescribed, and in all likelihood, Mr. Speaker, we would institute a fee schedule, which would require the payment of a fee by an unsuccessful candidate; a successful candidate having justly proved his case in a court, shall we say, would have his fees returned.

So I hope that goes somewhat to removing some of the questions that the members of the opposition had.

Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for St. George with a question.

MR. URUSKI: Yes, Mr. Speaker. I wonder if the Minister would consider the length of time for the appeal as 30 days, whether he might consider the time of 45 days to coincide with the present appeal procedures, so that the length of time is the same in both areas and there may not be an argument put

forward at a later date that, well, I had fifteen days on this one and I had fifteen more days under one than on the other, whether he might at least give it some thought.

MR. ORCHARD: Mr. Speaker, I don't know whether that is necessary, because the 45-day temporary operating permit is given only to allow the person to operate a vehicle until he has had, shall we say, his day in court. Now, if at the 45th day of his temporary suspension he has had his day in court and been refused, he will have 30 days from that 45th day of temporary reinstatement of driving privileges to make his case to the Medical Review Committee, and I believe that 30 days is an adequate figure from being refused a licence for whatever reasons.

QUESTION put, MOTION carried.

MR. SPEAKER: The Honourable Government House Leader.

MR. JORGENSEN: Mr. Speaker, will you call Bill No. 77, and then we will go into Committee of the Whole on Bill No. 98.

ADJOURNED DEBATES ON SECOND READING

BILL NO. 77

THE FAMILY LAW AMENDMENT ACT

MR. SPEAKER: Bill No. 77, The Family Law Amendment Act being an Act to amend The Queen's Bench Act, The Family Maintenance Act, The Judgments Act, The Marital Property Act, and The Real Property Act, standing in the name of the Honourable Member for Roblin.

MR. MCKENZIE: Mr. Speaker, I adjourned this debate for the Honourable Minister.

MR. SPEAKER: The Honourable Minister of Community Services.

HON. GEORGE MINAKER (St. James): Thank you. Mr. Speaker, originally I did not intend to get involved in a debate on this particular bill . . .

MR. SPEAKER: Order please. I neglected to mention the Honourable Minister is closing debate.

MR. MINAKER: No, no, no.

MR. PETER FOX (Kildonan): On a point of order, Mr. Speaker, that is not so. The bill is in the name of the Honourable Attorney-General, so how can the Minister . . .

MR. SPEAKER: I apologize.

MR. FOX: Try again, George.

MR. SPEAKER: The Honourable Minister of Community Services.

MR. MINAKER: As I indicated just a second ago, I had not intended to take part in this particular debate, but with questions that were raised by the

Honourable Member for St. Johns asking if I would answer some of the false and wild accusations that the Honourable Member for Wellington had decided to present when he took part in this debate, I thought it was necessary to make it clear to the opposition and the members of the Legislature what the intent of the amendments to the Act are and what the policy of the government is with regard to these particular amendments.

First, Mr. Speaker, as we know, The Family Maintenance Act clearly delineates the responsibility of parents and common law spouses, one for the other and for their children. However, Mr. Speaker, the same Act did not include the matter of responsibilities by children for their parents. This responsibility, as we know, was contained in The Parents' Maintenance Act.

Mr. Speaker, the bill that is before us now really only makes The Parents' Maintenance Act part of The Family Maintenance Act and provides a neat compact piece of family law. Philosophically, Mr. Speaker, I can't really understand how anyone could say or argue that children should not have a responsibility for their parents, who require assistance for support and who do not have a spouse providing that support and maintenance. Mr. Speaker, I really can't understand the philosophy behind that type of argument, because, Mr. Speaker, if a parent is responsible in law for his or her children, surely in law the parent deserves the same consideration when the children become adults.

Mr. Speaker, I believe the responsibility of the children is for the basic maintenance and care after the parents have qualified for all government services and programs that they are entitled to, and I think we have to underline that, that it is simply there. The children have that basic responsibility and it is not intended and I underline this fact that it is not intended that the children's responsibility should replace that of government as expressed under various other statutes and regulations that presently exist.

Now if the opposition is that concerned about that particular statement, then I am sure that my colleague, the Honourable Attorney-General, would give considerations to amendments, if the opposition feels that there is going to be some kind of back-door approach to utilizing this law to get away from the responsibility that government presently has on the statutes and regulations that exist. I just indicate for the members opposite that there are specific Acts that presently exist that provide or allow us to pursue third parties for recovery. Giving an example would be The Social Allowance Act, which permits us to initiate legal action and obtain maintenance orders for a spouse, and as the honourable members opposite know, The Child Welfare Act also allows us, under certain circumstances, to lay charges on parents of children in our care.

Mr. Speaker, we could not conceive an action against children under The Parents Maintenance Act if the parents meet the eligibility criteria under The Social Allowance Act.

Mr. Speaker, and I am happy that the Member for Wellington is here tonight, because he was the member who raised such furor about the fact that we were going to do this and that with this particular bill. The Member for Wellington refers to this as truly

regressive legislation. Mr. Speaker, I suggest to you that it is only regressive if one believes that the state should look after everyone. That is when it becomes regressive. Obviously, Mr. Speaker, the Honourable Member for Wellington believes that, the state should look after everyone. Well, Mr. Speaker, if one believes in the family unit and the responsibility of members of society to look after one another, then as a statement of government philosophy it is progressive not regressive. What has happened to that philosophy that one looks after one another and a family unit is a unit in our society.

This is most particularly true and necessary when one recognizes the aging phenomena on the world population. Mr. Speaker, if one was reading the newspaper, I think it was two or three nights ago, there was an article in the paper and it said one of the major problems in Russia is the growing number of elderly, the impossibility of the state to look after them, and the rejection of parents by Russian children. Mr. Speaker, we have no more than 500 elderly people in Manitoba that are on provincial social rolls, while there are 110,000 elderly people living in Manitoba. So obviously, Mr. Speaker, we as a government would not go out chasing after sons and daughters to try and pay for the social allowances that some less than 500 receive at the present time.

The suggestion that we would use the provision of Bill 77 to reduce government costs, Mr. Speaker, I say is blatantly ridiculous, portrays an ignorance of the system, and is nothing but a partisan political statement from an ideological philosophy that would see the state replace the family and this philosophy, Mr. Speaker, our government does not stand for and would not allow.

MR. SPEAKER: The Honourable Member for Churchill.

MR. COWAN: Thank you, Mr. Speaker. I will be quite brief in this regard, but I do want to stand and take this opportunity to try to clear the record in regard to the comments made by the previous speaker in the closing minutes of his remarks to the House, and that is that any one side or any one party in this Legislature would try to have the state replace the family, or that any one party would seek to destroy the family through interference of the state. Now that is in fact a blatant misrepresentation of the facts, and that, Mr. Speaker, is what I consider to be an uncalled for allegation in regard to the integrity of any party.

I believe it is important to put on the record what our opposition to this particular segment of this bill is. I believe the Member for Wellington can correct me: Was this the particular segment that we were opposed to in regard to this bill, that this bill might have had another redeeming feature in regard to (Interjection) Not this one, I am wrong on this one then.

This section here, the concept that we just talked about is one that needs to be addressed. What we are saying, in fact, in our comments is that the state cannot legislate a family unit, that the Minister is absolutely correct that family units are a part of our system, that family units are a part of our society, and they play a valuable and functional role in our

society. The Minister, if he believes that you can legislate a responsibility to the family or morality within the family by legislation of this sort, is misdirected, misguided, and I believe somewhat naive in regard to the actual situation as it exists.

We are not saying that children and daughters should not have a responsibility to their family, to their parents. We are not saying that parents should not have a responsibility to their children. We are not saying that brothers and sisters should not have a responsibility to each other, and you can continue that throughout the familial line in order to suggest that we all have a responsibility to each other in our family. I think that our party goes one step further. We like to see a society where everybody has a responsibility to everybody else, and that responsibility is a responsibility that comes from within, that responsibility is not a responsibility that is imposed by the state. (Interjection) The Minister responsible for Public Works says it comes from the heart. Well, then why does he need this piece of legislation? Why do they need this particular amendment? If it comes from the heart, it will flow naturally; if it comes from the heart, it will be there and this legislation in no way will make anyone feel any differently towards their parents. (Interjection) Now, we have reached the pinnacle of the argument that is the Member for River Heights, whom I have grown fond of over this session, Mr. Speaker, for his many amendments in the Private Members' Hour, and now he tells us in much the same way as he has presented those amendments, he presents us with his last pearl of wisdom, and the fact is, Mr. Speaker, that not everybody has a heart, and the fact is that if they don't have a heart you are not going to legislate a heart into them.

MR. DOERN: How about a soul?

MR. COWAN: And a soul, the Member for Elmwood says, not everybody possesses the type of soul that we would like to see them possess, and you can't legislate that either. That is what this bill intends to do, but we shouldn't be so concerned about it, because the Minister has just stood on his feet for the last fifteen minutes and told us that they are not going to use the bill. That is in fact what he has said to us over the past few moments. He has told us why they need the bill; he has told us what the bill is going to do; and then he said, but don't worry, we are not going to use the bill.

Well, if that isn't the most useless piece of legislation, then I don't know what is. It is a legislation that can't accomplish its purpose, if its purpose is to legislate responsibility and morality. It is legislation that interferes in the family life in the worst way; it is legislation unbecoming any government, and the Minister knows that, and that is why he feels compelled to tell us that for all the good features of this legislation, not to worry, they are not going to use it. They are not going to use it because they don't need to use it. I suggest they are not going to use it, because not only do they not need to use it, but they know that it is unworkable. They know that it is a piece of trash legislation, that for who knows what reason has been brought to them, and they have put it before us, and expect us to support it. Well, we will not support it, because it is

exactly that, trash legislation, unworkable, it is irreconcilable with what we believe the family should represent in our society, and the Minister has indicated that even his own government doesn't intend to use it.

For that reason, I can only hope that they come to their senses and respect the family for what it is, and that is a unit that is made up out of love and respect and a responsibility to each other, and that they do not try(Interjection) Oh, now the Member for Economic Development, who is always so full of grace and love and a smile in this House, tells me I wouldn't know what that means. Well, Mr. Speaker, it is obvious that their government doesn't know what that means, because they feel it has to be legislated. I have more faith in families than that. The people on this side, my colleagues, have more trust in people than that, and we know that you don't have to legislate love. We know that you can't legislate love, and we know that no matter how many bills they put on the books, they are not in any way going to evoke in any son or daughter a love that is not already there for their parents. But what will they do? What will they do if they try to impose this legislation, if they try to use this legislation? They will create hatred; they will divide brother and sister; and brother and brother, and sister and sister.

Let's look at the example. One brother or sister, one son or daughter stays in the province; another son or daughter leaves. Who is responsible for the parents? The one that stays in the province. How do you think that will make the one who is in the province feel towards the one who is outside the province?

A MEMBER: It shouldn't bother you; you left.

MR. COWAN: He says I left, as if nobody in this world ever moves from one place to another, and that is exactly the point, people do move, and what it is going to do, it is going to turn the brother or sister that stays here away from the brother or sister who leaves. It is going to create divisiveness in the family unit, it is going to create hatred, it is going to create rancour, it is going to do exactly the opposite to which I would imagine that they would hope to do. Now maybe I am wrong, maybe they want to create divisiveness, maybe they want to create bitterness, maybe they want to create acrimonious relationships and rancour, maybe that is their purpose. I can only suggest that this is either their purpose, or they are not fully aware of the act which they are trying to place before the House right now, that they have not thought this out very carefully.

Also, let us say you force a son or daughter to support a parent that they don't want to support for whatever reason, and they are human beings and they are mature adults and they are surely capable of making those sort of considerations, and say they don't want to support him. You're going to force them by legislation to support them, and that is going to make them love their parents more. Why I suggest it would do just the opposite. It will make them resent their parents more; it will make them resent the legislation as well, but more important it will put into motion more divisiveness of the family unit.

So they presented this bill when they first brought it forward as a bill that would enshrine love, goodwill, support, responsibility, morality within the family unit, and in fact, what it is going to do, is exactly the opposite. There is all sorts of arguments. The Member for Kildonan is giving me another argument. There are a hundred arguments that can be brought forward in regard to this particular bill to show why it is unworkable, why it is ill-conceived, why it is ill-advised, why it is short-sighted, and why it should be withdrawn. That is all that we can hope to do, is to convince the government of the folly of their actions, not by voting against it now, because that is to be expected, we have already told them we are going to do that, and they obviously haven't changed their minds, but during the committee hearing, to have a frank discussion about what a family means and what a family should do and how a family should interact without the heavy hand of legislation being imposed upon that family. That we intend to do once this bill goes to committee, and we can only hope that while doing so, we are able to convince the government of the folly of this bill. And of course, I must add that we will, and I for one support that decision wholeheartedly, be voting against this, even getting into second committee. We can only suggest that maybe some of the more enlightened and progressive members on the other side, the few of them that are there, might vote with us on this and stop their own government from making what appears to be a horrendous mistake.

Thank you, Mr. Speaker.

MR. DEPUTY SPEAKER, Abe Kovnats (Radisson): Are you ready for the question? The Honourable Minister will be closing debate. The Honourable Attorney-General.

MR. MERCIER: Thank you, Mr. Speaker.

Mr. Speaker, we were faced with a question with respect to this matter. We were aware of an instance in a particular case that was brought forward by a parent last year against a number of children, and he succeeded in court in obtaining an order of maintenance against his children.

Mr. Speaker, I don't know what the particular circumstances of that case were. It was a family court matter, and I assume it should be therefore a private matter, as virtually all applications are in that particular court. I don't know whether this was a situation where the parents involved had supplied their children with, and devoted to them the vast majority of their assets, probably may have been past the age of majority, and looked forward to receiving in exchange for that as may be in this particular case, because of the ethnic origin involved, may have been a family tradition that was expected in this particular case, that it was part of a tradition. I believe in this particular case that the parents fully expected some sort of assistance and help from their children in their elderly years. For whatever reason the parents in that particular case brought forward an application and received an order. Under The Parents Maintenance Act, which has been in effect in this province since at least the 1930s I don't have the exact date when it was passed by this Legislature, Mr. Speaker there is no intention, as the Minister of Government Services explained, of the

government initiating applications on behalf of any parent. We are faced with the question of whether the Act should be repealed or should be amended and brought up to date in accordance with the existing court procedures, because there were procedural difficulties in proceeding under the old legislation because it was passed in 1930 and there have been amendments to the court procedures in courts which have taken place since, which that Act did not reflect.

There had been a case where it had been used. The decision was made on the basis that some individual felt, and I don't know how many before him had felt that this was a principle on which he wished to bring an action. On that basis, Mr. Speaker, on the basis that there may very well be somebody, who because of peculiar and special circumstances a parent may wish to bring this kind of an application against children. I think it would be an extremely difficult decision for parents to make. We made the choice because it was used and had been used by an individual, that there should be procedural amendments to the existing legislation to bring it up-to-date with the existing court procedures, and that is all, Mr. Speaker, that is behind the bill.

The members opposite can rant and rave all they wish, but that was the only intention, I can vouch to you, of the government in making amendments to the existing legislation was to bring the procedures under that up-to-date. There is no intention, certainly as far as I am aware, of any attempt or intention by the government to bring applications on behalf of any parents against their children. That will be, as I say, a difficult decision with which parents themselves will have to deal. Obviously, there are apparently some situations where some parents have felt it appropriate under the circumstances.

Mr. Speaker, with respect to the other parts of the bill, with respect to the amendments to The Queen's Bench Act, The Family Maintenance Act, The Judgments Act, The Marital Property Act, and The Real Property Act, they are, as I indicated earlier, amendments which will greatly assist the recipients of maintenance orders and the collection of arrears of maintenance by reducing the time period under which the creditor of a maintenance payment can bring proceedings to sell land in the name of the, call him the maintenance debtor if you will. There is presently a one-year waiting period. In fact, there is some doubt, as was expressed in the Law Reform Commission, whether that power actually exists to proceed in that matter.

I don't have my notes with me, Mr. Speaker, but I can recall the Member for Wellington indicating, Mr. Speaker, that it was unfortunate that this bill took so long to present to the House. Mr. Speaker, I would remind the Member for Wellington that it was during public representations to the Law Amendments Committee at the last session of the Legislature when we brought forward our amendments to introduce a computerized automatic enforcement system of maintenance orders that this subject was raised, as was the subject with respect to the so-called one-year rule on maintenance arrears, which we included in a previous bill in this House and which I am pleased to say was passed, I take it unanimously, by the Legislature, because that, too,

will assist women in receiving maintenance payments.

Mr. Speaker, I want to explain that it was as a result of the representations before the Legislature at Law Amendments Committee last year that I undertook to ask the Law Reform Commission to not only study the one-year rule on collection of maintenance arrears, but this question of proceeding against land and reducing the time period. It is on the basis of the Law Reform Commission Report, which we requested, that we bring forward a bill for consideration by the Legislative Assembly this year. I take it from remarks of the other side that the members opposite see a good thing when they see it and they are prepared to support this bill.

I might say, Mr. Speaker, again, however humbly under the circumstances that I am informed about have taken place in this province this week in our daily newspapers, however humbly, Mr. Speaker, that in fact in this particular area as much as some people obviously would like to comment adversely on the Attorney-General's Department in Manitoba, this is one of a number of areas in which my department has not only proceeded with successfully, Mr. Speaker, but in fact in this particular area of family law has taken the lead in North America.

Attending the meeting this week and in discussing family law with representatives from all other provinces and the federal government, interest has been expressed by a number of provinces in our computerized automatic enforcement system of maintenance. A number of provinces have already visited us to look at our system. As I indicated earlier in response to the Honourable Leader of the Opposition, we have recommended in fact that the federal jurisdiction, on collection of maintenance orders, that the authority be expanded so that they can develop a similar system, a computerized automatic enforcement system of all maintenance orders under provincial and federal legislation right across Canada. I think there is some interest there and I hope that during the course of our discussions we can persuade them to take on that jurisdiction, because I think that would benefit women from all across this country, Mr. Speaker.

I can inform you, Mr. Speaker, and members of the Assembly, that there will be a workshop next week in the city of Edmonton through Social Service Ministers, who specifically will be looking at our system of automatic enforcement of maintenance orders and our department will be preparing material and making a presentation to them on this subject, Mr. Speaker. I can say there is a great deal of interest right across the country in the system that we have brought forth, and I am happy to see, Mr. Speaker, that members opposite are supporting at least this aspect of the bill.

Mr. Speaker, on the basis of my comments, I hope all members of the House will see fit to support this bill.

QUESTION put, MOTION carried.

MR. SPEAKER: The Honourable House Leader.

MR. JORGENSEN: Mr. Speaker, I understand there has been some agreement to proceed with Bills No. 80 and 78 before going into Committee of the Whole,

since the Attorney-General will be available tomorrow in Law Amendments.

Will you please then call Bill 80 and then Bill 78.

**BILL NO. 80 AN ACT TO AMEND
THE PAYMENT OF WAGES ACT AND
THE REAL PROPERTY ACT.**

MR. SPEAKER: Bill No. 80, An Act to Amend The Payment of Wages Act and The Real Property Act, standing in the name of the Honourable Member for Gladstone.

MR. FERGUSON: Thank you, Mr. Speaker. We, on this side of the House, are quite willing to have this bill move to committee. If anyone else wishes to speak, they can have the opportunity.

QUESTION put, MOTION carried.

MR. FOX: Yeas and Nays, Mr. Speaker.

MR. SPEAKER: Call in the members.

A STANDING VOTE was taken, the result being as follows:

YEAS

Messrs. Anderson, Banman, Brown, Craik, Domino, Downey, Driedger, Einarson, Enns, Ferguson, Filmon, Galbraith, Hyde, Johnston, Jorgenson, Kovnats, McGill, McGregor, McKenzie, Mercier, Minaker, Orchard, Ransom, Sherman, Steen, Mrs. Westbury, and Mr. Wilson.

NAYS

Messrs. Boyce, Corrin, Cowan, Desjardins, Doern, Evans, Fox, Jenkins, Miller, Pawley, Uruski, Uskiw, and Walding.

MR. CLERK: Yeas 27, Nays 13.

MR. SPEAKER: I declare the Motion carried.

**BILL NO. 78 AN ACT TO AMEND
THE EXECUTIONS ACT, THE COUNTY
COURTS ACT
AND THE PROVINCIAL JUDGES ACT**

MR. SPEAKER: Bill No. 78 standing in the name of the Honourable Member for Wellington.

The Honourable Member for Wellington.

MR. CORRIN: Mr. Speaker, I hadn't intended to use my remaining time, but there seems to be some encouragement on the part of members opposite.

We have an unusual situation, Mr. Speaker, where the Member for Churchill is invoking the members opposite to stop it, to stop encouraging me.

Mr. Speaker, I told the Honourable Attorney-General that I had (Interjection) I thought I heard a dull, hollow sound opposite and I presumed the member responsible for Highways, Mr. Speaker, was banging his head on something.

Mr. Speaker, I committed myself to the Honourable Attorney-General and advised him that I would not be continuing my presentation this evening

as I had made some submission last day, so he will now be able to wind up.

MR. SPEAKER: The Honourable Member for Wolseley.

MR. WILSON: Thank you, Mr. Speaker. I have a couple of amendments which I will propose when we get to the Law Amendment Committee, but I do believe this is another case of, tragically, the Attorney-General having such a workload that he let the Law Reform Commission slip another one over on him. It just seems to me that we are heading into a particular area where (Interjection) Well, Mr. Speaker, I want to speak to this after listening to the Member for Wellington and after reading the opening remarks of the Minister that this was just a bill of improvement, a bill for modernization, and a bill for reform.

Well, you have the banks, and you have governments trying to have people avoid this wasteful spending and this binge that they are on of buying, and then you have the government of Manitoba introducing bills which are not only going to encourage people to buy more, but to not pay for any of products that they purchase. Because what this bill does is it is a basic bill that increases Manitoba's reputation of the debtor's haven in Canada. Judgments are basically unenforceable in this province and the member talked about capitalists paying, but I submit it is the honest capitalists I am talking about the Member for Wellington now it is the honest capitalists that are going to pay, because the department stores simply pass on the bad debts to their profit and loss statement and those that are working, the work ethic people that we stand for, are the ones that have to pay.

Before getting into the more philosophical side of the bill, but wanting to deal with the late member for St. Matthews, Wally Johannson, who when several of these bills came forward was thumping the desk and cheering because he said, we will now have more Americans move into Manitoba, and I think that is a terrible way to (Interjections) We are going to get the . . .

MR. SPEAKER: Order, order please. We can only have one speaker at a time in this Chamber.

The Honourable Member for Wolseley.

MR. WILSON: Thank you, Mr. Speaker. I am simply saying that he was encouraging Americans to come to this province for a different reason. He said we had the most progressive credit laws, execution laws and court laws that made it, I forget the quote, but sort of to the effect that they could enjoy life, they could enjoy a life of non-payments. I don't know what the professor's name was, we will call him Charlie C. Phillips, and when asked what the C stood for he says, Crime and Crime Don't Pay, and that is the problem with these so-called modernizations, the copycats, the people that take the bill from some other province and incorporate it through the guise of the Law Reform Commission, not taking into any consideration the marketplace which I stand for, the work ethic which I stand for, and obviously I have to listen to the banking heads of this country, and the people, the heads of this country that are saying, we

have got to have higher interest rates, we have got to slow down this wasteful spending, the three-car family, the two or three colored television sets, the absolute waste, the planned obsolescence of products. This is what is happening when you get into a bill such as this is, that is supposed to be only a reform bill, only reform.

I stand to be corrected, I believe they talked about, if I can use in the field of the credit industry, updating the exemptions to make it so that it would go from 1,500 to 4,500, and the professional books, tools and other necessities used by the debtor for earning his living is now going to be 7,500.00.

I believe in tonight's paper you read about a questionable appraiser. Surely members of this House realize that an appraiser is a facade in this modern day and age. He simply will give the appraisal to those that are paying his fair and just fee. What he is going to do, in the case of a Writ of Execution, he is going to say the household furnishings are only worth 4,500, because they are used. He is going to challenge the sheriff's man that comes to the door and say, my house full of stuff is only worth 4,500, whereas when it was worth 1,500, he would then pick out those items which he needed to live on; but at 4,500 he can simply claim that his Magnavox, his library of stag video tapes, his two or three colored television sets, his wet bike that he has got in the garage, his snowmobile that he has got in the yard, that they all only come to 4,500, because the judges and the courts say that the public auction price will be the price that is going to be judged fair and just. And we all know that when goods are sold at public auction, sometimes if you have an excellent sale, but the majority of times it is taken for granted that anywhere from 25 to 40 percent of the value of the goods is received at auction sale. I challenge anybody to go to Carters on a Friday, most beds, because beds are an item that most people don't want to have anything to do with, go for 3.00 to 10.00. There are certain items in the household furnishings that, in my opinion . . .

I am just taking a reading from the Law Reform Commission. What you are doing is saying that a person's professional books, up to 7,500. It is almost as if most of the members of the legal profession that have a law library at home want the bailiff and the sheriff to leave the books alone, because I don't know why it is necessary to have books valued up to 7,500.00. What maybe I am saying is that in an age where there is a trend to try to encourage people to have a better management of their affairs, we in government are turning around and making it absolutely so easy, for those that want to move from one province to the other, to go into a particular province.

I talked about a case the other day that I know about in British Columbia, where these two students went to university. Just before they graduated, they filed for bankruptcy and it was 68,000 that they whipped everybody for and I believe they indicated, when they had the hearing on the bankruptcy, that they were moving to Manitoba. They may have gone to Ontario, but is that any way to stop the outflow of people from our province to say, hey, we are a debtor's haven, come in here, you don't have to pay, because that means that there is an extra burden on those that are paying their just obligations. I don't

think we should be encouraging that, and that is why I stood up to give a warning to members of the Conservative Party, who say they stand for the work ethic, who are throwing one and one, and more and more of these situations before us. If these are the all the by-product of the Law Reform Commission, I want to know what kind of games they are playing with the marketplace, with the working section of our society.

The Member for Wellington, what is our society coming to? Why are so many people going into debt? He said he actually felt that the roadblocks we are putting maybe I am putting words into his mouth, but I sense it too that the roadblocks we are putting in the way of the small businessman and the grocery store, they are being strangled. People in the clothing store, by having to go to the bank in order to have their floor plan, their products on the floor, they are having to go to the bank at 17 percent to have suits on the rack and shoes to market to the individual.

Maybe the day will be coming when they won't accept anyone's credit unless they have a Chargex or Master Charge. Maybe that is what we are forcing them to do, because they know that if they turn over the 15 percent of their accounts receivable every year to a bill collector, the percentage of recovery slowly is becoming less and less and less, and then you have the roadblocks that we, as government, have set up. You have OPD, if it's felt that they have a few too many debts if they've gone a little wild, but the trick with OPD is to go and file through OPD, list your debts, then OPD, government does all the typing, supplies all the stenographers and we send out these letters to the grocery store and the tailor and everybody; they write it off, and the person defaults after one or two payments and the percentage recovery on OPD is scandalous. And then, if that doesn't work, they've got Legal Aid to go to and say I'm being harrassed for my just obligations. There'd be more and more of two or three willing members of the legal profession willing to put in their bills to the government for 150 to protect this man from those evil merchants who want to get paid for the just obligation. If that doesn't work, they can pile up 20,000 or 30,000; it's very easy today to pile up that type of a debt.

I spoke to the Attorney-General about the alarming almost forest fire type of conversions, where innocent people are getting hurt because it's becoming morally acceptable to not only be in debt but to be very largely in debt, and they turn around and buy a car and sell it. In the old days, people went to jail for that; now it's becoming an everyday thing, and so with OPD and Legal Aid and bankruptcy. Then when you go to the court system, judgments are very easy to obtain because people don't even show up anymore, because a judgment means nothing. A judgment is good for ten years but if you have a judgment that you receive in small debts court, the legal profession gets very jealous when ordinary people can go do things for themselves. They make you pay 50 cents to transfer into Country Court and hire yourself a lawyer because the final thrust of the dagger has to be done by a member of the legal profession and then they will pick up . . . Usually a person who has a 2,000 debt to collect, they'll charge him a 500

retainer and then, if you are lucky, and I point it out in the Suitor's Trust Account, maybe someday you might hear that the lawyer has been successful in collecting that money. Because six years down the road, it will fall in a windfall to the government because somebody has forgotten to pick it up. But this Minister is doing something about that, and that's what I'd like to see.

I'd like to see the Cabinet the Treasury Bench do more about these things, to examine why are we out outsocializing the socialists. I would like to have a look at some of these things and say where are we going. If we are going to acknowledge that the banks of this country are saying that high interest rates have to be maintained in order to stop people from this plunge into debt that they are taking, then we are in big, big trouble if we make this a debtor's utopia.

Let me now pick up the bill, Bill No. 78. After two years, the writ of execution of expires, and they've talked about priority, Mr. Speaker. They are going to abolish priority. You can almost talk to any lawyer and he'll have a different priority. The Hydro says they take priority. The wages take priority. The income tax takes priority. A chattel mortgage takes priority over landlord. Business takes priority tax over the landlord, but a chattel mortgage takes priority over the business tax. You have this dog chasing its tail and everybody claiming priority. It's very nice to see this Minister has finally taken one of those items out of it that is now claiming priority in the past but is going to opt out of it, but it expires after two years.

That's very convenient but I think if I was a man in business and I got a judgment, and I went to the trouble to get a writ of execution, if my judgment is good for ten years, my writ of execution should be good for a lot longer than two years because I think that is a situation. And the appointment of subbailiffs under 22(3), unfortunately this a very, very good thing.

MR. SPEAKER: Order please. When you are talking about a principle in a bill, it's not proper to refer to particular sections by their number.

The Honourable Member for Wolseley.

MR. WILSON: Thank you, Mr. Speaker. The appointment of the subbailiff under The Executions Act is an interesting phenomena because in the old days if a person signed a subbailiff and took away the goods, because what in theory he is saying, I'm a nice a guy, I don't want to pay for the cartage, I don't want to pay for the storage, I don't want to pay for all the removal costs so give me a break. I'll sign the subbailiff, and the fellow says, well you are signing this form which indicates that you are now the bailiff. You are going to look after this. You are going to hold this; you are not going to dispose of this. But it is commonly known on the street that people turn around and take stuff out of buildings; they sell stuff that is under subbailiff. They don't give a hoot about the law because there hasn't been a conviction under summary conviction, I haven't heard of one for many many a moon, and I know from practical experience that the police . . . You say a summary conviction, what's that? They haven't even heard of the fact that if a fellow signs a subbailiff

form and removes the goods that he has a breach of a particular section of the laws of this province because it's too vague, it's not spelled out and the result is he takes advantage of that. He's a professional debt dodger and so he can turn around and the word spreads quickly and so that particular section has to have some teeth in it.

The exemption of the property, I spoke of because it is very very vague, because it says furniture and household furnishings, reasonable now here's the key to it reasonable necessity for ones' household, but not exceeding a value of 4,500.00. What does the word reasonable mean? Is there certain particular goods in the household that you would like this particular family, and we will give the fact that there is a percentage of people in debt that have some problems and should certainly have a bed to sleep on and a fridge to keep their . . . but we should spell it out. I mean, is a TV a necessity of life? Some people would have you take their beds; they wouldn't want you to take their car, the automobile, because it's more important to them. So it should be spelled out.

The necessary and ordinary clothing of the judgment debtor and the members of his family. Well, how is the sheriff who is making the seizure going to determine whose clothes belong to who? He just has to say this fur coat belongs to my Aunt Bess, and these diamonds belong to grandmother or a distant relative. The word family' is not spelled out. It used to be in the law; they used to describe who the family meant.

The food and fuel necessary for a period of six months. They go on in several other areas in which, I submit, are vague. It says all farm machinery, dairy utensils, and farm equipment reasonably necessary; again here we have that word reasonably' necessary, very vague. Who is to determine that? There is no value set on it either. I mean, what does he do? Is he allowed to keep all the new farm machinery and give him all the rusted stuff that's out in the field? And one motor vehicle, and now they've increased the value of that motor vehicle to 3,000.00. Is this a blackbook wholesale price? Is this a retail price? Is this at the whim of an appraiser? Who determines whether the car is worth over 3,000 or not? What happens when you get on a borderline case where the sheriff feels that it is 3,200 and the debtor says it is 2,800.00?

I am worried about human rights, civil rights, the rights of the marketplace and the workers, the rights of the small businessman versus the debt dodger's rights, and I say the law is making a donkey out of society when they turn around and are making it absolutely impossible for anybody to collect their just obligations. We give grants for crop failures and floods. We might have to look some day at having somebody be the court that is going to judge what debtors have a serious problem, and we may have to look to a grant system rather than having an impossible system, because we are building a 16 million new courthouse in which we are going to have very very expensive machinery to deal with the justice of extra-judicial seizures, writs of execution, the Sheriff's Department.

If we are going to make it impossible, then really we are creating a theatre that one can go to and never is going to see the final act because he is

never going to collect his judgment. It's becoming impossible in this particular day and age to see the light at the end of the tunnel. Where is consumer protection going to stop? I am all for the comments of the and it sort of got me thinking when the Member for Wellington said we have to have a relief in a general fashion. I think that the relief that we are talking about is if a person can go on welfare by explaining that he has a need; if a widow can get money under the DVA if she has need; if a farmer can relief for a drought, and somebody gets relief for a flood, we have to a mechanism in government that eliminates all the bureaucrats and has somebody that is in debt come to a government debt adjuster. That person will take a look at the person's debts, will go out on a field call and examine to see that this person has a just obligation, maybe gives him the advice to file for bankruptcy or maybe takes debt consolidation and turns around and phones all the creditors and they will accept gladly, 40 to 30 to 25 cents on the dollar. Because the government person, in the cases of social workers and that, we have a problem here; There has to be a problem for those that need relief in a general fashion. We have to admit that not all people in debt are debt dodgers because a lot of these products are hoisted on them by the hard sell and the hype of TV; the hype that says you must have a certain type of bluejean at 60 when they used to be 12.95 a few years ago.

With those few words, I express a warning to members of the government on this side that you are heading into an area that . . . We are not the shepherd, we are not turning around and following what the banks are saying, what the business community is saying. We have to have the incentive, the profit motive to be able to go out there and become a small businessman, and we are not going to do it if Law Reforms Commissions and civil servants dictate to us what should be in the legislation. We have to show the way and show leadership. I simply say that I realize this bill will pass but I wanted to raise that warning for the future, that Manitoba has a reputation as a debtor's haven and we are just making it one more advertisement to those in other areas of Canada, those in the east to come west young man because with your plastic card and your name you can buy yourself a new car and all the appliances you want.

I would hope that before we go on another consumer protection binge that we look at the rights of the small businessman, look at what is happening in the market place and maybe let's take one or two years rest from this type of so-called modernistic approach. Otherwise, you are going to end up with tightening of credit and, God forbid, the day when there probably will be very limited credit at all.

MR. SPEAKER: The Honourable Attorney-General will be closing debate.

The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, because of a reference to the Manitoba Law Reform Commission, Mr. Speaker, I would like to take advantage of this opportunity and I am sure all members of the Assembly would join with me with a possible exception of one in congratulating the Chairman of the Law Reform Commission, the former Dean of the

Manitoba Law School, Clifford Edwards, Mr. Speaker, who I think has been . . . I'm satisfied at least, from my perspective, that Cliff Edwards is probably one of the best appointments our government has made and will ever make, and I'm extremely pleased with the work that the Manitoba Law Reform Commission is doing under his chairmanship. He is conscientious. He is learned and he has produced a great number of very practical realistic reports, many of which, the results of which we are seeing in the form of legislation in this House, Mr. Speaker.

Mr. Speaker, this bill updates exemptions for judgment debtors which go back many many years or are badly in need of improvement, Mr. Speaker, and I refer to the details in the examples and, I think, provided the members with a copy of the report of the Law Reform Commission on this subject. I am informed that they have indicated support for the legislation, Mr. Speaker, and I am pleased that they see fit to do that.

With respect to the Member for Wolseley's general comments, Mr. Speaker, that this creates a debtor's haven, let me say to him, Mr. Speaker, that if excessive credit is a problem and it probably is in many cases then I suggest that the credit grantors take a closer look at the people they grant credit to and that this House support the increases and exemptions . . . And I suggest there is still very minimum increases and exemptions that would provide unfortunate debtors in those circumstances with some basic necessities of life.

QUESTION put, MOTION carried.

MR. SPEAKER: The Honourable House Leader.

MR. JORGENSEN: Mr. Speaker, I move, seconded by the Honourable Attorney-General, that Mr. Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole to consider the report of Bill No. 98, for third reading.

MOTION presented and carried.

COMMITTEE OF THE WHOLE HOUSE

BILL 98 THE STATUTE LAW AMENDMENT (TAXATION) ACT (1980)

MR. CHAIRMAN, Mr. Abe Kovnats (Radisson): This committee will come to order. Bill No. 98. (Pages 1 to 17 were each read page-by-page and passed.) Page 18 pass The Honourable Member for Lac du Bonnet.

MR. SAMUEL USKIW: Mr. Chairman, I wonder if the Minister would explain why the broadening of the interpretation of tangible personal property in Section 52 from what it was previously; what's the intent there?

MR. CHAIRMAN: Page 18, Section 52. The Honourable Minister.

MR. CRAIK: There has been, off and on, disputes that have arisen as to whether machinery that is installed in a facility, in a factory, as to whether it's

part of real property or part of personal property, and this clarifies it to indicate that it is a part of personal property rather than a part of real estate.

MR. CHAIRMAN: (Pages 18 to 29 were each read page-by-page and passed.) Preamble pass; Title pass; Bill be reported pass.
Committee rise. Call in the Speaker.

COMMITTEE REPORTS

MR. CHAIRMAN: The committee has adopted certain resolutions, directs me to report same, and asks leave to sit again.

IN SESSION

MR. SPEAKER: The Honourable Member for Radisson.

MR. KOVNATS: Mr. Speaker, I beg to move, seconded by the Honourable Member for Portage la Prairie, report of committee be received.

MOTION presented and carried.

THIRD READINGS

Bill No. 98, was read a third time and passed.

BILL NO. 12 THE LAW FEES ACT

MR. JORGENSON presented Bill No. 12, The Law Fees Act, for third reading.

MOTION presented.

MR. SPEAKER: Order, please.

MR. WILSON: Do I have a chance to speak on The Law Fees Act?

MR. JORGENSON: Not now, it is passed.

MR. SPEAKER: Order, please. The honourable member was standing. He had the top of his desk up. I didn't know whether he was looking in his desk or whether he was asking to be recognized.

The Honourable Member for Wolseley.

MR. WILSON: Mr. Speaker, basically my comments are rather short. Basically, I had notes prepared on this because I missed the second reading of it and my concern is that, with the modernization of equipment, that to increase these fees in many areas, especially in the areas of copying, etc., is most questionable. I just felt that in the area of fees charged for transcripts of trials, xerox copies and special examiner's fees, all are increasing at a very very large rate, and I wanted to refer, if I could, to a particular Manitoba regulation, 170(78) regarding law fees, under the special examiner's section, photocopying.

The first page shall be 1.00 and each subsequent page 25 cents, and the judges written reasons, per page, would be 50 cents. I submit that when you begin to get large transcripts for particular situations that are copied many many times over that this a quite a lucrative business and what I am suggesting is that, it would seem to me, in this area of copying

where you are getting 75 cents a page now, because the law fees bill before us is increasing these charges, then I am wondering if the members, when it goes to Law Amendments, shouldn't be looking at some amendments that those areas where there is modern equipment, and where we are into a modern age where the xerox copy used to be 25 cents a copy and now there's a profit to be made at 10 cents a copy, I would challenge, as I believe if we checked with the Queen's Printer, we might be down under 4 cents a copy. To get situations where there are injunctions and different things take place regarding union disputes and certainly the media themselves in many trials want to seek information pertaining to transcripts.

My concern is that we are increasing the fees at a time when the cost of the photostats are becoming, due to volume and more modern methods and discoveries, less expensive. I wonder if in fairness to those that are dealing with ever increasing fees; I believe this year we increased . . . There have been suggestions of doubling the fees for Legal Aid lawyers, that if the legal costs are going up and all other costs in the court are going up, it stands to reason that the courts, if they want to be fair with the general public and the business community, should be looking at areas to cut costs for the citizens of Manitoba. With those few remarks, Mr. Speaker, I just wanted to draw that to the attention of members so that when they get into Law Amendments they might want to look at some changes.

QUESTION put, MOTION carried.

THIRD READINGS AMENDED BILLS

Bills No. 37, 51, and 93 were read a third time and passed.

MR. SPEAKER: Bill No. 9 the Honourable Member for Logan.

MR. JENKINS: I believe that the Honourable Minister of Labour had tabled in the House a notice for an amendment to this bill.

MR. SPEAKER: The Honourable Minister of Consumer Affairs.

MR. JORGENSON: I think that will be all for this evening, Mr. Speaker. I move that the House do now adjourn.

MOTION presented and carried.

MR. SPEAKER: The House is accordingly adjourned and stands adjourned until 10:00 o'clock Monday morning, but sits in Law Amendments Committee at 10:00 o'clock tomorrow morning (Saturday).