

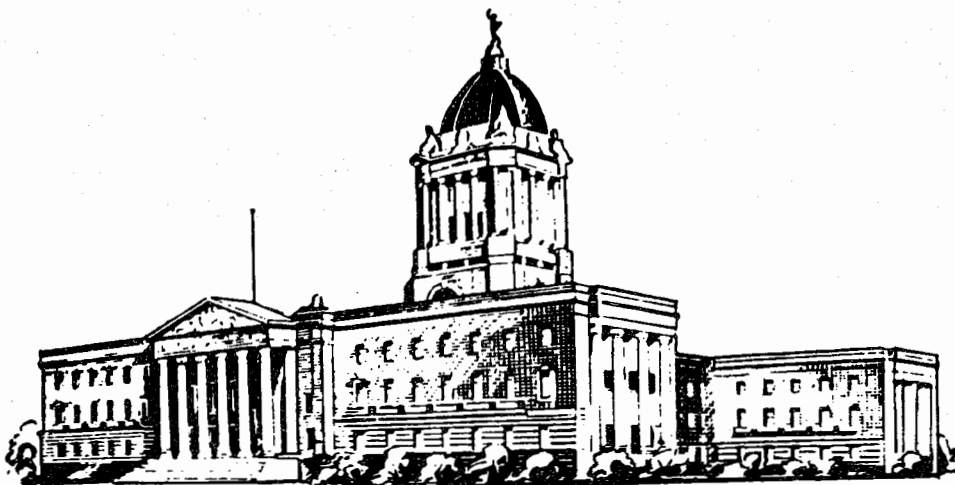


Legislative Assembly of Manitoba

**HEARING OF THE STANDING COMMITTEE
ON
LAW AMENDMENTS**

Chairman

**Mr. J. R. (Bud) Boyce
Constituency of Winnipeg Centre**



THURSDAY, June 16, 1977, 3:00 p.m.

IME: 3:00 p.m.

CHAIRMAN, Honourable J.R.(Bud) Boyce.

MR. DEPUTY CLERK: Please, gentlemen, we have a quorum. Our first item of business is to select Chairman to replace Mr. Jenkins, who left the committee a short time ago.

MR. GREEN: I nominate Mr. Boyce.

MR. DEPUTY CLERK: Mr. Boyce has been nominated. Any other nominations? Mr. Boyce, will you take the Chair, please.

MR. GREEN: Mr. Chairman, although we are through with representations, formally, I understand from some of the members that there may be some people here who wish to make representations and the committee has been usually graceful in accommodating them. So if there are, I think that we would hear them.

MR. CHAIRMAN: Mr. McGill.

MR. MCGILL: Mr. Chairman, two members of the Brandon School Board have come to the committee on very short notice and they are prepared to answer any questions which the committee might like to put to them in respect to Bill 69. I'm wondering if it would be the committee's desire to deal with that bill, perhaps first, in order that they might return to their duties in Brandon after it has been dealt with.

MR. CHAIRMAN: Mr. Green.

MR. GREEN: Mr. Chairman, I think that just to keep the procedure straight, we do not have representations in the middle of the consideration of a bill or even the asking of questions. So what I would propose is that the people from Brandon, if there are any questions to them, that they be asked from honourable members now and then we deal with the bill when we come to it. But we haven't adopted the procedure — and I don't think we should — of dealing with representations or the public during the consideration of clause by clause. So perhaps the gentlemen from Brandon have something they want to say to the committee, and, if so, they could say it now.

MR. CHAIRMAN: Mr. McGill.

MR. MCGILL: Yes, well on that point of order, Mr. Chairman, I think that would be quite agreeable, but any questions that committee members might have could be put to the trustees at this time.

MR. CHAIRMAN: Were there any questions by members of the committee of representatives of Brandon on Bill 69? Perhaps we could have the names. Could the people come to the microphone and identify themselves, please. Could you spell your name for the record so that the . . .

MR. CLERMONT: I'm Leo Clermont. I'm a trustee of Brandon School Division No. 40 and with me Mrs. June Jones and she is also a trustee of the Brandon School Division No. 40.

MR. CHAIRMAN: Mr. Uruski.

MR. URUSKI: Mr. Chairman, I'd like to ascertain the changes that have been presented is, as I understand it, a reverting back to the split elections in the Brandon School Division. Have you tried the new system that was implemented originally when the amendments were passed?

MR. CLERMONT: Mr. Chairman, we haven't. The elections that would give us that opportunity of change would be this coming fall. We thought at the time when we asked for the change that we were going to save a little money by coinciding them with the City of Brandon, who also went on a three-year term, fully aware and not realizing that a complete board could change in one year, which we could disrupt our school division to some extent.

I feel any elected member, except possibly the odd one or two who are used to political life, must admit that in their first year on any election capacity they haven't put out their best. We feel that once you have been there for a year or two that you more or less get with it. You're in it. You're digging all the time. And the first year, I believe, if you are a complete new board, which we have witnessed in the city of Brandon . . . All but one was re-elected and he resigned due to ill health. They seem to have managed through it but our assessment, as a division, was that we felt that two years . . . We had made a mistake when we asked for it and, if you make a mistake, you should try and correct it. And that's hopefully what we are asking you to do for us.

MR. URUSKI: You haven't, in other words, gone through a three-year system. I ask this question: How do you know that it would not work out, when all the councils in the Province of Manitoba have now gone to the three-year system, and Provincial Legislatures have been going on a, generally, four or five-year system historically?

MR. CLERMONT: This is the first time I have been in the House and I would imagine that most are in this room would have to agree with me that if there was a complete total change of the members of parliament sitting in that House, there could be the odd difficulty arise. We have had a complete change in our city council. Our school division feels that we should be going back to a two-year term. A two-year term isn't quite as demanding as a three and possibly more people would be interested in accepting a two-year term. You realize throughout the province that there are several school trustees that are put in by acclamation. In Brandon, the last few years anyway, there seems to

have been lots running for this position but, however, we feel that with the two years we could encourage more people to run.

We feel, I don't like repeating myself, but we feel we made a mistake in requesting it in the first place. We're asking you to fix up our wrong, I guess. But we feel in the best interest of education, in our division anyway, that we are asking you to make it a two-year term and we feel quite justified in asking for this with the alternate that a complete change could be taking place.

MR. CHAIRMAN: Mr. Miller.

MR. MILLER: Well, Mr. Chairman, through you I just wanted to pose to the delegation the question . . . I recognize the question of continuity that is posed. On the other hand, how can the electorate show their displeasure with policies of a school board if, in fact, they cannot alter them in a given election? The most they can hope for is perhaps to turf out half of the school board, but they wouldn't have the opportunity to radically change the composition of the school board so that the programs or policies which the school trustees are following might not be what the electorate wants. The idea behind a longer term and the one election at one time is so that the electorate can show how it feels about the existing school board, and if they didn't like what they were doing, yes, they could turn them all out. But the advantage there is that of course the democratic process would then be allowed to function very effectively. Do you not agree that that is also an important aspect?

MRS. JONES: If I could speak to that, please. I feel that by being able to express their displeasure with any sitting board by — as you say — turfing out half of that board, the public has a more than adequate opportunity of expressing their displeasure and I'm sure the remaining five members of the board would take that message quite seriously. Furthermore, the orderly process of change would not be disrupted.

MR. MILLER: So you think they would get the message. Do you think the message would come through to the others? Yes, okay, fine.

MR. CHAIRMAN: Mr. McGill.

MR. MCGILL: Mr. Chairman, I would like to ask Mr. Clermont and Mrs. Jones, in respect to the public at large demonstrating their objection to the activities of the school board, under the system that you now are requesting they would have a much more immediate opportunity, would they not — in fact annually — and there would be less of a time lag. If, for instance, a board is elected for three years in total and in the first year there was an act by the board which the public very much resented the majority, it would be necessary for them to wait for two more years to pass before any kind of objection could be registered at the polls; is that not so?

MR. CLERMONT: This is absolutely right but I think more than any radical change would be a lack of accomplishment, really, for the first year. If you all relate back to possibly your first year in whatever position you were elected for, I think the first year would be kind of a learning process. I think that possibly when people disagree with us . . . I don't know how many of you in this room are familiar with the family life issue that we had going in the Brandon School Division, but we were certainly told how the ones who were opposing it felt. They showed their interest by running three or four candidates at the last election. The residents of our fair city indicated what their feelings were by the trustees that they put in. I think the voters have a way of getting to you sooner or later, whether or not they want you to continue or not, Mr. Chairman.

MR. CHAIRMAN: If there are no other questions, I thank you very much Mrs. Jones and Mr. Clermont. Mr. Murray. Is Mr. G. J. Murray here? All right then the bills before us. . . —(Interjection)— Well, the House Leader undertook to go through them at the will of the opposition.

(Bill No. 9 was read page by page and passed.) Bill be reported.

Bill No. 10, an Act to amend the County Courts Act. There is an amendment to this Act. Page 1— Mr. Uruski.

MR. URUSKI: Mr. Chairman, I move that the proposed new subsection 85(3) of the County Courts Act as set out in Section (6) of Bill 10 be amended by striking out the words, and I quote: "he has not followed the rules of evidence in admitting evidence" in the second and third lines thereof and substituting therefor the words "the rules of evidence have not been followed."

A MEMBER: Explain.

MR. CHAIRMAN: Legislative counsel.

MR. TALLIN: It was pointed out to us by a member of the Bar that frequently the rules of evidence are not complied with, not in respect of admitting evidence, but in respect of refusing to admit evidence this is just a wording to get around that little difficulty.

MR. CHAIRMAN: Is the amendment acceptable? Page 2 as amended—pass; Page 3—pass Preamble—pass; Title—pass. Bill be reported as amended.

Bills Nos. 12, 13 and 19 were read page by page and passed.) Bills be reported.

Bill No. 22, an Act to amend the Personal Property Security Act and certain other Acts relating to Personal Property. There's an amendment to this Bill. The amendment is on the last page of the Bill

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Pages 1 to 5 of Bill No. 22 were read and passed.)

MR. URUSKI: Mr. Chairman, I move that Section 20 of Bill 22 be amended by adding thereto at the end thereof the words and figures "and sections 14 and 16 are retroactive and shall be deemed to have been in force on, from and after March 30, 1977."

MR. TALLIN: These two sections repeal provisions of the Assignment of Book Debts Act and the Bills of Sale Act which required financing statements to be filed as of March 31 with any registrations under those Acts. This is to take the amendments back so that it would be clear that those financing statements are not required at any time yet.

MR. CHAIRMAN: Is the amendment accepted? (Agreed) (The remainder of Bill No. 22 was read and passed.) Bill as amended be reported.

Bill No. 25, an Act to amend The Buildings and Mobile Homes Act. Page 1—pass; Preamble—pass. —(Interjection)— Mr. Pauulley.

MR. PAULLEY: Mr. Chairman, just by way of explanation, the other day in Committee the department proposed certain amendments which may have been in violation of introducing new amendments to a Bill after having been referred to the Committee. I did forward to the members of the opposition parties proposed amendments but rather than proceed at that particular time, we deemed it advisable to withdraw the amendments to the Bill at that time and they are now contained within the statutory law amendments in the same substance.

(The remainder of Bill No. 25 was read and passed.) Bill be reported.

Bill No. 39, an Act to amend The Planning Act. There are amendments to that bill.

MR. PATRICK: Can you hold the next two for a little while till. . .

MR. CHAIRMAN: 39?

MR. PATRICK: 39 and 57.

MR. CHAIRMAN: 39 and 57. Is it agreed? (Agreed).

(Bill No. 59 was read page by page and passed.) Bill be reported.

It was agreed we were holding Bill No. 62.

Bill No. 64 an Act to amend The Highway Traffic Act (4). There are amendments to the this Bill.

The first page of this bill has been passed at a prior meeting of the Law Amendments Committee. We stopped in consideration of this bill on Page 2 of the bill. With leave of the Committee, we'll go back and correct the spelling of the word "kilometres" from "ers" to "res." Is it agreed? (Agreed)

Page 2—pass; Page 3. Mr. Uruski.

MR. URUSKI: Mr. Chairman, I move that section 8 of Bill 64 be amended

(a) by striking out the word "subsection" where it appears for the 2nd time in the 2nd line thereof substituting therefore the word "subsections"; and

(b) by adding thereto, immediately after proposed new subsection 185(4) to the Act, the following subsection: Disposition of seized device. 185(5) Where the device for detecting radar speed termination equipment has been seized by a peace officer, under subsection (4), the judge or justice hearing any matter under subsection (3) may order it confiscated or returned to the owner subject to such conditions as the judge or justice may deem reasonable and just.

MR. CHAIRMAN: Is it agreed. (Agreed) Page 3 as amended—pass; Page 4—pass; Preamble—pass; Title—pass; Bill as amended be Reported.

Bill No. 67 - The Credit Unions and Caisses Populaires Act. There are amendments to this bill. Gentlemen, the first amendment is on Page 11.

(Pages 1 to 10 were read and passed.) Page 11. Mr. Uruski.

MR. URUSKI: Mr. Chairman, I move that subsection 12(4) of Bill 67 be amended by striking out the word "without" in the 6th line thereof and substituting therefor the word "within".

MR. CHAIRMAN: Is the amendment accepted? (Agreed) Page 11, as amended—pass. (Pages 12 19 were read and passed.) Page 20. Mr. Uruski.

MR. URUSKI: Mr. Chairman, I move that Bill 67 be amended by striking out section 28 thereof and substituting therefor the following section: Loans to members. 28(1) Subject to the regulations, a credit union may make loans to its members in such amounts and upon such terms and conditions as determined by the board of directors. Maximum interest rate. 28(2) The maximum rate of interest chargeable by a credit union on any loan or advance made by it shall be as prescribed by regulations. Loans made in violation of Act. 28(3) Where a loan or advance is made by a credit union to any member thereof in violation of this Act or the regulations, the person receiving the loan or advance and all directors and other officers and members of committees of the credit union who, with knowledge of the violation, make or approve the loan or advance, are jointly and severally liable to the credit union and to its creditors for the unpaid balance of the loan or advance with interest.

MR. CHAIRMAN: Is the amendment acceptable? (Agreed) Mr. McKenzie.

MR. MCKENZIE: I wonder if the Minister or legal counsel could give us any advice if some of the credit unions, especially in the smaller centres, aren't going to have some problems now finding a sector? Most of the time before it was on strictly a volunteer basis. Now he's going to have to live up certain liabilities and I've had some concern expressed to me. I just wonder if the Minister has,

under this section.

MR. CHAIRMAN: Mr. Minister.

MR. TOUPIN: Actually, Mr. Chairman, the reason for the amendment before us is to replace an place in sequence the amendments in the Act itself.

In regard to the substance of the question posed by the honourable member, yes, there has been concern expressed but yet the concern has been met by recommendations of the Central dealing with the possibility of directors —(Interjection)— No, not getting a bond because that's been a case for many years, but they can actually withdraw from a decision and abstain themselves from an liability. And it is in the present Act, I must say.

MR. CHAIRMAN: Page 20 as amended—pass. Page 21. Mr. Uruski.

MR. URUSKI: Mr. Chairman, I move that section 37 of Bill 67 be amended by adding thereto immediately after the word "Act" in the 3rd line thereof, the words "and the regulations".

MR. CHAIRMAN: Agreed? Page 21 as amended—pass; Page 22. Mr. Uruski.

MR. URUSKI: Mr. Chairman, I move that Bill 67 be amended by striking out section 41 thereof and substituting therefor the following section: Investments. 41 A credit union may make investment as prescribed by and in accordance with the regulations.

MR. CHAIRMAN: Agreed? Page 22 as amended—pass. (Pages 23 to 28 were read and passed. Page 29. Mr. Uruski.

MR. URUSKI: Mr. Chairman, I move that subsection 60(3) of Bill 67 be amended by striking out the figures "46" in the last line thereof and substituting therefor the figures "51".

MR. CHAIRMAN: Is the amendment acceptable? (Agreed) Page 29 as amended—pass. (Pages 30 to 70 were read and passed.) Page 71. Mr. Uruski.

MR. URUSKI: Mr. Chairman, I move that Bill 67 be amended by striking out section 145 thereof and substituting therefor the following: Officers. 145 The board shall elect a chairman and vice chairman from among its members and may appoint a secretary and a treasurer.

MR. CHAIRMAN: Is the amendment acceptable? Mr. McKenzie.

MR. MCKENZIE: Okay.

MR. CHAIRMAN: Page 71 as amended—pass; Page 72. Mr. Uruski.

MR. URUSKI: Mr. Chairman, I move that Clause 150(1)(j) of Bill 67 be amended by striking out the letters "XI" in the 2nd line thereof and substituting therefor the letters "IX".

MR. CHAIRMAN: Acceptable? Page as amended—pass; Page 73—pass; Page 74. Mr. Uruski.

MR. URUSKI: Mr. Chairman, I move that subsection 154(1) of Bill 67 be amended by striking out the words "the fiscal year" in the 4th line thereof and substituting therefor the words "the credit union's fiscal year."

MR. CHAIRMAN: Is it agreed? There is a second amendment on Page 74, is there not?

MR. URUSKI: Also, Mr. Chairman, I move that Bill 67 be amended by striking out subsection 154(4) thereof and substituting therefor the following subsection: Notice of levy. 154(4) The stabilization fund shall send by mail to each credit union assigned to it, prior to the end of each fiscal year of the credit union, notice of the percentage of shares, savings and deposits to be levied and the credit union shall, within three months after the end of its fiscal year, pay the required amount to the stabilization fund.

MR. CHAIRMAN: Is the amendment accepted? Page as amended—pass. The next amendment is on Page 92. Pages 75 to 91 inclusive—pass. Page 92. Mr. Uruski.

MR. URUSKI: I move that subsection 195(1) of Bill 67 be amended by striking out the words "an document required by this Act to be sent to the Registrar" in the 2nd and 3rd lines thereof and substituting therefor the words "the annual return, articles or charter by-laws of a credit union filed with the Registrar."

MR. CHAIRMAN: Is the amendment accepted? There's a second amendment on Page 92?

MR. URUSKI: Right. I move that subsection 195(2) of Bill 67 be amended by striking out the words "required by this Act to be sent to the Registrar" in the 2nd line thereof and substituting therefor the words "to which reference is made in subsection (1)".

MR. CHAIRMAN: Is the amendment accepted? Page 92 as further amended—pass; Page 93—pass; Page 94—pass; Preamble—pass; Title—pass. Bill as amended be Reported.

Bill No. 69 - An Act to Amend The Public Schools Act. There is an amendment to this Act. Mr. McGill.

MR. MCGILL: Mr. Chairman, there are certain amendments which are of a technical nature here and I wonder if legal counsel, Mr. Balkaran, could explain to the Committee just the purpose of these amendments.

MR. CHAIRMAN: Mr. Balkaran.

MR. BALKARAN: Mr. Chairman, the amendments as distributed provide essentially to correct one deficiency that this bill had overlooked, and that is it would have, as printed, removed the free option

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or certain school boards if they wanted to have their trustees elected for three years. Isn't that right, Mr. McGill? And that's what these amendments essentially correct.

MR. URUSKI: Mr. Chairman, could we move those amendments as printed and distributed?

MR. CHAIRMAN: Is it agreed?

MR. MCGILL: Yes, that's quite satisfactory.

MR. CHAIRMAN: Just so we keep it straight: Page 1 as amended and Page 2 as amended—pass; preamble—pass; Title—pass. Bill as amended be Reported.

Bill No. 73 - An Act to amend an Act to Incorporate the Sinking Fund Trustees of the Winnipeg School Division No. 1. Page 1—pass; Preamble—pass; Title—pass. Bill be Reported.

Bill No. 77 - An Act to amend The Pension Benefits Act. There are some amendments to this bill.

MR. PAULLEY: Mr. Chairman, these amendments will be proposed by the Honourable Member for Crescentwood with agreement with the Minister of Labour.

MR. CHAIRMAN: Mr. Steen.

MR. STEEN: On Page 1 of the bill, Mr. Chairman, I move that the proposed clause 21(1)(a) of The Pension Benefits Act as set out in section 1 of Bill 77, be amended by adding thereto, immediately after the word "age" in the 8th line thereof, the words "to a deferred life annuity".

MR. CHAIRMAN: Is the amendment accepted? (Agreed) Page 1 as amended—pass. Page 2—pass; Page 3—pass; Page 4. Mr. Steen.

MR. STEEN: Mr. Chairman, I move THAT the proposed subsection 24(6) of the Pension Benefits Act as set out in Section 6 of Bill 77, be amended by striking out the figures "30" in the third line thereof and substituting therefor the figures "60".

MR. CHAIRMAN: Amendment accepted? (Agreed) Page 4 as amended—pass; Preamble—pass; Title—pass. The Bill as amended be reported.

MR. CHAIRMAN: (Bill No. 81 was read page by page and passed.) Bill be reported.

Bill (No. 82) - The Statute Law Amendment Act (1977). Mr. Jorgenson.

MR. JORGENSON: Just hold that one for a few moments. Mr. Graham said he would like to speak on this particular bill and he is in the other committee.

MR. CHAIRMAN: Bill No. 85, An Act to Amend the City of Winnipeg Act (2) and there are . . . We will set this bill aside for a few moments as apparently there are some amendments to this bill.

Bill No. 86 — there are amendments to this bill. —(Interjection)— We set Bill 85 aside for awhile because apparently there are some amendments to that bill. Under consideration by the committee is Bill No. 86 — an Act to amend the Election Act to which there are some amendments. If you want this bill held we'll set it aside. Do you want it set aside? Well, you know, I'm sorry, gentlemen, it's the will of the committee and any member has the right to ask for consideration if he wants us to slow down something else. The committee was passing this bill at this pace at the will of the committee. There was an indication earlier that a gentleman wanted to make representation to the committee who was apparently flying in from Toronto. Mr. Murray. Is Mr. Murray present — he is still not here.

MR. CHAIRMAN: There is an indication the committee wishes to consider Bill No. 39, An Act to amend The Planning Act to which there are amendments. Bill No. 39. Has everyone got their amendments? As it has been the will of the committee that we pass it page-by-page, I will proceed, unless some member raises his hand with questions to some particular clause.

(Pages 1 to 3 of Bill No. 39 were read and passed.)

Mr. Miller.

MR. MILLER: Mr. Speaker, I move THAT Section 25 of Bill 39 be struck out and the following section be substituted therefor: . . .

MR. CHAIRMAN: If it is the will of the committee, we will accept these amendments as distributed rather than have Mr. Miller read them out.

MR. MILLER: I would love that.

MR. CHAIRMAN: Is it agreeable? (Agreed)

MR. MILLER moved: Subsection 39(1.1) to (1.7) added. 25 Section 39 of the Act is amended by adding thereto, immediately after subsection (1) thereof, the following subsections: Interim development control order. 39(1.1) With respect to an area for which there is no adopted development plan or basic planning statement, the minister may by order, published in the Gazette, declare that it is an interim development control area. Development control. 39(1.2) With an interim development control area, no development shall take place unless a development permit in respect thereof has been obtained from (a) the board of the district, if the area is within a planning district; or

(b) in all other cases, the council. Development permit. 39 (1.3) The board of a district or the council, as the case may be, may in its discretion issue or refuse to issue a development permit or issue a development permit subject to specified terms and conditions, and in exercising its discretion the board or council shall have regard to the conformity of the proposed development to the

proposed development plan or basic planning statement, as the case may be. Expiry of Development permit. 39(1.4) If the development authorized by a development permit issued under this section is not commenced within 12 months from the date of its issue, the development permit ceases to be valid. Duration of order. 39(1.5) An order made under subsection (1.1) shall cease to be in effect after a period of time specified therein or upon the adoption of a zoning by-law, whichever comes first. Publication of notice. 39(1.6) The board or council, as the case may be, shall publish a notice of an order made under subsection (1.1) in a newspaper having a general circulation in the area at least once a week for two successive weeks. Provision in order. 39(1.7) An order made under subsection (1.1) may provide that a development permit is not required for those types of development specified therein or that a development permit is required for only those types of development specified therein, and subsection (1.2) shall be construed accordingly.

MR. CHAIRMAN: Page 4 as amended—pass; Page 5—pass; Page 6. Mr. Miller.

MR. MILLER: There is an amendment on Page 6, Mr. Chairman. I move

THAT proposed new subsection 39 (7) to the Act as set out in Section 26 of Bill 39 be amended (a) by striking out the words and figures "referred to in clause 6(a)" in the second line thereof; and (b) by striking out the words and figures "referred to in clause 6(b)" in the 4th line thereof; and substituting therefor the words and figures "is adopted within the periods referred to in subsections 4 and 6."

MR. CHAIRMAN: I am advised it is a technical amendment. Is that acceptable? (Agreed) Page as amended—pass. There is another amendment on this page.

MR. MILLER: This is a long one again, Mr. Chairman. Do you want to dispense with that one

MR. CHAIRMAN: Is it the will of the committee that we accept this amendment as distributed? (Agreed)

MR. MILLER moved:

THAT proposed new subsections 46(3), (4) and (4.1) to the Act as set out in Section 29 of Bill 39 be struck out and the following subsections substituted therefor: Disposition of objection. 46(3) Within 30 days after the conclusion of a hearing under this section, the Municipal Board or the board of the district, as the case may be, shall

- (a) confirm or refuse to confirm any part of the by-law to which objection was made; or
- (b) recommend that council amend the by-law in such manner and subject to such terms and conditions as it may prescribe; and shall send a notice of its decision to
- (c) the director;
- (d) the board of the district, if applicable;
- (e) those who made representations at the hearings; and
- (f) the council.

Procedures on amendment. 46(4) Sections 43 to 47 apply to an amendment pursuant to a recommendation under clause (3)(b), unless the Municipal Board or the board of the district, as the case may be, has in its order authorized council to make the amendment at third reading, either without notice or with such notice as may be stipulated in the order. Council to strike out certain parts of by-law. 46(4.1) Where the Municipal Board or the board of the district, as the case may be, has refused to confirm any part of the by-law to which objection was made, council shall not give third reading to the by-law unless it strikes out of the by-law those parts which were not confirmed. By-law deemed to have second reading only. 46(4.2) Where prior to the coming into force of this subsection a by-law had received third reading pursuant to subsection 44(1) and The Municipal Board or the board of a district had refused or refuses to confirm any part of the by-law, the by-law shall be deemed to have received second reading only and may be dealt with in accordance with subsection (4.1).

MR. CHAIRMAN: Page 6 as further amended—pass. (Pages 7 to 9 of Bill 39 were read and passed.)

Page 10, Mr. Miller.

MR. MILLER: Mr. Chairman, I move THAT proposed new subsection 66(2) and (3) to the Act as set out in Section 39 of Bill 39 be amended by adding thereto immediately after the word "his" where it occurs in the first line of each of those subsections in each case the words "or its."

MR. CHAIRMAN: I am advised that it is a grammatical correction. Is it acceptable? (Agreed) (The remainder of Bill 39 was read and passed.) Bill be reported.

Bill No. 85 — An Act to amend the The City of Winnipeg Act. There are amendments to this bill. Do members have a copy of the amendments? I am advised that these amendments are all technical. Have members had an opportunity to peruse them?

Page 1—pass. Page 2. Mr. Uruski.

MR. URUSKI: Those amendments have been distributed and perused by the members and if it is acceptable, I would move these amendments as set out, as distributed.

MR. CHAIRMAN: Agreed? (Agreed)

(The remainder of Bill 85 was read and passed.) Bill as amended be reported.

Bill No. 86? Is it the wish of the committee to proceed with Bill No. 86? I am advised the

amendments are on Page 2 and 5 of Zill No. 86. Page 1. Mr. Axworthy.

MR. AXWORTHY: No, it's page 2, Mr. Chairman, I want to say something on.

MR. CHAIRMAN: Page 2. There is an amendment on Page 2, perhaps we could move the amendment, and then Mr. Axworthy. Mr. Uruski.

MR. URUSKI: Yes, Mr. Chairman, I move THAT clause (b) of Section 7 of Bill 86 be struck out and the following clause substituted therefor:

(b) by striking out the words "prior to the date of the issue of the Writ of Election" in the first and second lines of clause (c) thereof and substituting therefor the words "immediately prior to the date fixed for polling at the election."

MR. TALLIN: In the action under The Contravened Elections Act for the Gimli constituency, the judges determined that the qualification for a judge depended on residence for 12 months immediately prior to the date of the Writ of the Election. This is to bring this in line with that so that people won't have to look to a judgment to find out how the courts interpret those words "prior to the date" . . . And now this is being changed, of course, from the date of the Writ of the Election to the date of the polling of the election. It is to make it clear to people reading it that it is those 12 months which immediately precede that date not some 12 months, 12 years before.

MR. CHAIRMAN: Mr. McKenzie.

MR. MCKENZIE: I just can't read those words in the bill I've got before me in (b) — 7(b)? — (Interjections) —

MR. CHAIRMAN: Is the amendment acceptable to the committee? Mr. Axworthy.

MR. AXWORTHY: Mr. Chairman, I wanted to move an amendment to Section 17 if I might. A proposed amendment to Section 17(1)(c) of the Manitoba Election Act entitled "Qualifications to go on list of voters. Delete the phrase "at least 12 months" and replace it with "at least 90 days" — 90 days within the province. — (Interjection) — Yes, you only have to be in the constituency on the day the writ is issued.

MR. CHAIRMAN: Just so there's no misunderstanding, the amendment which was distributed and referred to by Counsel is passed. Now the member's motion is in order.

Gentlemen, can I have your attention please? We have a motion before us by the Member for Fort Rouge that — I wonder if the member could repeat it.

It is moved by the Member for Fort Rouge that the proposed amendment to Section 17(1)(c) of the Manitoba Election Act, entitled Qualifications to go on list of voters; to delete the phrase "at least 12 months" and replace it with "at least 90 days." Mr. Axworthy.

MR. AXWORTHY: Mr. Chairman, if I could speak to the amendment, I think that on several occasions, going back to when I introduced a resolution in 1974 and spoke on the bill on second reading, I identified the problem that in this day and age there are large numbers of people — I would estimate in the thousands because of the mobile nature of our society — move in and out of a province and may establish residence here within a period, a much shorter period than a year, and find themselves therefore, may have lived here 8 months, 9 months and intend to take up permanent residence and find themselves deprived of a vote in a provincial election. I don't know how other members found it when they were campaigning last time, but I found many people very upset that they were being deprived of the privilege of voting for a member simply because they had to be here for a full year. It seemed that there was a requirement to at least shorten the time of residency. I would like to note, I believe in the Province of Ontario it's a six month period. We chose 90 days just to go perhaps one better than Ontario, but I think even more practically, because we felt that that was a three-month period it would indicate something more than a transitory location or residency, but at the same time would not penalize them for having simply moved in. I think that the 3-month period is the one that would be sufficient to establish the indication that there is a permanent residency taking place.

I think, Mr. Chairman, and Members of the Committee, it's simply a recognition of the fact that we no longer live in a static world, that there is an awful lot of changes going on, a lot of people moving around. As a result many people find themselves disenfranchised and I think that the purpose of this amendment is to enable them to be able to cast their vote when the election is held within a proper period of time and I don't think 90 days is uncalled for in this circumstance.

MR. CHAIRMAN: Well, I have a question of the Committee. The amendment goes to the amendment of the statute, albeit the same clause in the statute amended by this particular section, but nevertheless we have had several debates in Committee whether this kind of amendment should be considered by the Committee or brought in at the report stage. As your Chairman I am at the will and pleasure of the Committee, so it's another case of an amendment to the statute and not the bill, but to the same section. Mr. Jorgenson.

MR. JORGENSON: The decision that was made in order to accommodate the work of the Session at least for this particular Session until a final decision can be made by the Rules Committee — was that amendments of this nature would be accepted if there was prior notice given of an intention to amend a section that was not contained in the bill to amend. I don't know whether it was done in this

case. This is the first I've heard of the amendment so it doesn't comply with the decision that was made. The only other alternative that I can think of is that the Member for Fort Rouge could introduce that amendment at the report stage and then it would, I think, comply with the decision that was made by this committee.

MR. CHAIRMAN: Mr. Axworthy.

MR. AXWORTHY: I think that the Member for Morris is correct. I did indicate in the debate at second reading that we intended to introduce amendments to the Election Act because we felt it was not sufficient. If, however, the more appropriate time would be at report stage, I'd comply with that and would like to indicate at the same time that I also have an amendment relating to the fixing of advanced polls which probably even steps beyond this because there is no section of the present Act that is related to advanced polling. But I think, again, it's an important amendment that should be made to the Election Act. Again, I'd be prepared to move both those amendments at report stage on or off proviso, Mr. Chairman, that report stage is not done, sort of within 15 minutes, so that one has the time to catch one's breath in between times.

A MEMBER: You have 24 hours, according to the Rules of the House.

MR. 24 hours from the time that it passes Committee till it's considered in the House.

MR. AXWORTHY: Yes, Mr. Chairman, I'm quite prepared, if it would expedite the work of the Committee which seems to be a major ambition, then I'd be prepared to relate this. I assume then the amendments are moved at report stage then we'd return back to Committee. Is that correct? That in order? It would just be moved or accepted — dealt with at report stage? — (Interjection) — Fine. Thank you Mr. Chairman.

MR. CHAIRMAN: Mr. Enns.

MR. ENNS: The question I was raising Mr. Chairman, whether the Honourable Member for Fort Rouge would have copies of the proposed amendments distributed to members.

MR. CHAIRMAN: Page 2 as amended—pass; Page 3—pass; Page 4—pass; Page 5. Mr. Urusk.

MR. URUSKI: Mr. Chairman, I move that the proposed subsection 90(10) of the Election Act as set out in Section 15 of Bill 86 be amended by striking out the word "at" in the first line thereof and substituting therefor the words "as soon as possible" after.

MR. CHAIRMAN: Is the amendment acceptable? (Agreed.) Page 5 as amended—pass. Page 6—pass; Page 7—pass; Preamble —pass; Title—pass. Bill as amended be reported.

Bill No. 57. Mr. Jorgenson.

MR. JORGENSON: No, Mr. Chairman, Mr. Sherman has indicated that he is not able to get away from the other Committee at this time and so I suggest that this Bill be held. I'd also make one further suggestion. I understand that Mr. Murray, who is arriving from Toronto and is due in here sometime this afternoon, and I wondered if rather than waiting until this evening and having the Committee reconvene this evening, if he does arrive prior to that time, it wouldn't be possible to perhaps reconvene the Committee at 5 o'clock or so and perhaps we could hear him then.

MR. CHAIRMAN: Perhaps we could ring the bells? Mr. House Leader?

MR. GREEN: Mr. Chairman I wonder whether it wouldn't be better to come back at 8:00 so the members here will have the time between then and now, not sort of wandering around, and the gentleman will speak at 8 o'clock.

MR. CHAIRMAN: A motion that the Committee rise will be in order. Committee rise.