



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

Chairperson
Mr. Jack Penner
Constituency of Emerson



Vol. XLVIII No. 1 - 7 p.m., Tuesday, May 19, 1998

ISSN 0713-9586

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Sixth Legislature

Member	Constituency	Political Affiliation
ASHTON, Steve	Thompson	N.D.P.
BARRETT, Becky	Wellington	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave	Kildonan	N.D.P.
CUMMINGS, Glen, Hon.	Ste. Rose	P.C.
DACQUAY, Louise, Hon.	Seine River	P.C.
DERKACH, Leonard, Hon.	Roblin-Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary	Concordia	N.D.P.
DOWNEY, James, Hon.	Arthur-Virden	P.C.
DRIEDGER, Albert	Steinbach	P.C.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
ENNS, Harry, Hon.	Lakeside	P.C.
EVANS, Clif	Interlake	N.D.P.
EVANS, Leonard S.	Brandon East	N.D.P.
FAURSCHOU, David	Portage la Prairie	P.C.
FILMON, Gary, Hon.	Tuxedo	P.C.
FINDLAY, Glen, Hon.	Springfield	P.C.
FRIESEN, Jean	Wolseley	N.D.P.
GAUDRY, Neil	St. Boniface	Lib.
GILLESHAMMER, Harold, Hon.	Minnedosa	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSSEN, Gerard	Flin Flon	N.D.P.
KOWALSKI, Gary	The Maples	Lib.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
MACKINTOSH, Gord	St. Johns	N.D.P.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McALPINE, Gerry	Sturgeon Creek	P.C.
McCRAE, James, Hon.	Brandon West	P.C.
McGIFFORD, Diane	Osborne	N.D.P.
McINTOSH, Linda, Hon.	Assiniboia	P.C.
MIHYCHUK, MaryAnn	St. James	N.D.P.
MITCHELSON, Bonnie, Hon.	River East	P.C.
NEWMAN, David, Hon.	Riel	P.C.
PENNER, Jack	Emerson	P.C.
PITURA, Frank, Hon.	Morris	P.C.
PRAZNIK, Darren, Hon.	Lac du Bonnet	P.C.
RADCLIFFE, Mike, Hon.	River Heights	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack, Hon.	Niakwa	P.C.
RENDER, Shirley	St. Vital	P.C.
ROBINSON, Eric	Rupertsland	N.D.P.
ROCAN, Denis	Gladstone	P.C.
SALE, Tim	Crescentwood	N.D.P.
SANTOS, Conrad	Broadway	N.D.P.
STEFANSON, Eric, Hon.	Kirkfield Park	P.C.
STRUTHERS, Stan	Dauphin	N.D.P.
SVEINSON, Ben	La Verendrye	P.C.
TOEWS, Vic, Hon.	Rossmere	P.C.
TWEED, Mervin	Turtle Mountain	P.C.
VODREY, Rosemary, Hon.	Fort Garry	P.C.
WOWCHUK, Rosann	Swan River	N.D.P.

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LAW AMENDMENTS

Tuesday, May 19, 1998

TIME – 7 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Jack Penner (Emerson)

VICE-CHAIRPERSON – Mr. Peter Dyck (Pembina)

ATTENDANCE - 11 – QUORUM - 6

Members of the Committee:

Hon. Messrs. Cummings, Enns, McCrae, Radcliffe

Ms. Barrett, Messrs. Dyck, Helwer, Maloway,
Penner, Santos, Struthers

APPEARING:

Hon. Gary Filmon, Premier

MATTERS UNDER DISCUSSION:

Bill 5–The Agricultural Credit Corporation
Amendment Act

Bill 6–The Animal Liability and Consequential
Amendments Act

Bill 15–The Dutch Elm Disease Act

Bill 7–The Public Utilities Board Amendment Act

Bill 3–The Elections Finances Amendment and
Consequential Amendments Act

Bill 17–The Legislative Assembly Amendment Act

Bill 9–The Mines and Minerals Amendment Act

Mr. Chairperson: Could the committee please come to order. Before the committee can conduct its business this evening, it must proceed to elect a Vice-Chairman. Are there any nominations?

Mr. Edward Helwer (Gimli): I would like to nominate the member for Pembina, Peter George Dyck.

Mr. Chairperson: The member for Pembina (Mr. Dyck) has been nominated. Any there other nominations? Seeing none, I declare Mr. Peter George Dyck elected as Vice-Chairman.

This evening the Standing Committee on Law Amendments will be considering the following bills:
Bill 3–

Hon. James McCrae (Minister of Environment): Mr. Chairman, by agreement with the deputy House leader for the opposition and myself and subject to the agreement of this committee, we would like to move Bill 9 to the bottom of the list.

Mr. Chairperson: Bill 9 to the bottom of the list. Is that agreeable with the committee? [agreed] I will move the bill to the bottom.

This evening, the Standing Committee on Law Amendments will be considering the following bills: Bill 3, The Election Finances Amendment and Consequential Amendments Act; Bill 5, The Agricultural Credit Corporation Amendment Act; Bill 6, The Animal Liability and Consequential Amendments Act; Bill 7, The Public Utilities Board Amendment Act; Bill 15, The Dutch Elm Disease Act; Bill 17, The Legislative Assembly Amendment Act; and Bill 9, The Mines and Minerals Amendment Act. Agreed on that order? [agreed]

We will then proceed. To date, we have not had any persons registered to speak to these bills. At this time I would canvass the audience to see if there are any persons in attendance who would be wanting to speak to this bill.

Seeing none, is it the will of the committee to proceed with the consideration of the bills? [agreed] The order has been established.

Just to clarify one point for the clause-by-clause consideration of the bills, for the shorter bills, the clauses will be called individually. For the larger bills, notably Bill 3, the Chair will be calling clauses or questions or move an amendment—oh, I am sorry. For the larger bills, notably Bill 3, the Chair will be calling clauses that conform to page numbers. Is that agreeable that we go page by page? [agreed]

If members wish to comment on a particular clause or have questions or move amendments, please attract the attention of the Chair, and I think we all know how that works.

One further point, is there a blanket agreement at the outset of the meeting that any amendments that may be moved this evening will be considered to be moved with respect to both the English and French languages? [agreed]

Is the minister for Bill 3 present, The Elections Finances Amendment and Consequential Amendments Act?

Mr. McCrae: Mr. Chairman, it may be appropriate to come back to Bill 3 and deal with Bill 5. I understand it will not take long. We could perhaps do the two Agriculture bills, Bills 5 and 6, and then if the sponsor of the bill is available, we could then move to Bill 3.

Mr. Chairperson: It has been suggested that we leave Bill 3 for a bit and proceed to Bill 5, The Agricultural Credit Corporation Amendment Act; and Bill 6, The Animal Liability and Consequential Amendments Act. [agreed]

Bill 5—The Agricultural Credit Corporation Amendment Act

Mr. Chairperson: We will then ask the minister whether he has an opening statement.

Hon. Harry Enns (Minister of Agriculture): Mr. Chairman, very briefly, the amendments sought for the Manitoba Agricultural Credit Corporation involve what we consider relatively minor and housekeeping. I acknowledged that in the House.

It was noted upon that that the transferring of the opportunity to pass regulatory changes being transferred from the Lieutenant Governor in Council to the minister was viewed by some as a concern, but the day-to-day operations of the corporations are such that they are constantly, you know, in the changing world of agriculture, having to provide for minor amendments to the regulatory structure that provides the governance for MACC. I recommend these changes to the House.

Mr. Chairman, just while I am at it, I always want to acknowledge the people that make the Department of Agriculture the exciting place it is: My deputy minister, Mr. Don Zasada; and a very capable general manager of MACC, Mr. Gill Shaw, working out of Brandon, a growing bunch.

Mr. Chairperson: Thank you very much, Mr. Minister. Would the opposition critic have an opening statement? No opening statements. Should we proceed then with the bill?

Clause 1—pass; Clause 2—pass; Clause 3—pass; title—pass; preamble—pass. Bill be reported.

Bill 6—The Animal Liability and Consequential Amendments Act

Mr. Chairperson: Does the minister have an opening statement on Bill 6?

Hon. Harry Enns (Minister of Agriculture): Mr. Chairman, yes, I do, very briefly again.

The Department of Agriculture has, for the last several years, been repealing old legislation. The parent legislation was called The Animal Husbandry Act, for instance. We have introduced new, innovative legislation, the most notable piece being The Animal Care Act, a session or two ago. There were bits and pieces of the legislation that had to be dealt with, and this is a continuation of that process.

* (1910)

Specifically in this bill, though, if I were to single out one feature, is the establishment of liability with respect to livestock owners of various kinds with having their livestock get out of their control and then to affix the

appropriate liability in the event of some difficulty that should ensue.

I commend, Mr. Chairman, these amendments to the committee. It is an ongoing process of streamlining and making our agriculture legislation more appropriate to the times.

I will take this time to introduce an Associate Deputy Minister of the Department of Agriculture, Mr. Dave Donaghy.

Mr. Chairperson: Thank you, Mr. Minister. Does the opposition critic have an opening statement?

An Honourable Member: Pass.

Mr. Chairperson: No? Shall The Animal Liability and Consequential Amendments Act, Clause 1(1)–pass; Clause 1(2)–pass; Clauses 2(1) to 2(4)–pass; Clauses 2(5) to 5(2)–pass; Clauses 5(3) to 6(4)–pass; Clauses 7(1) to 7(3)–pass; Clauses 7(4) to 7(7)–pass; Clauses 8 to 10–pass; Clauses 11 and 12–pass; Clauses 13 to 15–pass; title–pass; preamble–pass. Shall the Bill be reported? Bill will be reported.

I am wondering whether the minister responsible for Bill 3, The Elections Finances Amendment and Consequential Amendments Act–

Mr. McCrae: I wonder if we could proceed instead with Bills 7 and perhaps 8; then go to Bill 3.

Mr. Chairperson: Bills 7 and 15, you are suggesting.

Mr. McCrae: Did I say 8?

An Honourable Member: Yes.

Mr. McCrae: I meant 15; 7 and 15, and then 3.

Mr. Chairperson: Is the committee agreeable to that? Thank you.

Bill 7, The Public Utilities Board Amendment Act, would the minister please come forward. He is not here? He is on his way?

How about Bill 15? Whose is that? If it is the will of the committee, we will deal with Bill 15 first, and then we will go back to Bill 7.

Bill 15–The Dutch Elm Disease Act

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

Hon. Glen Cummings (Minister of Natural Resources): Mr. Chairman, I do not have an opening statement, only to introduce Mr. Richard Westwood, who is with me this evening and has spent a number of years understanding Dutch elm disease better and better.

Mr. Chairperson: Does the opposition critic have an opening statement? No? We are dealing then with The Dutch Elm Disease Act, Clause 1–pass; Clause 2–pass; Clauses 3(1) to 3(3)–pass; Clauses 3(4) to 3(7)–pass; Clauses 3(8) to 6(2)–pass; Clauses 6(3) to 7–pass; Clauses 8(1) to 8(4)–pass; Clauses 9(1) to 11–pass; Clauses 12 to 17–pass; title–pass; preamble–pass. Bill be reported.

Now, Bill 7.

Bill 7–The Public Utilities Board Amendment Act

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

Hon. Mike Radcliffe (Minister of Consumer and Corporate Affairs): Thank you very much, Mr. Chair. It is a very simple bill. What we are doing is delegating the ability of the Public Utilities Board Special Advisers from Order-in-Council to the Public Utilities Board, so that it is the rate for special advisers, accountants, engineers, lawyers, actuaries can be determined by the board itself and free from the government process.

Mr. Chairperson: Does the opposition have an opening statement?

An Honourable Member: No.

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

Bill 3—The Elections Finances Amendment and Consequential Amendments Act

Mr. Chairperson: Bill 3, The Elections Finances Amendment and Consequential Amendments Act. Does the Premier have an opening statement?

Hon. Gary Filmon (Premier): Mr. Chairman, there has been a matter raised by the member for Inkster (Mr. Lamoureux) regarding Section 14, Clause 11(1)(a)(iii), as set out in the bill which provides for the registered logo of the political party to appear on the ballot. It was my understanding that all of the amendments that are proposed within this act found their origins in the annual report of the Chief Electoral Officer subsequent to the 1995 election and then through discussion with the committee that was represented by all the official parties registered in Manitoba.

I have been informed subsequently that the Chief Electoral Officer does not support that particular clause, and its origins may have come from a report of a previous Chief Electoral Officer. So rather than leave it there, since it does not have the support of the Chief Electoral Officer, I am quite prepared to have a motion put forward to remove it because it certainly is our intention that this bill be the reflection of the representatives of the parties as well as the recommendations of the Chief Electoral Officer.

Certainly, we would not want to impose government wish on any aspect of this legislation. So, if that is satisfactory, we can have a motion to remove that particular clause.

Mr. Chairperson: Does the opposition critic have an opening statement?

Ms. Becky Barrett (Wellington): Just that we would concur with the First Minister.

Mr. Chairperson: We will proceed then to The Elections Finances Amendment and Consequential Amendments Act. Clauses 1 and 2—pass; Clauses 3 to

6—pass; Clauses 7 to 9—pass; Clauses 10 to 11(1)—pass; Clauses 11(2) to 11(3)—pass; Clause 11(4)—pass; Clause 11(5) and Clause 12—pass; Clause 13—pass. Clause 14, I will accept a motion.

I am informed that all we have to do is vote against the clause, and that removes it.

* (1920)

An Honourable Member: Put the question.

Mr. Chairperson: All those in favour of—

An Honourable Member: Hold it. Point of order, Mr. Chairman.

Mr. Chairperson: Is it agreed that we skip this motion? At this point we will write out a motion that will suffice and come back to this at the end of the consideration of the bill? [agreed]

Clause 15—pass; Clauses 16 to 18—pass; Clauses 19(1) to 20(2)—pass; Clauses 21 to 23(2)—pass; Clauses 24 to 28—pass; Clauses 29 to 33—pass; Clauses 34 to 36—pass; Clause 37—pass; Clauses 38 to 40—pass; Clauses 41 to 42(1)—pass; Clauses 42(2) to 44—pass; Clauses 45 to 47(1)—pass; Clauses 47(2) to 51—pass; Clauses 52 to 55—pass; Clauses 56 to 59—pass; Clauses 60 to 63(2)—pass; Clauses 63(1) to 63(3)—pass; Clauses 63(4) to 64—pass; Clauses 65 to 66—pass; Clauses 67 to 72—pass; Clauses 73 to 80—pass; Clauses 81 to 85—pass.

Now can we revert to 14? We have a motion moved by the Honourable Mr. McCrae.

Mr. McCrae: In French and in English, I move

THAT the proposed subclause 11(1)(a)(iii), as set out in section 14 of the bill, be struck out.

[French version]

Il est proposé que le sous-alinéa 11(1)a)(iii), énoncé à l'article 14 du projet de loi, soit supprimé.

Mr. Chairperson: Amendment—pass; Clause 14 as amended—pass; title—pass; preamble—pass. Bill as amended be reported.

**Bill 17—The Legislative Assembly
Amendment Act**

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

Hon. James McCrae (Government House Leader): Mercifully short, Mr. Chairman. During the last session of the Legislature the standing orders of the House were amended in order to create a third section of the Committee of Supply. This, together with the other amendments to the rules, was agreed to by all members of the House.

In order to facilitate the operations of the House, a second Deputy Chairperson of Committee of the Whole was established in order to chair the third section of the Committee of Supply. The amendments proposed in Bill 17 complete the formal recognition of this position and are consequential amendments to the amendments made to the standing orders of the House.

Mr. Chairperson: Thank you. Does the opposition critic have an opening statement? No.

Clauses 1 and 2—pass; Clauses 3 and 4—pass; title—pass; preamble—pass. Bill be reported.

Bill 9—The Mines and Minerals Amendment Act

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

Hon. James McCrae (Minister of Environment): If there are any questions, then I would have a statement. Otherwise, I am ready to go clause by clause.

Mr. Chairperson: Does the opposition critic have an opening statement? No.

The Mines and Minerals Amendment Act, Clauses 1 and 2—pass; Clauses 3 and 4—pass; title—pass; preamble—pass. Bill be reported.

That concludes the considerations and deliberations of this committee. Committee rise.

COMMITTEE ROSE AT: 7:25 p.m.