

Second Session – Forty-First Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Legislative Affairs

Chairperson
Mr. Dennis Smook
Constituency of La Verendrye

Vol. LXX No. 6 - 6 p.m., Tuesday, May 9, 2017

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MANITOBA LEGISLATIVE ASSEMBLY
Forty-First Legislature

Member	Constituency	Political Affiliation
ALLUM, James	Fort Garry-Riverview	NDP
ALTEMEYER, Rob	Wolseley	NDP
BINDLE, Kelly	Thompson	PC
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LAMOUREUX, Cindy	Burrows	Lib.
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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS

Tuesday, May 9, 2017

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

**CHAIRPERSON – Mr. Dennis Smook
(La Verendrye)**

**VICE-CHAIRPERSON – Mr. Kelly Bindle
(Thompson)**

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

*Hon. Ms. Clarke, Hon. Mr. Micklefield,
Hon. Mrs. Stefanson*

*Mr. Bindle, Meses. Fontaine, Lamoureux,
Messrs. Maloway, Nesbitt, Smook, Swan,
Wowchuk*

MATTERS UNDER CONSIDERATION:

Bill 4–The Provincial Court Amendment Act

*Bill 5–The City of Winnipeg Charter
Amendment, Planning Amendment and Real
Property Amendment Act (Conforming to
Construction Standards Through Agreements)*

*Bill 32–The Statutes Correction and Minor
Amendments Act, 2017*

* * *

Mr. Vice-Chairperson: Good evening. Will the Standing Committee on Legislative Affairs please come to order.

Our first item of business is the election of a Chairperson. Are there any nominations?

Mr. Greg Nesbitt (Riding Mountain): I'd like to nominate Mr. Smook.

Mr. Vice-Chairperson: Mr. Smook has been nominated. Are there any other nominations?

Hearing no other nominations, Mr. Smook is elected Chairperson.

Mr. Chairperson in the Chair

Mr. Chairperson: This meeting has been called to consider the following bills: Bill 4, The Provincial Court Amendment Act; Bill 5, The City of Winnipeg Charter Amendment, Planning

Amendment and Real Property Amendment Act (Conforming to Construction Standards Through Agreements); bill 32, the status correction and minor amendments act, 2017.

How long does the committee wish to sit this evening?

Mr. Andrew Swan (Minto): I would suggest until the work of the committee is completed.

Mr. Chairperson: Is that agreed? *[Agreed]*

Currently, there are no registered presenters for tonight's meeting. If there is anyone in the audience who would like to make a presentation this evening, please come forward and state your name clearly for the record.

Seeing none, we will proceed immediately to clause-by-clause consideration of these bills.

In what order does the committee wish to proceed?

Mr. Swan: I think you'll find there's agreement to start with Bill 5 and then move to Bill 4 and Bill 32.

Mr. Chairperson: Is that agreed? *[Agreed]* We'll start with Bill 5.

During the consideration of a bill, the preamble, the enacting clause and the title are postponed until all other clauses have been considered in their proper order. Also, if there is an agreement from the committee, the Chair will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed? *[Agreed]*

**Bill 5–The City of Winnipeg Charter
Amendment, Planning Amendment and
Real Property Amendment Act
(Conforming to Construction
Standards Through Agreements)**

Mr. Chairperson: We will now proceed to clause-by-clause consideration of the bill, Bill 5.

Does the minister responsible for Bill 5 have an opening statement?

An Honourable Member: I do.

Mr. Chairperson: The Honourable Ms. Clarke.

Hon. Eileen Clarke (Minister of Indigenous and Municipal Relations): It's a pleasure to be with you today to provide more information and answer any questions that you may have on an important piece of legislation that has been developed in collaboration and partnership with the City of Winnipeg.

Before again I'd like to acknowledge the First Nations people of Treaty 1, on whose ancestral land we are gathered, and the people of the Metis nation, on whose homeland we meet today.

I'd also like to induce my staff who are here in the room with us: Grant Doak, Deputy Minister for Municipal Relations, and—Ramona Mattix is not in attendance—oh, there she is. Pardon me—Ramona Mattix, assistant deputy minister for Community Planning and Development.

Bill 5 would allow Manitoba municipalities to register conforming construction agreements at Land Titles. A conforming construction agreement is another voluntary tool in a municipality's planning-and-development-approval tool box. To meet building code or zoning bylaw requirements, developers will sometimes enter into a new agreement with an adjacent landowner that places building controls or restrictions on the adjacent property or to allow for continued access over the adjacent property, for example, fire exit purposes.

This legislation would allow for the municipality to become a party to these agreements, enable the municipality to register the agreements against the titles of the affected properties. This would ensure that the agreements run with the lands, so to speak, and that the building code or zoning requirements are met into the future even when one of the properties is sold.

Conforming construction agreements are also known as spatial separation agreements. They are recognized in the national building code and are commonly used in other Canadian jurisdictions including Ontario and Alberta.

This legislation is another example of government's commitment to listening to our municipal partners and working together collaboratively. In recent years, the City of Winnipeg has been requesting that the Province provide legislation to allow them to register conforming construction agreements and we have delivered. As the City of Winnipeg and other Manitoba

communities continue to grow and expand, they will need a full suite of planning tools to allow them to efficiently respond to and accommodate development proposals.

The ability for municipalities to enter into conforming construction agreements can facilitate and 'expediate' complex development proposals involving multiple buildings and multiple parcels of land including downtown developments and large-scale retail and commercial developments. This legislation provides Winnipeg and all other Manitoba municipalities with another tool to facilitate and 'expediate' construction and development proposals.

Our government is proud to support the growth of Winnipeg and all of Manitoba's municipalities. I thank you very much for your time, for participating tonight, and I look forward to any questions that you may have.

Mr. Chairperson: We thank the minister for her statement.

Does the critic from the official opposition have an opening statement?

Mr. Jim Maloway (Elmwood): I think I'll pass on opening statements this time.

Mr. Chairperson: We thank you for your comments.

We will now proceed with clause by clause.

Clauses 1 and 2—pass; clauses 3 and 4—pass; clauses 5 through 7—pass; clause 8—pass; enacting clause—pass; title—pass. Bill be reported.

Bill 4—The Provincial Court Amendment Act

Mr. Chairperson: We will now proceed with clause by clause of Bill 4.

Does the minister responsible for Bill 4 have an opening statement?

Hon. Heather Stefanson (Minister of Justice and Attorney General): I do. And, first of all, I just want to introduce the staff with me tonight: Julie Frederickson, the Deputy Minister of Justice, and welcome her here with us this evening.

I'm pleased to say a few words about Bill 4, The Provincial Court Amendment Act, which will give our courts additional resources to provide timely and efficient access to justice for Manitobans. The bill creates two new roles with the provincial courts' judicial justice of the peace program and

administrative judicial justice of the peace and senior judicial justice of the peace.

These new roles will provide the Provincial Court with flexibility to meet service demands while improving administrative support for the chief judge of the provincial judge who manages the judicial justice of the peace program.

The Provincial Court experiences increased delays when a full-time JJP is on extended leave such as maternity or medical leave. The court also experiences delays during periods when a JJP position is vacant due to a resignation or retirement.

The creation of a senior JJP position will help address delay at the provincial courts during these periods. Senior JJPs will provide the court with the flexibility needed to meet service demands, especially in the traffic court where the volume of cases is particularly high.

* (18:10)

Senior JJPs will be retired JJPs who have indicated to the chief judge that they are available for JJP service. They will have the same powers and jurisdiction as a regular JJP but will be paid a per diem amount for their service.

Due to the volume of cases at Provincial Court, we also identified the need for greater administrative support within the JJP program. The administrative JJP will assist the chief judge with the Provincial Court and the administration and management of the JJP program. The chief judge will determine the scope of this assistance, which will likely focus on scheduling and other procedural matters. The administrative JJP will continue to serve as a JJP of the court and undertake the duties of a JJP as directed by the chief judge.

These changes give our Provincial Court more resources to reduce delay and improve service, and I am confident that this legislation will help strengthen access to justice for Manitobans at our Provincial Court.

Thank you, Mr. Chair.

Mr. Chairperson: We thank the minister for her opening statement.

Does the critic from the official opposition have an opening statement?

Mr. Andrew Swan (Minto): Our NDP caucus is certainly hopeful that Bill 4 will live up to the way

it's been billed by the minister. We know that the senior judge program, which has already been in place for several years to provide some additional resources to the Provincial Court, has been successful, and we are genuinely hopeful that this bill will do the same by providing for the addition of resources for senior JJPs.

The minister has put on the record that this will add the equivalent of one judicial justice of the peace, or JJP, position. I haven't seen the detailed departmental Estimates, but I take the minister at her word that that's where we're going to go. We believe that can be a positive thing because judicial justices of the peace do a lot of work up front in the justice system to help move cases through more quickly.

I did put some comments on the record at second reading. I understand that the administrative JJP will work under the direction of the chief judge of the Provincial Court of Manitoba. I am hopeful that even if that person is designated the admin JJP, they will still be able to spend most of their time in the courtroom doing the work.

Because it is Manitoba, I do happen to know the civil servant who's now filling a lot of those responsibilities; I know she's definitely cheering for this bill to be passed.

The minister has been very open about the fact that she will not be directing how much time this administrative judicial justice of the peace spends in the courtroom and how much on administrative matters. I am hopeful that most of that new position's time will be spent in the courtroom.

So, that being said, we're prepared to move to clause-by-clause consideration of the bill.

Mr. Chairperson: We thank the member for his opening statement.

We will now proceed to clause by clause for Bill 4.

Clauses 1 and 2—pass; clauses 3 and 4—pass; enacting clause—pass; title—pass. Bill be reported.

Bill 32—The Statutes Correction and Minor Amendments Act, 2017

Mr. Chairperson: We will now proceed to Bill 32 clause by clause.

Does the minister responsible for Bill 32 have an opening statement?

Hon. Heather Stefanson (Minister of Justice and Attorney General): I'm pleased to put some words on the record for Bill 32 in this committee stage for the statutes correction and minor amendments act.

This legislation contains amendments that primarily correct various spelling, translation and other drafting errors.

This routine legislation would not be possible without the hard work of so many in our Legislative Counsel office, who track these various changes throughout the year, and I want to thank them for their hard work in this whole process.

During the second reading debate, opposition members raised several questions about the legislation that I'd like to address further today. The member for Minto wanted to know why part of The Prearranged Funeral Services Act is being repealed by this legislation, and he had suggested that it could be a result of joining the New West Partnership.

As I mentioned in second reading, this has nothing to do with the New West Partnership agreement, but I felt it necessary to inform the Legislature at this time that the repeal is necessary due to a change in The Grieving Families Protection Act, which transferred authority of the administration of prearranged funeral services to the Funeral Board of Manitoba from the Public Utilities Board, and these changes were in fact—they took place under the previous NDP government back in 2011 and because—as a result of the bill from 2011 being proclaimed, that's why these changes need to take place today.

So I just wanted to clarify that for the member. The member for Minto also had questions about the provisions in the legislation that will clarify the process of appointing independent officers of the Legislative Assembly, and I want to say that I agree with him about the importance of these positions when it comes to ensuring independent oversight of our work.

And I want to reiterate to him, as I said to him in second reading, that this legislation does not change how independent officers are appointed. It simply changes the language so that the process to appoint independent officers is clear for all members of the Legislative Assembly.

The members for Burrows (Ms. Lamoureux) and River Heights (Mr. Gerrard) also had questions about the change to The Manitoba Ukrainian Canadian Heritage Day Act. The change replaces the reference

to civic holiday, the first Monday in August, to Terry Fox Day, the first Monday in August for the sake of accuracy. And so as the members know, the civic holiday is now called Terry Fox Day.

The last Saturday in July will still be known as Manitoba Ukrainian Canadian Heritage Day. I think that was made clear at the time, but I just wanted to clarify that for the member as well.

In closing, I'm proud to put this bill forward. The corrections and clarifications contained in the legislation are important to ensure the integrity of our laws and I thank all the staff, the Legislative Counsel office, for their work once again.

Thank you, Mr. Chair.

Mr. Chairperson: We thank the minister for her opening statement.

Does the critic from the official opposition have an opening statement?

Mr. Andrew Swan (Minto): I had a long speech and a short speech. I'm happy to know that I'll be using the short speech today.

I was going to comment on some of the matters we got into on the questions and answers in the second reading. I thank the minister for coming here tonight with those answers because I think we can move ahead quite quickly.

I do want to make one brief comment about the appointment of independent officers. I said this at the time, and I'll repeat it now, the appointment of the independent officers is very important to how this Legislature operates.

I believe that all parties have a lot of respect for the work these officers do and accept they're a very important part of the governance of the Province.

I expressed some concerns about the way that officers can be appointed if there isn't agreement between parties, and I think we can do better. I'm hoping that the House leaders will put this on a list of things to do, to see whether there should be a truly more independent way of appointing these officers.

At the present time, the rules—statute—will provide that the Premier (Mr. Pallister) ultimately has the right to, and the obligation to, appoint these individuals. Maybe, if we take a step back, that isn't the best way to do it.

I'm hopeful that the House leaders and the caucuses can have some discussions about this in the

future and maybe look at taking the next step in improving the way that we appoint these independent officers. That being said, we're prepared to move ahead with clause-by-clause consideration.

Mr. Chairperson: We thank the member for his opening statement. We will move ahead with clause-by-clause.

* (18:20)

Clause 1–pass; clauses 2 through 4–pass; clauses 5 and 6–pass; clauses 7 and 8–pass; clauses 9 through 12–pass; clauses 13 through 15–pass; clauses 16 through 18–pass; clauses 19 and 20–pass;

clause 21–pass; clauses 22 and 23–pass; clause 24–pass; clauses 25 through 27–pass; clauses 28 through 30–pass; clauses 31 and 32–pass; clauses 33 and 34–pass; clause 35–pass; clauses 36 and 37–pass; clauses 38 and 39–pass; clause 40–pass; enacting clause–pass; title–pass. Bill be reported.

The hour being 6:21, what is the will of the committee?

An Honourable Member: Committee rise.

Mr. Chairperson: Committee rise.

COMMITTEE ROSE AT: 6:21 p.m.

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are also available on the Internet at the following address:

<http://www.gov.mb.ca/legislature/hansard/hansard.html>