



Second Session — Thirty-Second Legislature
of the
Legislative Assembly of Manitoba

STANDING COMMITTEE

on

INDUSTRIAL RELATIONS

31-32 Elizabeth II

Chairman
Mr. Harry Harapiak
Constituency of The Pas



MG-8048

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

Name	Constituency	Party
ADAM, Hon. A.R. (Pete)	Ste. Rose	NDP
ANSTETT, Andy	Springfield	NDP
ASHTON, Steve	Thompson	NDP
BANMAN, Robert (Bob)	La Verendrye	PC
BLAKE, David R. (Dave)	Minnedosa	PC
BROWN, Arnold	Rhineland	PC
BUCKLASCHUK, John M.	Gimli	NDP
CARROLL, Q.C., Henry N.	Brandon West	IND
CORRIN, Brian	Ellice	NDP
COWAN, Hon. Jay	Churchill	NDP
DESJARDINS, Hon. Laurent	St. Boniface	NDP
DODICK, Doreen	Riel	NDP
DOERN, Russell	Elmwood	NDP
DOLIN, Mary Beth	Kildonan	NDP
DOWNEY, James E.	Arthur	PC
DRIEDGER, Albert	Emerson	PC
ENNS, Harry	Lakeside	PC
EVANS, Hon. Leonard S.	Brandon East	NDP
EYLER, Phil	River East	NDP
FILMON, Gary	Tuxedo	PC
FOX, Peter	Concordia	NDP
GOURLAY, D.M. (Doug)	Swan River	PC
GRAHAM, Harry	Virden	PC
HAMMOND, Gerrie	Kirkfield Park	PC
HARAPIAK, Harry M.	The Pas	NDP
HARPER, Elijah	Rupertsland	NDP
HEMPHILL, Hon. Maureen	Logan	NDP
HYDE, Lloyd	Portage la Prairie	PC
JOHNSTON, J. Frank	Sturgeon Creek	PC
KOSTYRA, Hon. Eugene	Seven Oaks	NDP
KOVNATS, Abe	Niakwa	PC
LECUYER, Gérard	Radisson	NDP
LYON, Q.C., Hon. Sterling	Charleswood	PC
MACKLING, Q.C., Hon. Al	St. James	NDP
MALINOWSKI, Donald M.	St. Johns	NDP
MANNES, Clayton	Morris	PC
McKENZIE, J. Wally	Roblin-Russell	PC
MERCIER, Q.C., G.W.J. (Gerry)	St. Norbert	PC
NORDMAN, Rurik (Ric)	Assiniboia	PC
OLESON, Charlotte	Gladstone	PC
ORCHARD, Donald	Pembina	PC
PAWLEY, Q.C., Hon. Howard R.	Selkirk	NDP
PARASIUK, Hon. Wilson	Transcona	NDP
PENNER, Q.C., Hon. Roland	Fort Rouge	NDP
PHILLIPS, Myrna A.	Wolseley	NDP
PLOHMAN, John	Dauphin	NDP
RANSOM, A. Brian	Turtle Mountain	PC
SANTOS, Conrad	Burrows	NDP
SCHROEDER, Hon. Vic	Rossmere	NDP
SCOTT, Don	Inkster	NDP
SHERMAN, L.R. (Bud)	Fort Garry	PC
SMITH, Hon. Muriel	Osborne	NDP
STEEN, Warren	River Heights	PC
STORIE, Jerry T.	Flin Flon	NDP
URUSKI, Hon. Bill	Interlake	NDP
USKIW, Hon. Samuel	Lac du Bonnet	NDP
WALDING, Hon. D. James	St. Vital	NDP

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON INDUSTRIAL RELATIONS

Thursday, 11 August, 1983

TIME — 10:00 a.m.

LOCATION — Winnipeg

CHAIRMAN — Mr. Harry Harapiak (The Pas)

ATTENDANCE — QUORUM - 6

Members of the committee present:

Hon. Messrs. Adam, Cowan, Hon. Ms. Hemphill, Hon. Messrs. Mackling, Penner
Mr. Mercier, Ms. Phillips, Mr. Steen

MATTERS UNDER DISCUSSION:

Bill No. 2 - The Law Enforcement Review Act.
Passed as amended.

Bill No. 49 - An Act to Amend The Provincial
Police Act.
Passed as amended.

* * * *

MR. ASSISTANT CLERK, G. Mackintosh: Committee, come to order.

HON. R. PENNER: I move:

THAT the Member for The Pas chair the meeting of this committee.

MR. ASSISTANT CLERK: Do I hear any other nominations? Hearing none, I would ask Mr. Harapiak to take the Chair.

**BILL NO. 2 - THE LAW ENFORCEMENT
REVIEW ACT**

MR. CHAIRMAN: We will call the committee to order. There is obviously nobody from the public wishing to make presentations. So is the committee willing to proceed with Bill No. 2 clause by clause?

HON. R. PENNER: Yes, I think we better go clause by clause. There may be circumstances, Mr. Chairperson, where we can if there are no amendments indicated on any page, although that may not be the case, see if we can take a page, but subject to that may we go clause by clause?

MR. CHAIRMAN: On Page 1, Clause 1 - The Member for Wolseley.

MS. M. PHILLIPS: Thank you, Mr. Chairperson. I move:
THAT the definition of "member" or "member of the police department" in Section 1 of Bill 2 be amended by striking out the word "by" in the 2nd and 4th line thereof and substituting therefor the word "in."

MR. CHAIRMAN: The Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, there's been concern expressed that there are a number of civilian members, for example, of the Winnipeg Police Department who do not have powers of a peace officer, but who perhaps should also be subject to the discipline code. I wonder if the Attorney-General could comment on that and advise us whether he would be amenable to deleting the words "having the powers of a peace officer or employed as a peace officer," so that a member would be applicable not only to the peace officers but to the civilians employed in the police department.

MR. CHAIRMAN: The Attorney-General.

HON. R. PENNER: I've considered a number of problems related to the definition of member, that is one of them. Another has to do with the fact that there are peace officers in this province numbering perhaps in the hundreds who are not employed by municipalities.

After carefully considering a number of problems and recognizing the particular focus of this bill, I thought it advisable to proceed on the narrower, rather than the wider ambit, until we had the scheme working and the administration in place and to see whether there were particular problems arising from the exclusion of civilians, to use that term, before dealing with it, and accordingly have decided that we would leave the definition in the more limited form at least for the present.

MR. CHAIRMAN: All those in favour of the amendment? (Agreed)

The Member for St. Norbert.

MR. G. MERCIER: Still speaking to the clause, Mr. Chairman. We had representations on behalf of the City of Brandon, for example, who I believe indicated that they were appearing on behalf of the Town of Winkler and the Town of Morden. Rather than propose an amendment that would be defeated, I'll ask the Attorney-General whether or not he would be agreeable to, in the first instance, in an amendment that, after the word "municipality" in the 4th line that would indicate, except the City of Brandon, Town of Winkler, Town of Winkler, for example, so that the bill would be applicable, in the first instance, to the major municipal police department in the province, that being the City of Winnipeg.

HON. R. PENNER: I thank the member for his suggestion, but I've carefully considered that and I'm not prepared to make that change. Interestingly enough, the reported cases, not reported cases in the technical sense, but cases where we have written reasons for judgment by the Manitoba Police Commission, although not large in number, come from Brandon and Winkler,

not from Winnipeg; I think that it's the better part of policy at this time to include those forces. The City of Winnipeg Police, many of them felt that they were being singled out because the RCMP were not included. I think they would feel even more singled out if we were to isolate them from the other larger detachments.

MR. CHAIRMAN: Are there any further comments? Clause 1, as amended—pass. Page 2, Clause 1 - the Member for Wolseley.

MS. M. PHILLIPS: Mr. Chairperson, I move:
THAT the definition of "service record" in Section 1 of Bill 2 be struck out and the following definition substituted therefor:
"service record" means a service record established under Section 30 of this act.

MR. CHAIRMAN: Are there any comments? All in favour of the amendment? Opposed? The amendment—pass; Clause 1, Page 2, as amended—pass. Clause 2, Page 2 - the Member for Wolseley.

MS. M. PHILLIPS: I move:
THAT Section 2 of Bill 2 be struck out.

MR. CHAIRMAN: All in favour? Clause 2, as amended—pass; Clause 3, subsection (1) - the Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, with respect to Clause 3(1), this is obviously of fundamental importance to the parties interested in this legislation and is fundamental to its success in terms of a Commissioner being appointed who has the confidence of the parties affected. I would ask the Attorney-General whether he would be amenable to an amendment that would add the words "following consultation with the existing police commissions, police associations, police chiefs, the Law Society of Manitoba, the Manitoba section of the Canadian Bar Association, and any other interested persons."

HON. R. PENNER: Well, I would like to assure the Member for St. Norbert that I and the government recognizes the importance of this position and would consult very widely - I'm not so sure that one gains anything by putting in statutory requirements for consultation. I can say that the kind of person I would hope to be able to attract to the position might include, for example, somebody of the character or status of a provincial judge. That's certainly a possibility that is being considered, so I say that in order to advise the member of the importance which we attach to the position, but I don't think that it would add anything, really, to add that as a statutory requirement. I'm trying to think of an analogous situation. Perhaps the Member for St. Norbert can give me a comparative kind of consultative requirement.

MR. G. MERCIER: Mr. Chairman, I suppose the only analogous section is in the appointment of the Ombudsman. That's done on the recommendation of a committee of the Legislature.

HON. R. PENNER: I think that I want to go no further at present and leave it as is, but give the member an

assurance that in the appointment process there will be certainly informal consultations with those directly affected. I've already on one occasion had an informal discussion with the Chief of the Winnipeg Police and I think I've assured him that the importance we attach to this position and of the Commissioner being seen by all concerned as being in fact an impartial person who doesn't come into the position with a bias.

MR. CHAIRMAN: Section 3(1)—pass; Section 3(2)—pass. Section 3(3) - the Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, what concerns me here is the fact that the Commissioner shall devote his full time to his responsibilities. It doesn't seem to me that this person is going to be required to devote 35 or 40 hours a week to this position, and it may in fact by having that commitment reduced significantly the number of qualified persons who might be available to do the job. How does the Attorney-General see the need for a full-time Commissioner?

HON. R. PENNER: Looking at the number of complaints handled by the Winnipeg Internal Review body in 1981 and '82, in each case: 1981, being slightly in excess of 200; and 1982, being a little less than 200, it seems to me to be a significant caseload. Secondly, I anticipate that once the office of a complaint Commissioner, once the office where complaints can be lodged, is removed from the Public Safety Building itself, that there'll be more rather than less complaints received and dealt with. I think I would rather start with the notion of the full-time Commissioner.

I should say that what I have in mind is appointing someone initially for a two-year period to test that out. I should say that consideration is being given to someone who, let's say - to use the example that I used before - presently has the status of a provincial judge, would maintain and still have that status and in effect almost to be seconded initially. So that if in fact it was not a full-time function, that person could either go back in whole or in part to judging as long as it has the Latin.

MR. CHAIRMAN: 3(3)—pass; Section 4—pass; Section 5(1)—pass; Section 5(2)—pass. Section 5(3) - the Member for Wolseley.

MS. M. PHILLIPS: I move:
THAT Section 5 of Bill 2 be amended by adding thereto immediately after subsection (3) thereof, the following subsection:
Board to include peace officers.
5(3.1) The membership of the board shall at all times include at least two persons who are or were peace officers.

MR. G. MERCIER: Mr. Chairman, I certainly support the amendment. My concern would be this. I know there's a subsequent amendment to include Section 5(5) providing for a panel to be chosen on a sequential basis. I think, however, the concern expressed by a number of parties before this committee was that they were looking for a requirement that every panel be comprised of at least one person who had been or was

a peace officer. Neither this amendment nor the subsequent amendment to Section 5(5) give any guarantee of that. I wonder, for example, I don't see the necessity for 5(5), if we could include in this amendment further words which would indicate that every panel shall include at least one person who was or is a peace officer.

HON. R. PENNER: I've looked at this very carefully and think I've gone as far as I'm prepared to go at this time. It was my thought that - in fact, there were arguments received - in effect, to give police officers a special place on the panel itself was going further than necessary, but I hearkened to the representations that their experience might be of help to whole group. I anticipate that the Commissioner will be meeting with the whole group from time to time to review process, procedures and problems as they arise, so that those persons who are there, who have been police officers or are police officers, will be of assistance to the group as a whole. It's likely that given the role of system that almost all panels will include a peace officer. But the difficulty in making that requirement is one that does select a group as one having a special place on the panel or on the board hearing a case and makes it appear more of an arbitration board than a judicial board. That's one of the problems.

The other problem is that if you make that as a requirement and you have these two people, if one is in a conflict position and therefore can't serve, and the other is unavailable, you've created a problem that was unanticipated when you made that an absolute requirement, so I think I want to go with what we've got here.

MR. CHAIRMAN: 5(3.1) amendment. All in favour? Pass. 5(4)—pass - the Member for St. Norbert.

MR. G. MERCIER: I would move an amendment, Mr. Chairman. After the word "business" to add "one of whom has been or is a peace officer." Let's see, it would be provided that one of the members has been or is a peace officer.

HON. R. PENNER: Well, I make nothing of the technicality that the amendment isn't in writing and so on, I think that's okay, but I'll just simply repeat what I said before and I'm opposing the amendment.

MR. CHAIRMAN: Any further discussion on the amendment? Those in favour? Opposed? Amendment is defeated. 5(4)—pass.

The Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT Section 5 of Bill 2 be further amended by adding thereto, immediately after subsection (4) thereof, the following subsection:

Panel chosen on sequential basis.

5(5) On or before April 1 of every year, the presiding of the board shall prepare a list naming all the members of the board, and for purposes of holding hearings or conducting other board business, the members shall serve in sequence as their names appear on the list; but if by reason of subsection 23(2) a board member

is ineligible to sit on a hearing, the next member in sequence shall be selected to sit on the hearing.

MR. CHAIRMAN: Any discussion on the amendment? 5(5)—pass; Section 6—pass; Section 7(1)—pass. Section 7(2) - the Member for Wolseley.

MS. M. PHILLIPS: Thank you. I move:

THAT subsection 7(2) of Bill 2 be struck out and the following subsection substituted therefor:

Third party complaint.

7(2) The complaint may be filed notwithstanding that the alleged disciplinary default has affected some persons other than the complainant but has not affected the complainant.

MR. G. MERCIER: Mr. Chairman, this is I think one of the controversial sections in the sense that we have had significant representation and significant concern expressed that this may very well lead to frivolous complaints against members of the department. Unfortunately, we know that there are people who will perhaps take this type of action to harass members of police departments. I would like the Attorney-General to explain why he is not prepared to amend this section in accordance with the representations that were made on it.

HON. R. PENNER: I draw the Member for St. Norbert's attention to Page 3 of the proposed amendments 8.2(2). In order to eliminate as much of the frivolous and vexatious right at the threshold as we can, we have this section "Where the person affected by the alleged disciplinary default does not, within 14 days of receiving the notification referred to in subsection (1)," where this third party complaint has to be directed to the alleged victim and signs a written consent, the Commissioner takes no further action. So we've built that in, and that was in response to suggestions that were made.

MR. G. MERCIER: Is there anywhere in the amendments any provision for an order for costs against a complainant where a frivolous matter is filed?

HON. R. PENNER: No, there is not. We've felt that with this particular provision and the right of the Commissioner to proceed no further on the frivolous and vexatious that that in itself was a sufficient mechanism for dealing with the frivolous and vexatious.

It is always difficult to strike a balance between preventing the nuisance complaint and inhibiting the legitimate complaint. I think we've done a pretty fair job of providing for that in the act and the proposed amendments.

MR. CHAIRMAN: 7(2), as amended—pass. 7(3).

HON. R. PENNER: I suppose that's implied in 7(2), as amended, but is there on record that we passed the amendment?

MR. CHAIRMAN: Section 7(2), as amended—pass. 7(3) - the Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT subsection 7(3) of Bill 2 be amended by striking out the last two lines thereof and substituting therefor the words "not later than 30 days after the date of the alleged disciplinary default."

MR. CHAIRMAN: 7(3), as amended—pass. 7(4) - the Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT Section 7 of Bill 2 be further amended by adding thereto immediately after subsection (3) thereof the following subsection:
Verbal Complaint.

7(3.1) Every member who receives a verbal complaint concerning conduct which may constitute a disciplinary default shall forthwith inform the person making the verbal complaint that a complaint under this act must be made in writing and shall forthwith inform the person of the relevant time limits set out in this section.

HON. R. PENNER: This again doesn't add anything really of substance but it strengthens the process. We do have a provision for a complaint being filed within a certain period of time, in writing, and it seemed that unless a person who has a complaint is clearly advised of their requirements that they might in fact forgo a right inadvertently or because of lack of knowledge.

MR. CHAIRMAN: 7(3.1), as amended—pass; 7(4)—pass. 7(5) - the Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT subsection 7(5) of Bill 2 be struck out and the following subsection substituted therefor:
Commissioner may extend time.

7(5) Where the complainant has no reasonable opportunity to file a complaint within the time period set out in subsection (3), the Commissioner may extend the time for filing the complaint to a date not later than 6 months after the date of the alleged disciplinary default.

Where a complainant faces criminal charges.

7(6) Where an alleged disciplinary default occurs in the course of an investigation, arrest or other action by a member which results in a criminal charge against a complainant, the Commissioner may extend the time for filing the complaint to a date not later than one year after the date of the alleged disciplinary default or 30 days after the final disposition of the criminal charge, whichever is the sooner.

MR. CHAIRMAN: On the amendment, 7(5) - the Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, I don't have complete notes but I have a note that Chief Johnston expressed a concern about - I believe it was with respect to notification to him. Perhaps the Attorney-General might have considered his concern.

HON. R. PENNER: I think Legislative Counsel, in the bill, 8(1), requires a complaint to be forwarded to the Chief, 8(1)(c) — (Interjection) — Yes, 8(1) generally, 8(1)(a) and (b) and (c) all require the complaint to go to the Chief as one of those to receive the complaint.

MR. CHAIRMAN: 7(5), as amended—pass; 7(6)—pass; Section 8(1)—pass. Section 8(2) - the Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT subsection 8(2) of Bill 2 be amended by striking out the words "within a reasonable time" in the second line thereof and substituting therefor the words "as soon as it is practicable."

MR. CHAIRMAN: 8(2), as amended—pass.
The Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT Bill 2 be further amended by adding thereto, immediately after Section 8 thereof, the following sections:

No Complaint by member.

8(1) Notwithstanding Section 7, no member shall file a complaint under this Act in respect of any act or omission which affects the member while he is executing his duties.

Commissioner to notify affected persons.

8.2(1) Where a complaint has been filed in the circumstances referred to in subsection 7(2), the Commissioner, forthwith after receiving the complaint, shall in writing notify the person affected by the alleged disciplinary default that a complaint has been filed under this act.

Affected person must consent.

8.2(2) Where the person affected by the alleged disciplinary default does not, within 14 days of receiving the notification referred to in subsection (1) or within such further time as the Commissioner may allow, file with the Commissioner a written consent to the processing of the complaint under this act, the Commissioner shall take no further action on the complaint.

Where no consent required.

8.2(3) Subsection (2) does not apply where the person affected by the alleged disciplinary default is an infant or is not competent to give consent.

MR. CHAIRMAN: The Member for St. Norbert, on the amendment.

MR. G. MERCIER: On the amendment, Mr. Chairman, Section 8.1 says ". . . no member shall file a complaint under this Act in respect of any act or omission which affects the member," I'm just wondering whether that should be "which affects a member." I'm left with the impression that it's almost a complaint against himself.

HON. R. PENNER: Yes, I was just in fact, sotto voce here, talking to Legislative Counsel and the same thought occurred to me as I was reading it and I'm just wondering whether that would not be appropriate to put "a" member instead of "the" member.

The intent here is that a member cannot file a complaint against another member and the way it reads it looks peculiar, ". . . no member shall file a complaint under this Act in respect of any act or omission which affects the member," and since the previous reference

is to the member filing a complaint, it looks a bit odd. It should be "a member."

MR. CHAIRMAN: Legislative Counsel.

MR. E. SZACH: The words, "affects a person," are always used to refer to the victim of an action. That's the wording that's used throughout the act. The change from "the" to "a" would I suppose be appropriate because it would also incorporate third party complaints, which we in general terms accepted under the act, but in this particular section we want to exclude complaints by officers, so the words, the change, I don't think would necessarily be out of keeping with the rest of the act.

HON. R. PENNER: Well, let's make it.

MR. CHAIRMAN: The Member for Ste. Rose.

HON. A. ADAM: As I read it, "Notwithstanding subsection (5), no member," they're referring to no member shall file a complaint affecting that member, so it should be "the" in my opinion.

MR. CHAIRMAN: The Attorney-General.

HON. R. PENNER: I understand what - a member obviously would not file a complaint affecting himself. — (Interjection) — Oh, I see, yes. ". . . no member shall file a complaint under this Act in respect of any act or omission which" - I see, he's not to complain about something which affected him while he is executing his duties. Then it should "the" member.

MR. E. SZACH: The change to "a" from "the" wouldn't really affect that because "a member" would still include "the member." It would just expand to include any member and since under the act we contemplate third party complaints in general terms, while we're at the process or while we're in the process of excluding complaints against members executing duties, then I think perhaps we should exclude also a complaint by one officer, filed in respect of conduct, affecting another officer who is executing his or her duties. So I don't see any problem in the change, if members are satisfied with it.

MR. CHAIRMAN: On the amendment as previously moved by the Member for Wolseley.

HON. R. PENNER: Just on that. Having heard all representations and explanations, I think we should leave it the way it is. I don't want to go beyond the original intention at this time.

MR. CHAIRMAN: I would ask the Member for St. Norbert if he had moved an amendment. Okay, on the amendment, as moved by the Member for Wolseley—pass. 8.1, 8.2(1), 8.2(2) and 8.2(3)—pass. Section 9 - the Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT Section 9 of Bill 2 be amended
(a) by striking out the words "Upon receiving a

complaint" in the 1st line thereof and substituting therefor the words "On his own behalf or at the request of the respondent;" and

(b) by adding thereto, immediately after the word "and" in the 3rd line thereof, the words "the Commissioner."

MR. CHAIRMAN: Section 9, as amended—pass. Section 10 - the Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT Section 10 of Bill 2 be amended

(a) by renumbering the current Section 10 as subsection 10(1); and

(b) by adding thereto, immediately after subsection (1) thereof, the following subsection:

No complaint in disciplinary matter.

10(2) Notwithstanding subsection (1), no member shall file a complaint under this act in respect of the exercise by the Chief of Police of his power to discipline any member.

MR. CHAIRMAN: Section 10, as amended—pass; Section 11(1)—pass. 11(2) - the Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT Section 11 of Bill 2 be further amended by adding thereto, immediately after subsection (2) thereof, the following subsections:

Materials required for criminal investigation.

11(2.1) Where any of the materials referred to in subsection (2) are required for the purpose of a criminal investigation, the Chief of Police may request, and the Commissioner may grant, an extension of time for forwarding copies of such materials.

Questions of Privilege.

11(2.2) Where the Chief of Police declines to forward copies of any of the materials referred to in subsection (2) on the ground that materials are privileged, the Commissioner may make summary application to a judge of the Court of Queen's Bench for a ruling on the question of privilege.

MR. CHAIRMAN: We'll have to go back; 11(2) was not passed.

HON. R. PENNER: Having read this particular motion, can we deal with this motion now and then go back to 11(2) perhaps?

MR. CHAIRMAN: On the motion? Pass. We'll go back to 11(2)—pass.

HON. R. PENNER: There's a motion at the end of Page 3. Well, I'll risk all possibilities and move it:

THAT subsection 11(2) of Bill 2 be amended by adding thereto, immediately after the word "Commissioner" in the 3rd line thereof, the words "copies of." — (Interjection) — Yes, I thought I'd give you a chance to orient them.

MR. CHAIRMAN: 11(2), as amended—pass. 11(3) - the Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT subsection 11(3) of Bill 2 be struck out and the following subsection substituted therefor:

Order to Search and Seize.

11(3) Where a justice is satisfied by information upon oath of the Commissioner, or a person employed by the Commissioner, that there is reasonable ground to believe that there is in a building, receptacle or place

- (a) anything upon or in respect of which a disciplinary default under this act has been or is suspected to have been committed; or
- (b) anything which there is reasonable ground to believe will afford evidence of the commission of the disciplinary default under this act;

the justice may issue a warrant authorizing a person named therein or the Commissioner to search the building, receptacle or place for any such thing, and to seize the thing and bring it before the Commissioner for use by the Commissioner in investigating a complaint under this act.

HON. R. PENNER: Yes, after listening to representations, it appeared that the former wording was too broad and not focused enough on the act and on the powers of the justice, which should be clearly defined, and what happens to articles seized once they are seized. Many of these were brought forward by the Council for the City of Winnipeg and this attempts to deal with those concerns. We have used fundamentally the language or very similar language to that found in the Criminal Code, Search and Seizure Sections.

MR. CHAIRMAN: 11(3), as amended—pass. 11(4) - the Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, I think we're on those sections of the act which, if passed in this form, I think are going to make the whole process unworkable. I am convinced on the basis of the representations that have been made that the Internal Investigation Units of the Police Department should be used by the Commissioner for investigation. We've heard all of the arguments. I think the Attorney-General is familiar with them and I would therefore move:

THAT Sections 11(4), 11(5) and 11(6) be deleted and in their place the following be enacted:

The Commissioner may require the Internal Investigation Unit of the Police Department or other members of the Police Department to assist in any investigation, and where he considers it necessary he may engage such other persons as he considers necessary to assist him in the investigation.

That would leave it open to the Commissioner, I think, Mr. Chairman, to make most effective use of the Internal Investigation Units and any other persons he wishes to use in investigations.

MR. CHAIRMAN: On the amendment - the Attorney-General.

HON. R. PENNER: I would point out to the Member for St. Norbert the proposed amendment, 11(7), where recognizing that there may be instances in which the internal unit is conducting an investigation because of

the possibility of criminal charges, the Commissioner is now given the power - it's not contained in the original - to request the Chief of Police to forward the results of that investigation to the Commissioner for purposes of this act. It follows that the Commissioner may then use that investigation and not have to employ any other form of investigation.

MR. CHAIRMAN: On the amendment - the Member for St. Norbert.

MR. G. MERCIER: I appreciate the Attorney-General's comments, but I don't think it goes far enough.

MR. CHAIRMAN: On the amendment, question? All those in favour? Opposed? The amendment is defeated. 11(4)—pass. 11(5) - the Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT subsection 11(5) of Bill 2 be amended by striking out the word "Act" in the 1st line thereof and substituting therefor the word "section."

MR. CHAIRMAN: 11(5), as amended—pass; 11(6)—pass. 11(7) - the Member for Wolseley.

MS. M. PHILLIPS: Thank you. I move:

THAT subsection 11(7) of Bill 2 be struck out and the following subsection substituted therefor:
Criminal investigation.

11(7) Where the respondent's Chief of Police informs the Commissioner that the respondent's conduct is being or will be investigated by the internal investigation unit of the department for the possible laying of criminal charges against the respondent, the Commissioner may request the Chief of Police to forward the results of the investigation to the Commissioner for purposes of this act.

Report by Chief of Police.

11(8) When the internal investigation referred to in subsections (6) or (7) has been completed, the Chief of Police shall report the results of the investigation to the Commissioner, and the Commissioner shall thereafter deal with the complaint as provided in this Act.

MR. CHAIRMAN: 11(7) and (8), as amended—pass. 12(1) - the Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT subsection 12(1) of Bill 2 be amended

- (a) by striking out the first 2 lines thereof and substituting therefor the words, "Where the Commissioner is satisfied that the subject matter of the complaint" and
- (b) by striking out the Clause (b) thereof and substituting therefor the following clause:
 - (b) does not fall within the scope of Section 27 of this Act.

MR. CHAIRMAN: The Attorney-General on the amendment.

HON. R. PENNER: This proposed amendment deals with the matter that was brought before us when we

heard delegations from one or more of the police associations. I am pointing out that it might be that what we're saying is that even if it is obvious right on surface that the complaint is frivolous and vexatious, we're still requiring the Commissioner to investigate. So we never intended that the Commissioner would have to investigate if it is obvious that it's frivolous and vexatious. They can just dismiss it without investigation, so that amendment deals with that situation.

MR. CHAIRMAN: 12(1), the amendment—pass. 12(1)(a) - the Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, did you say 12(1)(a)?

MR. CHAIRMAN: 12(1) - on the amendment.

MR. G. MERCIER: The amendment is passed.

MR. CHAIRMAN: 12(1) then, as amended.

MR. G. MERCIER: Mr. Chairman, I would propose here that this would be an appropriate place to insert "authority for the Commissioner to award costs." I would move that we add after the word "action" the words "and the Commissioner may make an order for such costs against the complainant as he considers just and reasonable."

MR. CHAIRMAN: On the amendment - the Attorney-General.

HON. R. PENNER: Two problems: one is, as a matter of policy, I previously indicated that I'm not happy as a matter of policy with that kind of notion that it would serve perhaps to deter those who ought to be indeed in some instances encouraged to complain where we're really anxious to find out if there are bad apples and deal with them. But the other problem is to give this kind of judicial function to a Commissioner leads to all kinds of problems and complications.

The Commissioner, in order then I think to do more than say, well, I'm not going to deal with this, it's frivolous and vexatious, but to go forward and do something which is in its nature punitive would require a whole kind of due process mechanism, certainly that would lead to costs and complications, so I'm opposing the amendment.

MR. CHAIRMAN: On the amendment? Question. All in favour? Opposed? The amendment is defeated. On 12(1), as amended—pass. 12(2) - the Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT Bill 2 be further amended by striking out subsection 12(2) thereof.

MR. CHAIRMAN: 12(3) - the Member for Wolseley.

MS. M. PHILLIPS: I have two motions on this one. I move:

THAT subsection 12(3) of Bill 2 be amended by adding thereto, immediately after the word "Where" in the 1st line thereof, and the words "under subsection (1)."

MR. CHAIRMAN: 12(3), a further amendment - the Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT Section 12 of Bill 2 be further amended by adding thereto, immediately after subsection (3) thereof, the following subsections:

Police commission to hear parties.

12(3.1) At the request of either party, the Manitoba Police Commission shall hear submissions from the parties in support of or in opposition to an application brought under subsection (3).

Burden of proof on complainant.

12(3.2) Where an application is brought under subsection (3), the burden of proof is on the complainant to show that the Commissioner erred in declining to take further action on the complaint.

MR. CHAIRMAN: 12(3), as amended—pass; 12(4)—pass. 13 - the Member for Wolseley.

MS. M. PHILLIPS: Thank you. I move:

THAT Section 13 of Bill 2 be amended

(a) by striking out the first 2 lines thereof and substituting therefor the words "Where under subsection 8.2(2) or Section 12 the Commissioner takes no further action on a"; and

(b) by striking out the words "Chief of Police" in the 6th line thereof and substituting therefor the words "disciplinary authority in the police department."

MR. CHAIRMAN: Section 13, as amended—pass. 14 - Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT Section 14 of Bill 2 be struck out and the following section substituted therefor:
Informal resolution of complaint.

14(1) Where the investigation has been completed, the Commissioner shall consult with the complainant, the respondent and the respondent's Chief of Police for the purpose of resolving the complaint informally.

Agreement between complainant and respondent.

14(2) Where the complainant and the respondent concur, but the respondent's Chief of Police does not concur, with a proposal to resolve the complaint informally, the Commissioner may nevertheless resolve the complaint informally in accordance with the proposal.

No record of informal resolution.

14(3) Where the complaint is resolved informally, no penalty shall be imposed against the respondent and no record of either the complaint or the informal resolution thereof shall be entered on the service record of the respondent.

MR. CHAIRMAN: On the amendment - the Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, why would we say that where the Chief of Police does not concur, the

Commissioner may nevertheless resolve the complaint informally? Does that not have the possibility of affecting adversely the Chief's power to discipline the force and affect his credibility?

HON. R. PENNER: We're dealing here with citizens' complaints and we're trying to provide a mechanism for dealing with them as much as possible in a non-adversarial context but in a mediative context. The parties really are the citizen and the police officer. Where we can lead to a resolution of what often is a happening of the moment, something that has occurred between two persons, there have been misunderstandings on either side and on both sides, I think that we ought to encourage that. The Chief of Police is not in that sense a party to the proceedings, and it seems that the Chief, with respect to the general conduct of the police officer, of course, has his overall disciplinary powers unimpaired, and those will be dealt with and subsequently handled pursuant to the internal regulations and the collective bargaining with the collective agreement.

MR. CHAIRMAN: 14, as amended—pass. 15 - the Member for Wolseley.

MS. M. PHILLIPS: Thank you. I move:

THAT subsection 15(1) of Bill 2 be amended by striking out the word "may" in the 2nd line thereof and substituting therefor the word "shall."

MR. CHAIRMAN: On the amendment - the Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, Chief Johnston asked the question on this section: To whom does the Commissioner recommend? I take it it's a recommendation to the board.

HON. R. PENNER: To the Chief, and to the respondent. Yes, you see, if the respondent recommends a penalty and the respondent says, no way, then that must go to the board, and if he agrees there's no necessity for it going to the board.

MR. CHAIRMAN: 15, as amended—pass. 15(2) - the Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, Chief Johnston raised the concern with this section and 15(3), that this should be done in the presence of the respondent. I take it that he should be allowed an opportunity to make submissions at this time.

HON. R. PENNER: I think it was Paul Johnston, the Senior Police Association who recommended that. The concern I've had in looking at that is, again, not wanting to have the Commissioner play a judicial role; put himself or herself in the position of in fact holding what might be construed as a trial of a matter.

MR. CHAIRMAN: 15(2)—pass. 15(3) - the Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT subsections 15(3) and 15(4) of Bill 2 be struck out and the following subsections substituted therefor
Matters relevant to appropriate penalty.

15(3) The purpose of the Commissioner's consultation with the respondent's Chief of Police shall be to determine the opinion of the Chief of Police with respect to

- (a) the severity of the alleged disciplinary default; and
- (b) the contents of the respondent's service record; and the Commissioner's recommendation concerning an appropriate penalty shall be based solely on these two factors.

Imposition of penalty.

15(4) If the respondent concurs with the recommendation of the Commissioner, the respondent's Chief of Police shall impose the penalty; but where the respondent is a Chief of Police, the employer of the Chief of Police shall impose the penalty.

Referral to board.

15(5) If the respondent does not concur with the recommendation of the Commissioner, the Commissioner shall refer the complaint to the board for a hearing on the question of the penalty to be imposed against the respondent.

Statement of acts and recommendation concerning penalty.

15(6) Where the Commissioner refers a complaint to the board under subsection (5), the Commissioner shall prepare and forward to the board a written statement of

- (a) the facts which constitute the subject matter of the complaint; and
- (b) the penalty or penalties recommended by the Commissioner under subsection (1); and the Commissioner shall provide the respondent with a copy of the statement.

MR. CHAIRMAN: 15(3), as amended—pass; 15(4), as amended—pass; 15(5), as amended—pass; 15(6)—pass. 16 - the Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT Section 16 of Bill 2 be struck out and the following section substituted therefor:

Referral to board on merits.

16(1) Where

- (a) the Manitoba Police Commission has ordered the Commissioner to refer a complaint to the board for a hearing; or
- (b) disposition of a complaint within the terms of Section 14 or Section 15 is not possible; the Commissioner shall refer the complaint to the board for a hearing on the merits of the complaint.

Notice of alleged disciplinary default.

16(2) Where the Commissioner refers a complaint to the board under subsection (1), the Commissioner shall serve the respondent with notice of each alleged disciplinary default in the form prescribed by the regulations, and the Commissioner shall forward a copy of the notice to each alleged disciplinary default to the board.

Statement upon appropriate penalty.

16(3) Upon referring a complaint to the board under subsection (1), the Commissioner shall prepare a written statement recommending one or more of the penalties set out in Section 28 to be the penalty which in the Commissioner's opinion the board should impose for each alleged disciplinary default, and the Commissioner shall provide the respondent with a copy of the statement.

Forwarding of statement to board.

16(4) The Commissioner shall not forward the statement referred in subsection (3) to the board unless, subsequent to determining the merits of the complaint, the board requests a statement for the purposes of Clause 26(2)(b).

Appropriate penalty determined.

16(5) Before preparing the statement referred to in subsection (3), the Commissioner shall consult with the respondent's Chief of Police and shall examine the service record of the respondent; and subsection 15 (3) applies to the consultation and to the Commissioner's recommendation.

Recommendation by Manitoba Police Commission.

16(6) Where the Manitoba Police Commission has ordered the Commissioner to refer a complaint to the board for a hearing, the Manitoba Police Commission shall determine an appropriate penalty for each alleged disciplinary default in accordance with the procedures set out in this section, and the Commissioner shall observe the requirements of subsection (3) as if the Commissioner had determined the appropriate penalty.

MR. CHAIRMAN: On the amendment - the Attorney-General.

HON. R. PENNER: By way of explanation, in part, what we are trying to provide for here is those relatively rare eventualities where the Commissioner has said now it is frivolous and vexatious, and the complainant has appealed to the Manitoba Police Commission, and the Police Commission has decided that there is some substance and it is to be proceeded with, we wanted to deal with the kinds of things that would have happened had the Commissioner, in the first instance, considered that it wasn't frivolous and vexatious. But since the Commissioner has already formed an opinion on the matter, it seemed better to have the Police Commission instead of just sending it back entirely unaffected by the Police Commission's opinions, to have the Police Commission determine things like the appropriate penalty and so on, which otherwise would have been determined by the Commissioner, first instance.

MR. CHAIRMAN: Section 16, as amended—pass. 17 - the Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT subsection 17(1) of Bill 2 be amended by striking out the words "the respondent is" in the 1st and 2nd lines thereof and substituting therefor the words "all parties to a board hearing and their counsel, but no other persons are."

MR. G. MERCIER: Mr. Chairman, this raises the concern that was often expressed, particularly by Mr. MacGregor, that the association should, in general, be entitled to notice and to be a party to hearings, etc. Could the Attorney-General indicate whether he is in any way recognizing that submission and representation that was made?

HON. R. PENNER: It is not best to deal with that by giving the board the power to add parties as it sees fit. In certain circumstances, no doubt, it would want to, on application, add the association as a party, but I don't think it's necessary that it automatically by a party.

MR. CHAIRMAN: 17(1), as amended—pass. 17(2) - the Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT subsection 17(2) of Bill 2 be amended by adding thereto, immediately after the word "to" in the 4th line thereof, the words "a judge of."

MR. CHAIRMAN: 17(2), as amended—pass; 18—pass. 19 - the Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT subsection 19(1) of Bill 2 be struck out and the following subsection substituted therefor:
Respondent's statement inadmissible at board hearing.
19(1) No statement made by a respondent to the Commissioner or to anyone employed by the Commissioner, except a statement made for purposes of Section 15, is admissible at any hearing of the board without the consent of the respondent.

MR. CHAIRMAN: 19(1), as amended—pass. 19(2) - the Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT subsection 19(2) of Bill 2 be amended by striking out the words, "to the Commissioner" in the 1st line thereof.

MR. CHAIRMAN: 19(2), as amended—pass; Section 20—pass. Section 21 - the Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT Section 21 of Bill 2 be amended by striking out the words "the local police commission governing the department" in the last line thereof and substituting therefor the words "the municipal authority which governs the department."

MR. CHAIRMAN: 21, as amended; Section 22(1)—pass. 22(2) - the Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT subsection 22(2) of Bill 2 be struck out and the following subsection substituted therefor:
Parties to hearing.

22(2) The complainant and the respondent are parties to any board hearing, but the board may add such other parties, and may receive submissions from such other persons, as it sees fit.

MR. CHAIRMAN: 22(2), as amended—pass. 22(3) - the Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT subsection 22(3) of Bill 2 be struck out.

MR. CHAIRMAN: On the amendment—pass; 23(1)—pass; 23(2) - the Member for St. Norbert.

MR. G. MERCIER: Again, Mr. Chairman, I don't really see the necessity of particularly saying a board member who has been a member of the police department. Perhaps there might be more concern about a member who currently is a member of the police department involved.

When you talk about, for example, the Winnipeg Police Department and the large number of qualified policemen who have served there and who, I would suggest, would be well qualified to sit on a panel with respect to a hearing and, in fact, when we are allowing police members to sit on a panel now, with all due respect to police officers who serve outside of the City of Winnipeg, it's not really the same as serving in the large City of Winnipeg Police Department, so their experience may not be as appropriate as someone who has served on the Winnipeg Police Department.

I would ask the Attorney-General if he would consider deleting the words "or has been" in the first line, so that it would read, "No board member who is a member of a police department shall sit on any hearing involving a complaint against a member . . ." Then that would allow someone who had served, for example, on the City of Winnipeg Police Department, perhaps a former well-respected Chief, to sit on a panel. I don't think that would be particularly harmful. In fact, it might well be to the advantage and the credibility of the panel.

HON. R. PENNER: As the Member for St. Norbert and other members of the committee are aware, one of the major concerns we attempt to deal with in this bill is the bias or conflict of interest appearance as much as the reality, because a lot of people feel that you can't fight city hall, you don't get a fair shake, they're all agin' you, they're all part of the team, they're all cozy, they're all buddies, it's now old boys and girls network.

It may be argued logically, as the Member for St. Norbert has, that there isn't the necessary inference of bias that comes from the fact that someone at one time was a member of the particular department, but that appearance will be there.

You also run up against the practical difficulty of, what if - and this is certainly possible, the member was a member of the department, but a week ago or a month ago or two months ago where it is still his or her buddies. So I think that we have made provision now for the placement of police officers on the panel and indeed the sitting of police officers in most circumstances. I think that we still want to exclude the appearance of conflict of interest, and I think we'd better leave it that way.

MR. G. MERCIER: Well, you know, Mr. Chairman, we have so many boards and commissions in this province and within professions where we look to people who have experience in that area. The Minister of Municipal

Affairs, who is a member of the committee, will appoint people to the municipal board who perhaps presently are current municipal officials or who had experience in municipal politics because they, by virtue of their experience, have an understanding of the problems that municipalities face. In fact, on that particular board the vast majority of them will have been municipal officials. That goes for almost every board or commission that any government appoints, that you look for people with experience in that particular area.

In this case, it is quite likely that of a panel of three, there will certainly be no more than one police officer or former police officer, and will not form obviously a majority on the panel. I am just suggesting, with the vast difference in the size and operations of police departments in this province; with the City of Winnipeg Police Department serving well over half of the population of Manitoba and being a very large police operation and all of the other police operations, and I'm not in any way downgrading them or showing any disrespect for them, but they are in fact much smaller operations; because of that vast difference, I think, particularly when you are dealing with a complaint involving a member of the Winnipeg Police Department, that there should not be a prohibition against a former member of the Winnipeg Police Department sitting on the panel. There are a lot of well-respected graduates from former senior officers and former chiefs of police who would be well-qualified to sit on such a board; who have had the responsibility of imposing discipline in the force for years. They don't form a majority. I think their experience would be valuable, and I don't think their experience can be duplicated by people from other police forces in Manitoba. I would, therefore, move, Mr. Chairman:

THAT the words in the 1st line "or has been" - just those three words - be deleted from this section.

MR. CHAIRMAN: On the amendment . . .

MR. G. MERCIER: Pardon me. I want it to read, "No board member who is a member . . ." — (Interjection) — yes, "or has been," that's right.

MR. CHAIRMAN: So your amendment is to remove the words "or has been." On the amendment - the Attorney-General.

HON. R. PENNER: We have discussed it and the Member for St. Norbert presents a logical position, but it doesn't deal with the very important question of the appearance of conflict and indeed the possibility of conflict in this situation, so I must oppose the amendment.

MR. CHAIRMAN: Question. Those in favour? Those opposed? The amendment is defeated. 23(2)—pass; 23(3)—pass; 23(4)—pass; 23(5)—pass. 23(6) - the Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT subsection 23(6) of Bill 2 be struck out and the following subsection substituted therefor:
Right to participate.

23(6) At every board hearing, the parties may be present, may call witnesses, may cross-examine

witnesses in respect of viva voce or affidavit evidence, and may be represented by counsel.

MR. CHAIRMAN: 23(6), as amended—pass. 23(7) - the Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT subsection 23(7) of Bill 2 be amended by striking out Clauses (a) and (c) thereof and substituting therefor the following clauses:

- (a) the complainant; or
- (c) where the complainant applies and is financially eligible for legal aid, counsel appointed by the Legal Aid Services Society of Manitoba.

MR. CHAIRMAN: On the amendment - the Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, I don't know why we don't simply leave it as the complainant, or counsel for the complainant. I know of no other situation where we distinguish between whether a person retains counsel on his own behalf, or is financially eligible for legal aid and counsel appointed by the Legal Aid Services Society of Manitoba. I think it would be appropriate, if you want to leave in, simply counsel, either the complainant or counsel for the complainant. How the complainant obtains counsel is really not a matter for legislation.

HON. R. PENNER: The thought here was this, that although there is nothing in The Legal Aid Services Society Act which expressly, obviously, or by necessary indication, excludes this kind of an action from the provisions of legal aid, excludes an applicant of this kind for receiving legal aid - I am not talking about the financial eligibility, but the case eligibility - the intention here was in fact - and it might have been done by amending The Legal Aid Services Society Act - but since we are doing this bill to put in the bill something to that effect, that this kind of case is eligible for legal aid, if the financial eligibility criteria are met.

MR. G. MERCIER: Mr. Chairman, I think the appropriate way to do that is to do it through The Legal Aid Services Society Act or regulations or policy of the board, not in this act.

MR. CHAIRMAN: On the amendment—pass.
The Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT Section 23 of Bill 2 be further amended by adding thereto, immediately after subsection 7 thereof, the following subsection:

Where complainant ineligible for legal aid.

23(7.1) Where the complainant applies but is financially ineligible for legal aid, the Commissioner shall review the complainant's finances, and where the Commissioner believes that the complainant cannot afford to retain counsel, the Commissioner may recommend that the Minister appoint counsel to represent the case in support of the complaint; and the Minister may appoint counsel for that purpose.

MR. CHAIRMAN: On the amendment - the Member for St. Norbert.

MR. G. MERCIER: It raises a whole question - what about the respondent? Are we making similar provisions for the respondent, as it has been proposed to do in this and in the previous amendment?

HON. R. PENNER: Okay, there are two issues here. One, why this? Secondly, why not the respondent?

First of all, with respect to why this, there is a class of persons in society who have been called the new legal indigents. These are people who really don't have the financial resources for an expensive court proceeding, or a proceeding analogous to it, but are not poor enough to receive legal aid because legal aid, in terms of its financial eligibility criteria, you pretty well have to be on welfare to qualify for legal aid; and the concern was that we might inadvertently be creating, if we can divest the problem, a financial barrier to a case being brought which should be brought not only because of the right of an individual to have a complaint of that kind regressed and dealt with, but in order to determine whether indeed a police officer is abusing authority. So that's why this particular provision is here.

With respect to the respondent, the hesitation there relates to the practice of the association financing cases of this kind on behalf of its members. The association, particularly the Winnipeg association, is very powerful in terms of numbers and financial resources and, as we all know, has financed cases all the way to the Supreme Court, so it was felt that the respondent would have the resources; indeed, the collective agreement between the Winnipeg association and the employer requires the employer to finance the defence of the criminal charge and the defence of the civil action. Whether this is not a criminal charge, it might be argued that it's not a civil action, but it seems quite likely that the collective agreement could be modified to meet the needs of persons charged under this statute.

MR. G. MERCIER: Mr. Chairman, a couple of points. One, if the Attorney-General sees the need for providing legal assistance by the state to people in these instances, the so-called new indigents - I would call them the working poor - then there should be a policy or a change in regulations by Legal Aid to, in general, provide assistance or subsidies to people in that category no matter what the legal problem is, not just to people who want to complain about police action.

Secondly, I wonder about the appropriateness of the Commissioner becoming so involved in the case as to determine to make the recommendations to whether or not somebody should have counsel but, by virtue of doing that, he is very significantly involved himself on behalf of one party to the proceedings and may, when we talk about perceptions of a fair hearing, this kind of obligation upon the Commissioner might very well indicate a prejudgment of the matters.

Thirdly, the Attorney-General is suggesting that the police association should bargain with the city in their next collective agreement to require the city to financially support the association and their counsel in defence of police officers with respect to complaints under this act. Now, I find that, as a justification for

this, somewhat difficult. I think this section really is, for all of those reasons, inappropriate for this act.

HON. R. PENNER: With respect to the Commissioner, we have taken care throughout the act and the proposed amendments to make sure that the Commissioner, insofar as possible, does not mix his or her role as the Commissioner, mediator, investigator, facilitator with that of the board which will adjudicate. I don't think we've done that here; I don't think we've crossed that line here. I think that the Commissioner may recommend, but that has to be to the Minister and it's up to the Minister then to appoint counsel and make the decision. The Commissioner has only involved himself or herself with respect to looking at an allegation by the complainant that have a cause of action but can't foot the bill. In those circumstances the Commissioner may make a recommendation but can't go any further than that.

With respect to the respondent or the respondent's resources, it has been suggested that there may be circumstances in which the union does not finance the union. The association said that they don't really finance all cases, there are some that they don't and therefore you might have one of those cases in which the union doesn't. Whether or not the present provisions of the collective agreement with respect to the obligation of the employer, the finance that covers this particular case is not clear and I think I just want to leave it that way and see how that works. If indeed there are cases of hardship that are caused by the operation of this act, if indeed the employer is not going to assist the respondent financially in circumstances of this kind, then I'm prepared to look at it.

In these very very tough times, the primary reason for not providing for legal services for the respondent was not only that we can't afford it, but that there are other resources to which the respondent can look and we'd rather see that those are used first before our own purse is dipped into.

MR. CHAIRMAN: 23(7), as amended—pass; 23(8)—pass; 23(9)—pass. 23(10) - the Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT subsection 23(10) of Bill 2 be struck out and the following subsection substituted therefor:
Public hearing.

23(10) Every board hearing shall be public, unless the maintenance of order or the proper administration of justice requires that all or part of a hearing be held in-camera; and the board may order that all or part of a hearing be held in-camera.

Justifying in-camera hearing.

23(11) Where any party applies to have all or part of a hearing held in-camera, the onus shall be on that party to satisfy the board that the maintenance of order or the proper administration of justice requires an in-camera hearing.

MR. CHAIRMAN: On the amendment - the Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, I would like to make my position that the order should be the reverse of

this, that we're dealing with these disciplinary matters and a requirement should be that they be in-camera unless the proper administration of justice requires that they be held in public. We've heard the representations and that is my position on this.

HON. R. PENNER: As I have said in previous discussions of this matter, it seems to me that the direction case law is moving is along the lines contained in our proposal here. I would prefer it, as a matter of policy, to start with the assumption of openness and make the closing of these hearings an exception. I would also point out that we are in any event protecting the innocent and found innocent by 23.1 that we'll be dealing with in a moment, that is, the no publication provision.

MR. CHAIRMAN: The first amendment on 23—pass.
The Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT Bill 2 be further amended by adding thereto, immediately after Section 23 thereof, the following section:

Ban on publication.

23.1 Notwithstanding that all or part of a board hearing is public, no person shall cause to be published in any newspaper or other periodical publication, or broadcast on radio or television, the name of the respondent until the board has determined the merits of the complaint or the respondent admits having committed a disciplinary default.

MR. CHAIRMAN: On amendment—pass. The Member for St. Norbert.

MR. G. MERCIER: This is an important principle that is contained in this amendment and one, Mr. Chairman, that I think may very well be requested by other groups and individuals in society, because what the Attorney-General is saying in this amendment is that the press and the media have no right to report the name of the individual. Of course, it's just restricted to the name of the individual, but it's a very important principle that may be requested by other organizations and other individuals with respect to other types of hearings that go on in this province and is a restriction of freedom of the press. What is the justification for doing it in this case and not doing it in a criminal trial?

HON. R. PENNER: A very good question. It might be that had I the power to deal with the Criminal Code I would seriously consider that position. It's long been advocated. My one-time colleague and still friend, partner in law and colleague at the law school, Norm Larsen, has often advocated this kind of a ban on publication with respect to accused persons, but unfortunately it's out of our jurisdiction.

MR. CHAIRMAN: 23, as amended—pass; 24—pass. 25 - the Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT Section 25 of Bill 2 be struck out and the following sections substituted therefor:

Decision by board.

25(1) As soon as practicable after the conclusion of the hearing, the board shall decide whether the respondent has committed a disciplinary default and the board shall deliver its decision in writing.

- (a) to the parties; and
- (b) where the respondent's Chief of Police and the Commissioner are not parties, to the respondent's Chief of Police and the Commissioner.

Standard of proof.

25(2) The board shall dismiss a complaint in respect of an alleged disciplinary default unless the board is satisfied beyond a reasonable doubt that the respondent has committed the disciplinary default.

Reasons for decision.

25(3) At the request of any party or the minister, the board shall provide to the parties and, where requested, to the minister, written reasons for

- (a) the board's decision on the merits of a complaint; or
- (b) a penalty ordered by the board under Section 26.

MR. CHAIRMAN: 25, as amended—pass. 26 - the Member for Wolseley.

MS. M. PHILLIPS: 1 move:

THAT subsections 26(1) and 26(2) of Bill 2 be struck out and the following subsections substituted therefor:
Ordering of penalty.

26(1) Where the respondent admits having committed or is found to have committed a disciplinary default, the board shall hear the submissions of the parties and details of the service record of the respondent; and the board shall order one or more of the penalties set out in in Section 28 for each disciplinary default which the respondent has committed.

Review of Commissioner's recommendation.

26(2) Prior to ordering a penalty against the respondent, the board shall

- (a) in the case of a complaint referred to the board under subsection 15(5), examine the written statement forwarded by the Commissioner under subsection 15(6); and
- (b) in the case of a complaint referred to the board under subsection 16(1), receive from the Commissioner and examine the written statement prepared by the Commissioner under subsection 16(3).

Maximum penalty.

26(2.1) For each disciplinary default which the respondent has committed, the board may order the penalty recommended by the Commissioner, or, in its discretion, a lesser penalty.

MR. CHAIRMAN: Pass. 26, as amended—pass. 27 - the Member for Wolseley.

MS. M. PHILLIPS: 1 move:

THAT Section 27 of Bill 2 be struck out and the following section substituted therefor:
Discipline Code.

27 A member commits a disciplinary default where he affects the complainant or any other person by means of any of the following acts or omissions arising out of or in the execution of his duties:

- (a) Abuse of authority, including
 - (i) making an arrest without reasonable or probable grounds,
 - (ii) using unnecessary violence or excessive force,
 - (iii) using oppressive or abusive conduct or language,
 - (iv) being discourteous or uncivil,
 - (v) seeking improper pecuniary or personal advantage,
 - (vi) without authorization, serving or executing documents in a civil process, and
 - (vii) discriminating on the basis of race, nationality, religion, colour, sex, marital status, physical or mental handicap, age, source of income, family status, political belief, or ethnic or national origin.
- (b) Making a false statement, or destroying, concealing, or altering any official document or record.
- (c) Improperly disclosing any information acquired as a member of the police department.
- (d) Failing to exercise discretion or restraint in the use and care of firearms.
- (e) Damaging property or failing to report the damage.
- (f) Being present and failing to assist any person in circumstances where there is a clear danger to the safety of that person or the security of that person's property.
- (g) Violating the privacy of any person within the meaning of The Privacy Act.
- (h) Contravening this act or any regulation under this act, except where the act or regulation provides a separate penalty for the contravention.
- (i) Assisting any person in committing a disciplinary default, or counselling or procuring another person to commit a disciplinary default.

MR. CHAIRMAN: On the amendment - the Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, I take it the main amendments to what is in the act are to add (a)(vii) and to . . .

HON. R. PENNER: Add (a)(vii) and remove the former (7), and also to add Clause (g).

Just by word of explanation that may help the Member for St. Norbert, there were concerns that (7) as it was, 27(7), was far too wide and there were all kinds of provincial statutes. It would be very difficult for a police officer to be sure of the parameters within which they operated and things of that kind.

In looking over the kinds of provincial statutes which really do or might directly relate to something that could happen between a police officer and the execution of

his duties and a citizen, it seemed that there were two. One was The Human Rights Act, but not all of it, and the other, The Privacy Act.

So what we have come up with here is to take those parts of The Human Rights which arguably do refer or could refer to an abuse of authority; that is, a police officer discriminating on the basis of race, nationality, etc. Coincidentally enough, there's a headline story in The Sun today of exactly such an occurrence, that the Filipinos are complaining about some activities of the police involving race discrimination. So I guess we sort of anticipated what might happen in a sense, although that hasn't been proved and I make no comment on whether or not the allegation is well-founded.

(g), you then isolated the other statute where there might be an abuse of authority in a particular context; that is, the officer going beyond the limits of his or her power and invading the privacy within the meaning of The Privacy Act.

MR. G. MERCIER: Mr. Chairman, what is the rationale for including words like in (a)(i) or (a)(ii) which are clearly offences against the Criminal Code if they have been committed?

HON. R. PENNER: You see, to be an offence under the Criminal Code, there has to be both an act and an intention. Sometimes the act is there, but it's difficult to prove the intention. It may not always be, in fact, salutary to resolve the matter by laying a criminal charge.

It seems to me that why would we want to, in every circumstance, be driven to the situation where the only remedy is the laying of a criminal charge. I think that police officers should indeed welcome a situation where there is an alternative form of dealing with a matter.

It has been said and I agree that the criminal law is used far too much. Sometimes we had great success in pilot projects in Canada, and Harlem in the United States, the Harlem Project, of dealing with things that arguably are criminal as between neighbours, abusive conduct, even some physical contact, dealing with them in a neighbourhood mediation court. We would like, I think, really to move many things out of the criminal context and into this kind of a context.

MR. G. MERCIER: Mr. Chairman, with a section like (a)(vii) "discrimination," if a police officer is found guilty of a disciplinary default under that section, is he also liable to action by the Human Rights Commission?

HON. R. PENNER: Likely not, because the discrimination that is referred to in The Human Rights Act is discrimination with respect to accommodation, employment very specifically. This is discrimination that isn't really dealt with in The Human Rights Act, but it's a type of discrimination that is referred to again in the story in today's paper of racist remarks and things of that kind or, as between citizen and citizen, appearing to be biased and carrying out peacekeeping duties against one particular segment of society.

MR. CHAIRMAN: 27, as amended—pass. 28 - the Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT Section 28 of Bill 2 be struck out and the following section substituted therefor:

Penalties.

28 A member who admits having committed or is found to have committed a disciplinary default is liable to one or more of the following penalties set out in diminishing order of seriousness.

- (a) Dismissal.
- (b) Permission to resign, and in default of resignation within 7 days, summary dismissal.
- (c) Reduction in rank.
- (d) Suspension without pay up to a maximum of 30 days.
- (e) Forfeiture of pay up to a maximum of 10 days' pay.
- (f) Forfeiture of leave or days off not to exceed 10 days.
- (g) A written reprimand.
- (h) A verbal reprimand.
- (i) An admonition.

MR. CHAIRMAN: On the amendment - the Member for St. Norbert.

MR. G. MERCIER: Could the Attorney-General distinguish between a verbal reprimand and admonition?

HON. R. PENNER: I suppose that the distinction is in the effects; that is, a reprimand, either written or verbal, forms part of the service record where an admonition doesn't.

At one time what we were looking at there was, as the Member for St. Norbert knows, we relied to some extent on some advice by Professor John Hogarth, UBC, who is acknowledged to be quite expert in this area. One of the suggestions was that something like an admonition, and this is what the admonition is intended to be, is sort of a helpful hint rather than a penalty.

MR. CHAIRMAN: 28, as amended—pass. 29 - the Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT subsection 29(1) of Bill 2 be amended by adding thereto, immediately after the word "board" in the last line thereof, the words "or upon any question of law alone."

MR. CHAIRMAN: 29(1), as amended - the Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, why do we not allow an appeal on a question of fact or mixed fact in law?

HON. R. PENNER: Yes, I've considered this quite carefully. I'm generally of the view, I must state my bias here, that where you have in effect regulatory statutes and regulatory boards, they built up a considerable level of expertise. And indeed one of the points that was made by the Member for St. Norbert earlier in discussion today was the value of having police officers on these boards because they can bring into it the experience that they have.

Much of what will happen, much of what will be decided, is really questions of fact, but they'll be decided by people who will build up a strong level of expertise in the area. If you then allow an appeal on fact to a body which really does not have that expertise and will not be dealing with the volume of cases and therefore will not be able to build up that volume of expertise, it really puts someone second guessing a body which has the expertise. In regulatory matters, whether it's labour relations or things of that kind, I prefer to limit the right of appeal from an administrative, or quasi-judicial rather, body.

MR. G. MERCIER: Mr. Chairman, there is also always a danger when we restrict and prohibit the right of appeal from these administrative regulatory bodies that there can arise decisions which can be based upon prejudice, and various other factors from which a person who suffers from the decision by the board than has no right of appeal. I appreciate what the Attorney-General is saying, and in the vast majority of cases probably there would be no appeal, and should be no appeal, but it may very well be that in a small number of cases, by prohibiting the right of appeal to a court, we are doing citizens an injustice.

MR. CHAIRMAN: 29(1), as amended—pass; 29(2)—pass. 29(3) - the Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT subsections 29(3) to 29(5) of Bill 2 be struck out and the following subsections substituted therefor: Parties to appeal.

29(3) An appeal may be launched by the complainant or the respondent; and the complainant and the respondent are parties to the appeal.

Other parties.

29(4) Upon application, the Commissioner of the board, or both, may be joined as parties to the appeal.

Counsel for appeal.

29(5) At the written request of the Commissioner, the Minister may appoint counsel to represent the complainant on the appeal.

MR. CHAIRMAN: 29, as amended—pass. Section 30 - the Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT Section 30 of Bill 2 be struck out and the following section substituted therefor:

Service record.

30(1) The Chief of Police of every police department in Manitoba shall keep a service record in respect of each member of the police department.

Contents of service record.

30(2) The Chief of Police shall record on the service record all matters relevant to the professional conduct of the member, including

- (a) all disciplinary defaults under this act and the penalties imposed therefor;
- (b) all internal disciplinary offences and the penalties imposed therefor; and
- (c) all official commendations given to the

member; but not including any personal matters which are not relevant to the professional conduct of the member.

Commencement of service record.

30(3) For purposes of this act, each member shall be deemed to have a blank service record as of the coming into force of this act; and each member's service record shall relate only to the professional conduct of the member subsequent to the coming into force of this act.

No record of admonition.

30(4) Notwithstanding anything in this act, where no penalty other than an admonition is imposed against a member for a disciplinary default under this act, the member's Chief of Police shall not record the disciplinary default or the admonition on the member's service record.

Expunging service record.

30(5) Upon application by a member whose service record contains an entry for a disciplinary default under this act, the member's Chief of Police shall expunge the entry

(a) where a reprimand was imposed, after 2 years have expired from the date of disciplining;

(b) where a forfeiture of pay, leave, or days off was imposed, after 3 years have expired from the date of disciplining; or

(c) where reduction in rank or suspension without pay was imposed, after 5 years have expired from the date of disciplining;

but only if in each case the member has committed no further disciplinary defaults under this act since the date of disciplining.

Right to inspect service record.

30(6) Every member has the right to inspect his service record.

MR. CHAIRMAN: 30, as amended—pass.

Section 31 - the Member for Wolseley.

MS. M. PHILLIPS: 31, right?

I move:

THAT Section 31 of Bill 2 be amended by striking out the last line thereof and substituting therefor the words "the municipal authority which governs the department."

MR. CHAIRMAN: 31, as amended—pass.

Section 32 - the Member for Wolseley.

MS. M. PHILLIPS: Thank you. I move:

THAT Section 32 of Bill 2 be struck out and the following section substituted therefor:

Effect of criminal charge.

32 Where a member has been charged with a criminal offence, there shall be no investigation, hearing or disciplinary action under this act in respect of the conduct which constitutes the alleged criminal offence unless a stay of proceedings is entered on the charge or the charge is otherwise not disposed of on its merits.

MR. CHAIRMAN: On the amendment - the Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, is the Attorney-General saying that there could not be a lesser offence having been committed under this act even though a criminal charge, for example, of assault might not be proved beyond a reasonable doubt?

HON. R. PENNER: At one time as this bill evolved, and we had different standards of proof, and we were looking at the use of the civil standard of proof, at that time in connection with that difference there was provision, in the bill as drafted, for the matter to be heard by the Law Enforcement Review process after it had been disposed of in the criminal process. But once we, on reflection, acceded to the request that we use the criminal standard and proof here, then it seemed that, in fact, we were in most instances likely doing a double jeopardy kind of thing. Since the person would have been, let's say, if it's dealt with on its merits, would have been acquitted because there was no proof beyond a reasonable doubt that all of the ingredients of the offence had been proved, then that's already been decided and a person shouldn't have to go through that same process, and it would be the same process twice.

The difficulty, of course, that you find in a criminal judgment is a provincial court judge with a large docket will often say, "Not guilty, next case," and you'll never really know from that, because you don't have written reasons for judgment, whether he found that there was no assault at all, or there was the fact of an assault but no proof of intention, so it's a slippery slope.

MR. CHAIRMAN: 32 - the Member for St. Norbert.

MR. G. MERCIER: I could be wrong, Mr. Chairman, but I think this kind of a section makes the act a farce, that there could very well be lesser offenses having been committed, which are the proper subject of disciplinary action within the police force.

HON. R. PENNER: I'll bear the admonition, the friendly warning of the Member for St. Norbert, in mind as long as it doesn't appear on my service record, and we'll be monitoring this area very closely.

MR. CHAIRMAN: 32, as amended—pass.
33 - the Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT Section 33 of Bill 2 be struck out and the following section substituted therefor:
Disclosure of possible criminal offence.

33(1) Where a matter before the Commissioner or the board discloses evidence that a member may have committed a criminal offence, the Commissioner or board shall report the possible criminal offence to the Attorney-General and shall forward all relevant material, except privileged matter, to the Attorney-General for the possible laying of charges.

Effect of decision to lay charges.

33(2) If the Attorney-General charges the member with a criminal offence, there shall be no further investigation, hearing or disciplinary action under this Act in respect of the conduct which constitutes the alleged criminal

offence unless a stay of proceedings is entered on the charge or the charge is otherwise not disposed of on its merits.

Objection conclusively deemed.

33(3) Where a member who testified before the board is subsequently charged with a criminal offence, the member shall be conclusively deemed to have objected to answering every question put to him before the board on the ground that his statement or his answer may tend to criminate him or to establish his liability to a legal proceeding at the instance of the Crown or of any person.

MR. CHAIRMAN: 33, as amended—pass; 34—pass.
The Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT Bill 2 be further amended by adding thereto immediately after Section 34 thereof, the following sections:

Effect of complaint on internal discipline.

34.1(1) Where a complaint has been filed under this act, the respondent is not subject to any internal police discipline in respect of the conduct which constitutes the subject matter of the complaint.

Suspension of internal disciplinary proceedings.

34.1(2) Where the internal police disciplinary proceedings have been commenced against a member in respect of conduct which constitutes the subject matter of a complaint under this act, the internal disciplinary proceedings shall terminate upon the filing of the complaint and the matter shall be resolved solely in accordance with this act.

Effect of completion of internal proceedings.

34.1(3) No resolution or termination of internal police disciplinary proceedings against a member precludes the subsequent filing of a complaint under this Act in respect of the conduct which constitutes the subject matter of the internal disciplinary proceedings.

Internal disciplinary proceedings unaffected.

34.1(4) Notwithstanding anything in this section

(a) where no complaint under this act has been filed within the time period set out in subsection 7(3); or

(b) where the Commissioner takes no further action on a complaint in accordance with subsection 8.2(2) or Clause 12(1)(b);
this act does not affect any internal police disciplinary proceedings, including appeals therefrom, brought against a member in respect of the member's conduct toward any person.

Where members of public not involved.

34(2) This act does not apply to matters of internal police discipline which do not involve members of the public.

MR. CHAIRMAN: 35—pass; 36—pass. 37 - the Member for Wolseley.

MS. M. PHILLIPS: Thank you. I move:

THAT Section 37 of Bill 2 struck out and the following section substituted therefor:

Act to prevail over other acts.

37(1) Where there is conflict between this act and any other act of the Legislature, this act prevails.

Jurisdiction of police commissions.

37(2) Without restricting the generality of subsection (1), where the conduct of a member of a municipal police department is the subject matter of a complaint under this Act, there shall be no inquiry, investigation or hearing by any local police commission or the Manitoba Police Commission in respect of the same conduct except as provided or authorized by this Act.

Meaning of local police commission.

37(3) For the purposes of this section, "local police commission" means

- (a) any police commission established pursuant to the provisions of the charter of any city; or
- (b) any police commission established under any other Act of the Legislature; or
- (c) any municipal council or any municipal committee, however composed, which is charged with or responsible for the maintenance of a municipal police department.

MR. CHAIRMAN: 37, as amended—pass. 38 - the Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT Section 38 of Bill 2 be struck out and the following section substituted therefor:

Failure to comply.

38 Every person who, without lawful excuse,

- (a) fails to comply with an order or decision of the Commissioner or the board; or
- (b) contravenes section 23.1 of this act; is guilty of an offence and is liable on summary conviction to a fine of not more than \$2,000 and in default thereof to imprisonment for a term not exceeding 3 months or to both such fine and such imprisonment.

MR. CHAIRMAN: 38, as amended—pass; 39—pass; 40—pass; 41—pass; 42—pass; 43—pass; 44—pass. The Member for St. Norbert.

MR. G. MERCIER: If this bill passes, when does the Attorney-General contemplate proclaiming it?

HON. R. PENNER: Probably at the beginning of the next fiscal year. I have no great hopes that anybody is going to come running with the money and say, "Here, Mr. Attorney-General." I think we'll need that time to make preparations with respect to finding a person, locating an office, looking at things of that kind.

MR. G. MERCIER: Does the Attorney-General foresee any additional cost to municipalities as a result of this act?

HON. R. PENNER: No, I don't.

MR. G. MERCIER: The whole cost of this operation will be at the expense of the Provincial Government.

HON. R. PENNER: There's one possibility that we discussed and should it happen, that would be in a sense a voluntary act, that a municipality with a collective agreement agrees to an amendment to the collective agreement that they'll pick up part of the tab. Hereunder that could be a cost, but otherwise not.

MR. CHAIRMAN: The Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT Legislative Counsel be authorized to renumber the provisions of this act in order to

- (a) eliminate decimal points; and
- (b) take into account sections and subsections which have been struck out.

MR. CHAIRMAN: On the amendment— pass. The Attorney-General.

HON. R. PENNER: The French version of the amendments have been available here, and I would like to move that the amendments as they appear in the French Language be passed for the French version of the bill.

MR. CHAIRMAN: Is that agreed? Agreed and so ordered.

Preamble—pass; Title—pass. Bill be reported, as amended.

BILL NO. 49 - THE PROVINCIAL POLICE ACT

MR. CHAIRMAN: The next order of business before the committee is Bill 49. Page by page. Page 1—pass. Page 2 - the Member for Wolseley.

MS. M. PHILLIPS: I move:

THAT Section 6 of Bill 49 be amended by adding thereto, immediately after the word "provided" in the 6th line of the proposed subsection 26(7.1) of The Provincial Police Act set out therein, the words "or authorized."

MR. CHAIRMAN: Page 2, as amended—pass; Page 3—pass; Preamble—pass; Title—pass. Bill be reported, as amended.

There being no further business before the committee, committee rise.