

**LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON PRIVATE BILLS**

Tuesday, March 13, 1990

TIME — 3 p.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Mr. Helmut Pankratz (La Verendrye)

ATTENDANCE - 10 — QUORUM - 6

Members of the Committee present:

Hon. Mr. McCrae

Messrs. Carr, Cheema, Doer, Gilleshammer,
Kozak, Minenko, Pankratz, Praznik, Ms.
Wasylcia-Leis

WITNESSES:

Mr. Jack Eyer, Northwest Child and Family
Services Agency

Mr. Arne Peltz, Private Citizen

Mr. Al Caron, City of Winnipeg Police
Department

Mr. Mark O'Neill, Certified General
Accountants Association

Ms. Marilyn Nosko, Manitoba Association of
Home Economists

APPEARING:

Mr. Isaac Silver, Legislative Counsel

Ms. Avis Gray, MLA for Ellice

MATTERS UNDER DISCUSSION:

Bill No. 16—An Act to Protect the Health of
Non-Smokers

Bill No. 88—The Physically Disabled Persons
Parking Act

Bill No. 91—The Public Health Amendment
Act

Bill No. 95—The Certified General
Accountants Act

Bill No. 96—An Act to Amend an Act
Respecting the Roman Catholic
Archiepiscopal Corporation of Winnipeg and
the Roman Catholic Archdiocese of Winnipeg

Bill No. 104— The Professional Home
Economists Act

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Mr. Chairman: Order, please. I would like to call the Standing Committee on Private Bills to order. This afternoon the committee will resume hearing public presentations on Bills No. 91, 95, 104. Previously the committee had met on Thursday, March 8, and at that time the committee had heard public presentations on Bills 16, 88 and 91. I will now read off the names of the remaining presenters.

* (1505)

On Bill 91, Mr. Jack Eyer, Mr. Arne Peltz, Mr. Lee Debareau, Sergeant Al Caron, Mr. Wayne Helgason.

On Bill No. 95, Mr. Robert McGowan, Mr. Mark O'Neill and Mr. Len Hampson.

Bill No. 104, Ms. Marilyn Nosko.

If anyone present would like to speak to the Bills before the committee, please contact the Clerk of Committees and your name will be added to the list. There is nobody who would like to present whose name has not been read on the list? Does the committee wish to indicate to members of the public how late the committee will be sitting this afternoon? What is the will of the committee? We are here until six o'clock? The committee agrees to six o'clock.

**BILL NO. 91—THE PUBLIC
HEALTH AMENDMENT ACT**

Mr. Chairman: I will now call upon our first presenter. On Bill No. 91, Mr. Jack Eyer, Northwest Child and Family Services Agency. Mr. Eyer, do you have a written presentation?

Mr. Jack Eyer (Northwest Child and Family Services Agency): Not at this time.

Mr. Chairman: Go ahead, Mr. Eyer.

Mr. Eyer: We welcome this opportunity to express our concern as Northwest Agency about this very dire problem in the community. As it is right now, there have not been many efforts made to deal with this issue, and I think this is an important first step in dealing with this. As a representative of the board of Northwest, prior to that I was also the chairperson of the Anti-Sniff Coalition, so with those two halves, so to speak, I have come to appreciate the nature of the problem and the seriousness of the problem.

From Winnipeg's inner city to many of the isolated communities in the North, sniffing is a problem that confronts community leaders, health leaders, social activists and a variety of people on a number of different fronts. If I may, without adding too much to the overburdened statistics we seem to have, I would like to highlight some of the information that is in the community and is available from the health profession.

From 1980 to 1986 there were 31 incidences involving sniff that were reported to the children's emergency ward, and unfortunately from '86 to date they have no information as they are converting to computerized information. From that same period to date, there were 17 child deaths related to sniffing. In '83-'84 alone, there were six sniffing deaths. In addition, there is a growing phenomenon, a rather scary, horrific phenomenon and

that is known as "sniff babies." Dr. Seshia, who is the head of neonatology at the Health Sciences Centre had indicated that this problem is growing at rather an alarming rate. In fact, it is so noticeable now that she has taken notice within the last year that this is a new issue that needs to be addressed at the Health Sciences Centre.

From our perspective, Northwest-wise, close to 40 percent of our children coming into care have some involvement with sniff, either chronic sniffers or have had some incidence of sniffing, and furthermore, of the infants coming into care, one in ten of our infants coming into care are sniff babies. If we really want to draw a line and humanize this and think about the kids, many of these babies are born to young mothers under the age of majority. This situation raises a lot of alarm. In fact, the seriousness of the sniffing problem caused the Chief Medical Examiner, Dr. Markesteyn, to issue a public health warning in June of 1984. He indicated that the physical problems of sniff, as related to the social problems, were immense and were causing great harm.

Furthermore, Dr. Tenenbein, a noted toxicologist working out of the Poison Control Centre, stated in the spring of 1985 that sniffing will lead these young people to become uneducated, unemployable, unproductive citizens. We as community oriented people and policy makers must address this problem. I suggest strongly that the issue we have before us in terms of the Bill will be a strong first step. Admittedly it is a multifaceted problem, as I indicated prior to this. We need as a first cornerstone some form of legislation. In fact, this was mentioned to the Attorney General in a letter of January, 1989. I thank the Minister for his rather lengthy response to it.

* (1510)

If I might just briefly go over a brief history of the solvent problem and the history and the background of where we are coming to right now, at least in Winnipeg, during the early '70s, it was noted by a variety of activists, community church leaders, health professionals and social workers that the sniffing problem was something that was getting out of hand. In the fall of 1978, the Winnipeg Anti-Sniff Coalition formed and became an active lobbying group for legislation, treatments, resources, support services in the community, and it was very instrumental in the passing of the City of Winnipeg Anti-Sniff By-law, which I think would stand as a strong precedent for this type of legislation.

In addition to this, the Anti-Sniff Coalition was active and supportive with North West in a number of different areas from treatment resources in the community to support groups and at present even acting former members are currently on the board. In 1987, unfortunately, the Winnipeg Anti-Sniff Coalition dissolved and a new group found its way into the community. It was the People Against Solvent Abuse, which is now the current group being very active on this front.

Since the need for some type of legislation has been noted by a variety of areas both federally, provincially,

and I might add that the Alberta Health Act specifies an anti-sniff component in its legislation, which is quite comparable to legislation we have before us, that there exists many precedents for such a Bill and such legislation. If I may go briefly over why we as an agency feel the need for such legislation, it fills a void that has been noted by the justice system, by police in dealing with these people that are dealing in wanton exploitation. These people that are selling these products willingly and knowingly do so without any recourse. I think it has been noted recently in the media that one justice indicated his concern over it, and as he indicated, his hands were tied in dealing with that.

Also, I think more importantly, as noted in the previous presentations, it sets out our concern, our society's concern, our community's concern both in Winnipeg, rural communities, Native communities, that this is an issue that we want to deal with. This is an issue that we need to deal with. It sets out that we do not approve of the exploitation of our young people as it is happening right now. Further on, the federal Government, importantly, has failed to act on this issue, and in the absence of federal action we need to take some concerted action at the provincial level.

The Anti-Sniff Coalition has been active in lobbying the federal Government for seemingly decades with little or no events changed. There have been some efforts at labelling and informing the manufacturers, informing the retailers, but in hard terms, those people that are dealing in this exploitation, that has little or no impact on their activity.

As indicated, the warning labels and the action taken by the federal Government have done little or nothing to really curb the problem. I would suggest that today we really need to deal with this issue. I think if we fail to deal with it, I think we are going to be looking at further incidences of sniff babies and parents and children that are caught in a cycle of exploitation.

I think the MMA made reference to, you know, this is going to lead to a black market, to street prostitution, but the reality of it is, these kids on the street that are sniffing are already into that situation, are already experiencing that horrific life as it is. We, as a community and policy makers, must make an intervention at that front.

I think we recognize that education must happen. I might note there are some very positive things happening. In fact, the Inuit Broadcasting Corporation has recently published a comic book entitled: Not to be Sniffed At, which has been acclaimed by health professionals around and activists that this is an important step that can be available in the community.

I think with those fronts dealt with we can make an important first step in dealing with the issue of sniffing. Thank you.

Mr. Chairman: Any questions? Ms. Wasylycia-Leis.

Ms. Judy Wasylycia-Leis (St. Johns): Thank you, Mr. Eyer, for that very detailed presentation. Also, let me take the opportunity, as I did earlier with the presenter, Mr. Bill Rumley, and thank you in terms of your

contribution over the years as part of the Anti-Sniff Coalition and Manitobans Against Solvent Abuse.

In your presentation you made considerable reference to the medical effects of solvent abuse and referred to some very sharp statistics with respect to death and illness by young people and also babies, in terms of victims of solvent abuse. Can you tell us what interaction there has been over the last number of years between the coalition and the medical community? You speak with a great deal of expertise. Has there been an ongoing dialogue and interaction between the community activists and the medical profession?

* (1515)

Mr. Eyer: I think our main liaison has been with Dr. Tenenbein, an internationally noted toxicologist, whose expertise in the area of sniffing has brought him to—he is right now currently in Texas making a presentation on substance abuse and also solvent abuse. He has been our main person in terms of information on sniffing. In fact, he is the person who is gathering these statistics, and I think he should be commended for that, because unfortunately in the issues of policy making sometimes statistics seem to carry paramounts in addressing an issue, and it is an important area to have an appreciation or a grasp of.

We have been very active on that front. We have been very active with community-oriented health centres, from the Mount Carmel Clinic to the Hope Centre, which are community-based treatment centres and community-based health clinics. We have had on the coalition a number of different times various nurses and doctors.

Currently, at Northwest we have nurses on our board, and they all bring to that activity an awareness of the problem and the medical implications and effects.

Ms. Wasylycia-Leis: On the basis of your own experience and the information received from the medical profession, you can say unequivocally that there have been deaths related to solvent abuse?

Mr. Eyer: I can say unequivocally. As I said, the Chief Medical Examiner in 1984 noted the number of deaths and issued a public health warning, so there are, in his reports and others—the coroner examines the nature of the death and the cause of the death.

In this instance he does very detailed—in fact, I might add that Dr. Markesteyn is also a very informed person in the area of sniff. There are senior persons in the medical profession and otherwise that have been very active and informed on the issue.

Ms. Wasylycia-Leis: Notwithstanding the question of deaths, when it comes to damage caused by solvent abuse can you give us a sense of what some of the side effects are, how permanent the damage is and what people live with after being victims of solvent abuse?

Mr. Eyer: I think this point was brought very close to home. When I had the opportunity with Dr. Tenenbein

to visit, I guess it would be, the psychiatric ward, one of the persons was a “chronic sniffer” and had been in and out of, I guess in this case, the Health Sciences Centre.

In fact this was documented on film that was put forward by the Anti-Sniff Coalition on sniffing, and it showed, in a horrific way, how dysfunctional this person was in many ways. He would come out into the community and would be lost in terms of skills. We are talking about basic skills of survival, personal skills. The only place he knew where to return was to the street.

In essence, I think the people have a variety of dysfunctions. The relative newness of this area does not lend itself to detailed study. It indicates that many people have mental deficiencies, have disabilities in terms of atrophy in legs and arms and muscles and other factors which may be related to loss of brain cells and functions in the brain. For all intents and purposes the implications and the effects are very significant.

Ms. Wasylycia-Leis: Just on the question of sniff babies, as you called them, are you talking now about babies who are born with the addiction because of their mothers' use of solvents, or are you talking about babies whose parents or guardians have used one of these products to quiet the baby, or both?

Mr. Eyer: I must correct that. There are two horrific elements. One is the children that are born of mothers who are sniffing. They are born like many other people who are suffering from substance abuse. They are born with what seems to be an addiction to the substance or at least carrying toxic effects of that substance. So that is one noted problem. As I indicated, Dr. Seshia at the Women's Clinic had indicated that. This is a noticeable and growing problem.

In turn, there is also the comparable problem where sniff moms or sniff parents—and this brings even more horrific implications—are sedating their children with sniff. We have cases on the books at Northwest that bring this to mind, that create almost a sense of outrage, anger and any number of emotions about what is really happening. So those are two things involving babies.

Ms. Wasylycia-Leis: In terms of your dealings with the medical profession over the years, what is your opinion in terms of the direction the medical profession generally would like to go? Do you sense that there is unanimous backing for the MMA position?

I believe you were here for that presentation and have expressed some surprise at it. Do you sense that reflects the medical profession at least in terms of those people you have dealt with?

Mr. Eyer: In speaking with all those people we have dealt with they have indicated that some form of legislation is important. They have mixed feelings in terms of what type of legislation, how it should be implemented and the nature of the action that follows it. All are in unanimous agreement that there is a need for treatment, there is a need for education and

preventative resources. In turn, many of them agree that there is a need for legislation.

Ms. Wasylycia-Leis: With respect to the position by the Manitoba Medical Association, what is your comment with respect to that position, specifically the statement that solvent abuse is symptomatic of social disarray, and as such, a solution based on prohibitive legislation is unlikely to have a positive effect?

Mr. Eyer: I would accept the multifacet nature of sniffing. It is certainly recognized I think by any person that there are a number of problems there, child abuse, a variety of factors, parental breakdown. I think to in turn follow from that, that prohibition against the sale of sniffing will not be effective I think is questionable.

The example in the Winnipeg Anti-Sniff By-law proved, in many minds, police and otherwise, that it is important to have some form of prohibition, if for no other reason as to stop the experimental user who may turn into the chronic user, and more importantly, begin to identify the chronic sniffer and those people that are exploiting these people and selling it. I would take exception to what the MMA—in terms of drawing that linkage.

* (1520)

Ms. Wasylycia-Leis: Arguments made by not only the MMA but others in society include the one that limiting the sale of these products to young people will only drive them to more dangerous products. What is your sense of that kind of statement? What has been your experience with respect to young people? Are there other products they would turn to? What are their habits with respect to products in these areas?

Mr. Eyer: I would suggest that the number of products available now basically encompasses the entire list of substances in many ways that people abuse and sniff. I mean, we have indicated everything from whiteout to gas to nail polish remover, from a variety of substances. So the list, in terms of creating new alternatives if suddenly you create regulation to prevent them from sniffing a group under X and suddenly Y becomes available, I would take exception to that, because basically all the substances are available fairly freely, and are in many ways sold fairly freely as indicated with little or no repercussion or recourse in terms of what the implications of selling them are.

Ms. Wasylycia-Leis: You have made clear statements about the multifaceted nature of the problem and the multifaceted approach we must be looking at in terms of the solution. I will leave this as my last question for now.

Can you leave us with your thoughts in terms of what is going on now in the community, with respect to prevention and treatment, and so on, as well as the actions around the regulations on the sale of these products, and a sense of what needs to be done further by Government, by society generally?

Mr. Eyer: In terms of a preventative effect, I cited earlier the reference of the Inuit Broadcasting Corporation's

booklet: Not to be Sniffed At. I think if the schools and others would use these resources in the school and the education setting, that would be an important first step in terms of the education-prevention format. I think there are a variety of things that have happened in the past, but for a variety of reasons are not continuing right now.

One of the very effective ones that Northwest was active in was an outreach component in terms of sniff. They were basically going into the community and identifying kids who were sniffing and beginning to create linkages with them with either support services or agencies, and in turn also the creation of support groups and anti-sniff treatment centres.

As it is right now, unfortunately there is not a significant number of targeted resources to sniffers. I think that is a problem that must be addressed by all people involved in the community right now. In the absence of that, I think we need to make a first step, and as indicated the legislation is an important first step.

Mr. Gulzar Cheema (Kildonan): Mr. Eyer, without taking much time and without repeating the questions we asked the other day, and the Member for St. Johns (Ms. Wasylycia-Leis) has asked you a number of questions, I just wanted to make a few comments.

First of all, you have noticed that we disagree with the Member's statement completely. They were ill-informed. You have indicated Dr. Tenenbein at the Health Sciences Centre, who is in charge of the department, he has done a lot of work. We were rather shocked to see that he was probably—may not have been consulted, so I think they were ill-informed. Certainly, I think the argument was not very solid and defeated the whole purpose why they came here.

Your other comments about what is happening at the Health Sciences Centre as well as at the St. Boniface Hospital, when you are getting these newborn babies, personally I have the experience of working in both units. We know this problem exists there. This Bill will definitely help. We know that this is not perfect but definitely will establish at least a first contact and make people aware there is a problem.

I think maybe something on the lines of follow-up has to be done because when a person goes there they have to have a consent signed from their parents or their legal guardian, but we should have something to follow up on that, who is going to be in charge. The health inspector should be called having a follow-up or the Department of Health as such, or it should be a separate person assigned to the particular program. I think those are some of the pitfalls, and we should look for that.

Other than that, your presentation is excellent, and we commend your work especially the work you have done as a first-hand experience. I know that the board and I think people like you who contribute in a variety of ways, I think, do better than some of the people who are supposed to be experts in some of the areas, and probably ill-informed as to some of the issues.

* (1525)

Mr. Eyer: If I might make just one brief comment before closing, I think there is an interesting suggestion that was put forward by the Leader of the Opposition (Mrs. Carstairs) when the Bill was announced previously. It was just a follow-up to Ms. Wasylycia-Leis' question that I think may be a positive step in terms of prevention, and in terms of resources in the community would be the idea of turning over the fines levied to community-based treatment resources targeted to sniff or educational services targeted against sniff. I think if the committee is looking at recommendations or changes that may be in the purview of its scope, I think that might be certainly something that they should undertake. Thank you.

Mr. Chairman: Thank you for your presentation, Mr. Eyer. No more questions? We will go to the next presenter, Mr. Arne Peltz. Have you got a written presentation, Mr. Peltz?

Mr. Arne Peltz (Private Citizen): No, Sir. I do not.

Mr. Chairman: You may proceed.

Mr. Peltz: Thank you. I am appearing here this afternoon basically in a private capacity, but I feel very strongly about this particular legislation and I wanted to be on record as supporting this Bill. I have had some involvement in the past as legal counsel for the organization that was referred to by some of the previous speakers, that is the Anti-Sniff Coalition of Winnipeg.

First of all, I thought that it would be important to say that the political Parties should be commended for co-operating as seems to be the case in supporting this Bill, even though it is a Private Member's Bill. I take it that it has a good chance of succeeding and becoming law and I really think that you should bend your efforts to make it law. There has been some discussion before you about whether this is a solution, and some doubts cast by the medical association about whether this is worthwhile doing. I thought I would try to share with you just a couple of thoughts on that.

I have been a lawyer for about 15 years, and I have dealt with a lot of different issues, which were social issues, which also involved questions of legislation or jurisprudence. I have taken lots of court actions for lots of different organizations and individuals. One thing I have learned I suppose is that the law is never a complete solution to anything. If that is what the MMA was meaning to say, then I suppose we can all agree with that and I certainly would.

The question is whether this particular legislation can be part of the solution. That is the question I think you should be keeping in mind as this proceeds. On that score, I think you have heard enough both before and after that particular brief from Dr. Friesen to satisfy yourselves that this can be part of the solution.

* (1530)

I read some of the Hansard statements, and I wanted to remind you of something that the Attorney General (Mr. McCrae) said on March 1 when this was in debate,

because I think that it applies very much, and I endorse the statement: . . . it is incumbent on us to provide an environment, as much as we can through our social services, to make the quality of life good, and where we fail, and no one says we can deal 100 percent adequately with every problem that ever comes along. That being the case, we have to have legislation like this. It does not give us a great deal of pleasure to find ourselves in a position where we have to have legislation like this, but nonetheless we have to accept our responsibilities as legislators in the Province of Manitoba.

I think that is a short way of saying that the problem cannot be ignored, and to the extent that you can address it, you ought to. I wanted to give you a very brief bit of history about some of the work of the Anti-Sniff Coalition in the legal context going back to the mid-1980s. At that time, as a result of a great deal of hard work by many people in the community, the City of Winnipeg did pass a by-law which was a pioneering by-law. It was in effect for a couple of years. It was felt to have had a good effect. It did not solve the problem but the feeling on the street was that it was helping quite a bit, I think it is also important for you to know.

Then a decision came down from the courts questioning the jurisdiction of the city to pass legislation like this. That decision in a case called Zeller's versus the Queen is a confusing decision. It was a split decision of our Court of Appeal. I do not think it was right. The judges themselves were not sure amongst themselves in the course of the legal proceedings in three levels of court. Three judges disagreed and two agreed with the jurisdiction for the legislation. For reasons I have never been able to ascertain, the decision was not appealed further despite being a split decision. I think it should have been.

I was involved with the Anti-Sniff Coalition in the mid 1980s after that decision came down and the Winnipeg Anti-Sniff By-law was stymied. In giving some advice on what could be done next, the first thing we did, since the court case rather seemed to suggest this was a federal area, was to write to the federal Government. Looking back in my file in preparation for this appearance, I saw the correspondence we had with the then Minister, Mr. Cote, the federal Minister of Consumer and Corporate Affairs. We asked the federal Government to consider the seriousness of this problem and to use its existing legislation, the Hazardous Products Act to move on the question.

The answer we got back was that a retail merchant information program was being developed. It has been referred to earlier. It consists essentially of putting cards into the packing cases that the products come in to the retailer and advising the retailer that these are dangerous products which are open to abuse by children among others. The federal Minister quite clearly declined to do anything further in terms of legislative enforcements.

It seemed to me therefore—and I advised the coalition at that time that the other alternative was to go with provincial legislation, that is to say, health legislation which would be complementary though not

in conflict with what the federal Government was doing in its voluntary compliance program and information program. It has taken a couple of years, but as you have heard, many people involved in the issue have continued to work on this because the issue has remained a pressing one. As a result you have Bill 91 before you.

I believe that it is good public health legislation for the Province of Manitoba, the way it was left open for provincial legislation if the federal Government declined to get specifically involved in regulating the sale of these types of products. As a result I would urge you to pass the Bill through to committee, and hopefully it will pass in the House as well.

Mr. Chairman: Thank you, Mr. Peltz. Any questions to Mr. Peltz? Ms. Wasylycia-Leis.

Ms. Wasylycia-Leis: Thank you, Mr. Peltz, for taking the time to make your presentation, and also to you as well for your years of contribution in making this hopefully a reality coming out of this legislative Session.

I am wondering, do you think the climate has changed sufficiently over the last decade or so in terms of it being perhaps saved from a jurisdictional constitutional challenge. Do you think the fact that this Bill amends The Public Health Act and applies to the entire province gives it also some chance of avoiding the jurisdictional quagmire that was the ill-fated route that the city by-law went through?

Mr. Peltz: Yes, I think that a number of things have changed. One is that there have been in the past 10 years court decisions which have stressed the ability on constitutional terms of the provinces to pass complementary legislation. This is a complicated federal system we live in, and I think there is a greater appreciation at the senior court levels for this type of legislation as long as it does not conflict with or attempt to override federal powers.

Secondly, yes, I think that this is likely to be more successful than a city by-law. The courts are pretty quick to keep municipal legislators very strictly within their powers, and I think they regard the provinces as they are, sovereign legislators, as long as they do not entrench on federal powers. That would be a second consideration.

Thirdly, I think what was unfortunate in the previous instance was that there was very little input into the courts from any of the interested community groups. In fact, in a very regrettable decision the judge of the Court of Appeal refused the Anti-Sniff Coalition leave to intervene and be heard in the Court of Appeal on the question of validity of the legislation. Now, that is the sort of thing that I believe 10 years later would very likely not happen.

As well, the province itself has since that time set up its own Constitutional Law Branch, and I think that the defence in constitutional terms of these types of legislative efforts is much better now than it may have been in the past.

Ms. Wasylycia-Leis: In terms of the jurisdictional question, I never quite understood this issue, since it

is my understanding that the federal Hazardous Products Act does not have the ability to restrict the sale of products and to bring into effect fines or sentences with respect to sale of products that are marked hazardous. Is that correct, and on what other bases would it might be considered a constitutional problem or caught up in this jurisdictional question?

Mr. Peltz: The decision of two of the judges of the three sitting in the Court of Appeal was that, because the Hazardous Products Act dealt generally with the question of the sale of potentially hazardous products, the field was "occupied," and that therefore there is no room for a province to enter whatsoever. Another judge in the Court of Appeal said that this was simply complementary and cited other authorities to the effect that as long as there was not a collision of legislative enactments, this was valid and open to the provinces.

My own feeling was and is that the Court of Appeal majority was a little bit too quick and a little bit too superficial in looking at the problem. Quite frankly, with a greater effort in defence of this type of legislation from the Government—and of course this was not Government legislation at the time, it was a city by-law, not a provincial enactment—and also with the participation of interest groups as is now the practice, the court would have a much deeper understanding of how these enactments actually relate to each other. I myself do not see any conflict between them.

Ms. Wasylycia-Leis: Mr. Chairperson, I guess it is always a possibility that this law, if this Bill becomes law, could be challenged by some entity in our society. I have raised this with the Attorney General. One of the concerns my activists have is whether or not it will get tied up in the courts for years to come. If we have assurances, and I wish the Justice Minister was here because he has said he is committed to moving along any appeals as quickly as possible in terms of provincial power, is it a concern on your part that we could get tied up in the courts for a long time, and is that of some consolation to know that the province will do its part to move it as quickly as possible through the court system?

Mr. Peltz: It was certainly a concern when Zeller's raised the challenge in the initial prosecution in provincial court that doubt was casted for a long period after that on whether the prohibitions were valid or not. That obviously puts everybody in some state of uncertainty which includes other retailers as well as the public. It took 18 months in that case for the prosecution to go from the initial stage in provincial court through the court of appeal.

If the Government wishes to, if challenges are raised by accused retailers, for example, then it has open to it the option of a reference directly to the Court of Appeal. This is something that is used sparingly I think but sometimes is a good idea because it cuts through the intervening levels of court and gets directly to the province's highest court for a ruling. If the Attorney General stands behind the legislation, as I am sure he will, given his support on the record, and puts resources into its defence as I believe is also implicit, then I think

that is of some reassurance. If it becomes necessary because there appear to be delays in prosecution then I think the Government can consider a reference directly to the appeal court.

Ms. Wasylcia-Leis: Yes, just on a final matter. You started off your remarks by indicating that if this legislation gets at part of the problem and provides a partial solution to the seriousness of solvent abuse then it is worth doing and certainly indicated that there is no pretensions on the community's part or anyone's part to believe that this will solve the entire problem. Certainly I think that is the sense of MLAs around the table. We have co-operated around this piece of legislation, not because we are under any illusions that it will deal with the entire problem, but that it is a step in the right direction.

* (1540)

I find it interesting that we have heard from the medical profession and heard that it is too difficult to enforce from a law enforcement regulation point of view, but yet we have heard from you today as a lawyer and as legal council for the Anti-Sniff Coalition that if this addresses even a small part of the medical problem then it is well worth doing.

I just want to conclude by asking you if I have gathered your sense correctly, that you believe attempts to curb a serious problem such as solvent abuse through legislation, even though perhaps only partially successful, is worth doing if it prevents some deaths and if it saves the health of some of our young people.

Mr. Chairman: Did you want to respond to that, Mr. Peltz?

Mr. Peltz: Yes, I will respond. I would not come here to give an opinion on the medical issues. As you say, it is somewhat strange to hear a law enforcement opinion from the MMA.

I would like to say in response to your comments that, yes, you take my sense correctly. After this, the previous by-law was struck in the courts, people were still very active at the community level in dealing with this. I was approached several times by members of the community and service agencies about particular flagrant violations of morality, I would say, by individuals in the inner city who were selling large quantities of these substances, obviously only for the purpose of sniffing and not for building airplane models and the like. The question was, can anything be done about it legally? As a result I looked at various options which included, for example, civil injunctions and the like which parents or concerned citizens might take against particular retailers.

That I think explains two things; one, that there will always be some bad actors, so to speak, and a law can always deal with them in enforcement terms, if you want to talk about enforcement. It is always helpful, and the police will probably comment on this as well, to have some mechanism to deal with those people. The law may not be so subtle that it can get at the— it certainly cannot solve the social ills that are behind

the sniff problem, but it can get at some of the problems, as for example those cases where in a ridiculous situation as a lawyer I was trying to work on a civil injunction to take against a retailer for doing something which really ought to have been against the penal provisions of our society. That is one example I think that it can be effective, used as a tool, as I expect it would be by agencies, by the police, and by the Government in a complementary fashion with other programs.

Mr. Cheema: Mr. Peltz, I just want to thank you for your presentation, your work in the past and your legal advice. I have a concern regarding Clause 27(1) under Subsection 4, that you have to keep the consent for six months and that is under the age of 18. What will be the implications of somebody's repeated buyer of these things and getting the consent, how do you follow up with them? Who will ultimately be responsible to clear through all those contacts?

Mr. Peltz: Are you referring to the provision that the sale can be made with consent, and you are asking what if a parent or guardian seems to keep giving the consent?

Mr. Cheema: Consent, and you have to keep them for six months, but there is no provision for any follow-up. Who will be ultimately responsible to make follow-ups on those repeated consents?

Mr. Peltz: I am not sure what you are getting at with your question. I think that, if what you are suggesting is that some parents might give the consent then I think that is a matter for child welfare authorities. There are general duties under the Child and Family Services legislation to make a report if you suspect that there is an abuse situation or a child in need of protection. The word gets around through the grapevine quite a bit and so I suppose if you are saying that there might be a situation where parents gave the consent, I do not think that would be good parenting and it would probably be red flagging the serious problem in that home.

It is true that this Bill allows the sale if there is a consent, but of course that is part of the picture which we have all talked about that it will stop some sales, it will save some lives and other situations would have to be dealt with through other means.

Mr. Chairman: Any more questions, Mr. Cheema? Thank you, Mr. Peltz. Any more questions to Mr. Peltz? Thank you for your presentation.

We will go to the next presenter, Mr. Lee Debareau, West Broadway Resident Association. Mr. Lee Debareau. He is not here? Sergeant Al Caron, City of Winnipeg Police Department.

Mr. Al Caron (City of Winnipeg Police Department): I would like to thank you on behalf of myself and the Winnipeg Police Department for this opportunity to address Bill 91 here today. Although some of my information may touch briefly on information already brought before you by other presenters, I think it is

important that you hear from the perspective of the police department as well.

We as a police agency recognize that the abuse of these substances by both adults and the youth of today has a serious health, social and environmental impact on our community.

Within the Province of Manitoba we as a police department have, since the early 1960s, relied on the Juvenile Delinquents Act to combat the problem, holding that intoxicating substance abuse fell within the definition of a "sexual immorality or some similar vice." It was in the late 1970s that it was a defence position that sniffing was not a similar vice as defined by the Juvenile Delinquents Act. A subsequent Manitoba Court of Appeal decision struck down the use of the Juvenile Delinquents Act and with the implementation of the Young Offenders Act, no further recourse was offered.

It was in September of 1979 that the City of Winnipeg Council enacted the Anti-Sniff By-law, which was constantly under criticism by defense lawyers, manufacturers and retailers, who all stated that the by-law was prohibitive in nature and thereby fell outside of the City of Winnipeg's jurisdiction.

Several prosecutions were undertaken of persons and companies but on the 5th of March, 1982, the Manitoba Court of Appeal allowed an appeal by Zellers Limited which effectively quashed the by-law. His Honour Judge Norton held that the by-law in pith and substance dealt with criminal law and therefore was not within the legislative competence of the City of Winnipeg.

Once there was no longer any specific legislation to combat the problem, we as police officers could only focus our attention on the users and not the sellers. When children are found intoxicated by the effects of a sniff product they can be apprehended as a "child in need of protection" under provisions of The Child and Family Services Act. If there is no parent or guardian available, the Child and Family Services agency can place the child at the Seven Oaks Centre for Youth if space is available. Should the young person show extreme signs of intoxication, we can also detain the youth for his or her safety at the Manitoba Youth Centre under provisions of The Intoxicated Persons Detention Act, but only until the effects of the substance abuse have dissipated and with no provisions for follow-up treatment. These would all appear to only be short-term solutions for a much deeper problem.

Over the course of the last 15 months our department has initiated two prosecutions under the Hazardous Products Act. This was to address a problem whereby certain unscrupulous individuals were buying large quantities of paint thinner, rebottling the substance into small unlabelled orange juice containers in order to sell them to youngsters to sniff.

* (1550)

The charge laid was failing to comply with the labelling requirements as set out in the Act, such as, vapour harmful, poison and the first-aid instructions.

The first prosecution resulted in a guilty plea on February 6 of this year, and the individual was fined \$2,500.00. It is interesting to note that Judge Norton in handing down his decision deplored the lack of legislation regulating the sale of the substance which he states is used as a cheap substitute for alcohol or drugs and indicated that the accused was trafficking in this form of substance.

As you can see the Hazardous Products Act was not drafted for this purpose but more as to regulate the manufacturers of these products. Rather than resort to such legislation, we as a police department would much rather enforce specific legislation designed to combat the abuse of inhalants.

Bearing in mind that most adult sniff addicts today began sniffing as children, we the Winnipeg Police Department support Bill 91 which will govern the sale and distribution of the intoxicating substances to these young people. However, there are certain additions we feel are required to enhance the effect of Bill 91. These minor changes would make it easier for us to enforce and would better serve the community.

In regard to the first portion of definition, on this one point we would have to agree with the Manitoba Medical Association's argument regarding the identification of the intoxicating substances. Shortcomings of the earlier legislation were the inability of sellers to determine which specific substances were of concern.

We are suggesting that the following definitions be considered as alternatives to the proposed definitions: (a) adhesives, cleaning solvents, thinning agents and dyes containing toluene or acetone, or (b) petroleum distillates or products containing petroleum distillates including naphtha, mineral spirits, Stoddard solvent, kerosene, gasoline, mineral seal oil and other related distillates of petroleum, or fingernail polish remover containing acetone or aliphatic acetates, or any substance that is required under the provisions of the Hazardous Products Act to bear the label, vapour harmful, vapour very harmful, vapour extremely harmful, or any substance declared to be an intoxicating substance by order of the Lieutenant-Governor-in-Council.

Another area that seems important to us was that it seemed ironic that we as police observing a young person under the age of 18 years in a public place consuming or in possession of liquor, have the power to arrest, charge and seize the alcoholic beverage. This same youth now in a public place holding a sniff-laden rag to his face, inhaling the toxic fumes in order to induce the euphoria, can only be turned over to Child and Family Services.

It is, therefore, suggested that any proposed legislation would include making it an offence for a person under the age of 18 years to have in their possession any intoxicating substance for the purposes of inhalation. We as police officers would have to provide the necessary evidence that would give rise to a reasonable inference that these intoxicating substances were to be used as an inhalant. As well, no person under the age of 18 years would be allowed to consume any intoxicating substances in a public place.

By involving the court system, more flexibility is then offered as to how the youth may be handled, as a fine would be a deterrent of sorts. Work is presently under way drafting provincially The Young Offenders Act which could provide the court the latitude to order probation or treatment of young persons found guilty of any provincial statute. Definitions for the term consuming and public place would also have to be provided for.

With regard to the exceptions Section 27.1(3), we suggest the addition of a paragraph (e) which could read as follows: (e) where the intoxicating substance is to be used as a fuel source and is placed directly into the equipment's fuel reservoir. This would provide the legitimate selling of petroleum products to young persons to fuel cars, motorcycles, cook stoves, any other such equipment providing the fuel was supplied directly to the equipment's fuel tank.

As for the legitimate selling of the product to young people, it is suggested that in addition to Section 27.1(3) that there would be no defence that the accused thought the purchaser was over the age of 18 years unless all reasonable steps had been taken to ascertain his age.

Section 27.1(4) which requires the seller to retain the written consent form for a period of at least six months and to make it available for subsequent inspection by a public health inspector could be improved upon by including inspection by a peace officer as well.

Besides legitimate purchases, it has been found that a source of the intoxicants for young people has been through shoplifting. It is, therefore, essential to regulate the accessibility of the product. Section 27.1(5) of the Bill appears to address this concern, but we may want to limit the restrictions to containers of one litre or less, as any larger containers are less likely to be shoplifted.

As for Section 27.1(6) of the chemical analysis requirements, concerning the court's determination of the evidence of nature of the substance, we would want to see the legislation to provide analysis requirements for unlabelled containers of intoxicating substances seized. These could be similar in nature to those now employed in The Liquor Control Act whereby the tendering of a certificate of analysis or a certificate of a qualified technician stating that a chemical analysis had been made of the substance, and that in the absence of any evidence to the contrary would be proof of the contents of the substance. A definition for a qualified technician would also have to be provided for.

As for the penalty, we feel strongly that in order to deter individuals from this activity they must be meaningful. As for the user, fines similar to those now in place for breaches of The Liquor Control Act would be in order as they now pertain to the minor consume and minor possess. We would also hope that the newly drafted provincial Young Offenders Act would allow the courts flexibility in ordering probation and or counselling for convictions under the provincial statutes.

We agree with the proposed penalties for the supplier of these substances. These recommendations are made from the perspective of the Winnipeg Police Department

and as part of the community at large concerned with the sniffing problem.

While the implementation of Bill 91, including these suggested enhancements, may not eradicate the problem completely, it is felt that it represents a positive step forward in the battle against intoxicating substance abuse.

Mr. Chairman: Thank you for your presentation. Any questions? Ms. Wasylycia-Leis.

Ms. Wasylycia-Leis: Thank you, Sergeant Caron, for your very detailed presentation of incredible analysis done of Bill 91 and some very significant suggestions made with respect to that Bill. All of it has not sunk in yet, so I am going to ask a few questions around some of your suggestions.

First though, I would like to just ask a couple of general questions. It is interesting, as I said to the previous presenter, that the medical profession, or at least the Manitoba Medical Association, had come to us arguing against the Bill because of law enforcement legal arguments. You have come to us today with a thorough analysis in your capacity as someone who represents law enforcement in our province. We certainly appreciate that contribution.

I had not realized that under The Hazardous Products Act it actually had led to prosecutions. I had forgotten that development. So what you are saying through this presentation is that it is possible under The Hazardous Products Act to actually get after those individuals who are deliberately buying this stuff in bulk, repackaging it and selling it in small quantities, probably for large amounts of money, to those who are vulnerable and addicted to the substance, and in those cases you are able to—if you can track it all down and put it all together—actually prosecute under the federal Hazardous Products Act.

* (1600)

Mr. Caron: Yes. As I say, we did initiate two prosecutions. This only pertains though to the actual selling of unlabelled containers where this would not affect any retailers or licensed retailers of the product. These are individuals who will buy 17, 18 cases of paint thinner, acquire a large number of these small orange juice containers with the label removed, rebottle it into these—I think they are 234 millilitre bottles—and then sell them for approximately \$6 or \$7 each to young people. They will charge them an extra dollar if they do not bring their own bottle as a deposit. So to attack that particular problem, we use the labelling and performance requirements that were laid out in The Hazardous Products Act, but that is, as I say, strictly for the labelling requirements only.

Ms. Wasylycia-Leis: I appreciate the clarification. As you indicate in your brief, the judiciary has already commented on the lack of legislation in this regard and in fact you have indicated how your hands are tied in terms of dealing with the problem.

Before I get into some of your suggestions, could I ask you how you would feel if Bill 91 passed basically

as it is now drafted? Would it be seriously deficient in your regard or would it give you some ability to get at this problem?

Mr. Caron: I think it would offer some ability to get at the problem. However, as your earlier point made mention of, we are getting bogged down in the courts on a lot of technical issues that may have been, as an oversight, not put into the Bill. My personal opinion is that is how it would be, it would be tied up in the courts for a long period of time. That is why the suggestion for the certain enhancements which would at least help to negate some of those possible arguments that might be presented.

Ms. Wasylycia-Leis: Let me ask a few questions about your proposed suggestions on page 5 with respect to the listing of the products, since that is an issue that has been raised previously. It has been mentioned as a major concern of the MMA.

Can I start with asking you about your suggestion around (a) and your wording of adhesives, cleaning solvents, thinning agents and dyes containing toluene or acetone? My question would be, how that improves upon the wording under (a) in the present Bill 91.

Mr. Caron: The reason for the slight change there is adhesives sort of encompasses all the glues and cements mentioned in (a). As well, it also includes thinning agents, which as I said was something that was being used by these individuals selling 3M paint thinner. Because of that we have included the thinning agents, because they all contain toluene and acetone, which are the active ingredients that are so prone to substance abuse. Did you want me to go through each section and explain?

Ms. Wasylycia-Leis: Please. That would be useful.

Mr. Caron: As for (b) in the present Bill No. 91, it was perhaps too specific, in that it sort of did not allow for all the other petroleum distillates that are subject to abuse. We feel that using this similar wording, which is also the similar wording that is used in the Hazardous Products Act to encompass it, we sort of cover all the petroleum distillates that could be subject to abuse.

As you can see, (c) is the same as what Bill No. 91 already had. For (d), as I said, the Hazardous Products Act does have labelling requirements for all of these products. The labelling requirements require that these products, because they are open to abuse, have to be labelled: vapour harmful, vapour very harmful and extremely harmful. We felt this would also be a catch-all should any of these other products not fall within that and were not covered by the Hazardous Products Act. It also is a good indicator to the retailers to sort of twig their attention to the substances that they should be concerned with.

As for paragraph (e), it is sort of a catch-all. As new substances, new products are developed and brought into the marketplace the Lieutenant-Governor-in-Council would be able to add and make additions to the Bill.

Ms. Wasylycia-Leis: Thank you. I appreciate that clarification. Are you saying that those suggestions, in terms of catching all the other products that were not specifically identified in the original Bill, is a better way to go than the (d) on page 2 of Bill 91, which talks about any substance which emits, gives off, produces a gas, vapour, fume or liquid that is specified by regulation as an intoxicating substance for the purposes of this section, which was put in there as sort of a catch-all kind of category?

Mr. Caron: With (d), not being a lawyer I had some trouble understanding what the liquid that is specified by regulation—I was not sure if you were referring to the regulation of this Act itself or another regulation or what. So that was the reason for trying to have a catch-all phrase, I was not sure—the fact that it emits or gives off a gas or vapour. There are probably a lot of different products that are not subject to abuse that may give off these vapours or emit fumes, et cetera, which would seem to even reach a far wider range of products in the marketplace.

Ms. Wasylycia-Leis: Just for clarification then, what you are saying is the (d) in the present Bill 91 might possibly lead to covering a far wider range of products than actually is possible in terms of the way you have listed the areas to be covered.

Mr. Caron: That is my opinion, yes.

Ms. Wasylycia-Leis: Just one other clarification on that page 5, I think what you are saying is that retailers are now used to the labelling procedures through the federal Hazardous Products Act and therefore anything that builds on that scheme or that regime, in terms of using those labels and making it part of that whole prohibition or regulation exercise is a useful way to go in terms of present understanding.

Mr. Caron: That is absolutely correct.

Ms. Wasylycia-Leis: Let me just pursue one more area before I turn it over, and then I will come back to some other questions once I think through the rest of your paper.

The question of the user is certainly one that we have talked about and thought about a lot. The present Bill 91 was designed around the specific and deliberate intention not to actually go after the user or, as we were saying, the victim. That is the recommendation that has come out of the Anti-Sniff Coalition, the People Against Solvent Abuse.

I think it emerges from the position that: (a) if we can start dealing with the distribution and sale of the products then we will have at least made a terrific step towards reducing the use of these products and the number of victims that fall by the way as a result and; (b) that it gets at the wrong part of the problem. It puts the blame on the vulnerable individual who has, for a whole lot of reasons, particularly poverty, abuse and so on, turned to solvent abuse.

I throw that out in terms of the background leading to Bill 91. I would certainly appreciate your comments

in response to that and your feelings about how important you think it is that this Bill actually include something pertaining to a sentencing mechanism to go after the user.

Mr. Caron: I would not actually say, to go after the user. I think what we were actually hoping for there, with the proposed drafted changes to the provincial Young Offenders Act, was that it would afford us somewhat more flexibility to order these individuals, who are habitual users, who we run into all the time, to get them into some kind of a counselling or treatment facility.

Sometimes, if the Child and Family Services worker asks that this child attend a certain counselling program there is really no power or authority to ensure that this young person keeps attending to this counsellor, whereas, if it was court ordered through the courts the individual would be more inclined to keep attending. You would have probably a better chance of success.

Ms. Wasylycia-Leis: Are there any other ways now in which, through the legal system, it is possible to actually ensure that those users or victims get the proper treatment or attention?

Mr. Caron: No, not to my knowledge.

Ms. Wasylycia-Leis: I will pass for now and come back to some more questions later.

Mr. Cheema: Sergeant Caron, first of all I want to thank you for your presentation and also for the excellent anti-drug war the police department has taken for the last 18 months. We commend you for that.

I think you have probably answered my question on page 7, that I was asking Mr. Peltz, who is going to be ultimately responsible to follow-up these clients or whatever term you want to use?

I think by including a police officer would help a long way. Still, I just wanted to ask you, who will be notifying the Child and Family Services and what will be the mechanism in the future? What do you use now? How do you refer these clients now? What are your regulations in terms of what will the responsibility of the owner of the store be to notify you or the Department of Health, because this section does not really clarify anything whether they have to notify or not.

Mr. Caron: I think basically the way the retailer would come to our attention would be by the fact that coming across a young person who was under the effects of a sniff product or actually consuming a sniff product. By virtue of interviewing, he or she we would determine where that sniff product was originally obtained, would then go back to the retailer to see if that sale was done legitimately. If it was done legitimately with the consent form as laid out in the Bill 91, we would then go back to the parent to see why that consent form was given when it was subject to abuse, and then in turn would notify Child and Family Services.

* (1610)

Mr. Cheema: Mr. Caron, I think it is going to create a lot of work for the police force just to keep on having it traced for these people who are using this stuff rather than we should make it a provision to make sure that the police department and the Department of Public Health get one copy of the information so that you know where to go. You must know the target area rather than—you look for the target first and then you go and approach the owners. This section really leaves everything open. Can you clarify how we can improve on that?

Mr. Caron: If I understand you correctly, you are saying that every time a supposed sheet is filled out of consent forms they would be forwarded to the police department.

Mr. Cheema: Yes.

Mr. Caron: I feel we would have a lot of legitimate retailers who would be going in line with Bill 91 and following it as subscribed. It would not actually require the necessity of us perusing all those documents and consent forms to make sure they are compliant. The ones we would be in concern with are the ones that would come to our attention as a result of hearing that children had obtained those products through them without the consent forms. Those would be the ones we would be targeting. We are talking an awful lot of stores, department stores, hardware stores. You can probably find intoxicating substances sold in just about every store in Winnipeg. To track all those records being forwarded to us, I think it would be a little bit more than we could handle.

Mr. Cheema: Mr. Caron, can you tell me if your department is at present satisfied with the follow-up you get with the Department of Health, how the rehabilitation program and other services are being provided, and what do you suggest should be done?

Mr. Caron: Frankly, that is a little out of my area. I am really not sure. I could not answer on that.

Mr. Chairman: Dr. Cheema, no more questions? Dr. Cheema.

Mr. Cheema: Yes, Mr. Caron, on page 8 of your presentation you have made reference to a definition of a qualified technician would have to be provided for in the legislation. Can you clarify that point?

Mr. Caron: Well, similar as to in The Liquor Control Act where a certificate would be accepted as proof positive of the substance, there was a definition that was required for which the court could rely upon that evidence of that certificate. We felt that The Public Health Act, unless it already has such a definition contained, would also require that same provision.

Mr. Cheema: Thank you.

Mr. Chairman: That is it for you? Ms. Wasylycia-Leis.

Ms. Wasylycia-Leis: Let me just ask a few more questions on your proposals. On page 7 with respect

to the proposed recommendation to add a section (e) to Section 27.1, that as I understand it is specifically to ensure that there is sufficient provision for gas station operators who need a large supply of fuel for whatever purpose.

Mr. Caron: Basically the intent there was to provide for if a 16-year-old young man has his dad's car for the night and goes and gets gas at a gas station, the individual selling him the gas and putting it into his tank could not be subject to these provisions because the boy would not have a consent form. This is sort of to allow for the fact that because he does not have a consent form and someone is selling him gasoline, which would come under one of the definitions, it would not be an offence.

Ms. Wasylycia-Leis: Whether we are looking at your suggestion in terms of dealing with that category or the one in the present Bill, it is your understanding that gasoline or in particular unleaded gasoline does contain the chemicals that were delineated as being the intoxicating substance. In other words, it is a long, roundabout way of saying that you clearly see gasoline as being included in either model in terms of an intoxicating substance.

Mr. Caron: Yes, that is correct, that is how I ascertain it.

Ms. Wasylycia-Leis: You mentioned on page 8—I just want to go over again, 27.1(6). There has been a suggestion made—we have had some discussions with the Attorney General about a change in wording that would allow for proper defence and be consistent with Charter of Rights and Freedoms. I just wanted to get your sense of that suggested wording. Basically, it is as written with Sections (a), (b) and (c) but changing the intro to basically information or wording appearing (a), (b), (c), and then adding the sentence: in the absence of evidence to the contrary, proof of a nature of the substance. Can you give me, on that quick reading, your sense of that wording with respect to 27.1 Subsection (6)?

Mr. Caron: Let us see if I follow you correctly. You are saying that as it pertains to (a), (b) and (c) in 27.1 sub (6), if it indicated as to any information to the absence—if it was not showing on the container itself, would still be proof that it was in fact intoxicating substance.

Ms. Wasylycia-Leis: Basically, yes, it adds a qualifier that in the absence of evidence to the contrary it is proof of the nature of the substance. In other words, it gives it apparently a defence that is required in terms of consistency with the Charter and individual rights and freedoms. Do you see any problem with that wording as I have explained it?

Mr. Caron: Not as it pertains to the actual labelled containers that are being sold. I guess our largest concern, because that is what we have been dealing with lately, have been the unlabelled containers and that and having those substances—like when we seize an unlabelled container we have to prove to the courts

that it is in fact an intoxicating substance, so that is where we require that analysis to be done.

Ms. Wasylycia-Leis: In order to do what you are suggesting needs to be done—I do not believe you are suggesting a specific amendment to this area, or are you? Could you explain how you would like to see 27.1(6) changed to actually deal with that particular issue?

Mr. Caron: It could actually be a change to 27.1(6) or adding a sub (7) of the section just regarding the chemical analysis requirements for substances suspected to be intoxicating substances which were not labelled.

Mr. Chairman: Any more questions? Ms. Wasylycia-Leis.

Ms. Wasylycia-Leis: What basically you are saying, Sergeant Caron, is that it requires some change to 27.1, either as an amendment to the existing or an additional category being added.

Mr. Caron: Yes, that is correct as it pertains to unlabelled—

Ms. Wasylycia-Leis: I just want to, just before I ask a couple of final questions, again express our thanks for the detailed presentation and say that we will be, if time permits, looking at the suggested amendments very seriously.

Just a final sort of comment and question, could you give us your sense and your experience in terms of the police force with the kind of dimensions of the problem we are dealing with and how you run across it on a day-to-day basis?

Mr. Caron: Being in the Youth Division where I operate out of, we pretty well run across it just about every tour of duty, as the majority of runaways that we deal with from certain lower socioeconomic backgrounds and that are dealing in the sniff and are chronic sniff users. Those same kids also then come to our attention as getting involved as delinquents with regard to shoplifting and moving up the ladder to bigger and better crimes as time goes on. Also, there are the adult sniffers themselves who, as they become adult sniffers, usually turn on their little sisters and little brothers, and it seems to be a self-perpetuating thing which seems to have no end. On just about a weekly basis we are dealing with vast numbers of chronic sniffers in the city.

Ms. Wasylycia-Leis: Is it your sense that if we made it really hard to get access to these products that young people especially and adults as well would turn toward more dangerous products, or with your suggestions have we covered off the variety of products, the bulk of the products that are dangerous in terms of solvents and addictions in this regard?

Mr. Caron: I feel that we have pretty well gotten the dangerous substances that are subject to abuse. I am sure, as I said earlier, there will always be new products

and that entering the marketplace which will be subject to abuse, but by virtue of allowing for the Lieutenant-Governor-in-Council to address those as they come forward, the Bill in itself should be able to combat the problem to a certain extent.

Ms. Wasylycia-Leis: In your experience, do you see that the problem of solvent abuse is isolated in terms of the inner city, or is it generally a widespread problem in terms of all parts of the city in all geographic locations around the province?

Mr. Caron: It has been my experience to be more of a centralized issue in the lower socioeconomic background people becoming involved in it and from information I have heard as well as other areas throughout the province that have the similar type background.

Ms. Wasylycia-Leis: Just finally, in terms of your experience in this whole area, do you think that there will be a hue and cry from the retail sector of our community with respect to this kind of legislation if we do bring it into force?

Mr. Caron: I would anticipate some resistance in that there will be extra work required by the retailers and that to get in line with Bill No. 91. I think they as well as the rest of us are concerned with the health of the citizens in Manitoba and our young people and should by that same token want to see Bill No. 91 enforced and would hopefully give it their backing.

Ms. Wasylycia-Leis: Just to end with again thanking you for taking the time to make this presentation, hopefully time will permit us to go over the paper in more detail and consult with you about improving Bill No. 91 to make it as effective as possible. Thank you.

* (1620)

Mr. Chairman: Thank you, Sergeant Caron, for your presentation. Any more questions? If not, thank you for your presentation. Mr. Praznik.

Mr. Darren Praznik (Lac du Bonnet): I just wanted to add from our side to your presentation. We had an opportunity to hear comments by the MMA at the last sitting of the committee—

Mr. Chairman: Mr. Praznik, pull your mike a little closer.

Mr. Praznik: I am sorry, Mr. Chairman. We are certainly also very glad to hear your comments and your very positive suggestions which I am sure will lead to some very useful amendments to this Bill.

Mr. Chairman: Thank you, Sergeant Caron for your presentation. We will ask the next presenter, Mr. Wayne Helgason. Mr. Wayne Helgason is not here. Is there anybody else who would like to make presentations to Bill No. 91? If not, we will go to Bill No. 95—Mr. Robert McGowan.

BILL NO. 95—THE CERTIFIED GENERAL ACCOUNTANTS ACT

Mr. Chairman: Is Mr. Robert McGowan here for Bill 95? Mr. Mark O'Neill, Certified General Accountants Association.

Mr. Mark O'Neill (Certified General Accountants Association): Good afternoon. I appear this afternoon as counsel for the Certified General Accountants Association. Mr. Len Hampson, who is the executive director, is also present, and he will be available to answer any technical questions you may have after the presentation.

I am pleased to advise that we are here today in support of Bill No. 95, in support also of some amendments that we understand will be moved by Mr. Praznik, who moved the Bill in the first place. We are in support of those amendments, as we understand they will be moved at a later date. I should explain right off the top though that the amendments deal with Clauses 10 and the definition clause at the beginning. Clause 10 will no longer be in the Bill. We are not opposed to that amendment. The definition section, which refers in the French side to a Certified General Accountant as a "comptables général agréés" will be amended to say "comptables général licenciés."

The other amendments are housecleaning and I will not deal with them at this time.

Ladies and gentlemen of the committee, I am sure when you first embarked on your political careers and decided to get into public life that at the top of your list of things to accomplish would not be ensuring that professional standards were met in the accountancy field. However, it is our submission that the proposed legislation which is before you, which deals with the self-governance of a profession in Manitoba, is legislation which is particularly relevant for the 1990s.

Regulation of professions is important these days as a matter of the public interest. As professionals are getting more and more involved in the day-to-day lives of individuals, obviously the self-governance of those professionals becomes more important.

This legislation along with other self-governance legislation is to ensure that professional standards are met by the members and therefore we submit that this is essential legislation that should pass during this Session.

This legislation deals with CGAs, Certified General Accountants, and I would like to just take a second to explain to the Members of the committee, those of you who are still here, some preliminary matters that are essential in order to understand the legislation and its purpose. You have probably heard of three different types of accountants: CAs, CMAs and CGAs. That is Chartered Accountants, Certified Management Accountants and Certified General Accountants, the people for whom I appear today.

The Chartered Accountants are involved in all forms of accounting. That is public accounting, which includes auditing and review; private accounting; and

Government accounting. The CMAs are involved mainly in management and cost accounting, while the Certified General Accountants are involved also in all aspects of accounting: public, private and government. Although they have not been as active in the area of public accounting as the CAs in the past, as many as 26 percent of the practitioners who are CGAs practise in the public accounting field.

The educational objective of the CGAs is to provide training in all the areas of the profession. Only a high school education is required, although most of the CGAs these days are university grads. Work experience is also required in addition to the rigorous five and two-thirds years of study in order to become a Certified General Accountant. Although there is only a minimum of two years practical experience required, normally a lot more than this takes place and indeed the average practical experience of last year's graduating class was eight years.

After the education and training level, CGAs are then subject to review by the CGAA, which is the Certified General Accountants Association. There are mandatory continuing education courses to be taken in order to maintain a CGA Certificate. The CGA member firms, in order to practise their reviews, are required to carry professional liability insurance. It should be noted that CGAs must apply to the association prior to providing public accounting services in order that they are approved by the CGAA. Indeed this legislation deals with that sort of governance.

There is a rigorous educational work experience program that must be met, and this professional body has ensured and wants to be able to continue to ensure that those standards are met in the future. This particular legislation that is before you is important.

The CGAA, the association, was incorporated by a private Act as a professional body of accountants and auditors, and it was established in 1973 as a result of a private Act drafted by Mr. Cherniak. At that time there were only 300 members of the Certified General Accountants Association. They were a small group within the body of accountants in Manitoba. Now there are 1,900 members practising in Manitoba. They are part of a 36,000 member group, the CGAA of Canada. We are not dealing with just a small bunch of professionals. This is a very important group that provides accounting services throughout the province at every level.

At the time that the legislation was drafted which, as I indicated, was only by a private Act, we were dealing in a completely different professional reality. There were very few women involved in the profession at that time. The Charter of Rights had not yet been passed. Specialization was rarely heard of. A great body of administrative law had not yet passed through our court system. As a result, many changes have had to be made to the Act. A study, through the board of governors of the CGAA, was prepared. The board of governors in 1987 directed that proposed legislation be enacted. Meetings took place with the Attorney General on October 19, 1988, and the first draft for this Bill was presented.

If the Members wish, we can go through the major provisions of the Bill. The purposes are really simply

to ensure that the governing body has the authority to conduct governance of its members and to ensure that those members are provided with a process through which that governance will take place, that they will be able to attend the meetings. They will be notified of any disciplinary process. They will be notified in advance of the standards that are required to be met, and that the body of the association itself will be able to set those standards to be met by its members. The idea in that sense is to protect the public certainly and to provide due process to the members of the CGAA. The rest of the Act simply identifies the body, provides the by-law making powers to the association, so that it can carry on with its governance.

Now that the two controversial sections are no longer involved in the legislation, and it is our understanding that certainly the Chartered Accountants Association is not opposed to our proceeding with this legislation today, we submit that this is appropriate legislation to be passed immediately. If it not passed in this Session, the difficulty we face is that we have a Private Member's Act that has to be translated immediately or it will die. It is one that should not be translated in that form in that it is an old Act that requires updating at any rate, and it is just going to be amended in the next Session, so it is going to take a great deal of wasted Legislative Counsel's time and drafters' time. We would like to see the Act proceed as proposed to be amended and to be passed during this Session.

Mr. Chairman: Thank you for your presentation, Mr. Helgason. Mr. Praznik.- (interjection)- Pardon me, I am sorry—Mr. O'Neill.

Mr. Darren Praznik (Lac du Bonnet): Mr. Chairman, just a couple of brief questions to Mr. O'Neill to clarify for Members of the committee, there were two particular clauses in this Bill, or provisions, one with respect to the name, the other with respect to the authorization to conduct audits. I understand that an agreement has been reached between the Institute of Chartered Accountants and the organization you represent as to appropriate amendments to deal with each, one being the deletion of that Clause 10, and the other a suitable change in the name and a French version, and that is agreed to by both organizations?

* (1630)

Mr. O'Neill: Yes, both organizations have agreed to withdraw—our organization has agreed to do the withdrawing of Section 10 and changing the word "agrées" to "licenciés". The other amendments that we proposed are simply housecleaning amendments.

Mr. Praznik: Just to comment briefly, I would like to take this opportunity to thank both of your organizations for their efforts in the last week or so to arrive at an agreement that would suit both organizations and allow us as legislators to proceed with this Bill and not be engaged in—you know, wherever you have two associations in the same profession, there are always areas where there are competing interests. I would like to just compliment both organizations and their representatives on being able to work out those

differences for this committee, so that we could proceed with this Bill with general support of both associations. Thank you.

Mr. O'Neill: I would like to then to thank the committee for going so long the other day, so that we ended up resolving the matter as it took a few more days to get before you.

Mr. Richard Kozak (Transcona): I also would like to offer my respects, both to the Certified General Accountants Association and the Institute of Chartered Accountants, for presenting this committee with valuable, intensively thought-out briefs which have been very helpful to the committee in its consideration.

I would like to express some dismay that the Government in its wisdom did not bring the two organizations together prior to this time, so that we would not now have to consider amendments at all.

Mr. Chairman: On a point of order, Mr. Praznik? On a point of order.

Mr. Praznik: Yes, the Member for Transcona (Mr. Kozak) refers to the Government. I would just clarify that this is not a Government Bill. It is a Private Member's Bill which I brought forward. It is totally divorced from the operations of the Government.

Mr. Chairman: That is not a point of order. A clarification is not a point of order.

Mr. Chairman: Mr. Kozak, you may proceed with questioning the presenter.

Mr. Kozak: Thank you, Mr. Chairman. The certified general accountants do indicate to us that the primary reason for the review which resulted in this Bill was to remedy difficulties which had been experienced in the disciplinary process.

Mr. O'Neill, were your last comments in your presentation directly explanatory of the difficulties that had been encountered which led to this Bill? In other words, Mr. O'Neill, I am referring to your comments with regard to specifying the process in detail for greater fairness and opening the process, so that both the public and practitioners within the association could both be treated more fairly.

Mr. O'Neill: I am not certain what the question is. Is the question, what difficulties have we encountered? Perhaps Mr. Hampson could address that a little more properly. I think part of the intent of the legislation though, if I may submit, is that to avoid any sort of problems in the future, given since 1973 there has been a great deal of change in the body of administrative law, and given the Charter of Rights which has been enacted since that time to ensure that anybody who does appear before a board or is subject to either

discipline or the rules of the association in determining how they will practise, whether they will practise and in what manner they may specialize at some time, that they are given due process, and that the public is aware of that.

Mr. Kozak: The presenter's answer to my question is fully satisfactory. I note that a compromise has been achieved which would make a change to the Bill relative to the name of the association in its French form, and a compromise has been achieved which will eliminate Clause 10.

Mr. Chairman, my colleagues in the Opposition certainly would like the record to show that we approve of these changes, in particular with regard to the change proposed via deletion of Clause 10. We would like the record to show that this Legislature is certainly not competent to express an opinion as to the qualifications or professional practices of any association. We thank the presenters for achieving an accommodation which will exempt us from the need to pass an opinion on the qualification of any professional practitioner within the accounting profession in the province.

I do, however, have a couple of brief questions with regard to Clause 22. Clause 22 specifies that: "No action may be brought against the board, a board member, a committee or a member of a committee or an officer of the board or against an officer, official, employee or agent of the association for actions done or decisions taken in good faith under this Act or on account of a procedural irregularity or defect of form in proceedings of the board or a committee." I would like Mr. O'Neill to suggest to us whether in his view Clause 22 is necessary to the orderly functioning of the association.

Mr. O'Neill: Yes, absolutely. Firstly, let me point out that this particular section is a standard form section in professional governance legislation. Indeed The Law Society Act in Section 77 has a very similar provision. The reason for this provision is to protect members of the association who are acting—only if they are acting in good faith, let us remember—who are acting in good faith pursuant to this legislation from being sued for mistakes. It is not to say that if they do anything fraudulent that they are protected by this legislation. Indeed any member who appears before the board at any rate has an appeal on a disciplinary matter to the Queen's Bench as provided in Section 23(1). That is to protect individuals and the board itself from being sued for carrying out the provisions of this legislation, for being sued or having action brought against them if they make a legitimate mistake.

* (1640)

Mr. Kozak: I note two difficulties with the opinion that the presenters just provided. The first difficulty—and I would hope you would address it—is that Article 23(1) provides for appeal only in the case of disciplinary action, not in the case of, for example, refusal of certification to a potential certified general accountant. I note too that Article 22 does not only protect the association in the event of decisions taken in good faith

under this Act, but also goes on to protect the association in the event of decisions taken, which involve a procedural irregularity or defective form in proceedings of the board or a committee.

Now, it does occur to me that the words that follow "good faith under this Act" and that start with "or on account of a procedural irregularity" do suggest that there is an exception to the general requirement that the board is protected only in the event of good-faith decisions. In short, it is not only decisions taken in good faith under this Act which the association is offered protection for, but also decisions involving procedural irregularities or defect of form in proceedings of the board or a committee. If the only intent of Article 22 was to endorse good-faith decisions, why does Article 22 go on to say ". . . or on account of a procedural irregularity or defect of form in proceedings of the board or a committee."

Mr. O'Neill: Yes, you deal with two points, sir. The first one with respect to 23(1), that only covers disciplinary action. That is, I submit with all due respect, because there is a body of law that is in administrative law that has developed over the past 15 to 20 years where the courts have indicated they are not interested in overseeing professional bodies or even supporting bodies. They would prefer that they make their own rules and regulations, and they can deal with them in whatever fashion they want. Certainly the by-laws in this legislation call for the establishing of rules as to qualifications to become a CGA and that sort of thing. The courts are not interested in overseeing that, and they would prefer that the bodies, who are governing those members, do that themselves, except in cases of breaches of the Charter or that sort of thing. Certainly, breaches of the Charter do not involve a member acting in good faith and do not involve procedural defects.

Now, with respect to your second question regarding the procedural defects, that is to protect a member who, as I indicated earlier, may have made an error on a matter that is technical in nature. Again the courts have said, we are not interested in reviewing that sort of matter. If you are breaching the rules of natural justice, that is a different question, but if we are talking about technicalities, no actions should lie. I submit that what it really does is it codifies what is already the common law.

Mr. Kozak: My colleagues and I have no intention of obstructing the passage of this Bill from committee, given the fact that the two associations involved have reached an accommodation, despite the fact that it would have been preferable if the Bill had been sponsored in such a way that a last minute scuffling around to reach an accommodation would not have been required. My questioning to the presenter is complete.

Mr. Chairman: Thank you. Any more questions to Mr. O'Neill? If not, we want to thank you, Mr. O'Neill, for your presentation.

Mr. O'Neill: I would like to take this opportunity to thank, on behalf of my clients, the committee for

listening to the presentation, Mr. Praznik for moving the Bill in the first place and for the amendment, and the Legislative Counsel for their involvement in this legislation. Thank you.

Mr. Chairman: Are there any more presenters to Bill No. 95? If not, I want to thank everybody that made a presentation to Bill No. 95.

BILL NO. 104—THE PROFESSIONAL HOME ECONOMISTS ACT

Mr. Chairman: Bill No. 104, The Professional Home Economists Act, Ms. Marilyn Nosko. Ms. Nosko, you have a written presentation?

Ms. Marilyn Nosko (Manitoba Association of Home Economists): Yes, I do.

Mr. Chairman: Ms. Nosko, you may carry on with your presentation.

Ms. Nosko: Thank you, Mr. Chairman. Members of the Legislative Assembly, ladies and gentlemen, I am very pleased to have this opportunity to speak to Bill 104, The Professional Home Economists Act.

Home economists are seeking a professional Act in order to reduce risks to the public by enabling the profession to govern itself. Only with the support of legislation will the profession be able to regulate the conduct and practise of individual members through its professional association.

A professional Act will not only reduce and prevent harm to the public, but will provide the public with recourse not presently available. An Act is the only means by which the profession can ensure competent and quality services to the public.

Home economists have thoroughly reviewed the problems and concerns that exist. We have become increasingly apprehensive about the public's circumstances. We are firmly convinced that legislation is essential. Accountability and effective standards for a profession that is so diverse can only be implemented through a professional Act. The public would be better served through such legislation.

Home economists help people make decisions about their lives in countless numbers of ways. The advice provided and the information disseminated routinely impacts on the public's health, safety and well-being.

To outline some of the risks the public may face, these risks can be threatening to health, life or security and well-being. As examples, poor prenatal nutrition can result in costs to maintain infants and children with physical or mental disabilities. Inappropriate advice, another example, to heat infant foods or infant formula in the microwave can result in scalding. Young children are susceptible to choking on certain types of foods. The information to parents and care givers must be accurate. Proper nutrition is a critical component of health. Inappropriate storage, preparation or handling practices can result in illness or death.

Financial advice to individuals or families with limited resources must be sensitive and reliable. Inappropriate

advice will be detrimental and stressful, particularly to those populations who have limited resources.

Home economists work with families who are in financial crisis and distress. They will advise on debt remedies, for example bankruptcy or orderly payment of debt. Farm families today face severe economic difficulties and are a group that home economists would advise related to financial matters and others. Home economists therefore providing such advice, must be competent and up to date or the consequences to the family can be severe.

As another example, home economists would work with elderly populations, those who are presently aged or those who are nearing senior years. Advice might relate to not only financial management as an example, but also to nutrition and perhaps in other areas as well. The advice taken by that individual can therefore impact on the outcome of their enjoying their retirement years. As an example, preretirement seminars are popular and so information or advice would be given at those to individuals who are planning their retirement.

We would work with populations who are disadvantaged and at risk. As an example, pregnant adolescents or adolescent parents.

The recipients of services, whether those recipients receive the services directly or indirectly can include any individual or group in society. The services can impact on the entire spectrum of society, people of all ages, all socio-economic levels, geographic locales, men or women. Of these individuals, groups and families, it is important to note that many are at risk and are vulnerable populations. They may be disadvantaged educationally, culturally, socially, economically, physically, emotionally or mentally. Vulnerable clients do not often have a choice about who provides services and rarely do they have any basis for evaluating qualifications.

The recipients of service can also include those people who are lower, middle or upper socioeconomic groups, the latter groups being those who often seek out specialists and experts to assist them with improvements to health and well-being.

* (1650)

Typically, home economists will use mass media to reach hundreds and even thousands of people. The media can include that which is print or electronic. Through her work with individuals or groups, the home economist can reach 2,000 to 3,000 people in one year. Those numbers do not include the numbers of people that might be reached through mass media since that is a difficult number to calculate. Basically we serve the same clientele in society that other professions service.

The profession is characterized by a high degree of independent judgment requiring knowledge, skill and experience, even at an entry level position. Supervision of salaried employees is often administrative in nature, not necessarily professional. Supervision on a professional level may occur through self-initiated consultative process and many home economists

practise independently as self-employed entrepreneurs. Thus there are numerous home economists whose work would take them outside of guidelines through employment. The public therefore requires some assurance that services are being delivered by qualified practitioners.

Education and training is at an advanced level. The university program of studies would end with a bachelor, masters or doctoral degree. The bachelor program at the University of Manitoba is a four-year program. The university requires the study of pure sciences such as chemistry, biology or physiology or others and the study of the arts is also required such as economics, psychology, sociology and again others. These pure arts and sciences are then utilized to form a base of knowledge.

This base becomes the theoretical framework applied to study in the accepted fields in home economics such as nutrition and foods, human and family development, financial management and other fields under the profession. It is a profession with the objective of service to the public so therefore the program of studies encompasses the development of proficiencies and skills in methodologies such as communication.

To place this in perspective, I have used an example where facts to educate the public must necessarily be presented in very basic, simple and understandable form so that the individuals would comprehend the information and be motivated to adopt changes. For example, discussions with the public can be around why and how an individual can choose, select, purchase, prepare, store, preserve and consume foods in order to maintain their health.

Behind these recommendations and advice are volumes of research sometimes or even often at the cellular or molecular level which contributes to the unique body of knowledge upon which those recommendations and advice are based. The research may involve cardiovascular disease, hypertension, diabetes, cholesterol, I think is a very popular word today, polyunsaturated fatty acids and so on.

It is really not possible to itemize in any detail the extent that is of the research, the body of knowledge or even the impact and effect on the public and individuals in society. Suffice to say that education and training are at a specialized and advanced level, but however do have immediate consequences for the public.

To briefly touch on some historical background related to the profession, it came to be established as a result of the public's need or the public's expression of need, I should say. It is a long-standing profession, having been founded back in the late 1800s.

In Manitoba, a training institution began in 1910 and a degree program existed at the University of Manitoba since 1915.

Associations for the profession exist at the international level and in many countries around the world. In Canada, we do have a national association and as well there are associations in the different provinces and territories. Manitoba formed its first association in 1911.

I think this does demonstrate that home economists do have the organization skills, the ability to manage affairs and would be capable of administering the Act. The overall professional practice is home economics. Within this are the specialized practice areas, based on the program or the major studied at university.

Those are listed there. They are, of course, broad categories, under each through post-graduate study or an applied practice, the professional can specialize even further. Aspects such as job title, employment settings, specialization area may not necessarily identify a qualified practitioner to the public. People today have a greater interest and concern with quality of life issues. I think if you would consider some of the informal discussions that you may have overheard or even participated in, the topic of food and nutrition is a very, very popular topic. The public's need for improved health and well-being means a continued increase for accurate and reliable information.

Coupled with this is the fact that the public is unable to discern accurate from inaccurate information, nor able to ascertain the qualifications of the person providing the information.

Home economists today have become extremely concerned. There are widespread numbers of people today who do provide information and advice in these areas, and may purport themselves to be home economists. It is believed that in other instances, individuals would opportune on the public's interest and need.

Employers continue to hire people without professional training into positions. They may unrealistically expect these individuals to develop home economics programs and services, so like the public, the employer does not have the means to evaluate qualifications.

Those clients who have experience with home economists have faith and confidence in the professional providing that information and would assume that it was accurate and reliable. Conversely, clients who are not experienced or who have not had exposure to home economists have no basis for expectations of quality of service. Both groups are at risk.

It should be noted that today we live in an age of information explosion. Information is highly technical, complex and technologically advanced. Yet at the same time terms such as financial management, food and nutrition and others have become common and generic in the language. While the public today seeks specialized information and specialized professionals, the public does not have a means to discern, in the case of home economics, those who are competent and reliable practitioners.

I think as one example people would often read newspaper articles and newspapers would pick up the information that comes through on the wire services from the U.S. so if you were to glance through a nutrition article from the U.S. that information, although accurate there, would not necessarily be accurate here. As an example, the grading system for meats in the U.S. is

far different than that in Canada. Their meat is far higher in fat than is ours. Yet the public would read the information relating to the high fat content of meat and would be misled.

With today's high degree of specialization, professionals often work co-operatively and in an interdisciplinary manner. That is, other professionals would often call upon home economists and would be in a position similar to that of other members of the public.

We are one of the few professions without some form of regulation. Since most others are regulated, the public assumes that this would also apply to us. They assume therefore that they similarly have recourse should a problem arise, and of course this is not the case.

* (1700)

To conclude, the public would benefit from regulation of home economists because legislation would ensure that those practising will be competent, qualified and appropriately trained. This is of greatest importance in reducing risks to the public.

We do practise in a wide variety of specializations, occupational settings and job titles. There is simply no way to ensure a minimum of professional quality apart from that provided through legislation. This is dramatically illustrated through the ways in which the public may be harmed or placed at risk, as well as the confusion that now exists in the public's mind about what a home economist is, what she or he does and what quality a client could reasonably expect in the way of service.

We are convinced that providing competent and ethical services requires professional education and continued professional learning. Experience shows that the only way to ensure that persons providing services are capable is to establish minimum standards. This can only be accomplished by regulation through legislated action, essential for the profession and the public.

Bill 104 is the type of legislation that accomplishes this. The Professional Home Economists Act is comparable legislation to that granted to other professions.

This profession is characterized by long-standing service to the public, those services being primarily preventative in nature. Professional Acts for home economists have already been passed in Alberta and in Ontario, and we are of the understanding that in New Brunswick the association is ready to put forward a practice act. Thank you for your consideration and attention.

Mr. Chairman: Thank you. Mr. Doer.

Mr. Gary Doer (Leader of the Second Opposition): Thank you very much for the presentation. You mentioned the Bills, home economists acts have been passed in Alberta and Ontario. Are the Bills similar to the one proposed here before the Legislature today?

Ms. Nosko: Yes.

Mr. Doer: Can you tell me how long the Bills have been in practice or have been enforced in Alberta and in Ontario?

Ms. Nosko: In Alberta, it was passed in January 1989, and in Ontario in November 1989.

Mr. Doer: So I am assuming this is fairly new territory in terms of the profession and that it would be premature to try to learn from their legislation. We should basically go with the similar type of legislation in Manitoba as recommended by your association.

Ms. Nosko: Yes.

Mr. Doer: Thank you very much, and thank you for an excellent presentation.

Ms. Avis Gray (Ellice): Thank you, Marilyn, for that informed presentation. You spoke of the right to practise when you mentioned the Bills in some of the other jurisdictions. Now if I read this particular Bill correctly, you are not asking for—or in this Bill is not the right to practise. Am I correct?

Ms. Nosko: That is correct.

Ms. Gray: Could you explain for the committee perhaps what the right to practise is, or what that would include that is not in this particular Bill? I would ask you to do that because, is that something that perhaps we should be looking at?

Ms. Nosko: The practice would involve clauses that were removed from the original proposed Act. The reason that we originally asked for that was because we believed that with a right-to-title legislation it affords some limited protection to the public.

A person who is a registered member of the association under a right-to-title Act would indeed be subject to the terms and conditions of the Act. However, not all members or not all individuals would be required to be members, so that a person could in fact graduate and be very qualified but not be a member, or could in fact not be that competent and not be a member. Whereas with right to practise, it affords more protection to the public since it requires that people be members if they are going to be practising.

Ms. Gray: Again, to clarify, is that right to practise in the Alberta or Ontario legislation, or is it proposed in the New Brunswick legislation?

Ms. Nosko: It is in neither the Alberta nor the Ontario one, but it is in the one that will be proposed in New Brunswick.

Ms. Gray: Are there some other professions that you are aware of that have right-to-practise legislation here in Manitoba?

Ms. Nosko: When we were reviewing the various types of legislation that encompassed professional Acts, we looked at professions such as agrology or engineering and used their Acts as a model.

Ms. Gray: Could you tell us, in regard to the right to practise, am I correct in assuming that the Association of Home Economists then feel that in fact there should be a right to practise or would prefer to have a right to practise as part of the legislation if that was something that could be brought forward?

Ms. Nosko: That would be preferred again because of the greater protection afforded to the public. It was in the original material that we asked to be considered. It was then subsequently, by agreement, removed.

Mr. Chairman: Ms. Gray. No more questions? Mr. Minenko.

Mr. Mark Minenko (Seven Oaks): You mention, towards the end of your presentation, that the Bill addresses certain standards and other issues that may arise. I am just wondering if you could advise us whether there have been examples where people have held themselves out to be a home economist who were not indeed home economists. Have there been some recent examples of that type of thing happening?

* (1710)

Ms. Nosko: The most recent types of things would be those that would have come through in the media, but certainly there are individuals where examples can be given that I know of personally, and I think the other members of our committee could also think of where, yes, that individual held himself out to be proficient in those areas or to actually use that name.

Mr. Minenko: You suggest there is a danger to the public for people holding themselves out to be in that designation. I am just wondering if you could expand a little bit on that.

Ms. Nosko: I can think of one recent occurrence, a personal experience of mine. I had spent some time with an individual who was working with an agency in Winnipeg. The time that I spent with her was related to menu planning and also covering some basic nutrition information in order that she be able to carry out duties with that agency.

The individual in question then commented that she felt she could now carry on and practise. The time that I spent with her consisted of perhaps six hours over a period of three or four visits.

Mr. Minenko: This Bill would then address any of these sorts of problems arising in the future?

Ms. Nosko: Yes.

Mr. Chairman: Ms. Nosko, we will have to stop these questions now at this time. Hansard has run out of tape. We will have to have a three or four minute recess.

Mr. Minenko: I have no further questions.

Mr. Chairman: No further questions to Ms. Nosko? Well, thank you for your presentation.

Ms. Nosko: Thank you.

Mr. Chairman: Are there any more presenters to Bill No. 104? . . . making your presentation and then we are prepared to go into clause by clause. Mr. Carr.

Mr. James Carr (Fort Rouge): Mr. Chairperson, I wonder if the committee would give leave to deal with Bill 96 first.

Mr. Chairman: That is fine. No problem. We will have to wait anyhow until the tape gets replaced. Ms. Wasylycia-Leis.

Ms. Judy Wasylycia-Leis (St. Johns): Could I add to the suggestion in terms of which order we deal with them and actually deal with 96 followed by 104—

Mr. Chairman: Which one?

Ms. Wasylycia-Leis: —followed by 104, then 95, and then the other three in numerical order.

Mr. Chairman: Okay, is that the will of the committee? Agreed.

RECESS

Mr. Chairman: I would like to remind the committee that the Bills will be considered clause by clause. During the consideration of the Bill, the title and the preamble are postponed until all other clauses have been considered in the proper order by the committee.

BILL NO. 96—AN ACT TO AMEND AN ACT RESPECTING THE ROMAN CATHOLIC ARCHIEPISCOPAL CORPORATION OF WINNIPEG AND THE ROMAN CATHOLIC ARCHDIOCESE OF WINNIPEG

Mr. Chairman: Bill No. 96, on this Bill, we shall first hear from Legislative Counsel to give a report on this Bill.- (interjection)-

What is that? Are you going to report on this Bill? Just identify yourself and you may report.

Mr. Isaac Silver (Legislative Counsel): My name is Isaac Silver on staff of Legislative Counsel. This is a report on Bill 96.

Mr. Chairman: Yes, please proceed.

Mr. Silver: As required by Rule 108 of the Rules of the House, I now report that I have examined Bill 96, An Act to Amend An Act Respecting the Roman Catholic Archiepiscopal Corporation of Winnipeg and the Roman Catholic Archdiocese of Winnipeg, and have not noted any exceptional powers sought or any other provision of the Bill requiring special consideration. Dated at Winnipeg, this 8th day of March, 1990.

Mr. Chairman: Thank you, Mr. Silver. Any questions to legal counsel. None? Proceed.

Does the MLA sponsoring the Bill have any opening statements? No? No, okay. Do representatives from the other two Parties have any brief opening comments? Okay, we will go to the Bill clause by clause.

Bill No. 96, Clause No. 1—pass; Clause 2—pass; Title—pass; Preamble—pass. Shall the Bill be reported? Agreed. Is it the will of the committee that I report the Bill? Agreed.

BILL NO. 104—THE PROFESSIONAL HOME ECONOMISTS ACT

Mr. Chairman: Bill No. 104, does the MLA sponsoring this Bill have any opening statement? Mr. Gilleshammer.

Mr. Harold Gilleshammer (Minnedosa): Just that we are very pleased to bring this forward today and have the support of the other critics. Thank you.

* (1720)

Mr. Chairman: Thank you. Do the Opposition Party Members have any comments to make? No? We will proceed with the Bill clause by clause.

Bill No. 104, Clause 1—pass.

Are there any amendments that anybody is going to bring forward in this? Clauses 1 to 10—pass; Clauses 11 to 20—pass; Shall 20 to the back of the Bill pass? I guess I stretched it a little too far; 21 to 30—pass; 31 to 40 pass—pass; 41 to 50—pass. Preamble—pass; Title—pass; Shall the Bill be reported? (Agreed) Is it the will of the committee that I report the Bill? Agreed.

BILL NO. 95—THE CERTIFIED GENERAL ACCOUNTANTS ACT

Mr. Chairman: Bill No. 95, does the sponsoring MLA have any opening statement? Do representatives from the other two Parties have any comments to make? We will go over Bill No. 95 clause by clause. Mr. Praznik.

Mr. Darren Praznik (Lac du Bonnet): Mr. Chair, I have an amendment that applies to a number of amendments, and I have one that applies to the whole Bill that is proper to move at this time.

I move

THAT Bill 95 be amended in the French version by striking out “agr  ” or “agr  s”, wherever either occurs as part of “comptable g  n  ral agr  ” or “comptables g  n  raux agr  s”, and substituting “licenci  ” or “licenci  s” as required in each instance.

(French version)

Il est propos   que le projet de loi 95 soit amend   par substitution,    chaque occurrence de “comptable g  n  ral agr  ” et de “comptables g  n  raux agr  s” de “comptable g  n  ral licenci  ” et “comptables g  n  raux licenci  s”.

I believe, Mr. Chair, that this will make the correction, as agreed by the Institute of Chartered Accountants

and the Certified General Accountants Association, with respect to the use of the title and make such amendment throughout the whole Bill. I make this motion with respect to both the English and French language.

Mr. Chairman: Moved by Mr. Praznik—any discussion in respect to his amendment? Shall the amendment to Bill No. 95 pass? Agreed.

Clause 1—pass; Clause 2—pass.

Mr. Praznik, on Clause 2?

Mr. Praznik: No, on Clause 3. I believe we just passed Clause 2.

Mr. Chairman: Clause 2(1)—Clause 2(2)—pass; Clause 2(3)—pass; Clause 3(1)—pass; Clause 3(2)—pass.

Clause 3(3)—Mr. Praznik.

Mr. Praznik: Mr. Chair, I move

THAT subsection 3(3) of Bill 95 be amended by striking out “less” and substituting “fewer”.

(French version)

Il est proposé que le paragraphe 3(3) de la version anglaise soit amendé par substitution, à “less”, de “fewer”.

I move that with respect to both the English and the French languages.

Mr. Chairman: Shall the amendment by Mr. Praznik to Clause 3(3) pass—pass. Shall Clause 3(3) as amended pass—pass.

Clause 3(4)—pass. Shall all the ones in the brackets in 3—oh, there are more amendments. Okay, we will have to carry on.

Clause 3(5)—pass.

Clause 3(6)—Mr. Praznik.

Mr. Praznik: Mr. Chair, I would move

THAT subsection 3(6) of Bill 95 be amended by striking out “for the balance of the unexpired term” and substituting “until the next annual general meeting of the association”.

(French version)

Il est proposé que le paragraphe 3(6) du projet de loi 95 soit amendé par substitution, à “la fin du mandat non écoulé”, de “l’assemblée générale annuelle suivante de l’Association”.

I make this motion with respect to both the English and the French languages.

Mr. Chairman: Shall the amendment to 3(6)—pass. Shall 3(6) as amended pass? Agreed. Shall 3(7)—pass; 3(8)—pass; 3(9)—pass; 3(10)—pass.

Clause 4, Mr. Praznik.

Mr. Praznik: Mr. Chair, I would like to move

THAT subsection 4(1) of Bill 95 be amended

(a) by striking out “or” at the end of clause (a) and substituting “and”;

(b) by striking out clause (b);

(c) by striking out “personal fitness” in clause (c) and substituting “character”; and

(d) by renumbering clause (c) as clause (b).

(French version)

Il est proposé que le paragraphe 4(1) du projet de loi 95 soit amendé:

a) par substitution, à “la condition mentionnée à l’alinéa a) ou b) et la condition mentionnée à l’alinéa c)”, de “les conditions suivantes”;

(b) par suppression de l’alinéa b);

(c) par substitution, à “des qualifications scolaires et professionnelles appropriées ainsi que des aptitudes personnelles”, de “qu’elle a une réputation ainsi que des qualifications scolaires et professionnelles appropriées”;

(d) par substitution, à la désignation d’alinéa c), de la désignation b).

I make this motion with respect to both the English and the French languages.

Mr. Chairman: The amendments to Clause 4(1)—Mr. Doer.

Mr. Gary Doer (Leader of the Second Opposition): I would like to ask the mover of those amendments, what is the difference in legal definitions between personal fitness and character?

Mr. Praznik: Mr. Chair, my understanding, in discussions with the CGAs when they requested this amendment, was the reference to personal fitness could be the physical state to the individual whether they were overweight or fit as opposed to their character. Other professional associations such as the Law Society, for example, refer to character. That allows them to deal with individuals who are of an improper character over their lifetime and so weed them out of the profession.

Mr. Chairman: Any more discussion on the amendment? Mr. Doer.

Mr. Doer: Mr. Chairperson, hearing the explanation and the comparison with lawyers, I now understand it more fully.

Mr. Chairman: The amendment to Clause 4(1)—(pass); 4(1) as amended—(pass).

Mr. Praznik: Mr. Chair, I would like to move by block. My next amendment is in Clause 6(1).

Mr. Chairman: Okay, 4(2)—(pass); Clause 5—(pass).
Clause 6(1)—Mr. Praznik.

Mr. Praznik: Mr. Chair, I would move

THAT clause (dd) in subsection 6(1) of Bill 95 be amended by striking out “sections 18 and 19” and substituting “sections 4, 18 and 19”.

(French version)

Il est proposé que l’alinéa 6(1)(dd) du projet de loi 95 soit amendé par substitution, à “18, 19,” de “4, 18, 19.”

I make this motion with respect to both the English and the French languages.

Mr. Chairman: Shall the amendment moved by Mr. Praznik to 6(1) pass? Mr. Kozak.

Mr. Richard Kozak (Transcona): Mr. Chairman, I would hope for the indulgence of a couple of minutes to read this particular amendment.

Mr. Chairman: Granted. Mr. Praznik.

Mr. Praznik: Mr. Chair, I would certainly agree to that. I understand that was an amendment requested by the CGAs in discussion. If we could perhaps proceed on while the Member is perusing that, my only other amendment is with respect to Section 10 and then a general amendment for renumbering clauses, so if we could proceed.

Mr. Chairman: Mr. Kozak, is that your wish, that we may proceed and come back to this later?

Mr. Kozak: Yes, indeed, Mr. Chairman, that satisfies me.

Mr. Chairman: Is it the will of the committee? Agreed. We will go to 6(2)—pass; 6(3)—(pass); Clause 7—pass; 7(1) to 8(3)—pass; 9(1) to 9(7)—(pass).

Clause 10—Mr. Praznik.

Mr. Praznik: Mr. Chair, I move

THAT section 10 of Bill 95 be struck out.

(French version)

Il est proposé que l’article 10 du projet de loi 95 soit supprimé.

I move with respect to both the English and the French languages.

Mr. Chairman: Moved by Mr. Praznik, shall the amendment to Clause 10 pass? (Agreed). Mr. Kozak.

Mr. Kozak: Mr. Chairman, on perusal of the amendment that was earlier deferred, we are now in the Opposition prepared to deal with it at your convenience.

Mr. Chairman: Mr. Kozak, will you please repeat that?

Mr. Kozak: Mr. Chairman, we are prepared to proceed to the amendment that was earlier deferred at our request.

Mr. Chairman: Okay, so the amendment to Clause 10 that Mr. Praznik introduced, is the clause as amended passed—(pass). Now, Mr. Kozak, that is on 6(1)(dd).

* (1730)

Mr. Kozak: That is correct.

Mr. Chairman: The amendment to Clause 6(1)(dd)—pass. Shall Clause 6(1) as amended—pass. Now we are back at 11. Clause 11 to Clause 12(5)—pass; Clause 13(1) to 13(7)—pass; Clause 14(1) to 15(2)—pass; 15(3) to 17(3)—pass; 18(1) to Clause 19(5)—pass; 19(6) to 22—pass; Clause 23(1) to 23(7)—pass; 23(8) to 29—pass.

Mr. Praznik.

Mr. Praznik: Mr. Chair, just one clarification. I believe when we were passing clauses, there was Clause 19(5)(b), which appeared on page 14. I want to just ensure that is actually included. I would move, Mr. Chair

THAT Legislative Counsel be authorized to change all section numbers and internal references necessary to carry out the amendments adopted by this committee.

(French version)

Il est proposé que le conseiller législatif soit autorisé à changer tous les numéros d’articles ainsi que les renvois nécessaires pour l’adoption des amendements faits par le présent comité.

I would move so with respect to both the English and the French languages.

Mr. Chairman: It has been moved by Mr. Praznik that Legislative Counsel be authorized to change all section numbers and internal references necessary to carry out the amendments adopted by this committee. Agreed.

Preamble—(pass); Title—(pass). Shall the Bill be reported as amended? Agreed. Is it the will of the committee that I report the Bill as amended? Agreed.

**BILL NO. 16—AN ACT TO
PROTECT THE HEALTH OF
NON-SMOKERS**

Mr. Chairman: Bill No. 16—does the sponsoring MLA have any opening remarks? Mr. Doer.

Mr. Gary Doer (Leader of the Second Opposition): Yes, Mr. Chairperson, I would like to thank all the Members of this committee for participating in this Bill, and the public that especially participated in the preparation of this Bill, especially the anti-smoking group in Manitoba.

Mr. Chairman: Does anybody else have any comments that they want to make before we go clause by clause?

Bill No. 16, Clause 1—pass; Clause 2—pass; Clause 3—pass; Clauses 3(1) and 3(2)—pass; Clauses 4 to 8(1)—pass; 8(2) to 11—pass; Preamble—(pass); Title—(pass). Shall the Bill be reported? Is it the will of the committee that I report the Bill? Agreed.

BILL NO. 88—THE PHYSICALLY DISABLED PERSONS PARKING ACT

Mr. Chairman: Bill No. 88, does the MLA sponsoring the Bill have any opening remarks? Does anybody else have any opening remarks? Okay. Bill No. 88, The Physically Disabled Persons Parking Act—Mr. Praznik, do you have an amendment?

Mr. Darren Praznik (Lac du Bonnet): Mr. Chair, yes, I have an amendment I would like to make to Clause 3(2), but if the committee would grant leave, perhaps we could deal with other amendments while this is being prepared.

Mr. Chairman: Fine, when I will get to 3(b), please make sure that is recorded. Clause 1—Mr. McCrae.

Hon. James McCrae (Minister of Justice and Attorney General): I move

THAT clause (b) of the definition of “permit” in section 1 be struck out and the following substituted:

- (b) by a competent licencing authority in another jurisdiction in respect of a vehicle used in the transportation of a physically disabled person; (“permis”)

(French version)

Il est proposé que l’alinéa b) de la définition de “permis” soit remplacé par ce qui suit:

- b) par une autre administration gouvernementale habilitée à délivrer des permis pour des véhicules servant au transport des handicapés physiques. (“permit”)

I move this motion in both the French and the English languages.

This motion has been discussed with the Honourable Member for Seven Oaks (Mr. Minenko) and the definition of permit here makes it clear that a permit may be issued by a competent licensing authority in another jurisdiction.

Mr. Chairman: The amendment to Clause 1—(pass); Clause 1 as amended—(pass).

Clause 2—Mr. McCrae.

Mr. McCrae: Mr. Chairman, I move

THAT section 2 be amended by adding “or in a manner that renders the designated parking space inaccessible” after “parking space”.

(French version)

Il est proposé que l’article 2 soit amendé par insertion après “désignée” de “ou d’une manière qui rend l’aire de stationnement désignée inaccessible”.

I move this motion in both the French and English languages.

I understand also the Honourable Member for Seven Oaks (Mr. Minenko) is aware of and concurs in this amendment, because it strengthens the suggestion and it is a suggestion that comes to us from the Department of Highways and Transportation.

Mr. Chairman: Amendment moved by Mr. McCrae to Section 2—Mr. Minenko.

Mr. Mark Minenko (Seven Oaks): I certainly agree with that, and certainly as the Minister has suggested it does -(inaudible)- that particular section.

Mr. Chairman: The amendment to Clause 2—pass. Shall Clause 2 as amended—pass. Clauses 3(1) to 3(6)—Mr. McCrae. Do you have an amendment?

Mr. McCrae: Mr. Chairman, I can move to an amendment to Subsection 3 here at this moment.

I move

THAT subsection 3(3) be amended as follows:

- (a) by striking out the heading and substituting “International symbol of access”; and
- (b) by striking out “internationally accepted symbol of access” and substituting “international symbol of access”.

(French version)

Il est proposé que la version anglaise du paragraphe 3(3) soit amendée:

- a) par substitution, à “International access symbol”, de “International symbol of access”, dans le titre;
- b) par substitution, à “internationally accepted symbol of access”, de “international symbol of access”.

I move this motion in both the French and English languages.

This is to give to the Bill the kind of language that is used throughout many jurisdictions with respect to this kind of legislation. I understand it is a recommendation which comes to us from the Department of Highways and Transportation and enjoys the support of the Member for Seven Oaks (Mr. Minenko).

Mr. Chairman: The amendment to 3(3)—pass. Shall 3(3) as amended pass? Mr. Praznik.

Mr. Praznik: Mr. Chairman, as I indicated I have an amendment that is being drafted now to Clause 3 Sub 2. So if we would agree to—

Mr. Chairman: Okay, but 3(3) as amended is passed.

Mr. Praznik: Yes.

Mr. Chairman: We must come back to 3(1) and 3(2); 3(4)—(pass); Shall 3(5) pass?

Mr. McCrae: Mr. Chairman, I move

THAT 3(7) be struck out and the following substituted—

* (1740)

Mr. Chairman: Mr. McCrae, if I may, we are at 3(5).

Mr. McCrae: Oh, I am sorry, Mr. Chairman.

Mr. Chairman: I would like the wishes of the committee whether you want to pass 3(5). There is no amendment to it. 3(5)—pass; 3(6)—pass; 3(7)—Mr. McCrae.

Mr. McCrae: Mr. Chairman, I move

THAT subsection 3(7) be struck out and the following substituted:

Transitional

3(7) A driver verification decal or dashboard or parking placard issued to a physically disabled person by

- (a) the Driver and Vehicle Licencing Division of the Department of Highways and Transportation;
- (b) the City of Winnipeg; or
- (c) an organization that is delegated authority to issue permits under subsection 3(2);

that is valid on the day this Act comes into force, is deemed to be issued under this section.

(French version)

Il est proposé que le paragraphe 3(7) soit remplacé par ce qui suit:

Disposition transitoire

3(7) Sont réputées avoir été délivrées en vertu du présent article les vignettes qui sont valides à la date d'entrée en vigueur de la présente loi et qui ont été délivrées aux handicapés physiques par:

- a) la Division des permis et immatriculations du ministère de la Voirie et du Transport;
- b) la Ville de Winnipeg;
- c) un organisme auquel le pouvoir de délivrer des permis est délégué en application du paragraphe 3(2).

I move this motion in both the French and English languages.

I can explain that this amendment makes it clear that placards issued by the City of Winnipeg or by an organization for the physically disabled, before the Act comes into force, are valid. This is another Department of Highways and Transportation suggestion.

All of these motions that I will be moving have been discussed with the Honourable Member for Seven Oaks (Mr. Minenko) and I believe have his support.

Mr. Chairman: We have an amendment before us by the Honourable Mr. McCrae to Clause 3(7)—pass. Shall

3(7) as amended—pass; Clause 4—pass; Clause 5(1)—pass.

Clause 5(2)—Mr. McCrae.

Mr. McCrae: Mr. Chairman, I move

THAT clause 5(2)(b) be amended by striking out “12 feet” and substituting “3.7 m” and by striking out “8 feet” and substituting “2.4 m”.

(French version)

Il est proposé que l'alinéa 5(2)(b) soit amendé par substitution, à “12 pieds”, de “3,7 mètres” et par substitution à “8 pieds”, de “2,4 mètres”.

I move this in both the French and English languages.

You will recall, Mr. Chairman, some years ago the federal Liberal Government made our country metric. This Bill will bring us into the parameters of metric measurements. This is something brought to our attention by the Department of Highways and Transportation. I am sure Mr. Trudeau would agree with this amendment, and therefore I ask for the support of all Honourable Members.

Mr. Chairman: This amendment brought forward by the Honourable Mr. McCrae to Clause 5(2). Shall the amendment pass—pass. Shall Clause 5(2) as amended—pass; Clause 6—pass.

Mr. McCrae.

Mr. McCrae: Mr. Chairman, I move

THAT clause 6(b) be amended by striking out “internationally accepted symbol of access” and substituting “international symbol of access”.

(French version)

Il est proposé que la version anglaise de l'alinéa 6b) soit amendée par substitution, à “internationally accepted symbol of access”, de “international symbol of access”.

I move this motion in both the French and English languages. I move it for the same reason I moved one earlier on Subsection 3(3).

Mr. Chairman: The amendment to Section 6 by the Honourable Jim McCrae. The amendment to Clause 6(b)—pass. Clause 6 as amended—pass; Clause 7—pass.

Clause 8—Mr. McCrae.

Mr. McCrae: Mr. Chairman, I move

THAT section 8 be amended by striking out “appointed under an Act of the Legislature”.

(French version)

Il est proposé que l'article 8 soit amendé par suppression de “nommé en vertu d'une loi de l'Assemblée législative”.

I move the motion in both the French and English languages. It is to ensure that the RCMP may enforce the Act in addition to other provincial police officers.

Mr. Chairman: We have an amendment by the Honourable Mr. McCrae to Section 8—Clause 8, pardon me. The amendment to Clause 8—(pass). Shall 8 as amended pass—pass. Clause 9—pass; Clause 10—pass; Clause 11(1)—Mr. McCrae.

Mr. McCrae: 11(2), actually.

Mr. Chairman: Okay. Clause 11(1)—pass; Clause 11(2)—Mr. McCrae.

Mr. McCrae: Mr. Chairman, I move

THAT the English version of subsection 11(2) be amended by striking out “parked space” and substituting “parking space”.

(French version)

Il est proposé que la version anglaise du paragraphe 11(2) soit amendée par substitution, à “parked space”, de “parking space”.

I move the motion in both the French and English languages for obvious reasons.

Mr. Chairman: The amendment to 11(2)—(pass); 11(2) as amended—pass; Clause 11(3)—pass; 11(4)—pass; 11(5)—

An Honourable Member: Where are we?

Mr. Chairman: 11(5). Shall 11(5) pass—pass.

Clause 12(1)—Mr. McCrae.

Mr. McCrae: Mr. Chairman, I move

THAT section 12 be renumbered as section 13 and the following be added as section 12:

C.C.S.M. reference

12 This Act may be referred to as chapter P63 of the Continuing Consolidation of the Statutes of Manitoba.

(French version)

Il est proposé que l'article 12 devienne l'article 13 et que l'article suivant soit inséré après l'article 11:

Codification permanente

12 La présente loi est le chapitre P63 de la Codification permanente des lois du Manitoba.

I move the motion in both the French and English languages.

Mr. Chairman: The amendment to Section 12 by the Honourable Mr. McCrae—pass. Mr. Minenko.

Mr. Minenko: Yes, I would just like to thank the Minister of Justice (Mr. McCrae) for moving these various amendments. I certainly appreciate his advice and the Highways Department's advice on many of these amendments.

It certainly points out to some of the restrictions that private Members sometimes have in drafting legislation

and not perhaps being able to fully understand all the implications.

Many of the amendments before us certainly strengthen the legislation and deal with the concerns. Especially dealing with, for example, the Minister's amendment to Section 8, to ensure the RCMP can in fact enforce, so matters like this that sometimes private Members do not quite understand the full implication of.

Mr. McCrae: I have to take issue with one point the Member made. Private Members have the same restrictions that the rest of us do. I am not a drafter of legislation, and I rely heavily on the very good people we have in Legislative Counsel. We also were able to rely on advice given to us by the Department of Highways, which we hope has been helpful in bringing forward a Bill that everybody can live with and be quite happy with.

Mr. Chairman: Clause 12(1) as amended—pass. Shall Clause 12(2) pass? Those were the amendments by the Honourable Mr. McCrae on 12(1).

Mr. McCrae: Mr. Chairman, actually it is renumbered now, and it becomes Section 13. So if we are on Section 13, then I can move another amendment.

Mr. Chairman: Okay, very good, that is the amendment that you had to Clause 12(1), which was the renumbering?

Mr. McCrae: Right.

Mr. Chairman: That has passed. So now we have Clause 13. Mr. McCrae.

Mr. McCrae: Mr. Chairman, I move:

THAT section 12, renumbered as subsection 13(1), be struck out and the following substituted:

Coming into force

13(1) Subject to subsection (2), this Act comes into force on a day fixed by proclamation.

Section 7 royal assent

13(2) Section 7 comes into force on the day this Act receives royal assent.

(French version)

Il est proposé que l'article 12, devenu le paragraphe 13(1), du projet de loi 88 soit remplacé par ce qui suit:

Entrée en vigueur

13(1) Sous réserve du paragraphe (2), la présente loi entre en vigueur à la date fixée par proclamation.

Entrée en vigueur de l'article 7

13(2) L'article 7 entre en vigueur à la date de sanction de la présente loi.

I move this motion in both the French and English languages.

As I understand it now, immediately this Bill is given royal assent that section dealing with stopping of vehicles, et cetera, becomes law in Manitoba. The rest of it, we are asking that Members agree to allow us to proclaim this on a date that we fix as a Government. I say that because I need to get the advice of the Department of Highways and Transportation before I can make any commitments about exactly when this Bill would be proclaimed.

I would give that commitment to use my best efforts to have this matter proclaimed as soon as possible to provide the protection that all of us in this Legislature want to provide to those who are less able to be mobile as the Honourable Member for Seven Oaks (Mr. Minenko) and myself.

* (1750)

Mr. Minenko: Mr. Chairman, the date that initially was included as May 31, 1989 was a typographical error. Indeed we were anticipating it would be coming into force on May 31, 1990. This was based on consultation with the various groups at present issuing the permits, who would obviously want to see this legislation come into force as soon as possible, as well as with consultation with the people who would be affected by the many changes to the parking spaces, those shopping centre people, who had asked that—it is obvious that in Manitoba until some time in April they would not be able to carry out some of the changes to rearrange their parking lots to comply with the legislation, which they are indeed very interested in complying with, and had asked for a several-week extension. They recommended that May 31 would be an adequate time for them to make those changes.

I certainly appreciate the Minister's position and the position of the Government as represented by the Minister of Justice (Mr. McCrae) and realize that indeed there are many regulations to be drafted. I would certainly ask that the Minister of Justice, as Government House Leader, indeed make a commitment that his Government will introduce this legislation as soon as possible because indeed many people are interested in this legislation coming into force, indeed waiting for the legislation to come into force to address a very serious problem that we have. So I certainly ask the Minister and Government House Leader to be prepared to make that commitment to all Manitobans to introduce this as soon as possible.

Mr. McCrae: Mr. Chairman, given the willingness, indeed the enthusiasm of the Department of Highways and Transportation in working with me in helping me to prepare for today's committee meeting, I think I can give that commitment without any hesitation. The department likes this Bill; the Government likes this Bill; the Government supports this Bill and on the basis of all of that I can give that commitment to my honourable friend. Without actually giving him a date, I will give him that commitment. You will not have to remind me.

Mr. Chairman: On the proposed amendment to Bill 88, it was moved by the Honourable Mr. McCrae:

THAT section 12, renumbered as subsection 13(1), be struck out and the following substituted:

Coming into force

13(1) Subject to subsection (2), this Act comes into force on a day fixed by proclamation.

Section 7 royal assent

13(2) Section 7 comes into force on the day this Act receives royal assent.

Is it the will of the committee to pass this amendment to this Bill? Agreed.

Now we have to go back to Section 3(1). Mr. McCrae.

Mr. McCrae: I believe all we are waiting for now is the amendment that the Honourable Member for Lac du Bonnet (Mr. Praznik) is about to put forward. I understand that either if I keep talking or if we recess the committee, we could get on with this, but I think if I just keep on talking for about two more seconds we will be able to move along with this amendment.

Mr. Chairman: I would like to ask Mr. Praznik whether his amendment is to 3(1) or 3(2).

Mr. Praznik: Mr. Chair, this is an amendment to Clause 3, sub (2).

Mr. Chairman: Okay. Then I would like to first ask the committee Members, are we prepared to pass Clause 3(1)? Is it the will of the committee to pass Clause 3(1)—pass.

Clause 3(2)—Mr. Praznik.

Mr. Praznik: Mr. Chair, I would move

THAT subsection 3(2) of Bill 88 be amended

- (a) by adding "or to a municipality" after "disabled persons"; and
- (b) by adding "or a municipality" after "delegated to an organization"; and
- (c) by adding "or municipality" after "the organization."

I just ask Legislative Counsel, I notice on the version of the amendment that they prepared that in the French version that Clause 3(3) -(interjection)- Yes, it should be corrected on the French version of the draft amendment. It should be 3(2), so I would ask Members to change that. I make this motion with respect to both the English and the French languages.

Mr. Gary Doer (Leader of the Second Opposition): I would like to ask a couple of questions about this. Were the league of the physically disabled consulted and the other presenters consulted on this proposed amendment?

Mr. Praznik: Mr. Doer, when the groups that spoke to the Bill came forward, I asked them the question. They obviously have a concern about being able to keep track of everyone in the province who has these permits.

What this amendment is proposed to do is to authorize the Minister, if he so chooses to do. It is not a directory statement, it only says, may issue or may delegate this authority to have the ability to delegate it to municipalities, primarily because those two organizations do not have offices throughout rural Manitoba. The question of course of keeping track of who has permits is one that should be part of the delegated authority to the Minister. The Minister I would expect would require municipalities to file an annual or a monthly statement of how many permits that they have issued and who has them.

My concern with moving this amendment was to give the Minister the authority, if he so chooses, to delegate that granting right to municipalities so that parts of rural and northern Manitoba that do not have easy access to the offices of these two organizations or any organization would also be able to serve disabled persons in rural Manitoba.

Mr. Doer: Well, I am a little concerned that we are proceeding with this amendment without the advice of the organizations that have the most knowledge about this. I only can talk about the City of Winnipeg with some knowledge, and I know the first minute I was sworn in as Minister of Urban Affairs I ended up with a free parking permit in the City of Winnipeg. I do not know how, maybe it was the only perk I ever saw. I never used it, and I sent it back, but I do not know how many thousands of those are around. I am not suggesting any municipality would ever abuse this for physically handicapped people and the need for the disabled persons' delegation.

I have some worry about this because I think we have two parallel accountability systems on this. One is the organization, the other one is the municipality. I would have liked to have some consultation with the groups most directly affected first, because they represent people across the province who are affected. I think they would have some better—I would like to have their advice before this amendment. I appreciate the motive of the Member, but I am just a little worried about proliferation of these things, therefore, subverting, not intentionally, the purpose of the Bill and that is to make it much more restricted in terms of the use of those spots, so I am a little concerned about it.

Mr. Praznik: I certainly share the concern of the Member for Concordia (Mr. Doer). My intention in doing this was just to provide that extra ability to the Minister, should the Minister, in negotiating with these organizations, as to how these permits are to be distributed, have the ability to assign that to municipalities who are distant from Winnipeg, where it is difficult for people to gain access to the organizations that are contemplated in this legislation.

I would point out to the Member for Concordia that this provision only provides the Minister with the possibility of doing this. It does not require that the Minister delegate that authority to municipalities. This only allows the Minister to do that if that is in fact the most convenient way of providing these permits. Your points are well noted, and I would hope that they would be taken into account when the Minister is negotiating

with these organizations to delegate that authority, if the Minister so chooses.

I would just remind the Member for Concordia (Mr. Doer) that for people in communities that are quite distant from Winnipeg—when I put that question to the representative of one of the organizations, the comment or their contemplation on how people in a Beausejour or a Steinbach or a Winkler or an Altona or a Thompson would be dealt with, would be by mail.

I think rural residents have the right to be able to obtain these permits in an easy manner and that municipal offices are often used by a variety of Government programs to make licences, et cetera, available. All this does is give the Minister the ability to do that if the Minister so chooses. It does not require that the Minister perform that function.

Mr. Minenko: I indeed had never really discussed this matter with the groups other than for questions following Mr. Praznik's questions at last committee hearing when there were indeed presenters from the three organizations that presently issue these permits.

We heard from a representative of the Manitoba League, the chairman of their transportation committee who lives outside the City of Winnipeg, who advised us that their organization—at least he does, for his area—issue the permits as part of the Manitoba League. I would suggest by that statement that undoubtedly other members who belong to the Manitoba League also find themselves in that sort of position.

I know the various groups would indeed want to ensure that any Manitoban who is entitled pursuant to the legislation to receive a permit should indeed receive one. That is certainly why Section 11(2)(b) is included, which demonstrates entitlement to the permit at the time the charge was laid to deal with exactly that sort of problem, and in case someone was unaware that they were indeed entitled to it, they can apply for that permit.

* (1800)

Again, I would like to echo the remarks of the Member for Concordia (Mr. Doer), where I would certainly like to have input from the organizations that issue that. They realize that is a concern, and the Society for Manitobans with Disabilities have said that in answer to the Member's question at last committee hearing that they have a number of offices throughout Manitoba. I appreciate that they do not at present have any in the Member's area, but then again, just undoubtedly many people here who apply in the City of Winnipeg are mailed an application and then mail an application back and receive a permit by mail. I am not quite sure whether that particular argument of the Member's would apply.

I can appreciate and indeed I certainly—undoubtedly the Member for Concordia would want to ensure this permit is available to as many Manitobans as possible. The organizations—and I would like to ask the Member whether he has indeed consulted with the organizations about this amendment. I know he had asked questions last time. I certainly did not know he was going to

propose an amendment to it, because I certainly would have spoken to the groups and received their advice. These groups have certainly been handling the issuance of these permits for quite a number of years and could provide us with indeed valuable advice on how this matter can be addressed.

Mr. Praznik: Mr. Chair, as I pointed out before that this amendment only includes municipalities as an option for the Minister. That if in discussing the delegation of this authority to various organizations the Minister feels that it will not work, then he does not have to delegate that authority to the municipalities.

I have moved this to provide that option. I can tell the Members of this committee that I have had several cases in my constituency in dealing with disabled people and access to services, that it is not easy for them to get access to organizations that represent disabled persons.

I have had them come to see me with respect to buildings in communities that are not accessible, where we have had to work out these matters. I just find it very difficult where this committee, in trying to provide I think a very good piece of legislation for disabled people in Manitoba, would not wish to empower the Minister to expand the issuance of the permits and the problem that the groups raised when I put the question to them at this committee, which is the proper forum to do that. They wanted to ensure that there was some central recording of the issuance of these permits.

I certainly recognize that and one would expect, if that is the purpose of having an organization or the delegation of this authority for the Minister, that it would not take very much to acquire any municipality, if such a delegation is made to issue a monthly report to the Minister of Highways (Mr. Albert Driedger), or to another organization, as to how many permits they issued and who they issued them to.

I can tell you that if you are a resident of Beausejour or Lac du Bonnet or Pinawa and wanted access to this permit and your municipality created spots for example in public parking, as will be the case in downtown Lac du Bonnet or Beausejour and is the case, and you wanted to obtain a permit easily that you could not obtain it by going to your municipal office and getting a permit, that you always have to write to Winnipeg to gain access to the permit.

I just find it difficult that Members of this committee would not want to see residents of rural Manitoba have the potential to have as easy access to those permits as people in the City of Winnipeg.

Mr. Doer: There is absolutely no attempt by our comments to prohibit or prevent the scope from rural residents having the same opportunity to get the permits as somebody else that is not from rural residency. The question is: do we want a dual track of accountability? Maybe it could be added subject to the organization, et cetera, et cetera, and have the municipalities as an intermediary step. I do not know. I think somebody should be the ultimate authority, and I think that is a consistent principle. Access through a municipality, I

am willing to look at some way of dealing with that, but I do not want two people saying yes or no in terms of the accountability of this. It seems to work against the Bill.

Processing it outside the City of Winnipeg, I think let us look at a creative way of doing that, but maybe it is subject to the organizations involved, et cetera. Maybe that way we could provide an intermediate step. I am just throwing out ideas. I think we are speaking a bit at cross purposes of the intent of the Bill, but I understand the Member for Lac du Bonnet's desire to have equal application opportunity all across the province.

I think the approval is the issue for us. I mean, I would like to know what those organizations think, because they do have members outside of the city, and they obviously have that sensitivity probably even more so than we do about those groups.

Mr. Praznik: Mr. Chairman, I recognize this. There are obviously some discussions that have to take place. I would just point out to Members of this committee again that all this section does is allow this possibility to take place should the Minister, in the consultations which will obviously take place with these organizations to allow this to happen if there is agreement. I certainly am not here today to require municipalities to issue these permits. I think this just expands the possibilities a little bit, given that framework.

If the Minister, in discussions with these organizations, is satisfied that delivery should be and can be had, simply through those organizations, so be it, but if there are areas of this province that are not well served by those organizations simply because of geography, that this provides that additional room for him to find another authority to issue those permits.

I can see no problem, and I would hope Members of this committee find no problem in just providing that little extra security to the Minister in making these arrangements. If, in those discussions a good argument, a good case can be put to the Minister that there is no need for that delegation to municipalities, the Minister does not have to make it, but time and time again we see legislation come forward where there are hard cases that cannot always be dealt with within the discussions we have in these committees, our intentions, this just provides that little extra room.

Mr. Minenko: Perhaps as the drafter and initiator of this legislation, and having spoken to the groups on many occasions in general with the legislation, they are certainly interested in ensuring the widest possible access to permits and this legislation. I certainly cannot speak here on behalf of the groups, and I would have hoped that maybe the Member would have spoken to them about this, because I do not think their answers certainly were not followed up to the other two groups that presented as well.

I would certainly be prepared to, in the spirit of co-operation ensuring that there is the widest possible access to this legislation by all Manitobans, be prepared to deal with this amendment if the Member makes a

short amendment to it, perhaps a friendly amendment, by striking out everything after and by adding or municipality after the organization. The last several words of his thing, because that ties into the form of the application because then the organization and municipality may approve the form of the application, and is entitled to retain the amount of any fee that is payable.

I am simply suggesting that up to this time, from what I understand from the organizations, the permit has no fee attached to it. Indeed, it costs them to operate the program.

Mr. Praznik: I would, in the spirit of co-operation and as we are all here for the same purpose, I would agree to withdraw that portion of my amendment.

Mr. Chairman: Mr. Praznik, we need a motion to that amendment. It has to be in written form and it has to be written out, so we will get that done, unless you are only deleting. That is the only way that it would be possible possibly, I guess, maybe not.

Mr. Praznik: It is a deletion. I am just withdrawing part of my amendment so the original parts stay.

Mr. Chairman: Write it out. Mr. McCrae.

Mr. McCrae: May I suggest, to shorten this process, that the Honourable Member for Lac du Bonnet withdraw his amendment and resubmit a new one with the words taken off. That seems to me the best way to go about it.

* (1810)

Mr. Praznik: Mr. Chair, whatever is most convenient for Legislative Counsel then I would withdraw the amendment.

Mr. Chairman: Is it the consent of the committee that Mr. Praznik withdraws his amended motion? Agreed. Mr. Praznik.

Mr. Praznik: Mr. Chair, I would expect that with a little stroke of a pen we could probably use the same copies that have been distributed, and if Legislative Counsel—

Mr. Chairman: Would you please, Mr. Praznik, just read.

Mr. Praznik: Mr. Chair, I would move THAT subsection 3(2) of Bill 88 be amended by adding "or to a municipality" after "disabled persons,"

(French version)

Il est proposé que le paragraphe 3(2) du projet de loi soit amendé par insertion après "physiques" de "ou encore à une municipalité".

I move so with respect to both the English and French versions.

Mr. Chairman: The amendment by Mr. Praznik to Clause 3(2)—(pass); Clause 3(2) as amended—pass; Preamble—pass; Title—pass. Shall the Bill as amended be reported? Is it the will of the committee that I report the Bill as amended? Agreed.

BILL NO. 91—THE PUBLIC HEALTH AMENDMENT ACT

Mr. Chairman: Does the MLA sponsoring this Bill have an opening statement? Miss Wasylycia-Leis.

Ms. Judy Wasylycia-Leis (St. Johns): The comments, I first of all wanted to acknowledge the work over the last decade or more by the community-based organizations in the City of Winnipeg and outside of Winnipeg in terms of pushing for change in this area. Secondly, I wanted to thank all Members of this committee and the co-operation of all political Parties for the co-operative approach we have enjoyed with this Bill, and particularly the support of the Minister of Justice in working out some suggested amendments.

We will be proposing some amendments, some flow out of the police force's presentation this afternoon. We think they make good sense in terms of up-to-date insertions into the Legislation. I know that the Minister of Justice has a couple and I believe my colleague, the Member for Kildonan (Mr. Cheema) has an amendment.

On that note, Mr. Chairperson, I thank you for your indulgence. Also, before I leave this, my last chance to say something on this, I do want to thank the representatives of the Legislative Counsel for all of their work on these last minute changes.

Mr. Chairman: Bill No. 91, The Public Health Amendment Act, Clause 1—pass.

Shall Clause 2 pass? Mr. McCrae.

Hon. James McCrae (Minister of Justice and Attorney General): I have an amendment to Clause 2. I move

THAT Subsection 27.1(6), as amended by section 2, be struck out and the following substituted:

Evidence of nature of substance

27.1(6) Information or wording appearing

(a) on the labels attached to the bottles, packages, tins, tubes, or other containers, in which a substance is sold, displayed, or delivered;

(b) in any printed or written descriptive matter—

Ms. Wasylycia-Leis: That comes along a little later in the Bill, so if I could jump in—

Mr. McCrae: Excuse me, Mr. Chairman, we will start over later on.

Mr. Chairman: Okay, Ms. Wasylycia-Leis.

Ms. Wasylycia-Leis: I have an amendment pertaining to 27(1), and I will wait for it to be circulated.

Mr. Chairman: Ms. Wasylycia-Leis, is yours to Clause 27.1(1)?

Ms. Wasylycia-Leis: Yes, sorry, that is correct. I would move in both English and French:

THAT the definition of “intoxicating substance” in subsection 27.1(1) be amended by striking out clauses (a), (b), (c) and (d) and substituting the following:

- “(a) adhesives, cleaning solvents, thinning agents and dyes containing toluene or acetone;
- (b) petroleum distillates or products containing petroleum distillates including naphtha, mineral spirits, Stoddard solvent, kerosene, gasoline, mineral seal oil and other related distillates of petroleum;
- (c) fingernail polish remover containing acetone or aliphatic acetates;
- (d) any substance that is required under The Hazardous Products Act (Canada) or the regulations to that Act to bear the label “Vapour Harmful”, “Vapour Very Harmful” or “Vapour Extremely Harmful”; or
- (e) any substance which emits, gives off or produces a gas, vapour fume or liquid that is specified by regulation as an intoxicating substance for the purposes of this section. “substance intoxicante” ”

(French version)

Il est proposé que la définition de “substance intoxicante”, au paragraphe 27.1(1), soit amendée par substitution aux alinéas a) à d), de ce qui suit:

- a) Substances adhésives, solvants de nettoyage, agents de dilution et teintures contenant du toluène ou de l'acétone;
- b) distillats de pétrole ou produits contenant des distillats de pétrole, y compris le napthe, les essences minérales, le solvant Stoddard, le kérosène, l'essence, le pétrole lampant et autres distillats de pétrole similaires;
- c) dissolvant pour vernis à ongle contenant de l'acétone ou des acétates aliphatiques;
- d) substance qui, en vertu de la Loi sur les produits dangereux (Canada) ou les règlements d'application de cette loi, doit porter la mention “Vapeur nocive”, “Vapeur très nocive” ou “Vapeur extrêmement nocive”;
- e) substance intoxicante émettant ou produisant du gaz, des vapeurs ou du liquide et qui est prescrite par règlement pour l'application du présent article. (“intoxicating substance”).

Did I get it all?

Mr. Chairman: Ms. Wasylycia-Leis, do you move that both in respect to the English and French version?

Ms. Wasylycia-Leis: Yes, I said that at the outset. Do you want me to read it in French?

Mr. Chairman: Is it the will of the committee to pass that amendment to Clause 27.1(1)—pass. Is it the will

of the committee to pass 27.1(1) as amended—pass. Okay, 27.1(2)—pass.

Clause 27.1(3), Ms. Wasylycia-Leis.

Ms. Wasylycia-Leis: I move in both the English and French versions

THAT subsection 27.1(3), as set out in section 2 of the Bill be amended as follows:

- (a) by striking out “or” at the end of clause (c);
- (b) by adding “or” at the end of clause (d); and
- (c) by adding the following as clause (e):
 - “(e) where the intoxicating substance is to be used as a fuel source and is placed directly into the fuel reservoir of machinery or equipment

(French version)

Il est proposé que le paragraphe 27.1(3), ainsi qu'il paraît à l'article 2 du projet de loi, soit amendé:

- a) par suppression de “or” à la fin de l'alinéa c) de la version anglaise;
- b) par substitution, au point qui se trouve à la fin de l'alinéa d), d'un point-vergule;
- c) par adjonction de ce qui suit:

lorsque la substance intoxicante doit être utilisée comme carburant et est placée directement dans le réservoir à carburant de machines ou d'équipement.

Mr. McCrae: Just for clarification, I would ask the Honourable Member for St. Johns (Ms. Wasylycia-Leis), this is the exemption of gasoline to be put into the fuel tank of a car and not requiring a note from a parent, is that correct?

Ms. Wasylycia-Leis: That is correct, it is an exemption in terms of the overall provisions of the legislation. It adds a new exemption to the list under 27.1(3) which includes the note from the parent and so on.

Mr. Chairman: The amendment to 27.1(3)—pass; Clause 27.1(3) as amended—pass.

Shall 27.1(4) pass? Mr. Cheema.

Mr. Gulzar Cheema (Kildonan): I move

THAT subsection 27.1(4) as set out in section 2 of the Bill be amended by adding “or a peace officer” after “inspector”.

(French version)

Il est proposé que le paragraphe 27.1(4) soit amendé par insertion, après “publique”, de “ou d'un agent de la paix”.

Mr. Chairman: In the English and the French version, Mr. Cheema?

Mr. Cheema: Yes, in both English and French.

Mr. Chairman: The amendment to Clause 27.1(4)—pass; Section 27.1(4) as amended—pass; Clause 27.1(5)—pass.

Clause 27.1(6)—the Honourable Mr. McCrae.

Mr. McCrae: Mr. Chairman, I move

That subsection 27.1(6), as added by section 2 be struck out and the following substituted:

Evidence of nature of substance

27.1(6) Information or wording appearing

- (a) on the labels attached to the bottles, packages, tins, tubes or other containers, in which a substance is sold, displayed, or delivered;
- (b) in any printed or written descriptive matter displayed with, or accompanying an intoxicating substance, when sold or offered for sale; or
- (c) in any advertising matter respecting an intoxicating substance published or distributed by the maker or a seller of the intoxicating substance;

is, in the absence of evidence to the contrary, proof of the nature of the substance.

(French version)

Il est proposé que le paragraphe 27.1(6), figurant à l'article 2, soit remplacé par ce qui suit:

Preuve

27.1(6) Constituent une preuve de la nature de la substance, faute de preuve contraire, les renseignements ou les mots paraissant:

- a) sur les étiquettes apposées sur les bouteilles, les emballages, les boîtes, en fer-blanc, les tubes ou les autres contenants dans lesquels une substance est vendue, mise à l'étalage ou livrée;
- b) sur toute notice explicative accompagnant une substance intoxicante vendue ou mise en vente;
- c) dans toute publicité concernant une substance intoxicante publiée ou distribuée par le fabricant ou le vendeur.

I move the amendment in both French and English, and I move it because we think our Constitutional Law Branch advises us that the wording in the Bill without the amendment might infringe the Canadian Charter of Rights and Freedoms and the change is obvious there.

Mr. Chairman: Is the committee ready for the question? The Honourable Minister.

Mr. McCrae: The wording in the Bill presently is conclusive evidence and it changes it to "is, in the

absence of evidence to the contrary, proof of". It is in order to make the Bill something that might withstand any challenge.

Mr. Chairman: Clause 27.1(6) as amended by the Honourable Minister McCrae—pass; 27.1(6) as amended—pass.

Shall Clause 2 now as amended pass? Ms. Wasylycia-Leis.

Ms. Wasylycia-Leis: Yes, I have an amendment adding to this section. I move in both English and French

THAT section 2 be amended by adding the following as subsection 27.1(7):

"Proof by Analysis

27.1(7) In a prosecution or proceeding under this Act, a certificate of analysis furnished by an analyst authorized by the minister for the purpose is admissible in evidence as prima facie proof of the facts stated in the certificate and of the authority of the person giving it without further proof of the person's appointment or signature."

(French version)

Il est proposé que l'article 2 soit amendé par adjonction, après l'article 27.1(6), de ce qui suit:

Preuve par analyse

27.1(7) Dans une poursuite ou une procédure engagée en application de la présente loi, le certificat d'analyse fourni par un analyste que le ministre autorise à cette fin constitue une preuve prima facie des faits y énoncés et de la qualité de la personne qui le donne, sans qu'il soit nécessaire de prouver sa nomination ou l'authenticité de sa signature.

* (1820)

Mr. Chairman: The amendment which adds to 27.1(7) of Clause 2—pass. Shall the amendment to 27.1(7) which was introduced by Ms. Wasylycia-Leis pass? The committee agrees? Agree.

Now Clause 2 as amended with all these amendments. Clause 2 as amended—pass; Clause 3—Ms. Wasylycia-Leis.

Ms. Wasylycia-Leis: I have a very small amendment. I move it in both English and French

THAT proposed new clause 28(pp) of The Public Health Act, as set out in section 3 of Bill 91, be amended by striking out "product" and substituting "substance".

(French version)

Il est proposé que le nouvel alinéa 28(pp) de la Loi sur la santé publique, ainsi qu'il paraît à l'article 3 du projet de loi 91, soit amendé par substitution à "product", de "substance", dans la version anglaise.

That, Mr. Chairman, just brings it in line with other terminology used.

Mr. Chairman: The amendment to Section 3—pass; 3 as amended—pass. Clause 3 as amended is passed. Clause 4—pass.

Clause 5—the Honourable Mr. McCrae, on 5.

Mr. McCrae: Mr. Chairman, I move

THAT section 5 be amended by striking out “on royal assent” and substituting “on a day fixed by proclamation”.

(French version)

Il est proposé que l'article 5 soit amendé par substitution, à “le jour de sa sanction”, de “à la date fixée par proclamation”.

I move the motion in both languages, French and English. I move that motion so that the Department of Health and its Minister, of whom I have not had an opportunity to consult with in recent days, so that the Department of Health can do the work necessary to ensure that those who are in the business of distributing these things on a legal basis are made aware of the new rules. It is a question of not sending our police forces out to enforce this new law when we know already that not everybody knows about it. I do give the commitment to the Honourable Member for St. Johns (Ms. Wasylycia-Leis) and all Honourable Members, that here again this is a matter of some importance to us as a Government to bring some reasonable level of control with regard to substance abuse.

While I have the floor I would like to commend the Honourable Member for St. Johns for bringing this matter forward. I believe it will be helpful. She and I both agree that the Bill is not the be-all and the end-all. It will not solve all the problems that there are out there with regard to abuse of substances but I agree that we have a certain jurisdiction here and we can move in our jurisdiction. Where it is reasonable to do things, we should do them as we have done with rubbing alcohol, as we have done with stomach bitters. We

have tried to bring some level of control in an effort to protect someone, protect people. Maybe we will never find out, but if we know in ourselves that we have saved even one life, or perhaps saved one life from being ruined, then it will all have been worthwhile. I congratulate the Honourable Member for this.

Mr. Chairman: Ms. Wasylycia-Leis.

Ms. Wasylycia-Leis: Yes, on this last amendment, I too am pleased with the co-operation from all political Parties around this proposed legislation. In the interest of co-operation I will not oppose the amendment put forward by the Minister, but I would put on record that the same concerns I mentioned directly and personally to the Minister and that is, any lengthy delay, unwarranted delay with respect to this legislation would be of deep concern to us and to the community groups who have worked so hard over the last decade or more on this important issue. I will take the Minister for his word that he will move as quickly as possible on proclamation of the legislation and that we will see it come into force in the very near future.

Mr. Chairman: Shall the amendment to Clause 5, as brought forward by the Honourable Mr. McCrae pass—(pass). Shall Clause 5 as amended pass? (Pass) Preamble—(pass); Title—(pass). Shall the Bill as amended be reported? Is it the will of the committee that I report the Bill as amended? Agreed.

The time is now 6:25. Is it the will of the committee to rise?

An Honourable Member: Agreed.

Mr. Chairman: Committee rise.

COMMITTEE ROSE AT: 6:25 p.m.