



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

STANDING COMMITTEE

on

LAW AMENDMENTS

40 Elizabeth II

*Chairman
Mr. Jack Reimer
Constituency of Niakwa*



VOL. XL No. 4 - 7 p.m., TUESDAY, JULY 16, 1991



MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fifth Legislature

LIB - Liberal; ND - New Democrat; PC - Progressive Conservative

NAME	CONSTITUENCY	PARTY
ALCOCK, Reg	Osborne	LIB
ASHTON, Steve	Thompson	ND
BARRETT, Becky	Wellington	ND
CARR, James	Crescentwood	LIB
CARSTAIRS, Sharon	River Heights	LIB
CERILLI, Marianne	Radisson	ND
CHEEMA, Guizar	The Maples	LIB
CHOMIAK, Dave	Kildonan	ND
CONNERY, Edward	Portage la Prairie	PC
CUMMINGS, Glen, Hon.	Ste. Rose	PC
DACQUAY, Louise	Seine River	PC
DERKACH, Leonard, Hon.	Roblin-Russell	PC
DEWAR, Gregory	Selkirk	ND
DOER, Gary	Concordia	ND
DOWNEY, James, Hon.	Arthur-Virden	PC
DRIEDGER, Albert, Hon.	Steinbach	PC
DUCHARME, Gerry, Hon.	Riel	PC
EDWARDS, Paul	St. James	LIB
ENNS, Harry, Hon.	Lakeside	PC
ERNST, Jim, Hon.	Charleswood	PC
EVANS, Ciif	Interlake	ND
EVANS, Leonard S.	Brandon East	ND
FILMON, Gary, Hon.	Tuxedo	PC
FINDLAY, Glen, Hon.	Springfield	PC
FRIESEN, Jean	Wolseley	ND
GAUDRY, Neil	St. Boniface	LIB
GILLESHAMMER, Harold, Hon.	Minnedosa	PC
HARPER, Elijah	Rupertsland	ND
HELWER, Edward R.	Gimli	PC
HICKES, George	Point Douglas	ND
LAMOUREUX, Kevin	Inkster	LIB
LATHLIN, Oscar	The Pas	ND
LAURENDEAU, Marcel	St. Norbert	PC
MALLOWAY, Jim	Elmwood	ND
MANNES, Clayton, Hon.	Morris	PC
MARTINDALE, Doug	Burrows	ND
McALPINE, Gerry	Sturgeon Creek	PC
McCRAE, James, Hon.	Brandon West	PC
McINTOSH, Linda, Hon.	Assiniboia	PC
MITCHELSON, Bonnie, Hon.	River East	PC
NEUFELD, Harold, Hon.	Rossmere	PC
ORCHARD, Donald, Hon.	Pembina	PC
PENNER, Jack	Emerson	PC
PLOHMAN, John	Dauphin	ND
PRAZNIK, Darren, Hon.	Lac du Bonnet	PC
REID, Daryl	Transcona	ND
REIMER, Jack	Niakwa	PC
RENDER, Shirley	St. Vital	PC
ROCAN, Denis, Hon.	Gladstone	PC
ROSE, Bob	Turtle Mountain	PC
SANTOS, Conrad	Broadway	ND
STEFANSON, Eric, Hon.	Kirkfield Park	PC
STORIE, Jerry	Flin Flon	ND
SVEINSON, Ben	La Verendrye	PC
VODREY, Rosemary	Fort Garry	PC
WASYLYCIA-LEIS, Judy	St. Johns	ND
WOWCHUK, Rosann	Swan River	ND

**LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LAW AMENDMENTS**

Tuesday, July 16, 1991

TIME — 7 p.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Mr. Jack Reimer (Nlakwa)

ATTENDANCE - 11 — QUORUM - 6

Members of the Committee present:

Hon. Messrs. Downey, Driedger,
Gilleshammer, Hon. Mrs. McIntosh, Hon. Mr.
Neufeld

Mr. Alcock, Mrs. Carstairs, Ms. Friesen,
Messrs. Reimer, Storie, Sveinson

Substitutions:

Mrs. Vodrey for Hon. Mrs. McIntosh (1918)

Mr. Reid for Ms. Friesen (1931)

APPEARING:

Gerald Ducharme, MLA for Riel

Bonnie Mitchelson, MLA for River East

Clayton Manness, MLA for Morris

Rosann Wowchuk, MLA for Swan River

WITNESSES:

George Mironuk, Motion Pictures
Projectionists IATSE Local 299

Barb Stuber, Society for Manitobans with
Disabilities

Mark Minenko, Private Citizen

MATTERS UNDER DISCUSSION:

Bill 2—The Amusements Amendment Act

Bill 45—The Securities Amendment Act

Bill 47—The Highway Traffic Amendment and
Consequential Amendments Act

Bill 61—The Communities Economic
Development Fund Amendment Act

Bill 63—The Northern Affairs Amendment Act

Bill 64—The Energy Rate Stabilization Repeal
Act

Bill 71—The Mineral Exploration Incentive
Program Act

Bill 73—The Rural Development Bonds Act

Mr. Chairman: Will the Committee on Law Amendments please come to order. Bill 2, The Amusements Amendment Act; Bill 45, The Securities Amendment Act; Bill 47, The Highway Traffic Amendment and Consequential Amendments Act; Bill 61, The Communities Economic Development Fund Amendment Act; Bill 63, The Northern Affairs Amendment Act; Bill 64, The Energy Rate Stabilization Repeal Act; Bill 71, The Mineral Exploration Incentive Program Act; Bill 73, The Rural Development Bonds Act. Is it the will of the committee that we proceed with the bills as I have called them?

Bill 45—The Securities Amendment Act

Hon. Albert Driedger (Minister of Highways and Transportation): Mr. Chairman, I ask the indulgence of the committee and the presenters and ask whether Bill 45 (The Securities Amendment Act; Loi modifiant la Loi sur les valeurs mobilières) could be dealt with first. We have a presenter on Bill 45. If we could have the presenter heard and deal with the bill, the minister has a personal problem and would like to accommodate that if possible.

Mr. Chairman: Agreed? We will call Bill 45 first. We have a presenter, Mr. Harry DeLeeuw, Manitoba Real Estate Association.

Mrs. Sharon Carstairs (Leader of the Second Opposition): Was there any indication that Mr. DeLeeuw was not going to appear tonight when he was contacted to tell him the hour had been changed?

Mr. Driedger: In the event that there has been a misunderstanding or something of this nature, if Mr. DeLeeuw would be coming at a later time and makes his presentation, and if there is then a desire of the committee to consider a further change in the bill at that stage of the game, it could be brought in at third reading if that would be the desire. We would inform the minister of the concerns of the presentation if there is one and we could deal with it that way. I am trying to ask whether we could accommodate as reasonably as possible the—

Hon. Linda McIntosh (Minister of Co-operative, Consumer and Corporate Affairs): Mr. Chairman, my deputy informs me that he has been in communication with Mr. DeLeeuw, and Mr. DeLeeuw will not be appearing.

Mr. Chairman: Then we will proceed with the bill. We will then proceed with Bill 45. If any member was needing a copy of any of the bills that are being discussed tonight they are on the table behind which you are able to pick up at your leisure. Madam Minister, do you have an opening statement before we proceed with Bill 45?

* (1910)

Mrs. McIntosh: Mr. Chairman, Bill 45 has three basic purposes. First, this bill amends The Securities Act by increasing the number of members to the Securities Commission from five in number to seven in number. Except for the full-time chairman, the members of the commission are all part-time members. From time to time they will have some difficulty in obtaining a quorum, but they also would like to be able to divide up into panels for hearings which would make them more flexible and more effective, and particularly in light of the trend toward more challenges of commission's authority and impartiality in securities matters.

Secondly, The Securities Act will be amended to remove one part of the exemption from registration for trading in securities that has been available to banks, trust companies and insurance companies. These financial institutions will hereafter be required to register in Manitoba for securities activities such as marketing their in-house mutual funds, and the amendment will place all persons and companies in the same position relative to trading in securities in Manitoba.

This bill, Mr. Chairman, will then bring our province in line with other Canadian jurisdictions that currently require these financial institutions to be registered. The registration of their companies and their employees is an effective way to ensure that persons dealing with the public are meeting the proficiency standards established for trading in securities, including the completion of the educational requirements. The national firms doing business in Manitoba recognize that this change is also in the broader interests of uniformity among provinces.

The third purpose of the bill is to amend two incorrect references that occurred when the act was re-enacted in 1988.

That is my opening statement, Mr. Chairman.

Mr. Chairman: Thank you. Does the member for the official opposition have an opening statement?

Mr. Jerry Storie (Flin Flon): No, Mr. Chairperson. I think the explanation provided by the minister is sufficient, and I think we should just—

Mr. Chairman: Does the critic for the second opposition have an opening statement?

Mrs. Carstairs: Yes, I just have a question, actually of the minister, and that is we were not sure, and still are not sure, that the employees of the banks, trust companies and insurance companies will actually have to be registered, whether it will be the banks themselves, and that to us is not satisfactory, because presently anyone with a security licence needs to be registered. Will that also be true for all banks and trust companies?

Mrs. McIntosh: Yes, they will have to be registered, the employees.

Mrs. Carstairs: Will they also have to pass the same kind of securities examination as is required of others selling securities in the province of Manitoba?

Mrs. McIntosh: There is a bank in-house test that has been approved across Canada for that purpose for the employees who will be selling.

Mrs. Carstairs: So we are accepting that in lieu of any Manitoba securities examination.

Mrs. McIntosh: All of these courses have characteristics in common, and this is similar to the ones that are being put in place across Canada, acceptable to the Securities Commission.

Mr. Chairman: The bill will be considered clause by clause. During consideration of the bill, the title and the preamble are postponed until all of the clauses have been considered in their proper order of the committee.

Clauses 1 through 6—(pass).

Mrs. McIntosh: Mr. Chairman, I have an amendment for Clause 7.

Mr. Chairman: We will just distribute these.

* (1915)

Mrs. McIntosh: I move

THAT proposed section 7 of Bill 45 be struck out and the following substituted:

Coming Into force of Act

7(1) This Act, except sections 3 and 4, comes into force on the day it receives royal assent.

Coming Into force of sections 3 and 4

7(2) Sections 3 and 4 come into force on a day fixed by proclamation.

(French version)

Il est proposé que l'article 7 du projet de loi 45 soit remplacé par ce qui suit:

Entrée en vigueur

7(1) La présente loi, à l'exception des articles 3 et 4, entre en vigueur le jour de sa sanction.

Articles 3 et 4

7(2) Les articles 3 et 4 entrent en vigueur à la date fixée par proclamation.

The explanation for this amendment, Mr. Chairman, is to allow the banks to receive notice, that they are given forewarning and time to make adjustments before the coming into effect of the bill.

Mr. Chairman: On the proposed motion, moved by the honourable Mrs. McIntosh, that the proposed Section 7 of Bill 5 in both English and French—all those in favour, please say yea.

Some Honourable Members: Yea.

Mr. Chairman: All opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairman: Amendment—pass; Clause 7, as amended—pass; Preamble—pass; Title—pass. Bill be reported, as amended.

Committee Substitution

Mr. Ben Sveinson (La Verendrye): Mr. Chairman, may I have leave to make a change on the committee?

I move, seconded by Mr. McAlpine, that the composition of the Standing Committee on Law Amendments be amended as follows: Vodrey, Fort Garry, for McIntosh, Assiniboia. This will be reported in the House tomorrow.

Mr. Chairman: Agreed?

Some Honourable Members: Agreed.

Mr. Chairman: Agreed.

Bill 2—The Amusements Amendment Act

Hon. Albert Driedger (Minister of Highways and Transportation): Mr. Chairman, first of all, I want to express appreciation for the consideration given the minister dealing with Bill 45 first. Based on the request of my House leader, I was wondering if Bill 2 could be considered the same way, that we deal with the presenter and deal with the bill, and then subsequent to that we deal with the presenters on Bill 47.

Mrs. Sharon Carstairs (Leader of the Second Opposition): I have a question to the government now that we are earning so many Brownie points in being so agreeable. What are we going to get in return?

Mr. Chairman: Agreed? Agreed.

I now call on Bill 2. We have a presenter, Mr. Mironuk, Motion Picture Projectionist. Mr. Mironuk, do you have a written presentation?

Mr. George Mironuk (Motion Pictures Projectionists, IATSE Local 299) No, I have not. I just found out this afternoon that in short time this bill would be coming up, and this is concerning the licensing of motion picture projectionists.

Mr. Chairman: You may proceed.

Mr. Mironuk: I have the bill in front of me here. There is nothing mentioned on the licences of projectionists, but in 1988 we found out that the licences were going to be suspended. The union was never notified of this change. When I did contact someone, his name Ray Kolbuch, he informed me that the licences were being suspended because they did not have time to translate them into French. We thought we should have been notified. We have been in the entertainment industry here for over 75 years, and we had good relations with the both film chains here. Our members, they went up to the licence board to get their licence renewed in December and the clerk there says, you do not need a licence anymore. We thought that was kind of odd that we were not informed of this.

* (1920)

Now, I have had occasion to meet with the last Minister of Labour, Ed Connery, and we did not get much results out of that meeting. Then I had a chance to meet with the minister, Gerry Hammond, and she wrote me a reply that the government felt that there was no need for licensing. Now we are

not looking for licensing as such, we are looking at being recognized as a profession. We take time to learn our trade; there is a lot of responsibility in the theatre running those projectors. Like myself, I am working in a theatre with six projectors and what we would like to see done is have a certificate of qualification.

Alberta, they dropped projectionist's licences a number of years back. Now they have come back with the government and the exhibitors, and they brought out a certificate of qualification. That means you have got to come in and prove that you know how to operate this equipment. Now there are a few things in the equipment that you have to know how to operate because you are dealing with high intensity lights, you are dealing with electricity, that is in the danger side, because those bulbs can explode and cause bodily harm if you are not qualified to look after this stuff. The company relies on us to do all this work for them.

Now we would like—as being a member of the local here, I would like to see the government sort of put this back in, not as a licence but as a certificate of qualification, that somebody is going to say that person that goes into work is qualified to operate that equipment, not take someone off the street like some exhibitors feel it takes 20 minutes to show a person how to thread up the machines and that and that is the end of the duties there, but there is more work than just threading up those machines.

Mr. Chairman: Mr. Mironuk, I believe there may be a little bit of confusion, possibly on both parts. The bill that you are referring to is Bill 65 which is Statute Law Amendment bill which has not been brought forward to this committee yet. The bill that we are addressing right now is Bill 2 which is The Amusements Amendment Act. Bill 65, which you are referring to, has not come to this committee yet.

Mr. Mironuk: Well, I thought we were under The Amusement Act when we got our licences, and the regulations that we had years ago, they were under the same act. That is why I thought this was the appropriate bill. I was under the impression it was supposed to be Bill 65 but then when I saw the Bill 2 and The Amusement Act I did not see anything else marked for something else, but I thought I would try and catch it before.

Hon. Bonnie Mitchelson (Minister of Culture, Heritage and Citizenship): If I might clarify, there are certain sections of this act that do fall under the

jurisdiction of the Minister of Labour, and it was the Minister of Labour that brought these amendments forward in Bill 65, The Statute Law Amendment Act, and if I could, I would like to take your concerns forward to the Minister of Labour (Mr. Praznik) when that bill comes forward.

Mr. Mironuk: It will be here tonight?

Mr. Chairman: No, he will not be here tonight. The bill has not been brought to this committee yet.

Mr. Mironuk: I was under the impression it was going to be presented tonight. This is why I came down, because the last time I missed out on it there. I wanted to make sure that I was heard on this bill.

Mrs. Carstairs: Mr. Mironuk, it is my understanding that the bill that you are interested in, is an amendment to Bill 65, and I think as of this meeting, you can do one of two things. You can ask for the statements that you have made tonight to be read into the record when we deal with Bill 65, which will not be tonight, or you can inform the clerk that you also want to make a presentation on Bill 65, and then the clerk in turn will inform you when we will be discussing and debating that bill.

Mr. Mironuk: That would be appreciated.

* (1925)

Hon. James Downey (Minister of Northern Affairs, responsible for Native Affairs): Mr. Chairman, maybe to assist the minister, if it is the Department of Labour, could contact the gentleman and have his concerns dealt with directly rather than have him come back, if that would be—

Mr. Mironuk: Well, I have been meeting with two Ministers of Labour already, and nothing was to my satisfaction. This is why I am trying to present it here or some place so that we could get some action, and we are trying to look after ourselves to be recognized as a trade.

Mr. Chairman: Are you in agreement with what has been suggested, Mr. Mironuk?

Mr. Mironuk: As long as I can get copies and be informed when it is going to be presented again, I would appreciate it.

Mrs. Mitchelson: Mr. Chairperson, then is it my understanding that you would like me to take your concerns forward to the Minister of Labour or that you will come back to committee when Bill 65 is before the committee?

Mr. Mironuk: Either way. I will come back to committee again if I have to, but I would like to see something done on this to our satisfaction.

Mrs. Mitchelson: We will ensure that you are informed when Bill 65 is before the committee. Thank you, and we are sorry for the misunderstanding.

Mr. Mironuk: Okay.

Mr. Chairman: Thank you for your time.

We will now proceed with Bill 2. Does the minister have an opening statement?

Mrs. Mitchelson: No.

Mr. Chairman: Does the critic for the official opposition have an opening statement?

Mr. Jerry Storie (Flin Flon): No.

Mr. Chairman: Does the critic for the second opposition have a—Mrs. Carstairs?

Mrs. Carstairs: Again, I just have a question because the bill is an excellent one, and that is Section 51. What it has done here is, it has listed (a) and (b) in what is an illogical order, it would appear to me, and that offends my sense of logic, because I do not think you want people to go in and inspect before they have been given the permission to enter.

Mrs. Mitchelson: Mr. Chairperson, I am informed that each clause is an individual power, and they are not necessarily exercised in the order that they appear in the bill.

Mr. Chairman: The bill will be considered clause by clause. During the consideration of the bill, the title and the preamble are postponed until all the clauses have been considered in their proper order by the committee.

Clause 1 through 14—pass; Preamble—pass; Title—pass. Bill be reported.

* (1930)

Bill 47—The Highway Traffic Amendment and Consequential Amendments Act

Mr. Chairman: We will now proceed with Bill 47, The Highway Traffic Amendment and Consequential Amendments Act (Loi modifiant le Code de la route et d'autres dispositions législatives), for which we have presentations. I will call Barb Stuber, Society for Manitobans with Disabilities. Do you have a written presentation?

Ms. Barb Stuber (Society for Manitobans with Disabilities): Yes, I do. I believe you have copies of it.

Mr. Chairman: Okay, we will distribute it for you. Would you hold on until we distribute them.

Committee Substitution

Mr. Jerry Storie (Flin Flon): Mr. Chairperson, by leave of the committee, I would like to move some changes.

Mr. Chairman: Is there leave? Leave.

Mr. Storie: Mr. Chairperson, I would like to move that the member for Transcona (Mr. Reid) be substituted for the member for Wolseley (Ms. Friesen) as a member of the Standing Committee on Law Amendments, effective immediately, and that I will report the same to the House.

Mr. Chairman: Agreed? Agreed.

Mr. Chairman: You may now continue, Ms. Stuber.

Ms. Stuber: I am here to represent the Society for Manitobans with Disabilities who are the major distributors of parking permits for people with disabilities.

The prime reason I wish to present is to show support for the bill. I would like to state the importance of this legislation regarding accessible parking and, in particular, the enforcement thereof so that people with disabilities are able to live independent lives.

For your information, since this was presented and accepted as a private members' bill by former MLA Mark Minenko in 1990, a variety of community organizations have worked co-operatively with Highways and Transportation to work through the difficult parts of the legislation. These organizations include the Canadian Paraplegic Association, Community Therapy Services, the Manitoba League of the Physically Handicapped, a representative from National Access Awareness Week and the Society for Manitobans with Disabilities.

We believe this bill will accomplish the establishment of a unique program. It will also ensure that it is an offence to park without displaying an authorized parking permit, ensure enforcement, and ensure municipalities have enabling legislation

to require parking lot owners to designate spaces according to the needs of the community. We are in favour of the bill and welcome and support this initiative.

At this time I would like to thank former MLA Mark Minenko for his initiative in presenting the original bill a year ago, the Department of Highways and Transportation and, in particular, Jim Kingdon and Piper Werbowski who provided their expertise, knowledge and patience in redrafting the bill, and the Province of Manitoba for moving forward on this issue.

SMD, as the major issuer, currently receives a grant from Highways and Transportation to help offset some of the expenses in operating the program. If there is not ongoing revenue either through a user pay program or a government grant, SMD will not be able to continue to operate the program given our current deficit position and the fiscal restraint that everyone today is experiencing. We currently have approximately 5,500 users with approximately 200 new users each month. The cost per permit is approximately \$9.00.

We sincerely hope this project will come to fruition soon and believe this is a positive step to ensure the needs of the disabled are met, and to ensure that people who are not disabled do not park inappropriately in an accessible spot. Thank you.

Mr. Chairman: Thank you very much. Are there any questions for Ms. Stuber?

Mrs. Sharon Carstairs (Leader of the Second Opposition): Yes, thank you, Ms. Stuber for your presentation. Are you saying that it is costing SMD approximately \$1,800 a month to implement this?

Ms. Stuber: Yes, it is; the nine times the 200, yes.

Mrs. Carstairs: Where are your sources of revenue at the present time other than government grants?

Ms. Stuber: We were able to receive a CareerStart Program for an individual. We have been able to pay the staffperson out of that money, but those funds have dried up. We also have used the \$7,000 which has helped us through since we undertook to do the majority of the issuing two years ago.

Mrs. Carstairs: It is my understanding the SMD has not received any increase in their government grant. In that this is the case, will this not make it impossible for you to continue to run this program?

* (1935)

Ms. Stuber: Mr. Chairman, the budget we proposed would necessitate the user-pay fee of \$10 every three years plus the \$7,000 grant from Highways and Transportation. We believe the new users per month would carry us through each year with additional money coming in every three years to help offset the costs.

Mr. Daryl Reid (Transcona): Mr. Chairperson, to the presenter through you, is the presenter aware that the current grant of \$7,000 from the government will terminate after this program, should it pass, be in effect for two years?

Ms. Stuber: Mr. Chairman, yes, I am. That was the intent, that at year 3, it should phase out, and the program should be self-sustaining through the user pay.

Mr. Reid: Is the presenter able to give us an indication as to whether or not the funds that will be generated as a result of the fees will be enough to sustain the organization in the implementation of this new program?

Ms. Stuber: Mr. Chairman, initially the funds for the implementation of the program are not there. However, we are looking at an option of possibly gaining corporate donations to help us with things like pamphlets and brochures, posters. That is a possibility. However, the initial implementation money, no, it is not there.

Mr. Reid: Then, if I understand the comments correctly, the grant of the government that is currently \$7,000 per year would obviously be of great benefit to the SMD and that it should be continued.

Ms. Stuber: Mr. Chairman, that is correct.

Hon. Albert Driedger (Minister of Highways and Transportation): Might I just compliment Ms. Stuber on your presentation and compliment your organization for working very closely with my staffpeople in terms of coming forward with legislation that I think is going to be beneficial to everybody. Thank you.

Ms. Stuber: Mr. Chairman, I would also like to say it was a pleasure to work with your staff. They were exceptionally well-versed and experienced and we appreciated their input.

Mr. Chairman: Thank you very much. Mr. Irwin Corobow, with Community Therapy Services.

Mrs. Carstairs: Was he also informed, Mr. Chairman, that the time had been changed?

Mr. Chairman: Yes, he has been spoken to directly.

We will then call on Mr. Mark Minenko. Do you have a written presentation?

Mr. Mark Minenko (Private Citizen): No, I do not, Mr. Chairman.

Mr. Chairman: You may proceed then.

Mr. Minenko: Before starting my presentation—I am not sure if there are any time limits on presentations, because I hear some members commenting. I am just wondering before I start if I could ask the Clerk of the committee—if the statutes are still held at the back of the hall—if the Clerk could pull out three statutes for me, The Highway Traffic Act, The City of Winnipeg Act and The Municipal Act, if you could. -(interjection)- I did not get a set free, as the Minister of Health (Mr. Orchard) says.

Mr. Chairman: Did you need those before you start with your presentation?

Mr. Minenko: No, if they could be brought in a timely manner, I can begin.

Mr. Chairman: Okay, you may proceed and then when they become available—

* (1940)

Mr. Minenko: As there are a number of new members on the committee? I want to just update perhaps and advise some of the newer members and perhaps some of the older ones as to why this legislation was originally introduced in the form that it was introduced.

I am not here as a politician to comment one way or another or offer those sorts of comments with respect to the legislation. I am here simply as a private citizen of this province who has had a chance to review this legislation, and I do want to make some comments with respect to it both from, perhaps, a legal point of view and also a very practical point of view as to why I think there should be amendments to this legislation.

When this legislation was originally introduced in February or March of 1990, the main reason for the legislation was, as many of you are aware, that in 1988 there was a Department of Health and Welfare Canada report in March of '88 that said about 16 percent of all adult Canadians have a level of activity limitation because of a health problem. It certainly came about as a result of a telephone call from a constituent of mine at the time who advised me that oftentimes they could not find handicap parking

spots that were available and whether we could do anything about it.

When I initially started the research in the summer of '89, I discovered that there was really only one bylaw that was apparent to me and as a member of the Legislature with limited research available to me, and that bylaw was in the city of Brandon. When I was provided with a copy and an opinion as to that bylaw, that bylaw was at least one step forward because no one else had a similar bylaw dealing with handicap parking in this province, but on the other hand, it was as the previous presenter said, it was simply an enabling bylaw.

It did not say that anyone had to have a parking space designated for the handicapped in the city of Brandon. It said if you wanted one, you can designate one, but what it did do is provided for a fine. That was all that was available in Manitoba up to the time when this binder, it is about an inch and a half thick, started to grow. When I looked at that, I then thought, well, why reinvent the wheel? Let us look to some other jurisdictions.

I looked to some of the other provinces, some other cities across Canada. I looked to our neighbours to the south, in North Dakota and Minnesota, and a number of the parts that were introduced, a number of the sections that were included in the legislation that Bill 47 is amending were drawn from the previous legislation of other jurisdictions and were drawn from their experiences. For example, the most striking—and this is something I hope the members of the committee do—look at amending and changing. It is certainly nothing that the government would fall on. I do not think this is a matter of confidence in the government either, and I certainly think all members should look to this point.

In the legislation that was introduced last year by myself, we brought in a fine of \$100. Now, when I initially looked at what to fine people, I thought, well, initially, maybe \$10 or some nominal amount along that line, which is what most parking—if you have a parking ticket, as you may have had, you pay \$10 if you pay within the 10 days. The problem, when I spoke with the assistant attorney general in the State of North Dakota, they said, when they brought their legislation in, they also had it at \$10, and very few people paid attention to it. So what they did was they then quickly changed that fine to \$100. By doing that, they found that the number of people

getting tickets for stopping or standing or parking in a handicapped spot decreased quite a bit.

(Mr. Ben Sveinson, Acting Chairman, in the Chair)

I said, why should we go through this process? Why not just bring in \$100 fine? That is why the \$100 fine was introduced into The Physically Disabled Persons Parking Act. Before I introduce this as one the Legislative Counsel could well attest to, this legislation that I introduced went through four or five drafts, and that was as a result of not simply discussions with one group or another group, but with a wide-ranging discussion, including with the City of Winnipeg Police Department who brought this issue of parking fines to my attention.

When I reviewed Bill 47, I noticed that the government has changed, or the Minister of Highways (Mr. Driedger) has amended that piece of legislation. Instead of having a fine \$100 increasing to \$150 on a second offence, I believe, in my original legislation, he simply has it, whatever the going parking rate, fine rate is. This is something I discussed with the City of Winnipeg Police, so what I am asking you to do is reconsider and amend that section of this legislation to bring it back to a \$100 fine for a first offence. The reason for that is that I know the reason why the bureaucrats and the government have suggested to the minister to make this amendment, that city police departments or other police departments have said, it will not fit on our yellow ticket, and that is why we do not want it \$100; it will not fit on that yellow ticket.

Ladies and gentlemen, what the police can do is, they do not need to use the yellow ticket. That is not the only means by which they can fine somebody. There is another notice that people can be assessed this fine at. So the fact that it does not fit on the yellow ticket that people receive now that shows that it is a \$55 fine but decreased to \$10 or \$20 or \$30 whenever you pay—in fact, the police have admitted to myself, and I am sure, if this committee were to go further, it would find that that is in fact correct, there is a second way of fining it.

So I would ask this committee to reconsider that section in Bill 47 and bring it back to the fine of \$100 for the first time because, if the experience south of the border repeats itself here in Manitoba, what is the use of even passing this kind of legislation if it does not deal with the problem?

(Mr. Chairman in the Chair)

The other parts that I would like to comment on, and perhaps more of a practical sense, you may sort of ask, why did Minenko introduce a separate law, separate act, dealing with this issue? Why not just amend The Highway Traffic Act like the minister has proposed? Why not just amend The Municipalities Act and the other acts as set out in Bill 47? Ladies and gentlemen, part of the problem or the problem that was being addressed is accessibility.

Recently, I have had to purchase some pieces of legislation at Queen's Printer. A piece of legislation similar to The Physically Disabled Persons Parking Act, which was about a dozen, or 15, 16 pages long, costs about a dollar and a half. Ladies and gentlemen, The Highway Traffic Act is this thick. Actually, it is probably thicker because in this binder it does not have The Highway Traffic Act. The Highway Traffic Act needs a separate binder. That is how thick it is. I also asked the clerk to bring in the other two pieces of legislation, The Municipalities Act and The City of Winnipeg Act. Those acts are as thick as you see in front of you as well.

So what the Minister of Highways—with all due respect, Albert, and I know that you are a very sincere and honest individual, but by amending this legislation, by proposing Bill 47, The Highway Traffic Act costs about \$60 to buy. In order to buy the three acts that are being amended as part of Bill 47, you are looking at spending well over \$100.

When we talk about accessibility—and I remember sitting where you are sitting, last year, and hearing the government members talking about accessibility and congratulating and all this good stuff—this is a serious issue of accessibility. How much is this legislation going to cost for somebody to know what their rights are? You are talking about \$1.60 for something as thick as The Physically Disabled Persons Parking Act, and you are talking well over \$100 to find out what is in The Highway Traffic Act, The Municipalities Act and what is in The City of Winnipeg Act. Unless the government is going to be able to provide a separate printing dealing with those amendments, in order to have someone find out what exactly the law is on handicapped parking in this province, they are looking at spending a tremendous amount of money.

* (1950)

I certainly know that many of you get comments from your constituents and other people calling on you saying, listen, I cannot afford to live as a handicapped person on what the government is giving me, and yet, to find out what their rights are with respect to parking, instead of paying a buck and a half, you are looking at paying over \$100. When you deal with accessibility, it is not just reasonable to do that, and that was one of the purposes of introducing a separate law, a separate act, so it was not going to be very big, so somebody could go in and find out what the law is. I think this is a critical aspect and is very practical as well.

With respect to some of the other issues in the legislation—and like I say, my concern is, I am not here as a politician. There are certainly no great pluses for me to see this legislation as a separate bill in the Statutes of Manitoba. I was just pleased to be able to have introduced something last year that was going to assist 16 percent of our population in this province. I am not appearing to say, listen, I want you to put this back because that was my bill. It was not my bill, but I think that was the practical concern for having this small piece of legislation on the book, so somebody could go and buy it for a relatively small price.

With respect to the other principles that fit within the legislation that was introduced last year and was passed last year, was the principle of universality in this province. When drafting this legislation, I just did not sit down with some staff and draft the legislation. I sat down, as I put in my letter to the Minister of Highways (Mr. Driedger) in March or February of last year, and I listed the people whom I had met with, the groups that I had met with. I met with the previous presenter and her association. I met with the League for the Physically Disabled, The Canadian Paraplegic Association and Mr. Corobow's group, but also I met with the shopping mall people.

I had a meeting in the other committee with representatives of all the major shopping centres in the city of Winnipeg. In addition, I met with the operators of pay parking, some of the strip mall people. I tried to have as broad a consultation as possible within the limitations of being a private member of the Legislature.

You may comment, well, Mlnenko, you did not meet with anybody outside the city of Winnipeg. Well, yes, we did. The chairman of the transportation committee of one of the organizations

was in fact from outside the city of Winnipeg and added his comments with respect to the position vis-a-vis this legislation from rural Manitoba's perspective. He had some very important comments to add, and those comments were incorporated in the legislation because, as I mentioned earlier, it went through four drafts before finally being presented in the Chamber.

Again, the reason was to ensure that there is one system of operation for handicap spots in this province, not a patch quilt system. I think, last year, when all three parties agreed to the legislation—in fact, I think it was probably one of the more progressive pieces of legislation in Canada of any province because most provinces simply dealt with it through regulation.

That was in fact one of the cornerstones of the legislation, to make sure, if you parked someplace in Winnipeg, Vita, Flin Flon, Thompson, Churchill, Minnedosa, Pilot Mound, that you knew what the law was.

When I read through the bill that we have before us, on page 7, I was quite surprised as to what the ultimate result of the government was, considering the fact that the government had my legislation for at least a month before it came to committee. In fact, the Minister of Justice (Mr. McCrae) introduced a number of amendments, a dozen or so amendments, at the time, so the government certainly could not say that they did not have enough time to review it because they themselves introduced a number of amendments to it.

So why all of a sudden the wholesale change? I do not know. I think only the minister can comment on that, but ladies and gentlemen, the important aspect of having a universal piece of legislation has been set aside by this bill because, as the Legislature in Manitoba, you can basically make any law you want as within constitutional basis or constitutional authority.

The problem that I understood with The Physically Disabled Persons Parking Act last year was one—and it was a highly technical problem, highly legal technical problem. This was one thing that was missed because certainly, as a private member of the Legislature, I did not have access to the ministry of Justice, or any other department for that matter, for information and viewpoint, and that was that you could not ticket a car, that you had to ticket a driver.

The legislation did not include that omnibus provision that is included in The Highway Traffic Act, that you can leave a ticket on a car. When I spoke to a friend of mine in the Attorney General's office, that was basically the comment they offered me. That was it. All it required was a small one-page amendment introduced by the Minister of Highways (Mr. Driedger) or by whatever minister to correct that deficiency.

Quite frankly, from a practical point of view as well, who would challenge this kind of law in the courts? I am sure it would—again, for whoever parked in that handicap spot and had their car ticketed, who would be in their right mind, quite frankly, ladies and gentlemen, to challenge that kind of a thing? I am sure that person would not want the publicity of constitutionally challenging something that I think you can find universal agreement to: You do not park in a handicap parking space.

That was the only problem, and it was a highly technical—practically speaking, it really was not a problem. Instead of that, what we have is, with all due respect, Albert, ayayay, chykay, chykay, ta, on page 7, the government introduces a simple word, and this is sometimes—you know, people complain about lawyers looking at individual words and you have to look at the big picture, but unfortunately, we are governed by laws in the way laws are observed and the way laws are enforced.

There is a small little word here, the word "may." That word "may" is a word that says, well, you can do it if you want, you do not have to if you do not want to. It is something we suggest, but you do not have to. That is a concern because one—and I draw members attention to page 7. I hope members have in fact read this because, unfortunately, my experience over the last two and a half years was that most people do not. -(interjection)- Yes, it is the new Section 299.1(2) and 299.1(3). -(interjection)- On page 7.

* (2000)

There are two words that really make a significant difference. In the subparagraph or in subsection 3, it says that a municipality that is a city, a town, designated by regulation as a municipality shall, by bylaw, make it an offence for a person to stop, stand, park a motor vehicle in a designated parking spot. Okay, so what this word "shall" means is that any municipality or city that fits into that definition has to introduce a bylaw that makes it an offence for

somebody to park in a spot. Well, that is perfectly good sense. Congratulations, Albert, excellent piece of draftsmanship legislation. You are requiring the cities to pass a bylaw making it an offence to park in a spot.

However, look under subsection 2: A municipality may, by bylaw, make it an offence for a person to stop, stand or park a motor vehicle in a designated spot or in a manner that makes a designated parking space inaccessible, unless a permit is displayed. All right. I think there is certainly one improvement over the legislation I had drafted, hats off to the department, in that you have included someone's parking in a manner that makes a designated parking space inaccessible. I do not think I had that. Perhaps one of the Legislative Counsel could correct me, but I do not think I had that in the original legislation. That is certainly an improvement because we sometimes see people park in two spots.

The critical word here and the critical issue here is that the municipality may, by bylaw, make it an offence. So unless perhaps the minister wants to offer a suggestion as to why there is that difference, the way I have certainly read this is that it may do certain things. It does not have to introduce certain bylaws, but it can introduce other ones, and I think it is important that it be done through and through.

In light of the time and weather restrictions, I would perhaps like to end my comments there and hope that perhaps the committee can consider this. As I said, I do not think amending this legislation will topple the government. I do not think this is a matter of confidence in the government, but I think there are some critical issues to be addressed. When the original legislation was introduced, it was intended to make those spots accessible. Those spots have been voluntarily provided, and yet, there was no enforcement. This is certainly what the shopping mall people were looking for, is give us a means to enforce this.

I think it is critical because there is both I think a legal question here as well as a practical. The legal is, what are the ramifications of the inclusion of this word "may" in here, as opposed to "shall" later on, but I think more critically to the person who is going to be looking to use this service is, how much is it going to cost for someone to find out what the law with respect to parking is going to be? Are they going to have to buy two binders like this, or more?

Correct me if I am wrong, the Legislative Counsel, but I believe The City of Winnipeg Act, the municipalities act and The Highway Traffic Act are the biggest acts in the statutes of Manitoba. Actually, an improvement the government could do is in fact add an index, because there is no index to this legislation. If you want to find what the section is for imprudent driving, you have to look through the whole statute. So when you talk about accessibility, that is probably the most critical aspect, that someone first is going to have to spend over \$100 to find out what the law is in the province of Manitoba, with respect to these spots, and then spend some time looking for them. Thank you very much, Mr. Chairman.

Mr. Chairman: Thank you very much. Are there any questions of Mr. Minenko? Thank you very much for your presentation.

Are there any other presenters for Bill 47? This ends the public presentations on Bill 47. Does the minister have an opening statement?

Mr. Driedger: Mr. Chairman, might I just take this opportunity to compliment the last speaker, Mr. Minenko, on the initiative last year when he brought this bill forward. That is as far as I can compliment the member, though, or the then-member, because—and I do not want to get into a debate with him about what has happened since—the bill was brought forward as a private member's bill, and I think the intent and purpose of it was proper, but the legislation was such—and it was passed in the heat of the night, if I may put it that way, and after the passage of the bill, we found out that basically I think there was only one area that by and large we could proclaim. The balance of the bill was basically flawed in many regards.

So subject to that, my staff got involved and have been working with the five major organizations representing disabled persons. The bill that we have before us today reflects I believe very honestly the purpose of those and the desires of the people that they work with in terms of what this legislation is supposed to do.

I just want to indicate at this time as well that we took note of the comments made by the critic of the official Opposition in regard to his concerns about this bill. I understand that he has a raft of amendments. I want to indicate to him that we have by and large gone through that and have accepted

two of his amendments which I will be bringing forward.

The other amendments by and large, he can naturally bring them forward, but staff have looked at it very carefully and we feel that, aside from the two that I will be proposing by his suggestion, the legislation is good legislation. Certainly, the fact that we have the endorsement of the five organizations that worked very closely with Jim Kingdon and Piper Werbowski, I think they took a lot of time and developed something that we think is good legislation. So I ask for the support of the committee to take and give approval.

Mr. Chairman: Does the critic for the official opposition have an opening statement?

Mr. Reid: Yes, Mr. Chairperson, this is a very important piece of legislation for the disabled members in our communities throughout the province.

In reading through the bill and in our comments that we have made in the Chamber, we found that there were some areas that should have some improvement, because this bill does allow for some discretionary decisions to be made by the individual communities throughout the province, that, where there may be disabled people and the communities choose not to have disabled persons parking as part of their bylaws, these people would be prevented from having the services that would normally occur in other centres, namely, the cities throughout the province.

That is why, as we go through this bill here today, I will be proposing some amendments that I hope will bring about some changes to this actual bill and make some improvements for the disabled people in this province. Thank you.

Mr. Chairman: Does the critic for the second opposition have an opening statement?

Mrs. Carstairs: Mr. Chairperson, we have, in my party, obviously, a particular feeling towards this bill because we believe that it has set the government in a new direction as far as a law for the disabled in terms of their parking is concerned in the province of Manitoba.

We, too, have several amendments to propose to this bill. We hope that the government will be open not only to the amendments which they are going to introduce, but that they will also be open to the amendments which will be made by the opposition parties.

Mr. Chairman: The bill 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 their proper order by the committee. Shall Clause 1 pass?

Mr. Driedger: Mr. Chairman, the two amendments that I have here, I wonder when would you want me to present those? -(interjection)- Okay, pass.

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

Mr. Driedger: Mr. Chairman, I move an amendment

THAT the proposed subsection—

Mr. Chairman: Could you just wait? We will just pass it out to all the members.

Mr. Driedger: Oh, sorry.

Mr. Chairman, I repeat again, with all due respect that these two amendments were ones that were proposed by the critic of the opposition, and I move THAT the proposed subsection 124.2(2), as added by section 3 of the Bill, be amended by striking out "and" at the end of clause (c), by re-lettering clause (d) as clause (e), and by adding the following as clause (d):

(d) where the motor vehicle's emergency lamps, as described in subsection 37(13), are lighted intermittently or put into a flashing operation; and

(French version)

Il est proposé que le paragraphe 124.2(2), énoncé à l'article 3 du projet de loi, soit amendé par substitution, à la désignation d'alinéa d), de la désignation e) et par adjonction, après l'alinéa c), de ce qui suit:

"d) si les signaux de détresse du véhicule automobile, visés au paragraphe 37(13), sont allumés de façon intermittente ou clignotent;"

Motion agreed to.

* (2010)

Mr. Reid: Mr. Chairperson, I believe that the minister was recognized ahead of the section—

Mr. Chairman: Excuse me, Mr. Reid. Could you pull the mike up?

Mr. Reid: I believe the minister was recognized ahead of the section that I had proposed to amend under Section 3 and I would like to read my amendment to that, Mr. Chairperson, if I might.

I ask for your advice and counsel on this, Mr. Chairperson, because this particular amendment can affect two sections of this bill—124.1 and 299.1(1). Would you wish that I would read both of those at the same time, or individually?

Mr. Chairman: Individually.

Mr. Reid: I propose

THAT the definition of "designated parking space" in proposed new section 124.1 of The Highway Traffic Act, as set out in section 3 of Bill 47, be amended by striking out "signs or pavement markings" and substituting "signs and pavement markings".

(French version)

Il est proposé que la définition de "aire de stationnement désignée" figurant à l'article 124.1 du Code de la route, énoncé à l'article 3 du projet de loi 47, soit amendée par substitution, à "panneaux ou des marques sur la chaussée", de "panneaux et des marques sur la chaussée".

Mr. Driedger: Mr. Chairman, if I might, staff looked at this suggestion. The definition was purposely drafted in broad terms so as not to exclude current parking signages or devices. Many parking lot owners designate parking spaces for the disabled by employing only the international symbol of access sign, but it is hoped that any signage designating the spaces "disabled person's parking" would be sufficient to lay any offence notice if the space is used to the contrary, rather than requiring parking lot owners to change their signs and markings. Considering the economic disadvantage of doing so, this definition was intentionally left in broad terms.

Further, with respect to on-street parking, most municipalities comply with the uniform traffic control devices of Canada, thus creating a standard for signages designated disabled person's parking spots. The committee by and large that they work with was in agreement with this provision.

Mr. Reid: Mr. Chairperson, the committee may have been in agreement with this, but I can see some difficulties that may be encountered in seasons other than the summer where the pavement is open and there are no signs posted. If we rely only on pavement markings and they are obscured by the snow that we have in this province for nearly some six months, some unwary motorist could drive into these spots and be unaware of the designation of the spots without the signs where

there are only pavement markings. That is why I bring forward this amendment to this bill here today.

Mr. Driedger: Mr. Chairman, we have found no cases where there are just pavement markings for the disabled parking spots.

Mr. Chairman: On the proposed amendment moved by Mr. Reid in English and in French

THAT the definition of "designated parking space" in proposed new section 124.1 of The Highway Traffic Act, as set out in section 3 of Bill 47, be amended by striking out "signs or pavement markings" and substituting "signs and pavement markings".

(French version)

Il est proposé que la définition de "aire de stationnement désignée" figurant à l'article 124.1 du Code de la route, énoncé à l'article 3 du projet de loi 47, soit amendée par substitution, à "panneaux ou des marques sur la chaussée", de "panneaux et des marques sur la chaussée".

Motion defeated.

Mr. Reid: I have another amendment under the same section, Mr. Chairperson.

Mr. Chairman: We will just pass it out, if you would not mind.

Mr. Reid: Shall I move, Mr. Chairman?

Mr. Chairman: We will just pass this out first, Mr. Reid.

Mr. Reid: Mr. Chairperson, I move

THAT the proposed new subsection 124.1 of The Highway Traffic Act, as set out in section 3 of Bill 47, be amended by adding the following definition in its appropriate alphabetical position within the section:

"physically disabled person" means a person who is unable to walk a distance of more than 50 metres.

(French version)

Il est proposé que l'article 124.1 du Code de la route, énoncé à l'article 3 du projet de loi 47, soit amendé par adjonction de la définition qui suit dans l'ordre alphabétique:

"handicapé physique" Personne qui est incapable de marcher plus de 50 mètres.

Mr. Driedger: Mr. Chairman, the defining of physically disabled persons is contained in the regulations as was recommended by Legislative Counsel and is included in there.

Mr. Reid: Through you, Mr. Chairperson, if I might ask the minister and/or his staff why we would not include this in the act itself. Why would it be in the regulations? Unfortunately, I was not privy to the regulations that may or may not have been drafted before this bill came to this committee.

Mr. Driedger: Mr. Chairman, I am advised that it gives more flexibility by having it in regulations than if you have it in the Legislature.

Mr. Reid: Through you, Mr. Chairperson, if I might ask why we would need that flexibility. What changes does the minister anticipate in the future to this section?

Mr. Driedger: Mr. Chairman, I am not the Legal Counsel and, certainly, if there is anything—and that is why I made my comments at the beginning, that any of the suggestions that the member had made in his comments during the debate of the bill, we have looked at them very carefully and discussed them with the committee members as well. That is why we have picked out the ones that we thought were acceptable and the others we feel that there is no need for further amendments.

Mr. Reid: If the minister gives his assurances, then, that this particular amendment or the contents of this amendment are in the regulation, then I will be satisfied with that.

Mr. Driedger: I give you that assurance.

Mr. Chairman: On the proposed amendment moved by Mr. Reid in both English and French

THAT the proposed new subsection 124.1 of The Highway Traffic Act, as set out in Section 3 of Bill 47, be amended by adding the following definition in its appropriate alphabetical position within the section:

physically disabled person" means a person who is unable to walk a distance of more than 50 metres.

(French version)

Il est proposé que l'article 124.1 du Code de la route, énoncé à l'article 3 du projet de loi 47, soit amendé par adjonction de la définition qui suit dans l'ordre alphabétique:

"handicapé physique" Personne qui est incapable de marcher plus de 50 mètres.

Motion defeated.

Mr. Reid: Mr. Chairperson, I believe, all under Section 3, which includes subsections 124.1 to 124.9, is that all under Section 3?

Mr. Chairman: I believe so.

Do you have another amendment, Mr. Reid? We will just pass it out, if you will just hold on one moment.

Mr. Reid: It is not in the group of amendments that are to be distributed. I ask for your counsel on that because there were some comments that were made by presenters here this evening that I had intended on including in the amendments to this act, but because of time constraints, we were unable to bring forward those amendments in the hard copy. Therefore, I have only written it out in hand here at this time.

Mr. Chairman: I would remind the member that it is to be written out in English and in French.

Mr. Reid: I realize that, Mr. Chairperson. I thank you for that, but I noted in the last committee meetings where we were discussing The Highway Traffic Act, there was not time for the proper translation, and those amendments were allowed to proceed.

Mr. Chairman: I believe that they do have to be in English and French, Mr. Reid.

It can be brought forward at third reading, or if you did want to present the motion at this time, it can be drafted in French with Legal Counsel being here right now.

Mr. Driedger: Mr. Chairman, I wonder if could help, maybe, if the member wants to read out the proposed amendment in English only, I have no difficulty with that.

If we find that it is something acceptable—we would use the same approach we used the other day—then I would have staff look at it and we could do the legal aspect of it in French and English and bring it forward at report stage for third reading in the House.

I have no difficulty if the member wants to put it on the record, and we will have a look at that. If we find it acceptable, we will then bring that forward at report stage.

Mr. Reid: I agree with that, Mr. Chairman. I would like to have the opportunity to read it out, and then possibly, it could be brought forward as an amendment for third reading.

* (2020)

Mr. Chairman: If you would just hold on one second, please.

If you would like to bring it forth as a point of discussion and not as a motion and we will discuss it, and then if it is in agreement, it will come back as a motion on third reading.

Mr. Reid: Thank you, Mr. Chairperson. One of the presenters here indicated that there were some difficulties in this bill in that it did not impose any sanctions or penalties for those that were able-bodied and parked in disabled persons' parking.

I, too, had detected that in this legislation and was intent on proposing that sanctions be written into this legislation, and that is why I raise it at this time. In consultations that I have had with various groups that have had the opportunity to see sanctions or penalties imposed by other jurisdictions in this country and outside of this country, namely, there is the West Edmonton Mall where they have a sanction of \$60 for someone who parks in a spot, or I am told in one of the shopping centres south of the border, the fine is \$100.

I was intent on bringing forward that type of an amendment to show—other than what we have in this subsection 124.5 where there is no penalty attached for anyone or any sanctions attached to anyone that does park in a disabled person's parking spot—that a penalty could be applied with respect to 124.5.

Mrs. Carstairs: The member might want to know that I have presently drafted, and it is now being translated, amendments to Section 299.1(4) of The Municipal Act, as set out in subsection 53, that it be amended by striking out everything after contravention and substituting of \$100.

I have done the same amendment to Section 427.1(3) as an amendment of The City of Winnipeg Act, which would set out the same fine. If that is agreeable with the member, then we can move that at the appropriate sections.

Mr. Reid: I would be agreeable to that as long as it covers Section 124.5 as well.

Mr. Driedger: Mr. Chairman, the reason why there is not a specific fine in there is because each municipality has their own authority and their own bylaws by which they can set the maximum fines, and that is what this act makes provision for, that each authority can then fine to the maximum of their

bylaws. That is why we have not been specific on a \$100 fine, but there is a penalty.

Mr. Reid: While the minister may be correct in the statement that he has just made, that there are penalties or sanctions that can be applied, they vary so greatly throughout the province that where some of them may be quite minimum in nature, they would impose no threat to an individual should they so choose to park in a disabled person's parking spot.

Therefore, I feel, Mr. Chairperson, that it is incumbent upon us to bring forward an appropriate sanction to discourage able-bodied persons from parking in these spots that are so designated for the disabled people of this province.

Mr. Driedger: Mr. Chairman, the committee wanted it this way. They do not want this to be treated as a major criminal offence. They want a fine provision in there, and I go back to the recommendation of the committee, that these are the things, the issues that they wanted to be brought forward this way. I will agree with their recommendations.

Mrs. Carstairs: The whole issue here is that the fines for many parking offences are so low in value that people will park regardless of the fact that they are going to get a fine. If the fine does not have any meaning, then they will park there regardless.

All we have to do is go to the City of Winnipeg and find a list of people who quite regularly get parking tickets. They are rather large in number. Some of them get 50, some get 100, some get 200 a year because, quite frankly, their time is more valuable in their opinion than is the parking fine that they are going to get for parking in that space. So we have people trying to get into the Court House who will take the \$10 parking fine because they think that their legal fee will quite frankly cover more than their \$10 parking fee. They pay it without any difficulty because the \$10 fee is so minor.

The purpose of this was to make the fee substantially large enough that they will not use that kind of reason for using a disabled person's parking spot. Ten dollars is not going to do it, and yet \$10 is a typical parking fine.

Mr. Driedger: Mr. Chairman, I am advised that this makes provision for the maximum fine, not the minimum fine. The reason why they allow some flexibility in there is because, in some smaller communities, parking is not a big issue, and this allows for them the bylaws that they have to make

the fine to the maximum of what the bylaws allow in that particular authority.

Mr. Reid: Mr. Chairperson, through you to the minister or his staff, could the minister give us some kind of an indication on what, as he calls, the maximum fine ranges are throughout the province?

Mr. Driedger: I am told it ranges from \$5 in some smaller communities up to \$100 in the city of Winnipeg.

Mr. Reid: I thank the minister for that information. It is very obvious, by that information, if you look at the low end of the scale, \$5, that is not going to be any kind of a deterrent to anyone from parking in the spot and that, if they are in a rush, as the member has mentioned a few moments ago, they will incur that \$5 penalty on them and they will continue to park in these spots unless we bring forward a proper amendment and proper sanctions to discourage these people from parking in these spots.

Mr. Driedger: I just want to indicate and repeat again that, in some smaller communities where you have three vehicles parked on the street, this is not a major problem. So the fine and, in most cases, their bylaws illustrate that kind of a difference in there. I mean, there has been a lot of thought going into this thing. I appreciate some of the concerns and suggestions, but that is why it has been drafted this way, based on the five organizations, I repeat, five organizations, representing disabled people. This is how they felt they wanted it. It is not my legislation; it is the legislation that they wanted, drafted the way they wanted to see it done.

Mrs. Carstairs: Well, with greatest respect, they were quite happy with the original legislation. The minister says, in some small communities, it is not a parking problem. Well, all the more reason why they should not park in a disabled parking spot. If parking is not a problem, then there is absolutely no rationale for them to park in a disabled person's parking lot. Unless we make the fine sufficiently large, that is exactly what they will do if they think they are going to be a little bit inconvenienced.

Mr. Chairman: Ready to proceed?

Mr. Reid: I did not hear a response, and I am not sure whether the Leader of the Liberal Party is agreeable to a friendly amendment to her amendment that we also include Section 124.5.

Mr. Chairman: Mr. Reid, we are not that far. Right now we are at 124 coming up to 124.3(1).

Mr. Reid: I believe, when I asked for some clarification a few moment ago, I asked if all sections, 124.1 to 124.9, were covered under this, and that is why I had raised my amendments at that time.

Mr. Chairman: Yes, they are covered during that, but I believe that the amendments during this section—we are still working on that one particular section between 124.1 to 124.9. I believe there are a number of amendments in there that are to be presented during that time.

* (2030)

Mrs. Carstairs: I have no difficulty accepting a friendly amendment from the member for Transcona. However, I do not quite understand why 124.5 needs to be amended, because it is not a clause that relates to penalties. The two penalty clauses are the ones that I have outlined for him.

Mr. Reid: In explanation of that, it is because this Section 124.5 indicates unauthorized use, yet does not attach any sanctions to that particular section. That is why I wanted to have any sanctions that may be brought forward, as the Leader of the Liberal Party has indicated, should be applicable to this section 124.5. -(interjection)-

I am sorry, Mr. Chairperson, I did not hear a decision from the Leader of the Liberal Party.

Mrs. Carstairs: Well, I may be misreading this, but Legal Counsel has indicated that the penalty clauses are covered in the other two sections, and therefore, there is no need to have a penalty clause in 124.5 because the municipalities and the cities, in other words, all places where a ticket can be given, are given under the penalty clauses.

Mr. Reid: I accept that. I have one other amendment, 124.3(1).

Mr. Chairman: Okay. If you could just wait, we will distribute it.

Mr. Reid: I move

THAT proposed new subsection 124.3(1) of The Highway Traffic Act, as set out in section 3 of Bill 47, be amended by adding "and the application for the permit shall be accompanied by a written verification of the person's disability prepared by a medical practitioner or an authorized officer of the Motor Vehicles Branch of the Department of Highways and Transportation, or a Commission for Oaths or a Notary Public in and for the Province of Manitoba" at the end.

(French version)

Il est proposé que le paragraphe 124.3(1) du Code de la route, énoncé à l'article 3 du projet de loi 47, soit amendé par adjonction, à la fin, de "La demande de permis doit être accompagnée d'une attestation écrite portant sur le handicap de la personne et établie par un médecin, un fonctionnaire autorisé de la Direction des véhicules automobiles du ministère de la Voirie et du transport un commissaire aux serments ou un notaire public dans et pour la province du Manitoba.

If I might give a brief explanation of that, Mr. Chairperson, I understand that there was some concern in the community, on the committee that was advising the minister and his department, about this matter. I have some concerns that, if we exclude this section, this amendment, we will give licence to an individual somewhere in the province, who is not close to the issuer of these permits, the opportunity to apply for in writing and will obviously receive a permit that will entitle them to park in these spots without having any verification as to their need. That is why I bring forward this amendment at this time.

Mr. Driedger: This provision directly reflects the wishes of the disabled persons representatives on the committee. The disabled persons organizational groups represented on the committee were adamant on this provision, that leaving that disability should not be tied to a medical condition. The government, my representatives, raised this with the members on the committee, raised the question of abuse, but the other members refused to be swayed. Persons with permanent disabilities do not require medical certification; persons with temporary disabilities do. For that reason, Mr. Chairman, we are not going to accept the amendment.

Mr. Reid: The minister may well say they are not going to accept the amendment, but I think that we have to wait until we get to a vote before we decide that.

Mr. Driedger: All right.

Mr. Reid: This section—I understand that the members of committee that were advising the minister had some concerns about that. My intent here, by this amendment, is not to indicate that those who are currently eligible for and have received permits already and are on the list of the SMD or the other organizations that distribute

permits—it is not my intent that they would have to go through any kind of medical—to a doctor's office to ensure that they are indeed disabled before they get these.

My intention by this particular amendment was to give an indication where there are new persons applying for these parking permits, that they would have to have some kind of a letter of authorization, if we can call it that, that could be forwarded to the SMD to give them some kind of an assurance that these people are indeed disabled and that the SMD would not turn out to be the fall person in these situations.

I can see this developing somewhere down the road, where the SMD will issue a permit to someone and then it will turn around that this person should not have been entitled to this permit and they will, indeed, have to take the flack from the other members of the disabled community because the SMD issued the permit.

Mr. Driedger: Mr. Chairman, I repeat, members of my staff recommended this and committee members would not have any part of it.

Mr. Chairman: On the proposed motion moved by Mr. Reid in both English and French

THAT proposed new subsection 124.3(1) of The Highway Traffic Act, as set out in section 3 of Bill 47, be amended by adding "and the application for the permit shall be accompanied by a written verification of the person's disability prepared by a medical practitioner or an authorized officer of the Motor Vehicles Branch of the Department of Highways and Transportation, or a Commission for Oaths or a Notary Public in and for the Province of Manitoba" at the end.

(French version)

Il est proposé que le paragraphe 124.3(1) du Code de la route, énoncé à l'article 3 du projet de loi 47, soit amendé par adjonction, à la fin, de "La demande de permis doit être accompagnée d'une attestation écrite portant sur le handicap de la personne et établie par un médecin, un fonctionnaire autorisé de la Direction des véhicules automobiles du ministère de la Voirie et du transport, un commissaire aux serments ou un notaire public dans et pour la province du Manitoba.

Motion defeated.

Mr. Driedger: Mr. Chairman, I move, both in the French and English

THAT the proposed subsection 124.3(4), as added by section 3 of the Bill, be amended by adding ", but it expires 3 months after the holder becomes a resident of the province" at the end of the subsection.

(French version)

Il est proposé que le paragraphe 124.3(4), énoncé à l'article 3 du projet de loi, soit amendé par adjonction, à la fin, de "Toutefois, ils cessent d'être valides trois mois après que leur titulaire devienne un résident de la province".

Again, Mr. Chairman, I repeat, and I give credit where credit is due, that the critic for the opposition is the one that brought this forward and we find this acceptable.

Mr. Chairman: Now that it has been distributed, I would just reread it for everybody's benefit.

Moved by the Honourable Mr. Driedger

THAT the proposed subsection 124.3(4), as added by section 3 of the Bill, be amended by adding ", but it expires 3 months after the holder becomes a resident of the province" at the end of the subsection.

(French version)

Il est proposé que le paragraphe 124.3(4), énoncé à l'article 3 du projet de loi, soit amendé par adjonction, à la fin, de "Toutefois, ils cessent d'être valides trois mois après que leur titulaire devienne un résident de la province".

Mr. Reid: I thank the minister for acknowledging and accepting this amendment.

Motion agreed to.

Mr. Reid: It is okay, Mr. Chairperson, I will pass on this opportunity.

Mr. Chairman: Clause 3, as amended—pass; Clause 4—pass; Clause 5.

Mrs. Carstairs: I move that—

Mr. Chairman: Just one moment, please, till it is distributed.

Mrs. Carstairs: I move

THAT the proposed subsection 299.1(4) of The Municipal Act, as set out in subsection 5(3) of the Bill be amended by striking out everything after "contravention" and substituting "of \$100".

(French version)

Il est proposé que le paragraphe 299.1(4) de la Loi sur les municipalités, énoncé au paragraphe 5(3) du

projet de loi, soit amendé par substitution au passage qui suit "amendes", de "de 100\$".

Mr. Driedger: Mr. Chairman, I had already indicated the rationale for why we have set it up the way we did in terms of allowing the maximum, of each authority to go to the maximum fine. There is difference in there, and I feel, you know, this was given a lot of thought and we stick with the intention that the way we have it drafted is acceptable.

Mr. Reid: Mr. Chairperson, looking at this amendment, it has already been indicated on record that I support this change. I think it stands that, where there are no significant sanctions or penalties involved, people will be in contravention of this act and have no fear of it. That is why I support this amendment.

* (2040)

Mr. Chairman: On the proposed amendment by Mrs. Carstairs, moved in both English and French THAT the proposed subsection 299.1(4) of The Municipal Act as set out in subsection 5(3) of the bill be amended by striking out everything after "contravention" and substituting "of \$100".

(French version)

Il est proposé que le paragraphe 299.1(4) de la Loi sur les municipalités, énoncé au paragraphe 5(3) du projet de loi, soit amendé par substitution au passage qui suit "amendes", de "de 100\$".

Motion defeated.

Mr. Reid: I have an amendment to Section 299.1(1).

Mr. Chairman: Would you just wait, and we will have it distributed, please.

Mr. Driedger: Mr. Chairman, on the distribution of the proposed amendment, I think we have dealt with this one already.

Mr. Reid: Mr. Chairperson, I asked for your advice and consultation on this at an earlier time in these committee hearings, and I was advised that this section was to be held in abeyance until we reached it in the discussion of this bill.

Mr. Chairman: That is correct. Proceed.

Mr. Reid: I move

THAT proposed new subsection 299.1(1) of The Municipal Act, as set out in subsection 5(3) of Bill 47, be amended by adding the following definition in its appropriate alphabetical position within the subsection:

"physically disabled person" means a person who is unable to walk a distance of more than 50 metres.

(French version)

Il est proposé que le paragraphe 299.1(1) de la Loi sur les municipalités, énoncé au paragraphe 5(3) du projet de loi 47, soit amendé par adjonction de la définition qui suit dans l'ordre alphabétique:

"handicapé physique" Personne qui est incapable de marcher plus de 50 mètres.

Mr. Chairman: I believe, Mr. Reid, you read the wrong one.

Mr. Reid: No. I have two. There are two for that subsection.

For the sake of expediency on this, Mr. Chairperson—I know we have dealt with a similar matter earlier in this committee—maybe I could read both of the amendments in at the same time because they deal with the same section.

Mr. Chairman: Has the other amendment been distributed? -(interjection)- You may proceed then, Mr. Reid.

Mr. Reid: Do I have leave, Mr. Chairperson, to read both at the same time?

Mr. Chairman: Leave.

Mr. Reid: I move

THAT the definition of "designated parking space" in proposed new subsection 299.1(1) of The Municipal Act, as set out in subsection 5(3) of Bill 47, be amended by striking out "signs or pavement markings" and substituting "signs and pavements markings".

(French version)

Il est proposé que la définition de "aire de stationnement désignée" figurant au paragraphe 299.1(1) de la Loi sur les municipalités, énoncé au paragraphe 5(3) du projet de loi 47, soit amendée par substitution, à "panneaux ou des marques sur la chaussée", de "panneaux et des marques sur la chaussée".

Mr. Driedger: In both cases, the answer is the same as the one I put on the record before.

An Honourable Member: Call the question and let us vote on it.

Mr. Chairman: On the proposed amendment to Bill 47, moved in both English and French

THAT proposed new subsection 299.1(1) of The Municipal Act, as set out in subsection 5(3) of Bill 47, be amended by adding the following definition in its appropriate alphabetical position within the subsection:

"physically disabled person" means a person who is unable to walk a distance of more than 50 metres.

(French version)

Il est proposé que le paragraphe 299.1(1) de la Loi sur les municipalités, énoncé au paragraphe 5(3) du projet de loi 47, soit amendé par adjonction de la définition qui suit dans l'ordre alphabétique:

"handicapé physique" Personne qui est incapable de marcher plus de 50 mètres.

Motion defeated.

Mr. Reid: Personally, I think we neglected to vote on the other amendment under that section.

Mr. Chairman: On the proposed motion to amend Bill 47, moved by Mr. Reid, in both English and French

THAT the definition of "designated parking space" in proposed new subsection 299.1(1) of The Municipal Act, as set out in subsection 5(3) of Bill 47, be amended by striking out "signs or pavement markings" and substituting "signs and pavements markings".

(French version)

Il est proposé que la définition de "aire de stationnement désignée" figurant au paragraphe 299.1(1) de la Loi sur les municipalités, énoncé au paragraphe 5(3) du projet de loi 47, soit amendée par substitution, à "panneaux ou des marques sur la chaussée", de "panneaux et des marques sur la chaussée".

Motion defeated.

Mr. Reid: I move—

Mr. Chairman: We will just distribute it.

An Honourable Member: We already have.

Mr. Reid: I move

THAT the proposed new subsection 299.1(2) of The Municipal Act, as set out in subsection 5(3) of Bill 47, be amended by striking out "may" and substituting "shall".

(French version)

Motion de M. Reid:

Il est proposé que le paragraphe 299.1(2) de la Loi sur les municipalités, énoncé au paragraphe 5(3) du projet de loi 47, soit amendé par substitution, à "peuvent, par arrêté, établir", de "établissent, par arrêté".

Mr. Driedger: Mr. Chairman, I just might indicate that we have established in the legislation that a community with a population of 3,000 or more "shall" and communities with less than 3,000 "may" pass the bylaw or regulations to that effect.

There is a rationale for that because we feel that if we can—and this was done in consultation again with the committee and with the municipalities in terms of arriving at this kind of a consensus because you have smaller communities of maybe 100 people where it would be—there would be a tremendous amount of resistance in terms of doing this. They are not even set up to do this. That is why a consensus was reached that 3,000—anybody with 3,000 population or over "shall" and those with less than 3,000 "may".

Mr. Reid: I hear what the minister is saying. There are 39 communities in the province now that utilize the handi-van services where there are disabled people in the province. I am not sure if all of these have over 3,000 people in their resident population. In that case, I think that these particular communities should be included in this, and that is why I proposed this amendment here to make it inclusive so that they are part of this protection for these disabled people.

The minister has not indicated, and I have never seen or heard of any indication on which communities under 3,000 shall or shall not be included in this legislation. Therefore, that is another reason why I bring forward this amendment: To make it inclusive for all of the communities.

Mr. Driedger: Mr. Chairman, I repeat again, we have tried to develop this legislation in co-operation both with the disabled people, as well as the municipalities. If you pass legislation which is going to be resisted, and that is why we arrived at an arbitrated figure of approximately 3,000, and those communities that have less than 3,000, where this is a problem, they may pass regulations to affect it. That is the intent of it, and certainly that kind of pressure can be brought to bear on those communities where there is going to be a need.

* (2050)

Mr. Reid: I might quote, Mr. Chairperson, one of the other subsections and I will read it: "Designated by regulation as a municipality to which this subsection applies." I have never seen an indication on which municipalities this will apply to, and I would like to have some clarification on what the minister has in mind for these particular municipalities.

Mr. Driedger: Mr. Chairman, I am advised that what that section applies to, if there is a problem somewhere, a minister then has the prerogative of passing regulations to have them include these kinds of requirements.

Mr. Chairman: On the proposed amendment by Mr. Reid, moved in both English and French

THAT proposed new subsection 299.1(2) of The Municipal Act, as set out in subsection 5(3) of Bill 47, be amended by striking out "may" and substituting "shall".

(French version)

Il est proposé que le paragraphe 299.1(2) de la Loi sur les municipalités, énoncé au paragraphe 5(3) du projet de loi 47, soit amendé par substitution, à "peuvent, par arrêté, établir", de "établissent, par arrêté".

Motion defeated.

Mr. Reid: Another amendment, Mr. Chairperson.

I move—

Mr. Chairman: Wait until we get it distributed, please.

Mr. Reid: Mr. Chairperson, I move

THAT the proposed new subsection 299.2(1), as set out in subsection 5(3) of the Bill be amended

(a) by striking out "may" and substituting "shall"; and

(b) by adding "located so as to minimize the distance to parking lot attendant booths and ticket dispensing machines," after "designated parking spaces".

THAT the proposed new subsection 299.2(2) as set out in subsection 5(3) of the Bill, be amended by striking out "may" and substituting "shall in accordance with acceptable standards of a recognized association for physically disabled persons".

(French version)

Il est proposé que le paragraphe 299.2(1) de la Loi sur les municipalités, énoncé au paragraphe 5(3) du projet de loi 47, soit amendé:

(a) par substitution, à "peuvent prendre", de "prennent";

(b) par adjonction, après "aires de stationnement désignées," de "situées de telle façon que la distance les séparant des guérites des préposés au terrain de stationnement et des distributeurs de billets soit réduite au minimum,".

Il est proposé que le paragraphe 299.2(2) de la Loi sur les municipalités, énoncé au paragraphe 5(3) du projet de loi 47, soit amendé par substitution, à "peuvent", de "doivent, en conformité avec des normes acceptables d'une association reconnue d'handicapés physiques,".

Mr. Chairman: Just as a point of clarification on the motion presented by Mr. Reid, in both English and French, the previous motion that was defeated pertained to: THAT the proposed new subsection 299.2(1), as set out in subsection 5(3) of the Bill be amended by striking out "may" and substituting "shall".

The additional two are what has been presented now.

Mr. Reid: I am not sure if I understood you correctly there, Mr. Chairperson. I think you indicated we had voted on Section 299.2(1).

Mr. Chairman: It is a different section. We will be voting on this as an entirety now.

Mr. Reid: Okay.

Mr. Driedger: Mr. Chairman, I would just like to indicate that the committee, in their meeting of July 10, 1990, agreed that enabling legislation would be maintained as it was agreed that enforcement of existing spaces was the problem, not the lack of designated spaces. It was further agreed that effectiveness of this enforcement would be evaluated in the future to determine if harder enforcement is necessary, i.e., requiring municipalities to pass the bylaws.

Mr. Chairman: On the proposed amendment to Bill 47, moved by Mr. Reid, in both English and French THAT the proposed new subsection 299.2(1), as set out in subsection 5(3) of the Bill be amended

(a) by striking out "may" and substituting "shall"; and

(b) by adding "located so as to minimize the distance to parking lot attendant booths and ticket dispensing machines," after "designated parking spaces".

(French version)

Il est proposé que le paragraphe 299.2(1) de la Loi sur les municipalités, énoncé au paragraphe 5(3) du projet de loi 47, soit amendé:

(a) par substitution, à "peuvent prendre", de "prennent";

(b) par adjonction, après "aires de stationnement désignées", de "situées de telle façon que la distance les séparant des guérites des préposés au terrain de stationnement et des distributeurs de billets soit réduite au minimum,".

Mr. Chairperson, do you wish me also to read the other amendment to Section 299?

Mr. Chairman: If you would read the whole amendment, please.

Mr. Reid: All right. I move

THAT the proposed new subsection 299.2(2) as set out in subsection 5(3) of the Bill, be amended by striking out "may" and substituting "shall in accordance with acceptable standards of a recognized association for physically disabled persons".

(French version)

Il est proposé que le paragraphe 299.2(2) de la Loi sur les municipalités, énoncé au paragraphe 5(3) du projet de loi 47, soit amendé par substitution, à "peuvent", de "doivent, en conformité avec des normes acceptables d'une association reconnue d'handicapés physiques,".

Motion defeated.

Mr. Chairman: Clause 5 as amended—pass; Clause 6.

Mrs. Carstairs: I move

THAT the proposed—

Mr. Chairman: We will just get it distributed, please.

Mrs. Carstairs: It has already been distributed. It was attached to one which I moved earlier.

Mr. Chairman: You may proceed then.

Mrs. Carstairs: I move

THAT the proposed subsection 427.1(3) of The City of Winnipeg Act, as set out in subsection 6(2) of the

Bill be amended by striking out everything after "contravention" and substituting "of \$100."

(French version)

Il est proposé que le paragraphe 427.1(3) de la Loi sur la Ville de Winnipeg, énoncé au paragraphe 6(2) du projet de loi, soit amendé par substitution, au passage qui suit "amendes", de "de 100\$".

Mr. Driedger: Mr. Chairman, as I indicated before when discussing this, right now the bylaws of the city allow for a \$100 maximum fine. The provision, the way we have it set up is that those smaller communities have confined to the maximum of the bylaws which they have within their municipality. We would like to keep it that way.

Mrs. Carstairs: I do not think the minister wants to put incorrect facts on the record, but there are five cities in Manitoba, and only one of them has a maximum bylaw of \$100.

Mr. Reid: I have earlier comments on the record that indicate I support this amendment. I support this amendment as well.

Mr. Chairman: On the proposed amendment by Mrs. Carstairs, presented in both English and French,

THAT the proposed subsection 427.1(3) of The City of Winnipeg Act, as set out in subsection 6(2) of the Bill be amended by striking out everything after "contravention" and substituting "of \$100."

(French version)

Il est proposé que le paragraphe 427.1(3) de la Loi sur la Ville de Winnipeg, énoncé au paragraphe 6(2) du projet de loi, soit amendé par substitution, au passage qui suit "amendes", de "de 100\$".

Motion defeated.

Mr. Reid: I have several amendments, Mr. Chairperson, under this section. Do you wish them all read for expediency?

Mr. Chairman: We will distribute all amendments and then you can read all of them.

You may proceed, Mr. Reid.

Mr. Reid: Mr. Chairperson, I move

THAT the proposed definition of "designated parking space" in proposed subsection 427.1(1) of The City of Winnipeg Act, as set out in subsection 6(2) of the Bill, be amended by striking out "signs or pavement markings" and substituting "signs and pavement markings".

THAT the proposed subsection 427.2(1) of The City of Winnipeg Act, as set out in subsection 6(2) of the Bill, be amended by striking out "The council may pass" and substituting "The council shall pass".

THAT the proposed subsection 427.2(2) of The City of Winnipeg Act, as set out in subsection 6(2) of the Bill, be amended by striking out "A by-law under subsection (1) may" and substituting "A by-law under subsection (1) shall".

(French version)

Il est proposé que la définition de "aire de stationnement désignée" figurant au paragraphe 427.1(1) de la Loi sur la Ville de Winnipeg, énoncé au paragraphe 6(2) du projet de loi 47, soit amendée par substitution, à "panneaux ou des marques sur la chaussée", de "panneaux et des marques sur la chaussée".

Il est proposé que le paragraphe 427.2(1) de la Loi sur la Ville de Winnipeg, énoncé au paragraphe 6(2) du projet de loi 47, soit amendé par substitution, à "Les conseils municipaux peuvent prendre", de "Le conseil municipal prend".

Il est proposé que le paragraphe 427.2(2) de la Loi sur la Ville de Winnipeg, énoncé au paragraphe 6(2) du projet de loi 47, soit amendé par substitution, à "Les arrêtés visés au paragraphe (1) peuvent porter sur", de "Les arrêtés visés au paragraphe (1) portent sur".

Motion defeated.

* (2100)

Mr. Reid: I move

THAT the proposed new subsection 427.1(1) of The City of Winnipeg Act, as set out in subsection 6(2) of Bill 47, be amended by adding the following definition in its appropriate alphabetical position within the subsection:

"physically disabled person" means a person who is unable to walk a distance of more than 50 metres.

(French version)

Il est proposé que le paragraphe 427.1(1) de la Loi sur la Ville de Winnipeg, énoncé au paragraphe 6(2) du projet de loi 47, soit amendé par adjonction de la définition qui suit dans l'ordre alphabétique:

"handicapé physique" Personne qui est incapable de marcher plus de 50 mètres.

Motion defeated.

Mr. Reid: I move

THAT the definition of "designated parking space" in proposed new subsection 427.1(1) of The City of Winnipeg Act, as set out in subsection 6(2) of Bill 47, be amended by striking out "signs or pavement markings" and substituting "signs and pavement markings".

(French version)

Il est proposé que la définition de "aire de stationnement désignée" figurant au paragraphe 427.1(1) de la Loi sur la Ville de Winnipeg, énoncé au paragraphe 6(2) du projet de loi 47, soit amendée par substitution, à "panneaux ou des marques sur la chaussée", de "panneaux et des marques sur la chaussée".

Motion defeated.

Mr. Chairman: Clause 6—pass; Clause 7—pass; Clause 8.

Mr. Reid: I have one question through you, Mr. Chairperson, to the minister. Could he give me some kind of an indication when we can expect this bill to receive Royal Assent or will it be brought forward to the Lieutenant-Governor?

Mr. Driedger: Mr. Chairman, I hope this Friday, as soon as the Lieutenant-Governor proclaims, that is, when the act comes into force. Two months after the day that it receives Royal Assent it will be in place.

Mr. Chairman: Shall Clause 8 pass?

Mr. Reid: Sorry, Mr. Chairman, I used the wrong term in my description. I apologize for that. It is my inexperience here showing. It is the proclamation that I am interested in.

Mr. Driedger: Mr. Chairman, this bill does not come into force on the day of proclamation. It comes in on Assent, two months after proclamation, right?—no, there is no proclamation.

Mr. Chairman: Clause 8—pass; Preamble—(pass); Title—(pass). Bill be reported.

Bill 61—The Communities Economic Development Fund Amendment Act

Mr. Chairman: We will now proceed with Bill 61, The Communities Economic Development Fund Amendment Act (Loi modifiant la Loi sur le Fonds de développement économique local). Does the minister responsible have an opening statement?

Hon. James Downey (Minister of Northern Affairs, responsible for Native Affairs): No.

Mr. Chairman: Does the critic for the official opposition have an opening statement?

Mr. Jerry Storie (Flin Flon): No, Mr. Chairperson, I have a couple of questions. Perhaps we can speed the work of the committee if the minister will undertake them without going clause by clause.

The first one is that this is the second such change to The Communities Economic Development Fund in the last couple of years, and I am wondering what the new definitions mean. What is the purpose for the changes in definitions?

Mr. Downey: If we could hold off the questions, the critic for the second opposition is not here.

Mr. Chairman: We have asked whether she has some opening statements, but she is not here.

Mr. Downey: Mr. Chairman, I am not quite clear on what the member is asking. Maybe he could clarify the question, so I could understand it.

Mr. Storie: In the object of the fund it refers to where the Community of Economic Development Fund will be available, and I am wondering whether there is any change. I do not have the old act in front of me.

Mr. Downey: Mr. Chairman, the member should be aware of the fact that we did have difficulties with the remote and isolated portions of the old act and that is being deleted so that the interpretation now is able to be made of more of a broad area of northern Manitoba, that they can do business in northern Manitoba without being specifically remote and isolated. It is the removal of remote and isolated which, in fact, has caused some difficulties as it related to the operations of CEDF.

Mr. Storie: Northern Manitoba will be defined by cabinet, by regulation. I am wondering whether there has been any change to date, or is that boundary defined as the Northern Affairs boundary of—

Mr. Downey: Basically, that is correct—the Northern Affairs boundary with the exception of Fishermen's Loan activities that are outside of the Northern Affairs boundary, as well as all communities north of the 53rd parallel. As well, there is an ability to, if you go to Section 3(1) "to assist aboriginal people in the province outside The City of Winnipeg."

Mr. Chairman: I will ask the critic for the opposition whether she has any opening statements. If you could bring the mike up closer.

Ms. Rosann Wowchuk (Swan River): Just a point of clarification, was it agreed that we could ask on any section of the bill at this time?

The first question that I have deals with the northern communities, and I want to bring to the minister's attention that there have been several communities outside the Northern Affairs community that do have the same conditions, long distance from Winnipeg, although they are not in the northern preference line or the Northern Affairs line. I wonder if any of these communities might be given consideration even though they are below the northern preference or the Northern Affairs community line, but also are, in the opinion of many people, for example—and I talk about communities in the Swan River constituency that are just below the northern preference line—Mafeking is a very remote community, and there is need for economic development in those areas. Would those communities be given consideration, or is it just Northern Affairs and north of 53?

* (2110)

Mr. Downey: There is room for some debate on this whole question. Really, if there are banks or lending facilities that are available to those communities, then one would expect that would be their normal source of credit.

I guess some of the discussion that took place in the development of this came from some of the members of the New Democratic Party, and there was, what I would consider, extreme caution on their behalf that the program not be allowed to lend funds outside of, basically, northern Manitoba.

It also came from the board of directors of CEDF and from the management that really it was targeted to northern Manitoba. That is what its intent was. Let me say, if the member can make some recommendations as to how you would further define a community other than those north of the 53rd, or in the Northern Affairs boundary and/or dealing with aboriginal people as we have specifically said outside of the city of Winnipeg, then I would invite her to make those recommendations.

We do though intend to try to stick basically to that Northern Affairs boundary as closely as possible.

Ms. Wowchuk: I can understand that, but I just wanted to bring to the minister's attention that there are communities, for example, as I said, Mafeking which is just outside the area, does not have banking services. I would hope that there would be

flexibility for those communities so that they could take advantage of the programs as well.

Mrs. Sharon Carstairs (Leader of the Second Opposition): I just have one question, and that is subsection 17 of the amending bill dealing with 24(1) of The Communities Economic Development Fund. You have amended it but you have replaced what used to be a "must" now with a "may." Was there any particular reason for that?

Mr. Downey: It adds flexibility to the act so that the regulations may be written at the discretion of the government. It is flexibility in the writing of regulations, that they may be written. That is why.

Ms. Wowchuk: I just have one more question, and that is to deal with the Fishermen's Loan Program that is being brought in under this act at this time.

The question that I have is, in the past the Fishermen's Loan only applied to capital, and they could not use those loans to, for example, buy nets—only capital. Is there anything in this legislation that will allow more flexibility to what fishermen can use these loans for? At the present time, the way the Fishermen's Loan Program was operating, they could not borrow for operating. They could not borrow to buy nets because nets are not considered capital, and this causes some hardship for them. I would just like to know if this is exactly the same, if it will be administered the same way, or whether there is more flexibility for fishermen in this one.

Mr. Downey: Mr. Chairman, at this particular point, it has been anticipated that it would remain the same as it has been administered. However, I guess there would be a flexibility if, in fact, there was a case to be made. I would entertain it if there was a case to be made for further expanding it. At this point, it is anticipated that it would, in fact, be the same as it currently is administered under MACC.

Mr. Storle: One final question on the powers of the corporation. This appears to be a new subsection, 7(3) and following. It gives the board what looks like to be additional power to dispose of personal property held as collateral on a loan. I am wondering whether there is any significant change here, what the fund's intentions are with respect to this amendment. Does that mean now people who are forced or go into bankruptcy, insolvency, are more likely to actually have their property confiscated by the fund?

Mr. Downey: No, Mr. Chairman. I am informed it is just to clean up the wording of the old act.

Mr. Chairman: The bill 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 their proper order by the committee.

Clause 1 through 20—pass; Preamble—pass; Title—pass. Bill be reported.

Bill 63—The Northern Affairs Amendment Act

Mr. Chairman: We will now consider Bill 63, The Northern Affairs Amendment Act (Loi modifiant la Loi sur les Affaires du Nord). Does the minister have an opening statement?

Hon. James Downey (Minister of Northern Affairs, responsible for Native Affairs): Very brief, Mr. Chairman. The act, as I indicated in the House, is basically housekeeping. There are two small amendments which I will be introducing mainly in the manner of number changes and grammatical changes.

The act—I believe its last major overhaul was something like seven years ago, and the department for the last three years, I guess, has been advocating and asking for further update to bring it more into line with municipal Manitoba. These changes have been discussed basically with most of the northern associations, communities, and I recommend it to this committee.

Mr. Chairman: Does the critic for the official opposition have an opening statement?

Mr. Jerry Storle (Fili Flon): Yes, Mr. Chairperson. I have a number of questions on the bill and also some concerns in general about some of the additional powers that this minister is taking unto himself.

The first deals with regulations on assessment taxes and grants, and I am wondering whether this is an indication that the province is in a position now to begin to collect some of the fees in lieu of taxes in some of the unorganized territories adjacent to bigger communities, in particular, where there are now basically communities growing up. It seems to me the minister is taking on some additional power to collect taxes and fees in lieu of taxes and so forth. Perhaps the minister will comment on that.

I want to express my greatest concern for the changes dealing with local committees and their transition to community councils. This minister in particular has developed a reputation as someone who is prepared to use his political power to advantage the few, and there are cases where there are now communities being established. In fact, what were called contact communities previously, where there were 15 residents, these 15 residents are now going to be called a community. I am wondering whether the minister has any criteria in mind as to when it is going to be in the interests of the people of Manitoba or a community, or a group of residents to call them a community. The previous Conservative government created a community out of 11 people. I am wondering whether the minister can give us any other criteria that are going to be used before a community receives a designation as a community.

Mr. Chairman: Does the critic for the second opposition have an opening statement?

Mrs. Sharon Carstairs (Leader of the Second Opposition): Yes, just very briefly. We do not have any difficulties with the bill but we do have a question on subsection 32 of the bill which repeals Section 50(b)(g) and (i) of the act. It would appear to us, and maybe we have overlooked something, but it appears that under the old act that meant that the clerk of the community council had to provide, on request, tax rolls, papers referred to in a council or a meeting agenda. It would appear that has now been eliminated from the act and we do not quite know why such an accountability by the clerk of the community council would have been eliminated.

* (2120)

Mr. Chairman: Mr. Storie, if you could ask your question now.

Mr. Downey: I will answer the honourable Leader of the Liberal Party's first. It makes it identical to The Municipal Affairs Act which was desirable, according to the staff of the department. It brings it in line with municipal affairs legislation.

To Mr. Storie, the answer to the first question is yes. The second question is basically there is no difference in real terms. Thirdly, the member says something about me getting greater power to form a community of 11 people. Let me remind him under the old act that his colleagues, and his government, formed a community with 10 people, so we are one better. Aghaming was that

community. So, Mr. Chairman, I have no further comment.

Mr. Storie: Well, I am not sure whether the minister was condoning that or applauding, or what.

Mr. Downey: I am just comparing.

Mr. Storie: Declaring—well, I think it is a legitimate question, whether the previous government did it or this government. This government has done a couple, I know. My question was, though, why expand this ability? Are there any parameters that you can share with us?

Mr. Downey: Mr. Chairman, basically what we are attempting to do is to move to more local municipal-type administrations without having to have the control directly by the minister's office, as it currently is, and it brings it more in line with The Municipal Affairs Act that governs the rest of the province of Manitoba. We have had—I can quote him I am sure—the former president of MACC, Mr. Ed Campbell, who continually, for the last 20 years of operations of Northern Affairs act, indicated that when it was set up, it was the desire of a lot of the local communities to have local municipal status. It just has not advanced and developed to that stage as quickly as they would have liked, but now there are communities showing a lot more interest and it is our desire to do that. I think, truly, that is getting closer to more self-government and self-reliance and decision making, and I would hope that the Legislative Assembly would be supportive of that move. I think it is unfair for a lot of communities to have to have a direct domination, if I could, of senior government. They should have more flexibility in decision making through municipal council structure.

Mr. Storie: Mr. Chairperson, I do not disagree with the minister at all. In fact many of the sections of this act, including sections relating to the ability of council to do business, delegate and so forth are excellent. Expenses—for an opportunity to pay for someone to attend meetings, for example, if council thinks it is necessary.

That does not answer the question though, why would we be creating communities of 10 people, or 11 people, or 9 people, or 15 people, and what are the criteria that the government intends to implement before the minister deems it in the public interest? I do not know the circumstances of Aghaming, if it was made a community while I was a member of the government. However, I do know

the circumstances of Spence Lake and, to say the least, they were not particularly appealing from many perspectives. I just wondered whether we have any criteria and what they are.

Mr. Downey: Basically, they were two communities that were formed under my administration and this act change does not change anything as it relates to the development of a new community. So to deal with it we have developed two communities, one being Rock Ridge, which was supported by the opposition, and Spence Lake, which did not receive the same support. I basically felt that they were two communities that had put requests forward that they wanted a self-identification as a community. I know, particularly, Spence Lake had traditional history that it wanted to maintain and recognize and that there was a local group of people who had come forward and said they would like to be identified as a community, that they felt they should be given that opportunity and it would have been difficult to give Rock Ridge and/or Spence Lake this status without giving the other. It was basically a decision made at the same time.

I am of the opinion that there was justification for both and there is growth in both those communities, and when you see a growth in rural Manitoba, northern or rural Manitoba, one does not want to try to deter it.

Mr. Storie: Just one further question or clarification from the minister. The minister's answer to my first question was yes, that in fact the government may be prepared to start assessing fees on unoccupied territory, or Northern Affairs territory adjacent to municipalities. I am wondering whether the minister can offer us any information about how those fees might be set and are they being set in conjunction with adjoining municipalities or cities?

Mr. Downey: Mr. Chairman, I guess this gives the ability to do that and it will be done not unlike the other assessment act throughout the province of Manitoba. It would be difficult to do it differently than the market value assessment, and regulations will be struck. I would not intend to immediately rush out and establish a tax system without having full consultation with those organizations and people. Let me use for a reference possibly a lodge on Crown land, something like that that could well be deemed to be getting services which there should be, rightfully, a tax collected on.

Mr. Storie: A final question, and that is with whom did the minister consult with respect to the changes to this act? Does the minister have, for example, commentary from MACC, Manitoba Metis Federation, individual councils, for example, on the contents of this bill?

Mr. Downey: Mr. Chairman, we have over the past, as I said, three years—the Department of Northern Affairs has been meeting, discussing with individual communities and the Northern Association of Community Councils and basically have not received any contrary comments as to the bill.

Mr. Storie: One final question, are there any Northern Affairs communities that are currently incorporated?

Mr. Downey: No. I am told that we are actually looking at four that are very close to coming to some final decisions and I am encouraged by that.

Mr. Chairman: The bill will be considered clause by clause. During the consideration of a bill the Title and the Preamble are postponed until all of the clauses have been considered in their proper order by the committee.

Clauses 1 through 9—pass.

* (2130)

Mr. Downey: I will wait for the distribution.

I have an amendment, Mr. Chairman. I move

THAT the proposed subsection 13(6), as set out in section 10 of the Bill, be amended by striking out "or" at the end of clause (a), renumbering clause (b) as clause (c), and adding the following as a new clause (b):

(b) appoint a local committee under subsection (1); or

(French version)

Il est proposé que le paragraphe 13(6), énoncé à l'article 10 du projet de loi, soit amendé par substitution, à la désignation d'alinéa b), de la désignation c) et par adjonction, après l'alinéa a), de ce qui suit:

"b) nommer un comité local en application du paragraphe (1);".

Motion agreed to.

Mr. Chairman: Clause 10 as amended—pass; Clauses 11 through 32—pass.

Mr. Downey: I move

THAT the proposed clause 109(1)(l), as set out in subsection 33(1) of the Bill, be struck out and clauses 109(1)(m) to (s) be renumbered as clauses 109(1)(1) to (r), respectively.

(French version)

Il est proposé que l'alinéa 109(1)l), énoncé au paragraphe 33(1) du projet de loi, soit supprimé et que les alinéas 109(1)m) à s) deviennent les alinéas 109(1)1) à r), respectivement.

Mrs. Carstairs: It is (1)(l), is it not?

Mr. Downey: Mr. Chairman, I apologize for that error. It looks pretty much the same to me.

Motion agreed to.

Mr. Chairman: Clause 33 as amended—pass; Clauses 34 and 35—pass; Preamble—pass; Title—pass. Bill be reported.

Bill 64—The Energy Rate Stabilization Repeal Act

Mr. Chairman: We will now consider Bill 64, The Energy Rate Stabilization Repeal Act (Loi abrogeant la Loi sur la stabilisation des emprunts d'Hydro-Manitoba à l'étranger). Does the minister responsible have an opening statement?

Hon. Clayton Manness (Minister of Finance): No, Mr. Chairman, I will leave it to the members of the committee.

Mr. Chairman: Does the critic for the official opposition have an opening statement?

Mr. Jerry Storie (Filn Flon): Mr. Chairperson, this is the closing of a final chapter of a three-act play that was set in motion by this minister's predecessor in 1979, I believe. I think that it is a worthy end to it.

I just have two questions. No. 1, what is the cost? Has the minister fixed a cost at this point? Can he give us an estimate of the cost of the government's liability under this act to Manitoba Hydro?

Mr. Manness: No, this worked a different way. It is Manitoba Hydro's liability to the government, because there has been provision in the past by governments offsetting Manitoba Hydro's liability since 1984. That has been established, and of course once that has been established—Hydro desperately wants to get out of this. They want to know what their liability is. They want to account for it and they want to reflect it on their books. Once that is done and a number is reached, then obviously this act can be repealed.

Mr. Chairman: Does the critic for the second opposition have an opening statement?

The bill 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 their proper order by the committee.

Clause 1—pass; Clause 2—pass; Clause 3—pass; Preamble—pass; Title—pass. Bill be reported.

Bill 71—The Mineral Exploration Incentive Program Act

Mr. Chairman: We will now consider Bill 71, The Mineral Exploration Incentive Program Act (Loi sur le Programme d'encouragement à l'exploration minière). Does the minister responsible have an opening statement?

Hon. Harold Neufeld (Minister of Energy and Mines): No.

Mr. Chairman: Does the critic for the official opposition have an opening statement?

Mr. Jerry Storie (Filn Flon): Mr. Chairperson, just general comments. We only finished second reading this afternoon and I made my comments there basically. I think that this is an interesting effort. I am not certain that it will have the desired effect without the active participation of partners in mineral exploration, such as Manitoba Mineral Resources.

The other comment I had was with respect to the inspection provisions of the act. I am always concerned when we offer incentive programs that there are sufficient human resources to make sure that the intention of the act is being met and that the money that is being invested is actually creating or finding new mineral deposits or creating jobs. I guess the act is a good idea as long as it is supervised and the intent of the act is implemented.

Mr. Neufeld: As I indicated this afternoon, Mr. Storie, I share your concern. I am well aware of the abuses of the past, and I am determined that we will not allow those abuses to occur as a result of the passing of this act.

Mr. Chairman: Does the critic for the second opposition have an opening statement?

Mrs. Sharon Carstairs (Leader of the Second Opposition): Yes, we think in general it is a good idea, a good concept. We, too, have concerns and

I am pleased that the minister shares them, that this will be carefully monitored. We have checked with other jurisdictions, and, to date, there does not seem to have been any violation and no scam certainly similar to the scientific tax research credit which will go down as legendary in terms of scams. The mineral tax credit so far does not seem to be working that way. It will require monitoring, and I am glad we had the assurance that the minister will be doing that.

Mr. Chairman: The bill 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 their proper order by the committee.

Clauses 1 through 14 pass—pass;
Preamble—pass; Title—pass. Bill be reported.

* (2140)

Bill 73—The Rural Development Bonds Act

Mr. Chairman: We will now consider Bill 73, The Rural Development Bonds Act (Loi sur les obligations de développement rural). Does the minister responsible have an opening statement?

Hon. James Downey (Minister of Rural Development): I will be brief. I think the members have had an opportunity to go through the bill, the general thrust of it. I am extremely pleased that it is at this stage. I think it is a major initiative for rural Manitoba. It is basically a new concept in Canada. I know that it is in Saskatchewan. This is one is framed along the same kind of concept as has been introduced in Saskatchewan. I am pleased with the work that has gone into this. There is currently a committee now meeting with the rural Manitoba communities as it relates to development of regulations, and I hope that the bill receives support by all members of this committee. Thank you.

Mr. Chairman: Does the critic for the official opposition, Ms. Wowchuk, have an opening statement?

Ms. Rosann Wowchuk (Swan River): Mr. Chairperson, I would like to just put a few comments on the record before we go ahead with this bill.

We have been hearing about the bill for some time, in fact, since last August, and we are quite pleased that it finally has come in. Since we have had a chance to look at the announcement of the bill, there have been several concerns that have

been brought to our attention. I would just like to put some of those on the record, one of them being that some people in rural Manitoba feel that this is too little, too late. It has taken a long time.

There are a lot of difficulties in the rural communities, and there is a concern that this might not be what will save rural communities. However, I have taken the opportunity to talk to many people on this bill, and there are much mixed feelings. When I talk to people in some of the municipalities, some of the town councils, people say that they are very pleased and, in fact, already have plans in place and are waiting for the committees to be established and will be looking forward to the regulations and the guidelines that come out for it.

Other people have said that they just have not had a chance to discuss it, but they are concerned that there is not enough money in the rural community and they are not sure that the money will be there to invest in these bonds. They are concerned with the fact that this is just another way for the government to offload onto the municipalities and the rural people to save their own community and there is no real commitment from the government.

In my earlier comments, I had indicated that I felt that there should be at least a minimum interest rate. In fact, when the announcement was made in Dauphin, one of the reporters who covered the Premier's press release on it, in his article reported that there was some indication from the Premier at that time that there would be a minimum interest. However, this is not in the Premier's press release. It is only what a reporter has indicated.

That is one of the concerns we raise because we just feel that, even though they believe in their community, many of the people who have money in the banks are senior citizens, people who have saved a long, long time. This is their investment for their retirement. To take this money out of the bank and invest it in their community would be very nice; on the other hand, they would be investing their money for a few years and not getting any return on their money. It is something that they are skeptical about. However, I hope that communities will come up with projects that will be enticing enough to attract business to their community and will entice people to invest in their community.

Another concern that was raised by one of the municipalities was a question—and I am not sure whether it is a concern, but I will raise it to the

minister—and that is the power of the minister in this legislation. It appears that the minister has the first say on whether or not projects are approved. I am not quite sure whether that is different than other legislation or whether the minister, in most cases, has the final say or the decision-making part on whether or not committees should or should not be set up or whether or not projects should be approved.

If the deciding power is in the minister's hands, sometimes that can be to your advantage and sometimes it can be to your disadvantage. The concern was raised that this could become political, and I would ask the minister perhaps to address that concern. That is not meant in any way to undermine the minister or as a criticism. It is a point of clarification, whether that does give the minister the power to rule out certain communities and approve other communities.

Another concern that was raised is that Status Indians are not addressed in this legislation, and I would ask the minister to clarify that as well, whether or not Status Indians will be able to set up bond corporations and be able to take advantage of this program. One of the things that I am very pleased about is the fact that local people are involved. There is going to be local control. I want to say that I have no difficulty with that. I believe that the rural people know what is good for them, and they can address the concerns providing that the projects come up and that there are funds that people are willing to invest in.

Other than those points of clarification, we as a caucus have no difficulties with the bill at this time. We are prepared to pass it and hope that the program will be successful, perhaps more successful than it has been in Saskatchewan because we have been told that, although there is a lot of publicity about what is happening in Saskatchewan, only one in eight of the communities that were anticipated to invest in it, has invested in it. So I hope that we will have success in Manitoba with this program, although I am just a little concerned about the rural economy at the present time and our extra responsibilities that municipalities and people are being asked to pick up, whether or not they can afford to invest right now. The idea is a good idea, and we will be supporting it.

Mr. Chairman: Does the critic for the second opposition have an opening statement?

Mrs. Sharon Carstairs (Leader of the Second Opposition): Mr. Chairperson, we welcome this legislation. We think it is an excellent idea and one that is long overdue. I still do have a question, however, because I do not understand how the rural development corporations themselves are going to be funded. I know there has been some fun paid at some of the words I made, but in reality I want to know if a rural bond corporation needs expert advice on an investment, expert advice of a technical nature, and that that advice is not available in the community because nobody in the community, for example, has ever run a plastics plant.

Is there any way that the rural development corporation can then hire outside experts to give them that advice? How would they pay that outside expert? I can see nothing in the fund which allows the corporation, per se, to spend money except on an investment. So if they want to spend some money on an analysis of a particular business plan that has been put forward to them, how do they do that? That is what I do not know.

Mr. Downey: Mr. Chairman, I will deal with the questions from the official opposition critic first.

If I could, my concern about the powers or the responsibility of the minister, basically if you go to 15(2) of the act, it spells out specifically the screening by minister, whereas the act spells out the guidelines and the parameters. The application would come forward, and if it does not meet the criteria of the act, there is no point in putting a community through the certain hoop, so it is more of a screening than it is anything else. The minister shall pass on the project if it meets the act to the central committee.

We have written to the federal Minister of Indian Affairs as it relates to application to Indian reserves. Saskatchewan's does not apply to Indian reserves. We believe the work that we have done with the act we passed just previously with the Communities Economic Development Fund, it has been spelled out to deal with Indian reserves and financial support to them more directly and more quickly than this. So there is an application of provincial support to Indian reserves under the Communities Economic Development Fund, so that should be covered off there, not to say that if we can get the co-operation and support of the federal government in dealing with the people on Indian reserves, then we in fact will move in that direction. We do not, as well, prohibit Status Indians from investing in bond

corporations. If they want to invest in a bond corporation, they are quite free to do so. However, it would be an activity off of the reserve.

The point that the Liberal Leader raises is also an important one. The experience to date in Saskatchewan is that most of that advice has come forward without charge, but there is an excellent concept which I think will help rural Manitoba and help the business community and some of our students in our business colleges. What is being proposed is that when a project is being proposed that a student in either commerce or business management, we will be approaching those schools to ask them if they would provide student support to do analysis as part of the project, hoping that those individuals who become involved in a project may be encouraged or enticed to move into that community as future management and/or as future partners or business people in those communities. It is almost like an apprentice opportunity for individuals who are in the business schools and communities to become directly involved.

The bond corporation will have the ability to charge their client or the customer a service for individuals who are needed to be employed to do analysis or that type of work. So the ability is there for the corporations to in fact charge for services provided.

Ms. Wowchuk: Just getting back to the question on reserves, the minister had indicated that he had communicated with the federal government. Are you looking for then the federal government to provide the guarantee if it were to be extended to reserves?

Mr. Downey: Mr. Chairman, we have not had any response back. That is conceptually what we are talking about. We believe it has traditionally been the jurisdiction of the federal government, that they do have an obligation and a responsibility to support the Indian people. Yes, conceptually that would be the anticipation. I think it would be a good start right here in Manitoba to initiate that at the federal government level.

* (2150)

Mrs. Carstairs: I am just adding to the other critic's problem. I suspect one of the problems might also be that the ownership of land and/or plant located on a reserve would obviously cause some technical difficulties in light of the present legislation. You indicated that they would be able to charge the

client. Who would be considered the client in this case, the bond holder or the potential investment operation?

Mr. Downey: The eligible business or client.

Mrs. Carstairs: I do not really quite see how that would work. You have potentially a business that is going to go into a community. They come to you. They want \$50,000 or \$100,000 or whatever, so you say, well, we need expert advice, so your \$100,000 would be \$100,000 minus any fees that we have had to pay for expert advice to investigate your business plan. Is that how the minister is envisaging that?

Mr. Downey: No, how I would see it working, Mr. Chairman, is that I believe in most cases—and I say, in most cases—I am again referring to some of the experiences that have already taken place, that an eligible business or a business that qualified would have certainly had a pretty firm business plan put in place to start with. If there were additional costs that would have to be incurred to further give support to the bond corporation to carry out work activities, then that would be a cost to the business as part of the overall cost of starting that business.

Mrs. Carstairs: I just have some concerns about this, perhaps because I have spent 25 years of my life married to a corporate solicitor who has done more than his fair share of business plans, and I always know the selling mode that is going to be used by the corporation. I have some concerns for the local bond corporation, that you are up against very good advice on one side of the issue. These people are concerned with ensuring that their monies be invested as wisely as possible because it is friends' and neighbours' monies they are investing, so there is that extra pressure even than on the normal banking situation in this type of situation.

So I would just ask the minister and his staff when they are preparing regulations to look at this area very carefully in order to ensure that there is the opportunity for this kind of analysis to be done by the local bond corporation.

Mr. Downey: A legitimate concern and comment. We also will have expertise on the central committee as it relates to analyzing the projects and decision making at that level. We will be certainly dealing with high-calibre expertise at the central committee level.

Ms. Wowchuk: Mr. Chairperson, the minister has partly answered my question. I wanted to ask about

the review committee. He has said that they would be having people on there who would have expertise to help people with their projects.

Can the minister tell us—I am not sure if it is in the act—how many people will be on that committee and where the funding will come from for this committee? Will it come from the money that is set aside as a guarantee for Rural Development Bonds? How does the minister see that committee functioning? Just on an interim basis until the program gets going, or do you see the review committee playing some role in perhaps promoting the program?

Mr. Downey: Again, it depends on the take-up of the program. I see it as a full-time review committee that will be appointed, and if the workload, and hopefully the workload does expand, then we could add additional members on a rotating basis to make sure that there is not a delay as it relates to decision making. So the size of the decision-making committee at this point has not been determined, but I can assure her that we are getting some excellent advice from the meetings that we are having throughout rural Manitoba at this particular time.

Those are the kinds of things that we are asking community leaders, chambers of commerce, municipal people as to how they see it most effectively working.

Ms. Wowchuk: Then I hope the size of the committee has to grow.

The other question that I asked was the funding of the committee. Would the committee be funded from the money that has been set aside for Rural Development Bonds or will it be from the Department of Rural Development, another line?

Mr. Downey: It is anticipated through the Department of Rural Development.

Mr. Chalman: The bill 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 their proper order by the committee.

Clauses 1 through 41—pass; Preamble—pass; Title—pass. Bill be reported.

Mr. Chalman: Committee rise.

COMMITTEE ROSE AT: 9:56 p.m.