



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

Chairperson
Mr. David Newman
Constituency of Riel



MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Sixth Legislature

Members, Constituencies and Political Affiliation

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

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

Monday, November 4, 1996

TIME – 9 a.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. David Newman (Riel)

**VICE-CHAIRPERSON – Mr. Marcel Laurendeau
(St. Norbert)**

ATTENDANCE - 11 – QUORUM - 6

Members of the Committee present:

Hon. Messrs. Cummings, Ernst, Reimer, Stefanson,
Hon. Mrs. Vodrey

Ms. Cerilli, Ms. Friesen, Ms. Mihychuk, Ms.
McGifford, Messrs. Laurendeau, Newman

Substitutions

Mr. Leonard Evans for Ms. Friesen
Mr. Maloway for Ms. Mihychuk
Mr. Mackintosh for Ms. McGifford
Mr. Martindale for Ms. Cerilli

APPEARING:

Mr. Steve Ashton, MLA for Thompson
Mr. Gord Mackintosh, MLA for St. Johns

WITNESSES:

Bill 4–The Manitoba Public Insurance Corporation
Amendment Act

Mr. Nap Gagnon, Private Citizen

Bill 76–The Gaming Control and Consequential
Amendments Act

Mr. Doug Chernichan, Manitoba Hotel Association
Mr. Sheldon Turbovsky, Winnipeg Bingo and
Gaming Magazine
Mr. David Brant, Four Winds Founders
Mr. Larry Desjardins, Private Citizen

MATTERS UNDER DISCUSSION:

Bill 4–The Manitoba Public Insurance Corporation
Amendment Act

Bill 55–The Financial Administration and
Consequential Amendments Act

Bill 59–The Powers of Attorney and Mental Health
Amendment Act

Bill 61–The Statute Law Amendment Act, 1996

Bill 75–The Commodities Futures Act

Bill 76–The Gaming Control and Consequential
Amendments Act

Mr. Chairperson: Good morning. Will the Standing
Committee on Law Amendments please come to order.
Before the committee can proceed with the business
before it, it must elect a new Vice-Chairperson. Are there
any nominations?

Hon. Jack Reimer (Minister of Urban Affairs): I
would like to nominate Mr. Laurendeau.

Mr. Chairperson: Mr. Laurendeau has been nominated.
Are there any other nominations? Seeing none, Mr.
Laurendeau is elected as Vice-Chairperson of the
committee.

This morning the committee will be considering six
bills. The bills to be considered are Bill 4, The Manitoba
Public Insurance Corporation Amendment Act; Bill 55,
The Financial Administration and Consequential
Amendments Act; Bill 59, The Powers of Attorney and
Mental Health Amendment Act; Bill 61, The Statute Law
Amendment Act, 1996; Bill 75, The Commodities
Futures Act; and Bill 76, The Gaming Control and
Consequential Amendments Act.

We have had a number of persons registered to speak
to the bills this morning, and I will read the names of the
persons who have preregistered. With respect to Bill 4,
The Manitoba Public Insurance Corporation Amendment
Act, Nap Gagnon. With respect to Bill 59, The Powers

of Attorney and Mental Health Amendment Act, Valerie Price. With respect to Bill 76, The Gaming Control and Consequential Amendments Act, Gerald Massery, Larry Jocelyn Sr., Doug Chernichan, Sheldon Turbovsky, David Brant and Larry Desjardins.

If there are any other persons in attendance who wish to speak to one of the bills before the committee this morning and whose name does not appear on the list just read, please register with the Chamber Branch personnel at the table at the back of the room and all such names will be added to the list of presenters.

In addition, as a reminder to those persons wishing to hand out written briefs to the committee, please be advised 15 copies are required. If assistance in making the required number of copies is needed, please see the Chamber Branch personnel at the rear of the room or the Clerk Assistant. Did the committee wish to use time limits for the hearing of presenters this morning? What is the suggestion?

An Honourable Member: Ten and five.

Mr. Chairperson: It is suggested 10 minutes for presentation, five minutes for question and answer. Is that agreed? [agreed] Would the committee have a preference for the order of bills by which the presenters will be heard? No preference—we will go in the order I then called them. We will now proceed with the hearing of presenters. With respect to Bill 4, Nap Gagnon please come forward. You may begin your presentation, sir.

Bill 4—The Manitoba Public Insurance Corporation Amendment Act

Mr. Nap Gagnon (Private Citizen): My name is Nap Gagnon. I am a 72-year-old veteran. Regarding the increase in Autopac rates, driver's licence, and last but not least, making the victims pay for the deductible if their car is stolen or vandalized is completely wrong. It sends the wrong message to criminals. Next year we will also have to pay for new plates. All this will create additional hardships to people who already have a hard time to make ends meet. The small cost-of-living increase that we received does not even cover the increase in rents. Someone has to find a solution without digging in people's pockets every time you have a problem and that someone is you, the people who work for us.

What you are proposing will eventually increase your problem and increase the crime rate. We have to make people responsible for their actions and pay for their crimes. It is easy to criticize, so I will make a suggestion. I know it is not perfect, but it can be worked on. I suggest that the government, the courts, the police, and MPIC work together and devise a plan so that, for example, if a person is given two years for stealing or vandalizing a car, the sentence will also include restitution to Autopac for the deductible and damage to the car, plus any claim for personal property to the victim that is not covered by insurance. Failing to do this, a sentence would include a period of two years after release where the person would have to report and make monthly payments to cover restitution. If they should fail to do so, they would be sent back to jail and serve time again, and when they are released, they would still have to abide by the previous condition of their sentence. Another point is that there would be no parole. When a sentence says two years, that is it, except for one day per month for good behaviour. This could also apply to any kind of theft in many more different crimes, and in the long run this would solve your financial problem and reduce the crime rate.

Now, a lot of people are going to wonder—this will never work. It does. I can prove it to you right now. My wife and I had our car stolen about a year and a half ago. When the police phoned us that it was in the Autopac compound, they said, we are finished our investigation, you go ahead and pick up your car, arrange with Autopac. So we went to get our personal stuff in there but everything was gone. However, when I opened the trunk it was full of whiskey and cigarettes. Well, I do not smoke, but the whiskey was tempting. It was the best on the market.

So I phoned the police and told them what happened. They kind of gave excuses. Anyway, to make a long story short, they took the car back. They brought it back again. I went back to check the car, and there were two shotgun shells on the seat. So I phoned them again. I said, are you sure you are finished? They said, yes, bring them to us. I said, no, I will not. I have done enough running around.

* (0910)

Anyway, they promised me that when the person went to court, we would be notified. We were not. The first

time they went, my wife kept phoning, phoning, phoning, and we had made a list of everything that we lost, which came to approximately \$400. When I went the first time the guy did not show up. So I told the lawyer about this. He said, you cannot put any claims in here that I know of. So we went back home. A while later—we kept phoning—the guy was to appear in court again, but he did not show up. So I told the lawyer, I said, what is going to happen now? Here we are sitting all day? The judge asked, what is going on? I said, look, I would like you to issue a warrant for the arrest of that man. I am tired of wasting my time. So they did.

The next time he came to court, they still did not notify us, but we found out. I went, and I insisted, although I had no business doing that, I got up and I said, I want to get paid for these goods. So the lawyer called me aside and he says, how about if you settle for \$200, for half of it? I said, paid to the courts, fine. Now there is my proof that it can be done. We did that with no co-operation whatsoever from the police, from anybody, just from hard work.

Now when your car is stolen it is more involved than just a deductible. There are a lot of other expenses like I just told you now—personal goods, the running around. In my case I had an older car but in top condition. I had just spent a couple of thousand dollars on it. I thought it was good for another four or five years, then at my age, one more car and that was it. But it did not happen that way. I had to spend \$26,000 to buy a new car. Autopac paid me for the old one. Of course, they paid me market value. I could not expect any more.

Now, can you imagine the success with everyone working together with a proper system in place? It would mean more effort but, then, that is what you get paid for. I made approximately the same proposal on October 8 to MPIC and Public Utilities. Since then, I received a letter from MPIC, but I could not believe that the writer did not even acknowledge or mention what he thought of my idea. He mentions that we must find a solution but goes on to say that the best solution they can come up with is to dig deeper in people's pockets.

When I said before everyone has to be responsible for their actions, that includes all elected people and government workers who are working for us. If they are not doing their job, they should be replaced just like they

would be if they were working for a private firm. I hope that on November 11, you will be able to say to those who gave their lives to make this a better country, we will not let you down. Thank you.

Mr. Gord Mackintosh (St. Johns): I think it was very important that you came down today to share your frustrations of being a victim of car theft. I think we do not need the statistics to show just how bad car thefts have become in this province over the last three or four years, increases over 100 percent in something that affects you very close to home. Was it your sense that the victim, yourself, was left out of the process, that you were not important to the process?

Mr. Gagnon: That is right. As far as I am concerned, the victim has nothing to say. In court they make their deals. We are going to give him a sentence. I have nothing to say, just sit in the back and forget about you. And I think everybody says, they agree, we have to do something, but nobody wants to make a move. Something has to be done. You know, when your car is stolen, after that for the next two or three months, any little noise, you worry. That is a poor way to live.

Mr. Mackintosh: Mr. Gagnon, in the last provincial election the government promised that it would be pursuing some incentives to get people to use anti-theft devices on their vehicles, for example, perhaps tying that to lower premiums. You know, if you do not smoke, you get a break on your life insurance premiums. If you have smoke detectors in your home, you get a break on your home insurance. Nothing to my knowledge has been done. Do you think it would be wise to have some policies in place that would hopefully prevent the theft of motor vehicles?

Mr. Gagnon: I would say, yes, something could be done. In my case, I put an alarm on mine but they find a way to turn it off when they want to break into a car now, so that is not much help. They even found a way for that arm there—to get into a car and drive it away, but again, that goes to the victim. We are not going after the person responsible. I am willing to spend money to protect myself, but something has to be done to protect me from those people. I am not allowed to fight them and I would not even try at my age, and when you find shotgun shells on the seat, I would look pretty silly walking up there with my closed fist, so it would not do

any good. Like you say, yes, something should be done, both ways, not only for the victim. The criminal has to pay; otherwise, it is out of hand now but it is going to get worse.

The kids are laughing at us. I got some behind our apartment the other day. There were four sitting in the car, and I told them to get out and they said, try and move us. I said, open your window and see what happens. He said, I will sue you. You know, it is a no-win game, as it is, anyway. So I hope that somebody is going to start using their head and think a little bit and come up with an solution. I know mine is not perfect. It can be worked on, but it is an idea, anyway.

Mr. Chairperson: That was Mr. Gagnon, not Mr. Cummings, speaking. Mr. Cummings, now you may put your question.

Hon. Glen Cummings (Minister charged with the administration of The Manitoba Public Insurance Corporation Act): Very briefly, thank you for your presentation and the concerns that you raised. The question of identification during vandalism is very often one of the largest problems that the police have to deal with. In the case of your problem, was this an adult or an underage person?

Mr. Gagnon: I only saw one of them. I would say he was an adult. The other one, I never did see him. I do not know if he ever got to court or not. I know he was on the loose at the time. They picked him up but they let him go.

Mr. Cummings: Just to give you some assurance, where there are outstanding debts against Autopac, the withholding of insurance and, therefore, ability to drive can be exercised if they can appropriately identify the person through the courts, and I hope that appropriate action has been taken now that your perpetrator has been—

Mr. Gagnon: That is all very fine, except those guys do not care. They will drive anyway, and it does not hurt their pocketbook. This is where you have got to hurt them; otherwise, they come out of there, and they go right back to where they were. How many cars are stopped with people driving without a licence? What are you

going to do to them? You cannot take it away. They have not got it in the first place.

Mr. Chairperson: Thank you very much for your presentation, Mr. Gagnon.

Mr. Gagnon: Thank you.

Ms. Diane McGifford (Osborne): I ask leave to make committee changes.

Mr. Chairperson: Okay.

* (0920)

Committee Substitutions

Ms. McGifford: I move that the composition of the Standing Committee on Law Amendments be amended as follows: Brandon East (Mr. Leonard Evans) for Wolseley (Ms. Friesen); Elmwood (Mr. Maloway) for St. James (Ms. Mihychuk); St. Johns (Mr. Mackintosh) for Osborne (Ms. McGifford); Burrows (Mr. Martindale) for Radisson (Ms. Cerilli); with the understanding that these changes will be made in the House this afternoon.

Motion agreed to.

* * *

Mr. Chairperson: Valerie Price, please, with respect to Bill 59. Valerie Price, not being here, what is the will of the committee?

An Honourable Member: Call again later.

Mr. Chairperson: Okay. I will continue with the calls, and then we will call her again later.

Bill 76—The Gaming Control and Consequential Amendments Act

Mr. Chairperson: Gerald Massery, with respect to Bill 76, Gerald Massery. Lary Jocelyn, Sr. Doug Chernichan.

Mr. Doug Chernichan (Manitoba Hotel Association): Good morning, ladies and gentlemen. My name is Doug Chernichan. I represent the Manitoba Hotel Association.

Mr. Chairperson: Good morning, Mr. Chernichan. You may begin your presentation.

Mr. Chernichan: The Manitoba Hotel Association supports The Gaming Control and Consequential Amendments Act, Bill 76.

We had recommended to the Lottery Review Committee that such a commission be established. However, at this time, we ask that the disciplinary process be clarified. We recommend a licensing board be established to deal with applications for licences and registrations and to hear any and all charges of alleged noncompliance with this act or disciplinary policy.

We recommend that the applicant or site holder have the opportunity, if he so elects, to appeal the licensing board decision to the Gaming Control Commission. This is the manner in which the Manitoba Liquor Control Commission deals with licences and disciplinary matters and has the support of the hospitality industry.

It also constitutes, in our opinion, a fulfilment of the principle of natural justice. We are concerned about the powers of the executive director as outlined in Part 1, Section 6(4), which states in part, where the executive director is given powers and assigned duties under the act as to the interim suspension of licence, the executive director may authorize one or more employees of the commission to exercise that power or to perform that duty.

We do not believe an employee of the commission should have the power to suspend a registration without a hearing.

Part 4, Registration, Section 24, parts (2), (4), and (5), this section deals with the executive director's power to suspend a registration without notice for a period of one week. This section further states that the executive director shall advise the chairperson, who shall take steps to schedule a hearing within a one-week period.

We do not believe punishment should be imposed without a fair and impartial hearing. What value is a hearing after the fact? What if a panel hearing the matter decides a suspension should not have been imposed, where is the fairness? Once again, we believe a registration should not be suspended without a hearing.

Part 7, Hearings, Section 43, this section deals with the powers of the commission. While we agree that the commission should be able to suspend or cancel the licence or registration, we do not believe they should have the power to impose a penalty in the form of a fine not to exceed \$100,000.

There has been no policy developed that we have seen to determine under what circumstances a fine of any amount would be imposed.

Part 8, Monitoring and Enforcement, Section 49, Parts (1), (2) and (3), I would like to review Section 49 in its entirety.

“Entry and inspection Section 49(1) An inspector may, at any reasonable time and where reasonably required to determine compliance with this Act, (a) enter and inspect any building, vehicle or other place in which the inspector believes on reasonable grounds there is any document or physical item in respect of which this Act applies; (b) require any person to produce for inspection for copying any document that the inspector believes on reasonable grounds contains information relevant to the administration of this Act; (c) examine any equipment or other physical item and conduct any tests or analyses the inspector considers reasonably necessary.

“Operation of data processing and copying equipment Section 49(2) In carrying out an inspection at any place under this section an inspector may: (a) access a data processing system at the place to examine any data contained in or available to the system; (b) reproduce any document from the data in the form of a print-out or other intelligible output and take the print-out or other output for examination or copying; and (c) access any copying equipment at the place to make copies of any document.

“Documents Section 49(3) An inspector may remove any document that he or she is entitled to examine or copy or otherwise reproduce but shall give a receipt to the person from whom it was taken and shall promptly return it on the completion of the examination.”

It would appear that this act gives an inspector authority to undertake any type of inspection with complete disregard to an individual's right. Is it the intention of this legislation to create a situation that denies any and all rights of the individual? This act, as

it is currently standing, gives one person, the inspector, the power to determine what would be reasonably required. The inspector would be able to access information which is the private property of an individual.

Part 9 Fines Section 53(1) This section once again gives the commission the authority to levy fines, only this time to a maximum of \$250,000. This amount applies to every individual, business entity or body or association of persons who may be guilty of an offence under Part 9, Section 52(4).

The brief I gave to you then lists a number of offences, all of which are for failure to do something as opposed to doing something. We believe to expose an individual or corporation to a threat of \$250,000 in fines is not appropriate, particularly when you consider the seriousness of the infractions.

In summary, our concerns cover four points: powers of the executive director, establishment of a licencing board, powers of the inspector, removing the ability of the commission to levy fines. We therefore respectfully request that Bill 76 be amended to incorporate changes that we have suggested. Thank you.

Mr. Chairperson: Thank you, Mr. Chernichan. Questions?

Hon. Eric Stefanson (Minister charged with the administration of The Manitoba Lotteries Corporation Act): Thank you, Doug, for your presentation. I think some of those concerns have been put forward over the last few weeks by the association and by Mr. Reid, the executive vice-president, the executive—whatever John's position is—executive vice-president of the association. I did correspond with him on October 25, and I know that is not all that long ago. Have you had a chance to see the reply that I sent John to some of the concerns you raised today?

Mr. Chernichan: I believe I have, but we have not seen anything forthcoming, so we therefore asked for a presentation at this point.

Mr. Stefanson: Mr. Chairman, I think in terms of most of the issues that were raised today, they are addressed in

that letter and explanations given, particularly the area where you talk about the power of some of the investigators, that obviously the maximum powers would be used only in extenuating circumstances. I think because of the nature of the industry we have to at least have the ability to provide for that, but, as well, there would be the opportunity to deal with before the overall commission within a very short period of time. So again, those would not be intended to be the norm but they are there in the event that they have to be applied under unusual circumstances.

Mr. Chernichan: Part of it would be that these powers are available without any right of appeal. They are enacted, and then we have the right to come forward only after the fact. Part of our process is to ask for an appeal process prior to the implementation of suspensions, fines or other penalties.

Mr. Stefanson: That I believe, Doug, would be the norm, but as I say in the letter to John, it is anticipated that this provision would be used only rarely and only where immediate action is required to preserve evidence or to protect the public. In the event that such a suspension is necessary, the act provides safeguards limiting the period of suspension to one week and requiring a hearing before the commission within that one-week period. So, again, it is an extraordinary power that is meant to be used in extraordinary situations where it would be protecting the public or preserving evidence which would be important functions to obviously protect.

* (0930)

Mr. Chernichan: I guess my only comment would be to ensure that it is only used in extraordinary circumstances and not available for casual use.

Mr. Chairperson: Thank you very much for your presentation, Mr. Chernichan.

Mr. Chernichan: Thank you.

Mr. Chairperson: The next presenter is Sheldon Turbovsky.

Mr. Sheldon Turbovsky (Winnipeg Bingo and Gaming Magazine): I have 15 copies of it.

Mr. Chairperson: Good. Thank you very much. They will be distributed by the staff. You may begin your presentation, Mr. Turbovsky.

Mr. Turbovsky: My name is Sheldon Turbovsky, and I am here today to put on record that I firmly believe that Bill 76 will hurt nonprofit organizations and bingos throughout Manitoba. Most of my adult life has been spent working with or around nonprofit organizations, from being involved with the Winnipeg Charities Endorsement Bureau to being a direct of nonprofit organizations, and now working with nonprofit organizations with fundraising in the Winnipeg community.

If no one on this committee really understands or cares about nonprofit organizations, then leave Bill 76 as is. If one person on this committee has any sense of community, please fight for changes in Bill 76. If I cannot convince you that there are problems in one and a half pages, then I cannot do it in 200 pages.

Three years ago, before full-blown VLTs, the two new casinos and the aggressiveness of the provincial government, there were 845 licensed bingo events in Manitoba. With the last MLC full report, there were 635 bingo licensed events, or a drop of 25 percent. The majority of these were in rural areas of Manitoba.

Nonprofit bingos are the thread in every community throughout Manitoba. With many of these bingo programs now gone, many sporting, social, cultural programs are also gone throughout Manitoba and many people who need help are not receiving it.

The Larry Desjardins report only had two lines about nonprofit bingos in the entire paper and that he lifted from the report I gave them. People in power, both in the government of the day and the MLC, do not want to stand up and help nonprofit operations in Manitoba. This has been displayed time and time again.

The MLC, in the past eight years, has not helped the bingos. A good example of this is break-open tickets with over a 22 percent return to bingo halls. They were pulled and new 18 percent tickets were brought into the marketplace putting the nonprofit bingos in a worst-case scenario. There are another 20 examples I can list for you but it seems that people in power really want

everything for themselves. And now, with the new Bill 76 being passed, the consultants department of the MLC is wiped out. This department was the only real communication and link between the nonprofit bingos and the MLC.

The two real purposes of Bill 76 and the creation of this lottery commission are: 1) to create another level of government so that the critics of MLC will not be able to talk to them directly and, 2) to stop the criticism of the VLTs and gambling in Manitoba. The problem being is that nonprofit bingos got caught up in all the hubbub of the day. The truth being is that no one really knows what to do with nonprofit bingo operations because, in the past eight years, no one has bothered to ask these organizations what they need. The government of the day and the lottery administrations have never asked nonprofit bingos of their needs, so what has happened is a patchwork of fix-ups that rarely worked.

What I would like to see from this board is a recommendation that Bill 76 continue without the bingo part put in until the MLC and government can develop some strategy in regard to nonprofit bingos. The bottom line is, do not tell the bingos what they want. Ask them what they need. This bill, if passed as is, will make it much more difficult for nonprofit organizations to do any type of fundraising in Manitoba. This new board, as I read it, really has no legal right to make changes or to make rules in any direction. As I read the new bill, it states that they can charge the halls for reissuing of licences or for an investigation. It also states that they can fine these organizations. Nowhere does it say they can help.

The vast majority of bingo operations throughout Manitoba have absolutely no idea of this bill and especially how it will affect them. Not one piece of information from this government or the MLC has gone out to any nonprofit bingos about any of the effects of Bill 76. Do you think that the government has some responsibility towards this end, especially when they have control of every aspect of bingos in Manitoba from telling the bingos the type of programs, to buying the paper, to selling the break-open tickets, to the type of machinery they must use?

Please stop the sections for this lottery board about nonprofit organizations until a real study can take place. Please do not tell the bingos what they want; ask them

what they need. If anyone on this committee has any soft spot at all for nonprofit organizations, please help them now. There is absolutely no one fighting on their behalf in government. The majority of nonprofit bingos in Manitoba are small organizations working hard in every community. Please help. Thank you.

Mr. Chairperson: Thank you, Mr. Turbovsky. There being no questions, thank you very much, Mr. Turbovsky, for your presentation.

Mr. Chairperson: The next presenter is David Brant.

Mr. David Brant (Four Winds Founders): Good morning. My name is David Brant. I am here speaking on behalf of Four Winds Founders, although it is probably well known to most members of this committee my involvement in the aboriginal community as a whole.

Having recently been a participant in the development of a proposal for aboriginal self-government, I would like to speak to Bill 76 and applaud the effort for the creation of an independent gaming commission. However, we have concerns that there are errors of omission in the drafting of this document and these relate to the ~~statements made~~ by Mr. Desjardins in the report that has previously been submitted and the fact that commission or committee—I am not quite certain what his status was at the time—said that they did not have a mandate to act upon the issue of aboriginal gaming.

As we review Bill 76 as it is now presented, again, new applications from the aboriginal community are not defined in the purview of that bill, nor is it defined in the work to be undertaken by the new group. This creates an immense concern because there has been an ongoing dialogue by the government stipulating that tourism in this province was a major concern. We have now seen the hours of the Manitoba Lottery Commission operations extended on the basis that it was to advocate tourism. We have seen apparently the demise of a major tourism initiative by Mr. Wayne Flett of the Mr. Canada, whose primary business is exporting tourists from this province to aboriginal casinos in other venues.

We have seen the development of casinorama in the Ontario venue which is a co-operative effort between the provincial government and the First Nations and aboriginal peoples of that province. We have a similar

development at Regina. We have a number of Indian casinos developed to the south in the States along our border, and we of the aboriginal community of Winnipeg have to ponder whether the advancement of aboriginal gaming will become under consideration here in Manitoba or if we must wait until such time as casinos are developed in the deep Arctic, which is the only venue surrounding us which does not have aboriginal gaming at this time. Therefore, we advocate that Bill 76, and the duties of the newly to-be-formed commission, include an intensive review and an opportunity for submission of proposals by the aboriginal community for co-operative revenue-shared activities that would be used to fund aboriginal development, economic employment.

The initial Four Winds proposal that has been presented to the government previously advocated the creation immediately with its implementation of 3,500 jobs in the city of Winnipeg, an investment of half a billion dollars into the economy of Manitoba as a whole. We have not had to this point an opportunity to bring forward a full-blown proposal, and there is no governmental window that is formally developed to that end.

Therefore, once again we respectfully request that Mr. Desjardins' absence in mandate of the ability to deal with aboriginal gaming and gaming issues surrounding the aboriginal community and development, tourism development, economic development be incorporated into the duties and responsibilities of the new commission so that an independent and public review of submittals originating for the purpose of economic development from the aboriginal community in a revenue-shared format so there is no degradation of the profitability of the province and undertakings which are directed primarily to increasing tourism as opposed to implementing further Manitoba Lotteries' controlled VLTs designed solely to pick the pockets of the poor and desperate.

Thank you very much for your time this morning.

Mr. Chairperson: Thank you, Mr. Brant. Any questions? There being no questions, we thank you for your presentation, Mr. Brant.

Larry Desjardins, please.

* (0940)

Mr. Larry Desjardins (Private Citizen): Mr. Chairman, members of the committee. My name is Laurent-Larry-Desjardins. I am appearing as a private citizen. I came here to pretty well challenge the members of this committee, but I was thrown a challenge to try to complete what I have to say in 10 minutes. I only wish that rule had been in effect when I chaired a committee on the introduction of auto insurance a few years ago. I would have liked to cover some of the points by some of the presenters, especially the last two, but obviously I will not have the chance to do that. So if I cut off quite a few of the things, if I read fast, try not to ad lib, maybe I will have a chance to cover some of the points that I wish to make. You might have to gong me about a minute before unless somebody is kind enough, seeing that I think I am the last presenter, to make a motion to delay or give me a few more minutes.

Anyway, I certainly did not intend to address this committee at this time, but I felt it advisable to clear up any false impression an article which appeared in the Free Press of Sunday, October 27, might have given.

When I was asked to serve as chairman of the working group on gaming review, I must admit that I was somewhat hesitant to accept the assignment. I had witnessed too many commissions, committees, task forces, financial studies—all at the expense of the taxpayers—table their reports only to see them completely ignored. It seems that government at every level, of every political party, have been known at times to use these commissions to delay taking action or to render certain hot topics a nonissue at certain times.

I met with the Premier (Mr. Filmon), and I met with the Honourable Mr. Ernst, and later on with the Honourable Mr. Stefanson. They all assured me that they were very concerned and very serious, and I also liked the terms of reference of the working group, and although I remained somewhat apprehensive, I tried to work in sincerity, honesty and fairness. All the members of the working group worked very diligently, and we are very proud of the report that they submitted to the minister in late 1995.

On January 18, 1996, the Honourable Eric Stefanson released the report at a press conference, and at the time he stated, and I quote: It is incumbent upon the government to control and regulate gaming to minimize and address the social impacts that arise. Because of

that, we have accepted the commission's primary recommendation to establish an independent gaming commission to be responsible for recommending policy for the overall integrity, regulations and public impact of gaming.

How could I criticize that? Then on January 27 of this year, the government issued a news release entitled: Government outlines plans to implement gaming recommendation.

I was especially pleased when the minister went even further than the committee's recommendation by announcing that there would be a reduction of 650 VLTs and that the commission would review the state of VLTs at least every two years, as per another one of our recommendations. How could I criticize that? This was a serious start in dealing with the problem of VLTs. I was going to cover VLTs later on, but I think my views are known on that, and I will have to skip that.

Now, I would like to cover the article, to discuss the article that I mentioned. It started on page 1 and continued on the second page, and as you can see even from there, I am sure, the heading on page 2 was in very bold letters and it stated, Desjardins Hits Gambling Bill, in large, bold letters. I cannot believe that the reporter who interviewed me on the phone understood by my answers to his questions that I was criticizing the gambling bill, especially when this bill was introduced because of the working group's recommendations and also that it covered some of mine.

I understand that the headings are not the responsibility of the reporters but of an editor. In any event, this certainly was not factual and is certainly misleading. The last thing I wish to do is to give the impression that I am attacking or hitting this bill. It is what we were seeking, and it was our most important recommendation. This does not mean that we agree with every single thing in this bill, of course. I am sure that every single member here disagrees with something in that bill themselves. I will make certain recommendations that I hope will be accepted as constructive criticism, and I believe this is the reason why you have this committee and that people are invited to appear.

I would like to read just a small paragraph from the report. It says, in an interview, Desjardins said he was

somewhat confused. There is nothing in the legislation dealing with a plebiscite on VLTs. I thought they would accept that. I was never confused about the plebiscite. At the June 27 press conference announcing the implementation plan, the minister had stated that he planned to allow for a quick implementation. The plan allows for a quick implementation when possible, and further studies might be warranted. He added that the recommendation on plebiscite required a further review by the independent gaming commission, and he hoped to have it up and running this year; the commission, that is.

The day before my interview, I received a call from some St. Malo residents questioning me about the plebiscite. I answered that the bill being introduced dealt with the establishment of the gaming commission, that it would study the question of plebiscite and then make their recommendation to the minister.

When I did mention that I was a bit confused was when I heard that the minister, and I had just a very, very quick glance at the bill at that time, the minister was talking about an independent commission, and there was some criticism, saying that the minister would control the commission in all phases. I then mentioned to the reporter that surely there would be questions asked of the minister at this meeting of the Law Amendments committee, and the minister would certainly have to answer, and there might be clarification at this time.

Now, I would like to make certain comments on the balance of the article, and I fully agree with the minister—I think this is very important—when he states that the policies must be set by the government. I would do exactly the same, and, in fact, I did. The government should not abdicate its responsibility, and the commission could surely be consulted. Can you see that if there was a commission that had to decide whenever there was something wrong, the government would be blamed anyway, and this is definitely what governments are for. I think I believe that very, very strongly.

However, I must admit that I was surprised when the question of the plebiscite was referred to the gaming commission because the government felt that it needed more study. I think that is a clear case of policy. I mean, you are going to find out what the people want when they petition their council for a plebiscite and also the vote of

the plebiscite. I think that is strictly a question of policy, and the government will just say yes or no. The only thing that they could look at is just to see how much money would be lost and so on, but I do not think that should be an issue. Anyway, at least it is not lost. It is something that will be looked at by the commission, and then the government will act.

I was also, and I am very disappointed that the MLC announced recently that hours would be extended in the casinos, and I know that in our recommendation we felt that this should be the role of the MLC, that that was just the day-to-day running, but that does not exclude—I think the minister's statement saying that the government would set up the policy takes precedence over that, and I think that the gaming commission should have had a chance to look at that, because I do not know, when they are going to look at all these things to say, hey, there is going to be more hours, I am a little concerned. Remember what the minister said, that we are looking at the impact that this will have, so that is one concern that I have.

Mr. Chairperson: You are into the last minute of your first ten minutes, sir.

Mr. Desjardins: Already? My first ten minutes, oh, that is encouraging. I strongly disagree, however, with the minister when he says that by dividing responsibility for gaming between two ministers, the commission would be more independent. This was tried and has failed. This bill would have the new gaming commission reporting to one minister, and the Manitoba Lotteries Corporation reporting to another. The minister previously stated that the commission would be responsible for recommending policy for the overall integrity, regulation, public impact on gaming as well as initiate, require studies.

While the corporation will focus on marketing and ongoing operation, it is mainly interested in maximizing the revenue, that is their job, while the commission would serve as some kind of a watchdog.

* (0950)

Mr. Chairperson: Is there leave for him to encroach on his question-and-answer time?

Mr. Desjardins: They are very, very short.

Mr. Chairperson: Leave granted to encroach on your question-and-answer time.

Mr. Desjardins: Thank you very much.

I think one minister should hear both bodies. He is talking about dividing the responsibility; that is already done with the commission and the corporation. But I think the same minister should hear both sides, should hear everything before making a decision. It is not like he is going to make the decision by himself, that will go to the cabinet if it is a question of policy, and they will be able to discuss that. Now, I can understand that it is not the role of either the commission or the corporation to talk about where the benefits will go and that if the government wishes to have this under another minister, well that is fine. I think that this is an important point.

I would just like in closing to ask a few questions for clarification, and I think that from what I hear around that, that would be important. I am on page 6 of the bill. The intent and purpose I think is very clear: "The intent and purpose of this Act is to create an independent Commission to regulate and control gaming activity in the Province with the aims of ensuring that gaming activity is conducted honestly, with integrity and in the public interest." I do not think anybody could criticize that.

The Gaming Control Commission, I think that is also clear. I would hope though that people do not represent anybody. I think that could be a concern. There could be a conflict of interest. I think that is an important case.

Now, the duties of the commission. The first one is at the request of the minister: The Commission shall have the following duties, at the request of the minister, provide advice and recommendation to gaming activity, that is very clear and that is the intent; at the request of the minister, to conduct public meetings or hearings for the purpose of Clause (a), that is for the purpose of Clause (a), that also is clear; to conduct an independent or joint research project. I think that is the important thing and there might be a bit of confusion with this one.

The next one is "at the request of the Lieutenant Governor in Council, to conduct public inquiries into matters of gaming activity." I would hope that you are

not tying the hands of the members of the commission where they cannot discuss with people. I can understand maybe an official public inquiry—well that is, in my estimation, political more than anything else—provided the members of the commission are not prevented from discussing with anybody that they want; they can call anybody in that they want. If you are just dealing about official public inquiries, I would understand that. That is the main thing that I want to say.

I want to make a statement after listening to previous speakers.

If our report had answered all of the questions and we did worry about bingo and we did worry about all of these things, you would not need a commission, you would not need any policy, you would not need anything. The situation was that we started, we had limited time, and we felt there should be a commission to advise the minister. I believe and I understand that when people say this bill is not complete, but I hope I am not wrong, that that will be completed because there will be recommendations from the groups. The government will ask policies and there will be changes and they will look at some of the concerns that we have had.

Thank you very much and thank you for giving me a couple of minutes more.

Mr. Chairperson: Thank you, Mr. Desjardins.

Mr. Desjardins: It is very disjointed, but I hope I was clear. If there are any questions, I will be glad to try to answer them.

Mr. Chairperson: Mr. Stefanson, there are about 37 seconds.

Mr. Stefanson: Mine is just a reconfirmation, I think, first of all to thank Larry Desjardins and the members of the Lottery Policy Review Committee for a lot of good work. You have expressed some minor concerns, but on an overall basis is it fair to say that this bill does reflect the views of the Lottery Policy Committee?

Mr. Desjardins: I do not think anybody could accept that. It would be utter hypocrisy if I start criticizing at this time. As I say, I have never seen a commission, and

as you know I have had a bit of experience in this, where the report was taken so seriously. What you are saying, so far I have no criticism. Of course, we have to be vigilant, and it is not going to be easy. You are going to have to look to see, does the end justify the means? You will have to look at what cost and so on. We know that. This is not giving you carte blanche for the future, but I think it was an excellent bill. You went in personally—I said I was speaking for myself—you went further. You accepted one of my recommendations, which I think made it—the one about VLTs, you said that they will review it every second year. I cannot criticize it at all. I brought some points as constructive criticism about two ministers. I think that is wrong.

Mr. Chairperson: Time is now expired, I am sorry. Is there leave for him to complete his—

Mr. Desjardins: No, I am finished. I will not abuse your kindness.

Mr. Chairperson: Thank you very much for your presentation.

Mr. Desjardins: Thank you.

Mr. Chairperson: Going back to the beginning of the list, those people who did not respond the first time, if they do not respond this time, will they be dropped from the list? Is that the will of the committee? [agreed]

Valerie Price, with respect to Bill 59. Valerie Price, not being here, will be dropped from the list. With respect to Bill 76, Gerald Massery. Gerald Massery, not being here, will be dropped from the list. With respect to Bill 76, Larry Jocelyn, Sr. Larry Jocelyn, Sr., not responding to the second call, will be dropped from the list. That then completes the presentations.

I will now canvass the room one more time to ask if there are any other persons in attendance wishing to speak to one of the bills this morning. If so, would they please identify themselves now. Seeing none, is it the will of the committee to proceed with clause-by-clause consideration of the bills? [agreed]

We will then proceed. In which order did the committee wish to consider the bills? The same order we have gone so far. [agreed]

Bill 4—The Manitoba Public Insurance Corporation Amendment Act

Mr. Chairperson: Then proceeding first with Bill 4, did the minister responsible have an opening statement?

Hon. Glen Cummings (Minister charged with the administration of The Manitoba Public Insurance Corporation Act): No, Mr. Chairman.

Mr. Chairperson: Does the critic for the official opposition have an opening statement? There being none, during the consideration of a bill, the title and the preamble are postponed until all other clauses have been considered in their proper order by the committee.

With respect to Bill 4. Clause 1—pass; Clause 2—pass; Clause 3—pass; Clause 4—pass; Preamble—pass; Title—pass. Bill be reported.

Bill 55—The Financial Administration and Consequential Amendments Act

Mr. Chairperson: With respect to Bill 55, did the minister responsible wish to make an opening statement?

Hon. Eric Stefanson (Minister of Finance): Yes, Mr. Chairman, very briefly.

At the second reading of this bill, I was pleased to hear the member for Brandon East (Mr. Leonard Evans) indicate his support for approval of this legislation. Much of it is of a housekeeping nature, but many of the changes are long overdue. The Financial Administration Act that this bill will replace was passed in 1969, and although some changes have been made since, the passage of time has made many of the premises set out in the 1969 legislation inconsistent with contemporary practice. The member for Brandon East also had a few questions which I will briefly address in these remarks.

Our review of the financial administration acts of other provinces confirm to us that Manitoba is the only province that does not define its financial management and control structure in its financial administration act. Bill 55 will remedy this situation. The role and responsibilities for Treasury Board provided in the new act merely confirm what Treasury Board is presently doing. It does not provide Treasury Board with more

authority than would normally be found in other provinces.

* (1000)

The new act will reduce the number of areas which require an Order-in-Council for approval. This change mainly affects areas such as write-offs and remissions. The objective of the change is to improve the efficiency of the administration of these items. In all cases, information regarding these transactions must be made available to the public not later than 30 days after they are approved and must continue to be made available until the information is published in the Public Accounts. This will be required by the act and is not subject to ministerial discretion.

So those are some opening comments, Mr. Chairman. I have some technical amendments that I will need to deal with as we go through the bill. Thank you.

Mr. Chairperson: Did the critic for the official opposition wish to make an opening statement? There being none, during the consideration of the bill, the table of contents, the preamble and the title are postponed until all other clauses have been considered in their proper order. Is it the wish of the committee to consider the clauses in blocks of clauses? [agreed]

Clauses 1 through 3 inclusive—pass; Clauses 4 through 5 inclusive—pass. There is a proposed amendment respecting subsection 6(1).

Mr. Stefanson: Mr. Chairman, this is really just a cross-reference error that is being corrected. It is a technical amendment.

Mr. Chairperson: Would you move the amendment?

Mr. Stefanson: Yes, I would. Should I read this in?

Mr. Chairperson: You can read it.

Mr. Stefanson: I move

THAT subsection 6(1) of the Bill be amended by striking out “clause 7(b)” and substituting “clause (2)(b)”.

[French version]

Il est proposé que le paragraphe 6(1) du projet de loi soit amendé par substitution, à “6(2)b”, de “(2)b”.

Mr. Chairperson: That is in both official languages.

Amendment—pass; Clause 6(1) as amended—pass; Clauses 6(2) through 8 inclusive—pass; Clauses 9 through 12(1) inclusive—pass; Clauses 12(2) through 13(3) inclusive—pass; Clause 13(4) to 17(2) inclusive—pass; Clauses 18 through 22(4)—pass; Clauses 23 through 27(2) inclusive—pass; Clauses 27(3) through 31 inclusive—pass; Clauses 32(1) through 35 inclusive—pass; Clauses 36 through 40(2) inclusive—pass; Clauses 41(1) through 42 inclusive—pass; Clauses 43 through 44(1) inclusive—pass. There is an amendment respecting subsection 44(2).

Mr. Stefanson: Mr. Chairman, I move

THAT the following be added after Clause 42(2)(d):

(d.1) the Chief Electoral Officer;

[French version]

Il est proposé d'ajouter, après l'alinéa 44(2)d, ce qui suit:

d.1) le directeur général des élections;

Mr. Chairman, what this does is it is the addition of the Chief Electoral Officer to persons authorized to certify payments. This position was overlooked when the bill was prepared.

Mr. Chairperson: That is moved in both official languages, Mr. Stefanson?

Mr. Stefanson: Yes, it is.

Mr. Chairperson: Is it agreed by the committee that every time we have an amendment that they are moved in both official languages, so I can save repetition? [agreed]

Amendment—pass; Clause 44(2)(d) as amended—pass; Clauses 45(1) through 46 inclusive—pass; Clauses 47 through 50(3) inclusive—pass; Clauses 50(4) through 52 inclusive—pass; Clauses 53 through 57(1) inclusive—pass; Clauses 57(2) through 60 inclusive—pass; Clauses 61(1)

through 63(4) inclusive-pass; Clauses 64(1) through 65(1) inclusive-pass; Clauses 65(2) through 67 inclusive-pass; Clauses 68 through 71(3) inclusive-pass; Clauses 72(1) through 76 inclusive-pass; Clauses 77 through 80(3) inclusive-pass; Clauses 80(4) through 81-pass.

With respect to Section 82, I believe there is an amendment.

Mr. Stefanson: Mr. Chairman, I move

THAT Section 82 be struck out.

[French version]

Il est proposé de supprimer l'article 82.

Mr. Chairperson: Is there leave for Mr. Stefanson to make this motion? [agreed].

Motion presented.

Mr. Chairperson: Is there discussion on it?

Mr. Doug Martindale (Burrows): I would like to ask the minister to explain what is being done by this amendment, please.

Mr. Stefanson: The explanation is, in the parliamentary system, legislatures vote to raise revenues and undertake expenditures in the name of the Crown. This tradition is reflected in a number of our procedures, including the messages and motions which accompany the process for dealing with the estimates.

For example, our motion to go into Committee of Supply states that we are considering of the supply to be granted to Her Majesty. The Royal Warrant or Lieutenant-Governor's warrant which follows Royal Assent for the appropriation bills is another such tradition. Essentially it formally authorizes and requires the Minister of Finance to defray the expenses of the province out of money appropriated by the Legislature.

A number of provinces have abolished or ceased to require the Royal Warrant, and Clause 82 would have abolished it in Manitoba as well. On reflection, however, our government has come to the conclusion that the

administrative advantage of dispensing with the warrant requirement is, on balance, not sufficient to outweigh the value of upholding a long-standing tradition. Consequently, we would propose not to proceed with Clause 82 of Bill 55, and we would recommend that it be deleted.

Mr. Chairperson: Amendment-pass; Clauses 83 through 86 inclusive-pass; Clauses 87 through 92 inclusive-pass. There is a proposed amendment respecting 93.1.

* (1010)

Mr. Stefanson: Mr. Chairman, I move

THAT the following be added after Section 93 of the Bill:

Consequential amendments, C.C.S.M.c.F85

93.1 Subsection 9(1) of The Fiscal Stabilization Fund Act is amended by striking out "four" and substituting "six".

[French version]

Il est proposé que le projet de loi soit amendé par adjonction, après l'article 93, de ce qui suit:

Modification du c. F85 de la C.P.L.M.

93.1 Le paragraphe 9(1) de la Loi sur le Fonds de stabilisation des recettes est modifié par substitution, à "quatre", de "six".

In explanation, Mr. Chairman, this changes the annual report deadline for the Fiscal Stabilization Fund. The next amendment I will be moving, it does the same for SOA Financing Authority to six months from the present four months. The deadline for these two funds will then be consistent with the deadline for annual reports established by Section 67 of this act. This is a more realistic deadline for both these reports since they depend on other areas of operation for their transactions. The Fiscal Stabilization Fund cannot be completed until a transfer of surplus is made from the consolidated fund. As well, the SOA Financing Authority requires the completion of the audited financial statements of each SOA. So that is an explanation.

Mr. Chairperson: Amendment—pass; Clause 93—pass; Clauses 94 through 97(1)—pass; Clause 97(2) through 98—pass. Proposed amendment respecting Section 99. Mr. Stefanson, you have a proposed amendment here.

Mr. Stefanson: Mr. Chairman, I move

THAT section 99 be struck out.

[French version]

Il est proposé de supprimer l'article 99.

Mr. Chairperson: Is there leave for this amendment?

An Honourable Member: Leave

Mr. Chairperson: There is leave for the amendment. You are now going to explain it, Mr. Stefanson.

Mr. Stefanson: I move that Section 99 be struck out. It really relates to the earlier explanation on the Royal Warrant that this is a consequential amendment to The Interpretation Act re the Royal Warrant, and since we have left the Royal Warrant on a status quo basis, we do not need to make this amendment.

Mr. Chairperson: Amendment—pass; Clauses 100 through 108 inclusive—pass. There is a proposed addition, 108.1.

Mr. Stefanson: I move

THAT the following be added after section 108 of the Bill:

Consequential amendments, C.C.S.M. c. S185

108.1 Subsection 24(1) of The Special Operating Agencies Financing Authority Act is amended by striking out "120 days" and substituting "six months".

[French version]

Il est proposé que le projet de loi soit amendé par adjonction, après l'article 108, de ce qui suit:

Modification du c. S185 de la C.P.L.M.

108.1 *Le paragraphe 24(1) de la Loi sur l'Office de financement des organismes de service spécial est modifié par substitution, à "120 jours", de "six mois".*

I provided the explanation for this when I provided the explanation for the six months for the Fiscal Stabilization Fund. That is exactly the same situation.

Mr. Chairperson: Amendment—pass; Clauses 109 through 112 inclusive—pass. There is a proposed amendment with respect to Section 113.

Mr. Stefanson: I move

THAT section 113 of the Bill be struck out and the following substituted:

Coming into force

113(1) Subject to subsections (2) and (3), this Act comes into force on a day fixed by proclamation.

Coming into force: sections 93.1 and 108.1

113(2) Sections 93.1 and 108.1 are retroactive and are deemed to have come into force on July 31, 1996.

Coming into force: certain consequential amendments

113(3) Subsections 83(1) and (2) and sections 84 to 93, 94 to 98, 100 to 102, 104 to 108, 109 and 110 come into force on the day this Act receives royal assent.

[French version]

Il est proposé que l'article 113 du projet de loi soit remplacé par ce qui suit:

Entrée en vigueur

113(1) *Sous réserve des paragraphes (2) et (3), la présente loi entre en vigueur à la date fixée par proclamation.*

Entrée en vigueur des articles 93.1 et 108.1

113(2) *Les articles 93.1 et 108.1 s'appliquent à compter du 31 juillet 1996.*

Entrée en vigueur des modifications corrélatives

113(3) *Les paragraphes 83(1) et (2), les articles 84 à 93, les articles 94 à 98, les articles 100 à 102, les articles 104 à 108 ainsi que les articles 109 et 110 entrent en vigueur le jour de la sanction de la présente loi.*

The explanation is, this amendment makes the above report date changes for the Fiscal Stabilization Fund and

the SOA Financing Authority, which I referred to earlier, effective on July 31, 1996 which were their previous deadlines.

Mr. Chairperson: Amendment—pass; Clause 113 as amended—pass.

Mr. Stefanson, there is another amendment here, or a motion.

Mr. Stefanson: Mr. Chairman, I move

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

[French version]

Il est proposé que le conseiller législatif soit autorisé à modifier les numéros d'article et les renvois internes de façon à donner effet aux amendements adoptés par le Comité.

Motion agreed to.

Mr. Chairperson: Table of Contents—pass; Preamble—pass; Title—pass. Bill as amended be reported.

Bill 59—The Powers of Attorney and Mental Health Amendment Act

Mr. Chairperson: Next, Bill 59, The Powers of Attorney and Mental Health Amendment Act. Does the minister responsible have an opening statement?

Hon. Rosemary Vodrey (Minister of Justice and Attorney General): Yes, thank you, Mr. Chair. There were a number of questions raised in debate, so my opening comments will address those issues that have been raised.

The bill implements a report of the Manitoba Law Reform Commission. It makes three significant changes to the law: First, it confirms that springing powers of attorney are valid. The common law is not clear on this. A springing power of attorney is a power of attorney which does not come into effect immediately. Instead it comes into effect on the happening of an event in the future or on a future date specified in the document.

Second, and more importantly, the bill adds safeguards to protect the makers of enduring powers of attorney. The bill adds witnessing requirements and provides for greater accountability on the part of the attorney after the donor has become mentally incompetent.

Finally, the bill amends The Mental Health Act to ensure that upon a finding by a physician that an individual is mentally incompetent, the Public Trustee will take over management of that person's property and displace the person appointed by him or her under an enduring power of attorney only where there is evidence that the attorney has been acting inappropriately.

In short, this bill makes it possible for individuals to take responsibility for the conduct of their financial affairs even after they become mentally incompetent, while at the same time providing them with a measure of protection when they can no longer protect themselves.

Certain concerns were expressed about this bill in the House during second reading. Concern was expressed with the requirement that an attorney be 18 years of age at the time that the power of attorney is executed. It was suggested that it should be possible to name a person as attorney who is under the age of 18 at the time that the power of attorney is executed, that appointment take effect at a future time when he or she becomes 18 years of age. It is true that this would better ensure the donor's freedom of choice. On the other hand, however, adopting the suggestion could result in long periods of time, up to 17 or 18 years, during which a now incompetent person would be without an attorney. Someone else would have to apply to court to become committee, or the Public Trustee would have to step in until the named child attained the age of 18.

After considering the competing arguments, we prefer the view of the Manitoba Law Reform Commission that in the case of enduring powers of attorney, uncertainty should be avoided and all named attorneys should be immediately capable of assuming their duties.

Concern was expressed as to whether there should be a requirement for the passing of accounts if acquired by a party. Such a provision exists in Section 24(1)(e) of the bill. Concern was also raised about protection of unwilling attorneys. In fact, until the person who is named as attorney accepts the appointment, either

expressly or impliedly, by exercising the powers conferred on him or her, he or she is under no obligation to act as attorney. However, if the attorney has accepted the appointment, he or she must get the permission of the court to withdraw as attorney once the donor becomes mentally incompetent.

* (1020)

This is as it should be. The donor is now unable to name another attorney, and the attorney had by his or her actions led the donor to believe that there was no reason to name a substitute. The attorney in this case should be obliged to explain his or her resignation to a court and give the court an opportunity to name a substitute.

The suggestion was made that the registry of powers of attorney contemplated by the bill should be mandatory rather than optional. However, there will be many instances in which donors do not wish to have their financial arrangements made known to others. A mandatory filing of powers of attorney would be an unnecessary and an unwarranted intrusion on the privacy of those individuals. Furthermore, a requirement that powers of attorney be filed with the Public Trustee would create a trap invalidating many powers of attorney made by individuals unaware of this requirement.

Finally, questions have been raised, and concerns, regarding the consequential amendments to The Mental Health Act which are required by this legislation. I can advise that there is a significant public policy issue which had to be addressed in considering the consequential amendments, and the government chose to include in legislation protections which would ensure that an incompetent person could not be abused by the misuse of a power of attorney. If by this choice there is an error perceived, it is to err in favour of the protection of the vulnerable elderly in Manitoba.

The process by which the Public Trustee comes to be responsible for managing the personal and financial affairs of an incompetent person is not well understood. The Public Trustee does not step in and take over someone's affairs. The process is started by the person's physician signing a certificate which is sent to the director of psychiatric services. If he decides to issue an order of supervision, the Public Trustee is made aware of

it only after the order is issued. By that point, the Public Trustee is committee.

The population served by the Public Trustee is different from the community in general. Too many of the Public Trustee's clients have given a family member a power of attorney which was then used to distribute that person's estate in advance of their death, leaving them penniless. To require that the Public Trustee back out of those situations after the power of attorney is discovered is unreasonable and irresponsible. This legislation places a greater responsibility on the Public Trustee to review the actions of an attorney and, if all is well, to remove herself from further involvement. It allows quick action if all is not well and allows an immediate stop on the drain of an incompetent person's resources and to the emotional abuse which is often the result. This amendment must be considered in the appropriate context. It will come into play only where medical and social services professionals are concerned that an incompetent person is not capable of managing his or her affairs, and there is a need of services of the Public Trustee.

If an attorney were acting properly, then presumably these circumstances would never arise. However, if an order is issued for some reason—anyway the Public Trustee has the ability to investigate, and if satisfied, to act no further. We believe that the inconvenience which may be caused in a few cases will be far outweighed by the ability to stop further financial abuse in many cases. Thank you, Mr. Chair.

Mr. Chairperson: I thank the minister. Does the critic for the official opposition have an opening statement?

Mr. Gord Mackintosh (St. Johns): We prepared amendments on two issues. One is the right of a donor to name as an attorney someone who has not yet attained the age of 18 but may, on the attainment of the age of majority or 18, become an attorney. It appears from the minister's comments that they are not prepared to accept such a proposal, one that we think is in the interests of the donor and certainly would better acknowledge the importance of recognizing the wishes of donors.

The second area is, I think, the main concern that we have. The Law Reform Commission report attempted to better balance the wishes of a donor and protections of a donor. I think it was the essence of the Law Reform

Commission report, in fact. The Law Reform Commission report, not only in its discussion but also in its recommendations and its draft legislation, concluded that the best way to effect that balance was to ensure that the Public Trustee only takes power when there is no enduring power of attorney.

For some reason, and the minister—take the government's concerns as expressed—guts that essential recommendation of the Law Reform Commission, an independent organization that developed skill and expertise in this area, and I think did an excellent job in its recommendations. I wonder what the real reason might be as to why the government wants to continue this paternalism, and I say paternalism because there are protections for the well-being of the donor throughout the legislation. The Public Trustee does have the right to question, to intervene where they think that there may be some financial or other abuse of the donor under the attorneyship.

I ask the minister this question, is there some concern now that the Public Trustee's office is a special operating agency? There are concerns for the well-being of the Public Trustee's office rather than the well-being of that balance between the donor's wishes and protection of the donor.

Mrs. Vodrey: The Public Trustee informs me that in situations where they have been appointed, required to step in and then have been replaced, the public trustee has the ability to waive fees or to significantly reduce the fees and that in fact has been the practice.

Mr. Chairperson: Thank you, minister, and thank you, member.

During the consideration of the bill the table of contents and preamble and title are postponed until all other clauses have been considered in their proper order by the committee. Did the committee wish to consider the bill in blocks of clauses? [agreed]

Clause 1—pass; Clause 2(1) through 5(1)—pass; Clause 5(2) through 6(3)—pass; Clause 6(4) through 7(3)—pass; Clause 8 through 10(2)—pass; Clause 10(3) through 13—pass.

Mr. Mackintosh: I have an amendment for the next page, 9.

Mr. Chairperson: Clause 14(1) through 15—pass. There is a proposed amendment with respect to 16(2).

Mr. Mackintosh: I move

THAT section 16 be amended by renumbering it as subsection 16(1) and adding the following as subsection 16(2):

Exception for springing power of attorney

16(2) Notwithstanding subsection (1), where an enduring power of attorney provides that it shall not come into force until the later of the date of a named individual's attaining the age of majority and a specified contingency, that individual is eligible to be named as an attorney under the power of attorney but may not act as such

(a) until he or she attains the age of majority; and

(b) unless he or she is mentally incompetent and is not an undischarged bankrupt, at both the time the donor signs the document and the power of attorney comes into force.

[French version]

Il est proposé que l'article 16 soit amendé par substitution, à son numéro d'article, du numéro de paragraphe 16(1), et par adjonction, après le paragraphe 16(1), de ce qui suit :

Exception à l'égard des procurations subordonnées à une condition suspensive

16(2) *Malgré le paragraphe (1), lorsqu'une procuration durable doit prendre effet, selon ce qui y est prévu, à la date où une personne y nommée atteint l'âge de la majorité ou à la date de survenance d'un événement précisé, selon celle de ces dates qui survient la dernière, la personne peut être nommée à titre de mandataire dans la procuration mais n'agit à ce titre que :*

a) lorsqu'elle atteint l'âge de la majorité;

b) si elle est habile sur le plan mental, n'est pas failli non libérée au moment où le mandant a signé la procuration et où la procuration prend effet.

Motion presented.

Mr. Chairperson: Mr. Mackintosh, speaking to the amendment.

* (1030)

Mr. Mackintosh: I think I have spoken fully to this, Mr. Chair, but again it is out of deference to possible wishes and to allow for greater options on behalf of the donor to appoint an individual who may not yet be 18 and with that appointment to be effective on the attainment of the age of majority by that attorney.

Mrs. Vodrey: I have answered this issue in my opening comments. It has to do with issues of certainty which were referenced in the Law Reform Commission report. Therefore, we would not support this amendment.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Mr. Chairperson: The amendment is defeated.

Clause 16—pass; Clauses 17 through 18(3)—pass; Clauses 19(1) through 22(2)—pass; Clauses 22(2) through 24(1)—pass; Clauses 24(2) through 26(2)—pass; Clauses 26(3) through 26(7)—pass.

Mr. Mackintosh: Just to warn you, on the next page, 14.

Mr. Chairperson: I repeat, Clauses 26(3) through 26(7) inclusive—pass. Leave to revert back to Clause 26(7)? [agreed] The amendment affects that particular area.

Mr. Mackintosh: Mr. Chair, perhaps we can deal with the amendment as proposed to 26.15(2) because that is the essence of it. If this amendment passes then, by leave, we can go back and make the amendment to the earlier section.

Mr. Chairperson: Yes, there is no difficulty. We have had leave to revert back, because this does apparently affect subsection 26(7).

Mr. Mackintosh: Oh, I see. It is 26(7). All right.

Mr. Chairperson: So, if you move the amendment.

Mr. Mackintosh: Mr. Chair, perhaps there is leave—everyone has a copy of the amendments—that I move that the proposed subsections 26.15(2) to (10) as set out in subsection 26(7) of the bill be struck out and the following substituted, as written. Is that—

Mr. Chairperson: Is there leave to have it read in as presented. [agreed]

THAT the proposed subsections 26.15(2) to (10), as set out in subsection 26(7) of the Bill, be struck out and the following substituted:

Enduring power of attorney governs

26.15(2) *Notwithstanding subsections 26.11(3) and 26.12(2), the Public Trustee shall not be the committee of the estate of any person who has given an enduring power of attorney that exists at the time a certificate or order is issued concerning that person.*

Validity of interim actions

26.15(3) *Notwithstanding subsection (2), any action taken or thing done by the Public Trustee is valid as if the enduring power of attorney did not exist where the Public Trustee purports to act as committee of the estate in the belief that no enduring power of attorney exists.*

Notice to be given

26.15(4) *Upon receipt of a certificate or order, the Public Trustee shall, as soon as practicable, give a notice in accordance with subsection (5) to*

(a) the person who is the subject of the certificate or order; and

(b) the nearest relative of that person.

Contents of notice

26.15(5) *A notice under subsection (4) shall be in writing and shall*

(a) identify the person who is subject of a certificate or order;

(b) explain that the effect of the certificate or order is to make the Public Trustee the committee of the estate

of that person unless an enduring power of attorney exists that was given by that person; and

(c) explain that the Public Trustee may nevertheless manage the estate until notified of any such enduring power of attorney.

Files to be checked

26.15(6) Upon receipt of a certificate or order, the Public Trustee shall ascertain whether an enduring power of attorney has been filed in its office relating to the person who is the subject of that certificate or order.

Duty to enquire

26.15(7) Upon learning by any means that an enduring power of attorney exists for a person who is the subject of a certificate or order, the Public Trustee shall make reasonable inquiries to ascertain whether the enduring power of attorney remains valid.

[French version]

Il est proposé que les paragraphes 26.15(2) à (10), énoncés au paragraphe 26(7) du projet de loi, soient remplacés par ce qui suit:

Préséance des procurations durables

26.15(2) Malgré les paragraphes 26.11(3) et 26.12(2), le curateur public n'agit pas à titre de curateur aux biens d'une personne si, au moment où un certificat est établi ou un ordre est donné à l'égard de cette personne, il existe une procuration durable donnée par celle-ci.

Validité des actes provisoires

26.15(3) Malgré le paragraphe (2), les actes que le curateur public accomplit à titre de curateur aux biens d'une personne sont valides même s'il existe une procuration durable dans la mesure où le curateur public ne connaît pas l'existence de la procuration durable.

Envoi de l'avis

26.15(4) Sur réception d'un certificat ou d'un ordre, le curateur public donne le plus tôt possible un avis conformément au paragraphe (5) aux personnes suivantes:

a) la personne qui fait l'objet du certificat ou de l'ordre;

b) le plus proche parent de cette personne.

Contenu de l'avis

26.15(5) Les avis donnés en application du paragraphe (4) revêtent la forme écrite:

a) désignent la personne qui fait l'objet du certificat ou de l'ordre;

b) indiquent que lorsqu'un certificat est établi ou qu'un ordre est donné, le curateur public devient le curateur aux biens de la personne sauf s'il existe une procuration durable donnée par cette personne;

c) indiquent que le curateur public peut néanmoins gérer le patrimoine jusqu'à ce qu'il soit avisé de l'existence d'une procuration durable

Dossiers à vérifier

26.15(6) Sur réception d'un certificat ou d'un ordre, le curateur public vérifie qu'aucune procuration durable donnée par la personne faisant l'objet du certificat ou de l'ordre n'a été déposée à son bureau.

Enquête

26.15(7) Lorsqu'il est informé par tout moyen de l'existence d'une procuration durable donnée par une personne faisant l'objet d'un certificat ou d'un ordre, le curateur public entreprend les démarches nécessaires pour vérifier la validité de la procuration.

Motion presented.

Mr. Mackintosh: Mr. Chair, this amendment is putting back into the bill what was recommended by the Law Reform Commission. The wording of these subsections is as set out in the Law Reform Commission report and draft legislation that was provided to Manitobans. The essence, of course, of what the Law Reform Commission recommended was that there be a better balance between the wishes of a donor and the protection of that donor. This provides that the Public Trustee cannot be committee where a person has an enduring power of attorney in existence at the time a certificate or order is issued concerning that person.

Mrs. Vodrey: The effort of the bill before us is to allow for an abusive situation to be dealt with immediately. This amendment does not allow that to happen. We would be very concerned with that situation; therefore, we would not support the amendment.

Mr. Chairperson: No further discussion on the amendment. Shall the amendment pass?

An Honourable Member: No.

Mr. Chairperson: Amendment is defeated.

We now have reverted back to Clause 26(7)—pass; Clauses 27 through 29—pass; Table of Contents—pass; Preamble—pass; Title—pass. Bill be reported.

Bill 61—The Statute Law Amendment Act, 1996

Mr. Chairperson: Next, Bill 61, The Statute Law Amendment Act, 1996. Did the minister responsible have an opening statement?

Hon. Rosemary Vodrey (Minister of Justice and Attorney General): On Bill 61, The Statute Law Amendment Act, 1996, is before us primarily to correct minor errors in the statutes with regard to cross referencing or other editing errors, as well as to update references to reflect changes in executive government.

In my second reading speech, I advised my colleagues of the substantive matters included in the bill, and I have given a briefing note to my colleagues about the amendments found in this bill. I do not have anything further to add at this time, and I will answer questions if members have them as we go clause by clause.

Mr. Chairperson: I note a nod from the critic of the official opposition. No opening statement, correct? During the consideration of the bill, the table of contents, the preamble and the title are postponed until all other clauses have been considered in their proper order by the committee. Did the committee wish to have the clauses called in blocks?

An Honourable Member: Yes.

Mr. Chairperson: We will call them in blocks with the approval of the committee then.

Clauses 1(1) through 1(3)—pass; Clause 2—pass; Clause 3—pass; Clause 4—pass; Clauses 5 and 6—pass; Clause 7—pass; Clause 8(1) through 8(3)—pass; Clause 9—pass; Clause 10—pass; Clauses 11(1) through 11(3)—pass; Clause 12—pass; Clause 13(1) through 13(5)—pass; Clause 14—pass; Clauses 15 through Clause 18—pass; Clause 19(1) through 19(5)—pass; Table of Contents—pass; Preamble—pass; Title—pass. Bill be reported.

Next, with respect to Bill 75, The Commodity Futures Act, did the minister responsible wish to give an opening statement?

Bill 75—The Commodities Futures Act

Hon. Jim Ernst (Minister of Consumer and Corporate Affairs): Thank you, Mr. Chair. I wanted to make only one or two comments. Firstly, we will have nine amendments to the act. I have apprised the critic of what they are. They are basically housekeeping-type amendments or there were omissions that were included in the original writing of the bill.

Secondly, I want to acknowledge again the co-operation of the members of the official opposition in bringing this bill forward.

An Honourable Member: Always.

Mr. Ernst: Well, not always, but sometimes, and in this case it was very much appreciated by all concerned and particularly those who will be affected by the act. So we again acknowledge the co-operation of the members of the official opposition to do that.

Mr. Chairperson: Does the official opposition critic wish to have an opening statement? Thank you for that co-operation.

During the consideration of the bill, the table of contents, title and preamble are postponed until all other clauses have been considered in their proper order by the committee. Did the committee wish to consider the bill in blocks or clauses? Blocks it will be. Right off the bat we have a proposed amendment to Clause 1(1).

Mr. Ernst: I move in both official languages

THAT the definition “margin” in subsection 1(1) be amended in clause (b) by adding “during or at the end of

a day by a member of the clearing house” after “must be deposited”.

[French version]

Il est proposé que la définition de “marge”, au paragraphe 1(1), soit amendée dans l’alinéa b) par adjonction, après “qui doit être fait”, de “au cours ou à la fin d’une journée par un membre de la chambre de compensation”.

* (1040)

Mr. Chairperson: Amendment—pass; Clause 1(1) as amended—pass; Clause 1(2) through Clause 1(5) inclusive—pass; Clauses 1(6) through 5(1) inclusive—pass; Clauses 5(2) through 7(1) inclusive—pass; Clauses 7(2) through 8(7)—pass; Clauses 9(1) through 12(4) inclusive—pass; Clauses 12(5) through 14(4) inclusive—pass; Clauses 15(1) through 17(2) inclusive—pass; Clause 17(3)—pass.

Your proposed amendment respecting section 18.

Mr. Ernst: I move, Mr. Chairman,

THAT section 18 be amended by adding “futures” after “registered commodity”.

[French version]

Il est proposé d’amender l’article 18 par substitution, à “d’une bourse de marchandises”, de “d’une bourse de contrat à terme de marchandises”.

Mr. Chairperson: Amendment—pass; Clause 18 as amended—pass; Clause 19 through 20(3) inclusive—pass; Clause 21—pass.

Proposed amendment respecting section 22(1).

Mr. Ernst: I move, Mr. Chairman,

THAT subsection 22(1) be amended by adding “registered” after “Each”.

[French version]

Il est proposé que le paragraphe 22(1) soit amendé par adjonction, après “marchandises”, de “inscrites”.

Mr. Chairperson: Amendment—pass; Subsection 22(1) as amended—pass; Clauses 22(2) through 24(2)—pass; Clauses 24(3) through 27(3)—pass; Clauses 28 through 32(2)—pass; Clauses 32(3) through 34—pass; Clauses 35(1) through 36(3)—pass; Clauses 37(1) through 38(4)—pass; Clauses 39(1) through 40—pass. Proposed amendment respecting Section 41.

Mr. Ernst: Mr. Chairman, I move

THAT section 41 of the English version be amended by striking out “his or her” and substituting “his, her or its”.

[French version]

Il est proposé que l’article 41 de la version anglaise soit amendé par substitution, à “his or her”, de “his, her or its”.

Mr. Chairperson: Amendment—pass. Section 41 as amended—pass; Clauses 42(1) and 42(2)—pass; Clause 43—pass; Clause 44(1) and 44(2)—pass. Proposed amendment respecting 44(3).

Mr. Ernst: I move

THAT subsection 44(3) be amended by striking out “commodity or option” and substituting “contract or option”.

[French version]

Il est proposé que le paragraphe 44(3) soit amendé par substitution, à “la marchandise”, de “le contrat”.

Mr. Chairperson: Amendment—pass; Clause 44(3) as amended—pass; Clauses 45(1) through 47—pass. Proposed amendment respecting 48(1).

Mr. Ernst: I move

THAT subsection 48(1) be amended

(a) by striking out the section heading and substituting “Restrictions on trading in contracts”; and

(b) by striking out “or” at the end of clause (a), by adding “or” at the end of clause (b) and by adding the following after clause (b):

(c) using electronic mail;

[French version]

Il est proposé que le paragraphe 48(1) soit amendé :

a) par substitution, à son titre, de "Restrictions s'appliquant aux opérations sur contrat";

b) par adjonction, après l'alinéa b), de ce qui suit :

c) d'utiliser le courrier électronique.

Mr. Chairperson: Amendment—pass; Clause 48(1) as amended—pass; Clauses 48(2) through 53—pass; Clauses 54 through 68(2)—pass; Clause 68(3) through 69(1)—pass. Proposed amendment respecting 69(2).

Mr. Ernst: Mr. Chairman, I move

THAT subsection 69(2) be amended by striking out "or agents" and substituting ", agents or directors".

[French version]

Il est proposé que le paragraphe 69(2) soit amendé par substitution, à "et leurs mandataires", de "leurs mandataires et leurs directeurs".

Mr. Chairperson: Amendment—pass; Clause 69(2) as amended—pass; Clause 69(3) through Clause 78—pass. Proposed amendment respecting Clause 79.

Mr. Ernst: Mr. Chairman, I move

THAT the proposed section 79 be amended in the French version by adding "de marchandises" after "à terme".

[French version]

Il est proposé que l'article 79 de la version française soit amendé par adjonction, après par adjonction, après "à terme", de "de marchandises".

Mr. Chairperson: Amendment—pass; Clause 79 as amended—pass; Clause 80—pass; Table of Contents—pass; Preamble—pass. There is an amendment proposed to the title.

Mr. Ernst: Mr. Chairman, I move

THAT the title be struck out and the following substituted:

THE COMMODITY FUTURES AND
CONSEQUENTIAL AMENDMENTS ACT

[French version]

Il est proposé que le titre soit remplacé par ce qui suit:

LOI SUR LES CONTRATS À TERME DE
MARCHANDISES ET APPORTANT DES
MODIFICATIONS CORRÉLATIVES

The reason being that there are amendments to The Securities Act as a result of the creation of this act.

Mr. Chairperson: Amendment—pass; Title as amended—pass. Bill as amended be reported.

Bill 76—The Gaming Control and
Consequential Amendments Act

Mr. Chairperson: Finally, The Gaming Control and Consequential Amendments Act. Does the minister responsible have an opening statement?

Hon. Eric Stefanson (Minister charged with the administration of The Manitoba Lotteries Corporation Act): Mr. Chairman, very briefly, on June 27, 1996, our government announced an overall plan for gaming in Manitoba, taking into consideration the working group's advice and recommendations. The aim of this plan is to ensure that gaming in the province is conducted honestly, with integrity and in the public interest.

A cornerstone of this plan is Bill 76, The Gaming Control and Consequential Amendments Act. Bill 76 creates a new regulatory commission, arm's length from the Manitoba Lotteries Corporation.

I have some technical and some housekeeping amendments that I will be introducing, Mr. Chairman, as we go through the bill.

Mr. Chairperson: Does the critic from the official opposition have an opening statement? There being none, during the consideration of the bill, the table of

contents, the preamble and the title are postponed until all other clauses have been considered in their proper order by the committee. Does the committee wish to consider the bill in blocks of clauses? [agreed] Now there is an amendment respecting the first clause proposed here.

Mr. Stefanson: Mr. Chairman, I move

THAT section 1 of the English version be amended in the definition "Commission" by striking out "The" and substituting "the".

[French version]

Il est proposé que la version anglaise de la définition de "Commission", à l'article 1, soit amendée par substitution, à "The", de "the".

Mr. Chairperson: Amendment—pass; Clause 1 as amended—pass; Clauses 2 through 6(3) inclusive—pass. There is a proposed amendment respecting subsection 6(4).

* (1050)

Mr. Stefanson: Mr. Chairman, I move

THAT subsection 6(4) be amended

(a) by striking out "licensing"; and

(b) by striking out "licences and".

[French version]

Il est proposé que le paragraphes 6(4) soit amendé:

a) par suppression de "de licences,";

b) par suppression de "des licences,".

Mr. Chairperson: Amendment—pass; subsection 6(4) as amended—pass; Clauses 6(5) through 8(5)—pass; Clauses 8(6)—pass.

Proposed amendment with respect to 9(1).

Mr. Stefanson: Mr. Chairman, I move

THAT subsection 9(1) of the English version be amended by striking out "he should see fit" and substituting "the Lieutenant Governor in Council considers appropriate".

[French version]

Il est proposé que le paragraphe 9(1) de la version anglaise soit amendé par substitution, à "he should see fit", de "the Lieutenant Governor in Council considers appropriate".

Mr. Chairperson: Amendment—pass; subsection 9(1) as amended—pass; Clauses 9(2) through 10(3)—pass.

There is a proposed amendment to Clause 10(4) and (5).

Mr. Stefanson: Mr. Chairman, I move

THAT subsections 10(4) and (5) be struck out and the following substituted:

Role of the Executive Director

10(4) The Commission may exercise its authority under subsection (1) such that the Executive Director shall determine all applications received by the Commission in the first instance.

Directives as to criteria

10(5) The Commission shall establish policy directives as to the eligibility criteria upon which all applications shall be determined

[French version]

Il est proposé que les paragraphes 10(4) et (5) soient remplacés par ce qui suit:

Rôle du directeur général

10(4) La Commission peut exercer le pouvoir qui lui est conféré en vertu du paragraphe (1) de sorte que le directeur général statue sur toutes les demandes qu'elle reçoit en première instance.

Directives

10(5) La Commission établit des directives quant aux critères d'admissibilité applicables aux demandes

Motion presented.

Mr. Chairperson: Any discussion on the proposed amendments?

Mr. Leonard Evans (Brandon East): Can the minister explain the significance of this amendment?

Mr. Stefanson: Mr. Chairman, what this amendment along with the previous one to subsection 6(4) really pertain to is that any of the powers exercised by the executive director are those granted to the commission, which happen to be carried out administratively by the executive director. As indicated here, the executive director shall determine all applications received by the commission in the first instance, but the commission shall establish the policy and directives. So it is really clarifying the roles of the commission and the executive director. That is, the executive director, as I have already said, is fulfilling responsibilities directed on behalf of the commission.

Mr. Leonard Evans: Does this give the executive director more authority than the original legislation?

Mr. Stefanson: If anything, it gives less, Mr. Chairman. It makes it perfectly clear that the executive director is performing the administrative functions as directed to that position and directed by the commission.

Mr. Leonard Evans: I thank the minister for that, Mr. Chairman. Just as a note of information or inquiry, how is the executive director chosen? I know this section does not deal with it, but is the executive director appointed directly by the government under this legislation or does the commission itself select its executive director?

Mr. Stefanson: Mr. Chairman, when this legislation, hopefully, passes, one of the first functions will be the establishment of the commission and then a search for an executive director. The executive director is an LGC appointment.

Mr. Leonard Evans: I did not get the last statement by the minister. Who will appoint?

Mr. Stefanson: The executive director will be appointed by Order-in-Council by Lieutenant-Governor-in-Council.

Mr. Leonard Evans: So therefore obviously the executive director will be a civil servant? He will be

appointed by the cabinet and be deemed to be a civil servant?

Mr. Stefanson: He or she will be appointed by Lieutenant-Governor-in-Council, cabinet, but will be an employee of the commission.

Mr. Leonard Evans: I just wanted to get this clarified. Does the commission recommend the appointment to the cabinet for approval or does the cabinet select the executive director on behalf of the commission?

Mr. Stefanson: The individual will be appointed by cabinet. I described what we would anticipate to be the sequence of events, that one of the first orders of business will be the establishment of the commission. So it might well be deemed appropriate by the minister responsible to have some input from the commission but, at the end of the day, the position will be appointed by Lieutenant-Governor-in-Council.

Mr. Chairperson: Amendment—pass; Clause 10(4) and 10(5) as amended—pass; Clause 10(6)—pass. Proposed amendment respecting Clause 11.

Mr. Stefanson: It is

THAT section 11 be amended by striking out “the determination of the Executive Director” and substituting “a determination”.

[French version]

Il est proposé que l'article 11 soit amendé par substitution, à “de la décision rendue par le directeur général”, de “d'une décision rendue”.

Mr. Chairperson: Amendment—pass; Clause 11 as amended—pass; Clause 12(1) through 13—pass;

There is a proposed amendment to 14(1).

Mr. Stefanson: Mr. Chairman, I move

THAT subsection 14(1) be amended by adding “with” after “the Corporation or”.

[French version]

Il est proposé que le paragraphe 14(1) soit amendé par adjonction, après “Corporation ou”, de “avec”.

Motion presented.

Mr. Chairperson: Discussion on the amendment? There being no discussion on the amendment, shall the amendment pass?

Mr. Leonard Evans: Mr. Chairman, we seem to be making great progress but, again, I would ask the minister, it sounds very innocuous, but what is the implication of this amendment?

Mr. Stefanson: I am told that this is purely grammar.

* (1100)

Mr. Chairperson: Amendment—pass; Clause 14(1) as amended—pass; Clause 14(2) through 14(5) inclusive—pass; Clause 14(6) through 41(2)—pass; Clause 41(3)—pass. Clause 42. There is a proposed amendment to Section 42.

Mr. Stefanson: I move

THAT clause 42(f) be struck out and the following substituted:

(f) require the Executive Director to provide written reasons for any determination of the Executive Director which is under appeal; and

(g) determine the procedures to be used at a hearing.

[French version]

Il est proposé que l'alinéa 42(f) soit remplacé par ce qui suit:

f) exiger du directeur général qu'il fournisse les motifs écrits de toute décision frappée d'appel;

g) fixer la procédure à suivre au cours de l'audience.

Motion presented.

Mr. Chairperson: Discussion on the amendment?

Mr. Steve Ashton (Thompson): I wanted the minister to explain.

Mr. Stefanson: Mr. Chairman, it really is exactly as it says, that it would be a requirement that the Executive

Director provide written reasons for the decision, any decision which would be under appeal to the commission itself, so that that information would be provided to the members of the commission when dealing with any matter of appeal.

Mr. Chairperson: Amendment—pass; Clause 42 as amended—pass; Clauses 43 through 45(1) inclusive—pass.

There is a proposed amendment respecting 45(2).

Mr. Stefanson: Mr. Chairman, I move

THAT subsection 45(2) be amended by adding "of Queen's Bench" after "Court".

[French version]

Il est proposé que le paragraphe 45(2) soit amendé par substitution, à "judiciaire", de "à la Cour du Banc de la Reine".

Mr. Chairperson: Amendment—pass. Clause 45(2) as amended—pass; Clauses 46(1) through 49(3) inclusive—pass; Clauses 50(1) through 51(4)—pass

There is a proposed amendment to 52(1)

Mr. Stefanson: Mr. Chairman, I move that subsections 52(1), (2) and (3) be struck out and the following substituted—can these be submitted as circulated?

Mr. Chairperson: So agreed? It is agreed that Mr. Stefanson's motion respecting 52(1), (2) and (3) shall be moved as written. Moved by the Honourable Mr. Stefanson

THAT subsections 52(1), (2) and (3) be struck out and the following substituted—

An Honourable Member: Dispense.

THAT subsections 52(1), (2) and (3) be struck out and the following substituted:

Offences by the Corporation

52(1) Where a lottery scheme is being conducted and managed by the government through the Corporation, either alone or in conjunction with the government of a

province other than Manitoba, the Corporation shall be guilty of an offence where it:

(a) knowingly purchases, acquires or receives tangible personal property or services from a business entity or a body or an association of persons where registration has not issued to that business entity or body or association of persons under this Act;

(b) knowingly employs any individual where registration has not issued to the individual under this Act;

(c) knowingly binds itself to an agreement with a siteholder where registration of said agreement has not issued under this Act;

(d) knowingly operates any slot machine, video lottery terminal or other gaming device where registration of the slot machine, video lottery terminal, or other gaming device has not issued under this Act.

Offence to act as supplier

52(2) A business entity or a body or an association of persons shall be guilty of an offence if it acts as a supplier when it is not a registrant under this Act.

Offence to be employed

52(3) An individual shall be guilty of an offence if he or she accepts employment with the Corporation when he or she is not a registrant under this Act.

[French version]

Il est proposé que les paragraphes 52(1), (2) et (3) soient remplacés par ce qui suit:

Infractions par la Corporation

52(1) Dans les cas où une loterie est conduite et administrée par le gouvernement par l'entremise de la Corporation, soit seule soit de concert avec le gouvernement d'une autre province que le Manitoba, la Corporation commet une infraction dans le cas où;

a) sciemment, elle achète, acquiert ou reçoit des biens personnels matériels ou des services d'entités commerciales, de groupements ou d'associations de personnes non inscrits sous le régime de la présente loi;

b) sciemment, elle emploie des personnes physiques non inscrites sous le régime de la présente loi;

c) sciemment, elle se lie par accord non enregistré sous le régime de la présente loi avec un exploitant de site;

d) sciemment, elle exploite des appareils à sous, des appareils de loterie vidéo ou d'autres dispositifs de jeu non enregistrés sous le régime de la présente loi.

Interdiction d'agir comme fournisseur

52(2) Committent une infraction les entités commerciales, les groupements ou les associations de personnes non inscrits sous le régime de la présente loi qui agissent en tant que fournisseurs.

Infractions relatives à l'emploi

52(3) Committent une infraction les personnes physiques non inscrites sous le régime de la présente loi qui acceptant un emploi auprès de la Corporation.

Motion presented.

Mr. Chairperson: Discussion on the amendment?

Mr. Ashton: Yes, I am wondering if the minister can explain the amendments? I also want to indicate some frustration as the Lotteries critic of not being made aware of the number of amendments that will be coming through. I find it frustrating that we are getting—there are enough questions that could be asked about the bill in general, but these are fairly lengthy amendments. It is very difficult for us to be asked to deal on these kind of amendments without any notice, and I would point out that in most other committees, we would be getting advanced notice of amendments, which does make it a lot easier for us to be able to judge on whether they are appropriate or not and whether they go far enough in some cases.

I know there are some concerns in the bill, so I would appreciate an explanation as to why there are this number of amendments and why we were not given advance notice of it. I was not aware of any amendments being made on this particular bill by the government.

Mr. Stefanson: Mr. Chairman, as I indicated at the outset, the amendments are basically technical and housekeeping, as can be seen from the nature of them,

including this one which really clarifies when the corporation would be guilty of an offence, so if one were to do a comparison of the reworded, the amendment to what is in the bill, they really are wording changes that clarify when you are guilty of an offence, and that is the nature of this amendment, as has been the case with the majority of amendments.

Mr. Ashton: I just want to indicate that one person's technical amendment can be another person's substantive amendment. I have seen that happen enough times. I am also always suspicious of bills that are substantively amended for technical reasons because I always wonder what was done in the first place to create this number of potential difficulties. So I want to put on the record that I do not think I am even in a position to be able to judge on whether these are indeed technical amendments here, and we will be looking very closely at report stage and third reading on this bill in terms of both the amendments brought in by the government and whether this bill needs further amendment. We have some problems with the principle of a couple of aspects of the bill, but I know there have been some of the presenters who have referenced some of the problems with the bill, but I am a little bit suspicious when I see this number of amendments coming in.

Mr. Chairperson: Thanks for those remarks, Mr. Ashton.

Amendment—pass; Clauses 52(1) through 52(3), as amended—pass. Another amendment respecting Clause 52.

Mr. Stefanson: I move

THAT clause 52(4)(d) of the English version be amended by adding “subsection” before “48(2)”.

[French version]

Il est proposé que l'alinéa 52(4)d) de la version anglaise soit amendé par adjonction de “subsection” avant “48(2)”

Motion presented.

Mr. Chairperson: Discussion on the amendment requested by Mr. Ashton.

Mr. Stefanson: Mr. Chairman, I think it is pretty straightforward. Again, it is a technical amendment putting in place the word “subsection” before “48(2).”

Mr. Chairperson: Amendment—pass; Clause 52(4), as amended—pass. I think there is a desire to clarify to revert back. I just want to clarify that Clause 52 in its entirety, as amended, is passed. Clause 52, as amended—pass. I also want to clarify that the amendment moved by Mr. Stefanson to Clause 52(4)(d) reading that Clause 52(4)(d) of the English version be amended by adding “subsection” before “48(2)” has been passed.

Next with respect to Clause 53, the proposed amendment.

Mr. Stefanson: I move

THAT section 53 be struck out and the following substituted:

Fine in case of offence by Corporation

53(1) If the Corporation is found guilty of an offence under subsection 52(1) it shall be liable to a fine of not more than \$250,000.

Fine in case of offence by others

53(2) Every individual, business entity or body or association of persons found guilty of an offence under section 52 shall be liable to a fine of not more than \$250,000.

Liability of principals

53(3) Where the Corporation or a business entity or body or association of persons is found guilty of an offence under section 52, every principal of the Corporation or of such business entity or body or association of persons who knowingly authorized, permitted, or acquiesced in such offence is also guilty of an offence and liable to a fine of not more than \$250,000.

[French version]

Il est proposé que l'article 53 soit remplacé par ce qui suit:

Amendes

53(1) Si elle est déclarée coupable d'une infraction visée par le paragraphe 52(1), la Corporation encourt une amende maximale de 250,000 \$.

Amendes

53(2) Les personnes physiques, entités commerciales, groupements et associations de personnes qui sont déclarés coupables d'une infraction visée par l'article 52 encourent une amende maximale de 250,000 \$.

Responsabilités des dirigeants

53(3) Si la Corporation ou une entité commerciale, un groupement ou une association de personnes est déclaré coupable d'une infraction visée par l'article 52, ceux de ses dirigeants qui ont sciemment autorisé ou permis l'infraction, ou qui y ont consenti, la commettent également et encourent une amende maximale de 250,000 \$.

* (1110)

Mr. Stefanson: What this does, Mr. Chairman, the change from what was in the original act is it very clearly includes the Manitoba Lotteries Corporation in the definition as being subject to fines if found guilty and also includes the principals of the Manitoba Lotteries Corporation so that is the change from what was in the original act as it very clearly includes the Lotteries Corporation and its principals as well as the others included in the original drafting of the act.

Mr. Chairperson: Amendment—pass; Section 53 as amended—pass; Clauses 54 through 55(2)—pass; Clauses 55(3) through 56(2)—pass; Clauses 57(1) through 59—pass.

There is a proposed amendment to Clause 60.

Mr. Stefanson: I move

THAT clause 60(q) be amended by striking out “74 and 75” and substituting “73 and 74”.

[French version]

Il est proposé que l'alinéa 60q) soit amendé par substitution, à “74 et 75”, de “73 et 74”.

What it does is correct an error in cross-referencing various sections.

Mr. Chairperson: Amendment—pass; Clause 60 as amended—pass; Clauses 61(1) through 65—pass.

There is a proposed amendment respecting Clause 66.

Mr. Stefanson: Mr. Chairman, I move

THAT section 66 be amended by striking our “Part 9” and substituting “Part 7”.

[French version]

Il est proposé que l'article 66 soit amendé par substitution, à “partie 9”, de “partie 7”.

Once again, it is a correction of a cross-reference error.

Mr. Chairperson: Amendment—pass; Clause 66 as amended—pass; Clauses 67 through 72(3)—pass; Clauses 73(1) through 75(1)—pass.

There is a proposed amendment respecting 75(2).

Mr. Stefanson: Mr. Chairman, I move

THAT subsection 75(2) be amended by striking out “34” and substituting “43”.

[French version]

Il est proposé que le paragraphe 75(2) soit amendé par substitution, à “34”, de “43”.

Again, to correct section references.

Mr. Chairperson: Amendment—pass; Subsection 75(2) as amended—pass; Clauses 76 through 89 inclusive—pass.

There is a motion here about renumbering.

Mr. Stefanson: Mr. Chairman, I move

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

[French version]

Il est proposé que le conseiller législatif soit autorisé à modifier les numeros d'article et les renvois internes de façon à donner effet aux amendements adoptés par le Comité.

Mr. Chairperson: Amendment—pass; Table of Contents—pass; Preamble—pass; Title—pass. Shall the bill as amended be reported?

Mr. Ashton: Yes, I want to indicate that we indicated on second reading that we were supporting this bill based only on the principle of the establishment of an independent commission.

We were looking to the government to deal with a number of concerns, and I will be looking at these amendments, and I accept the minister's word that they are technical, at least I will until I have a chance to look at them, but we have not dealt with the substantive nature of the bill, which includes a number of factors.

First of all, the independence of this new structure, we believe it is not going to have, first of all, the power of implementation and also the true degree of independence in this case, particularly given the status of the director and the fact that we are dealing only with a body that can recommend. I believe we have come a long way the last few years without any clear policy on gambling issues, and I think what we are doing here is, first I thought we were closing the barn door after we had let the horses out, but I think what we are doing now is, we are saying that we are going to have to close the barn door but we are not actually doing it.

By moving to this kind of a structure there will be the semblance of some separation between the clear conflict of interest that I see between what we have had in the last number of years, the Minister of Finance on the one hand collecting the revenue in terms of lotteries and, on the other hand, running the lottery machines, which certainly do produce the revenues but also, I think we all acknowledge, create a fair number of social problems. So while we now have gotten away from that appearance of a conflict, I think what we have instead is not going to fundamentally change the way we deal with gambling issues.

I also want to indicate disappointment that we have not included the opting-out provisions that have been talked about and I think should have been considered. I think there is a lot of sense in Manitoba that, for example with liquor, communities have been able to opt out of liquor service in their own community. We believe the same thing should apply in terms of lotteries. It is certainly something that I think will not be dealt with by the minister suggesting that this can somehow just be referred to the commission.

I want to stress too that this has been fairly effective in Saskatchewan, where, for example, the City of Saskatoon chose not to have a casino and where communities have chosen not to have VLTs. It is not a question of prohibiting the VLTs or gambling. I said in the House and I think we all recognize that there is going to be some degree of gambling. There always has been, legal or otherwise. I think however that there has been a real loss of community control.

I want to indicate too that I know people in the industry as well. Many of those who operate bingo halls and bingos, et cetera, have concerns about the operation of the new commission, how it will impact on them, and I will be raising those concerns. I realize it is more difficult on a bill because essentially we are dealing with the technical nature of the bill, but I look forward to getting a meeting of our standing committee to deal with the Lotteries Commission Annual Report, to be able to deal with some of those more general issues, because there have been many, many questions that have been asked, particularly some of the transition issues between the current structure and the new structure.

But I regret to say that we have not seen any amendments that deal with either those questions or the fundamental issue, to my mind, which is learning from experience. I really think that the balance in this province has been lost on gaming issues the last few years because it has been driven far too much by revenue, and I think there has to be that balance established by having an organization such as this established, a gaming control commission, but having it have greater powers, first of all, full and complete ability to operate its own affairs and, second of all, the ability to have some degree of direct ability to deal with the questions before it in terms of gambling. I think that can only be done by going back to some of the original intent, as I saw it, which was to have not only an arm's-length commission, but an arm's-length commission that will have some clout. We need a body that is not going to be faced with the dilemma that governments are faced with, the revenue versus social cost trade-offs.

* (1120)

I just look at the experience of the last four or five years. I think it has been very clear that revenue has won out and the social costs have not been considered. I think what was most appalling about this was the most recent announcement with our casinos in Winnipeg, the

extended hours. Mr. Chairperson, I have taken the opportunity to visit the casinos and talk to staff. I talked to people who were there. There were a lot of recreational users of those facilities, and I am not questioning that. There are people who quite literally walk into those buildings when they open and leave when they close. There are people that spend the entire day there. It is a problem amongst a lot of people, particularly a problem amongst seniors. Staff have told me they go through six packs of Tylenol a week in there. Do you know why? It is because people are in there the entire time.

It just amazes me that when we are dealing with passage of this bill, the same week we are having committee hearings virtually, we still see this announcement. I have heard, Mr. Chairperson, this is to help with tour buses, the rest of it. A lot of Manitobans are going to be spending an extra three hours, extra time in the facility. That will have a social cost.

If anybody doubts that, I would encourage them to go down. I did this six, seven months ago. I just went in myself to check it out. I always feel you should check out first-hand to see what exactly is going on. I talked to people who attend on a regular basis, and they are all aware of it. I have talked to staff. What is interesting—I mentioned this in the House the other day—is if you walk into a facility that serves alcohol, you are legally obligated not to overserve, if you are a server, or if you are a hotel owner or a bar owner. There is no such legal obligation when it comes to gambling.

I think we have to look—I made the suggestion in the House the other day, and I make it again—at some ways of getting an intervention program, as in the case in some American casinos. There is at least one casino I know of where they are empowered to do the same. I know a lot of people who work in the facilities, whether it be the licensed facilities which have VLTs or the casinos, who tell me that they wish they at times could walk up to somebody, some of the regulars, they know who are in there and having problems, and say, look, maybe do you think you have spent enough? You can do that with alcohol; you cannot do that with gambling.

By the way, I mentioned this in the House and I will mention again, you can bar yourself from a casino. People are not aware of that. You can bar yourself from any of the facilities here, and that is a standard part for many people who are addicted to gambling, is to start

first of all, recognize the problem. Second of all, start with setting up some checks and balances.

The reason I mention this, Mr. Chairperson, is I just do not think we have learned anything, when we see in the same week that we are passing this commission. I really do not think we have learned anything. We are also extending the hours of the facilities here in Winnipeg.

I also think quite frankly, and I hate to say this, but there is something of a political agenda in this in the sense that we are now bringing in this commission following the Desjardins commission report. After the election, I think after perhaps the big concern over the revenue has perhaps dissipated somewhat, but we are seeing it done in a way in which the government is keeping its fingers firmly in the cookie jar on gambling issues. I do not see anything in this that is going to substantively change anything other than the perceived conflict of interest. That is, as of itself, I think positive. That is why we supported this bill on principle on the second reading.

Unless there are stronger powers to the gaming commission, Mr. Chairperson, and some true evidence it is going to lead to any real changes, particularly if we are not going to see movement in such areas giving communities choice over VLTs in their own community and other gambling issues. I regret to say that given those reasons, and some of the other reasons I referenced to many of the unanswered questions—and I regret I was not able to be in here during the presentations—but unfortunately I also have another bill I am responsible for up at the same time. I do know some of those concerns have been expressed directly to the minister and may have been expressed even this morning as well. There are many unanswered questions out there.

So for those reasons, I regret to say that we cannot support this bill at the committee stage. We will be opposing it, and we will be voting against it on third reading.

Mr. Chairperson: Shall the bill as amended be reported? [agreed]

Committee shall rise.

COMMITTEE ROSE AT: 11:25 p.m.