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Fifth Session — Thirty-First Legislature

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Legislative Assembly of Manitoba

STANDING COMMITTEE

ON

LAW AMENDMENTS

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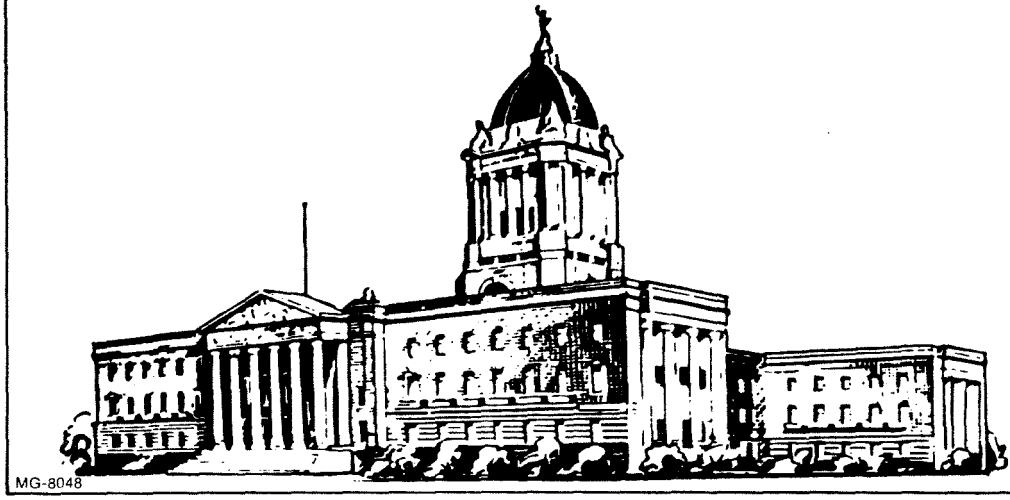

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FRIDAY, 15 MAY, 1981, 2:00 p.m.

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Thirty - First Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LAW AMENDMENTS
Friday, 15 May, 1981

Time — 2:00 p.m.

CHAIRMAN — Mr. Morris McGregor

MR. CHAIRMAN: I call the committee to order on Law Amendments. It's the committee's intention to listen to the briefs first and I have the names of George Marshall, Jim Ernst, and John Weins, and possibly a Mr. Braun but not before 3:30. Is there anyone else that wants to speak? I should maybe firstly name the bills that we are to consider, Nos. 29, 34, 37, 38, 42, 51, 52, and 57. Is there anyone else wanting to present a brief? Not hearing any I'll call on George Marshall with regard to Bill No. 42.

BILL NO. 42 — AN ACT TO AMEND THE CITY OF WINNIPEG ACT

MR. GEORGE MARSHALL: Mr. Chairman, members of Her Majesty's Law Amendments Committee of the House, speaking to the question of Bill 42, what I see the need for, sir, is something in the Act to establish the rights as well as the obligations of a citizen of Winnipeg; something, Mr. Chairman, which will not permit the arbitrary withdrawal and a substantial change in the substance upon which this Act was formed.

To do that, sir, I have to give you some background and perhaps not surprisingly my present concern arises out of the changes which have taken place in property taxation relative to education which in fact in our judgment disenfranchises us as citizens of Winnipeg.

My own background, sir, is . . .

MR. CHAIRMAN: The Attorney-General on a point of order.

HON. GERALD W. J. MERCIER (Osborne): Just to clarify something, I believe Mr. Marshall's concerns are with respect to abolition of the Greater Winnipeg Equalization Levy.

MR. MARSHALL: They are somewhat broader than that in the sense, if I am permitted to give the background. As a former councillor in Transcona for five years and a trustee since 1969, I have some background and hopefully some participation in what has taken place up to this point, and I don't think that those things that happened can arbitrarily be thrown out, and while our school division itself — and I am not appearing for the school division, I am appearing as a citizen — will make representation to that bill, it seems to me that if my concern is that the rights of the citizens of Winnipeg be preserved then it seems to me it is within the City of Winnipeg Act that they must be preserved.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. MERCIER: You're also making representations on The Public Schools Act amendments.

MR. MARSHALL: I will not be making any whatsoever, although there may be a need to refer to that obviously because they are intertwined.

MR. CHAIRMAN: Go ahead, Mr. Marshall.

MR. MARSHALL: Mr. Chairman, as I said, my background is some five years, and those five years on Council were prior to the formation of Unicity, and the City of Transcona at that time, as I recall, the people of Transcona during that period placed the Roland Mitchener Arena; they placed the Transcona Kinsmen Centennial Swimming Pool; they placed the Public Safety Building presently used by District 4; they placed several million dollars worth of storm sewers which catered to the Crossroads Shopping Centre; they entered the Industrial Park with the CNR; they established an industry which the Government of the Day here didn't agree with us, so we went to Ottawa and we won that question; we established a recreation director; we established a senior citizen's centre. In other words, things were going reasonably well and that can apply, I'm sure, to the various other municipalities and cities of that day.

My complaint is not with a Party either. The Party of today, the Conservative Party, is the Party of Sir John A. MacDonald and it's the Party of Senator Roblin of some years passed, and perhaps in addressing the question of local government finance it's worthwhile to compare the approach taken by the Roblin Government and the approach taken by this Government. Now, the Roblin Government established a Royal Commission on local government finance that was headed by a distinguished Canadian, Mr. Mitchener, and some of the recommendations that came out of that committee, which was tabled in 1964, were a number of things which have benefited Manitobans. Coterminous boundaries between municipalities and school divisions; congruent education with respect to local authority for secondary and elementary school; they suggested to the Roblin Government that the mandate, the bringing together of larger divisions but that need not go in advance of public opinion where there was no need to do so; They established on property 13 mills, primarily directed towards capital displacement for the building of schools, but they said it well that Government has a need to lift from property, from time to time, the yolk and the weight of levy and to take this burden off of property.

Now, Mr. Chairman, I compare this to the present plan and I'm suggesting that there is a need to protect the rights of the citizens of Winnipeg within The City of Winnipeg Act, because all of us have given up our jurisdiction, we don't have any oars. We're sitting out there in a boat, in a lake, somebody else has got to look after us, and that's part of our problem. They took away from the 13 municipalities our right to self determination and that was a healthy competition. Some people thought that was not a good competition, but nonetheless we are totally at the will of the whole of the House and I would

suggest to you, sir, that there is a need to protect the rights of the citizens of Winnipeg.

With present terms of reference as a comparison, this government has made a major change in which, to my knowledge, there was no official municipal input of any kind. People came from various organizations, though they did not represent those organizations, and they saw as their duty to go out and receive endorsement from those organizations, but with due respect to those people who laboured hard on behalf of all of us, I would characterize them as having sameness in the sense that their philosophy and their ideas were the same. It seems to me, Mr. Chairman, if you're not going to have an objective outside person, then we should at least have everybody in the hat that has all the diverse views because it's out of the abrasion of debate that precipitates the best solution.

So we are saying, relative to this Act, that there has been a broken promise. Now that was not the promise of this government; I recognize that. But it was a promise nonetheless between government and between people, and here is the document that was circulated well in advance, which says, it is hoped that it will provide a basis for widespread public discussion and debate prior to legislation being introduced at the next Session. Now there is no argument here that if there is going to be a decentralization of educational services, then obviously there has to be some kind or rationale as to how that can happen.

But when the Mayor of the City of Winnipeg, when Mr. Ernst, or whoever, on our behalf, places an industry, he does so on behalf of all of the citizens of Winnipeg, and when he does so, Mr. Chairman, and there is need, as there is from time to time for expenditures to flow from that placement, we are all called upon to pay for it.

I have a Notice of Taxation here from my Mayor, not from somebody in Fort Garry, from my Mayor, from our Mayor, and it has been said that these portions of people are producing one-third of all the dollars necessary to fund education throughout the province. But what do they get, sir, for that exercise? They get to keep two-thirds of the industrial assessment that belongs to everybody — not a bad deal. It reminds me of the story of Manhattan Island and the Indian beads.

Needless to say, Mr. Chairman, I see it as a need to establish what is a citizen of Winnipeg. What rights do they have? Can they be arbitrarily denied access to the fruits of their own city? Is it not, Mr. Chairman, the citizen who shouldn't have to justify why he should have access to the assets of his own city? It should be up to the government to justify to him how he can be better served by some other arrangement. The citizens of the communities are obviously differently affected. If you have an airport or a university, you're in pretty shape; but in our community and I've held every office there except Mayor, on the School Board and on Council, we have four quarter sections of potential development, which we can't control.

Now builders are not speculating these days. They are not putting a whole lot of money up front, but things are beginning to turn around and building is beginning to take place and what I foresee happening, sir, is an aggravation of the present condition and this is not a one time change. It is the first sip of a long and bitter cup, which will take place year after year, after year, and the whole questions is the question of an ability to displace dollars. What is it? We're talking about the Winnipeg tax base. What is it about a Winnipeg student in Fort Garry that he's worth $2.00 and the student east of the river is worth 80 cents or 85 cents or 90 cents? I don't understand that. I just don't understand it.

The concepts are good, that there should be $70 million put forward. The concept that every student should have, by whatever means possible, the best opportunity. Those concepts are good, but this legislation as it affects property, as it affects citizens of Winnipeg, needs change. It needs change, Mr. Chairman.

This legislation, which is already in the mail, to some extent is an offence of the Committee who will judge it and to the whole of the House, indeed to the British parliamentary system itself.

Mr. Chairman, for us the stone is at the bottom of the hill. We have nowhere to go. We have no way as a community, except through the instrument of the City of Winnipeg, to establish our rights and it has to be under this Act and it is only through this Committee and through the whole of the House; through Her Majesty's representatives that this severe dislocation to the original intent can be rightfully changed and it is to Bill 42 and to the continued absence, sir, of protection of the rights of the citizen of Winnipeg that I address myself.

Thank you, Mr. Chairman

MR. CHAIRMAN: Would you just stay at the mike, Mr. Marshall. Someone may want to question you. Any questions to Mr. Marshall? Seeing no sign, thank you, Mr. Marshall.

MR. MARSHALL: Thank you, sir.

MR. CHAIRMAN: The next one is Jim Ernst.

MR. J. ERNST: Thank you, Mr. Chairman, and members of the committee. Firstly, I would like to apologize for not being here last evening. I missed the committee, I guess, by about five minutes.

I am here representing the City of Winnipeg with respect to Bill 42 and rather not what's in Bill 42 but what isn't, particularly related to the mandatory advertising provisions of The City of Winnipeg Act.

The City of Winnipeg has recommended some time ago that the mandatory provisions be altered or removed to a point where in cases of variances and conditional use applications under the city's zoning bylaws, that the city be allowed to have the flexibility of providing its own advertising requirements.

I would like to, at the moment, paint a little scenario for you. A citizen of Winnipeg happens to be able to scrape up a couple of thousand dollars to build a garage on his property. Because of the limited size of his yard, he wishes to build that garage to one side or the other as close as possible. His neighbours do not object but he is forced under the provision of mandatory advertising to come to the city and pay a fee of between $150 and $200, under the current advertising rates in both newspapers, in order to advertise the fact that he wishes to build his garage one or two feet closer to his lot line than permitted under the zoning bylaw.

In most cases, those variance applications once proceeded with take anywhere from four to six weeks, so if the gentleman decides he wishes to build a garage today, he may be able to start in the middle of July.

The concern that the city had was that in 99 percent of the cases, and the members of this committee who were former members of the City of Winnipeg Council have had an opportunity to sit on many of those variance applications hearings, for the most part were granted, as long as there was no objection from the neighbour.

So the problem is that you are putting the citizens of Winnipeg through a process that is not only costly but very time consuming and very aggravating.

The recommendation of the City of Winnipeg has been to allow us to have the flexibility in the City of Winnipeg Council to determine to what extent the advertising needs to be done. Presently, although not mandatory and not statutory, the City of Winnipeg advertises variance applications by placing of a placard in the front yard. That is a requirement of the City of Winnipeg and it is done and checked regularly. That is predominantly the notice given, for the most part at least, in variance and conditional use applications. That's the thing that the people recognize. They see those signs and they know something is taking place. Few people recognize the obscure newspaper ad that costs our fortune.

Our concern is that we be given the flexibility to remove that in cases where there does not appear to be a major problem.

Now, the alternate argument is, of course, what happens when somebody wishes to build a high-rise apartment building and wishes to move it two feet closer to the lot line. In those cases I think the City of Winnipeg has shown in the past its desire to advise the public in as many ways as possible and can make it mandatory or can make it a condition of the application to have to advertise those kinds of situations; but certainly the small application, the application for the garage or the storage shed or whatever on the property is such that the city, I think, needs the flexibility in order to do that.

With respect, Mr. Chairman, that those costs are becoming higher and higher every day with the advent of the Free Press gaining a larger share of the market since the demise of the Winnipeg Tribune, their advertising rates have gone up somewhere in the area of 60 percent. Those costs are borne by the applicant; the guy who wants to build his garage, who comes in and has to pay that kind of money for those kinds of applications, applications that we feel do not need to be advertised in the same sense as other larger applications.

With respect, Mr. Chairman, also the City of Winnipeg recommended that with respect to mandatory advertising on zoning applications; the zoning applications must contain substantially more information than a map. In cases of small zoning applications, again where it's rezoning, for instance, from commercial level 1 to commercial level 2 on a small corner lot somewhere in the City of Winnipeg that really is not bothering anybody in particular, the costs in those kinds of applications can range anywhere from $400 to $500.00.

Admittedly large rezoning applications and subdivision applications require those changes, because often they're in the middle of a field somewhere, where nobody knows where they are. They need to be advertised in order to determine their specific boundaries; but certainly the small zoning applications create a hardship as well. We're recommending in those cases, that the city also be given the flexibility and if you wish a mandatory requirement for those; we recommend one advertisement in one newspaper, as opposed to the mandatory two in both newspapers.

I think that's all I have to address the Committee, Mr. Chairman.

MR. CHAIRMAN: Anyone wanting to question Mr. Ernst? Seeing none, I thank you, Mr. Ernst.

Next on the list is Mr. John Wiens and there's a copy of his submission that's being passed out to the members. We can maybe just wait a second until they're out and . . .

Mr. Wiens.

MR. JOHN R. WIENS: Mr. Chairperson, Members of the Law Amendments Committee, we'll take just a very small part of your time this afternoon, hoping that you'll have a good long weekend. What I intend to do basically is to read what you have before you into the record.

The Manitoba Teachers' Society wishes to take this opportunity to extend its appreciation to the Minister of Education and to the members of the Legislature for the favorable consideration given to Bill 57. The legislation gives effect to the mutual objectives of the Society and the Province to change the method of calculation of the pension benefit. It provides a means by which each teacher may elect to make additional contributions to the TRAF and to convert pre-July 1981 service from a 7-year to a 5-year average calculation. Where a teacher so elects, one-half the cost of the increased pension is paid by the increase in the teachers' contributions and one half is paid by the province as the pensions are in payment.

The changes are the result of extensive consultation between representatives of the Province and the Society over the past year and is the culmination of consultations that have gone on over the past five years on benefits and funding arrangements under The Teachers' Pensions Act.

The Society commends the government not only for the result, but also for the process of consultation through which the proposed change were developed and would encourage the continuation of such consultation on pensions and other matters of mutual interest as a standard practice in the coming years.

Thank you.

MR. CHAIRMAN: Any questions to Mr. Wiens? Seeing none, hearing none, thank you, Mr. Wiens.

Now I would like to ask again for guidance from the committee. We have two quandries; one, Mr. Braun would like to speak to this committee and he cannot be here until 3:30; the other is that the Minister of Labour has a bill and does have to catch an airplane, and I wonder if it would be agreeable to go ahead with Bill 51, and then if Mr. Braun was to appear to listen to him. Would that be a reasonable compromise? (Agreed)

Then we will turn to Bill 51. There are several amendments.

BILL NO. 51 — AN ACT TO AMEND THE FIRE PREVENTION ACT

MR. CHAIRMAN: The Honourable Minister of Labour.

HON. KEN MacMASTER (Thompson): Mr. Chairman, we have two amendments. I wonder how you would like me to handle this. I assured the Member for Churchill I would wait until he got back. That can't really be officially done, but is there some way we can stall for 47 seconds until he gets back.

MR. CHAIRMAN: You're the Minister, that is an urgency, so if you can wait, I guess we can. The Honourable Mr. MacMaster.

MR. MacMASTER: There were a couple of clarifications. I had discussions with the critic from the Opposition and he made reference to the fact that the word "male" was referred to in the Bill and we'll be dealing with an amendment to deal with that particular issue.

The other amendment, we found that there was no where in the Act where it specified "owner or occupant" to deal when a Fire Commissioner's Office was working under this particular piece of legislation, so we will be posing an amendment to that.

Just as a word of explanation, the Member for Churchill had questioned why we had the three words, "hinders, obstructs and disturbs", rather than the word "impedes". We looked at the other legislation across the country, Mr. Chairman, and we found that in Saskatchewan they use the word "hinders" and "disturbs". We found in British Columbia they use the word "obstructs". We find in Alberta they use the word "hinders" or "disturbs". We thought we would put all three of them in and if that didn't cover it, I wouldn't really know what would.

MR. CHAIRMAN: Section 1 as amended or is there something else? Mr. Kovnats with an amendment.

MR. ABE KOVNATS (Radisson): Mr. Chairman, I move that Bill 51 be amended by adding thereto immediately after section 1 thereof the following section:

1.1 Section 10 of the Act is amended by striking out the word "male" in the 2nd line thereof.

MR. CHAIRMAN: Section 1 as amended — pass; Section 2 — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move that Bill 51 be amended by adding thereto immediately after section 2 thereof . . .

MR. CHAIRMAN: Just a minute. Okay, Section 2 of Bill 51. Section 2 — pass; Section 3. We have an amendment inbetween Section 2 and Section 3, I believe.

Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move that Bill 51 be amended by adding thereto immediately after Section 2 thereof, the following section: Section 15 amended. 2.1 — Section 15 of the Act is amended by striking out the word "male" where it appears in the 1st line of subsection (1) thereof and again in the 1st line of subsection (2) thereof.

MR. CHAIRMAN: —(Interjection)— Let's wait from here on until we get to the next amendment. Page-by-page. The amendment, as read — pass. Page 1 — pass; as amended pass; Page 2 — pass; Page 3 — pass; Page 4 — pass; Page 5 — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move that the proposed new subsection 57(2) of The Fire Prevention Act as set out in Section 21 of Bill 51 be struck out and the following subsection be substituted therefor: Order to remedy dangerous conditions. 57(2) — Where, upon an examination under subsection (1) or otherwise,

(a) the fire commissioner, a deputy fire commissioner or an assistant fire commissioner finds that a building or other structure in any municipality or a local assistant finds that a building or other structure in any municipality within the district for which he is appointed,

i) is, for want of repair or by reason of age or dilapitated condition or by reason of the nature of its construction or the nature of the material used in its construction or for any cause, especially liable to catch fire or to spread or accelerate the spread of fire, and

ii) is so situated as to endanger other buildings or property or is so occupied that a fire therein would endanger persons or property or is in violation of a provision of this part or any regulation made thereunder; or

b) the fire commissioner, a deputy fire commissioner or an assistant fire commissioner finds in any building or structure or upon any premises, or a local assistant finds in any building or structure or upon any premises within the district for which he is appointed

(i) any inflammable or explosive material dangerous to the safety of the building, structure or premises or any person therein or thereon or to the safety of any adjoining building, structure or premises or any persons therein or thereon, or

(ii) any condition that is conducive to the outbreak, acceleration or spread of fire or that is in violation of a provision of this Part or any regulation made thereunder; the fire commissioner, deputy fire commissioner, assistant fire commissioner or local assistant who make the finding may

(c) in the circumstances described in clause (a) order the owner or occupant of the building or structure

(i) to repair it, or

(ii) to replace the materials used in its construction, or

(iii) to remedy the violation, and may in the order specify a period of time within which the provisions of the order shall be carried out and specify the nature of the repairs that shall be made or of the construction materials that shall be used to replace the existing construction materials or the manner in which the violation shall be remedied; or

d) in the circumstances described in clause (b), order the owner or occupant of the building or the structure or premises

(i) to remove the inflammable or explosive material, or

(ii) to remedy the condition, and may in the order specify a period of time within which the provisions

of the order shall be carried out and specify the manner in which the inflammable or explosive materials shall be removed or in which the conditions shall be remedied.

MR. CHAIRMAN: Mr. Corrin.

MR. CORRIN: Thank you, Mr. Chairman. I want to indicate first of all that although I regard the new provision and the amendment that has now been presented by the Member for Radisson as an improvement with respect to the remedying of dangerous conditions but I do not feel that it goes quite far enough and I raised this before during the Session of the Legislature in the course of questioning the Minister relative to the fire at the Holiday Inn last year and want to explore that entire area once again this afternoon.

At that time, I felt and I indicated as strongly as I could, Mr. Chairman, that there was a responsibility on us, as members of the Legislature, not only to provide legislation and regulation that will prevent the outbreak of fire but also to provide, through legislative regulation, standards which will stop or which will prevent the loss of life and the spread of fire in circumstances where fire does break out.

The problem I have with this legislation and the concern I have about it is that although it talks about the fire commissioner being able to make orders in cases where there is an observed lack of repair, dilapitation, where the structure has used materials that are susceptible to the spread of fire, the Amendment doesn't touch on the upgrading of premises where there is an absence of fire prevention equipment or construction, in other words, in situations where there are no smoke detectors or where there are no spinkler systems installed and connected.

As you will remember, Mr. Chairman, I'm sure in the Holiday Inn fire the problem was that the building had been constructed, and these are related in the inquest findings, the building had been constructed prior to the stricter fire prevention standards that were put in place by the City of Winnipeg in the mid-1970s. As a result, Mr. Chairman, the upper floors of the building did not have smoke detectors and I believe certain areas also did not have fire retarding sprinkler systems, so that there was a hazardous situation in existence in that particular hotel that would not have been in existence in a hotel that was built several years later under the revised and reformed building code that was put in place by the City of Winnipeg.

What I believe the Minister should have done with respect to this particular provision is give the fire commissioner the power to require that the owners of premises upgrade the standard of fire prevention equipment in their premises to such an extent as to bring it up to a level that is comparable and the same as the currently existing fire prevention code and building standards. You see, the problem is that we have all sorts of buildings that were built before the more restrictive standards were put in place and these buildings perforce fall in the cracks. I think that there should be an enabling provision that will give the Fire Commissioner's Office sufficient jurisdiction to enable them in circumstances where they feel it is warranted to require the upgrading of existing premises, and that is missed, that simply is not encompassed within the amendment.

I want to on the one hand commend the Minister for improving the provision but I want to be somewhat judgmental and critical with respect to the absence of the special provisos that I am referring to.

MR. CHAIRMAN: Page 5 as amended — pass; Page 6 — pass; Page 7 — pass — Mr. Cowan.

MR. JAY COWAN: On page 7 the Minister indicated that they had checked with other jurisdictions on wording changes in all jurisdictions in respect to a person hindering, obstructing or disturbing a Fire Commissioner or designated the Fire Commissioner during the course of his or her activities. I would ask simply for a clarification of the difference between the word ''impedes'' and the word ''disturbs'' because as I indicated in my presentation on Second Reading, that in the beginning of the Act, and I don't have the specific section and subsection right before me, but at one place in the Act and it was not a section that was changed they used the words, ''hinders, obstructs and impedes'', and in the new part of the Act they change, using two of those same words, ''hinders'' and ''obstructs'' but instead of ''impedes'' uses the word ''disturbs''. We at that time indicated that there was some concern about the broad definition of the word ''disturbs'' as compared to the word ''impedes''.

In other words what I am seeking is a legal definition of those two words and any changes, which would be brought about by the use of the word ''disturb'' rather than the word ''impede''.

MR. CHAIRMAN: Mr. MacMaster, the Honourable Minister.

MR. MacMASTER: Mr. Chairman, I have a legal opinion for what it's worth, not on precisely the word, but I do have an opinion that the word ''obstruct'' is a broad definition that includes in fact the word ''impede''. So now we have ''obstruct'' including ''impede'' and we have the additional word ''disturb''. That's what the member is saying. There is now an additional word, ''disturb'', which I don't think takes anything away from it, but I was concerned when you started mixing all the words together that the word ''impede'' didn't seem to appear in this area, but the legal interpretation I have is that the word ''obstruct'' is in fact a broad term which certainly would include any definition anybody wanted to apply to the word ''impede''.

MR. COWAN: I am not so concerned about the loss of the word ''impede'' as indicated by the Minister, but I would like to know a more specific definition as to what does an individual have to do in order to disturb another individual? Does that mean make angry, does that mean cross, does that mean voice an opinion in an aggravated way? It seems to me to be a very general word and in fact I am not concerned about the Act being weakened by it, but I'm concerned about too many interpretations being able to be made of the word disturbs and thereby applying some very far ranging powers to the Fire Commissioner. Now I'm not certain that's the case but I would certainly appreciate any clarification on it.

MR. MacMASTER: I don't happen to be too legally inclined as far as words are concerned, but I think

the word "hinder" itself, if the Fire Commissioner, God forbid they did, chose to exercise all interpretations of the word "hinder", I suppose that could be abused; "obstruct" could be abused; "disturbed" could be abused.

I don't see anything wrong with the words if they are administered appropriately. I just simply ask that we allow the Fire Commissioner's Office to use those words and use the authority it gives them in a discretionary manner. What we're really concerned with is, we do not want interference, if you wish, if we are trying to carry out an investigation. It's just so terribly important. Every member of this committee can stretch their imagination as to the problems that could be created if people decided to, for whatever reason, some in their own little minds being a very good reason, to not allow the Fire Commissioner to get in and do his job.

MR. COWAN: I don't wish to hinder or obstruct the work of this committee. I am not certain as to whether or not I wish to disturb the work of the committee, but I do want to register some concern in respect to that and would like at one time or another to see a very clear definitive definition of that word. I don't need it at this time. I think the record is clear that we have questioned the use of that word. I certainly don't wish to — no pun intended — obstruct the work of the committee, but if the Minister can give me an assurance that he will provide further detail on that before we're asked to pass this at third reading, I think that would be acceptable.

MR. CHAIRMAN: Page 7 — pass; Page 8 — pass; Preamble — pass; Title — pass. Bill be reported.

Bill 29, I guess, is the next one in order.

BILL NO. 29 — AN ACT TO AMEND THE HIGHWAY TRAFFIC ACT (2)

MR. CHAIRMAN: The Honourable Mr. Orchard.

HON. DON ORCHARD (Pembina): Mr. Chairman, —(Interjection)— Because I allowed 51 to go first.

We propose to delete section 3 of the Bill and renumber the other sections accordingly — (Interjection)— deleting No. 3, in deference to the recommendations made by the League and we'll be renumbering the bill and an appropriate amendment will be made in that regard and there is one other amendment to correct a typographical error.

MR. CHAIRMAN: Mr. Cowan.

MR. COWAN: Yes, if this is the proper time, one question on the deletion of No. 3, which was based on the sound and positive and progressive arguments put forward by the persons who gave presentations to this committee when we last sat. Does this mean in fact that the Minister will be going ahead with the committee, which he indicated at that time would be struck for the purpose of examining this with those parties who are most interested and we can expect to see some action taken in respect to alleviating their cause of concern, which is that they will be prevented from using these vehicles on the road, notwithstanding whether or not this particular section is put in place at this time?

MR. ORCHARD: Yes, Mr. Chairman, that's correct. We will be putting together a committee which will involve members of the Manitoba League, members of my department and the Motor Vehicles Branch, and probably one member of the Winnipeg City Police to give their observations as to the amendments that would be necessary to give us the distinctions that were brought out in the presentations. That committee should proceed, I would say within a couple of weeks we'll have the committee struck and they'll be meeting as often as is necessary to come up with the kind of recommended changes and we would proceed next session with those.

MR. COWAN: I'm pleased to hear that because I think that's a positive way in which to approach the problem. But I would ask the Minister, as this amendment was precipitated upon by actions that took place last year, and the Minister recalls at that time that persons using wheelchairs of this type were asked to remove them from the street and remove their use from the street by police officials and it is my belief, at least, that this particular amendment which is being deleted now was brought forward in order to clarify that situation. It perhaps did it improperly and therefore we are pleased that it is proceeding to a committee and will be brought back in a different form. What will happen in the meanwhile to those individuals who may wish to use the street for that type of traffic?

MR. ORCHARD: Well, the incident was precipitated last year by one individual and I think the member will recall that the Manitoba League, I believe in the last recommendation they made, they said that if anyone is using these machines in an improper or a foolish manner, shall we say — I'll paraphrase what they said — that they don't expect any exceptions to be made for those individuals. So I would expect that this summer, as long as those mobility aids are used with the proper degree of caution, that there will be no tickets issued, as there weren't last summer. There were only some warnings and those were possibly precipitated by less than prudent use of the machine. So that I would anticipate — we'll be in limbo this summer, but I don't anticipate any major problems.

MR. COWAN: So then if I were approached by an individual who had a mobility aid and wished to use a mobility aid, I would be accurate in advising that individual that according to the Minister of Highways, as long as that mobility aid is being used as a mobility aid and is not being used in an imprudent manner, that they should not expect either a ticket nor a warning for their use of that vehicle on a city or provincial highway?

MR. ORCHARD: That would be giving them something that I can't give them because legally, if you want to get down to the straight legal use of the highways or streets with those vehicles, it is not legal and I cannot say that they won't receive neither a warning nor a ticket. But, for instance, if some of them were to be using those vehicles at 4:30 in the afternoon on Route 90, I would think that you could definitely count on them getting both a ticket and/or a warning for being there. But if one is, as Mr.

Stevens indicates, going to the corner store to pick up an ice cream cone in the evening or in the middle of the afternoon, I would suspect that he would be able to, as he has personally been able to, use that machine with no problem.

MR. COWAN: There's a difference between taking the opportunity to use the mobility aid as a mobility aid, and being given the opportunity to use the mobility aid as a mobility aid. The way it stands now, I think that those individuals are left in limbo. I don't recall the specifics of the suggestion but I think there was a suggestion by one of the members of the Law Amendments Committee at last sitting that we could deal with this by exempting those mobility aids from the regulations and thereby would allow the use of them but certainly would not condone the dangers, either to an individual or to other's use of them.

I would ask the individual why they chose to go in this particular fashion, rather than that fashion, which would give persons now using mobility aids the assurance that they could use them without being hindered, obstructed or disturbed by law officials who were only, in fact, upholding the law as they see it.

MR. ORCHARD: Mr. Chairman, that's exactly the reason why we've got a committee to study this, because some five months ago when this amendment was drafted up and I might say it was drafted up in discussions with the Manitoba League at that time, this amendment appeared to be sufficient to meet the perceived need. Since that time, other vehicles were identified. The definition of a mobility aid has to be established; that's the first thing. A mobility aid right now might be a wheelchair that's motorized for three miles per hour, but as Mr. Stevens pointed out the other day, the new generation of electric-powered wheelchair can do ten miles per hour. Is it still a mobility aid or is it indeed a vehicle that should come under some licensing requirements?

That will be the recommendations made by a committee that's going to take a look at this because we are quite positively — it's a good thing that we are looking at a moving target in this regard because there are new machines coming out on a very very rapid basis. Some of these machins weren't known to the department some five months ago when we drafted this amendment, so that a more complete review is definitely needed before we move in haste in drafting up another amendment.

MR. CHAIRMAN: Mr. Uruski.

MR. BILLIE URUSKI (St. George): Thank you, Mr. Chairman. To the Minister, it appears that the suggestion, at least in the main, was suggested to the committee to use the avenue of speed as the basic criteria as to whether or not certain equipment will be categorized as a mobility aid to handicapped people, because no matter how long you wait and try to bring up the definition, you will not be able to keep up with changes in technology and maybe even new equipment that you may not know of, as you have already admitted, as the Minister already has admitted, that the department was aware of primarily one piece of equipment and since this legislation, there have been a number of others that have come to light.

It may be that the Minister may wish to go the route of speed and then if other people decide to modify it, because what you will have is you will probably have circumstances, as we have had in cases of motorcycles and motobikes, where people decide to modify certain kinds of equipment. Where, then, do they fall into the categories; people who may not be handicapped but still may modify the piece of equipment to be able to use it for their convenience? You know, there are three-wheeled — I don't even know whether the correct name is dune buggies — there are those three-wheeled motorcycles, for example that are similar in configuration to that three-wheeled bicycle that we saw, only that the wheels are different. One wheel is a bicycle tire; the other is a very wide wheel and, of course, the basic difference is the speed at which these units travel.

I would suggest that the Minister, in terms of trying to define, may be likely put in a position of limiting any type of a piece of equipment, if it is to be a mobility aid, as to the maximum attainable speed on the highway, because there will be modifications; there will be all kinds of changes made for people who wish to use it, for other people than people who are handicapped.

We believe that the handicapped in terms of being pedestrians, because they need a piece of equipment to get around, should not be treated any differently than pedestrians and that is the basic philosophical approach, I think, that we urge the Minister to take; that when he is approving the type of equipment or whatever equipment that the handicapped use, that it should be on the basis that they be treated no differently then any other pedestrian, although they may need equipment to get around.

MR. CHAIRMAN: Clause 1 — pass; Clause 2 — pass — Mr. Anderson.

MR. ROBERT ANDERSON (Springfield): Mr. Chairman, I move that proposed new clause 2(1.1) to The Highway Traffic Act, as set out in section 1 of Bill 29 be amended by striking out the figures "1.8" in the 2nd line thereof and substituting therefor the figures "1.85".

MR. CHAIRMAN: Legal Counsel.

MR. ANDREW BALKARAN: I had a call from Mr. Peter Dygala, Mr. Chairman, which indicated that 1.8 did not quite actually work out to the metric equivalent, that 1.85 was more accurate.

MR. CHAIRMAN: Mr. Uruski.

MR. URUSKI: I only raise this, not on the specifics of the distance that is put in the Act. Is it possible, because there may be other changes in the future in terms of the assemblies; there may be possibilities that configuration can change in the future, would it not be possible to make such amendments; that they be done by regulation? What is the problem with a move of that nature? That's all I ask the Minister.

MR. CHAIRMAN: The Honourable Minister.

MR. ORCHARD: Mr. Chairman, what we're talking about here is the concept of a spread axle group

and some jurisdictions allow — particularly Ontario — a significant spread axle and on account of that they go from what we allow of 35,000 pounds on that axle group up to, I believe, 44,000 pounds on a 72 inch spread axle.

The engineers in my department, as in Saskatchewan and as in Alberta, indicate that on our softer soils we cannot go to higher weights on spread axles and indeed they indicate, and I have to accept their professional judgment on this, that the greater the spread, you pass a point of limit diminishing returns and they don't completely agree with the concept of going wider and wider, because then you could end up with a 10 foot spread axle and you scuff the pavements up when you're turning. So that this will be an equivalent to — and I don't know the exact figures, but I believe this works out to a 60 inch spread axle, which they want to establish as an acceptable axle.

MR. CHAIRMAN: Clause 1 as amended — pass; Clause 2 — pass; Mr. Anderson.

MR. ANDERSON: Mr. Chairman, I move that section 3 of Bill 29 be struck out and sections 4 to 23 of Bill 29 be renumbered as sectons 3 to 22 respectively.

MR. CHAIRMAN: Pass; Clause 4 — pass; Page 1 as amended — pass; Page 2 as amended — pass; Page 3 as amended — pass; Page 4 as amended — pass; Page 5 as amended — pass; Page 6 — Mr. Anderson.

MR. ANDERSON: Mr. Chairman, my amendment at the very last section, I move that . . .

MR. CHAIRMAN: I believe there's adjustment of subsection 20.

MR. BALKARAN: Mr. Chairman, and Members of the Committee, there's a typing error in section 20 as printed. The last line reads 91(e), it should read 91(3). If members would make that correction please.

MR. CHAIRMAN: Section 20 as amended — pass — Mr. Anderson.

MR. ANDERSON: Mr. Chairman, I move that renumbered section 22 of Bill 29 be amended by striking out the figures "10" in the 1st line and again in the 2nd line thereof and substituting therefor in each case the figure "9".

MR. CHAIRMAN: Section 23 — as amended — pass; Page 6 as amended — pass — Mr. Uruski.

MR. URUSKI: Before the bill is reported, could I ask the Minister whether he, in terms of section 10, in terms of the Driver Education Program, whether or not he intends to allow school divisions, other than one or two that he mentioned when he was introducing the bill, to be approved. I mean in the city, for example, I know school divisions, I believe, in the City of Winnipeg and other school divisions have had Driver Education Programs longstanding, and it certainly would be unfair that some of the school divisions, who have had longstanding Driver Ed Programs, would be left to the discretion of the government, whether or not there is some other procedure that the Minister intends to take other than by sheer appointment.

We don't begrudge the government the ability to appoint, however the restrictiveness in the way the Minister, when he spoke in introducing the bill for second reading, gave us the distinct impression that there would only be one or two school divisions that might be picked and everyone else can kind of look on, which certainly doesn't lend itself to at least recognizing the ability of other school divisions, who have had good Driver Education Programs, to also have that possibility of having younger drivers be issued Learners Permits.

MR. CHAIRMAN: The Honourable Minister.

MR. ORCHARD: First of all, one has to appreciate that we are bringing in this amendment this year to determine whether in fact we're going to get the increased enrolment in Driver Education that we desire, that we think is very desirable; so that's the whole reason behind choosing one or two school divisions for this year.

The second reason is that if we had a significant number of school divisions in the program this first year, we would not have the staff presently in the Driver Education Program to adequately undertake what we anticipate to be the increased enrolment of students in the Driver Ed. Course. It is fully the intention to declare, at a very early date, the school divisions which are going to be the pilot areas and hopefully very early in the fall we will get a reading on what the increase in enrolment is and using that increase in enrolment, I've got to make some very persuasive requests of my colleagues to increase staff in the Driver Education Program so that we are in a position to declare, if it is successful, as many school divisions eligible as possible and that's going to predicate on two things, on the availability of staff in my department to undertake the Driver Ed. Courses and, indeed, in some of the school divisions where enrolment may be — pick a figure, 20 percent of the students, and goes up to 60 or 65 or 70 percent, those school divisions also are going to have to have more instructors trained locally to enter into the presentation of the Driver Ed. Course.

So that I make no apologies for having it restrictive the first year. It is the objective to go as quickly as possible to having this a standard provision across the province with all school divisions, with every one, but we just cannot foresee it from those two standpoints right now.

MR. URUSKI: Mr. Chairman, can I also suggest to the Minister, when he's considering this, that he also possibly pick an area that has not had a significant amount of driver training. There are some areas of the province where I have found, especially in areas where the high schools are fairly small in size in terms of having maybe the Grade 12 class having 40 students or 50 students, as a result of the cost that is there, it has been determined, in my speaking to some teachers, that a lot of the families and the students shy away from taking the course. As a result, there is no driver training program offered, even though there may be one or two or three students that may want to take it, but there is kind of a minimum amount in which the school can offer the course if there's a minimal amount of students.

I would like the Minister to consider maybe taking some areas like those that have nothing and apply his new legislation to that kind of a school division to see what kind of an interest can be generated in an area that has virtually no driver training program, partly because of cost, partly maybe because of other reasons, but to at least try both ends of the spectrum in terms of operating the course. There are areas, I am sure, in the Member for Emerson's area, in my area, that could be looked at and something like that be tested out, to test both ends.

MR. ORCHARD: Yes, that is part of the decision process that we've been taking a look at because as the Member for St. George is well aware, the Dauphin area for a number of years now, probably four years, has had a very very active citizen safety committee up there that have been really very keen on driver training, so that that's one area where we know the community is solidly behind this initiative and it will be interesting to have that as, let's call it the optimum area to introduce such a program.

Yes, we are hoping in the other school divison that we put it in, to have an area much as you describe, with a much lesser involvement, or maybe even no involvement in driver training, and that will give us a pretty broad spectrum to give me the analysis I need to present Estimates next year.

MR. CHAIRMAN: Page 6, as amended — pass; Preamble — pass; Title — pass; Bill be Reported — pass.

Bill 34. There are some amendments being distributed.

BILL NO. 34 — AN ACT TO AMEND THE CONSUMER PROTECTION ACT

MR. CHAIRMAN: Section 1 — pass; Section 2 — Mr. Driedger.

MR. ALBERT DRIEDGER (Emerson): Mr. Chairman, I move that proposed new sub-clause 1(s)(ix) to The Consumer Protection Act as set out in Section 2 of Bill 34 be amended by striking out the words "in the course" in the 2nd line thereof and substituting therefor the words "for the primary purpose."

MR. CHAIRMAN: Section 2 — pass; Section 3 — pass; Page 1, as amended — pass —(Interjection)—

MR. JENKINS: I asked the Minister for an explanation.

MR. CHAIRMAN: I'm sorry. The Honourable Minister.

HON. GARY FILMON, Minister of Consumer and Corporate Affairs (River Heights): The Member for Logan asked for an explanation of the changes. In discussion in the House, Mr. Hanuschak suggested that although the purpose of the new clause that was being added was to clearly exempt business and commercial purchases from the Act. He took exception to the fact that by the proposed wording, the small businessman who makes a purchase that may be used for business and person purposes would not have the protection of the Act in respect to that purchase. So we are making the change so that it says, instead of "in the course" of doing business, of carrying on a business, it says, "for the primary purpose" of carrying on a business, which members will note is exactly parallel to what is in the next clause below it, the (b)(vi) section. It's worded "for the primary purpose" and this should have been worded similarly, so we have made that change.

MR. CHAIRMAN: Page 1, as amended — pass; Page 2 — pass; Page 3 — Mr. Driedger.

MR. DRIEDGER: Mr. Chairman, I move that proposed new subsection 67(1) to The Consumer Protection Act as set out in section 11 of Bill 34 be amended by adding thereto immediately after the word "assignor" in the 6th line thereof the words "including the provisions for the violation of which the assignor is liable to be prosecuted."

MR. CHAIRMAN: The Honourable Minister.

MR. FILMON: Mr. Chairman, if I can just give the brief explanation that the intention of this addition was to ensure that when financial papers are assigned, that the assignee has exactly the same responsibilities and obligations as the assignor. It was pointed out in discussion in the House that this wording may not be adequate. This has been checked with Legislative Counsel and Crown Prosecutor and in order to make it clearer this portion has been added which says "including the provsions for the violation of which the assignor is liable to be prosecuted," and that does make it more explicit and improves the wording of that section.

MR. CHAIRMAN: Section 67 as amended — pass — Mr. Driedger.

MR. DRIEDGER: Mr. Chairman, I move that Bill 34 be amended by adding thereto immediately after proposed new subsection 67(1) to The Consumer Protection Act as set out in section II thereof the following subsection:

Credit grant or to comply with certain provisions of the Act.

67(1.1) Every credit grantor has a duty and an obligation to ensure that the requirements of subsections 4(2), 5(2) and 13(2) are met.

MR. FILMON: Mr. Chairman, if I may give the information, the Crown Prosecutor, in looking at the bill, pointed out that subsection 4(2), 5(2), and 13(2) set forth the details of information required to be included in a credit document. They do not clearly state however that it is the responsibility of the credit grantor to see that these requirements are filled. This gives rise to some uncertainty as to the possible success of a credit grantor prosecution for failure to comply, therefore this amendment eliminates that uncertainty and clearly states that the obligation for disclosure lies with the credit grantor.

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

I an informed that Mr. Braun is here and we have agreed, I believe, to listen to Mr. Braun when he came; Mr. Braun in regard to Bill 37, I believe. Mr. Braun.

MR. S. E. BRAUN: Yes, I'm Mr. Braun.

MR. CHAIRMAN: Have you a presentation? Do you have an advanced copy?

MR. BRAUN: No, I'm sorry.

MR. CHAIRMAN: Go ahead then.

MR. BRAUN: Have you people seen the bill

MR. CHAIRMAN: No we haven't seen a brief.

BILL 37 — AN ACT TO AUTHORIZE THE RURAL MUNICIPALITY OF MONTCALM TO SELL AND CONVEY A PORTION OF A PUBLIC ROAD WITHIN THE MUNICIPALITY

MR. BRAUN: Well, basically the bill is a bill to allow the rural municipality of Montcalm to dispose of a certain portion of a road allowance which has been closed, reconvey it to people who in fact are occupying the area that is closed. These people were always under the impression that they owned it. They have been paying taxes on it ever since they occupied it and basically that's the purpose of the bill.

The Municipal Act says that when a municipality closes a road it must first offer it to the party or persons who occupy the adjoining lands, and in this case the municipality wishes to convey it to the people who in fact occupy the land and that's the reason for the bill.

MR. CHAIRMAN: Is that all? Does anyone want to question Mr. Braun? Not seeing any, thank you, Mr. Braun.

Now to the same bill, Bill 37, Page 1 — pass; Page 2 — pass; Page 3 — pass; Preamble — pass; Title — pass. Bill be reported.

BILL NO. 38 — AN ACT TO AMEND THE CHILD WELFARE ACT

MR. CHAIRMAN: Bill 38, Page 1 — pass — Ms. Westbury.

MS. JUNE WESTBURY (Fort Rouge): Mr. Chairperson, I have a concern here and I think perhaps this is merely legalizing what is already happening, but I am wondering if any real or implied rights of the adopted child are being lost as a result of this alteration.

MR. CHAIRMAN: The Honourable Mr. Mercier or Mr. Minaker. There are two hands up, I don't know which — Mr. Mercier.

MR. MERCIER: The question is with respect to section 3. Mr. Chairman, there was a decision of the Manitoba Court of Appeal recently which indicated that an adopted child did have rights under The Devolution of Estates Act. Now that was contrary to long established thinking and interpretation of The Child Welfare Act. It was presumed by everyone involved that the section in the Act, which indicates that a person who gives up a child gives up all rights and obligations to that child by virtue of that section was everybody's opinion that the adopted child had no rights specifically under The Devolution of Estates Act. That decision I think causes some problems and for that reason it is proposed to amend the Act to make it clear that an adopted child does not have any rights under The Devolution of Estates Act.

MR. CHAIRMAN: Ms. Westbury.

MS. WESTBURY: What occurred to me when I read this and I really can't pretend to be much of an expert on the subject, but I was thinking of the relationship between perhaps natural grandparents and the child where adoption takes place neither the grandparents nor the child have necessarily any say in the matter and the right of the relationship there is lost as well. I referred this to a couple of lawyers who have been active in family law and so on and they don't seem to think that there's anything to worry about, but just for my own peace of mind I would be interested in knowing what the situation is if that is affected in the same way as the right of the parents.

MR. CHAIRMAN: Mr. Corrin.

MR. CORRIN: Mr. Chairman, I wanted to address some remarks to yourself and the committee on this subject as well.

MS. WESTBURY: Can I get an answer for my question, Mr. Chairperson?

MR. CHAIRMAN: Well I see no signal but if — the Honourable Mr. Mercier.

MR. MERCIER: Mr. Chairman, this section in The Child Welfare Act is section 96(1); indicates once an adoption order has been granted all prior rights, duties and obligations between the child and his natural parents or his prior adoptive parents and guardians cease to exist under the law. It was everybody's view that that meant all rights cease to exist until the court decision.

I think in the situation the Member for Fort Rouge refers to — grandparents — I doubt that there would be any relationship that grew up at all. In most instances of adoption where the natural mother gives up the child at birth, there would be no relationship with the grandparents. If the adoption happened to take place at a later date, which might be the case where there was a divorce, for example, and a new husband of the mother adopted the child, then that does not prohibit the natural father or the grandparents from leaving a bequest to the child or children in their will.

MS. WESTBURY: I wanted to express my concern and if it's all taken care of that's fine, I'll withdraw it.

MR. CHAIRMAN: Mr. Corrin.

MR. CORRIN: Mr. Chairman, I wanted to deal with this too because when I read it I thought it rather an exceptional infringement and encroachment on human rights.

Also before I go into the reasons of my specific concerns, I take some exception to the Attorney-General suggesting that it was everyone's view that

the effect of section 96(1) had been to completely relinquish all obligations and rights between natural parents and children put out for adoption. I believe, if I'm not mistaken, that particular provision was put into the legislation about two years ago, and I think at least it was amended and it was debated two years. If I'm not correct on the one hand, I'm sure I'm correct in the other, and I certainly don't remember at that time there being any consensus or deliberation on that specific subject. So the Attorney-General may have believed that it was everybody's view that the section pertained in the way that he suggested, but I believe that when that particular subsection was before this Assembly a couple of years ago that we failed to take into consideration all the ramifications.

Now I say that, Mr. Chairman, in the absence of the Hansard report. I don't have the Hansard report, but I know that the amendments were made. I know that legislative counsel is looking for the statute. It's before me, Mr. Chairman, and I would give it to him if he wishes. He'll note that the amendment took place in 1979.

The point is, Mr. Chairman, that I don't think that there was consensus and the main point here is whether there should be a limitation on rights currently enjoyed by children who are put out for adoption. What we are doing, Mr. Chairman, if we pass this particular provision is denying an adopted child's right of inheritance from a natural parent in the case where the natural parent does not make a will. So that if I, I'll use myself as an example, if I were to have had a child in my youth and I made a decision to put the child out for adoption and then subsequently I was able in the course of my life to amass an estate containing valuable assets and I did not make a will, I never made a will, perhaps I never had any other children as well to carry — sometimes it assists to understand a particular train of thought if you make it a bit outrageous — but presuming that I have no children, I haven't made a will, and the only child that I have fathered has been put out for adoption, then by virtue of this particular provision, that child would not be able to claim my estate. I0 seems to me that's somewhat unfair.

I can see the logic in section 92 insofar as I don't think that a natural parent should be obliged to maintain a child during that child's lifetime. I think that the adoptive parents assume that responsibility when they take on the legal responsibility of looking after the child after adoption. But, I really find it very difficult to understand why we should deny that child a right of inheritance. I don't see how that benefits either the child nor do I see how it impacts the natural parent. If the parent doesn't want to make a will; if the parent is either neglectfully or purposely not made a will, doesn't care where his or her estate goes, the adopted child knows that he or she was fathered and mothered by the deceased individual. I don't see why we should interfere. I don't see why we should limit the normal natural rights of that child to inherit from a natural parent. I think that there should be a very good explanation if we're going to do that, because we're infringing and curtailing on certain basic rights which all other people enjoy.

HON. GEORGE MINAKER (St. James): Mr. Chairman, in reply to what Mr. Corrin is saying that, when a child is adopted by his parents, his adoptive parents, we want to make everything natural for that particular situation. We want to let that adopted child have the same natural rights as he would if they were his natural parents and that is why we have the laws we have today and as it's implied or we thought was implied, because what the honourable member is suggesting would be that we would not only give the adopted child the rights to his adoptive parents' estate, as though he was a natural child, but he's also now suggesting that if that child is able to trace back somehow to who his natural parent was that he would have a further claim to rights on an estate. Mr. Chairman, further to that, I would think it would create quite a pressure and catastrophe on say a family that all of a sudden when the natural parent dies and nobody in the family even knew that another child existed, possibly, that out of nowhere comes a claim and maybe legally supported in the courts and takes away the rights of other people that are tied to that estate.

So, I think, Mr. Chairman, what is being proposed is a correct approach to the situation. Further to that, as the honourable member knows, we now have a volunteer registry that if natural parents and adoptive parents and children want to get together then they can register voluntarily, that this will open up the communication that if the natural parent wants to locate that child and leave his estate to them, they will look for that child.

MR. CORRIN: Yes, well the Minister, of course, has rather well contributed, I think, to my argument in pointing out, and I was just going to make the point myself, Mr. Chairman, that last year the Minister was attempting to provide access to adoptive children to the names of their parents. He was assisting voluntary tracing, so what I'm saying, if we're going to assist a child in cases where a natural parent doesn't mind being traced, then why in the same circumstances are we going to limit the child's access to rights of inheritance? Here, the government is saying, "Mr. Smith, if you don't mind your adopted child finding you 25 or 30 years later, we'll provide a registry for you so that you can list your name and particulars and the child can through that mechanism find you." So, the child having done that and used the mechanism that the government has put in place to implement that purpose, then is faced with the situation where even though the natural parent, and this is, I suppose, the illogic of it. The natural parent has not made a will; does not wish to preclude that child's right of inheritance, just simply perhaps fail to make a will or the will has been lost and it hasn't been found. That parent may have no other children, it may be a case where the next of kin of that particular deceased or far removed, 3rd, and 4th line of decendents, so what the Minister is trying to tell me is that a 3rd or 4th removed perhaps living in the Ukraine in Russia, or Poland or somewhere in South America should have a better right of inheritance then a Canadian citizen living in Manitoba, who is in fact a natural child of the deceased person. Now, if that isn't an infringement on that person's rights, I don't know what it is. Also it is sort of dictatorial.

Why are we presuming that the natural parent doesn't have any brains? Why are we presuming that the citizen is mindless and incapable of ordering his or her affairs in such a way as to prevent this from

happening? All the person has to do, Mr. Chairman, is make a will. The Minister brings it to my attention. (Interjection)— No. If the person makes a will . . . Well the Minister is a bit thick with respect, Mr. Chairman. If the person makes a will. I'll repeat, because he's smurking and smiling, but he doesn't seem to understand the point. If a person makes a will, if a natural parent of an adopted child makes a will precluding that adopted child from rights of inheritance, there is no problem, there is absolutely no problem, and, I'm sure everybody here would agree with that. So, on the basis of that, what is exactly the Minister attempting to prevent? What he's going to do, if you get a case, I'll use the outrageous case, if you have a case of a multi-millionaire who has put a child out for adoption. Let's say we have a woman who in later life earns a fortune in oil royalties or something like that and accummulates millions of dollars of assets. She has no children save the one child that she put out for adoption in her youth. She leaves no will. She purposely does not leave a will. Perhaps she doesn't even know, let's go one step further, perhaps she doesn't know where the child is. Perhaps she doesn't know how to communicate with the child. Perhaps the child has never communicated with her, but she leaves no will in the hope that when she dies the child will locate her. Okay, let's use that as an example. So, she has done this. When she dies, indeed. for some reason or another because perhaps the Province of Manitoba or the Province of British Columbia or Saskatchewan has amended his registry requirements and mechanisms, the child is able to make a search, recognizes that she is the natural child of the deceased heiress and makes a claim.

Well, as the law now is in Manitoba with the registry in place, the child could do that, there would be no impediment to such a claim and the child would have a first right of inheritance under the devolution of a state's act. What the Minister is going to do is going to preclude that child, the child of the multi-millionaire, oil heiress, who has left no other children and no near next of kin in Canada. He is going to include that child from a right of inheritance, and it is really a curtailment of natural rights. The common law has always held, as I understand it, that a child has a right of inheritance through the normal common law relative to devolution of the state. I believe that has been the law for many, many, many years. (Interjection)— Well, the Minister is now saying it's the Attorney-General's request. I do not understand why we want to limit the rights of adopted children. I think that they should have a right to inherit. If some uncaring multi-millionaire, if an uncaring person decides that he or she doesn't want to look after her natural child, and then accumulates $25 million and that child in the meantime was adopted by parents of modest means, who are unlikely to be able to leave any estate whatsoever to that adopted child, I don't see why the state should intervene and say to that child, even though that oil billionaire is your natural parent, you will not have a right to inherit. I don't know why that should be, because that seems to me to run first of all in the face of common sense, and second of all, I would think in the face of Progressive Conservative philosophy. I thought that they believed that people should have unfettered rights to inherit. I thought they fought estate taxes for that purpose. I thought that there was a matter of principle and philosophy involved in the estate tax argument. Now, we're being told, well that fine if you're a natural child, if you're not an adopted child, but if you happen to be an adopted child, you have to put up with the luck of the lottery. So, that you won't have a right to claim your millionaire farmer or oil heiress' estate. I just don't see why we should do that. This is purpose a good reason, Mr. Chairman, for an entrenched bill of rights in this country.

MR. MERCIER: Mr. Chairman, perhaps, the argument the member raises is a good reason why we shouldn't have an entrenched Charter of Rights because the abstract application of rights, I think, effects the practical result very much.

Mr. Chairman, the Member for Wellington made a comment that this was an amendment in 1979. There might have been a small amendment to this section in 1979 but its similar provision has been in the statute books in Manitoba for years and years, and even back as of 1974 this similar section read upon the granting of an adoption order under part, etc. "All prior parental ties with the child cease to exist under the law." The fact is, Mr. Chairman, that it is perhaps not the unanimous view, but certainly the generally held view that when an adoption takes place, the new parents assume all of the obligations of the natural parents and the natural parents have no further legal obligations. The member refers to the post-adoption registry that was set up at the last session of the Legislature, which was a procedure for obtaining information where all of the parties consented thereto. I think, Mr. Chairman, that is another fundamental reason why this type of section should be included because, I think, it causes some problems with the post-adoption registry on a voluntary basis. But, I think, the laws been quite clear in Manitoba for some time, Mr. Chairman, the new parents assume those obligations towards the adopted child and all of the previous obligations cease by the natural parents.

MR. CHAIRMAN: Page 1 — pass. Ms. Westbury. I called you earlier.

MS. WESTBURY: I'm sorry. There was some frivolity going on down here and I missed you.

Mr. Chairperson, Mr. Corrin's concerns have just brought mine back to the surface, again. I can't understand why a government has to get involved at all in this, if the courts have made a decision, why can't it be left to the courts? Because I do think there's a possibility that somebody's rights might be infringed upon and let's not get into the constitution, again, but I really do think there is maybe a case in here for rights of either the child or of some relative and I just don't see why government has to be involved at all in this particular matter.

MR. CHAIRMAN: Page 1 — pass — Mr. Corrin.

MR. CORRIN: Well, I just wanted to be recorded, Mr. Chairman, that the government is in effect taking away adopted children's birth rights. That is the black and white, long and short, Mr. Chairman, and I think that that is a rather unnecessary intrusion into the rights of citizens. I think the government will be

forced to see the error of their ways, because I'm sure that they is going to be an outrage and an outcry from people who have now been prevented and precluded from rights of adoption and inheritance. I would like to know, as a matter of record, Mr. Chairman, whether the Attorney-General or the Minister of Community Services took the trouble to consult with any of the associations or organizations that represent adopted children.

Last year, Mr. Chairman, I remember very well, when there were amendments to provisions of The Child Welfare Act dealing with adoption, that there was a delegation representative of an association for adopted children who were in attendance and who made a fairly comprehensive submission. I can't remember, but I do believe that there were even some slight amendments and I may wrong; some slight amendments made to the bill as a result of some of the remarks made by these people.

I am wondering whether the government can indicate whether they have informed the association of these proposed amendments and whether they have received assent from that organization.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. MERCIER: Mr. Chairman, the Member for Wellington will also realize there was another delegation, an adoptive parent who appeared before the committee last year, who suggested there should be no changes in the legislation.

The intent of this amendment, Mr. Chairman, is clearly to prevent or clarify the rights of an adopted child to inherit from its natural parents. I'm of the view that this was the intent of the legislation on the Statute Books for years and years and years and we're attempting to in fact, Mr. Chairman, clarify the legislation with respect to a child's rights.

MR. CHAIRMAN: I have three on my list here: The Honourable Minister of Highways; the Minister of Environment who . . . The Honourable Minister of Environment.

MR. FILMON: Mr. Chairman, it's my understanding that the matter has been brought to the attention of the MARL and it's significant that they're not here today, so they obviously could not come up with a concern on it. —(Interjection)— The Manitoba Association of Rights and Liberties.

MR. CHAIRMAN: Mr. Corrin.

MR. CORRIN: Yes, well MARL is the Manitoba Association of Rights and Liberties, Mr. Chairman. Those of us who attended Law Amendments last year remember that this was the Manitoba — something like adoption association or something of that sort.

I can certainly provide to the Minister — (Interjection)— Parent Finders — I can certainly provide the names of people who were involved in that because I kept a file on it and I'm still sometimes in contact in that respect. I want to suggest, Mr. Chairman, that this is probably in truth, an attempt to discourage the location of — and it's a very clever attempt, Mr. Chairman, on the part of the government and I don't know why. But I think the only possible purpose of this bill is to discourage adopted children from seeking out natural parents, because you know, Mr. Chairman, there is a concern that children will want to inherit and will want to create relations later in life with parents. I don't think I'm being too cynical in suggesting, Mr. Chairman, that this is an attempt to discourage those relationships from being established or re-established.

Mr. Chairman, I don't think that's a good reason. I don't think that's a very good reason to curtail rights. Mr. Chairman, I suggest that there's something more here than meets the eye and I think there should be a thorough analysis and there should be an opportunity afforded the Parent Finders Association to participate in these discussions, because we don't want to go off, Mr. Chairman, on the personal whimsy and personal belief of one or perhaps several Ministers and change the law as it's now established by precedent in the courts.

MR. CHAIRMAN: The Minister of Transportation.

MR. ORCHARD: Mr. Chairman, thank you.

I just want thank the Member for Wellington for his resounding defence of rights of individuals, but I might point out to him a slight inconsistency in his argument.

When, three years ago, this government brought in legislation to remove an onerous inheritance tax situation, he stood up and voted against that, denying the rights of children of people throughout the Province of Manitoba to have a natural right to inheritance of what belonged to their parents. He's a little inconsistent in his arguing here.

MR. CHAIRMAN: Page 1 — pass; Page 2 — pass — The Honourable Attorney-General.

MR. MERCIER: Mr. Chairman, I would move — I don't have a written motion — but I would move that section 7 be deleted and section 8 be renumbered as section 7.

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

Bill 42 — Mr. Corrin.

MR. CORRIN: Before we proceed, Mr. Chairman, the Attorney-General undertook in the House on second reading, and I believe it was to the Member for Seven Oaks, to give an explanation with respect to the provision amending section 138(1)(a). The Member for Seven Oaks, I believe, in making certain remarks asked for a clarification in response to the effect of the amendments and the Minister in his capacity as Minister responsible for Urban Affairs, indicated he would do that at Law Amendments Committee. I have to get my bill out — hold on. It's section 138(1)(a) which is — I believe it's on the 5th clause — it's section 7 of the bill, page 2.

MS. WESTBURY: I wonder if the Minister can tell us whether he's incorporating the concerns that Mr. Ernst explained?

MR. MERCIER: Mr. Chairman, with respect to the concerns expressed by Councillor Ernst on advertising, we have been for some time in consultation with the city and at their request have

been preparing amendments to part 20 of The Planning Act.

We expect to have some drafts ready for further consideration by the city in a very short time and we were dealing with that request from Councillor Ernst, in the overall redrafting of part 20 of The City of Winnipeg Act, which is a planning section of the Act; so it has not been included in this bill as of now. It is something that we are reviewing as part of our overall review of part 20 related to the planning provisions of the Act.

MR. DEPUTY CHAIRMAN, Len Domino (St. Matthews): Mr. Corrin.

MR. CORRIN: Somebody is shouting pass, down the table. First of all I think we should have an explanation as to the effect of section 7 and then I wish to speak to the section, after the explanation, Mr. Chairman.

MR. MERCIER: Mr. Chairman, legislative counsel advise that this amendment would make the section 138, The Penalty Provisions, applicable to part 15, which is The Building Regulations section; the regulations being under that section.

It relates, Mr. Chairman, in part to regulations that will develop to the flood plain changes in the Act; related to the flood change — any penalties under those sections.

MR. DEPUTY CHAIRMAN: Mr. Corrin.

MR. CORRIN: Yes in dealing with this particular provision, Mr. Chairman, I want to indicate and express my dissatisfaction with — not the specific amendment — I don't take exception to the specific amendment, what I take exception to is the fact that this particular section does not go far enough. I believe that this particular amending clause should have gone much further in that it should have provided — and perhaps before I go into what it should have provided I should have explain the effect and the purpose of the relevant section we're revising.

This is a section that allows a court to impose a fine on an individual who is in breach of a city zoning agreement, a bylaw or provisions of The City of Winnipeg Act and what I take exception to is that it does not provide adequate fines. In my opinion it does not provide adequate fines that are consonant with the deterrent concept that I presume is embodied in the legislation in the section.

I'll use a case I was involved in because I think it's a good example of how inadequate this particular provision is. This case involved an asphalt manufacturer; a person who produced asphalt paving in Windsor Park in the City of Winnipeg. In this case the person, during the course of the court proceedings was able to — and the court proceedings went on for well over a year through several levels of hearing an appeal.

MR. KOVNATS: Mr. Chairman, on a point of order

MR. DEPUTY CHAIRMAN: Mr. Kovnats.

MR. KOVNATS: To the honourable member, has it been established that he has produced asphalt in the Windsor Park area? We are discussing a particular thing. Has it been established that he did produce asphalt?

MR. CORRIN: Absolutely. To the question, Mr. Chairman, I don't know if it's a point of order, but to the question, I can respond that it was absolutely and definitively established to the satisfaction of the Manitoba Court of Appeal.

Mr. Chairman, in this case the individual by his own admission — and I think if he were here he would agree — was able by virtue of the fact that he could locate his plant, as it was determined, illegally in Windsor Park, enhance his profit situation to the tune of many thousands of dollars per week during the asphalt paving season. We received evidence indicating that because of the proximity of Windsor Park, several major road construction and shopping centre parking lot construction projects that the company was involved in, it enhanced the competitive position and the profit position of the company substantially.

The fine that can be imposed on a corporation under this provision, and this the operative provision, is a maximum of $5,000, Mr. Chairman. I ask you in terms of contemporary reality, in terms of the exigencies of contemporary commercial relations and economics, is a $5,000 fine adequate in cases where an individual corporation can be making that much in profit in a day or perhaps in a week during the term of their offence?

I just don't think that there's any deterrent impact in this sort of limp-wristed approach to the enforcement of the law. I think that we are dealing with, in the context of contemporary urban society, we're dealing with situations where quite literally thousands of citizens can be prejudicially affected by the detrimental actions or activities of one land user, of one other citizen.

In this case we had one corporation deciding to continue the operation of a plant, which created a substantial nuisance to a community where thousands of residents lived and the maximum fine that could be imposed was some $5,000 and the case could be protracted by the appeal rights of the accused. I'm not suggesting we should curtail the rights of appeal of an accused, but by natural processes of justice, an accused that could afford all those rights of appeal and actually afford to exercise them, could carry on a case in defence of their position for well over a year.

Now I ask you first of all, is there a deterrent and second of all, I ask members of the committe, Mr. Chairman, through you, to consider whether or not this provision in any way protects citizens who take action independent of civic authorities because this, Mr. Chairman, was a case where City Hall categorically refused to undertake the citizen's case, to participate in the citizen's case. Mr. Chairman, there were considerable costs and I suppose somebody will want to be critical of the legal bill that was tendered; that is their option. But, Mr. Chairman, the point is that these costs were incurred; they could be incurred again and there is no mechanism in this particular provision for any sort of recovery on the part of the citizens.

So because the city refuses to take action and because the city doesn't make a reference to test the law, taxpayers are forced to go hand on knee to

City Council in order to ask for special assistance in order to indemnify them for the costs they're put to in defending their own rights and defending their own community.

So, Mr. Chairman, I would like to see this particular section revised in order to make provision for the recovery of costs, perhaps through the fine. I'd like to see a provision for a fine with real teeth; I'd like to see a fine if necessary up to $50,000, so that a judge could review the case and decide whether $10.00 or $50,000 was appropriate, depending on the circumstances of the particular violation. If the judge decided that a fine of more than $5,000 was appropriate then the judge, in my submission, should be able to decide whether that money should be remitted to the Province of Manitoba by way of a fine or to the citizen taxpayer, who has been put out of pocket in order to defend their rights.

So I have very strong feelings about this. I think that if we're going to force people to defend themselves and to act as citizen action committees, concerned citizens acting in defence of their own rights, then we should provide by way of legislation provisions that will enable them to recover their monies because I think it is absolutely absurd, Mr. Chairman, that we should have citizens being forced to go hand on knee to their own elected officials, the officials that they put in power, in order to recover money when they have done all the work that the elected official was elected to do for them and remembering all the time, Mr. Chairman, that they pay the taxes with respect to the maintenance of the courts, with respect to paying the salaries of the municipal officials, not only the elected ones but the civic officials that are trusted to maintain the building codes and the zoning bylaws. They are the people who should be served; they're not the people who should be harassed and bothered.

MR. DEPUTY CHAIRMAN: Mr. Mercier.

MR. MERCIER: Mr. Chairman, I've had no request from the city to consider an increase in the maximum amount of the fines but I am prepared to review that with the city and see what their views would be of an increase in the fines under this section.

MR. CORRIN: Just for once, Mr. Chairman, I know that we have to be very conscientious and conscious of our responsibility to dialogue and communicate with civic officials, but I would like to remind the Honourable Attorney-General that one can go sometimes too far.

I would suggest to him that sometimes one indeed has to exercise independent discretion and judgment and although the consultative approach is by far the one that's most appropriate, I think occasionally it would be — and I'm making this point because I, of course, have strong feelings about the whole block-funding idea and the whole idea of total civic autonomy and what that means — I think occasionally the people who are responsible, in this case the Attorney-General, for the natural rights of the citizenry at large, do indeed have to take initiatives within their own field. Civic officials are not elected to take into consideration the rights of due process and justice within the system. It's a decision that I've asked the Attorney-General to make because it is he who will be deprived of the fine monies, not city hall officials but the Attorney-General's Department will be deprived of the monies that are recovered on fine and it is the Attorney-General who makes decisions as to what is an appropriate fine and I wish for once, Mr. Chairman, we would have a little action around here.

MR. DEPUTY CHAIRMAN: Page 1 — pass.

Ms. Westbury.

MS. WESTBURY: On a point of order, do we have a quorum? Is ten a quorum?

MR. DEPUTY CHAIRMAN: I believe we do. I'm told that a quorum is 16; it was 16 when I took the Chair. I'm not sure if we have 16; it's hard to keep track of people in the room at this time.

MS. WESTBURY: . . .we waited for a long time, because we only had 12 or 13 here.

MR. CHAIRMAN: Ms. Westbury, it's my belief that we have a quorum. Let's proceed.

Page 1 — pass; Page 2 — there's an amendment I believe.

MR. CORRIN: On a point of order, Mr. Chairman, we don't have the 16 members. I think we can continue to discuss matters and debate matters but I think it would be very wrong for us to actually vote on specific items. I don't think we have the legislative jurisdiction to do that, if we lose our quorum. We can continue to talk, I think; I don't think we'd do any harm by talking, but we can't vote. —(Interjection)— But we have to vote on these provisions.

MR. DEPUTY CHAIRMAN: Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, on a point of order, I think that when we started, we did have a quorum. There are people around and we've always allowed the committees to continue even if the amounts required for quorum weren't sitting quite at the table but they are within earshot and I think that this has always been allowed as being part of the quorum.

MR. DEPUTY CHAIRMAN: Mr. Corrin.

MR. CORRIN: On that point, I don't want to be a stickler for order or procedure, Mr. Chairman, but I think in all fairness there is a responsibility on the part of the government, certainly before it passes legislation, to have a majority. As long as we don't vote and those people come prior to any voting, I think we can continue to discuss the various provisions and then go back and reflect on them all by way of passage.

MR. DEPUTY CHAIRMAN: I think that the suggestion made by Mr. Corrin seems to be very practical. —(Interjection)— Order. You've said more than enough already, Mrs. Westbury. I think we should proceed at this point. If there is a situation where there's need for a vote and the committee disagrees on something, we can certainly decide what to do at that time.

Page 1 — pass; Page 2 — I believe there's an amendment.

Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move that Bill 42 be amended by adding thereto, immediately after section 7 thereof, the following section:

Clause 156(2)(a) repealed and substituted.

7.1 Clause 156(2)(a) of the Act is repealed and the following clause is substituted therefor:

(a) in respect of the construction of the new building or the addition and until the building or a part thereof, or the addition or a part thereof, is substantially completed and

(i) is capable of being and is reasonably fit to be occupied and used for purposes other than the construction thereof, or

(ii) is occupied or used for purposes other than the construction thereof, or.

MR. RAE TALLIN: This is an amendment which is the same as one brought into The Municipal Assessment Act and the City Assessor said that it would be preferable to have it in The City Act as well, so it would affect city assessments and I believe this was distributed at the time the bill was given second reading.

MR. MERCIER: That's right. It was referred to — Mr. Chairman, in fact when The Municipal Act was introduced, I was asked, after a question by a member of the Opposition — I forget who it was at this particular point, I'm sorry — but I indicated then our bill had been printed and distributed and I indicated at the introduction of this bill that we would be bringing forward this amendment at the Committee stage.

MR. DEPUTY CHAIRMAN: Mr. Corrin.

MR. CORRIN: My question to the responsible Minister, Mr. Chairman, is why is it preferable? There must be a political reason why it is preferable, well political in the sense of a reason, a principle of philosophy, small "p" political or capital "P" political.

MR. MERCIER: Well, it's a fairly technical amendment, Mr. Chairman, but I think it's self-explanatory. The concern was, when The Municipal Act was introduced, that these buildings, unless this provision was in the Act, could not be assessed and it's to allow them to be assessed where they're substantially completed.

MR. CORRIN: Just as a matter of interest, what is the defect that is trying to be remedied? Let's approach it from that point of view. What are we trying to do? What are we trying to prevent? How are we going to enhance the state of the civic administrative service?

There has to be a purpose for this particular legislation.

MR. MERCIER: Mr. Chairman, without this, my understanding is that you could have, for example, a shopping centre not completely occupied but you could have part of it occupied and being used but not assessable until the whole project was completed. It arose in The Municipal Act, I guess, firstly because there was a court case involving the interpretation of the legislation.

MR. CORRIN: I thank the Attorney-General for his explanation.

MR. DEPUTY CHAIRMAN: Page 2, as amended — pass; Page 3 — pass; Page 4 — pass; Page 5 — pass.

MR. CORRIN: Mr. Chairman, on the point of order about the quorum, we are imperilling — as I understand it, we are imperilling the legislation. It is recorded in Hansard that there is no quorum present.

MR. DEPUTY CHAIRMAN: Mr. Corrin, I believe that a count, if it was taken at this moment, would show we had a quorum, plus one or two members, to be exact, so before any legislation was passed, we had a quorum, or before any votes were taken.

MR. CORRIN: You are right, Mr. Chairman, there is now a quorum in the room.

MR. DEPUTY CHAIRMAN: We have Page 5 passed; Page 6 — I believe there's an amendment — (Interjection)— No, okay. Page 6 — pass; Page 7 — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move that the proposed subsection 494.04(6) of The City of Winnipeg Act as set out in section 21 of Bill 42 be amended by striking out the figure "(3)" in the 2nd line thereof and substituting therefor the figure "(5)."

MR. DEPUTY CHAIRMAN: Page 7, as amended — pass; Page 8 — Nr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move that the proposed clause 494.07(a) of The City of Winnipeg Act as set out in Section 21 of Bill 42 be amended by striking out the word "designated" in the 1st line thereof and substituting therefor the word "designating."

MR. DEPUTY CHAIRMAN: Page 8, as amended — pass; Page 9 — pass; Page 10 — Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I move that section 28 of Bill 42 be amended by striking out the word and figures "December 31, 1980" and substituting therefor the word and figures "January 9, 1981."

MR. DEPUTY CHAIRMAN: Page 10, as amended — pass; Preamble — pass; Title — pass; Bill be Reported — pass.

Members of the committee, we are now considering Bill 52.

BILL NO. 52 — AN ACT TO AMEND THE INSURANCE ACT

MR. DEPUTY CHAIRMAN: Page 1 — Mr. Kovnats, with an amendment.

MR. KOVNATS: Mr. Chairman, I move that Bill 52 be amended by adding thereto immediately after section 3 thereof the following section: Clause 148(o) repealed — 3.1, Clause 148(o) of the Act is repealed.

MR. DEPUTY CHAIRMAN: Page 1, as amended — (Interjection)

MR. FILMON: Mr. Chairman, because we have redefined the definition of life insurance in this Act, this section 148(o) carries a different definition. We don't require this second definition in the Act, since it already appears under definitions, so we're just repealing this section to remove something that contradicts with the new definition we have adopted.

MR. DEPUTY CHAIRMAN: Page 1, as amended — pass; Page 2 — pass; Page 3 — pass; Preamble — pass; Title — pass; Bill be Reported — pass.

That leaves us with Bill 57.

BILL NO. 57 — AN ACT TO AMEND THE TEACHERS' PENSIONS ACT

MR. DEPUTY CHAIRMAN: Are there any amendments to this bill?

MR. TALLIN: There is a correction, if I could treat it as a correction instead of an amendment. On the first section of the bill where it says strike out the words "school area" in the last line thereof, it should be in the "first line" thereof.

MR. JENKINS: What was that again, please?

MR. TALLIN: In Section 1 where it says the last line thereof, it should be the first line thereof; we've got the wrong line in place.

MR. DEPUTY CHAIRMAN: Is that acceptable to the members of the committee, that we treat that as a correction? (Agreed)

Page 1, as corrected — pass; Page 2 — pass; Page 3 — pass; Page 4 — pass; Preamble — pass; Title — pass; Bill be Reported — pass.

Unless I am mistaken, I believe that the committee's work is finished for today.

Committee rise.