

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON MUNICIPAL AFFAIRS**

Thursday, 11 June, 1987

**TIME — 8:00 p.m.**

**LOCATION — Winnipeg, Manitoba**

**CHAIRMAN — Mr. S. Ashton (Thompson)**

**ATTENDANCE — QUORUM - 6**

*Members of the Committee present:*

Hon. Messrs. Bucklaschuk, Harapiak (The Pas), Lecuyer, Plohman and Storie  
Messrs. Ashton, Brown, Cummings, Driedger, Pankratz and Santos

**APPEARING:** Mr. R. Klapecki, City of Winnipeg

Hon. Mr. Cowan

Messrs. Downey, Rocan

**MATTERS UNDER DISCUSSION:**

Bill No. 6 - The Emergency Measures Act;

Bill No. 12 - An Act to amend The Highways and Transportation Department Act;

Bill No. 22 - An Act to amend The Water Resources Administration Act and The Real Property Act;

Bill No. 23 - An Act to amend The Highway Traffic Act.

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**MR. CHAIRMAN:** The Committee on Municipal Affairs will come to order.

We have a number of bills before the committee. We have a quorum, yes, and we also have one presentation. Could we deal with the presentation first? (Agreed)

**BILL NO. 6 - THE EMERGENCY MEASURES ACT**

**MR. CHAIRMAN:** Mr. Klapecki, from the City of Winnipeg Law Department.

**MR. R. KLAPECKI:** I'll be very brief.

Mr. Chairman and members of the committee, I've been directed by the Executive Policy Committee of the City of Winnipeg to speak to you just very briefly in regard to The Emergency Measures Act that's before you.

I have had the opportunity, just moments ago, of speaking to the Executive Director of Government Services, who had couriered a letter to the mayor today covering some of the concerns that the city had in respect to The Emergency Measures Act.

So none of this stuff that I'm saying to you may be new and you probably already are going to correct

what we had a concern about. But what we wanted to put on the record was simply that we wanted the act to concern itself as well with emergencies such as imminent strikes and things like this that are very important to a local authority. We wanted it to be considered in amendment to the bill because, as it now reads, it talks about accidents and disasters in the name of "force majeure," or forces of nature.

Our concern of course is that, where you would have a threatened withdrawal of public sector services, which might be things like the hospital staff work stoppages or perhaps ambulance service strike or water distribution or sewage treatment, problems of that kind where people go on strike and we might have a contagion or things like that.

You do address in the bill such things as loss of life, serious harm or damage or safety to health and welfare of people or, say for example, widespread damage to the environment and property, and I think this can evolve from a situation of an apprehended strike or an imminent strike.

So, we just wanted to put that on the record, that we would like to see The Emergency Measures Act broadened, the bill broadened to cover our concerns. That's really the very brief presentation that I'm making to you.

**MR. CHAIRMAN:** Thank you.

Mr. Driedger, do you have a question?

**MR. A. DRIEDGER:** Are you prepared for a second question?

**MR. R. KLAPECKI:** Yes, if I can answer.

**MR. A. DRIEDGER:** On page 10 of the bill, under "General," the first one, "Recovery of expenditures. Where any expenditure with respect to an emergency or disaster is made by the government of Manitoba to or for the benefit of a municipality, it may be required to pay to the Minister of Finance the amount thereof or such portion thereof and on such terms as may be specified by the Lieutenant-Governor-in-Council."

Do you have any concern about that section at all?

**MR. R. KLAPECKI:** I have had no direction in respect to speaking on that item. It's not in any of the matters that I have been directed to present to the committee.

**MR. A. DRIEDGER:** The reason I raise that question, and now I'm not quite sure of this. Through the interpretation, my understanding, when I read that was that, based on the general bill, if the authority under this act declares an emergency somewhere along the line, my concern in this area is that if all of a sudden the government decides, well, the municipality maybe was too hasty in declaring an emergency and any expenditures that were incurred because of that, makes

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them turn around and say we don't feel it was necessarily an emergency and we will now bill you for that. That could apply to a rural municipality, a town, and I have some concern about that.

It might not be a problem but, in my mind, I have some difficulty with that, having been exposed to circumstances at the local government district level, for example, where there was that flood situation that developed in the area in the Village of Vita. I raised this during the debate on Second Reading, and I'm just wondering whether there's any concern at all in this area so that should be raised. I understand in the amendments - there's a raft of them there - (inaudible)

**MR. R. KLAPECKI:** I regret I can't offer a position from the city on that. I just don't have any directions on that.

**MR. CHAIRMAN:** Any further questions, Mr. Driedger?

**MR. A. DRIEDGER:** No, thank you.

**MR. CHAIRMAN:** Thank you for your presentation.

**MR. R. KLAPECKI:** Thank you very much, Mr. Chairman.

**MR. CHAIRMAN:** That concludes the public presentations before the committee that we have notice of. Is there anybody else wishing to make a presentation? There's nobody else wishing to make a presentation.

We'll move to consideration of the various bills.

The first one is Bill No. 6, The Emergency Measures Act. Package-by package? Line-by-line? What is the will of the committee?

Mr. Driedger.

**MR. A. DRIEDGER:** Mr. Chairman, there's a comment I want to make. When we look at the bill itself and we look at the amendments - (inaudible) - By moving these many amendments, and we have copies of the amendments, virtually every section is being amended. I'm wondering if there would be some inclination to maybe take and pull this bill back and let's have another look at the thing because obviously, Mr. Chairman, you have the amendments in front of you, as well, and there are just scads of them.

**MR. CHAIRMAN:** The Chair does not have a copy of the amendments. Perhaps the member would be so kind as to provide a copy to the Chair.

Thank you, I now have a copy.

**MR. A. DRIEDGER:** I'm just wondering, Mr. Chairman, I notice - (inaudible) - Obviously, there is some difficulty in this respect - (inaudible) - my remarks, I'm just wondering because obviously it was a poorly drafted bill when you have to come up with that many amendments. Something is not quite right here. I have some reservations, in terms of proceeding with the passing of a bill of this nature, when we amend virtually every clause.

I want to ask the Minister whether he would consider maybe that we should withdraw the bill temporarily,

not deal with it today, to allow - you know, because we just got copies of the amendments now, we haven't really had time to assess it - whether we could maybe take it and hold this bill, because there will be other committees meeting again. There may be time to reassess the position of the bill. Like I say, the bill was passed in the Second Reading, and we think there are lots of qualifications for a bill of this nature, but we're not quite sure that we should allow this bill to proceed at this stage of the game until we've had a chance to really assess the effect of all those amendments.

**MR. CHAIRMAN:** Mr. Harapiak.

**HON. H. HARAPIAK:** I think if you would look at the amendments, most of them are minor amendments. We have distributed a copy of this bill to the critic, so he's had an opportunity to look at it.

If you look at it, most of the changes are cosmetic. Eleven of the changes are "preparedness." The word "preparedness" was missed out in the printing of the bill. They are really fairly minor amendments. I don't think it would take that long to move all the amendments.

**MR. CHAIRMAN:** It appears there is no disposition to withdraw the bill. Perhaps we could make some sort of decision as a committee as to how we wish to proceed in terms of considering the bill and the amendments before us.

Mr. Driedger.

**MR. A. DRIEDGER:** Mr. Chairman, I don't want to belabour this necessarily. As I say, there's a consensus on the side of the Opposition to proceed with the bill generally, but a lot of concern, for instance, with being able to contend with 21 amendments. I feel that you're maybe moving a little hastily on this, and I'm sure the government doesn't want to make any mistakes in doing this.

I feel that we should maybe hold the bill over at this stage of the game and allow further study on that for the simple reason, in all fairness to everybody, the government as well as the Opposition, so that there could be more deliberation done in terms of looking at this bill. I just feel uncomfortable about going through 21 amendments at a time like this, then passing a bill where we generally have consensus on. I think there are valid reasons to maybe take a little time.

**HON. H. HARAPIAK:** The Member for Emerson should take into consideration that many of these amendments are being brought forward because of recommendations that were made by members during discussion or debate in the House. I would think that, after taking into consideration some of the changes that were put forward in suggestions by your members during debate, that's why many of the amendments have been put forward.

**MR. CHAIRMAN:** Mr. Storie.

**HON. J. STORIE:** Mr. Chairperson, I think it would be a little presumptuous of us or the committee or individual members to assume that, because there are

a long list of definitions, they were substantive. Obviously, many of them are technical in nature. The work of this committee is to review both the bill and the amendments that are brought forward. I would suggest that we get on with the business of the committee.

**MR. CHAIRMAN:** The Chair is still awaiting some direction as to how members of the committee wish to proceed.

**HON. H. HARAPIAK:** Proceed with amendments.

**MR. CHAIRMAN:** Page-by-page or clause-by-clause? What is the preference?

**A MEMBER:** Clause-by-clause.

**MR. CHAIRMAN:** Clause-by-clause?. Okay.  
Bill No. 6. Definitions - Mr. Santos.

**MR. C. SANTOS:** I move an amendment:  
THAT the definition of "civil emergency" set out in section 1 of Bill 6 be struck out.

**MR. CHAIRMAN:** There's an amendment to the Definition section, section 1. Is that agreed?

**MR. C. SANTOS:** I understand I have to read the French version, also.

**A MEMBER:** No.

**MR. C. SANTOS:** Consider it read.

**MR. CHAIRMAN:** Consider it read, yes.  
Is there agreement on that? (Agreed)

**MR. C. SANTOS: MOTION:**  
THAT the definition of "disaster" set out in section 1 of Bill 6 be struck out and the following definition be substituted therefor:  
"disaster" means a calamity, however caused, which has resulted in or may result in:  
(a) the loss of life; or  
(b) serious harm or damage to the safety, health or welfare of people; or  
(c) wide-spread damage to property or the environment ("sinistre").  
The French version is considered as read.

**MR. CHAIRMAN:** Is there agreement on that? (Agreed)  
Next amendment in this section - Mr. Lecuyer.

**HON. G. LECUYER:** I want the record changed. French version considered as printed, not as read. It wasn't read.

**MR. CHAIRMAN:** Thank you for that.  
Mr. Rocan.

**MR. D. ROCAN:** Mr. Chairman, to the Minister, disaster means a calamity. Would he not give any consideration to replacing "caused by accident or by the forces of nature" with "however caused"?

**HON. H. HARAPIAK:** I believe that you are referring to the cause of a labour strike. I think that our labour legislation takes into consideration any strikes that may be caused by labour, and it is not necessary to include this in the Emergency Measures Bill.

**MR. D. ROCAN:** It could have, as another amendment.

**MR. CHAIRMAN:** We're dealing with the amendment that was proposed by Mr. Santos. Is there agreement on that? (Agreed)  
Next amendment - Mr. Santos.

**MR. C. SANTOS: MOTION:**  
THAT the definition of "emergency" as set out in section 1 of Bill 6 be struck out and the following definition be substituted therefor:  
"emergency" means a present or imminent situation or condition that requires prompt action to prevent or limit  
(a) the loss of life; or  
(b) harm or damage to the safety, health or welfare of people; or  
(c) damage to property or the environment ("situation d'urgence").

**MR. CHAIRMAN:** Mr. Cummings.

**MR. G. CUMMINGS:** Mr. Chairman, in the changing of these definitions, have we not effectively blocked the presentation which the city just made tonight?

**HON. H. HARAPIAK:** You're referring to in the event of a strike?

**MR. G. CUMMINGS:** That's right.

**HON. H. HARAPIAK:** There are ways to look after a strike in our labour bills in this province, and we don't feel that it is necessary to have the Emergency Measures organizations address this area.

**MR. A. DRIEDGER:** Mr. Chairman, I think that raises some concern. Obviously, the City of Winnipeg, when making their presentation, felt concerned about this aspect of it.

Let's just envision if, for example, the fire department goes on strike or the police department goes on strike, can the Minister indicate what is the backup plan in place if this happens in terms of an emergency? Can that be termed an emergency under this? The way it is classified now, that would not necessarily qualify under Emergency Measures. Could the Minister maybe clarify how he proposes that this would be dealt with then?

**HON. H. HARAPIAK:** Under our labour legislation, we have the authority to legislate them back in the event of a strike in the area of critical services. We would legislate them back under the labour legislation. It does not fall under the area of the Emergency Measures Organization.

**MR. A. DRIEDGER:** First of all, with this government, I don't necessarily have the faith that they would take

that approach. That is, I think, why the city basically raised the concern about that. For example, if the government refused to move on this bill or on the aspect of legislating essential services - by that, I'm talking of fire fighters, police services, etc.- if the government would refuse to move, it was my impression that the city or municipality could then designate an emergency and this is what actually is being removed. That's my understanding, that the reclassification here removes that authority from them, and I think that is a definite weakness in there. Maybe somebody can clarify that to our satisfaction.

**HON. H. HARAPIAK:** Labour strikes come under The Labour Relations Act of this province, and this is not meant to deal with disasters of that type. So I think it just doesn't fall under that area of responsibility.

**MR. A. DRIEDGER:** Mr. Chairman, let's just - and hopefully it will never happen - but supposing that the fire department would go on strike and we had, or the police department, both of which are very essential services, supposing that we had a major disaster string, for example, a tornado with fire and all the ramifications of a situation of that nature, and these departments were on strike. How would the City of Winnipeg, for example, or a community or a town, whatever the case may be, be able to clear a disastrous situation if this is being removed from that? Those are the key people that could control a situation. The police department and fire department are the most crucial ones in a situation of that nature.

If we look at it realistically, that has been removed. How would somebody deal with that? I feel very concerned and I ask the Minister whether he could, you know - so they're on strike and something happens. How does a city or a town or a village deal with a situation of that nature?

**HON. H. HARAPIAK:** It is my understanding that, if there was an emergency that arose because of a strike, we would be dealing with the effects of a strike. So if a strike was causing some emergency, then we would deal with the effects of a strike. We would not deal with the causes of a strike.

**MR. A. DRIEDGER:** I'm not concerned about, you know, the strike aspect of it. Supposing that a tornado - and I've been exposed to that and that's why I'm concerned about that - and we have these departments on strike, how does the municipality then declare an emergency where they can motivate all the necessary forces to come into place when the fire department and the police department would be on strike? That is a major concern because how do you deal with it at that stage of the game? That has to be dealt with immediately. Life is at stake, property is at stake and we're saying, well, we can now legislate.

We'll call the Session back and then we will legislate these people back to work to deal with an emergency situation. Uh-uh. No, no. You know there has to be something more precise on this thing. I mean, that's what this act is all about, to make provision for municipalities to declare a disaster. That is my interpretation and, if I am wrong, I stand to be corrected.

**HON. G. LECUYER:** Mr. Chairman, there is a clause under 11(1) and 11(2) which enables the municipality, and under 11(2) a reeve or a mayor to declare a state of emergency for 14 days.

Secondly, the wording of the present definition that we are reading now, if you take the clause 11(1) and then accept the amendment that's being proposed as reading, "means a present or imminent situation or condition that requires prompt action to prevent or limit any of the following." So clause 11, with this definition, provides the municipality with the powers that the member is seeking now.

**MR. CHAIRMAN:** Mr. Pankratz.

**MR. H. PANKRATZ:** Mr. Chairman, actually you are eliminating duplication. Is that what your intention is?

**MR. H. HARAPIAK:** I guess we've mentioned earlier that, if there is a strike, we will deal with the effects of the strike. If the strike is causing an emergency, we will deal with it, but that still doesn't permit us to deal with the causes of the strike. We can deal with the effects of the strike. There are clauses in here, as Mr. Lecuyer has pointed out, to deal with those effects. If there's a tornado, we can still call them in and deal with the effects of the tornado.

**MR. CHAIRMAN:** Seeing no further discussions or agreement on this amendment—pass.

Move then to section 2 -(Interjection)- Pardon me, we have one more amendment.

Mr. Santos.

**MR. C. SANTOS:** We have to pass all of section 1 first, before we proceed.

**MR. CHAIRMAN:** No, the proper thing would be to move the amendment. Then we would pass section 1 following any amendments made to section 1. Please proceed with the amendment.

Section 1, as amended—pass; section 2, as amended—pass.

Section 3, I believe there is an amendment - Mr. Santos.

**MR. C. SANTOS:** MOTION:

THAT section 3 of Bill 6 be amended by adding thereto immediately after the word "emergency" in the 8th line thereof, the word "preparedness," and that the French version as printed be considered as read.

**MR. CHAIRMAN:** As printed, I believe is the proper wording. Is there any discussion on this particular amendment? Seeing no discussion—pass.

Section 3, as amended—pass; section 4—pass; section 5—pass.

Section 6, there are amendments - Mr. Santos.

**MR. C. SANTOS:** I move

THAT clause 6(a) of Bill 6 be struck out and the following clause be substituted therefor:

(a) concerning the establishment, modification and approval of emergency preparedness plans and programs.

**MR. CHAIRMAN:** And the French version . . .

**MR. C. SANTOS:** The French version as printed.

**MR. C. SANTOS:** Another motion.

**MR. CHAIRMAN:** Pass.  
Mr. Santos.

**MR. CHAIRMAN:** I believe there's another amendment.  
Mr. Santos.

**MR. C. SANTOS:** MOTION:

**MR. C. SANTOS:** MOTION:

THAT the French version of clause 6(b) of Bill No. 6 be amended by striking out "de mesures" and substituting therefor "des preparatifs."

THAT clause 8(e) and (f) of Bill 6 be repealed and the following clauses be substituted therefor:

(e) may enter into mutual aid agreements with the government, any local authority, any department or any person with respect to the establishment, development or implementation of emergency preparedness plans and the conduct of emergency operations;

**MR. CHAIRMAN:** Discussion? Pass? Section 6, as amended—pass.  
Section 7 - Mr. Santos.

(f) may expend such sums as may be required in the establishment, development or implementation of the emergency preparedness plans and programs.

**MR. C. SANTOS:** Section 7.

MOTION:

THAT section 7 of Bill 6 be amended by adding thereto immediately after the word "emergency" where it appears in the 9th, 15th, 18th, and 22nd lines thereof, in each case, the word "preparedness."

I move section 7, as amended.

**MR. CHAIRMAN:** And the French version, as printed—pass.

**MR. C. SANTOS:** Section 8, as amended.

**MR. CHAIRMAN:** Is there agreement on the amendment first? (Agreed) And the French as printed?

**MR. D. ROCAN:** Under 8(e), I believe they've changed it so "local authority" now reads what?

**MR. C. SANTOS:** As printed.

**HON. H. HARAPIAK:** This permits entering into mutual aid agreements between the private sector and municipality to municipality and also municipality to the private sector.

**MR. CHAIRMAN:** Pass; section 7—pass.  
Section 8 - Mr. Santos.

**MR. D. ROCAN:** Isn't that too restrictive? Could it not be something - like what about school divisions and a second industry or whatever? Could that not be included?

**MR. C. SANTOS:** MOTION:

THAT section 8 of Bill 6 be amended by adding thereto immediately after the word "emergency" in each case where it occurs in clauses (a) and (d) thereof the word "preparedness."

**HON. H. HARAPIAK:** That's covered under persons. Under persons, it's a legal description.

**MR. CHAIRMAN:** That's moved and also the French version as printed. Agreement? (Agreed)  
Mr. Santos.

**MR. CHAIRMAN:** There's agreement then on that particular amendment.  
Section 8—pass.

**MR. C. SANTOS:** MOTION:

THAT section 8 of Bill 6 be further amended by striking out the word "organization" in the 7th and 9th lines thereof and substituting therefor in each case, the words "control group."

**MR. C. SANTOS:** Section 8, as amended—pass.

**MR. CHAIRMAN:** And the French version as printed, I take it.

**MR. A. DRIEDGER:** Just a minute, Conrad, you're rushing us here.

**MR. C. SANTOS:** French version, as printed.

**MR. CHAIRMAN:** I believe Mr. Santos' training in terms of Deputy Speakership is showing here, eagerness to facilitate the proceedings, Mr. Driedger.

**MR. CHAIRMAN:** Okay. Pass.  
Mr. Santos.

Section 8—pass.  
Section 9 - Mr. Santos.

**MR. C. SANTOS:** MOTION:

THAT clause 8(c) of the French version of Bill 6 be amended by striking out "de preparatifs d'urgence et de programmes de mesures" and substituting therefor "et de programmes de preparatifs."

**MR. C. SANTOS:** MOTION:

THAT section 9(1) of Bill 6 be amended by adding thereto immediately after the word "emergency" in each case where it appears in the 4th and 5th lines thereof, the word "preparedness."

**MR. CHAIRMAN:** With the French version, as printed?

**MR. CHAIRMAN:** And the French version as printed?

**MR. C. SANTOS:** The French version as printed.

**MR. D. ROCAN:** I wonder if the Minister could explain to us what emergency plans right now. Are these provincial plans or local groups?

**HON. H. HARAPIAK:** These are plans for the municipalities at the local level and, also, we're changing the heading from Civil Emergency to Emergency Response as well.

**MR. D. ROCAN:** What are some of the guidelines that they've set up for the local authorities now, for their plans? Are there any guidelines?

**HON. H. HARAPIAK:** The guidelines have been distributed to all the municipalities. We have sample plans which we take down and show to each municipality as they're organizing. They have copies of them, and there will be training sessions. The Emergency Measures people will be going out there and assisting them in their training as well.

**MR. D. ROCAN:** When your White Paper was sent out, it was sent out to all municipalities? Have you missed any at all?

**HON. H. HARAPIAK:** That is correct, every municipality was sent a copy of the White Paper.

**A MEMBER:** We hope.

**MR. D. ROCAN:** I don't think so.

**MR. H. PANKRATZ:** - (inaudible) -

**HON. H. HARAPIAK:** It is compulsory. We don't have a time frame for them to be prepared, but as long as they are in the stage towards being prepared for emergencies, then there's no requirement - 80 percent of the municipalities presently have emergency plans in place already. Once this is declared, it won't mean that everybody will have to, at this time, have a plan in place. They will have an opportunity to continue to prepare at the pace that they can be prepared in.

**MR. H. PANKRATZ:** What is the time frame on that, that will be allowed for these 20 percent of these municipalities to get involved?

**HON. H. HARAPIAK:** Two to three years.

**MR. CHAIRMAN:** Any further discussion on this particular amendment—pass.  
Mr. Santos.

**MR. C. SANTOS:** MOTION:  
THAT subsection 9(2) of Bill 6 be amended by adding thereto immediately after the word "emergency" in each case, where it appears in the 6th and 7th lines thereof, the word "preparedness."  
The French version, as printed.

**MR. CHAIRMAN:** Any discussion—pass.  
We move to subsection 10 - Mr. Santos.

**MR. C. SANTOS:** Mr. Chairman, have we passed subsection 9, as amended?

**MR. CHAIRMAN:** Pardon me, you are correct. Subsection 9, as amended—pass.  
Subsection 10 - Mr. Santos.

**MR. C. SANTOS:** MOTION:  
THAT subsection 10(4) of Bill 6 be amended by striking out the words "continue to" in the 8th line thereof.  
The French version, as printed.

**MR. CHAIRMAN:** The amendment as moved—pass.

**MR. C. SANTOS:** Section 10, as amended, Mr. Chairman.

**MR. CHAIRMAN:** Section 10, as amended—pass.  
Section 11 - Mr. Santos.

**MR. C. SANTOS:** MOTION:  
THAT subsection 11(2) of Bill 6 be amended by striking out the word "shall" in the 5th line thereof and substituting therefor the word "may."  
The French version, as printed.

**MR. CHAIRMAN:** Any discussion? If not—pass.  
Mr. Santos.

**MR. C. SANTOS:** MOTION:  
THAT subsection 11(3) of Bill 6 be struck out and the following subsection be substituted therefor:  
Declaration to identify area.  
11(3) Every declaration made under subsection (1) or (2) shall identify the emergency or disaster, state the area in which it exists and the local authority or the mayor or reeve, as the case may be, shall cause the details of the declaration to be communicated forthwith to the Minister.

**HON. H. HARAPIAK:** This is one of the areas that the Member for Turtle Mountain expressed concern over and that is why we are making the amendment, to correct the problem that he raised at that time.

**MR. CHAIRMAN:** Once again, the French version, as printed.

**MR. C. SANTOS:** The French version, as printed.

**MR. D. ROCAN:** Forthwith, is that hours, days, weeks?

**HON. H. HARAPIAK:** It means right now.

**MR. D. ROCAN:** If it means right now, how are you going to do it?

**HON. H. HARAPIAK:** By phone call.

**MR. D. ROCAN:** If the telephone poles are down?

**HON. H. HARAPIAK:** Whatever means of . . .

**MR. CHAIRMAN:** Could I ask members to wait for recognition, so that we can record this discussion for Hansard?

Mr. Rocan.

**MR. D. ROCAN:** If we have a postal strike, we can't mail it. If the telephones are out, what else have we got?

**HON. H. HARAPIAK:** In the event of an emergency, then we would have to be using a courier service. In the event of an emergency, the police would be involved or the Emergency Measures Organization, or some organization of that sort could be utilized.

**MR. CHAIRMAN:** Pass, on this amendment.  
Mr. Santos, again.

**MR. C. SANTOS:** MOTION:

THAT subsection 11(5) of Bill 6 be struck out and the following subsection be substituted therefor:

Extension of duration of declaration.

11(5) A declaration made under subsection (1) or subsection (2) may, if necessary, be extended with the approval of the minister for further periods of 14 days each, in which case subsections (3) and (4) apply.

**MR. CHAIRMAN:** Any discussion? Seeing no discussion—pass.

Subsection 11, as amended.

**MR. C. SANTOS:** French version, as printed, Mr. Chairman, amended as printed.

**MR. CHAIRMAN:** Yes, as printed. Subsection 11—pass.  
Subsection 12 - Mr. Driedger.

**MR. A. DRIEDGER:** These amendments, are we sure that they are going to be transcribed properly in French? I rely on the Minister of the Environment that those things are being done properly in that respect, because I wouldn't know.

**HON. G. LECUYER:** Mr. Chairman, for the benefit of the member, wherever there is an amendment on the English side, there's also an amendment on the French side that appears here on the amendment list.

**A MEMBER:** How do we know it fits?

**HON. G. LECUYER:** We'll have to put faith in the translator.

**MR. CHAIRMAN:** Members will either rely on the translator or else improve their own French, I think, in order to answer that question fully.

Subsection 11, once again, was passed.

Subsection 12 - Mr. Santos.

**MR. C. SANTOS:** MOTION:

THAT clause 12(a) of Bill 6 be amended by adding thereto immediately after the word "emergency" therein the word "preparedness."

French version, as printed.

**MR. CHAIRMAN:** So moved—pass.  
The next item.

**MR. C. SANTOS:** MOTION:

THAT clause 12(b) of Bill 6 be amended by striking out the words "acquire or" on the 1st line thereof.

French version amendment, as printed.

**MR. CHAIRMAN:** Pass. Subsection 12, as amended—pass.

Mr. Rocan, on 13.

**MR. D. ROCAN:** In the bottom there it says, "in accordance with such guidelines as may be approved by the Lieutenant-Governor-in-Council." How about the actual value at the time of the loss?

**HON. H. HARAPIAK:** We would get the Disaster Board involved in that. They would be approving the value of it, and they would approve the value of loss.

**MR. D. ROCAN:** Then it would be up to the Disaster Board to say that my barn was worth "X" number of dollars or whatever they had to bulldoze down.

**HON. H. HARAPIAK:** Yes, that's presently the way it's done, and will be continued to be done under the new act.

**MR. A. DRIEDGER:** Mr. Chairman, to the Minister, is there an appeal system in place? For example, if the board decides that the barn is worth \$500, and the individual says it's worth \$2,500, is there any appeal system that's in place where somebody who is not happy with the decision of the board can appeal that?

**HON. H. HARAPIAK:** Yes, we have had examples of where people were not happy with the results of the Manitoba Disaster Assistance Board and we have appointed a committee to look at it. There have been times when they have been changed.

**MR. A. DRIEDGER:** Who appoints the committee?

**HON. H. HARAPIAK:** The Minister.

**MR. CHAIRMAN:** Once again, sections 13 to 16, inclusive, were each read and passed.  
Section 17 - Mr. Rocan.

**MR. D. ROCAN:** Under the Disaster Assistance Board, what are some of the guidelines for these board members? Can anybody become a board member there or what? Are they appointed by the government?

**MR. A. DRIEDGER:** You have to have an NDP membership card.

**HON. H. HARAPIAK:** We look for people who have had some experience in municipal works. I guess presently we have people who have been involved in the Emergency Measures work; they have worked as

volunteers in previous organizations. I'm sure that the Member for Emerson, when he's finished with his political career, would make an excellent representative on the Disaster Board.

**MR. A. DRIEDGER:** Well, I don't know. You just have to retract some of the comments there.

**MR. D. ROCAN:** Are these permanent positions on that board?

**HON. H. HARAPIAK:** No, they are not permanent. They are appointed by the Minister.

**MR. CHAIRMAN:** Once again, section 17—pass; section 17, in its entirety—pass.  
Section 17(3) - Mr. Rocan.

**MR. D. ROCAN:** Where "The members of the board shall hold office for such term as may be fixed in the order of appointing them and thereafter until their successors are appointed."

**HON. H. HARAPIAK:** Well, I guess they are appointed for such terms of office as O/C's. Most board appointments are appointed the same way. When they see fit to make a change, the Cabinet may appoint these people and, once they see a need to see change, then they make a change.

**MR. D. ROCAN:** You wouldn't want to delete all of section 17(3), would you? -(Interjection)- Well, we've done everything else; we've done 21 of them.

**HON. H. HARAPIAK:** It is consistent with the other boards and other acts, as well, so I think it's consistent with other acts that apply.

**MR. CHAIRMAN:** Can we continue with section 17 then, assuming that 17(3) is passed. Any further items on section 17—pass.  
Section 18 - Mr. Rocan.

**MR. D. ROCAN:** He's got, "Application of The Workers Compensation Act."

**MR. CHAIRMAN:** That's section 19. Can we pass section 18 first? Pass.  
Section 19, there is an amendment. Perhaps if we could move that first - Mr. Santos.

**MR. C. SANTOS: MOTION:**  
THAT section 19 of Bill 6 be struck out and the following section be substituted therefor:  
Application of The Workers Compensation Act.  
19 The provisions of The Workers Compensation Act with respect to the payment of compensation to injured workers apply to a volunteer who is required to or takes action in an emergency or disaster, or is engaged in emergency preparedness.  
The French version amendment, as printed.

**HON. H. HARAPIAK:** I'd like to take this opportunity to thank Mr. Rocan for bringing to my attention the

problems with the Workers Compensation. Because of him raising it, we have withdrawn that from the act and it will be covered by an O/C coming to Cabinet dealing with Workers Compensation.

**MR. CHAIRMAN:** I presume then that is passed.  
Section 19, as amended—pass; section 20—pass.  
Section 21 - Mr. Santos.

**MR. C. SANTOS: MOTION:**  
THAT section 21 of Bill 6 be renumbered as subsection (1) thereof and that immediately following renumbered subsection (1) thereof the following subsection be added:  
Provincial plans and programs to prevail.  
21(2) Where there is a conflict between any emergency preparedness plan or program and an emergency preparedness plan or program approved by the Lieutenant Governor in Council, the emergency preparedness plan or program approved by the Lieutenant Government in Council prevails.  
French version of amendment, as printed.

**MR. CHAIRMAN:** Any discussion? Pass.  
Section 21, as amended—pass; section 22—pass; section 23—pass.  
Section 24 - Mr. Santos.

**MR. C. SANTOS: MOTION:**  
THAT section 24 of Bill 6 be struck out and the following section be substituted therefor:  
Commencement of Act.  
24 This Act comes into force on the date it receives the royal assent.  
French version amendment, as printed.

**MR. CHAIRMAN:** Any discussion on the amendment? Pass.  
Section 24, as amended—pass; Preamble—pass; Title—pass.  
Bill be reported.

## BILL NO. 12 - THE HIGHWAYS AND TRANSPORTATION DEPARTMENT ACT

**MR. CHAIRMAN:** Bill 12, An Act to amend the Highways and Transportation Department Act.  
Mr. Plohman is the appropriate Minister.  
Clause, bill-by-bill, or word-by-word?  
I'll proceed the same way. Given that clear direction for the committee, I'll proceed the way we did in the last bill, clause-by-clause.  
Clause No. 1 - Mr. Cummings.

**MR. G. CUMMINGS:** Perhaps you could simplify this a little bit, if the Minister would explain the intention behind the bill whereby we're talking about designated northern areas. We're talking about avoiding discrimination at all cost. We don't want the southern areas to be discriminated against as a result of this.  
My question to the Minister is, if he would give us his explanation of the intent of the division, and whether this is enabling him to make agreements that he was otherwise unable to achieve, or what is the precise intention? The amendments all seem related.



**HON. J. PLOHMAN:** Mr. Chairman, the only difference in 19(1) is the reference to Airport Commission. All the rest of it is in the act. The reference to The Northern Affairs Act and so on, that's just talking about community councils under The Northern Affairs Act. Otherwise, you're dealing with municipalities and other local government districts.

So what we're talking about in 19(1) is the reference to Airport Commission and this will allow us to make grants to the Airport Commissions, not just to municipalities, but those bodies that are set up too. Maybe they're made up of several municipalities. That commission can receive the grant directly without us having to go to an Order-in-Council to do it. So it just facilitates the payment. It's quite technical and really not of monumental significance.

**MR. G. CUMMINGS:** On 19.1(2), the making of grants regarding the community council, do I understand the Minister correctly that this is simply so that those grants from the department can be made directly to community councils, which is not permitted under the former manner that the act was written?

**HON. J. PLOHMAN:** In that section, there was no reference to the transportation for the mobility disadvantaged in rural Manitoba at all in the act. The program was started in 1981 and there was no companion legislation to enable the government to undertake that program and the payment of those grants.

So, it was all being done through a more complicated method and payment by Order-in-Council, who had to go to Cabinet for the authorization of every single one of those grants. This is the legislative authority to operate that program which, I should mention, is operating very well now in about 30 communities throughout Manitoba and very well-received.

**MR. H. PANKRATZ:** Will this allow you to give funding to areas where you are not funding at the present?

**HON. J. PLOHMAN:** No, it doesn't extend, it just streamlines the process for making those payments. An audited financial report is required from the local communities who are operating these programs before the payment is made.

**MR. H. PANKRATZ:** In respect to 19(1), Airport Commissions, these airport commissions, are they not always the municipalities?

**HON. J. PLOHMAN:** No. There are commissions that are set up that may be made up of more than one or two municipalities. The payment is made to that commission, as opposed to the municipalities. That's under the Southern Airports Program, as well as the Northern Airports Assistance Program.

**MR. CHAIRMAN:** Okay. Section 1—pass; section 2—pass; section 3—pass; Preamble—pass; Title—pass. Bill be reported.

Before proceeding, I would just remind members of the Legislature, especially one member, that we do have a non-smoking rule in this committee that is fairly clear.

It would be appreciated by the Chair and, I'm sure, other members of the committee if a certain member could follow that rule. Perhaps we'll pause while that member finds some place to extinguish the cigarette.—(Interjection)—What about the non-smokers' rights? The Chair is enforcing the rule in this particular case. The fact that the Chair is a die-hard non-smoker is beside the fact.

### **BILL NO. 22 - THE WATER RESOURCES ADMINISTRATION ACT AND THE REAL PROPERTY ACT**

**MR. CHAIRMAN:** Bill 22, I'm advised by the Minister that he would prefer to hold this over to the next committee. If there are any questions, perhaps we can see if there are any questions on Bill 22. Perhaps Mr. Harapiak may wish to - the Member for Swan River.

**HON. L. HARAPIAK:** Just a brief comment, if I could, Mr. Chairman. I was in the other committee and I do not have any staff. I wasn't prepared to deal with this bill tonight. There was some missed . . .

**MR. A. DRIEDGER:** Twenty-two.

**HON. L. HARAPIAK:** Bill 22, to amend The Water Resources Administration Act. I'm not sure what issues would arise in dealing with it, but I was not expecting to deal with it tonight.

**MR. A. DRIEDGER:** Certainly most acceptable because, unless there are major changes in there, but certainly we can wait with it next time. The committee will be reading again at various times yet, and we certainly are prepared to wait till next time.

**MR. CHAIRMAN:** So Bill 22 will be held over to the next meeting of the committee.

### **BILL NO. 23 - THE HIGHWAY TRAFFIC ACT**

**MR. CHAIRMAN:** Bill 23, Mr. Plohman again, An Act to amend The Highway Traffic Act. I assume the preference in regard to this bill will once again be to proceed clause-by-clause. (Agreed)  
Clause No. 1—pass.

**MR. CHAIRMAN:** Section 1—pass.

Section 2 - Mr. Cummings. Section 1 is amending section 6(2), so we're on section 1, if you're addressing that item.

**MR. G. CUMMINGS:** Mr. Chairman, is the Minister still bound and determined to carry through with the changes on the plates at this point?

**HON. J. PLOHMAN:** Until such time as I can get some more money, yes.

**MR. G. CUMMINGS:** Has the department considered extending the use of the plates, rather than removal of one in order to achieve the savings that are needed?

**HON. J. PLOHMAN:** Well, Mr. Chairman, we're not removing one plate. As they are damaged and lost and

whatever, when people go for a new plate and they register a car and they need to get licence plates, they'll get one. However, all those vehicles with two plates will continue to have two plates for probably a number of years. We're not going to go taking plates off of cars.

**MR. G. CUMMINGS:** The Minister is carrying it to the extreme. I know they're not going to go out and remove plates from cars, but it seems to me that we have a system that is working well and the safety aspects of which I outlined during my comments in the House, and I question if the department seriously considered other alternatives for money-saving aspects of dealing with the plates and the registration on the vehicles in the province.

**HON. J. PLOHMAN:** Well, Mr. Chairman, the department considers many alternatives when coming forward with proposals to meet the objectives set out for Estimates processes by Cabinet and Treasury Board.

They look at every program and determine whether they feel it can be reduced or there can be things done in a more efficient way, whether savings can be made, and bring them forward for consideration. Then it's up to the Minister and Treasury Board to review the impact of the proposals that are brought forward, I might say, under duress by the department because they don't necessarily - in many cases, they feel that there are some excellent areas to save but, in some areas, they would rather not. But we're looking to save money and to operate efficiently, so we look at all of those.

In this case, it's not something that I wanted to do particularly but, when I weighed it against some of the other options, such as taking another \$200,000 or more out of some safety programs or out of Highways construction budget or out of health care, education, you look at it overall - it seems to me that you can't really argue with this being a lower priority item in terms of having that extra plate on there. The fact is that, every few years, there will be a rather significant saving of about \$1.6 million when it comes time to replace all of the plates when they come up for renewal. That's done about every seven years or so.

So between the two areas of saving, I think that it's a legitimate kind of decision to make. We also consider that this is already in effect without the world coming to an end in other provinces, Prince Edward Island and Quebec and, as well, in about 20 states out of the 50 states in the United States. So it's a widespread practice in North America.

**MR. G. CUMMINGS:** Did the department present figures to show any savings that could be generated by extending the life of the plates, rather than by eliminating?

**HON. J. PLOHMAN:** Mr. Chairman, this has nothing to do with eliminating plates. Every year, there are replacement plates.

**MR. G. CUMMINGS:** Well, what would you call it?

**HON. J. PLOHMAN:** Well, we don't eliminate any of the plates that are there unless people come in and

register a new vehicle and need new plates. Then we have to have plates available for them. Now we will have one plate available for them, instead of two, that's all. We're not telling people to take - they can keep their plate on as long as they want, as long as they use the vehicle.

**MR. G. CUMMINGS:** While the department was considering changes in this area, did they also consider going to a system of permanent plates, where the plate goes with the vehicle, or did they consider a system of a renewal that might be on a different basis than it is now? When you're revising the legislation regarding registration and plates, it seemed to me that it would have been an opportune time to take a look at something that would spread out the cost to the consumer more so than the present system does.

Even though there can be a two-payment system used, there are obvious problems out there in March, February, when people who are hard-pressed to pay their registration and insurance tighten up on their other expenditures. I think, out of all the requests that I've had regarding highways, even before becoming involved directly in this department as critic, that seemed to be expressed with great regulatory. I want to know if the department considered any of those options at the same time as they recommended this change.

**HON. J. PLOHMAN:** Yes, Mr. Chairman, we have and the department has considered this along with and in conjunction with MPIC, who has a consultant reviewing this particular issue right at the present time to see whether it would be feasible to have the payments made throughout the year or on a monthly basis, maybe something like the driver's licence at the present time, and to see what the impact would be for the system that they're operating under now, the automated system. They're looking at those options.

**MR. G. CUMMINGS:** I guess I would like to make a recommendation to the Minister that they consider renewal on anniversary date of purchase, and that they consider the longevity of the plates as a manner of saving money in this area, rather than removing what we feel is a law enforcement aid and safety aid, having the plate with a reflective material on the front of it. We are very much against the department choosing this route to save money when, at the same time, we are having increased expenditures in the area of law enforcement.

The clause further on that we'll be dealing with is in place to make it easier for RCMP or any other law enforcement officer to be able to identify quickly or to enforce the law where those people are choosing to drive without proper licences. I believe that making this change at this time is counterproductive to what you are trying to do in the other section of the act.

**HON. J. PLOHMAN:** Well, Mr. Chairman, just briefly, you know the member's colleague from Brandon West has been making all kinds of noises about grants to a labour college and he said, in the House, that could be used to keep health care beds open. In the same way, if you look at this kind of a thing, in removing the reflective plates, we saved \$120,000 a year; in changing

to a single plate, another \$210,000 a year; that's \$330,000.00. I can't understand where the member's priorities would be in spending this money, if he thinks this is not sound financial practices by the government.

On the one hand, he and his colleagues will criticize us for cutting back in other areas. This seems to me, if the member would look at it, one of the most painless reductions one could have.

**MR. G. CUMMINGS:** I don't think either the Minister nor I have to trot out all our tired arguments that we've used on each other in the Legislature. Certainly what we are saying is that this is a mistake in priority. If the Minister feels that this is low enough on the priority list that the removal will have no impact on law enforcement, then I suggest that if this was set up as an alternative to other areas of the department, I might have been able to accept other changes easier than I'm prepared to accept this.

**MR. A. DRIEDGER:** Thank you, Mr. Chairman, just a question that I have.

Obviously, in spite of our opposition to the removal of the plate, the government is going to force the bill through, so there's very little we can do about it. I'm just asking the Minister whether he's prepared to accept alternate usage for the area where the plate is at the present time, if the trunk plate is removed. Is there going to be any place for a private entrepreneur, for example, to come up with and say "Hi Mom" type of thing in front there, whatever the case may be. I hope I don't raise any thoughts in the Minister's mind, because . . .

**HON. J. PLOHMAN:** I already got an idea.

**MR. A. DRIEDGER:** Apparently that smells of making money. Of course this Minister would be onto it and this government would be onto it like crazy. I'm just wondering, the fact that if we move the front plate, will there be room for a private entrepreneur to come up with something that would fill that space? Because obviously, the government can't afford to have that plate there anymore so if I want to, for example, form my own plate saying, I'm a PC'er, or whatever the case may be, that's allowed? I think the Minister gets the drift.

**HON. J. PLOHMAN:** Mr. Chairman, I get the drift all right. I just wanted to say that there are number of good ideas that we're tossing around right now. What we are thinking about doing - no, seriously - I just wanted to suggest that maybe there would be an individual who would want to look at some options there. I think that is open.

We don't want to get into the censorship business certainly. Just like with the personal licence plates, there are certain things that are not allowed, and I would think that those would not be allowed in the act. Actually, a person would not be able to put in place something that looks very much and could be mistaken for a licence plate number. That definitely will not be allowed, but say a different colour, one advertising their business, or something like that. There might be ways of doing that; that's still open.

I think tourism might want to look at something and they might have some idea and come up with selling these new plates for people to advertise Manitoba in some way. There are all kinds of possibilities there.

**HON. G. LECUYER:** Mr. Chairman, we're off the subject now I think, but there's some resignation to the fact that there's going to only be one plate.

**HON. J. PLOHMAN:** Whose resignation?

**HON. G. LECUYER:** Well, I'm repeating the word I heard somebody say across the table a while ago.

**HON. J. PLOHMAN:** Who's resigning?

**HON. G. LECUYER:** I just wanted to add that it's not only in other provinces of Canada and a number of states in the United States. There is every country in Europe that doesn't have a front plate and number. It's not as if this is inventing a new trend; it's very much an existing trend for a long time.

Every car in Europe gets a number when it's purchased and that number stays on that car even when it's sold and resold, etc. It's the same plate, if you want to call it a plate. It's not a plate. The point that is raised in terms of what goes in front of a car after that, maybe there should be some clause herein which limits how that can be abused in terms of graffiti or things of that nature.

**MR. H. PANKRATZ:** Did I, Mr. Chairman, understand the Minister correctly, that the two plates at the present time will stay intact?

**HON. J. PLOHMAN:** Yes, Mr. Chairman. We're not saying by this act that people have to take off their two plates.

**MR. H. PANKRATZ:** For what length of time will the present plates be in use?

**HON. J. PLOHMAN:** Probably three or four years at least. Would that get us by 1990 or so?

**MR. H. PANKRATZ:** By going to the single plate, will there be a reduction in the licence fee?

**HON. J. PLOHMAN:** No, as a matter of fact, coincidentally with this, there is an increase in the licence fees.

Clearly, the cost of the plate is not reflected in the licence plate fee. There are other administrative costs and we have also looked at licence fees and registration fees to supplement the revenues of the province, for obvious reasons. I'm sure the members would agree with that.

**MR. H. PANKRATZ:** What is the actual cost to the province per plate?

**HON. J. PLOHMAN:** Mr. Chairman, the cost of the plate itself, none of the administrative costs, just the plate itself is about \$1.50.

**MR. H. PANKRATZ:** Well, when you are talking of savings, you cannot then indicate to us that there will be savings on the administration, obviously. It is only on the actual metal plate. Am I right?

**HON. J. PLOHMAN:** Yes.

**MR. H. PANKRATZ:** So, if that is the actual case and if you would not remove them and the person that is buying new plates, for whatever reasons, whether he's demolished his front ones or whatever, in the past has always had to be paying for the actual cost of the plate. So, I can't quite see the rationale of the Minister when he's now explaining to us or trying to explain to the committee that there's going to be a savings involved, when basically the car owner to date has always paid the additional. Unless he's going to state that he will remove the portion, it is a direct add-on cost. So, I can't quite understand the rationale that the Minister is using.

**HON. J. PLOHMAN:** Mr. Chairman, he's still going to be paying the additional. We used a computer on this and we had a consultant working on it. It did come out.

**MR. CHAIRMAN:** Mr. Brown.

**MR. A. BROWN:** Well my concern is that there really is no saving because it's the car owner who pays for the plates. So, where in the Sam Hill is the government going to be making a saving?

The concern that I have more than anything else is this: Has the Minister discussed this with the various police departments or with a number of police departments in order to get their opinion of how this would affect them in apprehending for whatever crime might have been created? Has the Minister discussed this with the various law authorities?

**HON. J. PLOHMAN:** We have consulted with the law enforcers. As a matter of fact, we have letters from some of them saying they don't like the idea.

We've also looked at the situation in other provinces where they continue to lobby. Where they have gone to one licence plate, the law enforcement agencies continue to lobby for going back to two. But it's something that has not been measured in inability to apprehend. In other words, there's no hard statistical information that would demonstrate that there are 10 percent more people getting away who would otherwise have been caught, for example. There's just no way to quantify that.

So on that basis, there's really no hard evidence that would show, other than the fact that it may inconvenience to a certain extent the police officers. They have to learn to turn their heads rather quickly.

**MR. A. BROWN:** Well, Mr. Chairman, it's not only that, but there are a number of instances where they will probably be looking at the front plates and now they will have to go around the car and take a look at the back plate. For instance, anybody parking at a parking meter or whatever, it's usually your front plate that's at the parking meter. Now the parking attendant will

have to go around the car and take a look at the back. All of these things take extra time. There is going to be no savings. Now let's not be ridiculous, Mr. Minister, there is going to be no saving to anybody. So, for God's sake, I think that this is an absolutely silly and a stupid bill. It makes no sense whatsoever.

**HON. J. PLOHMAN:** In the budgeting that we have to do for the materials for these plates, we're saving \$210,000 a year. So, in fact there is that saving.

**MR. A. BROWN:** Where?

**HON. J. PLOHMAN:** We're not spending those dollars on the second plate. There's the saving. The question has been asked, Mr. Chairman, by the Member for Emerson, is that the reason for it? We have never put forward any other reason for wanting to do this. Why else would we want to take one plate off the vehicle? It's not because we don't like to see two plates on the vehicles or for anything like that. It's just simply a case of saving \$210,000.00. When it comes up for renewal of all the plates, we're going to save \$1.6 million.

**MR. H. PANKRATZ:** What is the number of new vehicles that are registered in one year?

**HON. J. PLOHMAN:** A dollar fifty into 210 will give it to you.

**MR. CHAIRMAN:** While the Minister is figuring that out - Mr. Cummings?

**HON. J. PLOHMAN:** Mr. Chairman, I just want to clarify. The question was not new vehicles necessarily, it was those who require new plates. Is that what you meant by the question or you want to know specifically new vehicles?

**MR. H. PANKRATZ:** The number of vehicles that require, annually, new plates.

**HON. J. PLOHMAN:** I can do that. A dollar fifty into 210,000 . . .

**A MEMBER:** Well, in that respect you don't have to figure it out.

**MR. G. CUMMINGS:** I guess if we're talking \$1.50, I think that the large percentage of the motoring public would be quite prepared to accept that cost for the reasons that we've discussed here at committee and we would recommend that the department not proceed.

**MR. CHAIRMAN:** Once again, we're on section 1.  
Mr. Pankratz.

**MR. H. PANKRATZ:** In view of the points that have been brought out during debate and also earlier, I think we on this side would definitely recommend that number of people who need additional plates or new plates annually, that we either add the additional \$1.50 to their licence fee and, for safety reasons and others that have been mentioned, retain the double plates which are at present on the present vehicles and possibly

would last an additional 10 years. Personally, I wish that the Minister would reconsider and possibly add on the new plates required during the year for whatever reason, whether damaged or transferred, charge an additional \$1.50 on the plates.

**HON. J. PLOHMAN:** As I've said, I wasn't particularly enthusiastic about going with one plate. However, I have considered it very carefully with my colleagues and, in view of the fact that we are having to reduce expenditures on all sides and we're facing escalating costs on other sides and the members who raised those many areas during the course of Estimates, it seems to me that, in putting this all in perspective, you have to make some hard decisions. This seems to be an area where we can afford, without impacting in a negative way on the lives of people in this province, to eliminate one of these plates and save that amount of money. If we do \$210,000 here and \$210,000 in Education and another \$210,000 somewhere else, it adds up significantly and makes a difference. These are the kinds of decisions that Standard and Poor's looks after when they come to review our deficit, our credit rating.

**MR. CHAIRMAN:** Once again, we're considering section 1.

Mr. Pankratz.

**MR. H. PANKRATZ:** Mr. Chairman, it's roughly 14,000 plates and, if you'd pass it on to the person who's purchasing the plate, basically it's no savings. What it does in turn, which this government should realize, it creates employment. The payroll tax is paid for it, the health and education tax, the payroll tax. So I don't think when we're receiving a figure of \$210,000 savings, it will not be directly \$210,000 savings to the Province of Manitoba, because there are definitely certain revenues which they lose because of it. So I would wish that the Minister would reconsider that single plate and rather add on \$1.50 for each required plate as it is required during the year, and see us stick with two plates for the certain reasons that have been mentioned.

**MR. A. DRIEDGER:** Mr. Chairman, would you accept a verbal amendment from the Member for La Verendrye to that effect, that the additional \$1.50 . . .

**MR. CHAIRMAN:** That would not be in order. We're dealing with the legislation.

**HON. J. PLOHMAN:** Estimates is where you should have done it. In my Estimates is where you should have done it.

**MR. CHAIRMAN:** That would have to have been raised in Estimates. We're dealing with the legislation. Once again, section 1.

Mr. Driedger.

**MR. A. DRIEDGER:** Mr. Chairman, why can we not amend legislation. That's what this legislation does, is remove one licence plate, and the Member for La Verendrye is suggesting that we amend it to the extent that \$1.50 per licence plate be added to that.

Mr. Chairman, you're telling me that we cannot make an amendment in here, that we should do it in Estimates - bull!

**HON. J. PLOHMAN:** Mr. Chairman, clearly the member is mixing up the two here. He's mixing licence plates and apples. What he's dealing with here is an Estimates decision when he's talking about dollars. Dollars must be added to the Estimates during that process. There was no such indication at that time that the members opposite wanted to do that. If they had made a motion at that time, instead of worrying about reducing my salary to one Saudi rial . . .

**MR. CHAIRMAN:** Order please.

I take it that we're dealing with this in terms of a matter of order. I'd indicated that my ruling would be that would not be in order. I think if one looks at the situation, just to amplify further before I get back to the Minister, in dealing with items such as this, the revenue would have to be accounted for both in terms as a revenue and as an expenditure in the Estimates. If members wanted to amend the legislation, that is quite easily done, but we cannot move amendments that have financial ramifications on the Estimates process which have already been considered. That's out of order. You can't amend the Estimates through Bill 23.

I recognize Mr. Plohman, and then Mr. Driedger.

**HON. J. PLOHMAN:** I never finished. Insofar as the fees, they are set by regulation. The bill does not deal with the amounts of dollars, and I think that's clear. What the members are really talking about is making an amendment that would indeed give effect to resulting in \$1.50-per-plate added costs to the government. Where we get that money, they're not dealing with that at the present time. They're just saying go ahead and spend more money on licence plates. Don't save that money that we intended to save, and the Opposition is saying we will not pass an amendment, insofar as we're concerned, to an act that will allow that to happen, to go to one plate.

**MR. A. DRIEDGER:** First of all, Mr. Chairman, and I hate to challenge the Chair, but your interpretation of us not being able to amend a section in any bill that is being presented because we have dealt with it in Estimates is straight ludicrous. Yes . . .

**MR. CHAIRMAN:** For the information . . .

**MR. A. DRIEDGER:** . . . or would you want to clarify that, Mr. Chairman?

**MR. CHAIRMAN:** . . . of the member, I did not say that one could not introduce an amendment. My ruling incidentally is also consistent with what we have been advised by legislative counsel. The specific amendment that the member was talking about would not be in order.

**MR. A. DRIEDGER:** Mr. Chairman, would you clarify that, if the Member for La Verendrye wants to move an amendment indicating that an additional \$1.50, like

that there'd be two plates and \$1.50 be charged with additional costs be charged back to the public in terms of they want. And the Chairman is telling me that we can't move an amendment of that nature? Then I want a clarification on that.

**MR. CHAIRMAN:** For the member once again, in terms of the specific reference to a dollar figure, if he was referring to the specific charge, it would be dealt with by regulations. If he was referring to other items related to the department, that would be in Estimates, you know, the impact in terms of the revenue raised, etc., the revenue expended on licence plates. That is the specific provision of the amendment that Mr. Pankratz moved that is not in order.

If the member wishes to vote against this item or amend it in the appropriate way or, I believe, even a motion to urge the Minister to reconsider, it might be considered in order, but not the specific reference to a specific amount in the amendment.

Mr. Pankratz.

**MR. H. PANKRATZ:** Well I'd like to move, seconded by the Member for Ste. Rose, that all vehicles on highways bear at least two plates.

**A MEMBER:** Maybe three or four!

**MR. H. PANKRATZ:** Well semi-trailers. Semi-trailers have to have three if they have to have one in the front. So then you've got the trailer plus the tractor in the back. So would that be the correct wording. Maybe, Mr. Chairman, you'd like to even help me out or maybe the House Leader would like to, because I think by now you all know what our thoughts and feelings are on it. Maybe the Member for Ste. Rose has a few points that he'd like to incorporate.

**MR. CHAIRMAN:** On that, I would once again point out we're here to amend the bill. If the member wishes to talk to legislative counsel to work out an amendment to that effect, I believe the member could do so. However, the simplest way to accomplish that would be to vote down the specific sections of this bill, recommending that we move to one licence plate. Then the impact would be exactly as the member is moving. So could I suggest that we put those sections to a vote?

**HON. J. PLOHMAN:** Mr. Chairman, I just wanted to clarify insofar as where they want to vote, the members of the Opposition, that certain vehicles now only have one plate. I'm sure the member doesn't want to go to two plates on those that have one, such as motorcycles, mobility vehicles and mopeds. So you better check that out wherever you see that in there.

**MR. A. DRIEDGER:** Mr. Chairman, I think the intent is quite clear in terms of our views here of my colleagues is that to retain the present system of licensing the way it is.

**MR. CHAIRMAN:** We would essentially have to vote against several of these sections to accomplish anything.

**HON. J. PLOHMAN:** 6(2), 6(4), 6(6) - vote against them all.

**MR. CHAIRMAN:** Perhaps if we proceed clause-by-clause, that will become apparent as we go along. Section 1 obviously would bring in the single licence plate, the specific reference to it. The members wishing two licence plates would vote against that. Can I put the question on section 1?

Section 1, all those in favour, please indicate by saying "aye." All those opposed by saying "nay." In my opinion the "ayes" have it.

Incidentally, I should remind members of the Opposition that there are four members of the Opposition here tonight who are members of the committee. One is not. I won't embarrass the other member. I realize he's enthusiastic.

Mr. Cummings.

**MR. G. CUMMINGS:** Which members on the government side are members of the committee?

**A MEMBER:** Good question.

**HON. J. PLOHMAN:** Oh, now we're going to embarrass everybody.

**MR. CHAIRMAN:** Honourable Messrs. Bucklaschuk, Harapiak, Lecuyer, Plohman, and Storie. Pardon me. Messrs. Brown, Cummings, Driedger, Pankratz, Santos and myself, the Chair.

The vote was passed on subsection 1.

Subsection 2.

**MR. A. DRIEDGER:** Wait, we've got Third Reading coming up on this thing yet, too. I would suggest the Minister maybe consider some amendments about that.

**HON. J. PLOHMAN:** Yes, I'll look at that again.

**MR. CHAIRMAN:** Is there a desire to pass section 2?

**HON. J. PLOHMAN:** No, 2 is the same stuff. If you're going to vote against the first one, you've got to vote against this one too.

**MR. CHAIRMAN:** Same division. Okay, pass with the same divisions.

Section 3.

Order, order please. If members wish to speak, they can become recognized.

Mr. Driedger.

**MR. A. DRIEDGER:** Mr. Chairman, I think it is important

**HON. J. PLOHMAN:** Come on, let's get down to business, Mr. Chairman.

**MR. A. DRIEDGER:** A member of the committee has just indicated that he is not happy with the thing either. But the Minister has indicated that he's going to review it for Third Reading.

**HON. J. PLOHMAN:** Mr. Chairman, I've been reviewing this every week since last February.

**MR. CHAIRMAN:** Okay, once again, we're on section 2—pass, on the same division; section 3—pass.

Section 4?

**MR. A. DRIEDGER:** Mr. Chairman, could you clarify where you find section 4.

**MR. CHAIRMAN:** Well, it says on my copies, page 2, bottom of the page, 4, subsection 25 rep. and sub.-repealed and substituted.

Subsection 5.

**MR. A. DRIEDGER:** 28(5)?

**MR. CHAIRMAN:** No, 5 is subsection 28(7) added - 28(5) is part of subsection 4.

Subsection 5 - Mr. Brown.

**MR. A. BROWN:** I, for one, am opposed to all these subsections and I would like to have that recorded as such, that I'm opposed to this bill. I'm opposed to all the sections.

**A MEMBER:** Arnold!

**HON. J. PLOHMAN:** Mr. Chairman, we're passed the licence plate issue. I don't know if the member is saying he just opposes the bill on principle or what, but we've dealt with licence plates. Is that what he's opposed to or what?

**MR. A. BROWN:** I'm opposed to the bill and that bill deals mainly with licence plates.

**HON. J. PLOHMAN:** No, no. It deals with many things.

**MR. CHAIRMAN:** If members wish to vote against this section as it comes up, they may do so.

Section 5—pass; section 6—pass; section 7—pass.

Section 8 - Mr. Pankratz.

**MR. H. PANKRATZ:** I have one question in section 6 in respect to licence plates, the licence examinations and so forth. Does it alter it tremendously from what it was originally, the previous clause? Could I ask the Minister to explain what the difference is because I don't have the old act before me?

**HON. J. PLOHMAN:** What we're in essence doing is making the provisions for appeal of cancellation of a licence by the Registrar consistent with the process that is in place at the present time. There were some sections of the act at the present time that allowed for appeals when it didn't make sense to allow for appeals because the Registrar makes a decision and the appeal has to go to the Medical Review Panel. The panel does not make a decision on that and it doesn't hear an appeal until there's a medical certificate available. This simply ensures that is available before they hear the decision.

So, really it's making the legislation consistent with the practice that's there.

**MR. CHAIRMAN:** Section 6—pass; section 7—pass; section 8—pass.

Section 9, we have an amendment on section 9.

Section 8 - Mr. Cummings.

**MR. G. CUMMINGS:** You're talking here about the authority of a police officer to control traffic. Either that or you've lost me.

**MR. CHAIRMAN:** Yes. Section 8, 76(1).

**MR. G. CUMMINGS:** 76(1) is the section that I wish to speak to.

Well, Mr. Chairman, I would like the Minister, for the record, to clarify the intent of this amendment.

**HON. J. PLOHMAN:** Well, Mr. Chairman, there have been challenges to police officers simply stopping vehicles to inspect licences and registrations of drivers and the intent is to clearly give the police officers the right to stop a vehicle and not have to tell the driver that he was speeding, and that's why he is stopping him or that he had him clocked on his radar at a certain number of kilometres per hour. Really what it's dealing with is giving them the authority to ask the driver to produce his licence and his registration to ensure that is indeed valid. In many cases people are driving without valid registration and driver's licence and this is one way to improve enforcement and to assist them in catching those people who are not rightfully out there operating vehicles by law.

I have legal opinions which I've shared with the member and I believe he shared with his colleagues, which indicate the amendments are in compliance with the Charter of Rights.

**MR. G. CUMMINGS:** I appreciate the Minister's cooperation in sharing that information that we previously looked at.

I would like to know - I was unable to or have not ascertained if there are other acts in place in Canada that are written in this manner that have, in fact, been upheld after a challenge.

**HON. J. PLOHMAN:** I didn't get that. Could you repeat that?

**MR. G. CUMMINGS:** What I'm asking the Minister is if this has been patterned after other acts that have, in fact, been challenged as to their validity under the Charter of Rights or if this act is written in a manner that is unique to all provinces of Canada.

**HON. J. PLOHMAN:** But does it reflect other provinces?

Mr. Chairman, this amendment was put forward, proposed by the Attorney-General's Department to us, as it is the act that comes under my jurisdiction as Minister of Highways and Transportation, as a result of a case that was heard before the courts - the Nelson case. They felt that it was necessary to clarify this issue insofar as the authority of peace officers to stop vehicles for that purpose. I feel that it's probably a reasonable on-balance provision and authority for police officers to have.

**MR. G. CUMMINGS:** Mr. Chairman, there certainly is no lack of concern on our side in regard to trying to

get unlicensed operators off of the road, but this amendment has been brought forward, as you mentioned, on the recommendation of the Attorney-General's Department. Did the Attorney-General's Department also indicate that they would be considering - or is the Department of Highways recommending the tightening up of the regulations and increasing the weight of the offence, in other words, increasing the sentencing that would be applicable to a breach of this section?

**HON. J. PLOHMAN:** The penalties for not having a driver's licence and registration card are already set out. The member's suggestion that we make them stiffer sentences as a deterrent, I haven't considered that. I have to check into what the penalties are. Do you know what the penalty section is for this?

The fact is that if a person presently is not carrying a valid driver's licence or registration card with him or her, they can be charged and there is a penalty. We are not proposing to change that. We're just simply ensuring that detection is made more possible by allowing police officers to indeed stop vehicles and drivers to check for these documents. I don't know that the tightening up of the penalties would do anymore at that point.

Once you've got the person and they are not validly operating a vehicle, they will lose their driver's licence, they could have their licence suspended. That is one of the basic penalties. Then, of course, there are other fines, but I think the biggest offence is losing the licence, and that already is there.

**MR. G. CUMMINGS:** Mr. Chairman, the gravity of being stopped without a driver's licence and registration, if the penalty today is not sufficient to keep the offenders off the road at risk of being caught again - and I believe that there are a lot of reasons to try and deter people from driving once they have lost that privilege - but does this by implication mean that the citizen who has no restrictions on his licence or has no restriction from driving and driving a properly registered vehicle but happens to be on the road without his driver's licence, is this going to place him at any additional disadvantage? I know it isn't spelled out here. I'd like to know if, when the Attorney-General's Department brought this forward, that was also a consideration.

**HON. J. PLOHMAN:** There was no consideration given that I'm aware of for increasing the penalties. There are successive penalty increases that take place when a person is caught with these offences. What this simply does is take that driver off the road again. In many cases, drivers will go back on unless they're actually put in jail. They will continue to operate a vehicle without a valid driver's licence over and over and over again. Of course, this gives an opportunity to police officers to catch them more frequently and eventually put them in jail if they have successive offences. I think that's the important aspect of it.

I also believe that there should be stiff penalties. I think that's an area that could be reviewed in the future, but that is not an area that we were dealing with at the present time, the penalty section on this matter.

**MR. A. BROWN:** In this particular area, I don't know why we don't go in the way that a number of states

have done - and I don't know if any of the provinces have done this, I think it seems to me that one or two have - where a picture of the driver is required on the driver's licence. Now there are many reasons why we require this, and I know that some of the enforcement officers have been talking to me, especially amongst the younger drivers. A driver who has lost his licence, it's very easy for him to go to a friend of his and borrow his, or his friend, more than likely, is going to write in to the Motor Vehicle Branch and say that I lost my licence and I want a new licence, and he's going to get a new licence so then he has two licences. He'll hand one over to his friend and they both have licences again.

This is happening a lot throughout the entire province and, if the picture had to appear on the driver's licence, now that certainly would do away with that kind of thing. Also it would be very handy if you're not quite sure of what the person's age is, let's say, if they wanted to go into a bar or whatever, they could be asked for their driver's licence with the picture, and they'd be able to give proof of age.

What they do in these jurisdictions that your driver's licence then is good for four years. Every four years, you get a new driver's licence and of course, when you renew every year, you put a sticker on it so that every four years you get a new licence. This has proven to be very successful and those jurisdictions that have it, the law authorities, the peace officers certainly like it very well, and I would like to see us give consideration to putting the picture on the driver's licence.

**HON. J. PLOHMAN:** Mr. Chairman, I first of all want to deal with the question that the Member for Ste. Rose raised about penalties. I think if he looked in the penalty section that I'm referring to now, he will find that they are very stiff penalties for driving while licence is suspended. For example, 225(5): "Any person who violates any provision of (a) subsection 1, is guilty of an offence and is liable on summary conviction to a fine of not more than \$1,000.00 or to imprisonment for a term not exceeding 6 months or to both the fine and imprisonment."

So he could get a \$1,000 fine and six months in jail. So those are pretty severe penalties if they are indeed adhered to and imposed by the judges. Really, maybe the member should be talking to the judges if he feels that it's not fit. I think those are good penalties. I don't think that we have to make them stronger.

**MR. CHAIRMAN:** Mr. Pankratz.

**HON. J. PLOHMAN:** Pardon me, just to interject - the photo licence. I understand that the cost of doing this is some \$1.4 million, to implement this new system. It is not something that they're going to across Canada. We're getting involved in this new rapid exchange of information with single-licence systems across Canada and a photo is part of it. It will be all computerized so there would be instant sharing of this information whenever drivers move from one province to another. It's very quickly able to push a button on the computer and draw the member's record on the screen. I think that's going to ensure that there is good tracking of people and their licences.



I think I'd point out to the member - I mean, on the one hand we're trying to save \$210,000; another member said we should have reflective plates, that was another \$120,000.00. Now the member wants us to spend another \$1.4 million on photo licences. I just can't understand where they're coming from. It's a total contradiction. I'm just so surprised at hearing all of these things from the members. Only the last few days they've been talking about reducing the deficit and reducing taxation.- (Interjection)- No, I don't want to get into it. I'm just amazed, though.

**MR. CHAIRMAN:** Order please.

I would remind people once again that we're discussing section 8. I ask if members would relate their comments to section 8.

Mr. Brown.

**MR. A. BROWN:** Well, I'd like to remind the Minister that it's not the government that is paying for this. It's the person who asked for the licence. He's the person, of course, who will have to pay more for the licence for that one particular year or whatever. You can put the cost over a period of four years. It's no great problem putting a picture on a driver's licence, that's not an expensive thing. So, you maybe have to pay \$2 or \$3 more. So over a period of four years, you will be paying \$1 a year more for your driver's licence. That is not going to be such a big expense to people.

**MR. CHAIRMAN:** I'm afraid I'm going to have to ask the member and the Minister to please direct their comments to section 8. We're straying quite considerably from section 8.

**HON. J. PLOHMAN:** I agree, I agree.

**MR. CHAIRMAN:** If we're going to complete this bill tonight, I think it will be advantageous if we get back to the section before us.

Section 8, is there any further discussion?

Mr. Pankratz.

**MR. H. PANKRATZ:** Section 8(d): "to inspect the driver's licence and the vehicle registration card; the peace officer may direct or halt traffic and erect or place temporary or emergency traffic control devices displaying instructions to persons using the highway."

Am I reading this correctly, and what the Minister has indicated, that the police officer can, for no just reason whatsoever, stop anybody on the highway and ask him to produce his driver's licence?

**HON. J. PLOHMAN:** This is a reasonable expectation on behalf of the RCMP or the other police officers, that they would, yes, in the same way that they would do any of (a) to (c). These were all included in the act previously, (a), (b), and (c). They simply added (d). So, it applies in the same way, that they can stop to check the licence and registration, yes.

**MR. H. PANKRATZ:** Well, Mr. Chairman, to the Minister, I definitely oppose that portion, that (d) portion of it. I believe it's definitely infringing on anybody in Manitoba, on his personal rights. If he is not committing any crime

or driving in violation of The Highway Traffic Act, I believe that police officer should not in any way be able to, at his own discretion, and maybe even harass the people. I realize what you're referring to when you're making that comment, Mr. Harapiak, but I also believe that there should be some rights in respect to the private individual, that he cannot just be stopped for any unknown reason whatsoever. So with that, I would like to indicate to the Minister that portion of the act I would definitely have to oppose.

**MR. CHAIRMAN:** Can I then put the question on section 8?

Mr. Cummings.

**MR. G. CUMMINGS:** So that we have a question clearly before us, does this allow random stopping?

**HON. J. PLOHMAN:** Yes, clearly, Mr. Chairman, that's . . .

**MR. G. CUMMINGS:** Why do you put it in there if it has been?

**HON. J. PLOHMAN:** Mr. Chairman, clearly it allows random stopping. That's the intent, to stop, and that way by greater chance through a number of drivers who are stopped finding drivers who are disqualified, driving while disqualified or in many cases are menaces on the highways and is a reasonable enough purpose to do it for that reason.

Mr. Chairman, there are some 3,000 convictions a year for driving while disqualified and that's just the tip of the iceberg of people who are out there. This will assist in apprehending those people and making our highways safer. I think the members should reflect on that and have that on his conscience when he decides to oppose this.

**MR. H. PANKRATZ:** Mr. Chairman, I wasn't going to rebut that at all until he says, "and I would have that on my conscience." I believe that we should not discriminate against the people who are upholding the law. It's the ones who are misusing the law who should be caught and brought to justice. If our law system today is in such disarray that people who are violating the laws continuously, that we have to harass the people who are not violating the law, I believe that our system somewhere is not in line.

**MR. A. DRIEDGER:** I want to just substantiate the comments made by the Member for La Verendrye, for the simple reason that, if you look under the Attorney-General's Report, the number of people who had been caught, inspected in the country versus the city, when we have over half of the population in Winnipeg, and if you knew any of the members of the government want to ever check how many convictions are taking place in the rural areas versus the city, then nobody can convince me that the people in the rural areas are more delinquent than the people in the city are when you look at the conviction ratio where they do already stop ad hoc.

**HON. J. PLOHMAN:** Who's the judge?

**MR. CHAIRMAN:** Mr. Driedger has the floor.

**MR. A. DRIEDGER:** I just want to raise that point. All this does, it will give more credence in terms of doing the spot checks in the city. There's not much spot checking going on; it's always done on highways where you have limited arteries of travel, and that is why. I challenge the government members to check the statistics as to how many people get caught in the rural areas versus city, and there is a reason for that. It's easy to do that. What we're doing, we're just emphasizing the fact that they can take and stop everybody on the highway. Why don't they do that in the city?

**A MEMBER:** They do.

**MR. A. DRIEDGER:** They do not do that in the city. The member for whatever says that they're stopping them in the city. That's not the case because, out of 600,000 people in Winnipeg versus 400,000 more or less in the rural area, and the ratio convictions is almost 100 to one in the rural area. All this does, it's going to re-emphasize the fact that people in the rural area are going to get nailed more often again. Check the statistics under the Attorney-General's Report.

**HON. J. PLOHMAN:** Mr. Chairman, clearly this is not discriminating against anyone, rural or urban. It is clearly the case that the judge who dealt with this case supported the need for this amendment. He said that in his judgment: "Had the police been clearly authorized by The Highway Traffic Act to stop vehicles and inspect licences and registration, the court would have concluded that this was a reasonable limit within section 1 because of the incidence of suspended licences. The difficulty in apprehending those driving without a licence and the fact that any stop would be of a relatively short duration and of slight inconvenience." I think the members are blowing this way out of proportion.

**HON. G. LECUYER:** The points raised by the Minister are quite right. The way it's written is for enforcement of the law, not for abuse of the law. The member raises a situation, what if there were to be abuse of the law? That's not the intent of the law. Every piece of legislation is written where there is to be some enforcement, even under the department which I am responsible for, the Environment for instance. The Environment Act has provisions where environment officers, if they were to abuse, of course then we'd have to say - then if they were to go contrary to what is written here. That's not what is written here.

The member is saying, what if, using what's here, they avail themselves of rights or privileges which in essence become abuse. That is not what the legislation is intended to cover. I would think that then they themselves become susceptible for a reprimand or disciplinary action if they were to abuse the law. It says: "Where a peace officer considers it reasonably necessary, in order . . ." "to do the following. And I think that is the intent of the legislation, to enforce the law within the bounds of the intent of this clause, not to abuse on it.

**MR. G. CUMMINGS:** Mr. Chairman, perhaps to close our questions on this side of the table, I don't think that we are convinced that this law is on solid grounds in terms of challenge under the Charter of Rights and Freedoms, and that is one of the reasons that I believe that we could do without the (d) section to this amendment.

**HON. J. PLOHMAN:** Well, Mr. Chairman, this is the only section that we're amending and we're putting in here, as I've said, and I make the case one more time that the judge has indicated that, in his view, it would be justifiable under the Charter of Rights; that random stopping of motorists is often the only means of apprehending individuals who are driving while disqualified.

Statistics show that, in 1983, there were 2,607 convictions for driving while disqualified; 2,749 in '84; 2,648 in 1985. If the police are not able to randomly stop drivers, there will be a substantial decrease in the number of suspended drivers who are being charged with and convicted of driving while disqualified. If suspended, individuals feel the chances of being apprehended are minimal; there may be a substantial increase in the number of them who choose to drive while disqualified.

So from that point of view, it seems clear that this will act as a deterrent as well as ensure that more of these drivers, who in many cases are dangerous drivers, are taken off the road.

**MR. CHAIRMAN:** Are members for the question on section 8?

Okay, I will put the question. All those in favour, please indicate aye; all those opposed, please indicate by saying nay. In my opinion the ayes have it.

Section 9. There is an amendment I believe on section 9.

Mr. Santos.

**MR. C. SANTOS: MOTION:**

THAT Bill 23 be amended by adding thereto, immediately after section 9 thereof, the following section:

Subsec. 106(2) rep. and sub.

9.1 Subsection 106(2) of the Act is repealed and the following subsection is substituted therefor: Requirements respecting emergency vehicles.

106(2) Subject to subsection (3), the driver of a vehicle to which subsection (1) applies shall not exercise the privileges granted under that subsection unless;

- (a) he is sounding an audible signal by horn, gong, bell, siren, or exhaust whistle; and
- (b) the vehicle, if equipped therewith, is showing
  - (i) a flashing red light or, in the case of a vehicle referred to in clause 38(3)(c), a flashing red light or a combination of flashing red and blue lights, or
  - (ii) white light emitted by the headlamps that are lit alternately and in flashes, or
  - (iii) both such flashing red light or a combination of flashing red and blue lights and alternately flashing headlamps.

The French version amendment as printed.

**MR. CHAIRMAN:** Before dealing with this, can we pass section 9? Pass.

Then dealing with the amendment - Mr. Cummings.

**MR. G. CUMMINGS:** This amendment is new to us at this point. I'd like the Minister to explain the alternating lights and which vehicles will be, in fact, eligible to use the flashing red and blue.

**HON. J. PLOHMAN:** This is clearly only a complementary amendment to subsection 7, which the members have passed on page 4, which allows for red and blue lights, a combination of, to be used on police vehicles only.

In this section, the reference to 38(3)(c) was only to red flashing lights previously; it is now "or a combination of flashing red and blue," just to make it consistent. What it clearly says is that, in both subsections, it is police vehicles only that can have the red and blue flashing lights, notwithstanding the fact that some areas' ambulance operators and also fire departments in some areas would like to see this for their vehicles as well. We, as I explained during Second Reading, are putting in an amendment providing for red and blue flashing lights for police vehicles only consistent with what is in place in the other provinces in Canada, the vast majority of them.

**MR. G. CUMMINGS:** Mr. Chairman, I'm prepared to pass this section, but I would like to put comments on the record that I believe emergency vehicles would be better served with a system of alternating lights. I've put my concerns before the Minister before, and I just want it to be on the record that I believe the safety of the public with an alternating light system on all emergency vehicles would be an advantage.

**HON. J. PLOHMAN:** I thank the member for that suggestion.

I have had representation from other emergency vehicle groups but I don't feel that it makes sense to deviate from a national standard at this time. I think it is better to have consistency. It is also an advantage to the public to know what kind of an emergency vehicle it is by having different kinds of light systems for different kinds of emergency vehicles, including police vehicles.

**MR. CHAIRMAN:** There's agreement on this amendment then and the whole section will be passed as amended.

Moving to section 10. Section 10—pass; section 11—pass; section 12—pass.

Section 13 - Mr. Santos.

**MR. C. SANTOS:** MOTION:

THAT section 13 of Bill 23 be struck out and the following section be substituted therefor:

Subsec. 180(2) am.

13 Subsection 180(2) of the Act is amended by striking out clause (c) thereof and substituting therefor the following clause:

(c) produce or products of the farm except  
(i) milk and eggs belonging to another farmer, and

(ii) livestock belonging to another farmer unless the livestock is being transported to or from a farm, pasture or agricultural exhibition or fair and the gross vehicle weight of the vehicle or combination of vehicles used does not exceed 13,500 kilograms.

French version amendment as printed.

**MR. CHAIRMAN:** Okay, is there any discussion on that? Mr. Pankratz.

**MR. H. PANKRATZ:** I would like the Minister to explain that section to us, if he may.

**HON. J. PLOHMAN:** Mr. Chairman, in the current act, there are a number of permitted activities of farm trucks, authorized uses of farm trucks, and 180(2) states in the existing act that a farm truck may be used by the registered owner thereof, or by a member of his family or his employee, for the transportation of (a) produce or products, including livestock, of his own farm; or (b) commodities or other property for use on his farm; or (c) - and this is the one we've changed. If you ignore the one that's in the bill, the Member for La Verendrye, and if you look at the amendment that Mr. Santos just read into the record, this is the one we've changed, (c).

It says at the present time, "produce or products of the farm other than milk, eggs and livestock belonging to another farmer," is now changed to read as the members see it. So it covers livestock belonging to other people under certain circumstances. That farmers could use their farm truck to haul that livestock for certain purposes in a neighborly fashion, that being to agricultural fairs and to and from pasture and limits the size of the vehicle that could be used for that purpose.

And then it goes on to cover (d) himself or members of his family, or his employees; and (e) property belonging to another farmer for use on that other farmer's farm. All of that stays the same. The only one we have changed is (c) and the member sees the changed wording.

This comes about as a result of representation made by farm groups and individuals and hearings that were conducted by the Motor Transport Board that there should be this provision in the act to allow farmers to help each other in a neighborly fashion with the hauling of livestock for those purposes.

**MR. H. PANKRATZ:** What I see here in the book, this gross vehicle weight, that was in there before as well, am I correct?

**HON. J. PLOHMAN:** Yes, Mr. Chairman, that was in our original proposal in the bill that was presented for Second Reading. However, there was some other wording that we changed to make it clearer so there would be no contradiction in the different sections. But, yes, we have put in a weight limit.

The idea is that, when you get over that size, you're into some larger trucks that would generally be used for commercial purposes. There would be the odd farmer, as the member knows, who has larger semi-

trailer trucks and he could use only his farm trucks. But we're limiting for this purpose. You wouldn't normally put one animal or two or a few in a truck like that to take to a fair or to move some livestock from a pasture for a person. It's possible that there would be circumstances like that, but generally we feel this would cover the requirement for farmers helping each other in a neighborly fashion.

**MR. H. PANKRATZ:** As an example, can today a farmer - when you look at 13.5 kilograms, that's a very small truck in today's standards. By no means, anything larger than that is a semi.

My question to the Minister would be, if one farmer would be hauling the grain, let's say, from the field for his neighbor to the elevator - and with our derailment as it's been taking place, we will see more and more of this - does this require that one farmer with a farm plate licence will not be able to for his neighbor haul the grain, let's say, to the elevator? I'm using grain as an example, basically, because I see milk and eggs.

**HON. J. PLOHMAN:** Mr. Chairman, it is precisely what it says. It doesn't deal with grain; it deals with livestock. We're dealing with the issue of livestock here.

**MR. H. PANKRATZ:** Only livestock?

**HON. J. PLOHMAN:** That's the amendment, only livestock. Previously, it was not possible legally for a farmer to haul livestock for his neighbour, even for the purposes of moving it to and from pasture. Obviously, they didn't want him to haul them to the stockyards because the commercial truckers were going to lose, but just for this purpose to agricultural fairs and to and from pastures.

**MR. CHAIRMAN:** Are we ready for the question on this amendment? Is it passed?

**A MEMBER:** Passed.

**MR. CHAIRMAN:** Okay.  
Section 13, as amended—pass; section 14—pass.  
Section 15 - we have an amendment.  
Mr. Santos.

**MR. C. SANTOS: MOTION:**  
THAT proposed new subsection 180(6) of The Highway Traffic Act as set out in section 15 of Bill 23 be amended by striking out the word and figures "subsection 50(1)" in the 3rd line thereof and substituting therefor the words "the applicable provisions."

**MR. CHAIRMAN:** And the French version?

**MR. C. SANTOS:** The French version amendment, as printed.

**MR. CHAIRMAN:** Any discussion on the amendment?  
Mr. Pankratz.

**MR. H. PANKRATZ:** Am I reading that correctly, that basically you would remove what it states after 50(1) of The Animal Husbandry Act?

Actually, I was wondering whether it was those words to remove that from the old act, and that's exactly what it states.

Thank you.

**MR. CHAIRMAN:** Sections 15, as amended, to 25, inclusive, were each read and passed.  
Section 26 - Mr. Driedger.

**MR. A. DRIEDGER:** I just want to raise a concern under 327(2) there where it says: "Where the owner of a vehicle fails to present the vehicle for inspection as required under subsection (1) or (14), the registrar may cancel the registration issued in respect of the vehicle."

I want to raise a concern with the Minister at this stage of the game because I had a personal experience today.

My son went to college and he graduated about a month ago. He took his car, he went to Saskatchewan and he's working in a camp out there. Today I received a letter that was sent to his city address. Fortunately somebody sent it down to our place and we picked it up. I opened the letter and it says that he had to have his vehicle inspected by such and such a date or else his registration would be cancelled. The concern I have is that, if I had not, fortunately, managed to intercept the letter somewhere along the line and deal with it, then he would have failed to have the inspection. As a result, his registration would have been cancelled and he would have been in sort of a very unfortunate position.

I just want to draw this to the Minister's attention. I never paid that much attention to it until today. I opened his letter, which happened to come down to my address. I think there should be some provision that if somebody - I'm using that as an example where he moved out of the - he didn't move out, I guess he's working there for four or five months, I don't know how long. He'll be working in a camp out there, north of Saskatoon. But he would have never received this mail and, if he hadn't received the mail and hadn't had his vehicle inspected, his registration would have been cancelled.

I would suggest to the Minister possibly that he look at this and put in some safeguard where there's some mechanism in place where an individual does not get notified properly that he does not lose his registration and the insurance on that vehicle. I think it's a very serious thing. Ironically, it just happened today.

When I looked at this section here, I figure something isn't quite right here. There's got to be some kind of provision, a safeguard, a safety net that will make provision for individuals of that nature that they do not lose their registration on the vehicle.

I'm just wondering if the Minister can take that into consideration and bring it forward maybe for Third Reading. If there's some way that we can put something in, you know, some kind of a provision in there that individuals who do not receive that kind of a notice - and it can happen, young people are quite transient. They move from province to province and stuff of that nature. I think it is important that there be some provision that these individuals do not necessarily get caught in an awkward dilemma. I wonder if the Minister can make a comment on that.

**HON. J. PLOHMAN:** First of all, Mr. Chairman, clearly this is adding this authority not only for subsection 1, which gives the authority for the Registrar to cancel a licence now for all vehicles, but section 14 deals with commercial vehicles. That's the additional provision that's put in place with our new Commercial Vehicle Inspection Program, that if they fail to comply, the Registrar can cancel.

That power or authority rests with the Registrar already for other vehicles, as the member has just stated. However, people have to be notified by registered mail or served personally and, if they don't receive the notification, they are not automatically cancelled, they just don't renew their licence or registration when it comes up for renewal, and at that time they receive their warning. This came about as a result of Justice Ferg's decision two years ago and we did make the amendments last year or the year before to provide for the alternative processes. Rather than just having registered mail, in many cases people were actually suspended and not even realizing it, because they didn't get the letter. That is now no longer possible. If there's not notification that they have received that registered mail and opened it, then of course the other process is invoked.

So your son, in that case, would not have been, if he didn't get it. Now that his dad has opened it and told him about it though, I guess he's in the same boat as the rest of the boys. He has to get his vehicle inspected.

**MR. A. DRIEDGER:** Mr. Chairman, I want to clarify that. I phoned the department because there was a

phone number there, and indicated that my son was out of province and that he might not be back till October sometime, and they cancelled that ticket. I just want to indicate to the Minister that I happened to catch that number and clarify that. The Minister's telling me that they would not necessarily lose their registration."

**HON. J. PLOHMAN:** If no one opened the letter, right.

**MR. A. DRIEDGER:** Okay fine, I accept that.

**MR. CHAIRMAN:** Sections 26 to 30, inclusive, were each read and passed; Preamble—pass; Title—pass. Bill be reported.

I've been advised that there have been some discussions between the Opposition critic and the Minister, and that we will now be dealing with Bill No. 22 with this meeting of the committee.

**BILL NO. 22 - THE WATER  
RESOURCES ADMINISTRATION ACT  
AND THE REAL PROPERTY ACT**

**MR. CHAIRMAN:** Pass?

Okay, there is a willingness to deal with it bill-by-bill.

Bill—pass; Preamble—pass; Title—pass.

Bill be reported.

Committee rise.

**COMMITTEE ROSE AT:** 10:22 p.m.