

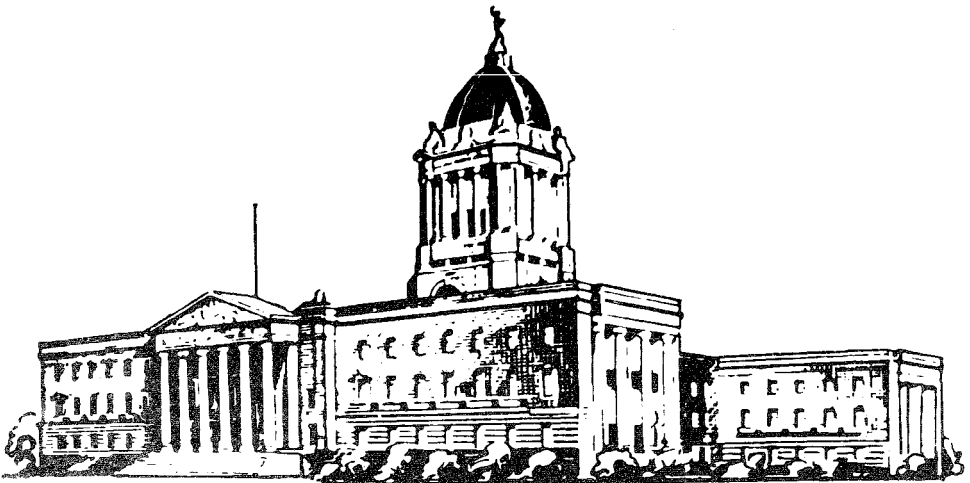


First Session — Thirty-Fourth Legislature
of the
Legislative Assembly of Manitoba

STANDING COMMITTEE
on
STATUTORY REGULATIONS
and
ORDERS

37 Elizabeth II

Chairman
Mr. H. Pankratz
Constituency of La Verendrye



VOL. XXXVII No. 1 - 10 a.m., THURSDAY, OCTOBER 6, 1988.

**MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fourth Legislature**

Members, Constituencies and Political Affiliation

NAME	CONSTITUENCY	PARTY
ALCOCK, Reg	Osborne	LIBERAL
ANGUS, John	St. Norbert	LIBERAL
ASHTON, Steve	Thompson	NDP
BURRELL, Parker	Swan River	PC
CARR, James	Fort Rouge	LIBERAL
CARSTAIRS, Sharon	River Heights	LIBERAL
CHARLES, Gwen	Selkirk	LIBERAL
CHEEMA, Gulzar	Kildonan	LIBERAL
CHORNOPYSKI, William	Burrows	LIBERAL
CONNERY, Edward Hon.	Portage la Prairie	PC
COWAN, Jay	Churchill	NDP
CUMMINGS, Glen, Hon.	Ste. Rose du Lac	PC
DERKACH, Leonard, Hon.	Roblin-Russell	PC
DOER, Gary	Concordia	NDP
DOWNEY, James Hon.	Arthur	PC
DRIEDGER, Albert, Hon.	Emerson	PC
DRIEDGER, Herald, L.	Niakwa	LIBERAL
DUCHARME, Gerald, Hon.	Riel	PC
EDWARDS, Paul	St. James	LIBERAL
ENNS, Harry	Lakeside	PC
ERNST, Jim, Hon.	Charleswood	PC
EVANS, Laurie	Fort Garry	LIBERAL
EVANS, Leonard	Brandon East	NDP
FILMON, Gary, Hon.	Tuxedo	PC
FINDLAY, Glen Hon.	Virten	PC
GAUDRY, Neil	St. Boniface	LIBERAL
GILLESHAMMER, Harold	Minnedosa	PC
GRAY, Avis	Ellice	LIBERAL
HAMMOND, Gerrie	Kirkfield Park	PC
HARAPIAK, Harry	The Pas	NDP
HARPER, Elijah	Rupertsland	NDP
HELWER, Edward R.	Gimli	PC
HEMPHILL, Maureen	Logan	NDP
KOZAK, Richard, J.	Transcona	LIBERAL
LAMOUREUX, Kevin, M.	Inkster	LIBERAL
MALOWAY, Jim	Elmwood	NDP
MANDRAKE, Ed	Assiniboia	LIBERAL
MANNES, Clayton, Hon.	Morris	PC
McCRAE, James Hon.	Brandon West	PC
MINENKO, Mark	Seven Oaks	LIBERAL
MITCHELSON, Bonnie, Hon.	River East	PC
NEUFELD, Harold, Hon.	Rossmere	PC
OLESON, Charlotte Hon.	Gladstone	PC
ORCHARD, Donald Hon.	Pembina	PC
PANKRATZ, Helmut	La Verendrye	PC
PATTERSON, Allan	Radisson	LIBERAL
PENNER, Jack, Hon.	Rhineland	PC
PLOHMAN, John	Dauphin	NDP
PRAZNIK, Darren	Lac du Bonnet	PC
ROCAN, Denis, Hon.	Turtle Mountain	PC
ROCH, Gilles	Springfield	LIBERAL
ROSE, Bob	St. Vital	LIBERAL
STORIE, Jerry	Flin Flon	NDP
TAYLOR, Harold	Wolseley	LIBERAL
URUSKI, Bill	Interlake	NDP
WASYLYCIA-LEIS, Judy	St. Johns	NDP
YEO, Iva	Sturgeon Creek	LIBERAL

**LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON
STATUTORY REGULATIONS AND ORDERS
Thursday, October 6, 1988**

TIME — 10 a.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Mr. Helmut Pankratz (La Verendrye)

ATTENDANCE — QUORUM - 6

Members of the Committee present:

Hon. Messrs. McCrae, Manness, Mitchelson,
Penner

Ms. Gray, Mr. Harapiak, Ms. Hemphill

Messrs. Lamoureux, Pankratz, Roch; Mrs.
Yeo.

APPEARING: Dr. Jay Brolund - The Psychological
Association of Manitoba

MATTERS UNDER DISCUSSION:

Bill No. 4—The Re-enacted Statutes of
Manitoba, 1988, Act; Loi sur les Lois réadoptées
du Manitoba de 1988

Bill No. 5—The Statute Re-enactment Act,
1988; Loi de 1988 sur la réadoption de lois.

Bill No. 10—The Court of Queen's Bench Act;
Loi sur la Cour du Banc de la Reine

* * * *

Clerk of Committees, Ms. Bonnie Greschuk: The
committee will please come to order. We must elect a
chairman for the committee responsible for Statutory
Regulations and Orders. Are there any nominations?

Hon. James McCrae (Attorney-General): Madam
Clerk, I would move the name of Helmut Pankratz, the
Honourable Member for La Verendrye, for chairman
of this committee.

Madam Clerk: Are there any other nominations?

Mr. McCrae: I move that nominations cease.

Madam Clerk: Mr. Pankratz, please take the Chair.

* (1005)

Mr. Chairman, Helmut Pankratz: Good morning. We
will call this meeting to order. The way this appointment
as becoming chairman, I sort of am used to that from
the municipal level; that is the way it is being done. I
do not know how democratic it is, but anyhow, I am
sure, with a little bit of assistance, we will struggle
through this one.

We have three Bills before us this morning in regard
to Statutory Regulations. On my paper, they are listed
as 4, 5 and 10. I believe we have representation on
Bill 10. So, with the will of the committee, I would
suggest that we move to Bill 10 first, is that agreed?
(Agreed)

**BILL NO. 10—THE COURT OF
QUEEN'S BENCH ACT**

Mr. Chairman: We have one gentleman that would like
to appear before us on Bill No. 10, Dr. Jay Brolund. I
would like to ask him at this time to come forward,
please.

Dr. Jay Brolund: Thank you very much.

Good morning. My name is Jay Brolund. I am vice-
president of the Psychological Association of Manitoba.
I am also speaking for Jim Newton, who is the president
of the Association, who was unfortunately unable to
be here today. He was out of town. It was his turn to
do this.

First of all, I would like to thank the committee for
taking the opportunity for allowing us to present our
views and concerns as to the proposed changes to
The Queen's Bench Act. I will be very brief in my
comments and comment only specifically as to how it
might affect our association.

By way of background, I would like to say that the
Psychological Association of Manitoba is the
organization given the mandate to govern and regulate
the practice of psychologists in the province, pursuant
to The Psychologists Registration Act. The Act provides
that, save for certain exceptions, only members of the
association may hold themselves out and practice as
psychologists in the province. In order to become a
member, one must meet academic and training
examinations and experiential qualifications which are
set forth in the Act and the by-laws of the association.

* (1010)

Of importance today is the fact that The Psychologists
Registration Act provides for "registration" of members,
but not for "licensing." The essential difference between
registration and licensing involves the frequency with
which a member of a given profession is issued the
credential required to practice. Under the licensing
system, a license is issued every year to an individual
who qualifies and pays appropriate dues. Under the
registration system, once an individual has qualified
and become registered, the person retains his or her
standing provided appropriate dues and other criteria
are met.

This brief background is necessary to understand
our concern with one section of The Queen's Bench

Act as proposed, namely Section 63. The proposed section reads as follows:

“Health Care Practitioner”

Section 63(1). In this Section, “health care practitioner” means a person licensed to practice in the health sciences field, whether in Manitoba or elsewhere.”

I refer also to Section 63(2), physical or mental examination:

“Where the physical or mental condition of a party is in question, the court, on motion, may order the party to undergo a physical or mental examination by one or more health care practitioners.”

The Psychological Association has a concern rising from the wording of the definition of “health care practitioner.” The definition appears to limit the application of this Section and in so doing may only allow the court to appoint “licensed” health care practitioners to conduct examinations. As noted, psychologists are “registered” pursuant to the Act and are not “licensed” and therefore may not be appointed by the Court to provide such a service.

We understand that the intention of this Section was to include professionals such as psychologists, given their increasing role in the provision of mental health care in the province and in the provision of services in civil, criminal, child and family law.

So a simple solution to the association’s concern would be the addition of the words “or registered” after the word “licensed” in this Section.

We support the clarification brought by the Act as to who are health care practitioners in the province. We believe that the addition of the words “or registered” in subsection 63(1) will ensure that psychologists in Manitoba will retain the opportunity to provide services to the court as they are currently provided.

Thank you for your attention and consideration to this matter and allowing us to present, and not having to sit around. Thank you very much.

Mr. Chairman: Doctor, would you please stay at the mike and possibly there are some committee Members who would like to pose some questions to you?

Is there anybody who has any question that they would like to put forward to the doctor?

Hon. James McCrae (Attorney-General): Mr. Chairman, for purpose of confirmation, am I correct in assuming that a member of your association or someone, an agent or someone speaking on behalf of your association, has met with The Queen’s Bench Act Committee or someone from the committee and discussed this matter?

Dr. Brolund: No, we have not met specifically with the committee. We have sent a letter requesting this change to the Attorney-General.

Mr. McCrae: I can confirm that.

Dr. Brolund: My understanding was that there is support for the change.

Mr. Chairman: Any other Members who have any question or concerns that they would like to raise?

I want to thank you for making your presentation.

Dr. Brolund: Thank you very much.

Mr. Chairman: Thank you.

* (1015)

Mr. McCrae: Mr. Chairman, may I suggest that because I have some more lengthier comments to make on Bills 4 and 5 later that we deal with Bill 10 first and then deal with Bills 4 and 5 afterward.

Mr. Chairman: Yes, if it is the will of the committee. (Agreed)

Since all presentations have been made and heard in regard to Bill No. 10, The Court of Queen’s Bench Act, then is it the will of this committee to go clause by clause or page by page? We will go clause by clause. Thank you.

Hon. Clayton Manness (Minister of Finance): Mr. Chairman, is it essential that we call out every clause even though I believe the Attorney-General (Mr. McCrae) is bringing in a message?

Mr. Chairman: Is it the will of the committee that we go page by page? (Agreed) Pages 3 to 7, inclusive, were each read and passed.

If we are going too speedy anybody, please interject. Pages 8 to 16, inclusive, were each read and passed.

Mr. Kevin Lamoureux (Inkster): If it is the will of the committee, I would just as soon start right from page 28 if there is no objection and just pass the rest.

Mr. Chairman: Anybody have any concerns before page 28? Pages 16 to 27, inclusive, were each read and passed. 28—Mr. Lamoureux.

Mr. Lamoureux: Just for some point of clarification, we are going to be looking at the request, that 63(1) after the word “licence” we have /registered. Is this what—

* (1020)

Mr. McCrae: Mr. Chairman, we appreciate Dr. Brolund’s presentation this morning and the Government is going to propose a motion. I will do that now if that is okay with Honourable Members, a motion, that subsection 63(1) of Bill 10 be amended by adding, “or registered” after “licensed.”

I will do this again, Mr. Chairman. I move that clause 3 subsection 1 be amended by adding “or registered” after “licensed,” and I move this motion with respect to both the English and French texts.

Mr. Chairman: Any more questions or comments to be made on this proposed motion?

On the proposed motion of Mr. McCrae, the amended clause No. 63(1) with respect to both the English and French texts, if applicable. Shall the motion pass? (Agreed)

We have to pass the clause with the amendment—pass. Anything else on page 28?

Page 44, anybody have any questions or concerns, let us say inclusive of page 43? Page 43—pass; page 44—pass; page 45—pass; page 46—pass.

Is it the will of the committee to pass the schedules that are on page 45? (Agreed)

Is it the will of the committee to pass The Court of Queen's Bench Act Title? (Agreed)

Bill No. 10, as amended, is the will of the committee to pass Bill No. 10 as amended? (Agreed)

Is it the will of the committee to pass the Preamble—Mr. Harapiak. I did not get you, Mr. Harapiak?

Mr. Harry Harapiak (The Pas): Is it not necessary to say the Bill will be reported?

Mr. Chairman: That is up to me to state, I assume that is what you are stating, is that right? That this Bill be recorded?

Mr. Harapiak: Reported.

Mr. Chairman: I am in training, bear with me.

* (1025)

BILL NO. 4—THE RE-ENACTED STATUTES OF MANITOBA, 1988, ACT

Mr. Chairman: Is it the will of the committee to proceed with Bill No. 4, the Re-enacted Statutes of Manitoba, 1988, Act. (Agreed)

Should I also inquire whether there is anybody to make representation on this? I do not think we have been notified, but is there anybody here that is going to make presentation in regard to the Bill? Is it the will of the committee to go clause by clause or page by page?

An Honourable Member: Page by page.

Mr. Chairman: Page by page? (Agreed)

Mr. McCrae would like to make a few comments on Bill No. 4.

Hon. James McCrae (Attorney-General): Prior to consideration of Bills 4 and 5, I would like to distribute the report on the validation plan prepared by Legislative Counsel.

Mr. Chairman: Mr. McCrae, were you going to make some comments on—

Mr. McCrae: Honourable Members have been asking for this report and I thought I would make it available at this point.

Mr. Chairman: Is this report one that Members of the committee can refer to during their questions to the Bill?

Mr. McCrae: Yes, it is there to be referred to.

Mr. Chairman: Bill No. 4, page 1.

An Honourable Member: The Preamble comes first?

Mr. Chairman: No, it is not. On page 1—we were going to pass them page by page, is that right?

* (1030)

Mr. McCrae: We should go to page 2, Mr. Chairman, because page 1 is the preamble, which comes at the end.

Mr. Chairman: Pages 1 to 8, inclusive, were each read and passed; Preamble—pass; Title—pass; Bill No. 4—pass. Bill be reported.

BILL NO. 5—THE STATUTE RE-ENACTMENT ACT, 1988

Mr. Chairman: Is it now the will of the committee to continue with Bill No. 5? Bill No. 5, is it the will of the committee to go page by page or clause by clause?

An Honourable Member: Page by page.

Mr. Chairman: Page by page. Pages 2 to 5, inclusive, were each read and passed; Preamble—pass; Title—pass; Bill No. 5—pass. Bill be reported.

Are there any other questions in regard to these Bills that have been passed this morning? Is it the will of the House to adjourn? (Agreed)

Committee rise.

COMMITTEE ROSE AT: 10:33 a.m.