



Third Session - Thirty-Seventh Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Law Amendments

Chairperson
Mr. Doug Martindale
Constituency of Burrows



MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Seventh Legislature

| Member | Constituency | Political Affiliation |
|-------------------------|---------------------|------------------------------|
| AGLUGUB, Cris | The Maples | N.D.P. |
| ALLAN, Nancy | St. Vital | N.D.P. |
| ASHTON, Steve, Hon. | Thompson | N.D.P. |
| ASPER, Linda | Riel | N.D.P. |
| BARRETT, Becky, Hon. | Inkster | N.D.P. |
| CALDWELL, Drew, Hon. | Brandon East | N.D.P. |
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| DERKACH, Leonard | Russell | P.C. |
| DEWAR, Gregory | Selkirk | N.D.P. |
| DOER, Gary, Hon. | Concordia | N.D.P. |
| DRIEDGER, Myrna | Charleswood | P.C. |
| DYCK, Peter | Pembina | P.C. |
| ENNS, Harry | Lakeside | P.C. |
| FAURSCHOU, David | Portage la Prairie | P.C. |
| FRIESEN, Jean, Hon. | Wolesey | N.D.P. |
| GERRARD, Jon, Hon. | River Heights | Lib. |
| GILLESHAMMER, Harold | Minnedosa | P.C. |
| HAWRANIK, Gerald | Lac du Bonnet | P.C. |
| HELWER, Edward | Gimli | P.C. |
| HICKES, George | Point Douglas | N.D.P. |
| JENNISSEN, Gerard | Flin Flon | N.D.P. |
| KORZENIOWSKI, Bonnie | St. James | N.D.P. |
| LATHLIN, Oscar, Hon. | The Pas | N.D.P. |
| LAURENDEAU, Marcel | St. Norbert | P.C. |
| LEMIEUX, Ron, Hon. | La Verendrye | N.D.P. |
| LOEWEN, John | Fort Whyte | P.C. |
| MACKINTOSH, Gord, Hon. | St. Johns | N.D.P. |
| MAGUIRE, Larry | Arthur-Virden | P.C. |
| MALOWAY, Jim | Elmwood | N.D.P. |
| MARTINDALE, Doug | Burrows | N.D.P. |
| McGIFFORD, Diane, Hon. | Lord Roberts | N.D.P. |
| MIHYCHUK, MaryAnn, Hon. | Minto | N.D.P. |
| MITCHELSON, Bonnie | River East | P.C. |
| MURRAY, Stuart | Kirkfield Park | P.C. |
| NEVAKSHONOFF, Tom | Interlake | N.D.P. |
| PENNER, Jack | Emerson | P.C. |
| PENNER, Jim | Steinbach | P.C. |
| PITURA, Frank | Morris | P.C. |
| REID, Daryl | Transcona | N.D.P. |
| REIMER, Jack | Southdale | P.C. |
| ROBINSON, Eric, Hon. | Rupertsland | N.D.P. |
| ROCAN, Denis | Carman | P.C. |
| RONDEAU, Jim | Assiniboia | N.D.P. |
| SALE, Tim, Hon. | Fort Rouge | N.D.P. |
| SANTOS, Conrad | Wellington | N.D.P. |
| SHELLENBERG, Harry | Rossmere | N.D.P. |
| SCHULER, Ron | Springfield | P.C. |
| SELINGER, Greg, Hon. | St. Boniface | N.D.P. |
| SMITH, Joy | Fort Garry | P.C. |
| SMITH, Scott, Hon. | Brandon West | N.D.P. |
| STEFANSON, Heather | Tuxedo | P.C. |
| STRUTHERS, Stan | Dauphin-Roblin | N.D.P. |
| TWEED, Mervin | Turtle Mountain | P.C. |
| WOWCHUK, Rosann, Hon. | Swan River | N.D.P. |

LEGISLATIVE ASSEMBLY OF MANITOBA

THE STANDING COMMITTEE ON LAW AMENDMENTS

Thursday, August 1, 2002

TIME – 6:30 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Doug Martindale
(Burrows)

VICE-CHAIRPERSON – Mr. Conrad Santos
(Wellington)

ATTENDANCE - 11 – QUORUM - 6

Members of the Committee present:

Hon. Messrs. Ashton, Lathlin, Mackintosh,
Smith

Messrs. Dewar, Faurschou, Laurendeau,
Martindale, Reimer, Santos, Mrs. Smith

MATTERS UNDER CONSIDERATION:

Bill 17–The Cooperatives Amendment Act

Bill 40–The Highway Traffic Amendment
Act

Bill 48–The Legal Profession Act

Bill 50–The Resource Tourism Operators
Act

Bill 51–The Statutes Correction and Minor
Amendments Act, 2002

Bill 54–The Legislative Assembly and
Executive Council Conflict of Interest
Amendment (Conflict of Interest Com-
missioner) Act

Mr. Chairperson: This evening, the committee will be considering the following bills: Bill 17, The Cooperatives Amendment Act; Bill 40, The Highway Traffic Amendment Act; Bill 48, The

Legal Profession Act; Bill 50, The Resource Tourism Operators Act; Bill 51, The Statutes Correction and Minor Amendments Act, 2002; Bill 54, The Legislative Assembly and Executive Council Conflict of Interest Amendment (Conflict of Interest Commissioner) Act.

Did the committee wish to indicate how late it is wishing to sit this evening? I heard a suggestion that we sit until we are finished all these bills clause by clause. Agreed? *[Agreed]*

We do not have presenters registered to speak to these bills. Is there anyone in the audience who would like to register or has not yet registered and would like to make a presentation?

Seeing none, is it the will of the committee to proceed with the detailed clause-by-clause consideration of Bills 17, 40, 48, 50, 51 and 54? If yes, in what order do you wish to proceed?

Mr. Gregory Dewar (Selkirk): Can we begin with Bill 50 and then follow on in numerical order?

Mr. Chairperson: It has been suggested that we begin with Bill 50 and then do the others in the order printed on the notice of meeting. Agreed? *[Agreed]*

Bill 50–The Resource Tourism Operators Act

Mr. Chairperson: Does the minister responsible for Bill 50 have an opening statement?

Hon. Oscar Lathlin (Minister of Conservation): Yes. I have an opening statement to make, Mr. Chairperson.

I want to talk about Bill 50, The Resource Tourism Operators Act. Before we begin our discussions in detail on the various provisions contained in this new act, I would like to briefly highlight the key features of this legislation. As

committee members are aware, the need for a new act has been identified for over a decade. Problems with the present act, The Tourism and Recreation Act, jointly administered with the Department of Culture, Heritage and Tourism, include no provision for a comprehensive scheme for management of lodge and outfitter development, nor does it reflect how we currently do business in this area.

The industry has grown in size and sophistication over the past several years and a better management tool is needed. Better enforcement capability is required, especially with regard to the illegal operators and substandard facilities that cast a negative light on the entire industry. Flexibility is needed to deal with new market niches, especially ecotourism. The proposed act will clearly allow for a decision to be made on the basis of sustainable development, including taking into account the sustainability of the area's natural resources and the impact on existing recreational activities in the area.

Although the words "tourism" and "ecotourism" are prominent in this act, its scope is limited to activities of lodges and outfitters that directly affect the natural resources of Manitoba Crown lands. This function clearly belongs to Manitoba Conservation, rather than with a department that handles more conventional types of tourism.

This new act will deal exclusively with the permitting of accommodation facilities, that is, lodges, et cetera, and the licensing of outfitters. It will be administered entirely by Manitoba Conservation. The definitions in this act will be very important in establishing the scope of the act. Some of the key definitions will include: "outfitter" will be defined as a person who, for profit, provides two or more outfitting services in relation to hunting, fishing or ecotourism. Outfitting services will be the following: providing supplies or equipment, providing a guide and providing accommodation facilities.

This means that a person who provides only one outfitting service will not be considered an outfitter. Accommodation facilities will be the following facilities when used or operated by an outfitter: a lodge, outcamp, portable camp or campground.

All persons who fit the definition of outfitter will require a licence, except where the outfitting is related to ecotourism and takes place entirely on private land. All persons who construct, establish, modify or operate a facility that fits the definition of accommodation facility will require a permit. All licences and permits will be granted by a department official designated as the administrator for the purpose of this act. An advisory committee will be appointed and the administrator will consult with the advisory committee prior to making any decision on an application for a licence or a permit.

Factors that will be considered on an application for a licence or a permit will include whether the natural resources of the area can sustain the facility or outfitting service; whether the facility or outfitting service will impact on recreational activities in the area; whether the facility or outfitting service will conflict with uses established for land or water in the area; the compliance history of the applicant relating to resource-related offences.

Transfers of licences or permits will be dealt with in a similar fashion as new applications. The administrator will have the power to suspend or cancel a licence or permit if its holder fails to comply with the act or an order issued under the act. All decisions made by the administrator respecting a license or permit may be appealed. An appeal committee will be established. They will have the authority to render a final decision on appeals.

Enforcement powers will be enhanced and will be similar to powers provided to conservation officers under the resource management statute, including powers to order a vehicle to stop; issue orders to comply with the act; enter and inspect facilities at any reasonable time; obtain warrants for search and seizure of evidence; and, without a warrant, seize evidence and arrest offenders when witnessing an offence in progress.

Penalty provisions will also be enhanced, with the maximums for an individual being a fine of up to \$10,000 or six months in jail or, for a corporation, a fine of \$20,000.

I have attempted with these foregoing remarks to set out the most notable features of this act. Now, if the committee wishes, we may proceed in detail.

Mr. Chairperson: We thank the minister. Does the critic from the Official Opposition have an opening statement?

Mr. Jack Reimer (Southdale): Thank you. No.
* (18:40)

Mr. Chairperson: We thank the member. During the consideration of a bill, the table of contents, the enacting clause and the title are postponed until all other clauses have been considered in their proper order. Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed? [*Agreed*]

Clause 1(1) pass-pass; clauses 1(2) to 2(2)-pass; clauses 3 to 5-pass; clauses 6 to 8(3)-pass; clauses 9(1) to 9(3)-pass; clauses 10 to 12-pass; clauses 13 to 15(3)-pass; clauses 15(4) to 17(2)-pass; clauses 17(3) to 18(2)-pass; clauses 19(1) to 21(2)-pass; clauses 22(1) to 23(4)-pass; clauses 24(1) to 25-pass; clauses 26(1) to 27(1)-pass; clauses 27(2) to 29(1)-pass; clauses 29(2) to 30-pass; clauses 31 and 32-pass; clauses 33 to 37-pass; table of contents-pass; enacting clause-pass; title-pass. Bill be reported.

Bill 17–The Cooperatives Amendment Act

Mr. Chairperson: Bill 17, The Cooperatives Amendment Act. Does the minister responsible for Bill 17 have an opening statement?

Hon. Scott Smith (Minister of Consumer and Corporate Affairs): No, I do not.

Mr. Chairperson: We thank the minister. Does the critic from the Official Opposition have an opening statement?

Mr. David Fauschou (Portage la Prairie): No.

Mr. Chairperson: We thank the member. During the consideration of a bill, the table of

contents, the enacting clause and the title are postponed until all other clauses have been considered in their proper order. Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed? [*Agreed*]

Clauses 1 to 3-pass; clauses 4 to 6(3)-pass; clauses 7 to 9(2)-pass; clauses 9(3) and 10-pass; enacting clause-pass; title-pass. Bill be reported.

Bill 40–The Highway Traffic Amendment Act

Mr. Chairperson: The next bill is Bill 40, The Highway Traffic Amendment Act. Does the minister responsible for Bill 40 have an opening statement?

Hon. Steve Ashton (Minister of Transportation and Government Services): Yes. This bill will greatly improve highway safety in the province.

Mr. Chairperson: We thank the minister. Does the critic from the Official Opposition have an opening statement?

Mr. David Fauschou (Portage la Prairie): No.

Mr. Chairperson: We thank the member. During the consideration of a bill, the table of contents, the enacting clause and the title are postponed until all other clauses have been considered in their proper order. Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed? [*Agreed*]

Clauses 1 to 3-pass; clauses 4 to 7(2)-pass; clauses 8 to 9(2)-pass; clauses 10 and 11-pass; clause 12(1)-pass; clauses 12(2) to 14-pass; clauses 15 to 17-pass; clause 18-pass; clause 19-pass; clauses 20 and 21-pass; clauses 22 to 25-pass; clauses 26 to 28-pass; clauses 29 to 31-pass; clause 32-pass; clauses 33 and 34-pass; clauses 35 to 37-pass; clauses 38 and 39-

pass; clauses 40 to 42—pass; clauses 43(1) to 43(3)—pass; enacting clause—pass; title—pass. Bill be reported.

Bill 48—The Legal Profession Act

Mr. Chairperson: The next bill is No. 48, The Legal Profession Act. Does the minister responsible for Bill 48 have an opening statement?

Hon. Gord Mackintosh (Minister of Justice and Attorney General): That is fine.

Mr. Chairperson: We thank the minister.

Does the critic from the Official Opposition have an opening statement? We thank the member.

During the consideration of the bill, the table of contents and the enacting clause and the title are postponed until all of the clauses have been considered in their proper order. Also, if there is agreement from the committee, the chair will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed? *[Agreed]*

Clause 1—pass; clauses 2(1) to 4(1)—pass; clauses 4(2) to 5—pass; clauses 6(1) and 6(2)—pass; clauses 6(3) and 7(1)—pass; clauses 7(2) to 10—pass; clauses 11(1) to 14—pass; clauses 15(1) to 16(2)—pass; clauses 17(1) to 17(5)—pass; clauses 18(1) to 19(1)—pass; clauses 19(2) to 19(4)—pass; clause 19(5)—pass; clauses 20(1) to 20(3)—pass; clauses 20(4) and 21—pass; clauses 22 and 23—pass; clauses 24 to 26—pass; clauses 27 to 28(4)—pass; clauses 28(5) to 29(2)—pass; clauses 30 to 31(2)—pass; clause 32(1)—pass; clauses 32(2) to 34(1)—pass; clauses 34(2) to 36(2)—pass; clauses 37(1) and 37(2)—pass; clauses 38 and 39—pass; clauses 40(1) to 40(3)—pass; clauses 41 and 42—pass; clause 43—pass; clauses 44 to 45(2)—pass; clauses 45(3) to 45(6)—pass; clauses 45(7) to 46(3)—pass; clauses 47(1) to 47(4)—pass; clauses 47(5) to 49(1)—pass; clauses 49(2) to 50(3)—pass; clauses 50(4) to 51(4)—pass; clauses 51(5) to 54(2)—pass; clauses 55(1) to 55(5)—pass; clauses 55(6) to 56—pass; clauses 57(1) to 57(3)—pass; clauses 57(4) to 58—pass; clauses 59(1) to 62—pass; clauses 63 to 65—pass; clauses 66 to 68—pass; clauses 69(1) and 69(2)—pass; clauses 70 and 71—pass; clause

72(1)—pass; clause 72(2)—pass; clauses 72(3) to 73(3)—pass; clauses 74 to 75(2)—pass; clauses 75(3) to 76(3)—pass; clauses 77 to 79(1)—pass; clauses 79(2) and 79(3)—pass; clauses 80 to 82(2)—pass; clauses 83(1) and 83(2)—pass; clauses 84(1) to 86—pass; clauses 87 to 89(2)—pass; clauses 90(1) to 90(3)—pass; clauses 90(4) to 92—pass; clauses 93(1) to 97—pass; clauses 98 to 103—pass; clauses 104(1) to 105—pass; clauses 106(1) to 107(3)—pass; clauses 107(4) to 110(2)—pass; table of contents—pass; enacting clause—pass; title—pass. Bill be reported.

* (18:50)

Bill 51—The Statutes Correction and Minor Amendments Act, 2002

Mr. Chairperson: Does the minister responsible for Bill 51 have an opening statement?

Hon. Gord Mackintosh (Minister of Justice and Attorney General): No.

Mr. Chairperson: We thank the minister. Does the critic from the Official Opposition have an opening statement? No. We thank the member.

During the consideration of a bill, the table of contents, the enacting clause and the title are postponed until all other clauses have been considered in their proper order. Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed? *[Agreed]*

Clause 1—pass; clauses 2(1) to 4(2)—pass; clauses 4(3) to 7—pass; clauses 8 to 10—pass; clauses 11 to 15—pass; clauses 16(1) to 18—pass; clauses 19 to 21—pass; clauses 22 to 24—pass; clauses 25 to 27—pass; clauses 28 to 30(1)—pass; clause 30(2)—pass; clauses 31(1) to 31(4)—pass; table of contents—pass; enacting clause—pass; title—pass. Bill be reported.

Bill 54—The Legislative Assembly and Executive Council Conflict of Interest Amendment (Conflict of Interest Commissioner) Act

Mr. Chairperson: Bill 54. Does the minister responsible for Bill 54 have an opening statement?

Hon. Gord Mackintosh (Minister of Justice and Attorney General): I just wanted to thank the other parties in the House for their feedback on this bill. I look forward to working together with the other parties on the implementation stage.

Mr. Chairperson: Does the critic for the Official Opposition have an opening statement?

An Honourable Member: Not at this time.

Mr. Chairperson: We thank the members. During the consideration of a bill, the enacting clause and the title are postponed until all other clauses have been considered in their proper

order. Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed?
[Agreed]

Clauses 1 and 2—pass; clauses 3 and 4—pass; clauses 5 and 6—pass; clauses 7 to 9—pass; enacting clause—pass; title—pass. Bill be reported.

What is the will of the committee? Committee rise.

COMMITTEE ROSE AT: 6:57 p.m.