

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

Tuesday, 12 May, 1981

Time — 10:00 a.m.

CHAIRMAN — Mr. Gary A. Filmon (River Heights)

MR. CHAIRMAN: Good morning ladies and gentlemen. I'll call the meeting to order and begin with the first order of business, being the resignation of the Chairman by popular demand. I submit my resignation and will the Clerk please take over.

All those in favour? (Agreed)

MR. CLERK, Jack Reeves: You've all heard the resignation of Mr. Filmon. I'm open for nominations for a new Chairman.

A MEMBER: I nominate Mr. McGregor.

MR. CLERK: Mr. McGregor. Are there any further nominations?

A MEMBER: I move nominations close.

MR. CLERK: Mr. McGregor, would you please take the Chair?

MR. CHAIRMAN, Mr. Morris McGregor (Virden): Good morning, Committee. The bills that will be under consideration this morning are Nos. 8, 13, 27, 29, 36, 41, 46, 50 and 60.

The people who have indicated that they will be making a presentation on Bill 8 are Sybil Shack or Richard Elson.

On Bill 29, Ms. Rose Gulak, Elizabeth Semkiw and William Stevens.

Are there any other members here who are intending to make presentations on any of the named bills? I guess the suggestion from the Chair would be if there's one from out of town making a presentation it's usually a customary thing to call on them first. Are any of these named people from out of town? If not, I'll start at Bill 8 — Sybil Shack or Richard Elson.

MS. SYBIL SHACK: Mr. Chairman, I'd like to thank the Law Amendments Committee for listening to our presentation on behalf of the Manitoba Association for Rights and Liberties and introduce to you Mr. Richard Elson who will make the presentation for us this morning.

Thank you.

MR. RICHARD ELSON: Thank you, Sybil. Mr. Chairman, and members of the Law Amendments Committee, Bill 8, An Act to amend The Garnishment Act is a fairly short piece of legislation and one, on a first reading, and I use that word first reading unofficially, may not quite see that there might be any civil liberties nature that the Association may be concerned with. However, we in the Association have looked at this Act and feel that the amendment should be considered in respect of the particular Act

as it currently exists because we feel that there is a significant form of discrimination that is currently apparent in the Act. We also feel that there has been an attempt on the part of the Legislature in presenting the bill thus far insofar as its particular contents are concerned, to resolve that particular problem. But however in the view of the Association, those particular amendments do not go far enough to deal with the full significance of the problem that is apparent in the current Act.

There is a presentation or a brief before you. I will be more or less paraphrasing and giving a summary of much of the contents of that brief.

Currently under The Garnishment Act which is an Act designed to allow judgment creditors to enforce their debts and to enforce payment of their debts against their respective judgment debtors, under that Act, the judgment creditor upon receipt of a judgment and indeed in some cases prior to obtaining a judgment but simply after the launching of a statement of claim, can issue a garnishing order through the court upon the presentation of an affidavit against a garnishee, who is then required to pay moneys due or accruing due to that particular debtor. These garnishees can take many forms. They can take the form of a person who owes an account payable to a respective judgment debtor. They can take the form of a bank which is holding money in a bank account, some notional form of trust for the benefit of that judgment debtor. It can also take the form of an employer who owes remuneration, wages or salary to that respective judgment debtor out of work that the employee judgment debtor has provided to that particular employer.

Now currently and insofar as the Association is concerned we are dealing with the particular aspect of a garnishee in the form of employer. Under the Act as it stands currently once an employer has been served with a garnisheeing order he must pay all moneys due or accruing due in the form of wages or salary that are justly due and owing to that judgment debtor.

However, there is one exception with respect to this particular form of debt that is included in the Act. That exception is dealt with under Section 6 of The Garnishment Act in which there is an exemption. In effect, what that exemption does it prevents the judgment creditor from garnishing 70 percent of the wages or salary that are due or accruing due to that particular employee, who is also in the capacity of a judgment debtor. But that particular exemption only applies to wages and salaries under the Act. And wages is the strict term under the Act, is particularly defined by Section 2 of that Act. If I can paraphrase that definition it simply refers to remuneration that is due or accruing due to an employee as a result of services rendered in respect of that employer and those moneys must be payable by the employer.

There are two problems that arise in respect to that definition. They arise in respect of a situation or circumstance in which the judgment debtor is an employee and for one reason or another the judgment debtor is entitled to receive sickness

benefits that are payable to that particular employee in the course of a group insurance program. In many cases there is an employee group insurance plan in which an insurance company that insures that particular plan pays the sickness or disability benefits entitled to be paid to that employee while that employee is off work.

Now those particular benefits cannot be defined, and I'll use the word sick pay, because that's the term that comes up most often. That sick pay is not defined as wages or cannot be defined as wages under the Act. Firstly, it is not payable by an employer; secondly, it is not earned in respect of services that are rendered by that particular employee for that employer. The employee for all intents and purposes could be flat on his back at home.

Now as a result of those illness benefits or that sick pay not being included as wages under the Act, it is a fortiori or ipso facto also not subject to the exemption. Therefore you have the situation as the Act currently stands of an employee being ill, being off work, and then also having a judgment issued against him. That judgment creditor, if he were to issue that garnishing order against the insurer that was paying those particular sick pay benefits, would therefore under law, in our view, be required to pay the full amount of those benefits up to the satisfaction of the judgment, of course, leaving the employee without the protection of the exemption and therefore facing a situation where he or she is receiving no income, although they would be entitled to income under normal circumstances from a group insurance plan.

Now, in our view, the amendments — and indeed I might add one caveat in that, this matter came up not too long ago with respect to a very well known insurance company in the City of Winnipeg in which an employee became ill and had a judgment against him in respect of a contract. The judgment creditor had been, up until the time that the employee had become ill, issuing a garnishing order against that particular employee's employer. The employer was paying the 30 percent duly required to be paid under The Garnishment Act. Then the employee became ill and was ill for an extended period of time, I believe, if I'm not mistaken, a period of a month. The judgment creditor got smart and then decided to serve the garnishing order against the particular insurer. The insurer had a problem as to whether or not it was entitled to pay the full amount or whether it was required rather to pay the full amount of those sick pay benefits to the judgment creditor, or whether they would submit or deem those particular sick pay benefits to be subject to the exemption and only pay 30 percent.

The problem arose insofar as — the opinion came back that if the judgment creditor only decided to pay the 30 percent, or the garnishee rather, only decided to pay the 30 percent, the judgment creditor could, in law, go after that garnishee for the remaining 70 percent which that garnishee would have to pay out of its own coffers. Indeed, I am now articulating with a law firm this year, and I would not hesitate in providing that opinion to an insurance company, indicating to them that they would likely be liable if they were not to pay the full amount of that money.

So therefore there is an inherent incentive in the plan to deny that particular employee whatever benefits they might otherwise be entitled. Bill 8, in respect of the amendments, deals with this problem but unfortunately, in the view of the association, only deals with it in part.

Section 15(3) of the amendments defines pension benefits, and I quote, "including any benefit payable under a pension scheme or plan, superannuation scheme or plan, life or fixed term annuity policy, or accident, sickness or disability insurance policy established or administered", etc. there are other provisions, "and includes any benefit payable under The Workers Compensation Act".

In our view this is a particularly good amendment. I'm not personally happy with the word "pension benefit". When it came to explaining these particular amendments to some of my friends, they were all confused by the term "pension benefit". I'm always impressed with statutes that confuse lawyers, but I'm not too impressed with statutes that confuse lay persons.

But nonetheless, that is the term that is used and it is the feeling that was particularly appropriate that they could take those terms of pension benefits and do what they have done but only in part in Section 15(1) of Bill 8. In the last sentence of Section 15(1) it takes the term pension benefits, insofar as they're defined under Section 15(3), and applies them as if that term "pension benefits" were to be included as wages or salary otherwise defined in the Act and subject to all the constrictions and ramifications and effect of The Garnishment Act.

We were very happy when we saw those last few words in Section 15(1) because that indicated, as far as we were concerned, that therefore if somebody was to receive benefits in lieu of income, in lieu of wages or salary, then that would be subject to all the constrictions of the Act and would in turn be subject to the exemption provisions, and therefore we would have the 70-30 percent problem being relatively solved.

However, there was another provision of Section 15(1) which appears about halfway through that section, which seems to suggest that section only applies to a case where aservice has been made upon a garnishee of a garnishing order, as provided in Subsection 14(1) or 14(3) of The Garnishment Act. We then have to refer to the tartan binder at 14(1). And 14(1) and 14(3), insofar as we can read them, only apply to judgment orders that have been obtained in respect of a maintenance order under The Family Maintenance Act, the now repealed Wives and Children's Family Maintenance Act, for alimony or maintenance generally, for maintenance and education of a child under The Child Welfare Act, or with respect to a maintenance order which has been registered pursuant to the reciprocal enforcement of The Maintenance Orders Act.

So it therefore seems that the definition of pension benefits and the protection and the exemption provisions under The Garnishment Act only apply in the case of a maintenance order, but would not apply in respect of a judgment wherein the judgment debtor has been found liable under contract; has been found liable under tort; has been found liable under a promissory note; or has been found liable under a series of possible claims that may be launched against him successfully.

In our view this Act is particularly unfair. The existence of the unfairness in the Act has only been in part resolved. I can probably best illustrate this by an example of three judgment debtors, (a), (b) and (c), each of them owing \$1,000 to the respective judgment creditor. (a) owes \$1,000 under any kind of judgment, whether it be a contract judgment or any other type of judgment, he's fully employed and he's healthy; the judgment creditor then issues a garnishing order against that particular person's employer, and only 30 percent of the wages or salary, due that particular judgment debtor can therefore be credit of the judgment creditor.

If the act currently goes through now, we then have judgment debtor (b). He too owes \$1,000 but his debt is in respect of a maintenance order judgment. He is employed; he is under a group insurance program; he becomes ill for an extended period; he successfully obtains illness benefits through his group plan and under the amendments as they currently exist, those particular benefits would then be entitled to that Section 6, Exemption Protection.

We then go to judgment creditor (c), who owes the same amount, \$1,000 — there is no difference in the monetary amounts of these debts. He owes it on a promissory note however and he has had a judgment issued against him, in respect of that promissory note. He becomes ill and he receives benefits. If a judgment creditor then issues a garnishing order in respect of those benefits and the full amount of those benefits, insofar as we view the law, would therefore be payable to the credit of that particular judgment creditor.

In our view and it could be summed up by the last paragraph, we can't understand why the Legislature may be inclined to arrest the discrimination in respect of this Act, insofar as one type of judgement is concerned, but allow the other type of discrimination or the similar type of discrimination in respect of a different judgment, go unarrested.

It is our view that perhaps that definition of "pension benefits" could be improved upon to ensure that it includes all types of benefits; that a judgment debtor, an employee, may receive in lieu of income or in lieu of wages or salary, but we also feel that term "pension benefits" should also be deemed to include any benefits that person may receive, irrespective of the particular judgment that is issued against that person.

As it stands now, it unduly discriminates against those employees who may be ill or disabled for a period of time.

Thank you very much.

MR. CHAIRMAN: Thank you, Mr. Elson. If you would just stay at the mike, there may be some members of the committee wishing to question you. The Honourable Attorney-General.

HON. GERALD W.J. MERCIER (Osborne): Mr. Elson, I will be proposing to the committee some amendments, which would essentially divide up section 15(1) into two sections and then the new 15(2) would read: "Where a pension benefit is subject to garnishment, either by virtue of subsection (1) or otherwise, this Act applies thereto mutatis mutandis but subject to subsection (3), to all intents and purposes as if the pension benefits were wages within the meaning of section 2.

MR. ELSON: That would be dealing with all types of judgements.

MR. MERCIER: Yes.

MR. ELSON: I think we'd be agreeable to that and as I said earlier, I had attached one other caveat too and that is the notion that the definition of pension benefits — I believe it is sufficiently brought here and one may examine it a little further to ensure that it would include all types of benefits that may be payable to that judgment debtor or employee, that would be in lieu of wages or salary.

MR. MERCIER: Thank you.

MR. CHAIRMAN: The Member for Churchill.

MR. JAY COWAN: I just caught the Minister's amendment very briefly and therefore don't feel confident to comment upon it in detail, but I'd ask if you believe that will cover the problems that arise out of Workers Compensation payments and other payments as well.

MR. ELSON: I would too have to look at the particular amendment that he is including in detail. The definition of pension benefits as it appears in the amendment, would appear to include Workers Compensation benefits that are payable, in the very last clause of section 15(3).

MR. COWAN: I would ask you just very briefly then, if you know of any instances, other than the one case involving Great West Life, where an insurance company has in the past, decided that they would have to garnishee 100 percent of the wages on a pension or Workers Compensation payment or sickness benefit payment, as the Act stands now?

MR. ELSON: When this matter came up, you mentioned the name of the insurance company, I wasn't sure I should, but nonetheless, that was the insurance company and they did admit that this problem had occurred in the past and that they had in each occasion resolved the matter, in the favour of the Judgment Creditor.

In the particular instance that I referred to, there was a resolve to it. The resolve was that the insurance company, rather benevolently I might add, went to the judgment creditor and said, basically felt that the judgment debtor was being "hosed" if I can use that word and tried to enter into and negotiate a resolve to the situation or a resolution to the situation and it was agreed that there would be a percentage payable to the judgment creditor, of those pension benefits. However, I believe that the percentage that was payable to that judgment creditor, was in excess of the 30 percent, as currently stipulated by the exemption. I think it was somewhere in the vicinity of 50-50. But that insurance company had indicated to an articling student at Legal Aid, that that matter had come up several time in the past and that on each occasion, for fear of their own liability, which I thought was only justified, they resolved the matter in favour of the judgment creditor.

MR. COWAN: I mentioned the name, because I had mentioned it in a speech in the Legislature to the

Attorney-General on second reading of this Bill, when we brought that concern to him.

I would ask you then if you believe that the amendment which has been offered and I know you haven't had an opportunity to read it, only to hear it, will in fact deal with that sort of problem in all cases in the future, in respect to not putting a person who is having their wages or their benefits garnisheed in the position of having to negotiate a settlement, such as you just suggested, was that it was negotiated in that instance?

MR. ELSON: The Attorney-General has indicated that it would have that effect and at that point, they would then be required to only pay the amount of the exemption that would be allowed under Section 6 and there would be no question of garnishment. It would be a firm 30 percent, 70 percent issue, without any room for negotiation and that was the way we wanted it.

MR. CHAIRMAN: Any other questions of Mr. Elson? Seeing no signal of any, thank you Mr. Elson.

MR. ELSON: Thank you very much.

MR. CHAIRMAN: Lea Batur had indicated at the Clerk's Office that he or she would be making . . . Is she or he here? If not, then we'll pass.

The next ones we have on the list is on Bill 29, Bruce Whitman — Mr. Whitman.

MR. BRUCE WHITMAN: Good morning, Mr. Chairman, Members of the Law Amendments Committee.

I and the Committee of representatives of the Manitoba League of the Physically Handicapped are here before this Law Amendments Committee to present the official statements of concerns with regards to Bill No. 29, an Act to amend The Highways and Traffic Act. Before I commence with the body of my presentation I might also mention for your information that certain members of our committee, namely Mrs. Rose Gulak, Mrs. Elizabeth Semkiw and Mr. Marcel St. Hilaire will be available to answer questions and profer any additional remarks or comments in regards to the brief.

The following brief represents our official statement of concerns regarding the proposed amendment to The Highway Traffic Act. Contained in the following brief is a set of recommendations requiring immediate action in order that problems and certain inequities entailed in this particular legislation be avoided. I will now present some background in regards to the history of transportation needs of the physically handicapped.

For many years handicapped people were unable to travel extensively or enjoy even limited mobility because their transportation needs were not given consideration by those who designed and operated regular transportation systems. Those people who could not utilize regular transit services were compelled to pay taxicab fares for all trips regardless of distance or duration. Additionally, those who could not use regular taxi cabs were largely confined to their homes until 1967 when a commercial van taxi company servicing wheelchair bound passengers commenced operation. The high cost of this service has disguised the real need of many Winnipeggers,

even though the rider usage of these van companies continues to expand. The development and inception in 1977 of the Winnipeg Handi-Transit greatly facilitated the participative entry of many disabled citizens into all aspects of regular community life.

However there are certain limitations in respect to the current transportation services for the handicapped. It must be strongly emphasized that the range of transportation-mobility alternatives for handicapped persons is not as comprehensive or as satisfactory as the above outlined developments would initially indicate.

Handi Transit is a very limited service in many respects. Many passengers registered with this service are frequently unable to procure bookings and must therefore orient their activities and plans to the available hours of Handi Transit operation. Commerical wheelchair van companies have a loading fee of \$6 and the prohibitive costs to the user definitely restricts the scope of transportation opportunities for the handicapped.

The advent of mobility aids: The advent of motorized wheelchairs and the various types of three-wheeled battery operated mobility aids has been greatly lauded by those disabled who require them. These mobility aids have served well the purpose of supplementing the limited transportation-mobility options of disabled individuals. This has had the very beneficial impact of freeing people with disabilities which restrict mobility from a confined lifestyle characterized by an excessive dependency on others. It must be vigorously emphasized that all these various aids, which serve to accomplish what malfunctioning legs can not properly do, increases the user's opportunities to productively contribute to and meaningfully participate in, the life of the community.

Implications of this proposed amendment: The fact that the proposed amendment to The Highways and Transportation Act would entail financial hardship for handicapped individuals who are unable to afford the exorbitant, mandatory insurance fee is a point of considerable concern. It would certainly have the effect of preventing some individuals from utilizing a Happy Wanderer-type vehicle as many senior citizens and disabled live on limited incomes often below the poverty line. To provide that users of such mobility aids could avoid the prohibitive insurance costs by restricting use of the vehicles to the sidewalks is not an adequate solution. This is clearly obviated by the fact that not all sidewalks have accessible curbs and the mobility aids are unable to surmount those curbs.

In addition, we define further detrimental implications in the proposed amendment. A moped vehicle, we understand, is restricted to a maximum speed of 31 miles per hour or 50 kilometres per hour. The Happy Wanderer ranges in top speed from 3 to 11 miles per hour. There is no reasonable or justifiable grounds for comparison or mutual categorical inclusion based on the criterion of maximum attainable speed. It is understood that this proposed amendment would include other mobility aids; specifically the three-wheeled battery operated Amigo, the Cycle-Chair, the Tri-Wheeler, Scoota, and Voyageur available in the United States and imported into Canada under the category of Out-Door Wheelchair. These mobility aids also have very

limited speeds and could not be restricted solely to sidewalk use due again to the above mentioned problem of curbs.

Now I shall delineate some definitional aspects of mobility aids. Should it be stipulated that no motor-powered vehicles are to be allowed use of roadways without a license, then those travelling at a maximum of three miles per hour would break the law with recurring frequency since users are often compelled to travel on the roads where sidewalks are either not ramped or are simply non-existent. At this juncture, a definitional and conceptual dimension to the whole issue of mobility aids must be considered. It must be understood that users of mobility aids are basically pedestrians, and it is only the presence of physical disabilities that necessitate the supportive accommodation of mobility aids. As pedestrians they certainly do not merit inclusion into the category of mopeds. For instance, would a disabled person using a mobility aid on the Assiniboine Park Bridge be in transgression of the law because his vehicle is motor propelled? Such an issue would seem utterly ludicrous and would hardly warrant concerned or deliberative action on the part of those authorities responsible for the administration of public safety.

It would seem an unjust and perhaps penurious act on the part of the government to place hastily conceived restrictions on the use of a device which is intended to enhance the quality of life for disabled citizens. This being the International Year of Disabled Persons, we can only very stridently urge this government to carefully reconsider the ramifications that passage of such legislation might entail.

The Manitoba League of the Physically Handicapped is fully cognizant and thoroughly apprised of the concerns that the Ministry of Highways and Transportation entertains in regard to the increasing use of the mobility aids. However, the proposed amendment as presently constituted does not adequately or realistically address itself to the commodious resolution of this issue. The previous categorical separation of power operated roadway vehicles requiring licensing from those traversing the sidewalk not requiring such licensing is no longer relevant or valid.

Policy suggestions: In order that the above mentioned pitfalls and shortcomings be averted and that the interests of public safety and mobility for the handicapped be maintained and judiciously accommodated, the following list of policy suggestions is submitted for consideration:

1. That any self-propelled or power operated vehicle capable of exceeding eight to ten miles per hour be licensed subject to mandatory insurance and restricted to road use;
2. That any power operated vehicle capable of operating under eight to ten miles per hour be classified as a mobility aid;
3. That a minimal cost insurance be made available to operators of mobility aids;
4. That as these vehicles are not of a speed fast enough to interest the nondisabled, they therefore be considered as mobility aids exclusively, retaining full congruency with the Federal import classification of outdoor wheelchairs;
5. That the categorical differentiation based upon maximum attainable speed is the more feasible and equitable arrangement as it allows for the easy

distinction between vehicles used for recreative purposes and mobility aids utilized strictly on the basis of necessity. These mobility aids are an assist, a support system to regain for the user lost muscle power. And it entails a healthy recognition of a logical system, anything that is primarily greater than normal human power could well be considered in the appropriate registration category.

6. That formal instruction in the rules of traffic safety be made available as an option to users of mobility aids. This is stated as an optional arrangement for the fact that bicycle owners are not required to undergo such instruction. This contention is justified since bicycles are not motor powered, yet can attain to very high speeds and have considerably less stability than the mobility aids.

7. That careless individual drivers be treated on a strictly individual basis, and not be arbitrarily linked with the actions of all other mobility aid users who are cautious and responsible. It is our position that the actions of a very few careless individuals not be imputed to the responsible driving conduct of the majority of mobility aid operators.

Recommendation: Formation of a study committee. We urge the very careful examination of the foregoing policy suggestions. Of cardinal importance to the successful resolution of these concerns is the immediate formation of a study committee comprising, we suggest, two representatives from government, two members from the non-biased public, and three mobility aid users to undertake a detailed investigation into all aspects of mobility aid use and legislation. We stridently assert that the full range of implications be thoroughly studied and considered by this study committee and that a report be prepared assessing all dimensions prior to any proposed legislation.

We firmly recommend that until a thorough fact-finding and assessment study has been completed that the proposed amendments be withdrawn.

I thank you.

MR. CHAIRMAN: Thank you, Mr. Whitman. I believe you said that Mrs. Rose Gulak and Elizabeth Semkiw would be helping you answer questions. I would ask those two ladies to approach the mike or be close to it.

The Minister of Transportation has a question.

HON. DONALD ORCHARD (Pembina): Well, not really a question, Mr. Chairman. Mr. Whitman, Mrs. Gulak and I had a conversation on this very recently and I'll have an amendment presented so that, as discussed yesterday, Clause 3 would be included in Section 23 of the bill so that it wouldn't come into force until a day fixed by proclamation, and in the meantime we intend to establish . . .

MR. CHAIRMAN: The Member for Rock Lake.

MR. HENRY J. EINARSON: Mr. Chairman, the people here find it difficult to hear the Minister. Could he be a little closer to the mike.

MR. ORCHARD: Sorry. In discussions with Mrs. Gulak and Mr. Whitman recently we recognized the concerns that they have on Clause No. 3 of the bill and what we propose to do by amendment this morning is to include Clause 3 along with Clause 10

in Section 23 of the bill so that it wouldn't be proclaimed until a date fixed by proclamation, rather than a straight elimination of the amendment as recommended by the League, simply because we intend to establish a group to more thoroughly study the implications of how to accommodate certain types of mobility aids or vehicles that don't currently have a licensing status.

We would hold that amendment until proclamation so that in the event of six weeks from now, after that committee has met, they find that that amendment indeed goes a long way to meet some of the concerns that were expressed last summer, then the amendment is there for proclamation if it is deemed advisable. If we throw it out we're out of business. If it isn't suitable it won't be proclaimed, I believe, as the Member for St. George's concern. Is that correct? —(Interjection)— Yes. That if the amendment doesn't meet the needs, it isn't going to be proclaimed, but if you throw it out and don't have it in the Act, you're one full year away from coming up with any other suitable amendment. So rather than throw the baby out with the bath water —(Interjection)— no, you can't do it by regulation. No. You can't bring new categories of vehicle in for licensing other than by legislation. You can't do it by regulation.

So that the committee we will be setting up in the near future will probably involve a member of the Winnipeg City Police so that they can have an input as to what they would think would be a proper approach to licensing of the vehicles and members of the committee.

Originally, I notice some of concerns in here on the wheelchairs, the motorized wheelchairs. That's why we were specific in the amendment to have three wheels only because that specifically excluded wheelchairs from any licensing category as was a concern that was raised and was not a valid concern. Those motorized wheelchairs would not be part of any licensing or insurance requirements.

But the specific one which is referred to in the brief came up in discussion last summer and has the trade name, I believe, of the Happy Wanderer and does have a sufficiently high attainment of speed that it is not in the category of a motorized wheelchair. A motorized wheelchair, I understand, can make about three to five miles per hour, whereas the Happy Wanderer and types of vehicles similar to it can achieve better than ten miles per hour, and are in a category by themselves, hence the stimulation of the amendment.

So that we will be proposing to not proclaim Clause 3 until after we have had a further review of the situation and we would propose an amendment to put Section 3 in Section 23 of the bill.

MR. CHAIRMAN: The Member for Rossmere.

MR. VIC SCHROEDER: Thank you, Mr. Chairman, I'm just wondering whether the group could explain to us exactly what the Happy-Wanderer-type machine is. I note, in one area you mention that it's a machine that will travel at a top speed of between 3 and 11 miles an hour and your brief appears to indicate that you would like that machine as a mobility aid which would be an unlicensed machine and then when you come to your policy suggestions, you indicate in policy No 1, that any self-propelled or

power-operated vehicle capable of exceeding 8 to 10 miles an hour be licensed. I'm just wondering if you could expand on that?

MR. CHAIRMAN: Could somebody put the mike close to Ms. Gulak so we can get it recorded?

MS. ROSE GULAK: The Happy Wanderer is just one type of machine. I've got the specifications here. The slow speed is 3 miles per hour; the cruise speed is 7 miles per hour. This is from the specifications. It's a 3-wheeled motor aid basically built like the three-wheeled tricycles the adults use with peddles; about the same size. Now, there's a three-wheeled "Little Amigo" and it is small. The wheels are approximately 4 inches in diameter. It is three wheels also. When you start classifying them as three wheels, we run into problems. There's even a wheelchair coming out with three wheels, and I can't see where they get the high speed in this. We feel that this is definitely a mobility aid for someone that has problems walking. The totally handicapped person will not go for a type of vehicle such as this.

MR. SCHROEDER: I take it what your group is saying is that so long as we are not prepared to spend the money to provide sidewalks where people can drive on in this way then you should be entitled to use the roadways as children do with bicycles, as pedestrians do walking, and as other users do and that you're probably as responsible as the rest of us in your use. And also, I'm just wondering what would be the effect if the specific references to these three wheelers and to the wheelchairs was removed entirely from this amendment, would you be allowed to use the roadways as the legislation now exists?

MS. GULAK: The legislation as it now exists, it is illegal for me to go with my wheelchair on the streets or I suppose even on the sidewalks. It's got two motors and I should actually be probably using a truck route. Right? But the wheel base doesn't fit. We feel that they should be strictly governed under a special legislation. We feel there should be some type of legislation governing mobility aids because there's some powerful wheelchairs coming out that have no right to be on the sidewalk and there are other ones that should be off the street and on the sidewalk. We would like to use both areas; we're taxpayers.

MR. SCHROEDER: So what you really want is you do want amendments to The Highway Traffic Act which would allow the use of mobility aids for handicapped people to operate on the roadways.

MS. GULAK: Right, according to what the vehicle is capable of performing.

MR. CHAIRMAN: Thank you. Any other questions from any committee member? The Member for Ste. Rose.

MR. A.R. (Pete) ADAM: Madam, are you satisfied with the proposal that the Minister makes to remove Section 3 and put it into the Section 23, I believe, that would only come into effect upon proclamation? Are you satisfied with that or would you prefer that it would be withdrawn entirely from the Act until such a

time as a committee has made a recommendation one way or the other?

MS. GULAK: Under protest we've agreed to go along with the Honourable Minister's recommendation.

MR. CHAIRMAN: Did you say under protest?

MS. GULAK: Yes.

MR. ADAM: Could you clarify that statement?

MS. GULAK: Well, we definitely want to see a study committee go on with its study into the whole usage of the mobility aids. We feel this is an important matter that has got to be looked after.

What was the first part of your question? You had two parts to that.

MR. ADAM: I was wondering, you said that you agreed under protest. What pressure was applied to you that you'd have to accept the Minister's proposal?

MS. GULAK: The protest is that we would have liked to have seen it being left but there was concern expressed that we're a danger on the roads, and we really don't feel there is, but there might be. I don't know the full implications of such people on the streets. Hopefully, I feel that our handicapped community is a conscientious community, but maybe they're not; I don't know. From what I understand there have only been two accidents; one out of the country and one in town. Comparing that with pedestrians, but then, again, I don't know.

MR. ADAM: All the more reason then that we should have a committee to look at this entire issue. It seems then, you would feel that — and I don't want to put words in your mouth but, do you feel that leaving the section in applying to these mobility aids is putting the cart before the horse, or rather we should have an investigation first before? I see members at the back of the handicapped group who are nodding in agreement to that.

MS. GULAK: We do have a gentleman here who owns one of them. Would you like him to come up and answer?

MR. ADAM: I think it would be helpful, I believe, Mr. Chairman, if . . .

MR. CHAIRMAN: What would his name be?

MS. GULAK: Mr. William Stevens.

MR. CHAIRMAN: I think he's next on the list. Mr. Stevens.

MR. WILLIAM STEVENS: I have a picture here of the Happy Wanderer for some of the questions. I would like to pass it along and maybe people will be aware of what it looks like and what's involved.

The two accidents I think that Rose has mentioned, were pertaining to a three-wheel type machine, but they were not motorized machines. The one in the city here was a pedal type, which is not

under consideration by the legislation or this committee at all. It's going to be completely bypassed. They're still going to be allowed to use them with no consideration for licensing or registration.

MR. CHAIRMAN: The Member for Ste. Rose.

MR. ADAM: Yes, I understand that there are jurisdictions in the United States where these wheelchairs do not come under The Highway Traffic Act. Is that correct?

MR. STEVENS: I have a letter from the manufacturer of this machine, that states that everywhere in the States, that the only policy that's being shown is a complete ignoring of the machine and allowing the use of it, because of the ability it gives to the handicapped users. There's been no legislation to govern them at all.

MR. ADAM: Yes, I understand that the Federal Government allows this — recognizes this mobility as a mobility aid and allows them to come in tax exempt because of the fact that they are considered to be wheelchairs.

MR. STEVENS: Yes, sir, they're tax exempt and duty free, because they are registered with a trademark as an outdoor wheelchair and they come under that category.

MR. ADAM: Yes, then it would appear that everyone involved, the manufacturer, the Federal Government, yourself as a handicapped person purchasing this vehicle to assist you in your daily life; everyone involved recognizes this as being a wheelchair except the Minister and the department.

MR. STEVENS: It would appear that way, sir.

MR. ADAM: Do you feel, as well as the lady that spoke before you, that the section should be withdrawn until such a time as a committee has studied this and made a recommendation?

MR. STEVENS: I feel that this machine is a wheelchair and if we're not going to consider any other type, whether the configuration is a four-wheel or three-wheel, to be included in this category, that before registration or licensing is required, a complete study and recommendations from that study committee be considered before any policy movements are made.

MR. ADAM: Mr. Stevens, would your group or yourself, if you speak for yourself personally, be agreeable to some type of restriction as to hours of use or days, particular days, that you could use this machine or do you have any views in that regard?

MR. STEVENS: I feel that most of the handicapped users are conscientious users and that they have no desire to be on the highway against a weighted vehicle of 2,000 pounds; that if there were other alternatives for the use of the sidewalk, with the ramping so that it was useable, that none of us really desire to be on the highway and that we're quite in agreement that we should wait for any decision first, with a complete study.

MR. ADAM: Yes, what you're saying then, Mr. Stevens, is that as far as you're concerned these aids are not purchased to travel on the highways or say, go to the beach or anything of that nature; that they're more or less purchased because of necessity, because of a physical handicap and that they're usually used maybe to go to the drugstore or shopping or whatever it is. Is that the case?

MR. STEVENS: Yes, sir, that's exactly what it's used for. If I could pull into a gas station and plug in and fill up with 10 or 20 miles of electricity, I'd be quite in agreement to be considered a moped, but unfortunately I have to wait eight hours after using it for 11 miles before I can use it again and it's strictly a mobility aid, so that if I want a pack of cigarettes, maybe an ice-cream cone, that I can run up to the corner with the use of that machine and get it, on my own person. I don't have to wait for somebody to say, we'll go in another hour, but I can't take you now. It's the freedom that the machine gives.

MR. ADAM: Yes, Mr. Chairman, in conclusion I would just congratulate the group on the briefs that they presented here today.

MR. CHAIRMAN: Mr. Stevens, is that all?

The Minister of Natural Resources — if he would please come to the mike — has been waiting.

HON. HARRY J. ENNS (Lakeside): Mr. Chairman, I simply want to indicate the support to the Minister of Transportation, in terms of giving his assurance that the amendment will not be proceeded with but will in fact be studied much in the way that the members of the league and those that are handicapped are suggesting to us.

There is a difficult area of writing legislation in this area that recognizes the problem, from the point of view of the people that are using the mobile aids in question, but also as well as the problem that it presents to the motorist under particular situations, on highway situations. The possibility of serious accidents is one that involves both parties that are involved in an accident. I think the possibility of a serious accident perhaps involving a fatality on the part of somebody that's behind that 2,000 pounds of steel, weighs pretty heavily on him as well or her.

I think, Mr. Chairman, that we would certainly want to make it very clear that the government, and as the Minister of Transportation has indicated, that there will be further study on this matter; that it requires that study and the way our laws operate, he does require the capability, if having affected the study to drop the necessary regulations that would come as close to meeting your particular requirements as possible.

Thank you, Mr. Chairman.

MR. CHAIRMAN: The Member for Churchill.

MR. COWAN: Thank you, Mr. Chairperson.

I seem to recollect that this issue was brought to a head last year because of a number of instances, or at least one or more instances, in which the police had ticketed — I think that's what had happened — had ticketed users of a Happy Wanderer vehicle.

I'd ask Mr. Stevens if he is aware of those incidents and I would ask him further to that if he is

aware of any incidents of the recent past where that ticketing has occurred as well?

MR. STEVENS: I'm aware of a couple of incidents last summer. I don't believe there were any tickets issued. The people were given a warning and requested to take the vehicle off the road and return home.

MR. COWAN: That was the practise as of last summer. Mr. Stevens, do you know if the police are still following that practise or if there has been a moratorium or a truce called in respect to asking users of these vehicles to not use the public highways?

MR. STEVENS: I'm not aware that they've changed their policy or changed any of their plans.

MR. COWAN: So they are still warning people who are using the machines?

MR. STEVENS: To the best of my knowledge.

MR. COWAN: The reason I asked that question, Mr. Chairperson, of course is if that is the case then there will in fact need to be some action taken so as to clarify that situation, because if you were not to take any action whatsoever that would leave that policy effective and I don't think you want that policy to be effective. I think that you would prefer to see some direction given to the police department so as to stop them from warning people and asking people to take themselves off of the public highways. Is that not correct?

MR. STEVENS: Yes, we need some decision there but at the time of considering this three-wheel type, I think you must consider that the same machine is being peddled, the same size. It's being issued with a permit or a license by the city for the sale of goods, the two wheels being in the front instead of the back, and they are on the highway. They are coming out with a design now that can be fixed with ten speeds so you can increase your speed with pedal power and it won't require the motor to get higher speeds, and if we don't consider these in the same light, then I think you are segregating the use of the machine.

MR. COWAN: So in effect you are not opposed to some regulations, you just want to see regulations that enhance the opportunity for the disabled to have more mobility rather than restrict and discourage the use of these machines. Is that correct?

MR. STEVENS: That's correct, sir.

MR. COWAN: From my reading of the amendment and from the presentation which was given a few moments ago, it is apparent to me that as the amendment stands now it would in fact restrict the use of these machines. Is that correct?

MR. STEVENS: It will restrict the use of the machines mainly on a financial barrier of the users of these machines, but allowing people that can peddle with the same machine to use them.

MR. COWAN: So in fact the change which has been suggested by the Minister that they would not

proceed with this amendment upon proclamation but would wait and hold this amendment in abeyance until such a time as they could have committee meetings is of very little value to you because in fact they had those committee meetings and it was decided not to go ahead with this amendment then there would be no way for the Minister to bring another amendment forward which would in fact clarify the policy. On the other hand if those committee meetings were held and that amendment were decided, on the part of the Minister, to be brought forward in the form that it is it would in fact restrict the use of these machines, so you are in a no-win position given the assurances of the Minister today. Is that a correct interpretation of the situation?

MR. STEVENS: My feelings are that the plans to register them without considering the other types of machines that are peddle power and by exempting the four-wheeled machine at this time but restricting the use of the three-wheel is going to be no good to us at all. We need a complete consideration with no basic plans to institute \$150 registration fee and insurance.

MR. COWAN: Perhaps this question was asked before, I'm not certain, but Mr. Stevens we talked a bit about what had happened in the States in respect to these machines. Do you have knowledge of what's happening in other jurisdictions in other provinces in Canada in respect to these machines? Are people who are using the Happy Wanderer and other machines of a similar nature for mobility aids facing the same sorts of problems as you are here in Manitoba?

MR. STEVENS: The one other province that I'm aware of a situation is in Nova Scotia where the gentleman had proposed the purchase of a Happy Wanderer. The law people told him that he could not use the machine because it was only motor power. He instituted a pedal plus motor and restricted the use of the motor on the highway and only used pedal power and he was completely within the law, so he had no problem. He had enough use of his legs to be able to use it. The guy that didn't have any use of his legs could not use any machine at all.

MR. COWAN: Well then in conclusion I thank you Mr. Stevens for being able to at least provide me with some information which I was not aware of before. But in conclusion, my reading of the situation is that there is no strong opposition to regulations as long as those regulations enhance the ability of the disabled to become more mobile rather than restrict and discourage the use of mobility aids such as the Happy Wanderer, in that the different societies and groups for the disabled would be perfectly willing to participate in the development of that process, in the development of regulations and legislation, but they are uncomfortable with the action which has been taken by the government so far. By that I mean the initial amendment which was brought forward and then the decision which was accepted under protest to hold that amendment in abeyance until such a time as a committee could meet and discuss it. Would that be a fairly correct analysis of the situation as it stands now?

MR. STEVENS: Personally, I believe that your opinions are correct. Unless we are considered the same as someone using the pedal machine then we don't need the added restrictions.

MR. CHAIRMAN: The Honourable Member for Kildonan.

MR. PETER FOX (Kildonan): Yes, Mr. Chairman, I would like to ask Mr. Stevens whether all these vehicles have lights and adequate controls for stopping and also signals for turning?

MR. CHAIRMAN: Mr. Stevens.

MR. STEVENS: The machines do not come equipped with signal lights but the Happy Wanderer comes equipped with a headlight and a taillight. It has two sets of brakes; one that's automatic. The motors change from a motor to a braking system like a generator, and then you also have a hand brake, but there is only one gentleman, I believe, in the city now that's putting these machines together and he has a model of his own, but they are quite capable of being equipped with signal lights.

MR. FOX: My other question would be whether the people who want to use these mobility aids would have any objections to having a form of a flag or anything else attached to the vehicles to give them a high silhouette, because I think probably one of the most important things is for the safety of the people who are involved in using these mobility aids, and when you get on the road, if you're a small object, you're less noticeable and consequently more prone to being hit from whatever other vehicles are on the road.

MR. STEVENS: I think I can explain that best where, if it became a requirement that I use the highway to reach the park where I wanted to spend my time, I equip my machine with a six foot additional flag, an umbrella that is three different colours, brake lights and signal lights, a hand operated horn, plus an electric horn, and with the added automatic braking system I defy anyone to come up with a machine which would have more safety precautions, so I don't think any of us would be against just a flag. We're going to do as much to protect ourselves as well as anybody else that would be involved in anything with us.

MR. FOX: The reason I ask is because I think that would be part of the concern of The Highway Traffic Act in respect to mixing vehicles on the road.

The other area is, again as I say, if there is sufficient lighting so that if you're going to use them during other hours than daylight hours, then that would be essential.

To the Minister, I'd like to ask whether there couldn't be a stipulation that within certain speed limits, and I think that could be done by legal counsel to write it in, that these vehicles be allowed to be on the road the same as bicycles? Bicycles go faster than a particular speed, and they don't have to pay \$100 for a licence or anything else.

MR. CHAIRMAN: The Honourable Minister.

MR. ORCHARD: That might well be a valid suggestion, whereas below a certain speed limit you

don't require any licensing, etc., etc. (Interjection)— Well, depends where they want to be used in that case. But this may well be the recommendation that comes out of the committee study. To go back to Square One to the incident that stemmed it all; the vehicle that the young gentleman was using, he was getting out on a regular basis out to Lockport from, I believe, the north-east part of the city, the Transcona area, so he had a fairly good range and his vehicle had a speed capability of about 15 miles an hour.

So that the danger you run into with a variety of machines that are available and let's face it more to come, definitely more to come with increased awareness to transportation needs of the handicapped, you are going to run into — it's not a black and white situation where one machine that has this capability should be licensed and this one doesn't. The amendment that we brought forward was really targeted at a particular machine that had the range to get from Transcona to Lockport and had speed capabilities of about 15 miles per hour on the highway. If they're going to be on the highway, some of these areas that you mentioned, the identification, the signal lights, because you know our mopeds and other motorcycles and all other vehicles on the highway have certain lighting and direction signal requirements. We had also considered the possibility of requiring an identification flag that you see on bikes from time to time for anyone that was going to be licensed for use on the highway.

The amendment did not in any way envision requiring a licensing of all mobility aids, and I'll admit it wasn't specific in the legislation that it was something to achieve better than eight miles per hour. The Amigos and some of the other machines that were just very recently brought to our attention, they were also available but only capable of three and four miles per hour, so that there's no doubt that when we get committee investigation as to what's involved, what types of machine are available and what they're equipped like, etc., we're going to probably come up with a different amendment than this one.

My only suggestion to leaving the amendment for proclamation at a later date is that if it is deemed to be an acceptable amendment, we haven't closed the door for this summer, whereas if you just straight throw it out we have closed the door to that particular category having ability to use the highways.

MR. CHAIRMAN: I just wonder, committee, I need a little assistance. Are we not really questioning one member to another rather than listening to the witness and questioning that witness? We can cross-question ourselves. I would just like at this time to thank the Manitoba League of Physically Handicapped, Mr. Whitman, Ms. Gulak . . .

MR. ALBERT DRIEDGER (Emerson): Mr. Chairman, the lady over there, I think has been trying to signal your attention.

MR. CHAIRMAN: All right. Maybe we'd better get back to order. We were, when Mr. Stevens was called. We do have his letter. Maybe we should clean up the Manitoba League of Physically Handicapped or else we're coming back and forth here. I indicated

Mr. Stevens was next on the list, we allowed him to come forward, but if there are still people wanting to speak from the Physically Handicapped, the Chair would entertain that question.

The Member for Ste. Rose on a point of order.

MR. ADAM: I think there are a couple of members of the Opposition that I believe want to question Mr. Stevens yet.

MR. CHAIRMAN: Yes, I'm quite aware. The members on my list, as I recall it, Fort Rouge, Rupertsland, St. George and Rossmere, but we are still getting away off the Manitoba League of Physically Handicapped. There's a hand showing back there. The Chair would recognize Ms. Semkiw if again a mike could be afforded close to her, and we will get back to you, Mr. Stevens, in due course.

Ms. Semkiw.

MS. ELIZABETH SEMKIW: Ms. Semkiw, thank you. I just want to bring to your attention a fact, something that you know as well as I know. Sooner or later, tomorrow, next week, next year, a handicapped person travelling in whatever vehicle on the road may be involved in an accident, through their fault or through someone else's fault. They may be injured, they may be killed. I say so what? You must be prepared for that, because they are not going to stay in the houses anymore.

However, I may also remind you there are people being disabled and put into wheelchairs all the time by drivers through careless drinking, through careless driving through drinking, whatever factors. I don't see a hue and cry about that. Now that, I just want to warn you that when these situations come up, drivers must be assessed on an individual basis. If Mr. Stevens chooses to drive like an idiot, so be it on his head. The police should challenge him on that basis, and say you are driving like an idiot, you are endangering yourself, you are endangering other people. If I choose to drive carefully, and believe me, I drive carefully, I don't feel that his idiocy should be spread upon me. Therefore, these cases in the meantime should be judged on an individual basis.

Thank you very much.

MR. CHAIRMAN: Thank you, Ms. Semkiw. Does that complete the witnesses?

The Member for St. George questioning the Physically Handicapped.

MR. BILLIE URUSKI: Mr. Chairman, I don't recall the name of the individual who presented the brief of the Manitoba League for the Physically Handicapped.

MR. CHAIRMAN: Mr. Whitman.

MR. URUSKI: Could I ask him a couple of questions, Mr. Chairman?

Mr. Whitman, you indicated, if I understand your brief correctly, that the thrust of your submission is if there is to be any provisions for licensing, that licensing on the highway be based on the maximum attainable speed, that really the criteria for allowing the use of whatever vehicle or assistance to the handicapped that is to be used, should be regulated only by the maximum attainable speed. Otherwise the use of any kind of an aid, whatever it is in terms

of mobility of wheel power, if it's below a maximum speed, they should be allowed as the way bicycles or any other use, or a pedestrian walking, because that would be a pedestrian aid. Is that the point you're making?

MR. WHITMAN: That is a prime cruxative (phonetic) distinction here, between mobility aid as an assist to aid in the mobility, the physical mobility of a handicapped individual and beyond that eight or ten miles per hour, then it ceases to be strictly a mobility assist and then becomes a vehicle for recreative use or whatever.

That was an important distinction that we wanted to convey very clearly to the committee.

MR. URUSKI: Well, Mr. Chairman, with the advice of a committee to be set up, which one of your colleagues mentioned, they weren't that happy about, but certainly it is one way of dealing with it, if there was an amendment brought in dealing with the maximum obtainable speed and to allow the government, the Minister, by proclamation, to work out what is the most feasible way of handling this, would you be able to live with an amendment of that sort, plus a committee to work this out? Is that something that you could support?

MR. WHITMAN: I think we're certainly very open to negotiate and to discuss with the Minister of Highways and Transportation, all pertinent dimensions, in respect to such legislation.

We certainly are open to negotiate that stance definitely.

MR. URUSKI: Mr. Chairman, do you consider and in your brief to see if I'm reading you correctly, that the use of a mobility aid for a handicapped person, in terms of speed is, that individual should be treated no differently than a pedestrian on a highway, in terms of the additional equipment and features that may be necessary.

In other words, your thrust is that because I'm handicapped and I need an aid to move about, that I should be treated no differently than a pedestrian, provided I move in speeds no differently than a pedestrian would be on a highway. Is that basic point?

MR. WHITMAN: That is essentially so.

MR. CHAIRMAN: The Member for Rupertsland.

MR. HARVEY BOSTROM: Well, Mr. Chairman, I think I had some of the same questions as the Member for St. George and some of them have been answered.

I would like to get a clarification from the witnesses here. If they are recommending that the mobility aids be allowed on the roadway, with the same regulations as to use as a bicycle, three-wheel or two-wheel and with only the requirement to have a bicycle licence, that there not be a restriction on the use and the requirement to have expensive insurance associated with the use.

MR. WHITMAN: We're concerned that insurance costs not be of the excessive nature of \$100, \$150, we're not sure of the exact figure, but it is exorbitant for most handicapped people to absorb.

We propose very specifically, that minimal low-cost insurance be available as an option, not as a mandatory requirement. However, getting back to our distinction of maximum attainable speed, should that vehicle be capable of operating at 20 miles an hour or whatever, then of course, the mandatory insurance regulations of the appropriate category, of the appropriate registration category would apply basically.

MR. BOSTROM: Yes, Mr. Chairman, with respect to the bill and the amendments proposed and the amendment that the Minister is now suggesting be put in, which would be brought into force on proclamation if there's an agreement through the negotiations, what effect would that have on individuals like Mr. Stevens, who are presently using the mobility aid. Would this restrict his use in the meantime until such a decision is made?

MR. WHITMAN: I think Mr. Stevens can answer that.

MR. CHAIRMAN: Well again, we would like to clean up the one bracket, because we'll get in this duplication again and Mr. Stevens is next on the list.

MR. ENNS: Well, Mr. Chairman, on a point of order, I believe the representative speaking for the League, indicated at the outset, that he had different members here that were speaking in total on the brief. I don't think it is stretching the rules of the committee at all to interchange between the representatives of the Handicapped League as they appear before us.

MR. CHAIRMAN: Mr. Whitman did mention Ms. Gulak and Miss Semkiw — I'm quite flexible, as long as we don't get in the double round of this. There is a list for Mr. Stevens here and if the Member for Rupertsland is finished — what is the wish? To clean up one or let them all . . .

MR. BOSTROM: I wish to ask Mr. Stevens . . .

MR. CHAIRMAN: Okay, Mr. Stevens in that case.

MR. STEVENS: Do you want me to answer the question, Mr. Chairman? Could you repeat it please?

MR. BOSTROM: Well my question is, given the proposed amendment of the Minister to Bill 29, that is as I understand, he is suggesting he put in a proposed amendment, which would not be proclaimed until such time as the study has taken place and the negotiations back and forth. But I'm asking you what effect will this have on your ability to use the mobility aid in the meantime, for the uses that you are presently enjoying?

MR. STEVENS: I'm using the machine now. I'll be quite honest. And I'll continue to use it until the decision is made and whether they try to put me off the road or not, but what I fail to see is that if you can say, we're going to exempt the four-wheel configuration and not require him to worry about whether he has any registration or any insurance, then this machine operates within the exact same speed limit; the new four-wheeled wheelchairs they're

coming out with, at least 10 miles an hour onto them and in fact, I've seen one the other day.

So, I'm going to continue to use my machine but I don't think we should be considered any different, if we're going to consider wheelchairs, we have to consider wheelchairs. If we need licences for the three-wheeled wheelchair, then we need licences for the four-wheeled wheelchair. If we're going to exempt the four-wheeled, then let's exempt the three-wheeled.

The only consideration that I think is required to make a differentiation between them is the operator. If the person operating the machine is buying it for convenience, then maybe we're going to require some type of registration, but if it's a necessity and that's his only way of getting around, then maybe we have to consider exemption.

MR. BOSTROM: It appears that the government has a concern in this area, as expressed by the Minister, of this becoming a real problem, in terms of many, many of these vehicles on the streets and roads of Manitoba. In the event that it's allowed to use these particular types of mobility aids on the roadways, do you expect that there will be a great deal of these and that this will be a problem of any kind?

MR. STEVENS: As long as we're talking about electric powered machines, I don't think you're going to see any rash rush, by any people using it, that are not handicapped. If you're talking about a gas operated machine that can stop at a gas station and fill up, then I think that maybe some of his proposals, that we need the use of the three-wheel type for people for more stability, a better machine. But I can see no rash rush and I don't see any businessmen taking up options on the purchase of these machines to bring them into Canada.

MR. BOSTROM: Well just so we have this in perspective, I would like to ask you or any other member of the group, if you could give us sort of a ballpark idea of how many you think would be on the road, if they were clearly available for use for any handicapped person, as a mobility aid, with the same regulations as to use and the same limited restrictions that apply to bicycles and three-wheel bicycles, which I note are pretty well the same as the one that you had given an indication to us by way of the pamphlet, except that in this case, this happens to have a battery and an electric motor.

Do you see 500, 1,000, 10,000, how many would be in use, if the restrictions were removed?

MR. STEVENS: I think the best way of answering that question is that the electric powered three-wheeled wheelchair is governed mainly by finance. It's going to be used by the handicapped. The machine starts out at a cost of \$1,900, so if you added on another couple of hundred dollars, then you're restricting it that much more, but basically the cost of the machine is going to maintain a fairly low level of machines and you're not going to see any rash rush for that type of aid in the city.

MR. CHAIRMAN: The Member for Rupertsland.

MR. BOSTROM: So in other words, Mr. Chairman, through you to Mr. Stevens, you do not see the same

concern as the Minister, that there will be a great number of these vehicles on the roadways and streets and they will be causing any problems. In fact from what you are telling me, there'll probably be fewer of these vehicles than the case of the ordinary bicycle or even a three-wheel bicycle and we'll probably have more of the pedal powered vehicle on the highway, than the type that you are describing.

MR. STEVENS: That's basically my assumption, because of the cost. The pedal type three-wheeled is \$150 — \$200, compared to close to \$2,000 and for a three-wheeled power operated, I think before it becomes of interest to the general public, it will have to be gas operated and these proposals would be great for gas operated, 30 mile an hour type of machine, but not as a mobility aid.

MR. CHAIRMAN: The Member for Fort Rouge.

MS. JUNE WESTBURY: Thank you, Mr. Chairperson, and through you to Mr. Stevens, I wonder if Mr. Stevens would agree with the Manitoba League of the Physically Handicapped, that this bill should be withdrawn, rather than submitted to a six week committee — a committee study at the end of six weeks, that it would be a law.

MR. STEVENS: My personal opinion is that the proposals be withdrawn because of the word handicapped being used, that this is strictly to govern the handicapped people and it should be completely withdrawn and considered by an ad hoc committee.

MR. WESTBURY: Thank you. Well, my other questions have been answered, Mr. Chairperson.

MR. ORCHARD: Mr. Stevens, just to go through the policy suggestions that you've got here. At this stage of the game, you feel that there's an undue onus by this amendment because it infringes on what you call a mobility aid, because of its lower speed capabilities.

MR. STEVENS: I feel that it segregates us against when we have a direct comparison with the pedal type machine, by saying it's got a certain amount of speed and it does things that it cannot do, that it is an infringement.

MR. ORCHARD: But basically your concern is that any amendment, this one, or any amendment you could come up with does not infringe on what is strictly a mobility aid, the use of a mobility aid, such as a motorized wheelchair, and in your case, a Happy Wanderer that only goes seven miles per hour. That's your concern right now?

MR. STEVENS: Yes, it is, Mr. Minister.

MR. ORCHARD: In our discussions that we've had, because both you and I can see the next generations being gas powered, etc., etc., you don't object to establishing a minimum speed requirement at which, when you break that minimum speed requirement then you've got to get into some kind of a regulatory framework where licences are required because your mobility and your speed goes up with other machines, the next generation of machines.

So you're not saying that a mobility aid, which has a speed capability of let's say 15 miles per hour, you're not asking us today to make the same kind of a blanket exemption and call it a mobility aid, no licensing, etc.? Like if it's something that can achieve 15 miles per hour, according to your policy suggestions you would indicate that they should be licensed, etc.?

MR. STEVENS: Personally I'll go along with that, that at certain speed limits it could require licensing, although a bicycle will do 30-some miles an hour and it still doesn't require licensing.

MR. ORCHARD: That's true, although there's that subtle difference between self-propelled and pedal-propelled, and then we get into the whole aura of what stage you put pedals on your car and say, well I can pedal it and therefore I shouldn't have a licence on it. We've got all the subtles in here, but basically the speed would be an appropriate, maybe a better definition of where we think, as to what needs licensing and what doesn't.

MR. STEVENS: I think we have to use speed as a cutting and starting point, yes.

MR. CHAIRMAN: The Member for Rossmere.

MR. SCHROEDER: Thank you, Mr. Chairman. I'm just wondering, I've been listening to a number of comments made. One concern I have is that at this point in time theoretically what you people are doing, if you're operating on the streets, it's illegal. I'm just wondering whether, if you had a choice, you would prefer an amendment at this time which would eliminate all mobility aids travelling under ten miles an hour, say, from regulation, and if we passed that with this amendment now, would you prefer that over the proposition that we will pass this amendment as is now but leaving it for implementation at a later date? If you had a choice, which would you take, the proposal of passing this amendment with implementation at a later date or changing this so that at under ten miles an hour, mobility aids need not be registered or licensed or insured?

MR. CHAIRMAN: Mr. Stevens.

MR. STEVENS: I think I'll have to take your second choice on ten miles an hour and under would be completely exempt from registration.

MR. CHAIRMAN: I see no signals from anyone, is that all the questions?

I would like to thank the Manitoba League of Physically Handicapped, Mr. Whitman, Ms. Gulak and Ms. Semkiw, and also, from the Multiple Sclerosis Society, Mr. Stevens. Mr. Stevens' letter has also been photostated and passed around.

Thank you, all four of you.

The next one is a private citizen — the Member for St. George.

MR. URUSKI: Mr. Chairman, I haven't looked at Mr. Stevens' letter. Are there any points in his presentation that he wishes to elaborate on that have not already been commented on, just so that we don't miss anything while he is here. That's my only point.

MR. CHAIRMAN: Mr. Stevens.

MR. STEVENS: Mr. Chairman, I think one point I wanted to mention was that if we're going to make a medically tax exempt vehicle, a highway type vehicle, with the same consideration, are we going to be able to write off the use of a car, write off the taxes and duty, because we can't use our lower limbs? That's one consideration that should be made.

I think we've got to consider that the Happy Wanderer is registered and sold as a mobility aid, which we've mentioned; that it is restricted by distance, so that in no way are we asking you for the right to use the highway to travel to Brandon, Lake Winnipeg or anything else, that these machines are going to be strictly a short distance, restricted usage.

MR. URUSKI: Mr. Chairman, to Mr. Stevens, do you not see in the future the distance capabilities of these kinds of vehicles expanding, and what would be the problem of expanding that distance that you see for yourself as having to have a regulation on as to the distance that they are capable of travelling?

MR. STEVENS: At the present time, we've had electricity for quite a few generations and we haven't increased speed or distance by the use of it. Right now the requirement to increase your speed or your distance would require the use of maybe about 500 pounds of batteries behind you and that will defeat its own purpose. I can see no distance being increased until we get into maybe solar energy or something else, which will not give you the speed or distance at the present time either.

MR. URUSKI: I gathered from your remarks that distance could be part of the criteria that you would use, or are you just making that point that right now since these types of equipment have a short limitation to the distance that they are capable of performing, you're not advocating that another criteria for use or non-use or registration or non-registration or allowability or non-allowability, the criteria be the distance that they are capable of performing. You're primarily indicating that it's the speed that is really the criteria that should be used?

MR. STEVENS: I believe there's two considerations for the use of these machines to be exempt from registration. No. 1 is that it must be used by the handicapped, and No. 2, that it does not exceed the speed limit of ten miles an hour.

MR. CHAIRMAN: Thank you, Mr. Stevens.

The Minister of Transportation.

MR. ORCHARD: I want to thank the League for coming in this morning. We'll look forward to several meetings, I know, in the future and we'll work this one out.

MR. CHAIRMAN: Now to a private citizen, Marcel St. Hilaire. Mr. St. Hilaire.

Also I might say there's a letter going around from Mr. St. Hilaire as well as his personal brief.

MR. MARCEL ST. HILAIRE: This letter concerns, actually I've got the Manitoba League on top. That Manitoba League shouldn't be there, because this

letter was sent on my own part. But I'm concerned with the tricycle or the motorized wheelchair for one reason, because we want to have freedom and this is why I sent this letter. Some of these vehicles are the legs of many handicapped and are therefore the means of transportation and means of self-supportive ways of remaining independent and giving us the sense of belonging in the community. Many of us have limited monetary funds to survive and additional costs of insurance coverage and licensing would be to deprive many of us of using the vehicle.

If this Act is amended as is it would probably create for many of us the breaking of the law and we would still use this vehicle for transportation to get around. A suggestion about this three wheel motorized vehicle would be that any handicapped person be authorized to drive it during certain limited time during any days, have a special coding license or permit from the Rehab Centre here in Winnipeg, or any rehab centre. We believe that somehow we could get understanding and co-operation from the Highway Traffic Branch to permit us to drive these vehicles without extra costs.

Could a study be made involving a few members of the League as well as the government and the public at large?

Thank you very much.

MR. CHAIRMAN: Any questions of Mr. St. Hilaire? Seeing no signals, thank you, Mr. St. Hilaire.

MR. ST. HILAIRE: Thank you.

MR. CHAIRMAN: Now, committee, I guess we'll start — there is no one else to present on any other bills in the audience? Seeing none, I'll return to Bill 8. I guess it will be proper to pass this clause-by-clause.

The Honourable Attorney-General.

MR. MERCIER: Mr. Chairman, we'll distribute an amendment.

Mr. Chairman, just briefly, I believe the amendments meet the concerns expressed by members on Second Reading, and meet the concerns expressed by the delegation who appeared before us today.

Mr. Anderson will move the amendment.

MR. CHAIRMAN: Section 1 maybe should be passed first, then Section 2.

The Member for Springfield.

MR. ROBERT ANDERSON: Mr. Chairman, I move that the proposed new subsection 15(1) of The Garnishment Act as set out in Section 2 of Bill 8 be struck out and the following subsections substituted therefor:

Garnishment of pension benefits 15(1) Notwithstanding that the garnishment of a pension benefit is prohibited by or under an Act of the Legislature or a collective or other agreement, the pension benefit is subject to garnishment if the garnishing order whereby the garnishment is sought to be effected is obtained as provided in subsection 14(1) or 14(3).

Exemptions to apply to pension benefits. 15(2) Where a pension benefit is subject to garnishment, either by virtue of subsection (1) or otherwise, this

Act applies thereto, mutatis mutandis but subject to subsection (3), to all intents and purposes as if the pension benefit were wages within the meaning of Section 2.

MR. CHAIRMAN: Section 2 as amended — pass; 15(1) as amended — pass. 15(2) — the Member for Springfield.

MR. ANDERSON: Mr. Chairman, I move that the proposed new subsections 15(2) and 15(3) as set out in Section 2 of Bill 8 be renumbered as subsections 15(3) and 15(4) respectively.

MR. CHAIRMAN: 15(2) as amended — pass. 15(3) — the Member for Springfield.

MR. ANDERSON: Mr. Chairman, I move that the proposed new subsection 15(4) of The Garnishment Act as set out in Section 2 of Bill 8 and as herein before renumbered be amended by adding thereto immediately after the word "benefit" where it appears for the second time in the first line thereof, the words, "whether in the form of a periodic payment or in the form of a lump sum payment."

MR. CHAIRMAN: 15(3) as amended — pass. 15(4) — the Member for Springfield.

MR. ANDERSON: I think we got it all.

MR. CHAIRMAN: 15(4) as amended — pass; Section 2 as amended — pass; Section 3 — pass; the whole bill — pass; Preamble — pass; Title — pass; Bill be reported.

Bill 13, Section 1 — pass — the Member for St. George.

MR. URUSKI: I don't have a copy of Bill 13, sorry. Do you want to get me a copy of Bill 13?

MR. CHAIRMAN: Is it the desire when the Bill has been distributed to those who haven't got it to go page by page? (Agreed)

Page 1 — pass; Page 2 — pass; Page 3 — pass; Page 4 — pass; Page 5 — pass; Page 6 — pass; Page 7 — pass; Preamble — pass; Title — pass; Bill be reported.

Bill 27 — is everyone set on bill 27? — (Interjection)— Okay we'll hold it for a moment. Page 1 — pass — the Member for Springfield.

MR. ANDERSON: Mr. Chairman, I move that proposed new Section 201 to The Highway Traffic Act as set out in Section 1 of Bill 27 be amended by adding thereto immediately after Subsection 5, the following subsection: Limitation on prosecution 201(6) — No prosecution for a violation of subsection 1(1), (2), (3) or (4) shall be commenced after two years have elapsed from the date of the violation.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. MERCIER: If I might offer a word of explanation, Mr. Chairman, members will recall that the amendments to The Highway Traffic Act arose out of the decision in the Supreme Court invalidating a section of The Criminal Code. Under the Criminal

Code there is no time limit on prosecutions. Under The Highway Traffic Act without this section there is a six-month time limitation. It has come to our attention that by virtue of some cases of false identification arising, the time limitation has been passed and this will enable, Mr. Chairman, a prosecution to be taken with two years rather than within six months in those kinds of situations. This is a serious driving offense and I believe the amendment merits consideration by the committee.

MR. CHAIRMAN: The Member for St. George.

MR. URUSKI: Mr. Chairman, to the Attorney-General, are there any other areas in The Highway Traffic Act where there is a two-year limitation on prosecutions so this will coincide with other limitations that are presently in the Act, or is The Highway Traffic Act now limited to a six-month limitation?

MR. MERCIER: Mr. Chairman, we're just looking it up. Mr. Chairman, I can cite two cases and the member will appreciate the size of this Act, but under Section 149 which relates to accident reports there is a two-year time limitation. Under Section 200 relating to false statements there is no limitation.

MR. CHAIRMAN: The Honourable Minister of Natural Resources.

MR. ENNS: Mr. Chairman, I would be interested to know whether the amendment is before us to cover one or two specific incidences or whether it's here merely because of the lawyers inability to put their case together with due dispatch. It seems to me that six months on a Highway Traffic offense should suffice to decide on the part of the Crown whether or not a charge is to be laid. Are we adding to the length that the litigation already takes in this case?

MR. MERCIER: Mr. Chairman, this amendment arises out of discussions with law enforcement officers in the City of Winnipeg, the RCMP, and the Registrar of Motor Vehicles, who have brought to our attention a number of cases where we have been unable to prosecute within the six-month limitation period. A typical case being where a driver who is suspended uses another person's identification and that has not come to light until several months later.

I point out, Mr. Chairman, to the Minister, that we are dealing with very serious offences, driving while license is suspended, etc., as set out in the Bill and I think the amendment is necessary in the light of the experience that enforcement officers have had to date which is indicative of probably the number of cases which will come to our attention in the future.

MR. CHAIRMAN: The Member for St. George.

MR. URUSKI: Mr. Chairman, on another matter. We raised the point that questions dealing with the ability to transfer ownership of a vehicle from one individual to another. Is there anything that will either prohibit or allow that to happen in terms of driving an unregistered — not unregistered, but changing the ownership of a motor vehicle to another member of one's family if he is suspended?

MR. MERCIER: Mr. Chairman, I don't think there is any restriction on transferring ownership.

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

Bill 29 is next.

MR. ORCHARD: Mr. Chairman, we'll just hang off on this one and bring her back next Law Amendments day.

MR. CHAIRMAN: Agreed that we let Bill 29 go to a future date.

Bill 36, amendments to The Security Act. Page 1 — pass; Page 2 — pass; Preamble — pass; Title — pass; Bill be reported.

Bill 41, The Statute Law Amendment Act. Section 1.(1) — pass. Section 1.(2) — the Member for Springfield.

MR. ANDERSON: Mr. Chairman, I move that subsection 1.(2) of Bill 41 be struck out then, the subsection be substituted therefor. Clause 3.(a.1) repealed and substituted.

1(2) Clause 3(a.1) of the Act is repealed and the following clause is substituted therefor

(a.1) one person appointed by the board of the Health Sciences Centre who is not already a member of the foundation; and.

MR. CHAIRMAN: The Member for Logan.

MR. WILLIAM JENKINS: I see the Minister of Health . . . explain why we have the change, because the original section was that the Clause in its entirety be repealed. Now we have it repealed with a substitution, so I wonder if the Minister could give us an explanation.

MR. CHAIRMAN: The Honourable Minister of Health.

HON. L.R. (Bud) SHERMAN (Fort Garry): Yes, Mr. Chairman, originally the way the Clause was written for this Bill, there was an error and an unintentional error in it arising from an misunderstanding as to a change of makeup of both the Cancer Foundation Board and Health Sciences Board. Originally the Clause would have removed the representation that the Cancer Foundation has on the Health Sciences Board from that Board, and reciprocally the Health Sciences Centre's representation of two members on the Cancer Foundation Board was to be eliminated. That was never the intention when we revised and restructured the Health Sciences Centre Board last year, we did eliminate some of the "constituency" representation on that Board in order to reduce it in size but we did keep representation on there from Cancer and from the Children's Hospital. So what this does is insure that there will be reciprocal representation from the Health Sciences Centre Board on the Cancer Board by designating that one person from the Health Sciences Centre will be on the Cancer Foundation Board. That will equate with the one member from the Cancer Board who is on the Health Sciences Board.

MR. CHAIRMAN: Section 1, Clause 2. as amended — pass; Section 1(3) — pass; Section 2(1) — pass; Section 2(2) — pass; Section 3(1) — pass; Section 3(2) — pass; Section 3(3) — pass; Section 3(4) — pass.

Do you want to go page-by-page up until the next Amendment? Page 2 — pass; Page 3 — pass; Page 4 — pass; Page 5 — pass; Page 6 — pass; Page 7 — pass; Page 8 — pass; Page 9 — pass.

Section 23 — the Member for Springfield.

MR. ANDERSON: I move that Section 23 of Bill 41 be amended by striking out the figures "23(5)" in the first line thereof and substituting therefor the figures "13(5)".

MR. CHAIRMAN: Section 13 as amended — pass; Page 10 as amended — pass; Page 11 — The Member for Springfield.

MR. ANDERSON: Mr. Chairman, I move that Section 30 of Bill 41, The Statute Law Amendment Act (1981) be amended by striking out the figures "11(2)" in the 1st line thereof and substituting therefor the figures "10(2)".

MR. CHAIRMAN: Page 11 as amended — pass; Page 12 — pass — the Member for Springfield.

MR. ANDERSON: I move that Sub-section 36(1) and 36(2) of Bill 41 be struck out and the following sub-section be substituted therefor: Clause 10(b), (c), (d), and (e) replaced and substituted.

36.(1) Clauses 10(b), (c), (d), and (e) of the Health Sciences Centre Act being chapter 80 of the Statutes of Manitoba, 1972, be repealed and the following clauses be substituted therefor:

(b) to the Manitoba Cancer Treatment and Research Foundation;

(c) to the Children's Hospital Research Foundation Inc.; and

(d) to the Board of Governors of the University of Manitoba.

MR. CHAIRMAN: Page 12 as amended — pass; Page 13 — the Member for Springfield.

MR. ANDERSON: Mr. Speaker, I move that Sub-section 36(3), (4) and (5) of Bill 41 be renumbered as sub-sections 36(2), (3) and (4) respectively.

MR. CHAIRMAN: Page 13 as amended — the Member for Springfield.

MR. ANDERSON: Mr. Chairman, I move that renumbered sub-section 36(4) of Bill 41 be amended by striking out the word "the" where it appears for the first time in the 1st line thereof and the words "The Health Sciences Centre" be substituted therefor.

MR. CHAIRMAN: Pass — the Member for Logan.

MR. JENKINS: Mr. Chairman, I wanted clarification. When I spoke to this Bill, and I'm sorry that it slipped by before I got a chance to ask the question of the Minister. I wonder if we could return back to Section 35 of the Act, of the present Act. The Minister wasn't there when I spoke on second reading on the Bill and I wanted to know why the change was being made from the person being appointed to the Board from the College of Physicians and Surgeons that it be now from the Manitoba Medical Association? Was that a request of the MMA or the College of

Physicians and Surgeons or just why are we having the change?

MR. CHAIRMAN: The Honourable Minister of Health.

MR. SHERMAN: It was a position sanctioned by the College of Physicians and Surgeons, Mr. Chairman. The reasoning of the College is that their main function is registration, licensing and discipline of it's members and it's really the professional body of and for the medical profession; whereas the Manitoba Medical Association is the association who are concerned primarily with the economic aims of the profession. What we're talking about here is the Manitoba Mental Health Research Foundation and since that's essentially a fund raising organization, it was deemed advisable that representation on the board be from the Manitoba Medical Association rather than the College and the College agreed to that.

MR. CHAIRMAN: Page 13 as amended — pass; Page 14 — pass; Preamble — pass; Title — pass; Bill be reported.

BILL NO. 46 — AN ACT TO AMEND THE CORPORATIONS ACT

MR. CHAIRMAN: There's an amendment coming around committee. All right, we're already in 46. Page 1 — pass; Page 2 — pass; Page 3 — pass; Page 4 — The Member for Springfield.

MR. ANDERSON: I move that the proposed new sub-section 190(1) of the Corporation's Act, as set out in section 23 of Bill 46, be amended by striking out Clauses (a) and (b) thereof, and substituting therefor the words "a power of attorney in prescribed form".

MR. CHAIRMAN: Page 4 — the Member for Logan.

MR. JENKINS: Could we have a brief explanation why the deletion?

MR. CHAIRMAN: The Honourable Minister of Environment.

MR. FILMON: I would indicate that the net effect of that is, if you look at Page 4, Section 190(1), we're eliminating Part (a) of that and just leaving it with Part (b) as a requirement, and this sets out in statutory form the present documentary requirements for registration of a Federal-Provincial body corporate and eliminates the requirement of filing certified copies of the corporate documents thus lessening the paper burden on the transaction.

MR. CHAIRMAN: The Member for St. George. Page 4. as amended — pass — the Member for Springfield.

MR. ANDERSON: I move that proposed new subsection 192(1) of The Corporation's Act, as set out in Section 25 of Bill 46, be amended by striking out the words "in duplicate" in the 2nd line thereof, and by striking out clause (b) thereof and substituting therefor the following clause:

(b) an application for a supplementary certificate of registration in duplicate within three months of any amendment to its articles.

MR. CHAIRMAN: Page 4 as amended — pass — The Minister of Consumer and Corporate Affairs and Environment.

MR. FILMON: In explanation, this amendment serves to parallel subsection 19(4), which was previously covered in this Act. An extra provincial corporation must file with the Department a notice of the change of the registered office or an application for supplementary certificate of registration. It is contemplated that the amendment would expedite the filing of documents by the corporation and again lessen the paper burden.

MR. CHAIRMAN: Page 4 as amended — pass; Page 5 as amended — pass; Page 6 — The Member for Springfield.

MR. ANDERSON: I move that Section 29 of Bill 46 be struck out.

MR. CHAIRMAN: Page 6 — the Member for Logan.

MR. JENKINS: I wonder if the Minister could explain that bold move to the Committee.

MR. CHAIRMAN: The Minister of Corporate and Consumer Affairs.

MR. FILMON: Mr. Chairman, the striking out of that section is required as a result of the consequent amendment that is to come forth on Endorsement of certificate. Section 255(5).

MR. CHAIRMAN: Page 6 as amended — the Member for Springfield. 29 as amended — the Member for Springfield.

MR. ANDERSON: Mr. Chairman, I move that section 30 of Bill 46 be renumbered as section 29.

MR. CHAIRMAN: Section 30 as amended — pass.
The Member for Springfield.

MR. ANDERSON: Mr. Chairman, I move that the proposed new subsection 255(5) of The Corporations Act, as set out in section 29 of Bill 46 as renumbered, be struck out and the following subsection be substituted therefor:

Endorsement of certificate.

255(5) A certificate endorsed in accordance with subsection (2) constitutes a certificate issued under this Act, and the articles or a statement so endorsed are effective on the date set out in the certificate, notwithstanding that any action required to be taken by the Director under this Act with respect to the articles or statement is taken at a later date.

MR. CHAIRMAN: 255 as amended — pass. The Minister of Consumer of Corporate Affairs.

MR. FILMON: Mr. Chairman, I assume what we have done is to consolidate 255(5) and (8) into one for ease of handling.

MR. CHAIRMAN: Page 6 as amended — pass — the Member for Springfield.

MR. ANDERSON: Mr. Chairman, I move that the proposed new subsection 255(8) of The Corporations Act as set out in section 29 of Bill 46 as renumbered, be struck out.

MR. CHAIRMAN: Subsection 255 as amended — pass — the Member for Springfield.

MR. ANDERSON: Mr. Chairman, I move that section 31 of Bill 46 be struck out and the following section substituted therefor:

Commencement of Act.

30 This Act, except section 21, comes into force on August 1, 1981, and section 21 comes into force on August 1, 1982.

MR. CHAIRMAN: Section 31 as amended — pass; Page 6 as amended — The Member for Logan.

MR. JENKINS: Could we just have a brief explanation of why the post-dating of the one section?

MR. CHAIRMAN: The Minister of Consumer and Corporate Affairs.

MR. FILMON: This section 21 permits a shareholder to descent and require the Corporation to pay a fair price for his shares, if he objects to the increase to the number of shares that the Corporation may issue.

Presently the shareholders may only descent in certain other cases. We're adding that as a case and because we're adding that provision, we're giving an extra year.

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

Bill 50, page 1 — pass; page 2 — the Member for Springfield.

MR. ANDERSON: Mr. Chairman, I move that proposed new clause 11.1(3)(c) to The Summary Convictions Act as set out in section 1 of Bill 50 be amended by striking out the words "to elect" immediately after the word "unable" in the 3rd line thereof.

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

Bill 60, Page 1 — pass; Page 2 — the Member for Springfield.

MR. ANDERSON: Mr. Chairman, I move that section 7 of Bill 60 be amended by renumbering subsection (1) thereof as subsection (2), by renumbering subsection (2) thereof as subsection (4), and

(a) by adding thereto, at the beginning thereof, the following subsection:

Sec. 190.1 of Highway Traffic Act added.

7(1) The Highway Traffic Act, being chapter H60 of the Revised Statutes (hereinafter in this section referred to as "the Act") is amended by adding thereto, immediately after section 190 thereof, the following section:

Agreements respecting enforcement.

190.1 The minister, with the approval of the Lieutenant Governor in Council, may enter into an agreement with the Government of Canada, or a

minister thereof, respecting the enforcement of the provisions of The Transportation of Dangerous Goods Act (Canada), or any regulations made thereunder, in Manitoba, or the provisions of this Act or regulations made thereunder including the apportionment of the costs thereof and revenues arising from that enforcement.

(b) by adding thereto, immediately after subsections 7(2) thereof, as renumbered (subsection 7(1) thereof as printed) the following subsection:

Cl. 292(1)(rrr) added.

7(3) Subsection 292(1) of the Act is amended by adding thereto, at the end thereof, the following clause:

(rrr) adopting the provisions of The Transportation of Dangerous Goods Act (Canada) or any part thereof, or any regulation made thereunder, as a regulation under this Act applying to and in respect of any matter, situation or circumstance within the jurisdiction of the Legislature.

MR. CHAIRMAN: The Member for St. George.

MR. URUSKI: Mr. Chairman, with respect to this amendment, I gather there must be negotiations now under way between the Federal Government and the province dealing with the enforcement of dangerous items. Mr. Chairman, is there going to be a change in the method of enforcement or what is the proposal here; what is the thinking behind this amendment?

MR. CHAIRMAN: The Minister of Consumer and Corporate Affairs.

MR. FILMON: Mr. Chairman, on behalf of the Minister of Highways, I can inform the committee that the intent of this, is it enables us to adopt the regulations that have been enacted by the Federal Government under The Transportation of Dangerous Goods Act, so rather than have to enact an entire bill parallel to it for provincial jurisdiction, we can just adopt their legislation and regulations, or portions thereof, for our use in Manitoba.

MR. CHAIRMAN: The Member for Logan.

MR. JENKINS: Through you, Mr. Chairman, to the Minister, that would be just for transportation on highways, because that would be the only jurisdiction we would have, not having . . .

MR. FILMON: That's why it doesn't come under me.

MR. CHAIRMAN: Page 2 as amended — pass; Page 3 — pass; Page 4 — pass; Page 5 — pass; Page 6 — pass; Page 7 — pass; Page 8 — pass; Page 9 — pass; Preamble — pass; Title — pass; Bill be reported.

Committee rise.