



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

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**STANDING COMMITTEE**

on

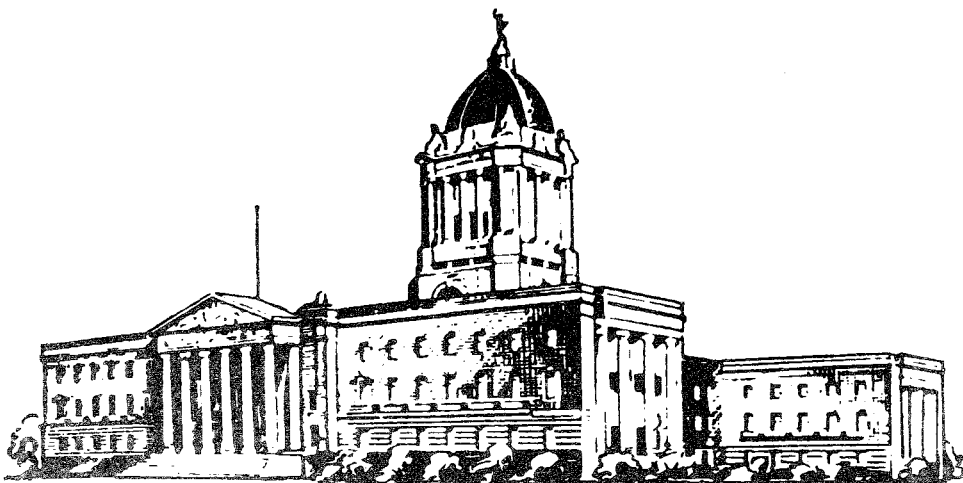
**PRIVATE BILLS**

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*Chairman*  
*Mr. Harold Gilleshammer*  
*Constituency of Minnedosa*



**VOL. XXXVII No. 1 - 10 a.m., THURSDAY, NOVEMBER 3, 1988.**



**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Fourth Legislature**

**Members, Constituencies and Political Affiliation**

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

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON PRIVATE BILLS**  
**Thursday, November 3, 1988**

**TIME — 10 a.m.**

**LOCATION — Winnipeg, Manitoba**

**CHAIRMAN — Mr. Harold Gilleshammer (Minnedosa)**

**ATTENDANCE — QUORUM - 6**

*Members of the Committee present:*

Hon. Mr. Manness

Mrs. Charles; Messrs. Chornopyski, Doer, Edwards, Gilleshammer, Harapiak, Helwer, Lamoureux, Maloway, Mandrake, Plohman, Praznik

**APPEARING:** Mr. John Plohman, MLA for the Constituency of Dauphin

Ms. Shirley Strutt (Legal Counsel - Law Officer of the House)

Mr. Robert Walsh (Legal Counsel - Law Officer of the House)

**WITNESSES:** Mr. Kevin Lamoureux, MLA for the Constituency of Inkster

**MATTERS UNDER DISCUSSION:**

Bill No. 18, An Act to amend An Act to Incorporate The Manitoba Motor League

Bill No. 22, The Liquor Control Amendment Act

Bill No. 24, An Act to Incorporate The Dauphin General Hospital Foundation

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**Clerk of Committees, Ms. Bonnie Greschuk:** Will the committee please come to order. We must proceed to elect a chairman for the Committee responsible for Private Bills. Are there any nominations?

**Hon. Clayton Manness (Minister of Finance):** I move the name of Mr. Gilleshammer, the MLA for Minnedosa.

**Mr. Darren Praznik (Lac du Bonnet):** I second it.

**Madam Clerk:** Are there any further nominations? If there are no further nominations, will Mr. Gilleshammer please take the Chair?

**Mr. Chairman, Harold Gilleshammer:** The Committee on Private Bills is called to order.

Bills No. 18, 22, and 24 are to be considered today. There are no persons registered to appear before this committee. Should anyone present wish to appear before this committee, please advise the Committee Clerk and your name will be added to the list.

**Mr. Manness:** With the indulgence of the committee, Mr. Chairman, I am wondering if we could consider Bill No. 22 firstly.

\* (1005)

**BILL NO. 22—THE LIQUOR CONTROL AMENDMENT ACT**

**Mr. Chairman:** What is the will of the committee? Since there are no presentations, we will consider Bill No. 22 at this time.

Would the MLA sponsoring Bill 22 care to make a statement?

**Mr. Gary Doer (Leader of the Second Opposition):** Mr. Chairperson, this Bill has been presented as a means of providing the law enforcement officers and licensee proprietors with an ability to prohibit knives in the licensed premises. It is the feeling of law enforcement people in Manitoba that this certainly will not solve all of the problems that we unfortunately have to cope with in terms of violent crime, but this will help them in preventing some violent crimes in terms of not allowing knives in licensed premises.

There is certainly the ability to enforce the Act with the ability and capability of the Liquor Commission and the law enforcement officers. This has been recommended to us by, as I say, the law enforcement agencies, who have stated this will be a help to them. We believe that this will be a help to them, that we should indeed pass this Bill, recognizing that certainly it is only a drop in the bucket in terms of the collective challenges we have in terms of making our streets safer for all our citizens.

**Mr. Chairman:** Are there any other Members who wish to speak on this Bill?

**Mr. Manness:** Not on the Bill, Mr. Chairman. I propose to bring in an amendment and I will say a few words at that time.

\* (1010)

**Mr. Chairman:** The Bill will be considered clause by clause during the consideration of the Bill. The title and the preamble are postponed until all other clauses have been considered in their proper order by the committee.

On Bill No. 22, The Liquor Control Amendment Act, Clause No. 1—pass.

Shall Clause No. 2 pass?

**Mr. Paul Edwards (St. James):** For clarification, Clause No. 1, you mean all of Section 1 down to Section 2 on the first page?

**Mr. Chairman:** Yes.

**Mr. Edwards:** I was unclear at the time and I do have a concern which was raised in the House at the time I spoke to this, and I was unclear at the extent of what was being passed. I would ask leave to revert back so that I might make a comment on Clause No. 1?

**Mr. Chairman:** Does the Member have leave?(Agreed)

The Member will speak then on the clause that has been passed.

**Mr. Edwards:** Thank you, Mr. Chairman. One of the concerns that I raised when I spoke to this Bill on October 11 of this year was a concern with the ambiguity of the term "knife" or "weapon." Perhaps I can have some clarification from the proponent of the Bill as to what limitations might be put on the term "knife." I am thinking specifically of possibly penknives or that kind of thing which presumably this Bill does not seek to include. Is there any suggestion that we might limit that in terms of length of the knife, or anything else that might be used to put a restriction on that?

**Mr. Doer:** I as a former Minister went through the ambiguities and I am sure the present Minister has gone through all the interpretations that would be available to that clause. We wanted to make it very specific as a knife as opposed to length. "Length" we were worried would get us into other issues such as kirpans and other areas that were not intended by the Bill.

That was the advice of the draftspeople after we consulted with them and I am sure that is the same advice the Attorney-General has. There is no perfect way of drafting language like this to deal with some of the cultural realities as well as the intent of the Bill, which is clearly weapons, knives as weapons.

I would expect the proprietors, the licensees and the police would be able to interpret this clearly with the intent that it is knife, not as I say, kirpans, which has been one of the areas in dispute. When you get into length you get into other real problems on it. Clearly the intent is "weapon" forbidden. I went around the discussion on this with various experts in this area and this was perceived by them as the best way to draft it. I think it is not inconsistent with what was eventually drafted in British Columbia as well.

**Mr. Edwards:** Obviously the Member has consulted with some of the experts. Perhaps I missed this. The Attorney-General's Department has been consulted. Have the hotel owners been consulted as to what problems they might see with this definition? I notice that it does go on to specifically deal with, to exclude knives provided by the licensee as part of the food service. Then weapon is defined yet in the amendment in Section 120(7). While the title is "weapon forbidden," it goes on to include not only the generic term "weapon" in (b) but specifically "knife" in (a). I appreciate that perhaps it is always an imperfect science trying to define these things. Are all interested parties satisfied, including the Attorney-General of course which has

been mentioned, that this is the best and most effective way to limit the definition to meet with the intent of this Act?

**Mr. Doer:** There is of course the need to specifically mention "knife" given the provisions of the Criminal Code, which allow—there is a differentiation between concealed and non-concealed knives as the Member is aware. If I recall the discussion, this was perceived as the best way to go in terms of dealing with this issue. The licensees, as I understand it now, and the Attorney-General can correct me if I am wrong, had received instructions in January of 1988 consistent with this Bill on the application.

There were administrative provisions or rights given to the licensees to follow this kind of interpretation if they so desired prior to the Bill coming into place, so the licensees and hotel owners are well aware of these provisions coming in. They have an administrative letter from the chief executive officer of the Liquor Control Commission. As I say, it was drafted with the Attorney-General's Department, with the head of the Liquor Commission, in consultation with law enforcement agencies, both RCMP and Winnipeg City Police, and it has been in the field with the hotel owners. I do not believe any are presenting any interventions today on this Bill and they are certainly aware of it.

\* (1015)

**Mr. Chairman:** On Clause 2, shall the clause pass?

**Mr. Manness:** Mr. Chairman, I move

THAT Clause No. 2 be amended by striking out "January 1, 1989" and substituting "the day it receives the Royal Assent." I move this section with respect to both English and French texts.

**Mr. Chairman:** On the proposed motion of Mr. Manness to amend Clause 2 with respect to both the English and French texts, shall the motion pass?

**Mr. Doer:** Speaking to the amendment, we support the proposed amendment. If we can get a couple of extra weeks on this one, that is fine with us.

**Mr. Manness:** Mr. Chairman, I thank Mr. Doer for the response. I just want to say though, on behalf of the Government, as you can tell, we support the Bill. We just feel that it would be wise to bring forward this provision as quickly as possible.

**Mr. Chairman:** Shall the motion pass? (Agreed). Shall the clause, as amended, pass? (Agreed)

Preamble—pass; Title—pass; Bill No. 22—pass.

Bill be reported; Bill, as amended—pass.

**BILL NO. 18—  
AN ACT TO INCORPORATE  
THE MANITOBA MOTOR LEAGUE**

**Mr. Chairman:** We shall proceed with Bill No. 18. We will start off with a report from legal counsel.

**Ms. Shirley Strutt (Legal Counsel - Law Officer of the House):** Mr. Chairperson, as required by Rule 108 of the Rules of the House, I now report that I have examined Bill No. 18, An Act to Amend An Act to Incorporate The Manitoba Motor League, and have not noted any exceptional powers sought, but I do note, for the information of the committee, that the proposed amendments:

- (a) eliminate the ceiling of \$250,000 on the value of property that may be held by the corporation;
- (b) eliminate the ceiling of \$250,000 on amounts that may be borrowed by the corporation; and
- (c) eliminate the requirement that a majority of Members present at a special meeting called for the purpose consent to the issuing of bonds and debentures or pledging or mortgaging the property of the corporation.

**Mr. Chairman:** On Bill No. 18, An Act to Amend An Act to Incorporate The Manitoba Motor League, would the sponsoring MLA wish to speak?

**Mr. Edward Helwer (Gimli):** Mr. Chairman, I believe it is explained quite well, was explained quite well, and I believe those are the only three major changes that are in the Act and I have nothing else to add to it.

\* (1020)

**Mr. John Plohman (Dauphin):** I had a question that I asked of the Member who introduced this Bill in the House when speaking to it in second reading. Perhaps he can shed some light on it. I do not think it is a major issue, the Attorney-General's staff, legal counsel staff may have some comments on the fact that there is a limit that is being removed in three different areas of business with regard to the Motor League.

Of course, that limit was put in place, I believe, initially as \$50,000 and then it was increased in 1956 to \$250,000, and now it is being eliminated completely. We were not given the rationale for the limits initially, and also maybe some comments as to whether this is relatively standard practice now with some organizations that are being incorporated through the Legislature.

**Ms. Strutt:** I noted that I did not note exceptional powers. Had this Act come in as a complete new Act with no limits on borrowing powers and no provisions for special meetings, we would not have noted it as unusual. However, I thought since we were eliminating requirements that the committee should be aware that in fact this was taking place in the event that they wanted to ask petitioners for specific information about how these matters would not be dealt with.

**Mr. Plohman:** That is essentially what my questions were as to the rationale for it. We did not receive any information on that. I thought it should be something that we should be aware of in making a change such as this.

**Mr. Helwer:** I think the reason behind it really is this is a non-profit corporation, and it is operated by a

board of directors which is appointed by the Members or elected by the Members. Therefore, it gives them the power, I believe, to make any changes that are necessary to do business for the company.

It has been growing very rapidly in the past, quite rapidly since it was first initiated in 1918. I do not believe there is any fear really. There should not be any problem, I do not believe, by eliminating the top limits.

**Mr. Ed Mandrake (Assiniboia):** Gentlemen, just to explain everything, what I was concerned with, of course, is the elimination of the annual general meetings. In the amendment, of course, it addresses it, and I am quite willing to have this Bill passed.

**Mr. Plohman:** There is no amendment here to this Bill. I wonder what Mr. Mandrake is referring to.

**Mr. Mandrake:** Yes, I am sorry, I should not have said an amendment. It is just an explanation that eliminates the requirement that in the area of Members presented at a special meeting called for the purpose of consent. Basically, that addresses the problem of the annual general meeting.

**Mr. Plohman:** Mr. Chairman, it is my understanding that the explanation says that this eliminates the requirement that there be such a meeting.

**Mr. Helwer:** I do not believe—the annual meeting is not eliminated. Where do you get that from?

**Mr. Plohman:** I am looking at the explanation of "C." It says that "the proposed amendments" in C "eliminate the requirement that a majority of members present at a special meeting calls for the purpose of consent to the issuing of bonds and debentures or pledging or mortgaging the property of the corporation." We are to assume then that they do not need a majority of members to do that. That is the only way we can assume that this amendment is now going to make it possible to have a minority of Members make those decisions. I guess then, how few could they be?

**Ms. Strutt:** I would like to point out that is a requirement for a special meeting to deal with these particular types of issues. That would not affect the normal kinds of meetings that the corporation would have in the course of the year, the annual meeting or other meetings that might be required by their by-laws. Presumably, for example, they have now put in place by-laws relating to how they are going to deal with these sorts of issues. My intention in raising these points was to be certain that the committee was satisfied that the other changes had been made to procedures to make them accord with normal corporate practice.

\* (1025)

**Mr. Chairman:** Thank you.

Bill 18, An Act to Amend an Act to Incorporate the Manitoba Motor League, Clauses 1 to 3 were each read and passed. Preamble—pass; Title—pass; Bill No. 18—pass; Bill be reported.

**BILL NO. 24—THE DAUPHIN GENERAL HOSPITAL FOUNDATION**

**Mr. Chairman:** We will now consider Bill No. 24, An Act to Incorporate the Dauphin General Hospital Foundation.

**Ms. Shirley Strutt (Legal Counsel - Law Officer of the House):** As required by Rule 108 of the Rules of the House, I now report that I have examined Bill No. 24, An Act to Incorporate the Dauphin General Hospital Foundation, and have not noted any exceptional powers sought or any other provision of the Bill requiring special consideration.

**Mr. Chairman:** We will proceed. Would the Member sponsoring Bill No. 24 wish to comment?

**Mr. John Plohman (Dauphin):** I would just briefly like to provide information from the proponents of this Bill. The petitioners—for the record, it is very brief—are members of the board of the Dauphin General Hospital. At present, all donations, gifts or bequests made to the hospital are held and maintained by the hospital. As such, these funds do not have a separate status. For accounting purposes, the inclusion of the same in the hospital's general funds portrays a misleading picture of the operating funds available to the hospital.

In many cases, donations are made with specific or general directions as to what use the donor wishes the funds allocated to. To honour these specific or general directions and in general to manage these funds, the petitioners feel that it is essential that a separate body be established solely for that purpose.

As is stated in the draft Bill, the object of the Dauphin General Hospital Foundation is to receive donations of real or personal property to be held in trust for the purpose of assisting in the advancement of charitable objects on behalf of the Dauphin General Hospital and the provision of care, benefit and comfort to patients of the hospital.

The foundation's further object is to meet community health care needs, which may not have immediate funding support from Government health services.

This would entail, amongst other things, active solicitation of donations for specific and general objectives. Since these donations ordinarily come from the community at large, it is felt that a separate body of volunteer board members selected from the community should act as the administrator and trustee of these funds on an entirely separate basis from the Dauphin General Hospital. This would avoid any concerns that donors may have that the hospital might use their donation for other than the purposes directed.

A separate body would alleviate any appearance of conflict of interest that may arise when the body that administers the trust fund is also the same body that runs the hospital. At present the Dauphin General Hospital has no mandate to deal with these donations, nor does it have any established rules, direction or procedure in this regard. Other hospitals in other communities have successfully established similar

foundations and the petitioners herein strongly feel that it is time that the Dauphin area kept pace with their progress.

Those are some of comments from the proponents of the Bill to add to our comments during second reading.

\* (1030)

**Mr. Ed Helwer (Gimli):** Mr. Chairman, just an explanation. I would like an explanation on (b) of that area. Where they say "a responsible trustee," do they mean a member of the governing board, or do they mean the administrator of that facility as having custody and management of the affairs?

**Mr. Plohman:** I believe that the democratic principles of decision making would entail that it would mean the board would have to make the decisions, not just the administrator. Of course, I am not certain of this, and perhaps legal counsel could provide some information on that, but I would assume that what we are doing in this particular Act is consistent with what is done in other foundations where trustees are given similar powers.

**Mr. Chairman:** A comment from legal counsel.

**Mr. Robert Walsh (Legal Counsel - Law Officer of the House):** Mr. Chairman, if I could just explain for the benefit of the Member who made the inquiry, the reference there in clause (b) of the preamble to "acting as a responsible trustee" is reference to the corporation being created by this statute; namely, the foundation—that corporation acting as a responsible trustee with all of the obligations and standards that are applicable to trustees in managing, or disposing of, or administering property received from donors and which is given to them for the purposes of the corporation; that is, for the purposes of the foundation.

**Mr. Plohman:** And that is the board?

**Mr. Walsh:** The board acts on behalf of the corporation. The corporation almost is the board, you might say.

**Mr. Chairman:** Bill No. 24, An Act to Incorporate The Dauphin General Hospital Foundation, we will proceed with the block Clauses 1 to 13. Shall the clauses pass?

**Mr. Paul Edwards (St. James):** I have a question on Clause 2, and perhaps I should direct it to legal counsel present. The conjunction between 2 and 4; as I understand it, the membership of the corporation is specifically designated by referring to persons in Clause 2. Those persons are then, under Clause 4, to elect or appoint a Board of Directors of no less than 4 and no more than 10.

Is that for the purposes of such things as The Freedom of Information Act? Is the appointment then by an Act of the Legislature in counsel's opinion?

**Mr. Chairman:** I would ask the legal counsel, Mr. Rob Walsh, to comment.

**Mr. Walsh:** I do not know that I agree with the Member's comment with respect to the relationship between 2 and 4. In 2, the individuals named there are named as members of the board of the foundation pending appointment of the members of the board of the foundation under subsection 4.(1). Those persons' names in Section 2 are not, to my understanding, certainly in Section 2 they are not indicated as being members of the board of a hospital, although they may be. I do not know. They are simply naming the persons who are in fact the petitioners for this Private Bill.

With respect to an appointment under 4.(1), in my opinion, I would not think that any Order-in-Council or any Act by the Government would be required for effecting an appointment under 4.(1) but rather that the board of directors of the hospital would make the appointment by resolution of the board, I would think.

\* (1035)

**Mr. Edwards:** Sorry, perhaps I did not—I will try and make the question clear. In that the members set out in Section 2 appoint the board and the members are delegated that power by this Act—

**Mr. Walsh:** I think I know where the confusion is here, Mr. Edwards. The persons named in subsection 2 do not name the board. I do not know.

**Mr. Plohman:** Mr. Chairman, they happen to be all members of the Dauphin Hospital Board at the present time. There are 13 of them and later they will name a minimum of 4 and a maximum of 10 members to form the board of this new corporation.

**Mr. Walsh:** Mr. Chairman, just to clarify, as a matter of fact, Mr. Edwards is correct, I gather. The board of directors of the hospital do name them, but in this Act those persons are not there as members of the board of the hospital. They are simply there as petitioners. It is the members of the board of the hospital in subsection 4.(1) which name the board of the foundation and Mr. Plohman has pointed out in fact they are one and the same. I was not aware of that.

**Mr. Helwer:** Also, to clarify this, I believe The Hospital Act proceeds as they are appointed according to The Hospital Act and they are appointed by the municipalities that are members of that particular hospital that will make up this foundation. Am I right?

**Mr. Walsh:** I am not sure I understand the question, Mr. Chairman.

**Mr. Helwer:** In fact, the members of the hospital board in which the hospital board is incorporated under The Hospital Act of Manitoba, the members of that particular board are appointed by the municipal corporations that are part of that hospital board, but then that board is appointing anywhere between 4 to 10 members to this particular foundation. Am I right?

**Mr. Walsh:** That is correct.

**Mr. Edwards:** I am sorry to dwell on this and I will not too much longer, but as I read Section 2, the

membership of the corporation is to be composed of the members of the board of directors who are appointed under Section 4, and pending appointment of those people under Section 4, the members of the corporation are, and then it is listed 13 people, I presume. Those 13 people then, being the initial members of the corporation, the founding members of the corporation, are instructed pursuant to Section 4—sorry—I see, the board of directors of the hospital under Section 4—that is the point that is being made—they appoint—

**Mr. Plohman:** Those 13 people.

**Mr. Edwards:** —those 13 people. It just happened to be the same people?

**Mr. Plohman:** Yes.

**Mr. Edwards:** Okay. In that case, in that this Act delegates the power to whomever, to those 13 people or to the board of directors of the hospital, delegates the power to appoint the board of directors of the corporation.

Is this an appointment by an act of the Legislature, in legal counsel's opinion? Even though albeit a delegated appointment, is it an appointment, simply out of curiosity, for the purposes of The Freedom of Information Act which defines Crown agency as being either by an act of the Legislature or by Order-in-Council?

**Mr. Walsh:** That is an interesting question that the Member raises, Mr. Chairman. I would want to look at The Freedom of Information Act more closely and see whether by its terms it might have the effect that the Member's comments suggest. Short of that, if I understand the Member's question, it suggests that force of one, insofar as there is a delegation to the board of directors of the hospital, that it is a delegation of the power of appointment that otherwise one might obtain in the Executive Council.

I really could not comment, I do not think, responsibly in response to that question without looking at The Freedom of Information Act. My first response is to not consider that a delegation as you are suggesting, but I do not say that without some doubt. But my first response would be to suggest that it is not a delegation of a kind which gives rise to the appointment being covered by other considerations applicable to appointments by the Executive Council.

\* (1040)

**Mr. Edwards:** Simply for clarification, I certainly do not mean to draw any opposition to this Bill. It is simply just something that came to my attention recently that there are a number of Acts that set up hospitals in this province that I think may be facing that potential confusion. It is something that I raised in the House last week and simply wanted to get clarification on now that we are incorporating another with respect to a hospital, albeit a foundation, but a hospital.

**Mr. Walsh:** Mr. Chairman, I would be pleased to pursue the Member's point further if it remains of concern to

the Member and to this committee. I would be pleased to examine this question more closely and advise if that is the wish of the committee or of the Member.

**Mr. Edwards:** Thank you. I appreciate that. It certainly does not affect my willingness to see this Bill pass.

**Mr. Chairman:** Shall the clauses pass? (Agreed)

Preamble—pass; Title—pass; Bill 24—pass; Bill Be Reported.

**Mr. Plohman:** Mr. Chairman, I move

THAT this committee recommend to the House that in accordance with Rule 105(3), the appropriate fee be refunded to the Dauphin General Hospital Foundation.

**Mr. Edwards:** I am new at this. What fee is there?

**Mr. Plohman:** It is the first time I have introduced a Private Bill for this purpose. I do not know whether

they had to put forward a fee to have it considered, but in any event, this was brought forward by the Legislative Clerk.

I think the explanation is given in the motion itself. Frankly, I did not get more of an explanation. It says, in accordance with Rule 105(3), whatever that is, that the appropriate fee be refunded. The Rules call for that.

**Mr. Chairman:** Perhaps we can have legal counsel explain it.

**Mr. Walsh:** Mr. Chairman, Rule 104 provides a fee of \$250 is payable on the filing of a petition for a Private Bill, and 105(3) authorizes remittance of any deposit or fees paid in accordance with the rule, less the actual cost of printing the Bill.

**Mr. Chairman:** Shall the motion pass? (Agreed)  
Committee rise.

**COMMITTEE ROSE AT:** 10:43 a.m.