

**Third Session - Thirty-Eighth Legislature**  
**of the**  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
**on**  
**Legislative Affairs**

*Chairperson*  
*Mr. Daryl Reid*  
*Constituency of Transcona*

**Vol. LVI No. 5 - 6:30 p.m., Tuesday, May 31, 2005**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Eighth Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
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ALLAN, Nancy, Hon.	St. Vital	N.D.P.
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**LEGISLATIVE ASSEMBLY OF MANITOBA**

**THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS**

**Tuesday, May 31, 2005**

**TIME – 6:30 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Mr. Daryl Reid (Transcona)**

**VICE-CHAIRPERSON – Mr. Gerard Jennissen (Flin Flon)**

**ATTENDANCE - 11 QUORUM - 6**

*Members of the Committee present:*

Hon. Ms. Allan, Mr. Mackintosh, Ms. Melnick,  
Messrs. Robinson, Selinger

Messrs. Faurschou, Jennissen, Reid, Reimer,  
Schuler, Mrs. Taillieu

**APPEARING:**

Mr. Kevin Lamoureux, MLA for Inkster

**WITNESSES:**

Bill 3–The Recreational Trail Property Owners  
Protection Act (Occupiers' Liability Act  
Amended)

Ms. Rosemary Dzus, Manitoba Recreational  
Trails Association

Bill 36–The Courts Administration Improvement  
Act

Mr. Doug Dobrowolski, Association of  
Manitoba Municipalities

Bill 14–The Electricians' Licence Amendment  
Act

Mr. Marc Pelletier, Private Citizen

Mr. Dave Fillion, CTTAM – Certified  
Technicians & Technologists Association of  
Manitoba

**MATTERS UNDER CONSIDERATION:**

Bill 2–The Child and Family Services Amend-  
ment Act (Child Protection Penalties)

Bill 3–The Recreational Trail Property Owners  
Protection Act (Occupiers' Liability Act  
Amended)

Bill 6–The Real Property Amendment Act

Bill 7–The Personal Investigations Amendment  
Act

Bill 14–The Electricians' Licence Amendment  
Act

Bill 20–The Life Leases Amendment Act

Bill 36–The Courts Administration Improvement  
Act

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**Mr. Chairperson:** Good evening, everyone. Will the Standing Committee on Legislative Affairs please come to order.

The first order of business is the election of a Vice-Chairperson. Are there any nominations?

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** I nominate Mr. Jennissen.

**Mr. Chairperson:** Mr. Jennissen has been nominated. Are there any further nominations? Seeing none, Mr. Jennissen is appointed as Vice-Chairperson of this committee.

This evening, the committee will be considering the following bills: Bill 2, The Child and Family Services Amendment Act (Child Protection Penalties); Bill 3, The Recreational Trail Property Owners Protection Act (Occupiers' Liability Act Amended); Bill 6, The Real Property Amendment Act; Bill 7, The Personal Investigations Amendment Act; Bill 14, The Electricians' Licence Amendment Act; Bill 20, The Life Leases Amendment Act; and Bill 36, The Courts Administration Improvement Act.

We do have presenters registered to speak to Bills 3, 14 and 36. It is the custom to hear public presentations before consideration of bills.

Is it the will of the committee to hear public presentations on these bills? *[Agreed]*

I will then read the names of persons who have registered to make presentations this evening.

We have for Bill 3, The Recreational Trail Property Owners Protection Act, Rosemary Dzus.

We have for Bill 14, The Electricians' Licence Amendment Act, Marc Pelletier and Dave Fillion.

Bill 36, The Courts Administration Improvement Act, Reeve John Holland and Doug Dobrowolski.

If there are any other members of the public who wish to make presentations here this evening, please see the Clerk at the back of the Chamber and we will add your names to the list.

Those are the persons and organizations that have registered so far. Just a reminder for those individuals who may be presenting to this committee tonight that 20 copies of your presentation are required. If you require assistance with the photocopying, please see the Clerk of the committee at the back of the room.

I understand that we have some out-of-town presenters in attendance this evening. These names are marked with an asterisk on the presenters' list. Is it the will of the committee to hear from out-of-town presenters first? *[Agreed]*

If it is the will of the committee then, we will hear out-of-town presenters starting with Bill 3, where we have one presenter, and then proceed to Bill 36. Is that agreed? *[Agreed]* Thank you.

I would like to inform presenters that, in accordance with our rules, a time limit of 10 minutes has been allotted for presentations and 5 minutes for questions from committee members. As well, in accordance with our rules, if a presenter is not in attendance, their name will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called for a second time, their name will be removed from the presenters' list.

I would also like to advise all in attendance that, in accordance with our rules, if fewer than 20 persons are registered to speak at 6:30 p.m., the committee may sit past midnight. As of 6:30 this

evening, there were five persons registered to speak, therefore, this committee may sit past midnight.

Just prior to proceeding with public presentations, I would like to inform members of the public of the process when it comes time for questions from committee members regarding your presentation. The proceedings of our committee meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it is a member of the committee or a presenter, the Chair, myself, first has to indicate the MLA or the presenter's name. This is a signal for the Hansard, who is behind me here, to turn the recording microphone on or off.

I thank each and every one of you for your patience and we will now proceed with public presentations.

**Bill 3—The Recreational Trail Property  
Owners Protection Act  
(Occupiers' Liability Act Amended)**

**Mr. Chairperson:** As previously agreed, we will proceed with Bill 3, The Recreational Trail Property Owners Protection Act (Occupiers' Liability Act Amended), and we will call forward Rosemary Dzus, the Manitoba Recreational Trails Association.

Good evening, Ms. Dzus. I hope I pronounced your name right.

**Ms. Rosemary Dzus (Manitoba Recreational Trails Association):** Yes, you did very well. Thank you.

**Mr. Chairperson:** Do you have copies of your presentation for the committee members?

**Ms. Dzus:** I do not. I just have a few pages and they have a lot of writing on them.

**Mr. Chairperson:** All right, you may proceed whenever you are ready then.

**Ms. Dzus:** I am pleased to be here this evening. I am here representing the Manitoba Recreational Trails Association, and I am speaking in support of Bill 3.

The proposal to amend this bill was initiated about two years ago by the Manitoba Recreational Trails Association. We are the co-ordinating body

for the Trans Canada Trail in Manitoba and also administer a \$2.125 million fund allocated by the Province in the year 2000 as a signature millennium project. This fund has a variety of components, including building and development on the Trans Canada Trail and non-Trans Canada trails, as well as signage and interpretative plans and the construction of Trans Canada Trail pavilions across the province. We are very pleased that these amendments to The Occupiers' Liability Act are in the process of being made, and we very much appreciate the extensive work of the Province in making these amendments.

When I began working for the MRTA in 1998, one of my first major tasks was to travel across the province to municipalities which were on the proposed trail route and speak to the councils, community groups and interested citizens about the value of trails and the Trans Canada Trail specifically. One of the major concerns which came up over and over again was the issue of liability of landowners. I believe that these amendments under consideration today will go a long way toward easing the minds of landowners, especially in rural areas, when it comes to recreational trails.

I believe that these amendments will open the door to landowners who may have considered allowing trails on their property but have had concerns about liability. Now, when it comes to trails on private property, a landowner's liability has been reduced to the same level as already exists in The Occupiers' Liability Act with respect to off-road vehicles. That is, outside of deliberately creating a hazard, the landowner will not increase their potential liability by having a recreational trail on their property.

I would like to point out that these amendments in no way obligate any landowner to allow trails on their property, but only apply to those who may choose to do so. Additionally, these amendments do not apply to commercial operations, such as in interpretative centre or any other facility which charges admission fees.

These amendments as proposed are certainly not unprecedented in Canada. British Columbia and Nova Scotia both have revised their occupiers' liability act to improve recreational access, and several other provinces including Newfoundland, Ontario, and Alberta are considering amendments to their legislation.

\*(18:40)

Recreational trails have been steadily gaining popularity over the last number of years. Trails are an accessible, inexpensive way to get exercise and remain fit. I am sure I do not have to remind anyone here of the many stories that have been in the papers in the last few months expressing concerns about low levels of fitness in the general population, especially in the young, and the attendant physical problems that may result from that. I am sure that everyone will agree that increasing fitness opportunities is a good thing and could ultimately affect health care expenditures. These amendments can play a part in encouraging the development of attractive trails in Manitoba.

Finally, on a personal note, I am pleased to see these changes, which, in an increasingly litigious society, will encourage trail users to take some responsibility for their own safety under normal conditions. That concludes my presentation.

**Mr. Chairperson:** Thank you very much for your presentation, Ms. Dzus.

**Hon. Eric Robinson (Minister of Culture, Heritage and Tourism):** Thank you, very much, Mr. Chairperson.

First of all, Ms. Dzus, I would like to, on behalf of the province of Manitoba, thank you and your association, the MRTA. Certainly, you have demonstrated a great amount of work, and we would like to thank you for working with us in drafting this piece of legislation on behalf of the province. To your association, perhaps, you can convey our sincere thank yous. Your organization has been, indeed, very helpful towards the province of Manitoba. I believe that your association also deserves a lot of credit for any development of recreational trails in our province, including, as well, the work you have done on the Trans Canada Trail, so I just wanted to thank you.

**Ms. Dzus:** I very much appreciate it. I will convey the message to the MRTA.

**Mr. Chairperson:** Any other questions of this presenter? Seeing none, thank you, Ms. Dzus.

The next bill—I should ask first, are there any other presenters on Bill 3, The Recreational Trail

Property Owners Protection Act? Seeing no further presenters, then we will move to Bill 36, The Courts Administration Improvement Act.

**Bill 36—The Courts Administration  
Improvement Act**

**Mr. Chairperson:** The first out-of-town presenter listed is Reeve John Holland.

Is Mr. Holland in the audience? He is not here at the present. Mr. Holland's name will be dropped to the bottom of the list.

Next out-of-town presenter on Bill 36 is Doug Dobrowolski. I hope I have pronounced your name right, sir. Please come forward. Good evening.

**Mr. Doug Dobrowolski (Association of Manitoba Municipalities):** Good evening.

**Mr. Chairperson:** Do you have copies of your presentation for the committee?

**Mr. Dobrowolski:** Yes, I do.

**Mr. Chairperson:** Just give us a moment. We will circulate them and then we will proceed.

You may proceed when you are ready, sir.

**Mr. Dobrowolski:** Thank you. On behalf of Manitoba municipalities, I am pleased to appear before this committee today to outline the Association of Manitoba Municipalities' position on Bill 36, The Courts Administration Improvement Act.

While this bill amends a number of current acts, the section most important to municipalities is the change to The Summary Convictions Act. Manitoba municipalities are charged with the responsibility of administering local affairs through by-laws, and for these by-laws to be effective, there must be measures in place to ensure that they are enforceable.

While having the appropriate personnel in place to issue fines is one aspect of enforcement, an equally important component is the resolution of fines once they are issued. Currently, the only recourse for municipalities to ensure that fines are paid is to take the matter through the provincial court system. This process is not only time-consuming and

costly, but ties up an already overburdened criminal court system in simple by-law matters.

From a strictly cost-benefit perspective, it does not make sense for municipalities to chase unpaid fines as the amount owing does not cover the actual costs of this course of action. Alternative methods of enforcement are needed in order to improve this by-law process. The AMM has participated on a committee of stakeholders that has explored the options available to municipalities, including the model found in the city of Brandon.

Removing the initial stages of the by-law enforcement process from the court system is a more appropriate method and will greatly reduce the cost associated with enforcement. For this reason, the AMM is pleased to see the introduction of Bill 36 and the changes that it proposes to The Summary Convictions Act. This bill allows municipalities to appoint screening officers that will review offence notices issued, and gives screening officers the jurisdiction to cancel, uphold and send to trial offences, or enter into a compliance agreement.

By removing the initial stages of by-law enforcement from the court system, it will greatly reduce the costs of enforcement while freeing up the criminal courts to deal with criminal matters. The Department of Justice has indicated that this new system will be voluntary and adaptable to specific needs of those municipalities that wish to participate. This is an important component of this process as it will allow municipalities to meet local needs.

The current by-law enforcement system is inadequate to meet the needs of municipalities. The AMM trusts that the changes that will be brought about by Bill 36 will address many of the inadequacies of the current system and will allow municipalities to enforce by-laws in a cost-effective manner. Thank you.

**Mr. Chairperson:** Thank you, sir, for your presentation.

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** Thank you for coming down, Doug. I just hope that you will pass on to the membership and to those from AMM who have provided leadership on this issue our hearty thanks.

This is an example of a real partnership with AMM and the provincial government. It is win-win.

Municipalities get more efficient and effective by-law enforcement, and on the court side we can get some relief in the court system from dealing with by-laws that really were not given the priority anyway. So, congratulations to the work. I know we were rolling up the sleeves for some time on this one, a couple of attempts. But it looks like we have done it, and I hope there is going to be a good take-up. So thanks for coming down and thanks to your membership.

**Mrs. Mavis Taillieu (Morris):** I just want to thank you, Mr. Dobrowolski, if I may call you Doug, a constituent of mine. I just want to thank you for your hard work today and for your presentation of behalf of AMM. I certainly recognize the time that you have taken to come down here, recognizing that you are a farmer and it has been a nice day there today, and recognizing for you as well your hard work as a councillor in the R.M. of Macdonald. Thanks very much, Doug.

**Mr. Chairperson:** Any other comments or questions of the presenter? Seeing none, thank you, sir, for coming out this evening and presenting.

**Mr. Dobrowolski:** Thank you.

**Mr. Chairperson:** Are there any other presenters here this evening wishing to make a presentation on Bill 36, The Courts Administration Improvement Act?

We had one name that was dropped to the bottom of the list and for a second call. Is Reeve John Holland in the audience this evening?

Since Mr. Holland is not here for the second call, his name will be struck from the list. That concludes the number of presenters for Bill 36, and we will now proceed with Bill 14.

#### **Bill 14—The Electricians' Licence Amendment Act**

**Mr. Chairperson:** We have two presenters for Bill 14, The Electricians' Licence Amendment Act. The first name is Marc Pelletier. Good evening, sir.

**Mr. Marc Pelletier (Private Citizen):** Good evening.

**Mr. Chairperson:** Do you have a copy of your presentation for committee members?

**Mr. Pelletier:** A few.

**Mr. Chairperson:** Thank you.

**Mr. Pelletier:** There is a court document in the material handed out.

**Mr. Chairperson:** Good evening, Mr. Pelletier. You may proceed whenever you are ready, sir.

**Mr. Pelletier:** Thank you. I read recently that Michael Skanderberg was electrocuted. I am here to speak on behalf of all the people that have to work with electrical. I am a graduate civil engineer, 1971, University of Manitoba. My resume is there. I would ask you to open the court case document that is presented in front of you to the very last page, the very last paragraph.

\* (18:50)

In that document, Mr. Schwartz, I believe, was the judge. The case happened to be against a home inspector who failed to provide the buyer, his client, with, I guess you could call it, a proper home inspection. The buyer ended up suing the home inspector for \$17,000 plus medication for stress. The judge allowed all of it. The judge in his very last statement pointed out that the Minister of Labour (Ms. Allan) should look into this industry because it was and still is totally unregulated.

I am here to speak on that matter that the Minister of Labour and the Minister of Housing (Ms. Melnick), who was at one time, in the recent past, my client, and I brought that matter to her attention. She encouraged me to come forward. My present employer is Jim Maloway. He also encouraged me to come forward.

I am very, very concerned that there are many, many unlicensed home inspectors and other people of that choice in profession out there in Manitoba claiming they know everything about everything and they are not licensed. When people ask me for a home inspection, I advise them that I can bring my licensed electrician and my licensed mechanical contractor and a wood-burning technician who is licensed by the Province. I am no longer in the business because of the problems developed in the business. I have moved up the ladder to the realtor's position. So I speak on both sides of that argument.

I encourage the minister to take the judge's comment to heart in the last paragraph, the Minister

of Labour, and look into the matter of why so many inspectors out there who are looking at the electrical, usually on behalf of very unknowing home buyers and relying on these home inspectors to provide them with information.

There is also some information from the real estate association where they list home inspectors. There are yellow page listings where the home inspectors can be found. Nowhere in any of that advertising is there any designation for licensed electricians. So, whereas homeowners and people like Michael got involved in electrical, there are many, many home inspectors out there advising home buyers, apartment buyers, commercial building buyers of those kinds of issues with the building, and the builders are relying on those type of people.

I encourage the minister to look into this matter very seriously and either stop this industry or require anybody in this industry to have the proper licensing requirements. Thank you.

**Mr. Chairperson:** Thank you, Mr. Pelletier, for your presentation.

**Hon. Nancy Allan (Minister of Labour and Immigration):** Thank you very much for your presentation this evening. I will pass this information on to my department, and we will have a look at it.

**Mr. Ron Schuler (Springfield):** On a beautiful evening like this to have to sit through committee, obviously, you believe very strongly in what you have put forward. We certainly appreciate you coming forward and appreciate your presentation and all the documentation that came with it. Thank you.

**Mr. Chairperson:** Thank you, sir. Good evening.

The next presenter we have registered to speak this evening is Dave Fillion, the CTTAM, Certified Technicians and Technologists Association of Manitoba. Good evening, sir. Do you have copies of your presentation for committee members? You may proceed whenever you are ready, Mr. Fillion.

**Mr. Dave Fillion (CTTAM - Certified Technicians & Technologists Association of Manitoba):** Thank you. On behalf of the Industry Advisory Council, Bristol Aerospace, along with the Certified Technicians & Technologists Association of Manitoba and approximately 250-plus other

representatives from the aerospace, manufacturing, pulp and paper and the mining industry, we would like to thank you for giving us the opportunity to speak on The Electricians' Licence Amendment Act, Bill 14.

Since 2002, industry in the province has been actively reviewing the impact of compulsory certification for the electrical trades and the current structure of The Electricians' Licence Act, E50. Industry believes that the amendments better define the scope of work, creating a balance between technological advancements, the need to better regulate the electrical industry and addressing public safety.

The traditional electrical workforce has been represented well for many years by journeymen electricians. However, the advancement in technology has contributed in creating specialized offshoots of the traditional electrical workforce. Where once a journeyman electrician could perform virtually all electrical work, now many additional specialized, skilled individuals, certified engineering technicians and technologists are required.

These individuals have been safely and competently serving industry in the manufacturing, maintenance and construction environments for the past 40 years. They have contributed to the growth of the economy and to the success of the province. The proposed licensing system that you see before you for the electrical-related technologies, will validate the existence of these individuals and represents the positive evolution within the electrical industry.

To date there has been an enormous collective effort between industry and the Province in resolving the issues of licensing and safety. Industry is united and is committed to continue working with the Province to strengthen our relationship and address other issues together in the future. The framework of industry is dependent upon the interaction of tradespeople, engineers, scientists, technicians and technologists. There needs to be more interaction between the various acts, and industry believes that this can happen through dialogue, the understanding of differences and through mutual respect.

We all agree that there have been significant technological advancements over the years and industry believes that the proposed amendments to The Electricians' Licence Act, Bill 14, along with the creation of licences for specialized groups, will allow



the electrical industry to evolve, thus sustaining the competitive edge in the global economy.

I would like to personally thank the Department of Labour, Workplace Safety and Health, the Mechanical and Engineering Branch, and the Electricians' Licensing Board for their forward thinking. Thank you.

**Mr. Chairperson:** Thank you, Mr. Fillion, for your presentation.

**Ms. Allan:** I would like to thank you very much for appearing in committee tonight, and I would also like to thank CTTAM for all of the work that they did with the department. We really appreciated the opportunity to have that dialogue, and I know that they are very interested in keeping those channels of communication open in regard to any other issues that we may have in the future. This bill is all about safety, it is about training and it is about building a skilled work force.

I know that you are interested in that, as well, because that is how Manitoba will have their competitive edge. So I really appreciate you taking the time to come here tonight and really appreciate your presentation. Thank you.

**Mr. Chairperson:** Mr. Fillion, did you wish to respond?

**Mr. Fillion:** Well, I would like to thank everyone for allowing us to appear tonight. I think that there is a huge willingness from industry to support these efforts for all the right reasons, and definitely public safety is really our main concern. Thank you.

**Mr. Schuler:** Dave, over the years, I have been the Labour critic and have often sent bills out to a lot of individuals with a covering letter asking for feedback, and you are one of the very few individuals and groups that came forward and not just did you give feedback, you gave me a whole presentation. I think it took just under an hour and certainly appreciated the fact that you filled in some of the details on the legislation. You did it with a lot of credibility, and yes, we do have to modernize our economy and we have to modernize our legislation and certainly appreciate the effort that you put into it and the working group that you worked with.

Unfortunately, I did not get as glossy of a presentation as yet with the committee. Again, it lays

it out very clearly for everyone what you see as being a visionary step forward when it comes to licensing. So congratulations to you guys and a job well done.

**Mr. Chairperson:** Mr. Fillion, did you wish to respond?

**Mr. Fillion:** Thank you.

**Mr. Kevin Lamoureux (Inkster):** Just one quick question: Can you give just an explanation? Industry Advisory Council, I guess that I should know what it is, can you just quickly—

\* (19:00)

**Mr. Chairperson:** Mr. Fillion, I am sorry, sir. I have to indicate for Hansard purposes. Please proceed.

**Mr. Fillion:** The Industry Advisory Council was struck together, looking at representation in a general sense, from the economy. So, from an aerospace standpoint, we were representing aerospace. We had the mining association; we had the pulp and paper. It really was a joint collective effort to ensure that as we go through and amend this Electricians' Licence Act, that all aspects of the industry were looked at to ensure that everything is covered. This is really a collective effort. I have spoken to approximately, close to now, just over 350 companies that are part of this. What you see before you is a collective effort, everyone's input in terms of what they need in order to sustain the competitive edge.

I think we all look at the global economy. It is very competitive. A lot of the aerospace industry, rightfully or wrongfully, is going to the Pacific Rim. We need to enhance our workforce. We have a very highly skilled workforce, but this is a testimony, or at least gives us a legal means to validate the existence of what is already occurring within the given economy.

We have institutions that are educating individuals to support the economy and industry. We need to tie the educational system in order to balance the needs of industry but ensure that when individuals come out into the workforce, to allow us to be competitive, that there is a legal means that allows them to exist. This is everyone's collective efforts, as well as working with the Advanced

Education and Training departments to bring this forward.

**Mr. Chairperson:** Thank you, Mr. Fillion. Any additional questions or comments? Thank you, sir.

Are there any additional presenters here this evening that wish to make a presentation to Bill 14, The Electricians' Licence Amendment Act?

Seeing none, we will close public presentations on Bill 14.

**Bill 2—The Child and Family Services  
Amendment Act (Child Protection Penalties)**

**Mr. Chairperson:** We will now proceed to Bill 2. There were no presenters registered to speak. Are there any members of the public that wish to speak to Bill 2, The Child and Family Services Amendment Act (Child Protection Penalties)?

Seeing no public presentations on Bill 2, we will conclude that Bill 2 is closed.

**Bill 6—The Real Property Amendment Act**

**Mr. Chairperson:** The next bill is Bill 6, The Real Property Amendment Act. Are there any members of the public that wish to make a presentation to Bill 6?

We will conclude that public presentations are closed on Bill 6.

**Bill 7—The Personal Investigations  
Amendment Act**

**Mr. Chairperson:** The next bill is Bill 7, The Personal Investigations Amendment Act. Are there any members of the public here this evening that wish to make a presentation to Bill 7?

Seeing none, we will conclude that the public presentations on Bill 7 are closed.

**Bill 20—The Life Leases Amendment Act**

**Mr. Chairperson:** The next bill is Bill 20, The Life Leases Amendment Act. Are there any members of the public that wish to make a presentation to Bill 20?

Seeing none, the public presentations on Bill 20 are closed.

That concludes presentations to the bills we have before us this evening.

We will now move to clause-by-clause consideration of the bills. Is it the will of the committee to proceed clause by clause in the numerical order of the bills listed here this evening?  
*[Agreed]*

**Bill 2—The Child and Family Services  
Amendment Act (Child Protection Penalties)**

**Mr. Chairperson:** We will then proceed with Bill 2, The Child and Family Services Amendment Act (Child Protection Penalties).

Does the minister responsible for Bill 2 have an opening statement?

**Hon. Christine Melnick (Minister of Family Services and Housing):** Mr. Chair, Bill 2 will amend The Child and Family Services Act to increase penalties with respect to child protection offences, including the sexual exploitation of children.

The need to increase penalties in this act was recommended as a part of the Manitoba strategy to address the issue of children and youth exploited in the sex trade. The Manitoba strategy on sexually exploited children and youth was launched in December 2002 as an initiative of the Healthy Child Committee of Cabinet, the lead department being Family Services and Housing. Much has been implemented since this time by a multijurisdictional team, and some of the areas that we have been able to move forward in are to recognize that sexual exploitation of children is now considered in civil society to be abuse of children, that children are indeed victims, and the perpetrators are committing the crime of child sexual abuse.

The average age of the first sexual exploitation offence for children victims is 14 years of age. Underlying factors include poverty and racism. Seventy percent of children sexually exploited in this way are First Nations children, and 90 percent are girls. A large percentage of exploited youth also have experienced previous sexual or physical abuse. It is estimated that over 400 children are victimized in the

visible sex trade in Winnipeg, while many, many more children are victimized in the invisible trade throughout Manitoba.

Initiatives that we have brought forward as methods of intervention include a safe transition home, which is a six-bed group home for young women in Winnipeg; a specialized treatment home, again, that is a six-bed facility for females. We are working on specialized training, which includes a 16-day pilot project which is complete, and we are near completion of a five-day module.

The TERF program, which is offered through New Directions, is also part of our strategy. It is a training program for sexually exploited youth. The TERF mentor program, which is mentoring for about 20 high-risk or sexually exploited youth, is also underway.

The need to increase penalties, as I said, was recommended as part of our strategy. The objective of this particular bill is to deter persons from acts that cause children to be in need of protection, including abuse. The definition of abuse in The Child and Family Services Act includes "the sexual exploitation of a child with or without the child's consent." This definition is sufficiently broad to include the working definition of sexual exploitation in the strategy I just referred to. Furthermore, the definition of a child in need of protection in the act is broad. This will allow for agencies and the police to intervene in any situation where they believe that a child is or might be in need of protection.

The Child and Family Services Act, which came into force in 1986, has the current penalty provisions, the offence provisions in the act are \$500 or three months imprisonment or both. The maximum penalty for persons convicted of an offence included in this bill is \$50,000 or imprisonment for a term of not more than 24 months or both. This amount is higher than in any other province or territory, with the possible exception of Québec. Maximum penalties for similar offences in the western provinces of Saskatchewan, Alberta and British Columbia are \$25,000 and imprisonment of up to 24 months or both. In Québec, fines can be up to \$100,000 for first convictions of offences related to the adoption of children and double the fine for subsequent offences.

It is anticipated that this increase in the penalty for child protection offences will provide the police,

child and family services agencies and Crown prosecution with another legislative tool when intervening in the protection of sexually exploited children. The Government of Manitoba is committed to addressing the issue of child sexual exploitation through continued multijurisdictional implementation of the Manitoba strategy. This commitment will include the review and appropriate use of the offence provisions in The Child and Family Services Act by working in consultation with the Crown prosecution, the police and the Child and Family Services authorities and agencies.

**Mr. Chairperson:** We thank the honourable minister.

Does the critic for the official opposition have an opening statement?

**Mrs. Mavis Taillieu (Morris):** Mr. Chair, just briefly, I would like to say that we do support the spirit of this bill. Certainly, anything that is a deterrent to the heinous crime of child exploitation or abuse is welcome.

\* (19:10)

**Mr. Chairperson:** Thank you, Mrs. Taillieu.

We will now proceed with clause by clause of Bill 2.

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

Clauses 1 and 2—pass; clauses 3 through 7—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 3—The Recreational Trail Property  
Owners Protection Act  
(Occupiers' Liability Act Amended)**

**Mr. Chairperson:** The next bill we have for consideration is Bill 3.

Bill 3 is The Recreational Trail Property Owners Protection Act (Occupiers' Liability Act Amended).

Does the honourable minister responsible for Bill 3 have an opening statement?

**Hon. Eric Robison (Minister of Culture, Heritage and Tourism):** Very quick, Mr. Chairperson. The primary purpose of this legislation is to provide comfort to private land owners concerning potential liability arising from the location of a recreational trail on their property. As the lead department in the promotion and use of recreational trails, it is our role to assist volunteers in their efforts to build them.

The changes to the act balance the responsibilities for safe trail use between the land owner and the trail user. This approach is consistent with the reduced duty of care that is already included in The Occupiers' Liability Act, with respect to off-road vehicle use.

Similar provisions, as were outlined by our presenter from the Manitoba Recreational Trails Association, now exist in British Columbia, Ontario, Prince Edward Island and Nova Scotia. Amending this act will promote the development and safe use of trails throughout our province.

With that, Mr. Chairperson, those are my opening remarks.

**Mr. Chairperson:** We thank the honourable minister for the statement.

Does the critic for the official opposition have an opening statement?

**Mr. Jack Reimer (Southdale):** I just wanted to thank the minister for bringing forth the legislation. I had an opportunity to go through a briefing with his staff. They were very concerned about the approaches on this and their thoroughness on getting this before the Legislature.

Other than that, I think that we are ready to pass this bill.

**Mr. Chairperson:** Thank you, Mr. Reimer.

During the consideration of a bill, the enacting clause and the title are postponed until all other clauses have been considered in their proper order.

Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members have

comments, questions or amendments to propose. Is that agreed? *[Agreed]*

Clauses 1 and 2—pass; clauses 3 through 7—pass; enacting clause—pass; title—pass. Bill be reported.

Thank you to members of the committee. I thank the minister.

### **Bill 6—The Real Property Amendment Act**

**Mr. Chairperson:** We will now proceed with Bill 6. Does the minister responsible for Bill 6 have an opening statement?

**Hon. Greg Selinger (Minister of Finance):** Simply, this bill provides primarily for the ability to add lands to an existing registration of a mortgage or encumbrance at a Land Titles Office. It has minor housekeeping amendments to incorporate existing practice at the Land Titles Office with respect to appeals of orders of taxation of costs and service and address of service for documents within Canada.

**Mr. Chairperson:** We thank the minister for the opening statement.

Does the critic for the official opposition have an opening statement?

**Mr. David Faurchou (Portage la Prairie):** I just want to take the opportunity to thank the staff that provided briefing on this amendment. I do believe that it is one that is welcomed in the industry and streamlines the ability to change the conditions of mortgage and encumbrances and response to the changes is a defined period of time, if they are days, so we do support the bill. I look forward to its passage.

**Mr. Chairperson:** Thank you, Mr. Faurchou.

During the consideration of a bill, the enacting clause and the title are postponed until all other clauses have been considered in their proper order, with the understanding that the Chair will stop at any point if there are any amendments or comments.

Clause 1—pass; clause 2—pass; clause 3—pass; clause 4—pass; clause 5—pass; enacting clause—pass; title—pass. Bill be reported.

Thank you to the members of the committee.

**Bill 7—The Personal Investigations  
Amendment Act**

**Mr. Chairperson:** The next bill we have before us is Bill 7, The Personal Investigations Amendment Act. Does the minister responsible for Bill 7 have an opening statement?

**Mr. Selinger:** Thank you. Very briefly, this bill, under the current Personal Investigations Act, a personal investigation report may include information about a bankruptcy that occurred in the last 14 years. This bill reduces that to six years, and for anybody who goes bankrupt more than once, there is no time limit.

Other amendments update the language of the act and permit regulations to be made to modernize the consent requirements for a personal investigation and there is an amendment as well.

**Mr. Chairperson:** I thank the honourable minister for the opening statement.

Does the critic for the official opposition have an opening statement?

**Mr. Faurchou:** Mr. Chairperson, I do want to, once again, thank staff for the briefing that we received on the prepared amendment. I do believe that the content of the bill was one that we can support with a slight amendment, as the minister has indicated this evening. I do trust, as well, though, there has been consideration regarding the transmission of information and the sizing of the print. I look forward to the amendments regarding addressing that and the definition that pertains to identifying individual parties that are sharing information.

**Mr. Chairperson:** Thank you, Mr. Faurchou, for the opening statement.

During the consideration of a bill, the enacting clause and the title are postponed until all other clauses have been considered in their proper order.

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

We will proceed clause by clause.

Shall clauses 1 through 3 pass?

**Mr. Faurchou:** Are we looking at 3.2 when you are considering 3? Then I do have a concern in this regard. There are changes as pertains to information transferral and the sizing of the print to which the information is conveyed. Existing legislation requires that it be 10-point font size and this minimum is being eliminated by this legislation. I do not want to pretend that persons will take advantage of this change as to require a microscope to read the print, but I do raise this as a concern and ask the minister whether he is considerate of an amendment to this.

\* (19:20)

**Mr. Selinger:** We could set the font size in the regulations, and we would be willing to consult you on that to ensure that you have some input to that.

**Mr. Faurchou:** I appreciate the minister recognizing the concern and, yes, if the minister is willing to address the concern by regulation, I would therefore support passage.

**Mr. Chairperson:** Thank you, Mr. Faurchou.

Clauses 1 through 3—pass; clauses 4 through 6—pass; clause 7—pass.

Shall clause 8 pass?

**Mr. Selinger:** I wish to propose amendment on clause 8, item 9(b).

**Mr. Chairperson:** One second, Minister, please. I have to read it. Move it into the record, and then I will read it back.

**Mr. Selinger:** Yes. I would like to move the proposal for amendment to Bill 7. I would like to move

*THAT the proposed clause 9(b), as set out in Clause 8 of the Bill, be amended by striking out " , if the person's identity is verified in writing by a commissioner for oaths" and substituting "and providing reasonable identification".*

So the clause would read in its entirety:

**9** A person who has the right to obtain information under section 7 or 8 or under—that is enough. Okay.

**Mr. Chairperson:** *THAT the proposed clause 9(b), as set out in Clause 8 of the Bill, be amended by striking out ", if the person's identity is verified in writing by a commissioner for oaths" and substituting" and providing reasonable identification".*

The amendment is in order.

**Mr. Selinger:** Yes. It is simply to make it a little easier for a person to provide identification without having to specifically have it verified by a Commissioner for Oaths. I mean, we have driver's licences with photographs. We have other forms of identification that are available to the public right now. This would make it a little easier to facilitate the proper identification of an individual.

**Mr. Faurschou:** Is the understanding that this amendment complies with federal legislation as it is for identifying individuals?

**Mr. Selinger:** This improved wording would be consistent with the federal Personal Information Protection and Electronic Documents Act. It is consistent with that.

**Mr. Kevin Lamoureux (Inkster):** This is just for confirmation. What it does is it allows someone that wants to find out information about another individual that has gone through bankruptcy, they can just go there with their driver's licence and say, "Under such and such section, I can now get information." Is that what you are looking at doing?

**Mr. Selinger:** No. This would allow a person who is trying to get the exemption after six years to identify themselves with a piece of ID other than that verified by a Commissioner for Oaths, consistent with the federal legislation PIPEDA that I have just mentioned.

**Mr. Chairperson:** Any other questions? Seeing none, the question before the committee, does the committee wish to have the amendment read back?

**An Honourable Member:** No. Dispense.

**Mr. Chairperson:** Dispense?

Then the amendment is in order. Shall the amendment pass?

**An Honourable Member:** Pass.

**Mr. Chairperson:** Thank you. The amendment is passed.

Clause 8 as amended—pass; clauses 9 through 12—pass; clause 13—pass; enacting clause—pass; title—pass. Bill as amended be reported.

Thank you to members of the committee.

The next bill that we have for consideration is—

**An Honourable Member:** Fourteen.

**Mr. Chairperson:** Is it the will of the committee to facilitate the same minister that is here at the head of the table to proceed with Bill 20? *[Agreed]*

### **Bill 20—The Life Leases Amendment Act**

**Mr. Chairperson:** Does the minister responsible for Bill 20, The Life Leases Amendment Act, have an opening statement?

**Mr. Selinger:** Yes, I do, and I simply want to put on the record that this bill makes the following amendments to The Life Leases Act: the owner of a life lease complex must be represented at the annual meeting of tenants; representatives of tenants are entitled to attend the board meetings of a non-profit landlord; tenants are entitled to receive audited financial statements for non-profit complexes; the time period for refunding entrance fees to tenants moving out of life lease complexes is reduced and deductions against entrance fees for damage to the rental unit or residential complex or for rent arrears are prohibited, unless included in a final order of the director of Residential Tenancies; finally, shortfalls in the budget of a life lease complex may be covered by tenants by paying a second rent increase in a year.

**Mr. Chairperson:** I thank the honourable minister for the opening statement.

Does the critic for the official opposition have an opening statement?

**Mr. Faurschou:** Yes, once again, I would like to thank staff for briefing provided on Bill 20, The Life Leases Amendment Act. I believe it was well done and a lot of thought has gone in to balance the information transferral between the developers as well as those who have entered into life lease agreements.

There was, though, concern about the return or refund of entrance fees and that a date be assigned that these entrance fees be returned to those persons

that are selling their life lease and whether or not the potential encumbrances of damage to property as assessed by the branch, whether that assessment and directive can be accomplished within the 60 days. The minister had stated that he would investigate as to whether or not the commitment could be made, that the department would, in fact, be able to provide a directive from the branch as to an assessment if there were damages because, basically, if the refund is going to be made within 60 days and then the directive comes forward in 65 days, then the life lease organization is going after the person that has moved out and trying to reclaim damages when they have just essentially paid out the refund or the entrance fee.

I would like to have the minister's response on that.

**Mr. Chairperson:** I thank the honourable member for the opening statement.

During the consideration of a bill, the enacting clause and the title are postponed until all other clauses have been considered in their proper order.

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

Clauses 1 and 2—pass.

Shall clause 3 pass? Honourable minister?

**Mr. Selinger:** Yes, I have two amendments, additions, which will be circulated.

Yes, I move

*THAT Clause 3 of the Bill be amended by adding the following after the proposed subsection 18.1(4):*

#### **Board minutes**

**18.1(5)** After each board meeting, the landlord must give each tenant representative a copy of the minutes of the meeting, not including any part of the minutes that contains personal information about a tenant or about personnel of the landlord. But this personal information may be provided to a tenant representative if the person the information is about consents.

#### **Access to minutes**

**18.1(6)** A tenant representative may give other tenants access to the minutes.

\* (19:30)

**Mr. Chairperson:** It has been moved by the Honourable Mr. Selinger

*THAT Clause 3 of the Bill be amended by adding the following after the proposed subsection 18.1(4):*

#### **Board minutes**

**18.1(5)**—dispense?

**An Honourable Member:** Dispense.

**Mr. Chairperson:** Dispense. The amendment is in order.

**Mr. Selinger:** This amendment was requested by a group of life lease tenants. The new subsections would give tenant representatives selected to attend a non-profit landlord's board meetings the additional rights to receive minutes of the board meetings and to give other tenants access to those minutes. Before giving tenants the minutes, landlords would have to delete any personal information about a tenant or personnel of a landlord unless the person the information is about consents.

Having the minutes and being able to give other tenants access to them is intended to help tenant reps give accurate reports of board meetings to their fellow tenants.

**Mr. Jack Reimer (Southdale):** Just for clarification, in reading this amendment here, "After each board meeting, the landlord must give each tenant represented a copy of the minutes." I would interpret that as at the end of the meeting, before the people left the meeting, that they would get a copy of the minutes. I know that is not feasible, but that is the way I am reading it.

**Mr. Selinger:** "After" is not specific as to the time. Sometime after the board meeting they have to provide the minutes before the next board meeting.

**Mr. Reimer:** That is fine. No, it is just that in interpreting it or reading it, that is the way I would read it, but I realize that is as the minister mentioned.

**Mr. Kevin Lamoureux (Inkster):** Corporations, whether they are condominiums or life lease, quite often will have constitutions, and in the constitutions or by-laws, it might make reference to minutes not being made available to the local residents, whether it is a condo or a co-op, possibly, or a life lease. At least that was my understanding. So this law, then, would override any sort of constitution that a corporation might have?

**Mr. Selinger:** Yes. Life lease arrangements are different than the other two, condos or co-ops. Those are ownership arrangements. A life lease individual is in effect a tenant, and this is ensuring the tenants get minimal rights to access the information after board meetings.

**Mr. Lamoureux:** Would you say the same principle should apply, then, for a condo owner who is a resident, and in fact, has more of an investment than a life lease?

**Mr. Selinger:** In principle, actually, the investment may not be more, just to put it on the record. A life lease tenant can have a substantial investment, but the ownership rights would be greater as a condo owner or a co-op member, and it is covered by separate legislation. If there is a concern there, I would be willing to discuss it with the member.

**Mr. Lamoureux:** I do have a concern there. It is because it is being brought forward in an amendment fashion, I would have to be convinced of it. I used to sit, or I should say, I sit on a condo board, and we have certain limitations in terms of releasing minutes and so forth. So, having said that, I think that there needs to be some consistency, whether it is a condo, co-op, life lease. I am not going to obviously hold up the bill any further, but I would appreciate the opportunity to talk, whether it is to the minister or someone from within the department just to get clarification in terms of what is the direction that we are moving in that area. Thank you.

**Mr. Faurschou:** Yes. I appreciate the intent to make certain that all tenants are made aware of the progress of meetings and information transferral. However, in reading the amendment "to give each tenant representative" how do you first off determine that it is a representative of a tenant? Do they have to have written authorization to receive the minutes to verify that they are representing the tenant? If they are a tenant, then how do they identify themselves?

How much effort is given in making certain that the minutes get into the hands of either the representative or of the tenant? I think that the intent is certainly there, but I can see a great many problems that could arise from attempting to fulfil these amendments.

**Mr. Selinger:** These amendments that are proposed, 18.1(5) and 1(6), flow underneath section 3 and 18.1(1). The first one right at the top of the page, on page 3, specifies how tenants' representatives are identified. "The tenants of a non-profit landlord may select one or two tenants, or a greater number if provided for in their life leases or the landlord's by-laws, and alternates, to represent them at meetings of the landlord's board of directors." So that would specify who the representatives are through those procedures.

**Mr. Faurschou:** Yes. I do recognize that this is at the meeting. Then obviously the minutes are not going to be distributed at that juncture in time because they need to be prepared and printed. Then we have to go about it at a later time. I am just concerned that this is going to be quite an involved process.

**Mr. Selinger:** Under 18.1(1), once the tenant representation has been determined, it would simply be a question of forwarding them the minutes after the meeting. They would continue to be the tenant representatives until otherwise changed by the procedures established in that specific circumstance.

**Mr. Faurschou:** So the tenant representative, then, you are planning on gathering the mailing address or contact information as well at that juncture in time so that this will be facilitated.

**Mr. Selinger:** 18.1(2) specifies what the landlord's obligations are:

"The landlord shall give each tenant representative selected under subsection (1)

(a) a copy of the by-laws; and

(b) notice of the time and place of each board meeting, with the agenda for the meeting, at the same time and by the same method that notices and agendas are given to the directors."



So we are putting the tenant representative on the same footing as the directors so that they have access to this information. The member will recall this was an issue, a real issue for some folks, not getting this access. These amendments are intended to facilitate that. I believe it was the member from East Kildonan that was requesting this, and we were just trying to co-operate.

**An Honourable Member:** River East.

**Mr. Selinger:** River East. That is right. Sorry, River East, the Member for River East (Mrs. Mitchelson).

**Mr. Chairperson:** Mr. Faurischou, any further comments, questions on the amendment?

The question before the committee is the amendment

*THAT Clause 3 of the Bill be amended by adding—*

**An Honourable Member:** Dispense.

**Mr. Chairperson:** Dispense? Dispense.

Amendment—pass; clause 3 as amended—pass; clause 4—pass; clause 5—pass.

Shall clause 6 pass?

#### **Point of Order**

**Mr. Faurischou:** I had my hand up, Mr. Chairperson. I know we are attempting to cover a fair amount of ground here this evening. But I did raise the issue in my opening remarks that at the time, I believe, you as Chairperson agreed to. So I will address this as a point of order that you agreed at that time, when we came upon the clause, that the minister would have an opportunity to respond to my question aired at my opening comments.

**Mr. Chairperson:** There is no point of order.

\* \* \*

**Mr. Chairperson:** Is there leave of the committee to return to the appropriate clause the member has referenced? Mr. Faurischou, did you wish to make a comment regarding clause 4 at that point?

**Mr. Faurischou:** No.

**Mr. Chairperson:** Honourable minister, then?

**Mr. Selinger:** The member raised the issue of whether the landlord would have sufficient time to make a claim. The short answer is, yes, he could do it within the 30 days, and he would still be able to collect on it before the 60-day period had lapsed.

\* (19:40)

**Mr. Chairperson:** Clause 4—pass. We have passed clause 5 already. Clauses 6 through 8—pass; enacting clause—pass; title—pass. Bill as amended be reported.

Thank you to members of the committee for their work on this bill.

#### **Bill 14—The Electricians' Licence Amendment Act**

**Mr. Chairperson:** Next bill we have for clause-by-clause consideration is Bill 14, The Electricians' Licence Amendment Act.

Does the minister responsible for Bill 14 have an opening statement?

**Hon. Nancy Allan (Minister of Labour and Immigration):** Yes, as I said earlier, Bill 14 is about safety; it is about training; and it is about increasing the supply of skilled tradespeople. It does this by encouraging entry into the apprenticeship program in the electrical trades through the elimination of the category of electrician's helper and by specifically indicating who may perform electrical work and under what conditions. This bill is dedicated in the memory of Michael Skanderberg.

**Mr. Chairperson:** We thank the honourable minister for the opening statement.

Does the critic for the official opposition have an opening statement?

**Mr. Ron Schuler (Springfield):** Yes, thank you very much, and I will also keep my comments short.

I, first of all, want to thank Wayne Mault for helping on the briefing, as well as Don Hurst, and certainly appreciated that when we had issues that we had questions about that, the information was almost instantly forthcoming. We certainly appreciated that.

As far as the legislation is concerned, we certainly have done our due diligence. We have sent out the legislation to vested interest groups, received feedback and, by and large, was universally accepted as a piece of legislation that was worthy of passing. I would like to thank all of those individuals who did respond. I spoke to some of them during committee already. We appreciate the feedback, so that we know what the various interest groups are feeling, the stakeholders, what their feeling is on legislation, and it is very important to the whole legislative process.

And to the Skanderberg family, who has suffered greatly, I do not think anybody can understand what they go through as parents. Certainly, those of us who sit at committee, who sit in the Legislature, and have not had a loved one, a young loved one, pass away, we do not understand the kind of hurt and the kind of drive that the parents have to see to it that that does not happen again. Certainly, to the parents, we really do give them a lot of credit. To Cindy and Bill, and Cindy in particular, who, with great composure and an integrity, never got herself caught up in verbiage, was always straight to the point, and, certainly, pushed for some kind of changes. To the family, all family members, we certainly do extend, once again, our condolences and would, at this point in time, like to see the bill go through clause by clause.

**Mr. Chairperson:** Thank you, Mr. Schuler, for the opening comments.

During consideration of a bill, the enacting clause and the title are postponed until all other clauses have been considered in their proper order.

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

Clauses 1 and 2—pass; clause 3—pass; clause 4—pass; clauses 5 and 6—pass; clause 7—pass; clause 8—pass; enacting clause—pass.

Shall the title pass?

**Mr. Kevin Lamoureux (Inkster):** Yes, Mr. Chairperson, just prior to doing that, I did want to

acknowledge receiving a letter from the minister in regard to some concerns that I had raised during second reading and I do very much appreciate the response that addresses my concerns. I just wanted to compliment the minister in the sense that I think that the motivation is right for making this particular change, and I think it is really special the way she is attributing this bill to someone that we should all gain some sort of a real perspective of the deaths that do occur in the workplace and that we do have a role to play. Thank you.

**Mr. Chairperson:** Thank you, Mr. Lamoureux.

Title—pass. Bill be reported.

Thank you to members of the committee.

### **Bill 36—The Courts Administration Improvement Act**

**Mr. Chairperson:** The next bill before us for clause-by-clause consideration is Bill 36, The Courts Administration Improvement Act.

Is the committee ready to proceed with clause-by-clause of Bill 36?

**An Honourable Member:** Right.

**Mr. Chairperson:** Then we will proceed.

Does the minister responsible for Bill 36 have an opening statement?

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** Well, the comments are as at second reading, but there were some questions raised in the House, I understand, three in particular. I will just answer very briefly.

Number one, there was a question as to whether the complement of justices on the Queen's Bench could simply be increased overall rather than transferring two more to the Family side. If that was to take place, first of all, there should be a request from the Chief Justice, and the Chief Justice requested instead what was in this bill.

Second of all, it would be meaningless unless there were consultations and support from the federal government because the positions are filled by the federal government. They are actually federal justices.

The second question was around the issue of registration, cancelling registrations for non-payment of fines. Was that onerous on persons that owe fines? If you do not owe a fine, that is not a problem. If you do owe a fine, we are simply treating the scofflaws here the same as we would for photo enforcement. It is just an extension of that principle that was brought in with the photo enforcement scheme.

The third area of questioning was around the increase of the maximum fine under The Summary Convictions Act of \$5,000. I understand, actually, it is consistent with Ontario, but it affects very few statutes. Most statutes or schemes have their own set fines. This is where there is no set fine, and it would be up to a judge in each case to determine the amount of the fine. We have not even adjusted our revenues because it will be, I think, a nominal difference. It is just merely modernizing the amount. The earlier figure was really fossilized, and it is just being adjusted.

**Mr. Chairperson:** I thank the honourable minister for the opening statement.

Does the critic for the official opposition have an opening statement?

**Mr. Ron Schuler (Springfield):** Yes, thank you very much, Mr. Chair.

Certainly, when this legislation was in front of the Legislature for second reading, the official critic, the member from Steinbach, laid out a lot of issues, and some of those have been addressed by the minister. Clearly, it was the intent of the Legislature to see it come before committee and hear any presentations, if any. Certainly, we would like to see it go through committee and move on to the Legislature again for third reading, at which time, we will then be able to have a closer look at the minister's answers and react accordingly. So, at this point in time, we would like to see it move on.

**Mr. Chairperson:** Thank you, Mr. Schuler, for the opening statement.

During consideration of a bill, the enacting clause and the title are postponed until all other clauses have been considered in their proper order.

Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to

pages, with the understanding that we will stop at any particular clause or clauses where members have comments, questions or amendments to propose. Is that agreed? *[Agreed]*

Shall clauses 1 and 2 pass?

**Mr. Kevin Lamoureux (Inkster):** Mr. Chair, I did have just one general question for the minister. The registrar at the Motor Vehicles will now actually have the power to refuse—and I recognize it is not necessarily in this particular clause, but it is just a general question—to register a vehicle to a person who they now have the power to refuse to register.

\* (19:50)

I am wondering if the minister can indicate how that would be reported back, in what sort of an annual report. How does that actually get reported back to the Legislature in terms of how often it would occur?

**Mr. Mackintosh:** That is a DVL MPI function. There is no reporting requirement to the Legislature in terms of volumes, if that is what the member is asking about. Quite clearly, there is a reporting to the individual, the registrant, or the person who seeks to register their vehicle. But there is no legislative requirement or practice of that kind of reporting.

**Mr. Lamoureux:** I would just, you know, leave it for the minister. I do think that it would be beneficial just to get some sort of a number into the future as to what number of individuals are being refused their registration because of not paying fines. I would be very much interested, you know, in a year from now, two years from now just to get a sense of how effective this part of the bill actually is. Thank you.

**Mr. Mackintosh:** I would just say, yes, we are looking actually at the impoundment and seizure registry and how we are reporting those numbers. I think there are a lot of numbers that are not getting reported that should be. But we can look at that suggestion and look to see if it could be more formally incorporated in any reporting. We will have some discussions then with officials on that.

**Mr. Chairperson:** Clauses 1 and 2—pass; clause 3—pass; clause 4—pass; clauses 5 through 7—pass; clauses 8 through 10—pass; clauses 11 and 12—pass; clauses 13 through 15—pass; clause 16—pass;

clause 17—pass; clauses 18 and 19—pass; clauses 20 through 22—pass; clauses 23 and 24—pass; clause 25—pass; clause 26—pass; enacting clause—pass; title—pass. Bill be reported.

Thank you to members of the committee. What is the will of the committee?

**An Honourable Member:** Committee rise.

**Mr. Chairperson:** Committee rise. The hour being 7:54 p.m., committee rise.

**COMMITTEE ROSE AT:** 7:54 p.m.