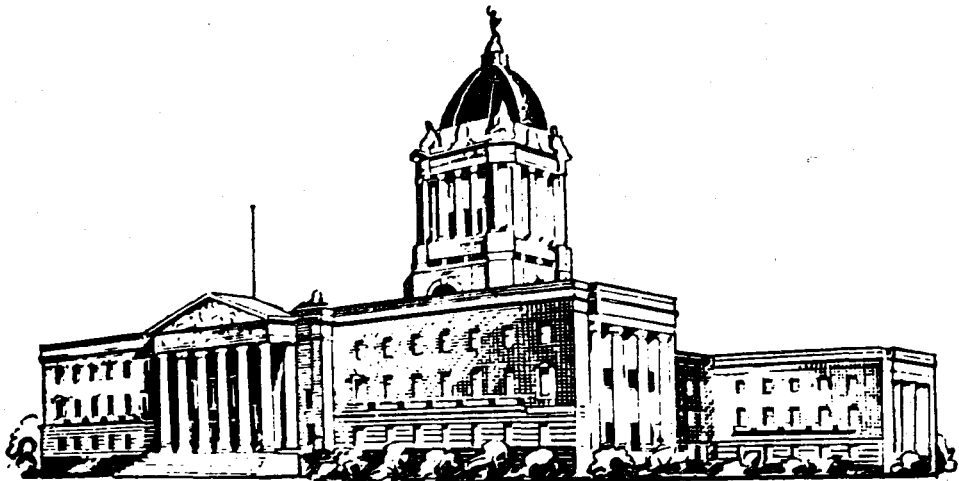




Legislative Assembly of Manitoba

**HEARING OF THE STANDING COMMITTEE
ON
LAW AMENDMENTS**

**Chairman
Mr. William Jenkins
Constituency of Logan**



MONDAY, May 30, 1977, 11:30 a.m.

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TIME: 11:30 a.m.

CHAIRMAN: Mr. William Jenkins.

MR. CHAIRMAN: Mr. Desjardins.

MR. DESJARDINS: Mr. Chairman, may I suggest something to the Committee? I have some bills with no amendments and I'll be at an interprovincial conference for the next two days. There are no amendments; there has been no representation. I wonder . . .

MR. CHAIRMAN: Is it agreed?

MR. DESJARDINS: No. 20 is the first one.

MR. CHAIRMAN: Bill No. 20, An Act to amend the Social Allowances Act. There are no amendments to this bill. What is your will and pleasure, page by page?

(Bill No. 20 was read page by page and passed.)

MR. DESJARDINS: Bill No. 27, The Health Services Insurance Act.

MR. CHAIRMAN: Bill No. 27, An Act to amend The Health Services Insurance Act.

(Bill No. 27 was read page by page and passed.)

MR. DESJARDINS: Bill No. 28, An Act to amend the Elderly and Infirm Persons' Housing Act.

MR. SPIVAK: Mr. Chairman, I protest. I know we passed Bill 27, but I didn't know whether it was on 27 or 28. I have a question to ask to the Minister and —(Interjection) — Yes, it relates to Bill 27. I just want to understand from him the provisions of 24(1), the annual report, and the implications of what that means.

MR. DESJARDINS: It's just changing the year to the same year that we have in the House, so therefore the report would come during that time.

MR. SPIVAK: That's all?

MR. DESJARDINS: We have a calendar year now that we would be going to . . .

MR. SPIVAK: Okay.

MR. CHAIRMAN: Bill No. 28, An Act to amend The Elderly and Infirm Persons' Housing and The Health Services Act.

(Bill No. 28 was read page by page and passed.)

MR. DESJARDINS: No. 33, The Licensed Practical Nurses Act.

MR. CHAIRMAN: Bill No. 33, An Act to amend The Licensed Practical Nurses Act. Page 1, the honourable Member for Rhineland.

MR. BROWN: In clause 1, the old Act used to read that the Minister was in charge of this particular Act. Now it has been changed that a member of the Executive Council charged by the Lieutenant-Governor-in-Council . . . Is there any attempt at taking this particular bill out of the boundaries of the Minister of Health?

MR. CHAIRMAN: Mr. Tallin.

MR. TALLIN: Perhaps if I can answer this. This is a problem that we run into in drafting. The names of the departments now can be changed by Order-in-Council and the names of the Ministers usually follow the names of the departments. This is one of the places where it referred to the Minister of Health in the old name of the department. Rather than change it to the Minister of Health and Social Development which might change again in a few years and then we have to amend the Act again, we have just adopted a formula saying whatever Minister is charged by the Lieutenant-Governor-in-Council in almost all statutes. It's just to comply with that so that the flexibility which was intended in The Executive Government Organization Act can be carried out without having to worry about frequent amendments to acts.

MR. CHAIRMAN: Does that answer your question?

MR. BROWN: Yes.

MR. CHAIRMAN: Page 1 — pass? Mr. Brown.

MR. BROWN: Clause No. 2, I suppose that would pertain pretty well to the same thing in the other bill that named the Minister of Education and we have changed this to the Minister of Continuing Education and Manpower.

MR. TALLIN: This might have to be changed again but unfortunately, this was about the only way we could describe this particular thing at the time.

MR. BROWN: Okay, thank you.

(Bill No. 33 was read page by page and passed.)

MR. DESJARDINS: Bill No. 44, The Marriage Act.

MR. CHAIRMAN: Bill No. 44, An Act to amend The Marriage Act.

(Bill No. 44 was read page by page and passed.)

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MR. DESJARDINS: Bill 68, Mr. Chairman, The Social Services Administration Act.

MR. CHAIRMAN: I am sorry but I don't have the bill here.

MR. DESJARDINS: That was passed on Saturday.

MR. CHAIRMAN: Then we'll leave that bill.

MR. DESJARDINS: Why?

MR. CHAIRMAN: I haven't got it.

MR. DESJARDINS: I'll give it to you.

MR. CHAIRMAN: Bill No. No. 68, Page 1. Mr. Sherman.

MR. SHERMAN: Mr. Chairman, I'd just raise a question that I raised in speaking on the bill, an that is I'd like some indication from the Minister, although he did offer some indication in closing debate, as to just what sort of guidelines are we looking at in terms of standards for the various institutions mentioned here. Are they all going to be covered by regulation? To that extent, can the Minister give us any indication, are they going to be tough standards or are they going to be reasonable, flexible standards that can be met by the native community and others who are not in position to meet expensive standards.

MR. DESJARDINS: Well Mr. Chairman, I don't think it is possible to give the standards at this time. This bill will enable us to bring in the legislation to do the licensing. I've explained in the House in closing the debate that many of these things will be discussed with the people that are now operating these facilities and then they will be in the regulations. And of course, these regulations are not going to . . . I think it stands to reason that they are not going to be that high that we purposely will have some of these facilities closed. It certainly is not the intention. I think I made that quite clear in the House that this will certainly not happen. In fact it might be the opposite that the members of the opposition and the members of the public will feel that to start, maybe some of our standards are not high enough, and this will be built up, I would imagine.

MR. SHERMAN: Mr. Chairman, I would like to ask the Minister whether there are going to be the two or three or four sets of standards. After he holds these consultations with different people in the community, persons who are operating this kind of institution, are there going to be standards for, let us say, a certain income group and other standards for a different income group?

MR. DESJARDINS: No, no, no. There would be different standards, Mr. Chairman, maybe for different facilities. Some of them, I would imagine, will cover all the facilities and others will be particular to that facility, but certainly not for the public; the standards will definitely be the same. The only exception that you might have is if for instance you have — and I am not thinking of any that you might have in mind, in a remote area where we can't possibly deliver the same standards. The intention would be to build the same standards, to have the same standards over the province. But the choice is that by insisting on a special standard that you'll never get off the ground in maybe some remote area up north, some exceptions might be made and I don't see any now, but that's the only thing that I would consider.

MR. SHERMAN: Mr. Chairman, just to take a hard example and not beat around the bush, would a native foster home in the core area of Winnipeg have to meet the same standards as a foster home in an affluent area of Winnipeg.

MR. DESJARDINS: Definitely, definitely.

MR. SHERMAN: This is what concerns me, Mr. Chairman.

MR. DESJARDINS: Definitely, I can't see how it could be otherwise. You know, they're all Manitobans. No, I can't see any objection in doing that.

MR. SHERMAN: Will those standards be kept low enough so that a native foster home, for example, would have a reasonable chance of complying, or is the government considering some support that would enable them to bring their facilities up to standards?

MR. DESJARDINS: I would imagine that that's the way we would go, but the standards will have to cover everybody, all Manitobans; it is certainly our intention to treat everybody the same, to have the same standards and we hope that it would be built up gradually as they have more . . . it is possible and also the financial implication is something else.

MR. SHERMAN: Well, I don't like the bill, Mr. Chairman. I'm not going to hold it up but I just want to go on record as saying I don't like that.

MR. CHAIRMAN: Mr. Miller.

MR. MILLER: Mr. Chairman, surely the idea of this is to make possible the launching and the execution of various provincial programs in this field and it stands to reason that the regulation would be not such as to frustrate any provincial program. So the standards would have to take into account the fact that these are provincial programs that are being carried forward by various agencies and certainly it would be silly to impose standards that would make it possible for provincial programs not to go forward. So the Minister is right in saying that in certain areas the standards may have to be somewhat different but within the City of Winnipeg, for example, the standards would not be one set of standards in the core area and another in an affluent area, but rather both would be the

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same, recognizing that the one in the core area also has to go forward. As a matter of fact, there may be a greater need. So that the licensing and the standard generally would be of a level which both foster homes, for example, could meet without undue hardship.

MR. CHAIRMAN: Mr. Spivak.

MR. SPIVAK: Mr. Chairman, first to the Minister. My assumption is that this license requirement doesn't exist now.

MR. DESJARDINS: The licensing is done and it is quite difficult. It is done by the City of Winnipeg, but we're already doing this in the rest of Manitoba, rural Manitoba and it's to bring uniform legislation. In discussion with the City of Winnipeg we feel that we've dumped more programs on them without them being ready for that and I think they welcome that. They would still do the inspecting, fire inspecting.

MR. SPIVAK: No, but let's understand it. What you're saying is that the purpose of the Act is bring uniformity in the province, bringing the City of Winnipeg in. Is that really the purpose of the Act?

MR. DESJARDINS: That's one of the purposes also and many of these things aren't done properly now because of the . . .

MR. SPIVAK: With respect to the regulations that you are going to provide, will financial statements be required as part of a requirement from the point of view of the government for licensing?

MR. DESJARDINS: Depending on how these things are funded, I would imagine yes. That's going to be worked out in the standards or that's not going to change anything because if one of the conditions of funding is that you need a financial statement, the same thing will happen again. That's not going to change anything.

MR. SPIVAK: Well, can I ask something — of the category that are referred to for licensing right now, are there financial statements required from group foster homes, from the institutions that are referred here? Are there financial statements that the government receives?

MR. DESJARDINS: Yes, I think that we do and we're demanding that now because we're reviewing the whole question of per diem rates for this area but I don't think that has anything to do with the licensing as such. This is something that you don't need any legislation for that. Either we get this information or they don't get the funding if they're delivering a service for the provincial government. Some of them will be on that basis, others will be just on a grant basis. Right now we don't require the financial statement of the Day Care. We get them to help us study, but it's not a condition because it is a grant. and going back to what Mr. Sherman told me, it might be that in some areas they might want on their own to go over and above the standards, you know, through volunteer work. Well, we're not going to stop that.

MR. SPIVAK: But in all cases right now, every one of the categories from (a) to (h) in 11.1(1) right now receive some public funding.

MR. DESJARDINS: Yes.

MR. SPIVAK: All right. So therefore, at the present time they receive public funding before the provisions of this Act are brought forward.

MR. DESJARDINS: But under certain conditions. They have to meet certain conditions. One of them is that in most of the areas we do get the financial statement.

MR. SPIVAK: In all?

MR. DESJARDINS: I would say no, definitely not all, depending on the kind of a program that we have. But I don't think that this is germane to this . . .

MR. SPIVAK: Are you suggesting that the requirement for financial information isn't really one of the main considerations with respect to this Bill?

MR. DESJARDINS: No. Because this is something we can get anytime without any legislation at all.

MR. SPIVAK: I'm not saying it's wrong, I just want to know.

MR. DESJARDINS: No, I know, but we certainly would need that to decide on the per diem. You see, for instance, you might have a group foster home. They are not necessarily going to get the same per diem rate. It is just like hospital beds. There are certain facilities that are more expensive because they need more staff or qualified staff and that is the important thing. Right now, let's say the Children's Aid Society will find out there is a bed available in one of these facilities and that these people might be geared for extensive services and it might be, let's say, \$30.00 per day, per diem, where this particular person could fit in a \$10.00 a day facility. It's costing the province . . .

MR. SPIVAK: Have you received the financial information from group foster homes in the City of Winnipeg?

MR. DESJARDINS: I would imagine that we have that. I'm practically sure. I can't make a positive statement but this, you know, this wouldn't change anything in other words, this bill.

MR. SPIVAK: Except the licensing . . .

MR. DESJARDINS: No, I mean the licensing we do require now the financial statement in a certain area before we fund and that would be the same. We don't need legislation for that. That is not the

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intention of the legislation.

MR. CHAIRMAN: Mr. Brown.

MR. BROWN: Well, I am in agreement that we do need some kind of licensing and we do need some sort of standards. This certainly is required because we do not have this at the present time and I am certain that this has been asked for. But it is rather difficult to legislate and one of the reasons why it is difficult to legislate and I think that one of the concerns that have been expressed, especially by Mr. Sherman, is that we do not want to discourage placement of Native children in Native foster homes. So if the Minister is going to take that into consideration and come up with legislation which can possibly cover that type of a situation, then we would be very interested to see just how he's going to do this, how he's going to arrive at that type of a standard.

MR. DESJARDINS: Well, Mr. Chairman, I've answered that, I don't know how else to answer very categorically this is not the reason for the bill at all. This is not the intention, in fact, if anything thought that you would take this with the attitude the other way around, that our standard would not be high enough. We will have to go, as I stated today and as I stated in the House in closing the debate, that we will have to go . . . There are many factors, the facilities, the staff availability, the cost and so on. Can you just imagine what would happen if all of a sudden we bring in legislation that certain places would have to close. I'm at a loss to understand why this is a concern of yours because there's no way that I want to see that as Minister or that any government wants to see that.

A MEMBER: But you won't have to bring in legislation.

MR. DESJARDINS: What do you mean? —(Interjection)—Well this is legislation and if we make the standards too high, all of a sudden there is going to be a notice going to an establishment — "You close tomorrow" — what the hell am I going to do with the inmates of that facility? There's no way. I don't know why you're so concerned about that because that's certainly not the intention.

MR. SHERMAN: But it gives you the right.

MR. DESJARDINS: Politically it would be dynamite and I imagine that this time we would understand the political reaction and that would not be viable. I can assure you that you can rest easy in that . . .

MR. CHAIRMAN: Mr. Brown.

MR. BROWN: Well, this is what we wanted to point out to the Minister and to make sure that he was aware that there could be some problems.

MR. DESJARDINS: I am aware of any political ramifications these days.

MR. CHAIRMAN: Mr. McKenzie.

MR. McKENZIE: I have one question under subsection (i), why are we only dealing with the adult mentally retarded or the mentally ill? These homes where there's people being cared for, adult other than those that are mentally retarded, there are some around. Why wouldn't they be included?

MR. DESJARDINS: What are you talking about now.

MR. McKENZIE: On subsection (i). It only deals with . . .

MR. DESJARDINS: No, but are the ones that you say are not included — are you talking about Guest Homes or any of these things?

MR. McKENZIE: Yes.

MR. DESJARDINS: Well, we're going to be careful before we go into this. We're not going to start red tape and more red tape and every person that keeps somebody will have to be licensed. This is not what I want.

(The remainder of Bill 68 was read page by page and passed.)

MR. CHAIRMAN: Bill be reported.

MR. CHAIRMAN: Mr. Spivak.

MR. SPIVAK: I realize that it's closed and if the matter is closed it can't be dealt with but I wonder the Minister can explain one clause. I couldn't find it before, I was looking all over each bill. The clause happens to be in Bill 27 and I just want one explanation and that's it. It's the clause 7.

MR. DESJARDINS: Oh, this is a regulation that we could make regulation insisting that we keep certain books and some certain information that would be vital to . . .

MR. SPIVAK: Well, but I want to know whether this means that you are in a position, as a result of this, to request audited statements of the Personal Care Homes. That is, the actual financial statements.

MR. DESJARDINS: Yes, we are in a position to do that now.

MR. SPIVAK: To acquire audited financial statements?

MR. DESJARDINS: Yes. We haven't enforced it at all times, but we are in a position to do that right now.

MR. CHAIRMAN: Bill No. 2, An Act to Amend the Securities Act. There are amendments to this bill. Everyone have copies of the amendments? Section 1. Mr. Walding.

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MR. WALDING: Mr. Chairman, I move THAT the proposed clause 1(1)(5.1) of the Securities Act, as set out in section 1 of Bill 2 be amended by striking out the words "and La Centrale des Caisses Populaires du Manitoba Ltee" in the last 2 lines thereof.

MR. CHAIRMAN: Mr. Tallin.

MR. TALLIN: If you would like an explanation of this. What the new definition of credit union really does is to provide for the exclusion of credit unions and certain transactions of credit unions carried on from the operations of the Securities Act. Under the bill presently before the House which deals with La Centrale des Caisses Populaires du Manitoba Ltee, they have in that bill provided that the Securities Act does not apply to the that corporation or to its transactions so it is unnecessary to include them specifically in this definition.

MR. CHAIRMAN: Section 1 as amended. Any discussion. Pass. Section 1 as amended—pass. Mr. Walding.

MR. WALDING: I move THAT section 1 of Bill 2 be amended by striking out the word "and" between clause (a) and clause (b) thereof, by relettering clause (b) thereof as clause (e), and by adding thereto, immediately after clause (a) thereof, the following clauses:

(b) by striking out the word "and" at the end of sub-clause (27) (xiii) thereof;

(c) by adding thereto, at the end of sub-clause (27)(xiii) thereof, the word "and",

(d) by adding thereto, immediately after sub-clause (27)(xiv) thereof, the word "and following sub-clause:

(xv) any option on a futures contract in a commodity other than

354 (A) an option traded on the Winnipeg Commodity Exchange between members thereof, or

354 (B) an option traded between a member of the Winnipeg Commodity Exchange, who is recognized by the exchange as a futures commission merchant, and a customer of that member; and.

MR. CHAIRMAN: Section 1 as further amended. Are there any discussions? Pass. Section 2—pass; Section 3. Mr. Walding.

MR. WALDING: Mr. Chairman, I move THAT Bill 2 be further amended by adding thereto, immediately after section 3 thereof, the following section:

Subsections 7(5) and (6) added.

3.1 Section 7 of the Act is amended by adding thereto, at the end thereof, the following subsections:

Stockbrokers to be members of Winnipeg Stock Exchange.

7(5) Registration, otherwise than as a salesman, to trade in securities as defined in sub-clause 1(1)(27)(v) generally may be refused to any person or company unless that person or company, or a trading partner or trading official of that person or company, is a member of the Winnipeg Stock Exchange.

Commodity brokers to be members of Winnipeg Commodity Exchange.

7(6) Registration, otherwise than as a salesman, to trade in securities as defined in sub-clause 1(1)(27)(xv) may be refused to any person or company unless that person or company, or a trading partner or trading official of that person or company, is a member of the Winnipeg Commodity Exchange.

MR. CHAIRMAN: Section 3 as amended. Are there any discussions to the amendment? Pass.

Sections 4 - 17 were read section by section and passed. Mr. Walding.

MR. WALDING: Mr. Chairman, I move that Bill 2 be further amended by adding thereto, immediately after section 17 thereof, the following section:

Clause 80(1)(g) amended.

17.1 Clause 80(1) (g) of the Act is amended by adding thereto, at the end thereof, the words and figures "and includes every offer, other than an exempt offer, by a corporation as defined in Part XI to repurchase its own shares."

MR. CHAIRMAN: New subsection as moved. Any discussion? Pass.

Sections 18 - 25 were read section by section and passed.

(Bill No. 4 An Act to Amend The Land Acquisition Act

was read page by page and passed.)

(Bill No. 5 An Act to amend The Expropriation Act was read page by page and passed.)

MR. CHAIRMAN: Bill No. 7 An Act to amend The Provincial Judges Act. There are amendments? There are no amendments on Page 1. Pages 1 to 3 were read page by page and passed.

MR. WALDING: Mr. Chairman, I move THAT the proposed subsection 7(5) of the Provincial Judges Act as set out in Section 4 of Bill 7 be amended by striking out the words "the inquiry may be held in public or in private unless the Minister requires that it be held in public" in the last 2 lines

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thereof and substituting therefor the words "the inquiry shall be held in public unless the Judicial Council determines, in the public interest, that all or a part of the inquiry should be held in camera"

MR. CHAIRMAN: The Motion as moved. Is there any discussion to the Motion? Hearing none pass. 7(5) as amended—pass; 7(5.1)—pass; 7(5.2)—pass; 7(6)—pass. Section 4 as amended—pass section 5 and 6—pass.

MR. WALDING: Mr. Chairman, I move THAT the proposed subsection 7(9.1) of the Provincial Judges Act as set out in section 6 of Bill 7 be struck out and the following subsections substituted therefor:

Salary while suspended.

7(9.1) Where a judge is suspended under subsection (4.1), the Judicial Council may order that pending the determination of the inquiry, the judge not receive any salary.

Remittance of salary.

7(9.2) Where the Judicial Council has made an order under subsection (9.1), it may, following the determination of the inquiry **order that all or any part of the salary not paid to the judge in accordance with the order made under subsection (9.1) be remitted to the judge.**

MR. CHAIRMAN: Section as amended. Is there any discussion? Hearing none none—pass section 7—pass.

MR. WALDING: Mr. Chairman, I move that Section 8 of Bill 7 be struck out and the following section substituted therefor:

Section 33 amended.

8 Section 33 of the Act is amended

054 (a) by striking out the word "widows" in the 1st line of clause (b) thereof and substituting therefor the words "surviving spouses"; and

054 (b) by adding thereto, at the end thereof, the following clause:

054 (e) prescribing seals for use by Provincial Judges Courts (Criminal Division) and Provincial Judges Courts (Family Division).

MR. CHAIRMAN: Section 8 as amended. Any discussion? Pass. Section 9—pass; preamble—pass title—pass. Bill be reported. (Agreed)

MR. CHAIRMAN: Bill No. 8 An Act to amend the Highway Traffic Act. There are amendments. Does everyone have copies of the amendments now?

Bill No. 8 An Act to Amend the Highway Traffic Act. Section 1. Mr. Walding.

MR. WALDING: Mr. Chairman, I move that the proposed subsections 238.1(2) to (8) of the Highway Traffic Act as set out in Section 1 of Bill 8 be renumbered as subsections 238.1(4) to (10) respectively and the proposed subsection 238.1(1) of the Highway Traffic Act as set out in section of Bill 8 be struck out and the following subsections substituted therefor:

Request for Surrender of Driver's License.

238.1(1) Where, upon demand of the Peace Officer made under section 234.1 of the Criminal Code (Canada) the driver of a motor vehicle provides a sample of his breath which, on analysis by an approved roadside screening device as defined in that section, registers "Warn" or "Fail," the Peace Officer shall request the driver to surrender his license.

Calibration of Screening Device.

238.1(2) For the purpose of subsection 1, the roadside screening device shall not be calibrated to register "Warn" or "Fail" when the proportion of alcohol in the blood of the person whose breath being analyzed is less than 50 milligrams of alcohol in 100 millilitres of blood.

Presumption respecting device.

238.1(3) It shall be presumed, in the absence of proof to the contrary, that any roadside screening device used for the purposes of subsection 1 has been calibrated as required under subsection

MR. CHAIRMAN: Motion as moved. Mr. Sherman.

MR. SHERMAN: I would like to ask the Minister whether . . . I haven't thoroughly converted myself to the metric system yet and I would like to ask him what 50 milligrams of alcohol in 100 millilitres of blood means in terms of the kind of .08 rating that we have become accustomed to on breathalyzer tests.

MR. PAWLEY: It's .05. The 50 milligrams would be .05 compared to the .08 as was mentioned to the doctor when he presented his brief here. Many jurisdictions now have the legal limit of .05, so that is where it would be starting from, and we would be removing it from. . . There is altogether too much discretion in the bill as was presented to the House. It did not relate to any calibration. It left it solely to the discretion of the police officers. Here, the discretion is restricted to a legal space within which the suspension can take place.

MR. SHERMAN: So, in effect, there are little guides that have been published that tell you how much you can drink and how much you can absorb—that is the average person in a certain period of time—are now out the window. Everything has dropped by a drink or two.

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MR. PAWLEY: Well, even now a person can be charged with driving while under the influence of alcohol, not relating to the breathalyzer at all, and depending upon the person's weight. There are people that are under the influence of alcohol, impairing their ability to drive at the 50 milligrams. A person weighing 100 pounds, for instance, could very easily be under the influence of alcohol at 50 milligrams, and could be so charged now.

MR. SHERMAN: Could be so charged now under this legislation?

MR. PAWLEY: Well, even before under the code that person could be charged because there are two sections in the code; one, automatic at the 80 milligrams per hundred millimeters; but secondly, here is a discretionary provision of driving while impaired, which doesn't relate to calibration. This doesn't lead to a charge. That's the other thing that we should emphasize, there is no charge involved here.

MR. SHERMAN: Just to the request to surrender your licence.

MR. PAWLEY: That's right' for a limited period of time which we wish to restrict a little further from what the present wording of the draft bill is. That's the next amendment that you have before you — or 12 rather than 24.

MR. SHERMAN: But, in other words, this doesn't alter the rating on which the determination is made as to whether a person is driving under the influence or not in terms of the Criminal Code and the charge that can be laid?

MR. PAWLEY: No, not at all. It doesn't affect the provisions of the code.

MR. CHAIRMAN: Further discussion on amendments. Mr. Minaker.

MR. MINAKER: Mr. Chairman, can I ask Mr. Pawley, if this machine will only indicate whether you are above the .05 — will it in fact indicate if you are above .08?

MR. PAWLEY: Yes. It will pass if it's under .05, the machine will indicate that. It will indicate "fail" if the persons above the 100, whereas the legal space in between that we are dealing with here, 50 to 100, the machine will read "warned" and that's a grey area — that's the danger area.

MR. MINAKER: So, if the individual person is between .05 and .1, then it will indicate "warned" and if it's above .1 it will indicate "fail."

MR. PAWLEY: That's when the individual would be taken in for a breathalyzer test, and would be charged with an actual offence under the code in all likelihood.

MR. CHAIRMAN: And further discussion?

MR. PAULLEY: I wonder, Mr. Chairman, if it wouldn't be convenient to stay for a few minutes and we'll finish this bill unless there is going to be a lot of argument here. — (Interjection) — Well then, Mr. Chairman, I move that Committee rise.

MR. CHAIRMAN: Committee rise. .