

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

Monday, March 12, 1990

TIME — 10 a.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Mr. Helmut Pankratz (La Verendrye)

ATTENDANCE - 11 — QUORUM - 6

Members of the Committee present:

Hon. Messrs. Connery, Driedger (Emerson)
Messrs. Edwards, Evans (Fort Garry),
Gilleshammer, Ms. Hemphill, Messrs.
Mandrake, Pankratz, Patterson, Plohman,
Praznik

APPEARING:

Mr. Gordon Carnegie, Legislative Counsel
Mr. Harry Harapiak, MLA for The Pas
Mr. James Kingdon, Planning and Program
Analyst, Department of Highways
Mr. Jerry Storie, MLA for Flin Flon
Mr. Rob Walsh, Legislative Counsel

MATTERS UNDER DISCUSSION:

Bill No. 73—The Highway Traffic Amendment
Act (6)
Bill No. 74—The Highway Traffic Amendment
Act (7)

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Mr. Chairman: I call the Standing Committee on Law Amendments to order. This morning the committee will be considering Bill No. 73, The Highway Traffic Amendment Act (6) and Bill No. 74, The Highway Traffic Amendment Act (7).

* (1005)

The last time the committee met to consider these Bills, presentations were heard at that time. In the intervening period of time, no additional persons have registered to speak to the Bill.

We will now ask for one last time if there are any presenters in the audience who would like to give a presentation to Bills Nos. 73 or 74.

Since no persons have come forward, we shall now proceed with the Bill clause by clause. Does the committee wish to deal with Bill No. 73 first? Mr. Laurie Evans, Fort Garry.

Mr. Laurie Evans (Fort Garry): Mr. Chairperson, by leave of this committee, I move that Mr. Mandrake be placed as a Member on the Law Amendments Committee effective immediately to replace a vacancy.

Mr. Chairman: Is there leave of the committee to make changes to the committee Members? Mr. Praznik.

Mr. Darren Praznik (Lac du Bonnet): Mr. Chairman, just to recall, I understand we did this the other day in another committee of which I was Chair. There was somewhat of a precedent set that we agreed that it be reconfirmed in the House later since the House is sitting. If that is the rule that we are starting to adopt, I think that should follow suit here.

Mr. Chairman: Is there leave to make that change? Leave? Mr. Harapiak.

Mr. Harry Harapiak (The Pas): Mr. Chairman, I think we had on previous occasions tried to get leave and make changes. They said it was improper when the House was sitting. We will give leave, but I think that we should remember that when the opportunity presents itself we would also have an opportunity to make the changes.

Mr. Chairman: Mr. Harapiak, you are totally correct in your comments that you have brought forward to the committee. Mr. Mandrake. Okay. Is there leave for this committee change? Is the change agreed to? Agreed.

**BILL NO. 73—THE HIGHWAY TRAFFIC
AMENDMENT ACT (6)**

Mr. Chairman: Does the Minister responsible for the Bill have any opening statements that he would like to take care of at this time?

Hon. Albert Driedger (Minister of Highways and Transportation): Just very briefly, Mr. Chairman, at the time when the Bill was tabled I also tabled with that the changes that we had there. Both critics have these sheets which basically indicated the changes in there. Basically I have no further comments other than if there are questions we will try and answer them.

Mr. Chairman: Does the critic from the official Opposition Party have any brief comments to make? Mr. Mandrake.

Mr. Ed Mandrake (Assiniboia): Mr. Chairman, I have read the briefing which the Minister was so kind to provide me with. I do not think it would be incumbent upon me to make any comments now. We will proceed with the Bill in the appropriate fashion and we will address the issues as we go through the Bill.

* (1010)

Mr. Chairman: Does the critic from the second Opposition Party have any comments? Mr. Storie.

Mr. Jerry Storie (Flin Flon): Mr. Chairperson, on the specifics of the Bill, no. We have some general concerns about the cost of what we are about in Bill No. 73. I would like to ask the Minister some specific questions about the timetable for those costs and how those costs will be incurred by drivers in the province and just try and put some of that on the record.

My colleague, the Member for Dauphin (Mr. Plohman), has indicated I think a number of times that we are embarking on a process that is going to cost the people of Manitoba tens of millions of dollars over a period of time. I know the Minister and many others have suggested that there are significant benefits from producing photo IDs. I would simply like to have on the record in this committee some answers to some questions about the benefits and the costs.

Mr. Albert Driedger: Mr. Chairman, the question I have is, do you want to have a question and answer debate before we go on a clause-by-clause basis? My understanding is from both Opposition Parties that the concern is not with the context of the Bill but more or less the principle of what we are doing with photo licensing. I am at the will of the committee whichever way you want to deal with it.

Mr. Storie: I assume that the clause by clause will go fairly quickly once we have discussed the principle again in some detail. We can do it right now if the Minister wishes. I would just like for the Minister to lay out for the committee some reasonable expectation of what this will cost the people of Manitoba—I am referring to drivers now, not the Government—over the next five years.

Mr. Albert Driedger: Yes, from the time that the decision was made by Government to proceed with the photo licensing, a tremendous amount of time has been spent by staff in terms of developing the program. Members of the committee are probably aware of the fact that all of the states in the United States have the photo driver's licence, and we have four provinces in Canada that already have embarked on this photo licensing. We feel that it was a positive move.

In terms of developing the program and the implementation end of it, we had a lot of things to consider which were maybe different than in other provinces for the simple reason, the fact that we have a merit system on our driver's licence and we have the insurance that goes with it, which is not necessarily the case in other provinces. So what we are coming forward with is a two-part driver's licence, the photo licence being one part and the actual documentation as you have on your driver's right now. We looked very closely at the possibility of putting in a one-package type of thing. Under the circumstances we are not able to do that because of our merit system, which has to be reviewed every year based on your increase or decrease of merits. So that has to be done on an annual basis. We have to renew that, whereas the photo itself we are looking at having it renewed every four years.

The cost of the program development is \$3.5 million, and then we have annual operating costs of \$1.985

million. Those are the annual costs. In order to pay for this, the project itself, we are starting as of April 1, there will be a \$4 increase in your driver licence. The reason for the implementation of it as of April 1 is the fact that we set up the program itself in terms of the cameras and the training that is involved. That is the rationale for implementing as of April 1. The first photos will be taken at the end of the year, basically starting January 1 of 1991, when half of the driver's licences—I think we have 670,000 drivers—will be done in the first year and the other half will be done the second year. Then the photo licence will have to be renewed every four years after that. As far as the driver's are concerned, as I indicated before, they have to be renewed on an annual basis.

* (1015)

Implementing this program where we now have driver testing taking place in Winnipeg at two locations, we are looking at putting up six area locations in terms that will be supplying the photo licensing as well as three will be doing driver testing in the city. Looking at the implementation of this program, we looked at the private sector, we looked at who could deliver this program best. After considering all the options and implications of it, the decision was made that we will be having cameras available for photo licensing in areas where we now do driver testing in the rural areas. We have 67 locations throughout the province that will be taking the photos. The normal renewals, aside from the photo licensing once every four years, will still be done wherever there is an Autopac agent available and so that does not change in that regard.

I have to repeat again that there has been a tremendous amount of time looking at implementing the program. We feel that we have chosen the best option that was available to us.

Mr. Storie: We are talking about annual operating costs of \$1.9 million. That would include the cost of renewing the photo licences every four years, or is there an additional charge for that?

Mr. Albert Driedger: Mr. Chairman, as I indicated, the implementation and program development cost \$3.5 million and then the annual operating costs of \$1.985 million are broken down as follows: \$700,000 for staffing per year, \$950,000 for producing photo cards. That includes issuance of replacement photo cards and \$130,000 for leasing facilities; \$125,000 for agents' commissions; and \$80,000 for administrative costs.

Mr. Storie: Mr. Chairperson, you had mentioned that 67 locations would be able to take the photos for the ID. What is going to happen in situations like Snow Lake, for example, where there is no motor vehicle branch, Flin Flon, there is no motor vehicle branch? What is going to happen, is there going to be a mobile photo process or what is going to happen?

Mr. Albert Driedger: We have the driver mobile testing that goes into these areas now and they will be able to deliver that program as they do now with the drivers.

Mr. Storie: I do not want to get too deeply into the administrative trivia of this exercise, but are these

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licences going to be renewed on the birth date as the current licensing system is, or is there another method being contemplated for the driver licence photos?

Mr. Albert Driedger: There will be no change, you will be renewing it on your birthday as you do at the present time. The only difference is that the first time around you will be having your photo licence so you might not be able to go to your normal agent. You would have to go through where we do driver testing for that renewal the first time, and then the succeeding three years you just do your normal renewal but the photo licence you have to do every four years.

Mr. Storie: I am just trying to paint a picture for the Minister that this is not going to be very easy in certainly rural and northern Manitoba. There are only 67 locations. It is going to mean travel. It is also complicated by the fact that first of all in some communities there is no representative and in other communities the representative comes every six weeks. Is everyone going to have to line up six weeks in advance to pay for this? Are they going to have access when their birthday comes around, or are they going to have to make special arrangements, or is the department going to have to make special arrangements to have people in there to take it periodically? It could be a nightmare.

Mr. Albert Driedger: Mr. Chairman, those 67 locations that we have at the present time, there is no change in how the program will be delivered. Neither will it be in the isolated areas where the driver testing moves in now to have the drivers done. They will be bringing their equipment along at that time so they can accommodate the photo licensing. We foresee no necessary inconvenience different than we do at the present time.

* (1020)

Mr. Storie: Obviously, the driver testing is generally for people who do not have a licence. In the first two years you are talking about having everyone who has a licence coming and getting their photo taken for their photo ID. Normally it can be done, and certainly in Winnipeg it would be able to be done when the person has a birthday, when they normally reapply for their licence. In other communities there are going to be periods when there is no one available to take the photo. In other cases, the opportunity will appear every six weeks or every three months or however often the motor vehicle personnel come into the community. You are going to be asking people who currently have a licence to line up on those occasions when the people are in the communities.

Mr. Albert Driedger: Mr. Chairman, normally our outlets that we have at the present time for driver testing are open five, six days a week. We are talking specifically of isolated areas where we provide the service once every six weeks. We do not foresee it as a major problem necessarily. I had the privilege and pleasure of going through the first exercise of having my picture taken as a trial just to see what it was like.

The operation is very speedy, it is a very fast type of operation that we have. I think we are looking at about five minutes per individual. They can move with a few at the same time when they are going through this. We are very concerned about the fact that there could be long line-ups, because what happens even now, we have long line-ups at the end of the month; everybody waits until the last day and then they all come down. We feel that especially in the city, for example, we can provide by having six outlets that it is going to be a lot faster process and there is going to be less time waiting.

Mr. Mandrake: Seeing that the Minister and the critic for the NDP opened this up, could the Minister, he was enunciating various figures. I want the total cost per year of the photo ID, total cost per year, not including the start-up one.

Mr. Albert Driedger: Mr. Chairman, as I indicated, the annual operating costs are \$1.985 million a year.

Mr. Mandrake: Therefore, if my calculation is correct, \$1.985 million per year, you are going to be accruing a net revenue of \$2.68 million per year. Where are the additional funds going to be going over and above that \$1.985 million. You are accruing approximately \$700,000 profit?

Mr. Albert Driedger: Mr. Chairman, I want to indicate that there will no additional revenues as such, that our total cost is going to be \$11.4 million over four years, that is start-up costs and operating costs, and the revenue expected is \$10,720, plus licence replacement fees of approximately \$280,000, so our total additional revenue will be \$11 million and the total costs over four years are going to be \$11.4 million.

Mr. Mandrake: Mr. Chairman, to the Minister, he says \$11 million. We have 670,000 registered, licensed drivers in Manitoba. At \$4 apiece that comes out to \$2,680,000.00. Multiply that over 10 years, that is \$26 million. This is a 10-year program.

Mr. Albert Driedger: Mr. Chairman, we are talking about a four-year program here. You can take 20 years and it is going to be that much more. I am talking that in four years time we have the total program in place where it is an ongoing program. Our total cost over those four years is \$11.4 million, and our total revenue in those four years, additional revenue, is going to be \$11 million. Now you can look at the figures whichever way you want. You can say that in 10 years it cost so-and-so much, and in 20 years it is going to cost so-and-so much. Basically we are looking at a four-year program with this.

Mr. Mandrake: Mr. Chairman, I just received mobile stats as to where they are to be going and the hours that they are going to be attending to these various locations. The photo ID is going to be implemented in 1991 with the odd-numbered birth dates. Yet in certain areas, they are only going to be sitting there for three and three-quarter hours. How are they going to accommodate this additional problem of photo ID? Are

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you going to be increasing these hours for these mobile units or are you not?

* (1025)

Mr. Albert Driedger: Mr. Chairman, we will accommodate the public to the best of our ability. If it requires additional hours, we will certainly be spending additional hours. It is not our intention by implementing this program to have people standing in line-ups and waiting for a long time. At the present time, as I indicated in the city for example, we have long lines at the end of every month at the present time. We feel that by going with six locations on this thing that is going to alleviate that, and it is going to provide a much better service for the people in the City of Winnipeg.

Mr. Mandrake: The Minister enunciated some insurance that is on our present driver licence. Would he be so kind as to explain to me, I know the insurance was put in by the previous Government, the NDP Government, what is this insurance for, and how much is it?

Mr. Albert Driedger: Mr. Chairman, out of the \$44 that driver licence cost at the present time, \$35 of that is insurance.

Mr. Mandrake: Mr. Chairman, to the Minister, what does that insurance cover, Mr. Minister?

Mr. Albert Driedger: Mr. Chairman, that insurance covers if somebody gets hit, if you hit a pedestrian or stuff of that nature. This is, what would they call it, third party liability insurance? -(interjection)- Would you want to explain that?

Mr. Chairman: Would you identify yourself, please, by name.

Mr. James Kingdon (Planning and Program Analyst, Department of Highways): James Kingdon, Department of Highways.

Mr. Chairman: Go ahead, Mr. Kingdon.

Mr. Kingdon: The basic insurance of \$35 covers drivers who are occupying a vehicle as a passenger or a pedestrian, not when they are drivers. That is what the insurance policy is for. Really, this is a Manitoba Public Insurance Corporation question because we collect on behalf of MPIC.

Mr. Mandrake: I appreciate the fact that it is in MPIC, but it is tacked onto my driver licence. I would like to know, not now, how much money has been expended because of that particular insurance?

Mr. Albert Driedger: Mr. Chairman, I unfortunately cannot answer that question. I think that is something that we would have to try to get information on from MPIC. Possibly we will take that question as notice and try and get that information, but I do not have that information.

Mr. Mandrake: One other question please, Mr. Chairman, to the same Minister. The merit system is only in the need of the driver. I do not think there is any necessity to have the merit points on a driver licence. It is for renewal purposes of your vehicle driver licence and of course if we are drivers. So why cannot the merit system, the merit points, be placed on your Autopac renewal as opposed to on your driver licence?

Mr. Albert Driedger: Mr. Chairman, I do not know, because my driver's always shows zero merits, but my wife is very fortunate. She has five showing on hers. I do not know, I would like to have a look at that whole thing. I am getting a little nervous about that.

* (1030)

Mr. Mandrake: You know, I sympathize with the Minister that he only has zero. I have four. But that is totally irrelevant.

An Honourable Member: Demerits?

Mr. Mandrake: Merits.

An Honourable Member: Merits. Just for clarification.

Mr. Mandrake: Just so that I am perfectly clear. From all the information that I have been able to gather, there is no necessity of having the merit points on the driver licence. It could be on your Autopac renewal, which makes it far more simplistic for renewing your Autopac.

Mr. Albert Driedger: Well, Mr. Chairman, I do not really know what the issue is really. I know that when you go for your Autopac renewal, already it indicates on top that the merit benefit has been applied when you go and register your car. That is my understanding. What the hang-up is about having it on driver's or not on driver's, I do not know whether that is necessarily at issue. I do not, personally, unless somebody can indicate to me why it should not be on there—

Mr. John Plohman (Dauphin): Mr. Chairman, obviously everyone who has a driver licence does not register a car. So you cannot have, and that is a personal thing, it deals with driving habits of the individual, not with the registration of the car. Since everyone does not own a car, there would be no record. What merits would you put on where I own the car and have demerits, my wife has merits, and she drives that car? What would you put on that registration?

Mr. Chairman: Mr. Minister, did you want to respond to that?

Mr. Plohman: No, he does not have to respond. I am responding to what I think is the answer to the question that was raised. It just would not be practical.

Mr. Chairman: Very good. Mr. Mandrake, do you have a question to the Minister?

Mr. Mandrake: Yes, with all due respect to the answer from the Member for Dauphin (Mr. Plohman), but the

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thing is that when you receive your renewal for your driver licence, this two-part renewal, it could be appended to the renewal. It does not necessarily have to be on the driver licence. That is what I am trying to say. With that, I do not have any further questions. We can go into the Bill.

Mr. Laurie Evans (Fort Garry): Mr. Chairman, I am still a little puzzled with the procedure in some of the remote communities. I am wondering whether the Minister could sort of walk us through the procedure after the initial photo ID has been made available, and then an individual in Snow Lake, as was mentioned by the Member for Flin Flon (Mr. Storie), or some other remote community whose ID or driver licence then comes up for renewal with the requirement of a new picture, what would be the procedure?

Mr. Albert Driedger: Mr. Chairman, when our driver licence people go out to a community, using Snow Lake as an example, they go there every six weeks. Now when they go there every six weeks, as people come forward with their renewal on their driver's, they would at the same time have their photo taken.

Mr. Laurie Evans: Now what would happen then if an individual who is living in Snow Lake misses that one opportunity and runs the risk then of having a driver licence that is no longer valid, what would that individual have to do?

Mr. Albert Driedger: Mr. Chairman, there are two options that individual would have if he missed that day when it has come out there. One is that he could go to a community where the service is available. The other is that he can make application where we would issue a licence that is valid without photo until the chance comes to have the photo taken.

Mr. Plohman: Just a couple of questions, Mr. Chairman. We are talking here of a lot of money, I think about \$11.4 million over four years. The Minister is probably aware that he could have decentralized almost 1000 people for that. One thousand civil servants could have been decentralized for that kind of money. You could fund the operation of a hospital or two with that. Why does the Minister—and you take that over 10 years, you are talking nearly \$25 million, but just over four years because that is what the Minister referred to here, \$11.4 million. How can he justify that kind of expenditure and what is the motive?

We looked at this before and it is a nice program, it is nice to have the identification card and so on, but the Minister perhaps has not really during second reading debate given the rationale for spending that kind of money on this kind of a program in terms of the benefits that will accrue to society because of this. What does he see as the major benefits that will justify spending \$11.4 million over four years for such a program?

Mr. Albert Driedger: Mr. Chairman, as the Member has indicated you can take and use a four-year figure or you can use a ten-year figure and you know the cost

looks horrendous when you do that. This was a decision that was taken by the Government of the Day. We brought it forward as one of the options to consider. It is a direction that we have chosen to take. The advantages of that is, for example, I think it fits in to some degree with the safety aspect of it in terms of transferring drivers.

As the Member is well aware we have many cases where youth especially, you know when you get to be the 16, 18 age, there is a lot of shuffling of these driver's licences because it is very hard to establish if you just have a driver's for example as an ID. Now with the photo licensing that will take and absolve that end of it.

The side effects in benefits from that are, of course, with their drinking and driving that is going on if someone does not have a proper ID with a picture, many of our youth that are tempted to get into the pubs and purchase liquor that is an area that will be I think the No. 1 concern. Then there are side benefits in terms of identification for many of our people in terms of cashing cheques, other aspects of it. In the States for example if you do not have a driver's licence with a—they all have photo licence out there. People that travel abroad, there is an advantage to having this kind of a drivers licence and identification. That was the position that the Government of the Day took and we now are proceeding with it.

Mr. Plohman: Well, I realize you are proceeding with it and that certainly better identification is a positive thing. It has probably assisted many instances, but in terms of the actual expenditure of that amount of money to do it I guess is what I question in terms of its priority. That is why I asked the Minister whether he could quantify some of the returns to the Government.

It is quite general, the statements on it. It does not look like there has been a very detailed analysis of how many drivers are going to be caught because of this, that would otherwise have gone free; how many lives might be saved because of drunk drivers that were not identified or because people were using other people's licences or whatever. I do not know what those figures are and I wonder if the Minister perhaps when he is spending this amount of money would have done some analysis of the cost benefits of such a program?

It is pictures on driver's licences for \$11.4 million over four years, it is a lot of money and I know it is popular. I know people like to get these things, and the Minister is probably banking on it being politically popular. Other than that, does he see, you know, a payback other than by what he thinks might be just a popular thing to do for this, because it is a lot of money.

We have the rapid exchange system with other provinces now. The rapid exchange system, it is all on line between provinces. There is the instant sharing of information on drivers' records; that is all there already without pictures. So it was not necessary to have photo IDs to accomplish that. That has been accomplished as a result of initiatives that we undertook a number of years ago and now it is in place with the national safety code, so I do not see that as one of the benefits.

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Really, other than being a nice thing to do, does the Minister have any concrete kind of analysis and detail as to the payback to the Government and to the people as a result of having this, and I ask this seriously.

Mr. Albert Driedger: Mr. Chairman, I appreciate the question that is being asked. I cannot give the Member the kind of information saying that if we have photo licences that it will take—we do not have the figures available to us in terms of how many people are exchanging driver's licence when they lose them, and stuff of that nature, or how many people are using somebody else's driver's licence for purchasing of liquor under age.

* (1040)

We are not able to establish the figures that we can quantify this. We know that it is happening, and to quite a degree and especially now when we have the new drinking and driving regulations that are in place. We have some very interesting results in terms of what is happening. It is really hitting hard at them and this would take and complement that kind of action in terms of people who are losing their driver's now, immediately for three months will not be able to take and get somebody else's driver's licence to use. To give the Member cold, hard, precise figures in terms of how much of a benefit there is going to be, I do not have that available.

Mr. Chairman: Any more questions, Mr. Plohman?

Mr. Plohman: Just in terms of the cost of \$3.5 million. I know that my colleagues have asked for a breakdown and I have that figure, so I am not going to ask that again, and the operating cost of \$1.9 million a year. Was there other more efficient, maybe not the word, economical options looked at that might have resulted a little more delay in getting these photos to individuals but would have saved substantial dollars, say from more central locations?

Instead of having this photo equipment all over the place, many people involved in operating it and so on, were there some other options looked at that maybe would have resulted in some delays similar to what remote communities will have under this system? You know they are going to have to wait if they miss their opportunity; it is not going to be as available. What if that same kind of system had been put in place right across the province? Would that have saved a lot of money? Was that reviewed?

Mr. Albert Driedger: Mr. Chairman, the staff has spent a tremendous amount of time looking at a variety of options, because the cost factor, of course, was everybody's concern and rightfully so. We have to deal here with the fact that the total licence has to be a part of your driver's licence. The security aspect of it has to be addressed in terms of the way the system is set up. If you lose your photo for example, we have one stored in our computer so that renewal can take place at a minimum cost. All these aspects have been addressed.

Looking at what other provinces have done and what the States have done we feel that this is the best system

we could implement, at the same time making sure that while we are doing this we do not necessarily create an inconvenience for people where they have to wait, let us say that it is a half hour process of doing it. We also looked very carefully at privatizing the whole aspect of it. Just the actual photo licensing itself, like where should we put it? Should we put it in every community? That is why the cost, when we look at 67 centres and the amount of cameras that we need—This is pretty sophisticated equipment. As I indicated before, I had the privilege of going through the process on a trial basis already. It is a very efficient process and everything is on the computer, it is registered, now we could have probably gone with maybe a cheaper . . . but it would not have addressed the concerns that we basically felt had to be addressed.

Mr. Chairman: See, then John would not have looked quite as good.

Mr. Plohman: The Chairman made an off-the-record comment that I do not know whether it should be on the record or not. I just wanted to ask whether, as it is set up now then, will the photo be an integral part of the licence and if you do not have your photo, you are driving illegally? Is that what is going to happen or is the other part of the licence still going to be the functional one and you have your photo, fine; if you do not, you have a little bit of time to get it, or whatever?

Mr. Albert Driedger: You have to have both parts, the photo and the licence, to make it a valid licence.

Mr. Plohman: The question I wanted to ask was, did the Minister review whether he could use equipment that is already available? The court system all have these photo systems in place, the universities for student ID cards, were any of these kinds of things looked at so you did not have to reinvent the wheel?

Mr. Albert Driedger: All options were looked at, but it was felt that what is available right now, like we are looking at 129 computerized systems that we have to put in place. That is basically the big cost. What is available under the court system or in universities was not adequate. Further to that, that would not give us a province-wide service as we require to give this kind of delivery on it.

This is the option that we chose, I guess, and I have to indicate again if the Members feel that they are scrutinizing this relatively closely, I have to tell you that my colleagues did a very, very close scrutiny of this and we had to come up—we looked at all the options. How shall I say? I had to make sure that I could justify that kind of action that we are taking with this.

Mr. Plohman: I just want to put on the record the concerns that we have about the priority of such a move at this particular time when the Government talks about the pressure of cutbacks in federal payments and so on, that they would be undertaking such an expensive program, when there are so many other important programs that need addressing in the province. I want that registered.

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Mr. Mandrake: I would also like to have a few comments on the record with regard to what the Member for Dauphin (Mr. Plohman) had put on the record. I hope he is not advocating that the \$4 charge that we are presently going to be levelling against the drivers of Manitoba, that money should go to general revenue and be spent on capital projects. I hope that is not what he is advocating, because if it is I would certainly oppose that in the greatest of concern.

During second reading, in the final comments that the Minister made, he mentioned to us that he would be providing us with the contract that he had undertaken with NBS. We are now in committee to a tune of 45 minutes, I have yet to see that contract. I would very much appreciate if the Minister would hold his word to it and provide us with that contract.

Mr. Plohman: A point of order, Mr. Chairman.

Mr. Chairman: On a point of order, Mr. Plohman.

Mr. Plohman: Yes, and I do not know about your ruling on this, but I want to make it clear for the record here that all of this revenue goes into general revenue and then is spent by whatever priority the Government chooses.

Mr. Chairman: That is not a point of order, Mr. Plohman.

Mr. Plohman: The Member for Assiniboia (Mr. Mandrake) should know, Mr. Chairman, that this money does not go directly for those photos.

Mr. Chairman: I will thank you for your comments, Mr. Plohman, and that is not a point of order.

Mr. Albert Driedger: Mr. Chairman, the Member is asking for a copy of the contract. I am not sure whether that contract itself is available. I am trying to give all the details of the contract, but to table that contract, I do not know whether that is within my authority to do that. I certainly am prepared to try and answer any questions that are related to the contract.

Mr. Mandrake: To the Minister, during his final comments on second reading of that Bill, he specifically said he would provide us with the contract and if my memory serves me right we both were very appreciative of that. Now he is flip-flopping on it. I think he has been taking lessons from his Leader. If you cannot provide it, then let us be honest with us, you will not give it to us. We cannot have a sensible discussion unless we know the contents of that contract.

* (1050)

Mr. Albert Driedger: Mr. Chairman, the terms of the contract, and I think I forwarded that information to the Member, I can read all that into the record if he

wants, that NBS is required to install 129 photo licensing camera stations in 77 locations throughout the province. I can give him all the terms of the contract. We do not have a copy of the contract here at the present time. I am trying to be as accommodating as possible. If there are questions that the Member has about it, I am not trying to cover up anything, there is no secret about this thing. We made it public, what the award was and what the cost is.

Mr. Chairman: Mr. Mandrake, do you have any further questions? Go ahead, Mr. Mandrake.

Mr. Mandrake: I was just talking to a Mr. McKay from passport services and he had apparently tried to ask for co-operation from the Highways Department with regard to his company submitting in a bid. His bid was \$600,000 over the bid from NBS, but the most important facet about that bid was that he was going to hire 12 new people in the Province of Manitoba. Logic tells me that, if the people are going to be employed in Manitoba, they would have been able to recover that kind of monies through the income tax and all the other spinoff revenues that they would have received from that money that they are getting.

Mr. Albert Driedger: I dare say that if we had used that approach when we tender, as Government does, and we would have gone with somebody that was going to cost us \$600,000 more, that there would be a hue and cry that would be heard all over the province. We have an obligation to the taxpayers of Manitoba when we tender on this basis, that we go for the best price.

I also want to indicate to the Member that as far as Passport System Incorporated is concerned, it is a Winnipeg-based distributor of Kodak Canada and that in their case where they bid, they also did not include the mandatory performance bond, which aside from the price, they did not do that. We were very careful, we had three main bidders on this project and we took the best price and the one that delivered the best program for us.

Mr. Mandrake: To the Minister, that is my point. How can we discuss this in a rational manner when we do not know who the bidders were. We have to find out who they were through the grapevine? Who was the other bidder on this contract?

Mr. Chairman: Mr. Mandrake, I would just like to draw your attention that we were going through the Bill and actually that is what is before us this morning as a committee. I would just like to indicate to you that I think that is deviating actually from the Bill itself.

Mr. Albert Driedger: Mr. Chairman, I just want to indicate that there were three companies that submitted bids, Polaroid of Canada and then we had Passport Systems Incorporated and then we had the National Business Systems Incorporated.

Mr. Mandrake: No further comment, Mr. Chairman.

Mr. Chairman: Are we prepared to go through the Bill clause by clause? We shall now proceed with clause-

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by-clause consideration of the Bill. I would just like to remind committee members that during consideration of the Bill, the title and the preamble are postponed until all other clauses have been considered in their proper order by the committee.

Clause No. 1—pass; Clause 2—pass.

Clause 3, shall Clause No. 3 pass? Mr. Mandrake.

Mr. Mandrake: The people might want to wish this, but I would certainly appreciate if we did not go through this that fast. Okay, please.

Mr. Chairman: Clause 3—pass; Clause 4—pass.

Clause 5. Shall Clause No. 5 pass? Any questions to Clause No. 5? Mr. Mandrake.

Mr. Mandrake: I am sorry. I want to go back to Clause No. 4 if I can, Mr. Chairman, please.

Mr. Chairman: Does the committee give leave to go back to Clause No. 4? Leave is granted. Mr. Mandrake.

Mr. Mandrake: In this clause here, Mr. Chairman, we are stating that there are going to be some people who are not going to be required to have a photo ID. Could he please explain that to me?

Mr. Albert Driedger: Mr. Chairman, actually in the explanatory notes forwarded to both the critics it indicated in there why there are some exemptions.

Mr. Chairman: Shall Clause No. 4 pass—pass; Clause 5—pass; Clause 6—pass; Clause 7—pass; Clause 8—pass; Clause 9—pass; Clause 10—pass; Clause 11—pass.

Clause 12—Mr. Mandrake.

Mr. Mandrake: This is the one that has the exceptions, okay, whereby it states that—I am sorry. It is not this one.

Mr. Chairman: Shall Clause No. 12 pass—pass; Clause 13—pass; Clause 14—pass; Clause 15—pass; Clause 16—pass; Preamble—pass; Title—pass. Bill be reported.

BILL NO. 74—THE HIGHWAY TRAFFIC AMENDMENT ACT (7)

Mr. Chairman: Bill No. 74. Does the Minister responsible have an opening statement that he would care to make at this point in time? Mr. Minister.

Hon. Albert Driedger (Minister of Highways and Transportation): Mr. Chairman, just very briefly, Bill 74 is the normal Highway Traffic Amendment Act that is brought forward each year, but last year we did not bring one. This is basically housekeeping changes that we have in here.

I want to indicate that we have a few further amendments. I think Members are aware when we had committee the other day there is an amendment I will

be bringing forward that was requested by the city in terms of snow clearing and the certain authority there. Then we have a few other minor amendments. Do we have copies for the Members?

Mr. Chairman: Mr. Minister, I will give them to the Legislative Clerk and she can pass them out. Thank you.

Mr. Albert Driedger: Mr. Chairman, we have four further minor amendments here, and if acceptable I would like to have Mr. Gilleshammer possibly move those amendments.

Mr. Chairman: As we go clause by clause as these amendments come forward, Mr. Minister, would you draw them to our attention at that time?

Mr. Albert Driedger: Yes, Mr. Chairman, I will do that.

Mr. Chairman: We shall then proceed with Clause No. 1. Shall Clause No. 1 pass—pass; Clause No. 2—Mr. Patterson.

Mr. Allan Patterson (Radisson): I do not wish to be too much of a nit-picker, Mr. Chairperson. Thank you. Realizing that the Legislature is supreme and we can declare that four o'clock is six, and Monday is Tuesday and so on, but nevertheless, bicycle, the word "bi" means two and a bicycle is something with two wheels. We have unicycles and tricycles and so on, and here we say a bicycle is any device or is a device having any number of wheels.

I know it is for personal clarification. It seems to me it might have been worded such that while a bicycle is a two-wheeled vehicle, for purposes of the Act other vehicles propelled by foot and pedals have the same privileges or are subject to the same regulations as bicycles. Having said that, Mr. Chairperson, I will let the matter pass.

Mr. Chairman: Clause No. 2. Shall Clause No. 2 pass—Mr. Mandrake.

Mr. Ed Mandrake (Assiniboia): Will the Minister be making that amendment to that clause?

Mr. Albert Driedger: Mr. Chairman, if I might just ask for a little further clarification. I was getting partly briefed here and I missed the point that the Member was making. When the request is for a further amendment here, could you clarify that Mr. Mandrake?

Mr. Chairman: Back to Mr. Patterson. Did you want to clarify that, Mr. Patterson?

Mr. Patterson: I was merely making a comment, Mr. Chairperson. I was not specifically proposing an amendment.

* (1100)

Mr. Chairman: Okay. Mr. Evans, Fort Garry.

Mr. Laurie Evans (Fort Garry): Mr. Chairperson, I think the point is well made though. I would just ask the

Minister to consider it. A bicycle, obviously, is not a device having any number of wheels, so I think that a bicycle by definition is a two-wheeled vehicle. Therefore, either you change bicycle to cycle or you put in a little more definition so that a bicycle is identified as a two-wheeled vehicle, but for the purposes of this Act a bicycle refers to anything, just a little clarification.

Mr. Chairman: Okay, a point well taken.

Mr. Rob Walsh (Legislative Counsel): . . . Members as a point of drafting, I appreciate bicycle means by definition in the English language a two-wheeled cycle, but in legislative drafting you could define a horse to include a cow, and in that sense bicycle here can be defined to include a three-, four-, five-wheel cycle.

Mr. Chairman: Just for the sake of the record, just identify yourself.

Mr. Walsh: Rob Walsh at Legislative Counsel office.

Mr. Chairman: Thank you. Mr. Mandrake.

Mr. Mandrake: I would like to go to 1(b) a truck operator. It is in the explanatory notes for the Minister, page 3 under Definition.

Mr. Albert Driedger: Could the Member clarify his question a little bit?

Mr. Mandrake: In your explanatory notes here, Mr. Chairman, on page 3, I find his usage of the English language, and particularly when it comes down to gender-neutral language, most offensive to say the least. We went on a seminar here that provided us with a very beautiful book with gender-neutral language, and here we have before us, under definition proposed—

An Honourable Member: In the Act?

Mr. Mandrake: No, no, here.

An Honourable Member: What number?

Mr. Mandrake: Page 3.

An Honourable Member: Of the Bill?

Mr. Mandrake: No, under the explanatory notes, please.

Mr. Chairman: Mr. Praznik, on a point of order? Mr. Praznik.

Mr. Darren Praznik (Lac du Bonnet): Mr. Chairman, the Member for Assiniboia (Mr. Mandrake) may have a good point on the correspondence between himself and the Minister, but this committee is spending its time dealing with the Bill. I would appreciate it if we could deal with the Bill.

Mr. Chairman: That is not a point of order, Mr. Praznik, but for clarification, that point is well taken.

Mr. Chairman: Mr. Mandrake, any further questions? We are on Clause 2.

Mr. Mandrake: Yes.

Mr. Chairman: Clause 2—pass; Clause 3—pass.

Shall clause 4 pass—Mr. Minister. Yes, Mr. Gilleshammer.

Mr. Harold Gilleshammer (Minnedosa): I move

THAT subsection 6(7), as proposed in section 4 of the Bill, be amended by striking out “furnished by the registrar” in clause (a) and substituting “required under this Act”.

(French version)

Il est proposé que le paragraphe 6(7), figurant à l'article 4 du projet de loi, soit amendé par substitution, à “fournies par le registraire”, de “exigées en vertu du présent code”.

Mr. Chairman: Would you move that both in the English and French languages?

Mr. Gilleshammer: I move that in both the English and French languages, seconded by Mr. Praznik.

Mr. Chairman: For clarification of the committee, I do not believe it needs a seconder. Mr. Mandrake.

Mr. Mandrake: Under this new amendment Clause No. 6, Mr. Chairman, in reading through it, I have not noticed anything underneath here that would give the authority, that being the police force, any kind of authority to stop the vehicle. There is no fine attached to it. Shall the Minister please explain that?

Mr. Albert Driedger: Mr. Chairman, I am informed by staff here that the police have the right to stop anybody. That is covered under a different section, as well as the fines. The fines are covered under general provisions.

Mr. Mandrake: Just one comment here, Mr. Minister. When I introduced Bill No. 4 into the Legislature, the Government of the Day condemned it saying that it was ridiculous, et cetera, et cetera, because it had no validity. It was asking for the numbers to be valid. Here I have before me a Manitoba Gazette doing the same thing I said in my Bill. Prior to the fixing of the validation sticker to the numbered plates, under this Act, that registrar shall ensure that the numbered plates are thoroughly clean of dirt and are dry. Why could we have not amended it to make sure that the numbers are also visible? It is already there.

Mr. Chairman: Mr. Minister, did you want to respond to it? No? Mr. Praznik.

Mr. Praznik: Mr. Chairman, as I indicated in the speech on the Member's debate, I know we are not here to

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debate his Bill, but for the purposes of legislation, my understanding would be a number, a serial number, that identification number would not only include numbers, but also letters that form a part of it, so that is included.

Mr. Chairman: We are debating the amendment to Clause 4. Would we please stick to that? Clause 4, that amendment. Shall the amendment pass? The amendment—pass; Clause 4, as amended—pass.

Clause 5—Mr. Mandrake.

Mr. Mandrake: Clause 4—I am sorry, Mr. Chairman.

Mr. Chairman: Mr. Mandrake, what is this?

Mr. Mandrake: Under Clause—

Mr. Chairman: Clause 4 is passed, as amended.

Mr. Mandrake: I want to add a new clause under Clause 4.

Mr. Chairman: Wait a minute. Is it the will of the committee that we go back to Clause 4. Clause 4 has been passed. Mr. Mandrake, we need everybody on the committee to give leave that we can go back to Clause 4. Is that the will of the committee? What is the will of the committee?

Mr. Praznik: Mr. Chairman, I will not agree to give leave unless the Minister and the Member for Assiniboia (Mr. Mandrake) have agreement on that amendment.

Mr. Chairman: Ms. Hemphill, were you going to make—

Ms. Maureen Hemphill (Logan): Leave.

Mr. Chairman: Mr. Mandrake, would I be able to ask you at this time that you would maybe bring it forward to the Minister that he could review it, because if he is prepared to do it, then some of the Members are prepared to give leave? Mr. Minister.

Mr. Albert Driedger: Mr. Chairman, I wonder if the Member could indicate what he is trying to do with the amendment. I have to check with staff to see exactly what kind of impact it has and whether we will accommodate them or not.

Mr. Chairman: First of all, Mr. Mandrake, what we need to do at this time is whether this committee gives leave to go back to Clause 4. That will have to be determined I believe before we can have any debate on this motion. After that, we will need a motion from the Member.

* (1110)

Mr. Walsh: A point of order . . . Mr. Chairman, I would like . . . Mr. Mandrake preparing the material and providing it to him. This is not a motion relating to Clause 4. It is an amendment to Bill 74 by the addition of a new section to Bill 74, the section to be numbered

4.1. Mr. Mandrake in . . . material in front of him, misunderstood what I had said before. It is not an amendment to Clause 4. He is adding—

Mr. Chairman: It is an addition.

Mr. Walsh: —to Bill 74, 4.1.

Mr. Chairman: But Mr. Walsh, I would like to ask you, as legal counsel, in that respect, when Clause No. 4, which has been passed at this point in time, in order to extend on it, we would still have to have leave from the committee in order to be able to go back to Clause 4.

Mr. Walsh: Mr. Chairman, we are not going to back to Clause 4. It just so happens it comes into the Bill after Clause 4, and so the numbering system requires the decimal system be used. It is called 4.1, but it is a clause, if passed by the committee, separate from and following upon Clause 4.

Mr. Chairman: Thank you for that clarification. Mr. Mandrake, you would have to now make a motion to this—

Mr. Albert Driedger: Mr. Chairman, before you make—

Mr. Chairman: Mr. Minister.

Mr. Albert Driedger: Mr. Chairman, I am sorry, but I wonder if the Member could indicate what he is actually doing with this. We are trying to establish the impact of—you know, if I could have some clarification—

Mr. Mandrake: This is so that all vehicles that are used for towing other vehicles have the name of the dealer which is issued to them. Also, in the subsequent subsection, the name of the repairer, because it is for tow trucks.

Mr. Chairman: Is the committee agreed upon this, that what legal counsel has indicated -(interjection)- legal counsel is correct.

An Honourable Member: Thank you, Mr. Walsh.

Mr. Albert Driedger: Mr. Chairman, I wonder if I could ask the Member for Assiniboia (Mr. Mandrake) to maybe not come forward with his amendment at this time, and I want to clarify why. Because the police and the trucking industry, Manitoba Trucking Association, together with my staff are looking at all aspects of the tow trucks at the present time, including the lettering and many other things.

That report is coming forward to me very shortly, and I am prepared, the moment I have that report, to make it available to the Member as well. I am just illustrating that what we are doing here is one little thing, and we are looking at a bigger package coming forward that, as soon as I have that report, I am prepared to share and discuss. So we feel that by doing this at the present time it is a very small piecemeal thing when we are addressing the whole thing on a bigger basis very shortly.

Mr. Mandrake: I appreciate what he has said, and I will withdraw that motion, but there is another motion which I would like to put on. That is Subsection, it will be 4.1 in this case because it will be an addition to Subsection in 1.

I move, seconded by the Honourable Member for Fort Garry (Mr. Laurie Evans),

THAT Bill 74 be amended by adding the following section:

Subsection 15(2) amended

4.2 Subsection 15(2) is amended by striking out "windshield of the vehicle," and substituting "rear window of the vehicle in the top left hand corner".

Mr. Chairman: Mr. Mandrake, the amendment that you distributed—you are not going to put that in motion; you are withdrawing that. Is that correct?

Mr. Mandrake: The first one. Yes.

Mr. Chairman: The first one now has been withdrawn, so there is no adding to Clause 4. We are now on Subsection 15—Mr. Walsh.

Mr. Walsh: If I could just clarify the motion the Member has withdrawn, was a new clause, 4.1. The motion now being distributed is another new clause, 4.2. It will be a new clause to the Bill, ordered 4.2.

Mr. Chairman: Thank you, Mr. Walsh, for clarifying that. The motion before us is Section 4.2, Subsection 15(2) as amended by striking out "windshield of the vehicle," and substituting "rear window of the vehicle in the top left hand corner". Mr. Walsh.

Mr. Walsh: Could the Member be asked to actually make that motion for the record in both languages if that is the Member's intent?

Mr. Chairman: Mr. Mandrake, I am sure your intent is to do that in English and in French both—Mr. Mandrake.

Mr. Mandrake: I move, seconded by the Honourable Member for Fort Garry (Mr. Laurie Evans), that Bill No. 74 be amended by adding the following section:

Subsection 15(2) amended

4.2 Subsection 15(2) is amended by striking out "windshield of the vehicle," and substituting "rear window of the vehicle in the top left hand corner".

(French version)

Il est proposée que le projet de loi 74 soit amendé par insertion de ce qui suit:

Modification du paragraphe 15(2)

4.2 Le paragraphe 15(2) est modifié par substitution, à "le pare-brise du véhicule", de "la vitre arrière du véhicule, du côté supérieur gauche,".

Mr. Albert Driedger: Mr. Chairman, staff advises me that this creates problems if we pass this legislation,

because we have some vehicles that do not have a rear window. In consultation, we have had no problems with the authorities, the police, and they have never raised this as an issue. So we have some difficulty accepting this amendment.

Mr. Mandrake: I appreciate what the Minister has said, but I also had consultations with the people, and they tell me that it does present a problem. It is not a major problem, Mr. Minister, but it certainly would facilitate in identifying a vehicle whether or not it has one of these stickers, because a lot of people will just get a blank sticker and attach it on there. You know, people think that their vehicle has been registered, and it does not have.

All it is, is just a minor thing, but it certainly would provide a police force, driving by, readily seeing in a back window, identifying it, and then they do not have to go through any hassle.

* (1120)

Mr. Albert Driedger: Mr. Chairman, the Member, if we pass this legislation, then trucks that have boxes on them, for example, one ton trucks and stuff of that nature, they would never be able to see it at all, or half tons even, campers and stuff of that nature. So this poses a real problem, and we do not feel that we could support this amendment at this time.

Mr. Mandrake: Nothing further. That is it.

Mr. Chairman: Okay, we have a motion before us. I will ask all those in favour of this motion presented before us—all those raise their hand, please—or say yea. All those say yea for this motion—yea—there is one yea. All those against, say nay.

Some Honourable Members: Nay.

Mr. Chairman: I believe the nays have it. Okay, this motion is defeated.

Clause 5—pass; Clause 6—pass; Clause 7—Mr. Gilleshammer.

Mr. Gilleshammer: I move, in both English and French, THAT clause 31(3)(b), as proposed in section 7 of the Bill, be struck out and the following substituted:

(b) in the three month period immediately preceding the application, the applicant held a valid driver's licence issued by a competent authority in a province or territory of Canada, and the authority confirms that the applicant is eligible to apply for and hold a driver's licence and to operate a motor vehicle in that province or territory.

(French version)

Il est proposé que l'alinéa 31(3)(b), figurant à l'article 7 du projet de loi, soit remplacé par ce qui suit:

b) au cours de la période de trois mois qui a précédé sa demande, elle détenait un permis de conduire valide délivré par une autorité provinciale ou territoriale compétente du Canada, laquelle autorité confirme que la personne peut demander et détenir un permis de conduire ainsi que conduire un véhicule automobile dans la province ou le territoire en question.

Mr. Chairman: Moved by Mr. Gilleshammer in both English and in French. Any discussion? Shall the amendment pass—pass; Clause 7 as amended—pass.

Mr. Mandrake: I move, seconded by the Honourable Member for Fort Garry (Mr. Laurie Evans),

THAT clause (a) in the proposed subsection 31(3), as set out in section 7 of Bill 74, be amended by adding "or holds a valid International Driver's Licence" after "Columbia".

(French version)

Il est proposé que l'alinéa 31(3)a) figurant à l'article 7 du projet de loi soit amendé par adjonction, après "Columbia", de "ou si elle détient un permis de conduire international valide".

Mr. Chairman: I once again will ask the committee whether we can go back to Clause 7, because Clause 7, this is an amendment to that.—(interjection)—I asked for the amendment first, Mr. Mandrake, and the amendment passed and I asked for the clause. I will gladly go back if that is the will of the committee, but let us be clear on this because I have signed it, initialled it right now because it was passed, the amendment and also the clause. Is it the will of the committee to go back to Clause 7?

Mr. Praznik: I will not give my leave unless the Minister is in agreement with the amendment.

Mr. Albert Driedger: I have to indicate that, looking at the amendment, we cannot accept the amendment because we do not recognize international driver's licences here. Each jurisdiction has its own authority in terms of what they justify as a driver's licence. We have great difficulty with this proposed amendment.

Mr. Chairman: What is the will of the committee, to go back to Clause 7?

Mr. Mandrake: Just for the record. We have in this province numerous Armed Service personnel coming from Europe and they do possess an international driver's licence. I want the record to show that I will not be very, very pleased that our Armed Forces personnel are treated in such a manner because once you give up your driver's licence in Europe you then secure an international driver's licence. I did it when I came to Manitoba. It was accepted, this was back in 1968 during the NDP regime. All they did was put on it, void in Manitoba, and the international driver's licence was voided in the Province of Manitoba.

Under the present amendment there is no provision for any of our Armed Forces personnel coming after serving our country in Europe, and I find that very, very hard to take, Mr. Minister. I am one of those members who came back. The Member for Lac du Bonnet (Mr. Praznik) better have that on the record because I am going to make sure that people in his area know about what he said.

Mr. Albert Driedger: I wonder if Mr. Kingdon could address the concern that the Member for Assiniboia has raised.

Mr. James Kingdon (Planning and Program Analyst, Department of Highways): Mr. Minister, the department does not recognize international driver's licences because the Canadian Forces Europe people are issued a Canadian Forces Europe driver's licence, so we respect their CFE licence, but not the international licence. International driver's licences are obtained only if the applicant holds a licence from a given jurisdiction so it is a licence supplementary to the home jurisdiction licence. We do recognize the CFE personnel, but through their CFE licence, not their international driver's licence.

Mr. Chairman: Any more comments, if not, Section 8—Mr. Mandrake.

Mr. Mandrake: I want . . . just checking this out. Okay, pass.

Mr. Chairman: Section 8—pass, pardon me, Clause 8; Clause 9—pass; Clause 10—pass.

Clause 11—Mr. Gilleshammer.

Mr. Gilleshammer: I move, in both French and English, THAT the following be added after section 11:

Clause 122(1)(q) added

11.1 That subsection 122(1) be amended by adding the following after clause (p):

(q) on a highway from 11 o'clock in the evening of one day until six o'clock in the morning of the following day, where stopping during that period is prohibited by by-law of the appropriate traffic authority and subsection 90(5) does not apply to such a by-law.

(French version)

Il est proposé que le projet de loi soit amendé par adjonction, après l'article 11, de ce qui suit:

Adjonction de l'alinéa 122(1)(q)

11.1 Le paragraphe 11(1) est modifié par adjonction, après l'alinéa p), de ce qui suit:

q) sur une route entre 23 heures et 6 heures le jour suivant, lorsqu'il est interdit d'arrêter pendant cette période en vertu d'un arrêté pris par l'autorité chargée de la circulation, lequel arrêté n'est pas régi par le paragraphe 90(5).

Mr. Chairman: Any discussions to that motion? Shall the amendment to Section 11 pass, shall Clause 11 as amended pass—pass; Clause 12—Mr. Mandrake.

Mr. Mandrake: I am going to go back to (b)(i), by extending his left hand to as extending his right hand. I am going to go back to what I was saying before, gender-neutral language. We were lambasted in the paper by the Minister, his Leader, for gender-neutral language in the Chamber and here we have a Minister that is doing the same thing. I hope that he would withdraw those and use the proper gender-neutral language.

Mr. Albert Driedger: I wonder if legal counsel could not give me some advice on this.

Mr. Walsh: I expect Legislative Counsel working on this particular motion has just entered the room and if we could draw his attention to Section 12 of the Bill, the words "or her" probably should be added in Subclauses (i) and (ii) and as we have a translator here, the motion could be amended to reflect that and perhaps if the committee wanted to proceed with other clauses of the Bill and return to this clause, the motion might be ready in the proper form at that time.

Mr. Chairman: Agreed?

Mr. Gordon Carnegie (Legislative Counsel): As the drafter of these amendments, Mr. Chairman, it is always a very difficult judgment call when a Bill is not drafted in a gender-neutral manner. The Highway Traffic Act is a vast piece of legislation, some 400 pages, and it is very, very difficult to fit the amendments in unless you conform to the original Bill. I believe the Minister has given an undertaking that The Highway Traffic Act will be redone in proper manner as soon as the resources of the Government permit, and at that time this issue will be addressed. It is a judgment call and certainly one that I considered at the time and decided not to proceed with because of the difficulty of meshing the sections. It is a judgment that I had to make. Thank you.

Mr. John Plozman (Dauphin): Mr. Chairman, I guess what the Legislative Counsel is saying is that he wants to be consistent with the existing Act and as long as it is not gender neutral then all amendments should be consistent, although I would just like to ask, if it is not going to prove to provide any legal hurdles or ambiguities by putting it in gender-neutral language, then why do we not do it?

Mr. Carnegie: I in principle certainly agree that gender-neutral language should be used. The problem with introducing gender-neutral language into a Bill, especially at this point, is that it is not always possible to add a him or her, or a he or she; sometimes you have to recast the entire sentence in order to make the gender-neutral language work. That is especially true if you are amending a clause where all the other clauses use the masculine and then only portion uses both genders. It works very bizarre result. The Bill is to be redone it struck me that the best way was to bite the bullet in this particular case.

Mr. Plozman: I do not gather from that whether it actually would prove to be difficult to administer in

terms of the legal implications. If that would be the case then I would agree that we cannot go patching it on with every amendment without redoing the whole Act.

However, I did not get that from the answer as to whether in fact he could envisage instances or perhaps some other legal counsel here could envisage instances where it would mean that a particular case might be thrown out of court, for example, because of the inconsistencies in the languages. If that is what we are dealing with then we have to go along with it, I think, with the existing language. If we are not dealing with something as drastic as that then let us change it and show our intentions here, that is the way we believe it should be drafted.

* (1130)

Mr. Carnegie: I believe the Real Estate Brokers Act posed the same difficulties before a similar committee and a decision was made to leave the Act until the next Session so that it can be done. As to the legal matter, obviously, one cannot tell what a court will do until a court has done it. However, the general rule of interpretation is, if you use the same words you mean the same thing, and if you use different words, you means different things. So, that if in one section you say he, and in another section you say he or she, then, you must mean a different class of persons in the second case. It makes it, as a matter of interpretation, difficult.-(interjection)-

Well, Mr. Chairperson, through you to Ms. Hemphill, I do not want to say anything about the courts and how they interpret statutes. We are extremely mindful in Legislative Counsel as to the kinds of possibilities that are open to court and, of course, creative lawyers in the process of bringing actions and defending prosecutions under this Act.

Mr. Plozman: Yes, one last question; it is not possible to get a definitive answer I can see, but can anyone of the Minister's advisors cite a particular case where such an inconsistency has been exploited by a lawyer or resulted in a court dismissing some action.

Mr. Carnegie: Mr. Chairperson, none is known to me.

Mr. Mandrake: A suggestion, Mr. Chairman, to Legislative Counsel as an amendment by extending a left hand, by extending a right hand, as a possibility. Therefore, we have absolutely now neutral in all ways.

Mr. Walsh: Facetious at a time like this, but I suppose conceivably that might suggest that the driver could take his daughter's hand and put it out the window, as opposed to his own. There is some possessive language I suppose required there. I thought that might be a way out of this particular donnybrook at this time.

Mr. Chairman: Maybe we can take this for clarification and the Minister is well aware of it. Is that satisfactory to you, Mr. Mandrake, at this time. Very good.

Mr. Mandrake: One last comment, as long as it does not ever happen again.

Mr. Plohman: I am not so convinced that we should just let this go now. None have been noted, no instances where it has created a problem. I am sure there have been instances where amendments has been inconsistent with the existing Act and things have proceeded merrily on their way. I think we should do this. If nothing else, the Minister will get a strong message that he is going to have to get that redrafting done in neutral language and all the other things that have to be done with inconsistencies in that Act that exist right now. I will take some blame for that if the Minister wants to throw that back. We were beginning the process of redoing that whole Act. It is a massive job but it is time to get on with it. Perhaps this will serve as some inspiration to the Minister to do it and certainly a message from all Parties in the Legislature that we want him to get that done at least very soon.

Mr. Laurie Evans: Mr. Chairperson, this brings up an issue in terms of amending any Bill where gender-neutral language has not been utilized before. My question is simply to legal counsel. Surely, when an amendment is made, a date is associated with it. Am I wrong to assume then that if this was before court and the interpretation of a Bill was part of that legal decision, surely the dates that the amendments were made would be taken into consideration if you were attempting to relate one article in the Bill to another one where the amendment relates to part but not to other. I would assume that having the date that it was amended on the bottom of the Bill certainly would be taken into consideration in the court if you have gender-neutral language in one case but not in another. I would appreciate a comment from legal counsel on that.

Mr. Carnegie: Mr. Chairperson, the Member is quite correct. I think that the absence of cases on the books is that most jurisdictions have made a decision either to go with sexist language, Ontario for instance does, or not to do it, Alberta is the opposite example, goes with gender-neutral language. They make the case over all and new legislation coming forward and so on, observes this rule, but they have systems where policies of this kind have been in place for twenty years, Ontario, for many, many years. The cases simply do not arise; it is where you are changing gears that this kind of thing does arise.

Mr. Mandrake: Mr. Chairman, it was a Government's initiation for us to attend the non-sexist language and it was given to us and I will provide it to the Minister in case he did not attend. Why is it that now we have a Bill before us which does not adhere to the gender-neutral language. I am sorry, if it was on our suggestion that would be a different story, but it was a Government's initiation.

Mr. Chairman: Point well taken. Shall Clause 12 pass—
Mr. Mandrake.

Mr. Mandrake: Is the Minister going to make an amendment to that clause to reflect gender-neutral language?

Mr. Albert Driedger: Mr. Chairman, I have no difficulty but I am not the one that drafts these things. By and

large, I have to rely on legal counsel. If legal counsel feels that it is something that can be addressed at this stage of the game, I just want to indicate that throughout The Highway Traffic Act there is a lot of reference which is not gender neutral. The redrafting of the whole Bill, which we are looking at doing at the present time is a very substantive Act. This will be addressed—I am fully sympathetic to the concerns that are being raised—whether we want to do that on this particular one item here at this time is a matter of a call shot of the committee. I have no difficulty with that. I sympathize with what has happened, it is not whether Members like to indicate that the Minister is responsible for it. That is not the case, because I am sympathetic towards whatever the committee wants to do. I ask for leave of counsel to give us a direction in this case.

Ms. Hemphill: Mr. Chairman, I think we have a problem either way. We have to decide whether we want it to conform, or we have to decide whether we want it to be in the language of the day. We have a problem either way. I think to the point that the Minister just made, they may draft it, but it is the Government's legislation. I think that it is more than symbolic. It is a statement about changes in society that everybody is agreeing with.

So I am not satisfied with the answers from Legislative Counsel that it is going to be, it has the potential to be, a serious enough problem, so that I am prepared to go the other way and have it in the appropriate language.

* (1140)

Mr. Chairman: Mr. Walsh. I will just let Mr. Walsh make a . . .

Mr. Walsh: Mr. Chairman, may I suggest how we could remedy this problem and, if the committee approves, I could go to my colleague who can give me the French version. Perhaps the committee can return to this at end of its consideration clause by clause.

This is an amendment to Section 126 of the Act, which section reads as follows, if I may just read it: "When a driver of a left-hand drive vehicle or the operator of a bicycle, mobility vehicle, or a moped, gives a signal by hand and arm, he shall do so from the left side and shall signify in an a, b, c."

One could amend this section so as to provide that it reads, "when a driver of a left-hand drive vehicle or the operator of a bicycle, mobility vehicle, or a moped, gives a signal by hand and arm, the driver or operator shall". So we change the word "he" to "the driver or operator." In the case of Clause (b), "by extending the left hand and arm of the driver or operator out and upwards on the vehicle or by extending the right hand and arm of the driver or operator horizontally". Now we could do that and I can prepare the motion with my colleague. If the committee wishes to approve that version, perhaps you might give us a moment to do that while you consider other parts of the Bill.

Mr. Plohman: Yes, I think that the Minister has to realize that as much as being sympathetic is nice, as Minister

he is responsible for the words that go down on the paper, no one else. Since his colleague has made quite a big thing of gender-neutral language and moving towards policies to reflect the current status of women in society and the efforts that have been made, I think she should really be starting with her own colleagues here.

The Minister of Highways (Mr. Albert Driedger) should have received this workshop too and ensured that his amendments reflected that policy and that commitment by the Minister responsible for the Status of Women (Mrs. Hammond). So I say this to the Minister with a certain amount of, well, a great deal of sincerity, that I think he has to realize that whatever word goes down here that is his. The principles are there. If the Government is taking that stand, taking that position, then he has to reflect that in his legislation.

We have not seen anything here yet that is going to cause the world to end if that happens. I think the Member for Fort Garry's (Mr. Laurie Evans) point about the date on the legislation, that will be then reflected in the way that the judge and everyone dealing with this legislation approaches it, understanding that this is the new way that it is written.

Mr. Carnegie: Mr. Chairperson, just to clarify the policy we adopted on this particular Bill, gender-specific language was used only where part of a subsection was amended. If you look at later on in the Bill where whole subsections or whole sections are amended, we used gender-neutral language. It is only in this one limited category of case. I wanted to make that clear, so we are not entirely unresponsive to the needs of the Members.

Mr. Plohman: Oh, no. I know you are in tune.

Mr. Chairman: Okay, so our legal counsel is redrafting the amendment. Is it the will of the committee then that we carry on? Mr. Mandrake, that we would come back to this section? Mr. Minister.

Mr. Albert Driedger: Legal counsel is now redrafting it. Is it acceptable the way it was suggested by legal counsel? They will bring that forward, then if we can proceed with the balance of it, and then come back to this. Agreed?

Mr. Chairman: Okay, then we go to Clause 13. Clause 13—pass; Clause 14—pass; Clause 15—pass.

Clause 16—Mr. Mandrake.

Mr. Mandrake: I do not wish to be repetitive. Mr. Chairperson, again, is amended by adding "or on his person", gender-neutral language again. I think we are going to have to be consistent with some of this. Let us start with this one today using gender-neutral language. I would appreciate it very much if that is changed.

Mr. Chairman: Is it the will of the committee that we ask legal counsel then to review this also and possibly a change can be made in this one as well? Mr. Minister, would that be your—Mr. Praznik.

Mr. Praznik: If I may make a suggestion, Mr. Chairman, to expedite this. The Member for Assiniboia (Mr. Mandrake) has been very diligent in poring through this Bill to identify these situations. Perhaps if he could identify to Legislative Counsel the sections that he is going to raise that require such amendment, and they could proceed to draft amendments and we could proceed through the rest of the Bill, that would expedite the work of the committee. I think that would be agreeable by all Members of the committee.

Mr. Albert Driedger: Mr. Chairman, we will take and make the necessary amendment under 16 as well.

Mr. Chairman: So we will go to Clause 17 then, Mr. Minister. Are there other clauses, Mr. Mandrake, that you have in this respect?

Mr. Mandrake: No.

Mr. Chairman: Clause 17—Mr. Mandrake.

Mr. Mandrake: Clause 17, Mr. Chairperson, where it says here "and the infant is wearing a properly fitted and fastened protective helmet," after "bicycle", I would ask the Minister whether or not the Minister would please lobby on behalf of the children of Manitoba so that the rear seats on the bicycles are constructed in such a way whereby it has a high back, a cross strap, and a leg protector with a fastener for the legs. I appreciate it there is no CSA approval for it, but would he give the assurance that he would indeed lobby on behalf of the safety of our children?

Mr. Albert Driedger: Yes, I can give the Member assurance that we will try and look at that aspect of it.

Mr. Chairman: Okay. Mr. Mandrake.

Mr. Mandrake: I am sorry, Mr. Chairperson. I am not exactly happy with what the Minister said. He said he will try. I want assurance that he will work with the manufacturers for the safety of our infant children.—(interjection)—I do not care what it is—not try.

Mr. Albert Driedger: Mr. Chairman, I will, I will.

Mr. Chairman: Is that clarified for you, Mr. Mandrake?

Mr. Mandrake: Thank you very much.

Mr. Chairman: Clause No. 17—pass; Clause 18—pass; Clause 19—pass; Clause 20—pass; Clause 21—pass; Clause 22—pass; Clause 23—pass; Clause 24—pass; Clause 25—pass; Clause 26—pass; Clause 27—pass.

Clause 28—Mr. Plohman.

Mr. Plohman: Yes, Mr. Chairman, this deals with a rather controversial issue that has been in difficulty for a number of years in Manitoba and other jurisdictions, with the application of plastic film on the windshields and side windows in reducing visibility. This has been the subject of a great deal of study in terms of what

would actually constitute a level that would be acceptable and what would be unacceptable. Can the Minister indicate whether a national standard has been established as a result of the testing and in consultation with the industry that will be applied under the regulations in this section? There is a reference to regulations. Have those standards been established? What is the standard that has been established, and what will happen with all those out there who may not meet that standard at the present time, but had it applied at the time when it was legal to do so?

Mr. Albert Driedger: Mr. Chairman, This issue has come up a few times actually; the Member is probably aware of it as much as I am. What has happened is that staff have met with the industry, everybody that is involved, and they are trying to establish a regulation that will cover that.

What we are doing with this amendment, it allows us to establish through consultation that kind of a regulation that will outline exactly what is permissible. That is what we are doing with this. In working with the industry, we are now trying to establish a standard that is going to be used, just a Manitoba standard.

Mr. Plohman: This has been going on for a number of years. I want to have the Minister clarify his answer, because now he is talking about the province going it alone with these regulations whereas there has been an effort to establish a national standard. Tests have been going on at the national level for a number of years to establish this standard. I believe in other jurisdictions in the United States there are standards that apply already. What is holding it up here in the province?

Why does the Minister want this kind of open-ended amendment in this Act when he is not able to tell us what kind of impact it is going to have and what those standards will be? Does he expect to have a standard arrived at in the very near future? Is there some figure now that is approved by his department? Why is it not being done on a national level?

The third question is the manufacturer's installation. Will it be acceptable? Cars have been manufactured with this stuff on them. The question is, is the standard that Manitoba is going to apply going to allow for those that are already out on the street? Would that manufacturer continue to operate legally?

* (1150)

Mr. Albert Driedger: Mr. Chairman, I will try and clarify the points that the Member has raised. This legislation will allow us to pass the regulation. The regulation is being looked at in consultation with Canadian manufacturers and firms, as well as the American ones in trying to establish the regulations or the standards that will be allowed to be used.

I do not know why we would deviate from what other provinces are doing. I think we would be working in tandem with them, so that there is a national standard. This is what the Member has raised, right? I would certainly want to encourage my staff to be looking at

a national standard instead of having one just for Manitoba.

Under this it allows us to do the grandfathering to some degree or a soft enforcement once these regulations are established, in the impact they would have on people who now probably would not meet that regulation in terms of heavier tinted glass.

Mr. Plohman: Mr. Chairman, I do not see any reference to grandfathering or powers to provide exemptions from this in this particular amendment. If that was the Minister's intention, he should have a section here that would allow for the creation of regulations that would enable certain exemptions to take place or for phasing it in.

Secondly, I would just ask the Minister what existing section says that he has to repeal, that he does not have those powers already? I believe there is a section that deals with this. Is it not clear in terms of the wording? What is the Minister correcting here with this amendment?

Mr. Kingdon: Mr. Chairperson, first of all, what we are trying to correct in the proposed legislation is to take out the discretionary statement in the latter part of the existing subsection which reads, in a manner as to be hazardous. What we will be doing in the regulation is setting up minimum standards, percentages of light reflection and light transmission for side windows, rear windows and that kind of thing.

As far as the provision of exemptions for certain parties, that is not envisaged at this point, although the regulations have not been drafted. Again, what this legislation does is simply provide the power to set the regulation. What has been considered to date is a system or agreement with law enforcement agencies across Manitoba of what we would like to call soft enforcement where we were trying to remove or eradicate the most flagrant offenders and try to, by policy if you will, grandfather these people in rather than set up a formal legislative system of grandfathering.

Mr. Plohman: I can see that the Minister is going to have all kinds of problems with that because once you start selectively enforcing, you are going to have problems if you do not have the legal basis to do it. I think the Minister should look at that.

I am not saying people should be driving around with dark windows that they cannot see out of. I am saying there are some borderline vehicles out there that were manufacturer installed perhaps and others that have been installed in the province and at the present time are legal. The Minister is maybe not aware of the cost of stripping that. I do not know if there is a huge cost to it. Maybe he is. It may be marginal and therefore it seems to me that if we are dealing with existing vehicles, and we want to clean this up over a period of time, then there should be some provision to provide phasing in. If that is allowable under the regulations, then fine. If it is not, then perhaps there should be an amendment to allow that.

Mr. Albert Driedger: Mr. Chairman, I will consider those kinds of things. We do not have the regulations in place

yet. We will take and use those kinds of suggestions as part of the thing when we develop the regulations.

Mr. Mandrake: I have just one quick question, Mr. Chairperson, to the Minister. I know for a fact under present vehicles that you can purchase, the light density is approximately 25 percent in the rear side window and approximately 50 percent in the rear window. Now that is original or corporate manufacturers standards. This is inserted between the two glasses in the system when that is constructed. Now is this Minister going to be working with the manufacturers of vehicles to make sure that the standard that he is going to be incorporating into Manitoba is going to make sure that it will address the standards which are presently being used by the original corporate manufacturer people?

Mr. Albert Driedger: Mr. Chairman, I am informed that we have been working closely with the industry and will continue to do that in terms of when we set up the regulations.

Mr. Chairman: Any more questions? Mr. Plohman.

Mr. Plohman: If the words "consistent with national standards" were added in this, would the Minister's staff and himself have real difficulty with that? In other words, are we finding difficulty with the national standard and wanting to do something in Manitoba that is different because of certain situations that have arisen?

Mr. Albert Driedger: Were you asking whether we had any difficulty? It was discussed with staff here and indicated to them that we do not want to go off on regulations by ourselves, that we want to take and basically use a national standard. Now the question that you raised was, whether I had any difficulty with having the national standard applied?

Mr. Plohman: Mr. Chairman, what I was asking is that (a) might be amended by putting the words "for light transmission prescribed in the regulations consistent with national standards".

Mr. Albert Driedger: Mr. Chairman, I am informed that we do not really feel it is necessary to put it in here as such because we will be working with our counterparts in establishing this. Whether that necessarily requires us to put it in here or not, if the Member accepts the fact that before we will adopt any regulations that I will provide that information and make sure that we have what our counterparts have as well rather than change it in the legislation here.

Mr. Plohman: Mr. Chairman, I think it is duly noted, this point, and I will let the Minister make the decision as to whether he wants it in there. It perhaps is not put in the legislation when national standards are set up for many different kinds of regulations. I do not know whether national standards are referenced. I believe in some cases they are. I will leave that to the Minister. He is certainly aware of the issue, I believe.

* (1200)

Mr. Chairman: Clause 28—pass; Clause 29—pass; Clause 30—(pass); Clause 31—(pass); Clause 32—(pass); Clause 33—(pass); Clause 34—pass; Clause 35—(pass); Clause 36—(pass); Clause 37—pass; Clause 38—pass; Clause 39—pass; Clause 40—pass; Clause 41—pass; Clause 42—pass; Clause 43—pass; Clause 44—pass; Clause 45(1)—pass.

Clause 45(2)—Mr. Gilleshammer.

Mr. Gilleshammer: I move

THAT clause 319(1)(www), as proposed in subsection 45(2) of the Bill, be amended by adding "for" before "light reflection".

(French version)

Il est proposé que la version anglaise de l'alinéa 319(1)(www), figurant au paragraphe 45(2) du projet de loi, soit amendée par insertion de "for" avant "light reflection".

Mr. Chairman: Amendment to 45(2)—pass; 45(2) as amended—pass; Clause 46—pass.

Clause 47. Mr. Mandrake.

Mr. Mandrake: On this particular, merit points eligible from out-of-province drivers, I am under the impression, Mr. Chairman, that right at the present time you are only allowed one merit point from out-of-province drivers. Am I right or am I wrong?

Mr. Albert Driedger: That is correct.

Mr. Mandrake: Mr. Chairman, if a person comes into Manitoba and provides the Department of Highways a driver's abstract indicating that he is free of any accidents, any tickets, a clean driver's record for let us say five years, would the department then give him the appropriate amount of merit points?

Mr. Albert Driedger: Mr. Chairman, at the present time, as indicated before, when out-of-province drivers come here we give them automatically one merit. If we then find out that they have a poor driving record, we go on their word, then that merit is taken away. We have some difficulty, because of the system that we have here, to accept that their driving record is clear because some of the provinces have different record-keeping standards than we have. We will be reviewing the whole aspect of the merit system shown down the line but at the present time what we are doing with this legislation here is, we are legalizing what we already have been doing for a while.

Mr. Mandrake: Mr. Chairperson, the Minister is on record as saying that if they find out that he has a poor driving record they will take away. In other words, they correspond with the other province as to his driving record. Why does he not do the same thing for his merit and I will give him a good case in point. Saskatchewan Government Insurance provides a driver's abstract, and I will provide a copy of it for the Minister, full details as to the person's driving habits.

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Now, we followed Saskatchewan when we established Autopac. Obviously we must have taken everything else into account. Why did we not accept the driving habits from Saskatchewan into the province of Manitoba?

Mr. Kingdon: Mr. Chairperson, five merit points would represent roughly 10 years of driving. The problem with going back to check records from other provinces or territories in Canada is a matter of purging information from driver records. To be equitable, we would have to ensure that they had a clear driving record for, let us say, 10 years to give five merit marks. Our review of our counterpart's record-keeping systems does not give us that assurance that we could do that, especially with respect to accidents. Purging of accidents is done much more frequently in other jurisdictions than it is in Manitoba. The system we have already in place and are legislatively legitimating by this amendment would be to give the out-of-province driver one merit mark so that he may qualify for the driver licence discount, MPIC discounts, and so he would not be jeopardized for that purpose.

Mr. Plozman: Mr. Chairman, I am rather shocked with the new system that is in place that the Registrar would have to take the word of the driver that he or she has been a good driver and has a clean driving record and then you find out later it was not the case and you have to take it away. Why not use the rapid exchange information system that is there, and I am not saying give him five or her five merits; no, one is okay. I buy the explanation that was given in terms of the records, but surely that check should be made before the merit is given, not after, with the technology that we now have.

Mr. Kingdon: We certainly do that, check the record exchange system for Canada. The only deviation that comes into play on occasions is that a charge that is outstanding from another province and subsequently the driver is convicted, may come into Manitoba at a later date, and at that point we would have to possibly remove a merit previously granted. We do those systematic checks.

Mr. Plozman: That is quite different than what the Minister said. He said we take their word for it. The fact is, there would be instances where it is not on the record yet and that is understandable and in those cases obviously you would have to take it—I guess the Minister was speaking about those instances only when he said we could take their word for it.

Mr. Chairman: Any more discussion? Clause 47—pass; Clause 48 (1)—pass; 48(2)—pass.

Mr. Gilleshammer: I would move in both English and French

THAT Legislative Counsel be authorized to change all section numbers and internal references necessary to carry out the amendments adopted by this committee.

(French version)

Il est proposé que le conseiller législatif soit autorisé à changer tous les numéros d'articles ainsi que les

renvois nécessaires à l'adoption des amendements faits par le présent comité.

Mr. Albert Driedger: Mr. Chairman, we have two further amendments that we will be addressing.

Mr. Chairman: We have a motion before us, moved by Mr. Gilleshammer, that Legislative Counsel be authorized to change all sections and numbers and internal references necessary to carry out the amendments adopted by this committee. Agreed.

Mr. Albert Driedger: We have two amendments here. One I think is being proposed by—

Mr. Walsh: Mr. Chairman, I just wanted to respond to the Member's comment that that last motion might encompass the changes to be made for the purpose of neutralizing sexist language. I am afraid there are complications that arise in that process that are not as easily handled as a change of numbers and for that reason the same motion is not used for that purpose. There are two motions relating to gender-neutral language, the second of the two is still in the process of translation, but I expect momentarily it shall be available for presentation to the committee.

Mr. Chairman: They are being distributed at the present. They are to Clause 12 and I believe Clause 16. We will take Clause 12 first.

Clause 16—Mr. Gilleshammer.

Mr. Gilleshammer: I would move

THAT subsection 147(2), as set out in proposed section 16 of the Bill, be amended in the English version only be adding "or her" after "his".

(French version)

Il est proposé que le paragraphe 147(2), ainsi qu'il est proposé à l'article 16 du projet de loi, soit amendé par l'adjonction, après "his" dans la version anglaise seulement, de "or her".

Mr. Chairman: Is that in English and the French, Mr. Gilleshammer?

Mr. Gilleshammer: In the English.

Mr. Chairman: In the English only. Okay. Is that agreed?

* (1210)

Mr. Plozman: With the understanding that the translation will also be passed, does that have to be done separately then, for clarification, or can it just be assumed that the same wording will be applied in the French version?

Mr. Walsh: It is not always the case that a change of the sexist language in the English version requires any change in the French version. I am not aware myself whether in this particular instance that is the case. I am given indication now from Mr. Carnegie, my

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colleague, that the French version does not require any changes in order for it to comply with the gender-neutral requirement.

Mr. Chairman: Very good. Does that clarify for the committee? Shall the amendment be passed in English—pass; Clause 16 as amended—pass.

Clause 12—Mr. Walsh.

Mr. Walsh: The proposed motion is available, but I wonder—it is necessary that copies be made of the motion and that is being done just as I speak. If we have the indulgence of the committee of the time it takes to make copies, they will be here in a few minutes and then I might proceed at that time.

Mr. Chairman: We will just have to wait for a few minutes until the copies have been made. Do you want to recess for a few minutes?

Mr. Praznik: This is just a gender-neutral improvement. There may be agreement from this committee just to forego making the copies that are going to sit on the desk. It could be appropriately read—

Mr. Chairman: Are you going to move it?

Mr. Walsh: The motion in fact physically has gone for making copies and second, the purging of the sexist language in this instance required a repealing and replacement of Section 126. I think it would be appropriate to read the motion into the record.

Mr. Chairman: Okay, very good. Is it the will of the committee to just recess for a few minutes?

RECESS

Mr. Chairman: Committee come to order.

Clause 12, amendment to Clause 12—Mr. Mandrake.

Mr. Mandrake: I move that Section 12 be struck out and the following be substituted. With the will of the committee, I will dispense in reading the amendment, providing it meets with all of the Members of the Committee. They have had a chance to read it over. I will move that this amendment be adopted,

THAT section 12 be struck out and the following be substituted:

Section 126 repealed and replaced

12 Section 126 is repealed and the following is substituted:

Manner of hand signal

126 When a driver of a left-hand drive vehicle or an operator of a bicycle, mobility vehicle or moped gives

a signal by hand and arm, the driver or operator shall do so from the left side and shall signify

- (a) a left turn, by extending the left hand and arm of the driver or operator horizontally from the vehicle;
- (b) a right turn,
 - (i) by extending the left hand and arm of the driver or operator out and upward from the vehicle, or
 - (ii) by extending the right hand and arm of the driver or operator horizontally; and
- (c) a stop or decrease in speed, by extending the left hand and arm of the driver or operator out and downward from the vehicle.

(French version)

Il est proposé que l'article 12 soit remplacé parce qui suit:

Remplacement de l'article 126

12 L'article 126 est remplacé parce qui suit:

Façon de donner les signaux de la main

126 Le conducteur d'un véhicule avec volant à gauche, d'une bicyclette, d'un véhicule de déplacement ou d'un cyclomoteur qui veut faire un signal de la main et du bras, doit le faire avec le bras gauche; il indique:

- (a) le virage à gauche, en étendant sa main et son bras gauches horizontalement à l'extérieur du véhicule;
- (b) le virage à droite, en élevant sa main et son bras gauches vers le haut à l'extérieur du véhicule;
- (c) l'arrêt ou le ralentissement en abaissant sa main et son bras gauches à l'extérieur du véhicule.

Mr. Chairman: Is that agreed? Agreed. Moved by Mr. Mandrake, that the following amendment be made to Clause 12, is it agreed? Agreed.

Clause 12 as amended—pass; Preamble—pass; Title—pass; Bill as amended be reported—pass. Is it the will of the committee that I report the Bill as amended? Agreed.

The time being, what is the will of the committee? Before rising, I would like to remind the Members that the Law Amendments Committee will also be meeting this afternoon at 3 p.m. in Room 255 to consider Bills Nos. 56, 72, 75 and 78.

Committee rise.

COMMITTEE ROSE AT: 12:16 p.m.