

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

Thursday, December 21, 1989

TIME — 10 a.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Mr. Parker Burrell (Swan River)

ATTENDANCE - 11 — QUORUM - 6

Members of the Committee present:

Hon. Messrs. McCrae, Hon. Mrs. Oleson
Mrs. Charles, Messrs. Burrell, Gilleshammer,
Kozak, Maloway, Patterson, Praznik, Rose,
Storie

APPEARING:

Mr. David Goddard, Vice-President, Western
Canada, POINTTS Advisory Ltd.

Mr. Brian Collie, Manitoba Real Estate
Association

WITNESSES:

Hon. Harry Enns (Minister of Natural
Resources)

Mr. Kevin Lamoureux (Inkster)

Mr. Mark Minenko (Seven Oaks)

Mr. Ross Thomasson, Chairman, Ecological
Reserves Advisory Committee

MATTERS UNDER DISCUSSION:

Bill No. 7—The International Sale of Goods
Act

Bill No. 12—The Legislative Assembly
Management Commission Amendment Act
Bill No. 33—The Ecological Reserves
Amendment Act

Bill No. 38—The Statute Re-enactment and
By-law Validation (Winnipeg) Act

Bill No. 71—The Law Society Amendment
Act (2)

Bill No. 76—The Real Estate Brokers
Amendment Act (2)

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* (1005)

Mr. Chairman: Order, please. I call the Standing Committee on Law Amendments to order to consider the following Bills today: Bill No. 7, The International Sale of Goods Act; Bill No. 12, The Legislative Assembly Management Commission Amendment Act; Bill No. 33, The Ecological Reserves Amendment Act; Bill No. 38, The Statute Re-enactment and By-law Validation (Winnipeg) Act; Bill No. 71, The Law Society Amendment Act (2); Bill No. 76, The Real Estate Brokers Amendment Act (2).

It is our custom to hear briefs before consideration of the Bills. What is the will of the committee?

To date, we have two presenters registered to speak to Bills this morning. Mr. David Goddard, representing POINTTS, has registered to speak to Bill No. 71; and Mr. Brian Collie, representing the Manitoba Real Estate Association, has registered to speak to Bill No. 76.

If there are any other interested members of the public who wish to speak to the Bills this morning, please come forward and identify yourself to the Clerk of the Committee and your name will be added to the list of presenters.

Hon. James McCrae (Minister of Justice and Attorney General): I have a couple of names, one dealing with Bill No. 76.

Mr. Chairman: Bill No. 71, Mr. David Goddard, and Bill No. 76, yes.

Mr. McCrae: I know Mr. Goddard is here. I am not sure about the other presenter's name that you called out.

Mr. Chairman: Mr. Brian Collie.

Mr. McCrae: Mr. Collie, I am not sure if he is here, but I do see Mr. Goddard here, and he perhaps could be called to make his presentation on Bill No. 71.

Mr. Chairman: Yes. Does the committee wish to impose time limits on the length of public presentations? Mr. Goddard, will you please come forward and give your presentation to the committee? This is for Bill No. 71, The Law Society Amendment Act. Do you have written copies of your brief?

Mr. David Goddard (Vice-President, Western Canada, POINTTS Advisory Ltd.): Forthcoming, sir.

Mr. Chairman: You go ahead. We will hand them out here.

Mr. Goddard: Thank you, Sir. Mr. Ministers and Members of this honourable board, I thank you for permitting me the opportunity of addressing you this morning.

* (1010)

My name is Dave Goddard. I am vice-president for POINTTS Advisory Limited. As most of you may be aware, POINTTS is a company completely staffed by former traffic police officers who now represent motorists in traffic court. The company has been in operation for the past five and a half years with some 29 offices throughout Ontario and two offices in Alberta.

I have some concerns with respect to Bill No. 71. I have put forward those concerns in a letter to the Honourable James McCrae, Attorney General, dated the 30th of November. Copies of this letter are being photocopied as we speak and they will be distributed. Basically I just simply wish to articulate some of the concerns with respect to this Bill.

First of all, I would like to again commend the Attorney General on his initiatives in developing legislation to permit the citizens of Manitoba an affordable alternative for representation in traffic court.

We have studied Bill No. 71 and our concerns are in particular with respect to Section 57.1, Subsection 4, which reads:

A person may act as an agent on behalf of another person and provide legal advice to another person respecting an offence under The Highway Traffic Act in the Provincial Court

- (a) if the penalty for the offence on summary conviction does not include imprisonment other than in default of payment of a fine; and
- (b) if there are no personal injuries arising out of the occurrence of the event that gives rise to the offence.

Attached to the letter is a photocopy of Section 4 of The Summary Convictions Act for Manitoba which indicates that imprisonment is a possibility for punishment for virtually any contravention of provincial legislation. Therefore, a broad interpretation of Subsection (a) would mean that an agent would not be permitted to act at all, because in actual fact an individual can be imprisoned for anything.

In specifically addressing Subsection (a), The Highway Traffic Act contains 14 offences for which imprisonment is specifically included as a punishment option, but the reality of traffic court is that imprisonment is rarely imposed. Our experience has shown us that imprisonment is really only probable in cases where an individual has multiple convictions for driving while suspended.

When we deal with an individual who is charged for driving while suspended, he is advised that imprisonment is a possibility, especially if he has a history for previous convictions of this nature. The individual is certainly well informed of his options and of the possible risks involved. We believe that the restriction of Subsection (a) is unwarranted and unjustified when we are dealing with a competent agent who will make representations which are materially similar to those which would be made by a lawyer.

I think it is important that we keep in mind that we are dealing here with The Highway Traffic Act. As a former policeman, after spending eight years with the Edmonton City Police Department, and the experience of the members in the staff of POINTTS, it is our experience, as former policemen, that when a serious charge is warranted, it will be laid under the Criminal Code of Canada, such as dangerous driving, criminal negligence causing death, criminal negligence causing

injury, vehicular manslaughter. These offences are very serious offences and are dealt with on a very serious basis by way of a criminal charge.

* (1015)

The truly serious offences are dealt with criminally. The more minor regulatory offences are dealt with, and of course adjudicated, in traffic court. We must not lose sight of that, that we are dealing here with traffic court. In my personal experience in two and a half years with POINTTS, and representing hundreds of motorists in traffic court, I have never had a client go to jail. I have maybe seen one individual who has ever gone to jail in traffic court, and this experience is similar throughout POINTTS, although some clients have been in prison for driving while suspended.

There are two ways a person can be charged for driving while disqualified. A person can be charged under The Highway Traffic Act of Manitoba for driving while disqualified, or he can be charged criminally for driving while disqualified. The same is true for a charge of hit and run, and as I have indicated, the truly serious offences are dealt with criminally.

Addressing Subsection B, presumably this section was included to ward off any adverse occurrences with respect to civil litigation as a result of the way in which a traffic case is handled in provincial traffic court. Our concern is that personal injury can be anything. Number one, when we take some scenarios, for example, where two vehicles are involved in a collision, the passenger in one vehicle receives a slight cut to his finger and that is all—the remedy for which is a band-aid—and the driver of the other vehicle is charged as a result of the accident. This is classed as a personal injury. A simple bruise on the arm is an injury. What defines an injury? We are in a situation where, if the individual maybe has a headache as a result of the collision, is that a personal injury—or a simple cut on the finger? By the time it comes to the traffic court, it is long forgotten and there are of course no problems, but it is a personal injury and the agent would not be permitted to act.

Whereas, if we take a scenario where we have a driver of a semi truck, who plows into a building, causes hundreds of thousands of dollars of damages, but there are no personal injuries, the agent would act, would be able to act for this individual.

It is our experience that the concern with respect to civil litigation following a traffic court matter being adversely affected, is non-existent. In POINTTS we have handled over 25,000 clients to date, and this concern with respect to civil litigation is not a valid concern; otherwise, these concerns would be put before you, these concerns would have been brought to our attention. These concerns would have certainly been brought to our attention by the law societies.

As you may be aware, we were challenged in Ontario five and one-half years ago, and these same concerns were voiced at that time: if they do something wrong in traffic court, it is going to adversely affect the civil outcome. Where does this happen? Where has it happened? Where are the examples? The law society

in Ontario was challenged to bring forth these examples where the agent has bungled a provincial court traffic offence, and it has resulted in adversely affecting the individual on a civil litigation. There were no examples brought forward.

With the hundreds of civil cases that have proceeded after a matter has been dealt with in provincial traffic court, there has never been any criticism of POINTTS agents and the manner in which the case was handled in traffic court. These concerns are unreasonable, unwarranted, and really unjustified. We have the benefit of history here. This is not an experiment, this is proven, it works. The concerns about personal injury and imprisonment are not valid concerns. Otherwise, the law societies, during our court challenge, not only here in Manitoba but in Ontario, would have put these before the courts and said, look, here is an example of what happens when an agent or non-lawyer handles a traffic case. That has never been done because the law society has never received a complaint, nor has POINTTS ever received a complaint with respect to this.

The issue of personal injury is something that is really ill-defined and vague. Anything could be a personal injury. We will have someone in the office who will ask him: were there injuries involved? He may say, I had a sore arm afterwards, and we will say, sorry, we cannot represent you. Then we will have situations where the individual will say, no, actually it was not really sore, I was not injured at all.

We are standing in court prepared to proceed and the first question the Crown prosecutor asks his witness is: were there injuries? If he says, well, I had a sore arm, or I had a bruise, or I bumped my head, that is it. The case stops right there, or the individual is left standing by himself, no representation. It is unreasonable.

As I have indicated, and I cannot overstate, we have history to look at here. We do not have to test the waters. This is the first province to actually introduce legislation to this point, and it is my respectful submission that if we are going to be permitted to do the job, then let us do the job. As I indicated in the letter to the Honourable Minister, apart from the practical applications of these restrictions, we have to be concerned about the financial ramifications behind it as well for an organization such as POINTTS.

* (1020)

We took those restrictions and we applied them for the cases that we dealt with here in Manitoba, and we dealt with over 210 individuals retained in the brief five-month period that we were here. If we had applied those restrictions, we would not have opened because it is not financially viable to operate a business with these restrictions. If these restrictions are maintained, we are right back to square one, where the individual either pays an arm and a leg to an organization that would do this, or he is going to pay a lawyer the same type of fee.

Most of our clients who come into our office are quoted \$500 as a minimum rate by lawyers. We have no quarrel with lawyers; we think that is reasonable.

They have other things more important to do, and their time is very valuable. They have to charge that. It is not financially viable for them to go in, really, for anything less. Our concern, however, has always been with the law societies—and when I refer to the legal profession, I mean the law society. Lawyers are our single, biggest source of referrals. A full five percent of our business is the result of referrals from lawyers.

With these restrictions included, we are simply not able to offer the service. We do not want a situation where we have individuals running around conducting business out of their suitcase, fly-by-night operations. If we want competent, affordable representation for these people, and increasing the access to the justice system, then we must remove the restrictions of Section 57, because history has clearly shown that these restrictions are unwarranted.

As I have indicated, these restrictions are financially crippling. When we bring in legislation of this nature, we cannot expect to throw the crumbs off the table and say, here, you deal with the very most minor of regulatory offences, and expect an organization such as POINTTS to conduct business in a financially viable and professional manner. These restrictions include the bread, or the meat and potatoes of our business.

As I have indicated in the correspondence, if the legislative intent of this Bill is to provide affordable defence alternatives, and provide increased access to the judicial system, and competent representation, then these restrictions must be removed.

Organizations such as POINTTS should be permitted to do that which we do in Ontario, in Alberta, and that is provide representation for all offences under The Highway Traffic Act. It was the late Judge Thorson who said that the biggest mistake one can make is to underestimate the intelligence of the average citizen, and we certainly do not want to do that. The citizens still have a choice, they can deal with an agent, they can deal with a lawyer, but with these restrictions they will, as far as we are concerned, have no choice. We are back to square one. We have the luxury and the benefit of looking at the history. We have 25,000 guinea pigs, if you will, out there, and there are no complaints and there are no concerns with respect to these restrictions under section 57.

Those would be my brief submissions. I would be happy to answer any questions if there are any.

Mr. Chairman: Do Members of the committee have any questions they wish to ask Mr. Goddard? I would like to remind Members that these questions are to be questions of clarification and not debate.

* (1025)

Mr. Darren Praznik (Lac du Bonnet): My question is one of information. POINTTS did not make a comment on this particular section of the Bill, and that is the provision to establish a licensing for those persons who would act as agents and provide legal advice under this Act. I am curious to know if POINTTS has any advice to this committee or to the Attorney General

(Mr. McCrae) as to what kind of licensing provisions, et cetera, should be there, not just that would affect their operators, but to bear in mind that this Act allows any person in the Province of Manitoba to act as an agent and provide legal advice. I am looking for some comment as to the type of licensing scheme, or testing scheme, that would be there to protect the public, not from POINTTS, but from any would-be agent.

Mr. Goddard: Certainly there are a number of ways that one can do this. The regulations could address the issue of experience in a related field, such as employment with a municipal, federal or provincial police department—so many years experience. Certainly we have the alternative of having courses established in college or post-secondary institutions that could offer courses. I believe that if you take an individual and you put him through a one- or two-year college course, he will learn everything there is to know about traffic court, landlord and tenant disputes, wills, divorces. We are talking specialized areas.

I am dealing I guess with the broader issue, but I envision a day when we do not have to ask the lawyer what he specializes in, we can go to paralegals who specialize, only do one particular thing. We do not need a jack of all trades, but I believe that a system can be implemented, a testing, certification, licensing system where an individual could complete an examination—standards—or enrol in an accredited institution for a given period of time to study the particular matter. In my view it is not a difficult matter to do that.

I think what we have with POINTTS, is our agents are former policemen. We have two exceptions, we have two traffic court judges who have resigned in Ontario from the Bench and now represent motorists in traffic court. So not only can you get the former traffic policeman, you can also have the judge represent you now. These are justices of the peace in Ontario, who are non-lawyers, but sit in provincial court or below provincial court, Provincial Offences Court is what it is called in Ontario. These people are non-lawyers but sit and adjudicate traffic matters. I do not think it is a massive undertaking to establish or erect some kind of standard, or a course where an individual can take that.

Our concern, obviously, has always been the protection of the public. I spent eight years doing that as a policeman, I do that now in POINTTS. My concern, and our concern, has always been, certainly, the qualifications of an individual to do this, because it taints all of us when we have an individual unqualified out there. But I think it is a simple matter to establish a system of licensing or certification for an individual to do this.

Mr. Praznik: Thank you for your comments.

Mr. Kevin Lamoureux (Inkster): Mr. Chairperson, I am kind of interested to do a bit of a follow-up. I understand that Albert and Ontario have a POINTTS system in police. Would that be certification—if he can just go over it—is offered to members or agents of POINTTS in those two particular regions or jurisdictions? Do you know about that?

Mr. Goddard: The standard that we set first is experience, former policemen coming into POINTTS averaging 13 years experience on a police department, and who is in good standing and has an impeccable service record. Those are our standards, with the exception, of course, with our justices of the peace.

We have an in-house training program whereby an individual is trained specifically on court procedures, rules of evidence. We have seminars on a regular basis, educational seminars. We have a meeting once a month, a franchise meeting, wherein we invite guest speakers to come before our members and talk on an educational presentation. The last seminar we had was the end of October in Ontario, and we had in attendance a Provincial Court Judge—Keith Langdon, was there and made a presentation, but the individual who comes into POINTTS is further trained on—basically he is using his experience as a policeman, but he also is drawing on the experience of others as well as a training program with it. We have a manual, for example, that goes from A to Z on court procedure rules of evidence, legal arguments, this type of thing, so the individual is elevated further, or further educated or trained in this area.

* (1030)

Mr. Lamoureux: Mr. Chairperson, do you see a need for the province to set any type of standards, not only for POINTTS, but potential other organizations that might come up as a result of legislation of this nature? Is there a need for the provincial Government to set some type of certification standard at this point and support that—or would point in support?

Mr. Goddard: Absolutely, we certainly do support the implementation of a certification, or standards being set, qualifications. We do not want a situation where basically anybody can walk in and do this.

As I have indicated earlier, we can underestimate the intelligence of people. People come to POINTTS not because we offer so much an affordable service, but we have the expertise that members of the legal profession do not.

Personally, I have had two lawyers come to my office and pay me to have me show them how to conduct a trial with respect to radar—speeding tickets—because they are not trained in that area. In university they do not study The Highway Traffic Act. They do not study—where do they get experience with respect to radar?

So we draw on that. I believe that for the time being, certainly, previous experience is a standard that should be addressed with respect to an individual's previous experience on a municipal, federal or provincial police department, but I believe in the area of certification and standards. There must be standards set. I mean, we have called for that and we want to see that. That is a concern to us.

Mr. Lamoureux: Mr. Chairperson, do you see any role for—the Law Society, for example, supposedly protects the public's interest. If you have a complaint on a particular lawyer you can take it to the Law Society,

and the Law Society supposedly keeps a certain standard throughout that profession. Do you see any role for the Law Society for POINTTS or any other organization of that nature?

Mr. Goddard: Certainly, the Law Society has played a role in respect to POINTTS. If I see a role for the Law Society, I see a temporary role for the Law Society, and that is with respect to the establishment of a disciplinary committee on which perhaps members of the Law Society may sit, as well as, paralegals, or representatives of the Ministry of Education would sit and address concerns concerning discipline and standards, ethics, this type of thing. I see the role of the Law Society as non-existent after a period.

I do not believe we need the Law Society to have a hand in what a paralegal agency does if we have suitable standards, qualifications, licensing, disciplinary standards in place. I would foresee a member of the Law Society, perhaps, sitting on a board for a year, after which time that may be phased out.

Certainly, in the long run in the scheme of things, we do not want to involve the Law Society, because when we involve the Law Society we involve an organization which—I guess, in a nutshell, we end up paying a lot more money, or our clients end up paying a lot more money when we involve the Law Society, because it seems that the Law Society has an interest not only to protect its own membership but to protect its financial interests.

We do not want a situation where we are paying fees to the Law Society, or the agent is paying a fee to the Law Society, to be part of this organization, and then we get this monster of a bureaucracy in place. We want to keep it as simple as possible. I think the less the Law Society has, less involvement that we have in the long term, I think it would be more beneficial to not only the agent but I think the public as well.

Mr. Lamoureux: Mr. Chairperson, this disciplinary committee that you make reference to, do you see it as possibly the certifying board for POINTTS agents?

Mr. Goddard: Absolutely.

Mr. Lamoureux: Mr. Chairperson, would you be of the same opinion that maybe we should be trying to establish the disciplinary board—or whatever name it might come up under—prior to the legislation, or to follow the legislation as it is going through, or the make-up of the board possibly being put into the legislation to make sure that it is in fact going ahead in that manner?

Mr. Goddard: No. Again, we have the luxury of looking at history. The history, of not only POINTTS, but organizations such as POINTTS, is that it is not an immediate concern. It is not something we have to be totally concerned with at this point. That is something that can fall into place with time.

Again, we are dealing with minor regulatory offences in traffic court. We have to keep sight of that, and I do not think that, in the absence of a disciplinary

committee, a pandemonium will result. I think this is something that can be developed and come into place once we are able to set up, organize and get a better handle on things in the province.

Certainly, in Ontario we have the Paralegal Association of Ontario, and we have another paralegal association which basically attempts to govern its members. Of course, the problem with such an organization, it does not have a lot of teeth. There is no legislative recognition of such a committee or such a body. Notwithstanding that fact, we do not have difficulties in traffic court representation.

If we are talking about wills, divorces, matters that involve large monetary issues, then I would say certainly we need to, I mean, if we are dealing with a lot of money here on very serious matters, but here we are dealing with minor regulatory offences in traffic court. That is all we are dealing with, and I think it is something that could be developed and fall into place at a later date.

Mr. Jerry Storie (Flin Flon): First of all, I want to say to Mr. Goddard that we are pleased to have you before this committee. In fact, there are some of us, perhaps many of us, who are pleased that POINTTS did not roll over in the face of its first defeat, that in fact you have persisted and I think put something before the Government, the Attorney General (Mr. McCrae) and the Legislature which is certainly interesting and I believe extremely positive for the province.

You may not recall that when you sent your first letter back in April, I responded very quickly indicating certainly my support and that of my colleagues for this initiative. I am pleased that you are here today to defend your interests as we grapple with introducing legislation, which for all intents and purposes is supporting your cause.

* (1040)

I notice that one of your criticisms is the limitations that are placed on persons acting as agents, based on 57.1(4). I am wondering if you have come to committee with any amendments drafted, any recommendations in terms of amendments. I was not here earlier, perhaps I missed them, but perhaps you could provide your solution to the current dilemma as you see it?

Mr. Goddard: We have no amendments to make. I think the Bill is reasonable on its face, with the exception of Section 57.1(4). The Bill, in my view, at this point says that you can represent motorists in traffic court but you better do it for free, because you are not going to be able to sustain a viable commercial endeavour with these restrictions.

I mean, on the face of it, it looks great that an individual can do this, a non-lawyer can walk into traffic court, but the restrictions basically pull the rug out from under our feet. Our only concern at this point is the removal of those restrictions; that if we are to represent motorists in traffic court—and again we are dealing with traffic court.

I do not think that any of us in this room today know of anyone who ever went to jail on a traffic ticket, but these restrictions under 57(1) must be removed. That is the thrust of my submission, that is the focus of my submission, simply that provision. I have no quarrel with the Bill as it stands, other than that.

Mr. Storie: Mr. Chairperson, so if I understand you correctly, what would be satisfactory in your opinion was the elimination of (a) and (b) within that clause. That the first statement, the person may act as an agent on behalf of another person and provide, et cetera, would be sufficient. The basis for your argument is that there are very few circumstances where an imprisonment is a possibility. It may happen, but it is very unlikely.

I guess I can support that. Obviously, as well, a person does not have to choose an agent. They may choose a solicitor if they wish. Your argument is, well, a financial one for POINTTS. Your experience in Manitoba with this kind of limitation indicates that you would not survive. In jurisdictions where you operate, are there any kinds of restrictions or are these restrictions more onerous, out of whack with what is in existence in other provinces?

Mr. Goddard: Mr. Chairman, in the other provinces in which we conduct business we have voluntarily restricted ourselves. If someone comes into my office and is charged as a result of an accident in which there is a fatality, I will not deal with it. I will refer him to a lawyer even though they may beg and plead that I deal with it, I will not deal with it. I will consult with lawyers, and I have lawyers who phone me asking for advice on traffic matters, but I will not deal specifically with it.

There are no restrictions in the other provinces, because there is no legislation in other provinces. In Ontario we succeeded, after a lengthy and expensive court battle, to do this. We have shown our responsibility by voluntarily restricting ourselves. The same is true in Alberta. These restrictions do not permit us to operate in Manitoba. The Bill says come on in and operate. We cannot. We cannot do it. We have to look at the financial implications.

The whole purpose here, as I understand it, is to give someone an affordable alternative. If we are not here or an organization decides to operate under these conditions, the individual is going to have to pay a lot of money for representation. Most people are not motivated to pay \$500 for a speeding ticket, and we are right back to square one—the individual has all or nothing legal services.

I have also applied the restrictions to my own office in Edmonton. Although the legislation does differ—penalties are somewhat different with respect to imprisonment—I have found virtually the same thing in Alberta and, specifically, Edmonton, where if these restrictions are in place, we are going to have to pack up or find another line of work, because we simply cannot operate with these restrictions.

Again, what is the reason for these restrictions? Where are these cases, where are these examples of

these people who have been hard done by? We do not have them. We have 25,000 people who have come through our door who have retained our services. We are retaining people on an average of over a thousand a month Canada-wide. These concerns, whatever the concerns were, obviously were addressed by a legal department of lawyers, I would suggest, little or few of whom have experience in traffic court, the experience that I have had in traffic court. I think that these restrictions were ill-advised because they simply are unwarranted.

Mr. Storie: Mr. Chairperson, let me be the first to say that as a New Democratic Party we will be proposing amendments to eliminate those two sections. I agree with you wholeheartedly. Whether that receives the consent of committee in the Legislature after that, of course, will be up to my colleagues, but we certainly intend to make those amendments on your behalf and I think on behalf of Manitobans.

Having said that, the next clause is not commented on, at least not at length, in your brief. When you talk about the regulations that are going to flow from this legislation, that are going to determine the licensing requirements, the bonding requirements, et cetera, I am wondering whether you have had any discussions at this point with anyone in the Justice Ministry with respect to what those regulations might look like.

Mr. Goddard: No, I have not. I believe that the regulations will be reasonable regulations. We are hoping that there will be some system of grandfathering and/or certainly a requirement with respect to previous experience as far as licensing. We are not concerned about insurance. We are not concerned about bonding, although these issues must be reasonable, and we believe they will be reasonable. I have errors and omissions insurance for a half a million dollars, as do all our agents now—the first company to acquire that.

Again, we are dealing here with traffic court, and we do not want to get into a situation where we have agents who have to pay. I am paying almost a thousand dollars a year for the coverage I have, which is far too much, but we have been fighting a battle here for the past five and a half years, and I am certainly pleased that we have come to the point we have come. It has been a long, hard struggle, but we do not want to be in a position where we are putting so many restrictions, unreasonable restrictions, financially and otherwise, on an individual who undertakes to provide this service.

I have not, as I have indicated, had discussions with respect to these specific provisions, but I am hoping that such regulations will be minimal requirements, minimal standards, so that we can get this thing on the road.

Mr. Storie: Mr. Chairperson, I appreciate that. I am pleased if not surprised by your faith in the Justice Ministry and your faith in Mr. McCrae (Minister of Justice and Attorney General) to draft regulations, which are supportive of the intention of the legislation. Unfortunately my experience is that many times the regulations end up, in one way or another, undoing the

intent of legislation, which is why I asked the question about whether there had been any discussions about the regulations. The regulations can often impose requirements for licensing or bonding, which make it impossible for you to operate as well. It is quite conceivable that would happen.

* (1050)

I have said on other occasions that I commend the Minister of Justice (Mr. McCrae) for this initiative. I think that is the strongest argument to have a non-lawyer as the Minister of Justice I have ever seen, because this does infringe in some ways on the rights of other professionals as they see them, and so in that respect I think it is a positive move. My concern is similar to yours in that we do not want to start off with a positive intent and end up with something that is so . . . it will not work. I guess I am concerned that the regulations have not been discussed at this point.

However, I also have concerns about protecting the public. You indicated that you voluntarily had limited your service to accidents which did not involve fatalities. Would you, for example, be willing to see as part of the regulations or the licensing requirements that kind of a restriction?

Mr. Goddard: Absolutely. That is not an unreasonable restriction, where a fatality results from the occurrence that gives rise to the offence is not an unreasonable restriction. To use the word "personal injuries" is certainly unreasonable. Of course, I do not have a lot of experience in these matters, but I have a lot of faith in the Attorney General (Mr. McCrae) to do that which he has proposed to do. If it is his intention to give people this service, to give this choice of service to the citizens of Manitoba, then I have faith that the regulations that follow will be reasonable.

I guess in the back of my mind we know who looks at these regulations and who suggests the form in which these regulations will take. Basically, we are dealing with lawyers. There is perhaps a conflict here; it is an unusual situation. Certainly, we have never put one lawyer out of work doing what we do. I mean the whole problem is that lawyers have abandoned this field. That is why we are here and that is why we have such a demand on our service, because lawyers have abandoned traffic court.

I believe if the Attorney General is seriously—and I believe he has seriously addressed this issue—then I believe that the regulations that follow will be reasonable regulations.

Mr. Storie: Mr. Chairperson, I may share some of that sentiment. I am not sure about some of the pressures that the Attorney General (Mr. McCrae) may have received from others. I think the Attorney General's intentions in this regard are honourable. I do not always say that about the Attorney General but I will on this occasion.—(interjection)—That is what it is, it is either Christmas spirit or a moment of madness on my part. We will certainly be watching very closely the regulations that flow from this piece of legislation.

I had one other question, perhaps a little more generic. It was one that you raised in your presentation

about the opportunity for paralegals to operate in other areas. I am wondering whether POINTTS or some offshoot of POINTTS as an example has considered, for example, paralegal services in the area of wills, non-contested divorces, the drawing up of mortgages along the same lines, where there would be licensing requirements, there would be paralegal services. Has that been considered by your organization?

Mr. Goddard: We of course have been approached by individuals who want representation in Small Claims Court, injury accidents. I understand the Government of Ontario is raising the ceiling on small claims to some \$5,000, which I think is an excellent idea. Manitoba leads the way again. I think that is an excellent idea. However, we have had to say no. First of all, I do not believe I am qualified at this point to represent someone on a civil matter. I do not believe I am qualified to do someone's divorce, wills, no matter how simple I think it is.

I have been in the paralegal profession long enough, as well as a policeman long enough to know that it is just not that simple. There are ramifications behind what one does, especially when you are dealing with matters of wills and real estate and this type of thing. I envision a day where standards of qualifications will be set and that is what has to happen. Someone has to say, look, let us implement a two-year course at this college, let us put Mr. Lawyer as the head of the project, teach this person everything there is to know about real estate transaction in two years. If you put someone in law school for three or four years and they are learning about—and they are supposed to be qualified to do everything at the end of it, can you imagine if you just taught the individual one specific facet of the law?

Once that is done then of course the POINTTS organization can look at other areas to service the public, but our expertise and our training comes from the street, from our experience as policemen. We are fish out of water when it comes to anything else. That is why we do what we know, we do what has been proven and that which we know. We do not really contemplate doing anything else and that is why we do not go into criminal court and try and defend people on impaired driving. I have charged enough people for impaired driving and I know the system inside and out from that standpoint. I have certainly watched enough and given evidence enough on the prosecution side, but we still will not take that step and go in and deal with summary matters on impaired driving because traffic tickets are what we know, that is what we do best, and we have restricted ourselves.

If there comes a time when our agents or those who join the POINTTS organization or whatever other organization it would be called are qualified, and the standard is met, certainly we will consider going into other areas. We have been approached by a major bank in Ontario, for example, to handle some of their collection work and small court cases and small claims and that type of thing. We are in a position where, unless there is adequate training—and of course we have an individual who has written a book on small claims who wants to come in and do this. We are doing traffic tickets. That is all we do, that is what we know,

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and that is what we will continue to do until the waters change as far as the legislation and this type of thing.

Mr. Storie: If I understand your argument correctly, what you are saying is that because POINTTS has expertise and training in the area of The Highway Traffic Act and consequential Acts, you do a good job for your clients. If I hear you correctly, you are saying that the same could happen in other paralegal specialities, that if there were training programs, if there were licensing requirements, bonding requirements in other areas, a less expensive service could be offered in other areas, which may have also been abandoned by other professionals or which may not currently have any competition and so forth. That is your argument.

I am wondering as well whether you have considered, and it is not in the Bill, the creation of some body to administer, to deal with disciplinary items, curriculum for whatever training programs are offered for certification and licensing. It is quite normal when these kinds of legislation go through to create bodies, advisory or otherwise, which may have consisted of members from the Manitoba Law Society and the Bar as well as a majority of people who are non-lawyers from other areas, from the police forces, from the municipalities, from civil rights organizations. Would you see that as a reasonable amendment to this legislation, that we bring in and establish a body to oversee the paralegal licensing and bonding requirement?

Mr. Goddard: If such a body is required pursuant to Section 57.1(5), for example, with respect to the regulations, if the regulations provide the standard for licensing, bonding insurance, there may not be a need, but obviously there has to be a body that oversees the paralegal profession.

* (1100)

The Bill as it stands, as I have indicated, we are not dealing with an experiment now, and things can run the way they are running right now and certainly the implementation of a body or a board overlooking disciplinary matters and standards and this type of thing absolutely should be implemented. Whether it should be implemented at this point—my concern right now is for my clients. I still have 140 clients outstanding in this province, and these people have been putting their matters over and over and adjourning, and we have a mountain of trials scheduled for February right now.

My concern is to get these people serviced. We have found some people who have decided to go themselves, or decided it is not worth the wait, or have hired a lawyer now, and of course we have refunded their retainer, but my concern is to get some legislation in place as soon as possible so we can get back in operation and do what we do best.

You are right, we do provide an excellent service. I can brag that my success rate runs, month to month, from 89 to 91 percent success. I define success as getting what I want for my client, what he or she wants. That is what we find, basically, company-wide.

Certainly there should be, and I certainly envision, a body. Whether it is enacted through legislation or

whether it is done independent of legislation, a body will be established. Such are the cases in Ontario, where we have a paralegal association. Certainly, having a legislative provision gives this committee some teeth.

Mr. Storie: I realize there are many other Bills before us and people waiting to make presentations. I apologize for taking as long, but frankly nothing this interesting has come before us with respect to The Law Society Act in a long time.

Mr. Goddard will note that the regulations the Lieutenant-Governor-in-Council may make do not include any body which might be of a lay nature or composed in the majority of a lay nature. In fact, the Lieutenant-Governor-in-Council has left itself the authority to regulate solely the licensing, the bonding, et cetera.

My question is a direct one. Would you object to an amendment which would create a body which would oversee or act in at least an advisory capacity to the Lieutenant-Governor-in-Council, which would do those things, and that body would be comprised in the majority of non-lawyers?

Mr. Goddard: I have absolutely no objection to that whatsoever. As I have indicated, we are dealing on good faith here, and I believe the Minister is dealing in good faith in bringing this forward, and I think these things will flow from it. I believe, if the objective is to get an organization such as POINTTS up and running, that will be done.

Mr. Storie: Mr. Chairman, I have just one final point. My objective as well is to get POINTTS on the road, so to speak. It is also my objective to make sure there is an independent body who has as its prime interest the maintenance of standards for organizations such as yourself, but also to protect the right of the people to have a choice when it comes to these services.

An independent advisory body, in my opinion, is a better way to regulate the industry—and it is a new industry—than leaving it entirely to the Lieutenant-Governor-in-Council. So that is what I am arguing and I appreciate your support. It certainly would not be intended to, nor would it, complicate your existence.

Mr. Mark Minenko (Seven Oaks): Mr. Chairman, I would like to perhaps, first, before asking some questions, apologize to the committee. I had previously made arrangements, some time ago, to this morning play a role of St. Nicholas at a Ukrainian nursery school. As a result I was a little late in coming here.—(interjection)—If the Member for Elmwood (Mr. Maloway) would know, the Ukrainian St. Nicholas does not go up and down chimneys. Perhaps I could pass on some information so he would be a little bit better informed as to what that person was.

With respect to this legislation we have before us, as you are well aware, every law society in the country, and presumably around the world, has a discipline committee which reviews various matters brought before it by people who were not pleased with the service rendered to them for whatever purpose.

That discipline committee is made up of lawyers, benchers of the Law Society, plus people from outside who review the particular situation and determine whether the standard of care that should flow to the client was in fact there. There are ramifications of someone not living up to the standards that are the norm. What means do the regulations and/or the legislation in the provinces in which you now operate have of doing the same thing?

I can appreciate the whole issue of bonding and insurance and all that good stuff, but it is sometimes difficult indeed to be able to assess someone's damage if they ended up going to jail or getting a greater fine because of some lack of representation or inadequate representation.

I am not simply tossing it out with respect to your services and how your corporation operates, because we have heard about operating fairly and reasonably and words associated with that, but I think Manitobans would appreciate a little greater certainty, than fairness. What is fairness? As a result I would ask you to comment on how your operations and operations of people who provide the same type of service are regulated, and any complaints brought against them by their clients. How is that dealt with in the other two provinces?

Mr. Goddard: Well, I can tell you, in a way, this is the problem. We do not have an example of regulations or legislation. This is a totally unregulated industry at the moment. We have no standards. We have no regulations in Ontario and the same is true in Alberta. POINTTS has established, for a number of years, a disciplinary committee which will hear complaints and is empowered to expel, if necessary, members from the POINTTS organization, and perhaps I should have brought a company profile here today. We have that in our organization, in place, to deal with such complaints, and I am pleased to say we have only had three complaints, and they have all been dealt with in a manner satisfactory to the client. Certainly, this would of course flow from some kind of a board or body established to deal with disciplinary matters, and obviously that is an issue that has to be addressed at some point.

Currently we are making history in this province for North America, because there is no precedent here. There was a Bill 42 in Ontario, that was a Private Members' Bill, that tried to—I think it received two readings some three or four years ago before the election. It died on the Table. Other than that there has been nothing like this, and I think history will show that this is the beginning right here, where there is a new mindset, or the dinosaur is dying, that people are realizing there are alternatives. There are affordable alternatives, provided we have the proper standards and regulations, and system of licensing or certification in place for these individuals to do what they purport to do. Unfortunately, we have nothing in the other provinces. It is the corporate responsibility of the individuals who do this to ensure that their clients are well cared for.

(Mr. Harold Gilleshammer, Acting Chairman, in the Chair)

Hon. Harry Enns (Minister of Natural Resources): . . . matter of order, not wishing for a moment to in any way ruffle the co-operative mood of Members of the committee, but simply a reminder that the purpose of the committee and the Members is to ask questions of clarification for presentation made, in this case by Mr. Goddard. Mr. Goddard made a specific presentation, provided us with a brief. As interesting as it may be to discuss where this whole avenue may go and develop over the years, I submit that is discussion that Members may wish to have amongst themselves when they are passing the Bill and that is the discussion we had at second reading when we discussed the principle of the Bill.

* (1110)

I gently remind all Members, for the sake of some expediency, that these occasions when we hear presentations from the public the practice of these committees has been that we specifically ask the presenter for further clarification, if any needed, for the presentation that he has made. In this case, Mr. Goddard has been good enough to make a very specific presentation, he comments on specific sections of the Act, he provided us with copies of it and I would suggest to you that it would be in order to remind Members from time to time that indeed is the practice.

The Acting Chairman (Mr. Gilleshammer): I thank the Honourable Member for his input in echoing the comments that the Chairman made at the beginning of this hearing.

Mr. Minenko: I appreciate the Minister's comments, but I think if this is indeed the opportunity where we have someone who has been involved, and whose company has been involved in this area, and is certainly prepared to advise us on some matters dealing with the protection to the public, and if the Minister is suggesting that any comments that I have made to this time are not in that vein, then I would suggest he review my comments once again because our position, or Party's position, is indeed clear with respect to this issue.

As a solicitor and barrister in this province people may suggest that I have some ulterior motives. I in fact do not. I have mentioned a number of times in my speeches in the Legislature that I felt legal expenses were indeed getting very large and that there were alternatives needed to be looked at. Although I appreciate, and if those comments were directed to me from the Minister, them, I also think there is an interest of public security here as well.

I appreciate Mr. Goddard's comments that there really has been seemingly left up to each company to decide how they are going to regulate themselves, and I think that is of little concern. Now this is one company that has provided the service that people are indeed entitled to and looking forward to. What I am concerned about is individuals or companies that may set up business providing similar-type services to people who for whatever reason choose not to regulate themselves. I think we have seen, in some legislation brought forward

by this Government and debated just recently in the House, where the Government has felt that there indeed requires more regulations, and I cite Bills 63 and 64.

I think this aspect that was touched on by the Member for Flin Flon (Mr. Storie) is indeed correct. You have the judges having a discipline committee looking after any complaints brought against judges; you have the Law Society Discipline Committee dealing with complaints brought against lawyers. I presume the Medical Association has a similar-type committee. Now here we are again allowing individuals trained or untrained, theoretically speaking, various levels of training.

Now POINTTS may indeed have a certain standard of people they want working for them as agents, what if these people are not accepted by POINTTS and decide to set up their own practice, so to speak, provide their own service. The public seemingly would have no means of determining whether these people are indeed at some standard, and I think this has to be addressed. I appreciate the comments by the witness today about the other provinces. I think it is incumbent that we in committee today then ask questions of the Minister of Justice (Mr. McCrae) as to what his intentions are with respect to this very important aspect brought by our colleague.

The Acting Chairman (Mr. Gilleshammer): On a point of order, the Honourable Minister.

Mr. Enns: The Honourable Member makes my point. It is of course incumbent and if he sees fit his responsibility to ask the Minister of Justice what his intentions are, I merely drew to the attention that it is not in order to engage in this kind of debate, or discussion, or observation, or speech making, when we have a presenter before us who made a specific presentation.

The Acting Chairman (Mr. Gilleshammer): Again I would thank Honourable Members. Are there any further questions? The Honourable Attorney General.

Mr. McCrae: Mr. Acting Chairman—

The Acting Chairman (Mr. Gilleshammer): Mr. Goddard.

Mr. Goddard: If I may. The concerns expressed are the same concerns that were expressed five and a half years ago when POINTTS was established. During our challenge—we of course have competition, people set up—this same concern has always been expressed but the reality is with the minor regulatory nature of the work that we do, the reality is that we do not have these problems that one might foresee, such as—which were I am sure contemplated when 57(1)(4) was placed in the Bill, that these concerns about what if this, and what if that?

The reality is we can look at the other provinces and that is what we have to do I believe is let us look at Ontario, let us look at Alberta, and say, where is the problem? There has been no problem. If there were a

problem the Law Society would certainly be the first ones to articulate those problems, as they do for situations where an individual uses a paralegal in a case of a real estate transaction, or a divorce and it is bungled and money is lost, the Law Society will point to those examples and say, see this happened, this happened.

When it comes to traffic court representation we have challenged the Law Society to bring forward these examples, these concerns, where people have had some criticism about the way in which the matter was handled, or the adverse effect on civil litigation arising out of the offence. These concerns are not voiced and when you deal with reality we are not dealing with a major problem, it has not been there and we should not get, in my respectful submission, bogged down with the "what ifs" and the "what ifs" because we have the luxury of seeing what has already happened, we have history to look at, this is not an experiment.

Mr. McCrae: Mr. Acting Chairman, of necessity because of the passage of time, my remarks in clarification, or my comments in clarification, will be extremely brief.

Mr. Goddard, I do appreciate your travelling this distance with the notice given under our legislative rules, I appreciate your attendance here today and your comments too.

I would like to clarify in three areas very quickly. First, the reference to legal people in the Department of Justice. In defence of the legal people in the Department of Justice, I can tell you and assure you that what you have before you is the result of direction given by the Government of Manitoba and not by the legal representatives of the Department of Justice. We have excellent people working in the Department of Justice who are able to react very professionally to direction given to them by the Government, so that I tell you what you see there is the product of the minds of the Government of Manitoba.

The second point you refer to in your letter to me, which draft response is presently being worked on, but you refer to The Summary Convictions Act, and the general offence section in The Summary Convictions Act, which says, as you state in your letter, that it provides for a fine and/or imprisonment for any contravention of provincial legislation. It says, unless another penalty, therefore, is provided by or under an Act. Then I would have to refer you to The Highway Traffic Act which provides under its general offences section for a fine of not more than \$100, or suspension of licence. So that it is The Highway Traffic Act in that case that would prevail and which would apply.

I think I can assure you that I can show you a list of something over 175 highway traffic offences, visually you might be able to see it from there, but single-spaced, several pages of offences, for which non-legal persons could act in a court of law in the provincial court. I think perhaps if you read just The Summary Convictions Act one could be misled into thinking that our legislation is extremely restrictive in that regard, but there are indeed over 175 highway traffic offences which could be dealt with by your company, for example.

* (1120)

The third point refers to injuries and the definition of injuries, and in that regard I must say that listening to you I am impressed by the professionalism shown by yourself and by your company. This legislation is not before us strictly for the POINTTS organization, so that there are others out there who might be interested in acting for people, and it was with regard to protection of the public that we put in the reference to injuries. However, as I understand it we will not be dealing clause by clause with this Bill today. This committee will have another opportunity to discuss it as a committee.

Mr. Minenko (Seven Oaks), for example, can ask the Minister all the questions he likes, the same as others. The issue that you have raised with respect to injuries will be addressed, not only in my correspondence with you, but also before the Bill finally becomes law in Manitoba. The idea was not to bring in legislation to allow POINTTS or other agents to operate in courts, and then make it so restrictive that they could not act. I am listening to what you have been telling me, but what I am saying to you is, on the imprisonment side I think perhaps a reading of The Highway Traffic Act might have set that straight for you. Thank you, Mr. Acting Chairman.

Mr. Goddard: Thank you, Sir. I have considered the legal ground on which I believe we stand, and of course my experience is that when I feel that I am on legal ground, and strong legal ground on some points, the end result is quite different. Obviously, Sir, you are much more comfortable and confident about the legal ground on which this is based.

The 175 sections under The Highway Traffic Act for which an individual can act, or a non-lawyer can act for an individual, does not, in our view, enable a company to operate in a financially viable manner. It is fine to say that for a burnt-out headlight, sure you can have a lawyer or a non-lawyer represent it, and for your mud flaps that are not properly attached you can pay someone to do it.

Reality is people do not pay for that. They pay for moving violations, and specifically with the 14 sections under The Highway Traffic Act that include imprisonment as a specific option for penalty, and with the provision for injuries we are not able to operate in a financially viable manner. Although it sounds well and good to say that there are 175 sections whereby an agent can represent someone, the reality is you are not able to make a living doing that, because people are not motivated to spend the money that would have to be charged to represent them on those specific sections.

I do not mean to imply that the interest of the public is being somehow compromised in the legal department, and I certainly do not want to be misunderstood on that point, that if the legislative intent, as I have indicated, is to let someone do this in a financially viable manner, then we have to let him do it in a financially viable manner. Otherwise, for those 175 sections in that Act they are going to have to charge fees comparable to those charged by the legal profession.

Of course this is not the POINTTS Bill, it is Bill No. 71, but it is our history which in a large part has brought us here today, and as I have indicated in the correspondence, a remarkable turn of events. It is our history that we look at when we look at this Bill. Well, in its practical application, could we survive? No, we could not survive, and if we cannot survive then we are suggesting that a professional organization will not be able to survive either with these restrictions.

I think, as I have indicated before, that certainly the issue of a fatality is certainly not an unreasonable restriction, but apart from the unwarranted concerns, practically speaking, from Section 57.1(4), the practical application, financially, just does not make it feasible to conduct business in the province. People can do it and there is a provision, but we are suggesting that any credible organization will not be able to survive with those restrictions. I can tell this honourable committee that if these restrictions are in place and remain in place, POINTTS will be unable to operate in this province. We simply cannot do it, people will not pay the fees that we would have to command to survive.

Mr. Lamoureux: Mr. Acting Chairman, I just want to also thank Mr. Goddard for coming down and making the presentation on such short notice. I found it most informative, his presentation. One of the things, no doubt we will be seeking some type of assurances in regard to 57.1(4). His points have been taken very well from our side of the House, and we will pursue those points and make sure that Manitobans will benefit ultimately from a good piece of legislation, what we believe will be a good piece of legislation, that being the POINTTS organization.

Mr. Acting Chairperson, I believe that the Attorney General (Mr. McCrae) has said that we will be going to committee, and we will probably be anticipating it some time in early January. We can continue to pursue the questioning and the assurances that are needed in putting forward what I would like to think of as friendly amendments, that would ensure that we do have a good piece of legislation, and possibly one of the better pieces of legislation in the country, regarding paralegal companies.

The Acting Chairman (Mr. Gilleshammer): Thank you. On behalf of committee Members, Mr. Goddard, I would like to thank you for your presentation and wish you well in this Christmas season.

Mr. Goddard: Thank you, sir.

The Acting Chairman (Mr. Gilleshammer): We have another presenter registered. Mr. Collie, would you please come forward and give your presentation to the committee. I would ask, if you have copies of your brief—we have them here. Thank you. Mr. Collie you may proceed.

Mr. Brian Collie (Manitoba Real Estate Association): Mr. Acting Chairman, honourable Members of this committee, I would like to thank you for the opportunity to address you this morning. I am appearing on behalf of the Manitoba Real Estate Association to speak in

support of Bill No. 76, The Real Estate Brokers Amendment Act.

Bill No. 76 is a big step forward for consumers and for our association, despite the fact that misappropriation of funds during real estate transactions is not common in Manitoba. The reimbursement fund specified in Bill No. 76 will increase and standardize the level of consumer protection throughout most of the real estate industry, unlike the present system of surety bonding which provides varying levels of protection depending on the size of a company.

Normally, in a real estate transaction an offer to purchase is accompanied by a deposit of about 5 percent of the purchase price. Once an offer is accepted by a seller, the real estate broker must place the deposit money into his trust account. The average home price in Winnipeg is \$83,000 and slightly less than that in the province. So on average a deposit would just be around \$4,000, but that will vary with the value and type of property.

Reimbursement fund will provide coverage for consumers if their deposits are misappropriated by a broker, his salesperson, or other employees. A broker's trust account might also include rental monies if the broker is involved in any property management activities. The fund will also compensate for any rental monies lost.

* (1130)

The Manitoba Real Estate Association has been lobbying for this type of fund since 1986, because we feel it provides benefits for consumers, Government, and our members. Primarily, we feel that industry-Government co-regulation will allow real estate professionals to play a greater role in maintaining, developing, and improving standards in the real estate industry while assisting this administration's efforts to keep business and Government separate. Together we can increase consumer protection without a corresponding increase in Government spending.

The real estate industry first took greater responsibility for its own destiny in 1987 when our association began delivering free licensing education in co-operation with the Manitoba Securities Commission. Since then, our association has improved and standardized the educational requirements for real estate salespeople and brokers. A members' reimbursement fund is the next step. Once it has demonstrated its value to our members, we hope to see the fund extended throughout Manitoba in the near future. The concept works well in other provinces and can work well for Manitobans.

Although the levels of coverage to be provided by the fund have not been specified by regulation yet, the Manitoba Real Estate Association is prepared to endorse a total fund limit of \$500,000, with coverage of \$250,000 for all claims against a company, and \$50,000 per claim per claimant. These levels of coverage are generous when you consider that the average deposit required on an average home purchase is around \$4,000.00.

Before I close, I want to bring a minor point to the attention of the committee. In Bill 76 and specifically in Sections 39.1(2), 39.1(3), and 39.1(4) reference is made to the term salesperson. While this association supports the change from salesman to salesperson for obvious reasons, we do note that the appropriate term as contained in Section 1 is a real estate salesman. The association is therefore concerned that the insertion of the term salesperson without an appropriate definition in Section 1 might be statutorily incorrect and the cause for some confusion.

This point aside, the Manitoba Real Estate Association feels that Bill 76 is an excellent and progressive amendment to The Real Estate Brokers Act. The association looks forward to continuing co-operation with the Government of Manitoba in matters concerning our industry. We share a common goal: to increase consumer protection and standards of services in real estate.

On behalf of the association, I would like to thank the provincial Government, especially the Minister of Consumer, Corporate and Co-operative Affairs, Mr. Connery, for making the reimbursement fund possible, and in addition to that, to thank all three Parties for expediting sending this Bill to committee, and to assure you that the Manitoba association is prepared to implement the fund January 1, 1990. Thank you.

The Acting Chairman (Mr. Gilleshammer): Thank you, Mr. Collie. Do committee Members have any questions they would like to pose to Mr. Collie? The Honourable Attorney General.

Mr. McCrae: It is a pleasure being here today on behalf of Mr. Connery and to accept the friendly comments made by the association with regard to Mr. Connery's part. I played a small part. I understand the previous Government was involved in discussions and negotiations with the association. I am very happy that we arrived at this point today, and appreciate your presence here today.

Mr. Jim Maloway (Elmwood): This Bill allows independent brokers who are not members of the association to still be required to file surety bonds. My question was, what levels would the bonds be at? Would they be consistent with what would be available through the reimbursement fund to make certain that we do not have two standards here?

Mr. Collie: Mr. Acting Chairman, our understanding is that the regulations may be amended to allow for some increase in individual member bonding as well, but that is not in front of us as part of the amendment to the Act. The Act just specifically allows a reimbursement fund to be established for members of the association.

Mr. Maloway: How are we going to assure ourselves that there is a consistency between the members who are members of the reimbursement fund and those who are not? In consistency, I mean in terms of the level of protection to the public.

Mr. Collie: The present amendment again does not provide for that. Basically, as an association, we feel

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comfortable in recommending elevated levels of coverage for the public because of certain safeguards we have in our association membership. We do not, however, have those same safeguards or any way of implementing them with other registrants who are not members of our association. The two are from different kettles.

The Acting Chairman (Mr. Gilleshammer): Are there any further questions? Mr. Minenko.

Mr. Minenko: Are there other funds operating in other provinces in Canada?

Mr. Collie: Yes, there are. There are four other provinces operating similar funds in Canada.

The Acting Chairman (Mr. Gilleshammer): Are there further questions?

On behalf of the committee, Mr. Collie, I would like to thank you for attending this morning and making your presentation to us. Thank you very much.

Mr. Collie: Thank you, Mr. Acting Chairman.

The Acting Chairman (Mr. Gilleshammer): We will now ask one last time if there are any other persons wishing to speak to Bills 7, 12, 33, 38, 71 or 76 this morning? Are there any other presenters?

Since all presentations have been heard, we shall now proceed with the consideration of the Bills before us. How do Members wish to proceed with the Bills this morning? Shall we consider the Bills in numerical order?

Mr. McCrae: Did you say Bill 7, Mr. Acting Chairman?

The Acting Chairman (Mr. Gilleshammer): I asked what order we wish to consider them. Do you want to go in numerical order?

Mr. McCrae: I suggest, Mr. Acting Chairman, numerical.

BILL NO. 7—THE INTERNATIONAL SALE OF GOODS ACT

Hon. James McCrae (Minister of Justice and Attorney General): With regard to Bill 7, I am not sure what the wish of the Members of the committee is. I certainly know that there are no Government amendments to Bill 7. It is the adoption of a convention. No amendments really are possible in this particular case, and if it is the will of the committee we could deal with the Bill as a Bill and pass it very quickly through.

We are referring, Mr. Acting Chairman, to Bill 7, The International Sale of Goods Act, which has not been a controversial Bill to my knowledge.

Mr. Mark Minenko (Seven Oaks): Although it has not been a controversial Bill, as I am sure the Minister will hear from my comments on the debate on this Bill, I would like to ask the Minister whether he can advise

us as to how does this legislation change the present means of operating with respect to contracts—

The Acting Chairman (Mr. Gilleshammer): Excuse me, is it agreed then that we are going to proceed in numerical order? (Agreed)

We shall start with Bill 7. The Bill will be considered clause by clause. However, the committee can pass clauses in blocks of clauses. During the consideration of a Bill, the Title and the Preamble are postponed until other clauses have been considered in their proper order by the committee.

I would ask if the Honourable Attorney General has an opening statement?

Mr. McCrae: Mr. Acting Chairman, I think maybe the Honourable Member would like me to do this. During debate at second reading a number of questions were put on the record in the House by various Members, and I have a compilation of responses to those. If the Honourable Member would like, I could read that into the record as quickly as I can, and perhaps it might answer the questions the Honourable Member has.

Mr. Minenko: If he has them there I could just get a photocopy. That will be fine. If the Minister could assure me that the particular question that I asked as to what changes people can expect in their way of operating up to now, if that particular question is answered in the material the Minister has before him, I am prepared to simply ask the Minister to provide me a photocopy of that material.

* (1140)

Mr. McCrae: I think I can answer the Honourable Member's question this way, Mr. Acting Chairman. Obviously, different contracting states have different rules for making international contracts. Each party may very well wish to use their own rule, thinking their own rules are better than the rules of the other contracting party. Where such a dispute would arise, it seems to me that is where this convention would come in. What it is, it is an option that contracting parties have. I am looking to my department for some advice here, but it is an option that both contracting parties have. If they cannot agree on which rules to use, they can use this convention. That is my understanding of this convention.

(Mr. Burrell, Chairman, in the Chair)

If they can agree, Mr. Chairman, to some other rules, that is fine. If not, then they can agree that this should be the rules that they use. It is a convention entered into by 62 states, I believe it is, of this rule.

Mr. Minenko: My concern, Mr. Chairman, arises from dealing with business people, in that business people in Manitoba have expected a certain way of operating and dealing with the markets and people overseas in other jurisdictions. I just wanted to ensure that they were well aware of any changes in how they would be operating their businesses, and how this Bill affects how they have operated in the past.

If the Minister's prepared material covers that, I am prepared to just get him to give me a copy and that would be fine for this Bill.

Mr. McCrae: Mr. Chairman, a number of the Members and many of the commentators have indicated that, because the convention applies to a contract, unless it has been excluded, some business people may find themselves caught unaware, and this is what the Honourable Member is referring to.

This is a concern and all the provinces and the federal Government are aware that, before the federal Government adopts the convention, an extensive educational campaign involving the levels of Government, the business community and local law societies will have to take place.

Mr. Chairman: Would the official Opposition Party like to make an opening statement? The second Opposition Party? We are on Bill No. 7. We are going to consider the Bills numerically.

Is it the will of the committee to proceed clause by clause? Is it the will of the committee to consider Clauses 1 to 4?

Clauses 1 to 4—pass; Clauses 5 to 8—pass; page 3—pass. Is it the will of the committee to pass the Schedule as a whole? Pass. These are pages 3 to 36. Preamble—pass; Title—pass. Bill be reported.

BILL NO. 33—THE ECOLOGICAL RESERVES AMENDMENT ACT

Mr. Chairman: Is it the will of the committee to consider Bill 33?

Hon. Harry Enns (Minister of Natural Resources): Mr. Chairman, this Bill received—just by way of a very brief comment—the support of all Members opposite. I have staff members available this morning for any further clarification if needed. I would ask you to proceed with the Bill.

Mr. Chairman: Is it the will of the committee to proceed with the Bill, or would the official Opposition like to make an opening statement? The Member for Selkirk.

Mrs. Gwen Charles (Selkirk): Thank you. I have spoken on the Bill in the House. I am very pleased to see it come forward and will be extremely glad to see some of these ecological reserves come into place as soon as possible. I will be putting forward one, I hope, which will be from the amendment to Section 8, when we come to that section, and will have that available in both English and French to proceed quickly today. I am just giving notification of my amendment for Section 8, when we come to that section, but we will proceed as quickly as possible, I hope, through this Bill today.

Mr. Chairman: Thank you, Mrs. Charles. Mr. Storie, would the second Opposition Party have a comment on the Bill?

Mr. Jerry Storie (Flin Flon): Mr. Chairman, yes, we are not going to have any amendments to the Bill. I

am pleased that the Minister of Natural Resources (Mr. Enns) has brought forward the Bill. It was prepared by my colleague, the Member for Dauphin (Mr. Plohman) in a timely fashion, and we are pleased to be able to pass it at this time.

Mr. Chairman: Is it the will of the committee to—yes, a group of clauses. Clauses 1 to 3—pass; Clause 4—pass; Clause 5; Clause 6—pass; Clause 7—pass.

Clause 8—Mrs. Charles.

Mrs. Charles: Yes, Mr. Chairperson, I move, seconded by the Member for St. Vital (Mr. Rose), that the following amendments be made to Section 8. I believe copies of the amendments are being distributed at this moment.

I move

THAT Section 8 be amended by adding the following after the proposed subsection 8(3):

Requirement for removal of designation

8(4) Before a designation is removed under subsection (3), the Minister shall:

- (a) publish notice in a newspaper that has general circulation in the area in which the reserve is located; and
- (b) where the Minister considers it to be in the public interest, request the committee to proceed under clause 9(6)(b).

(French version)

QUE l'article 8 soit amendé par adjonction, après le nouveau paragraphe 8(3), de ce qui suit:

Suppression de la désignation

8(4) Avant que la désignation soit supprimée en application du paragraphe (3), le ministre:

- (a) fait publier un avis dans le journal ayant une diffusion générale dans la région où la réserve est située;
- (b) demande au Comité de se conformer à l'alinéa 9(6)(b), s'il juge que cela est dans l'intérêt public.

I move that in both English and French.

Mr. Enns: Mr. Chairman, I see this amendment for the first time, but I am not disturbed by it. I wonder if I could ask our director, within the branch that is looking after The Ecological Reserves Act, now to explain to us the current procedure that is involved in removal of designation. Mr. Ross Thomasson, from our department.

Mr. Ross Thomasson (Chairman, Ecological Reserves Advisory Committee): Each ecological reserve is, of course, established by Order-in-Council after recommendation to the Minister of Natural Resources by the Ecological Reserves Advisory Committee. The doing away of an ecological reserve would also require an Order-in-Council to take away its designation.

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The Act as it currently stands allows for the establishment of the Ecological Reserves Advisory Committee which has been in place since the program was developed some 15 or 16 years ago. The role of the committee is to advise the Minister on all aspects of the ecological reserves program, including the establishment of ecological reserves, and therefore, by implication, on the doing away of ecological reserves.

The committee is composed primarily of members of the public, all being noted ecologists—that is, all the public members; six members on the committee, four being from the public, all noted ecologists, plus two Government members, one of which is myself.

* (1150)

Further to that, you will notice in the amendment before you that once every five years the Minister will be required to report to the Legislative Assembly on the Ecological Reserves Program. Also, within Government, there is a system of reviewing the establishment, and by implication, the disestablishment of ecological reserves through what is known as a Crown Land Classification Committee, through the Interdepartmental Planning Board and through the Provincial Land Use Committee of Cabinet. Those are all the existing procedures that we would anticipate, should it become necessary to do away with an ecological reserve, that those processes would be used in essence in reverse.

Mr. Enns: Thank you, Mr. Thomasson. I had Mr. Thomasson put that on the record simply to indicate to the Members of the committee that it is highly unlikely that any removal of a designated area from the Ecological Reserve Program would go unnoticed by the public. The specific committee, the advisory committee, is a public committee and one that you would expect would be the first to ensure that full public information was made.

However, having said that, I have no difficulty in reinforcing that concept, which I read this amendment to do. I am prepared to, on behalf of the department of the Government, accept the amendment as proposed by the Honourable Member for Selkirk (Mrs. Charles).

Mrs. Charles: Just briefly, I am pleased to hear that from the Minister. I think it is very important in this day and age of environmental awareness, which I hope will continue forever, that we make sure the public is always invited to put their input into any designation or removal of designation. I am pleased to hear the Minister support the amendment.

Mr. Chairman: Is it the will of the committee to support the amendment?

Some Honourable Members: Agreed.

Mr. Chairman: Pass on; carry on?

An Honourable Member: Yes.

Mr. Chairman: Shall Section 8, as amended, be passed—pass; Section 9—pass; Section 10—pass;

Preamble—pass; Title—pass. Shall the Bill, as amended, be reported? Agreed.

Is it the will of the committee that I report the Bill as amended? Agreed and so ordered.

BILL NO. 12—THE LEGISLATIVE ASSEMBLY MANAGEMENT COMMISSION AMENDMENT ACT

Mr. Chairman: We shall proceed now to Bill No. 12, The Legislative Assembly Management Commission Amendment Act. Does the Honourable Minister have an opening statement?

Hon. James McCrae (Minister of Justice and Attorney General): Bill No. 12 arises out of a recommendation coming out of the Legislative Assembly Management Commission, which is composed of Members of all Parties. It relates to the duties and powers and the authority for certain staffing matters, administratively speaking, here in the Legislature. I commend the Bill to the attention and support of Honourable Members.

Mr. Chairman: Does the official Opposition have an opening statement? The second Opposition—opening statement? Okay. Is it the will of the committee to proceed then with the Bill clause by clause, or group of clauses—by group of clauses?

Mr. McCrae: Either way it will not take long, Mr. Chairman.

Mr. Chairman: Clauses 1 to 4—pass; Preamble—pass; Title—pass. Bill be reported.

BILL NO. 38—THE STATUTE RE-ENACTMENT AND BY-LAW VALIDATION (WINNIPEG) ACT

Mr. Chairman: Is it the will of the committee to proceed with Bill 38? Agreed.

Does the Honourable Minister have an opening statement?

Hon. James McCrae (Minister of Justice and Attorney General): Mr. Chairman, Bill No. 38 represents the work done by Legislative Counsel in the ongoing re-enactment process. Things appear to be on schedule. This is another Bill in the process.

I think Legislative Counsel needs again to be reminded that their work is appreciated by the Members of this Legislature and all of the people of Manitoba. Their work is arduous and ongoing. They are doing a good job, and I think we should all commend Legislative Counsel for that. I commend this Bill to the support of Honourable Members.

Mr. Chairman: Does the official Opposition have an opening statement on this Bill? The second Opposition—Mr. Minenko.

Mr. Mark Minenko (Seven Oaks): I just have a couple of short questions. I see there has also been a number

of Bills that have been repealed as part of this Bill, or some legislation has been repealed. I am just wondering whether the Minister could comment as to why these particular Acts were repealed. Is it the Government cleaning up the legislation as in modernizing it, or bringing it up to date as they are going through and translating? Would that be the response then?

Mr. McCrae: The answer is, Mr. Chairman, certain Acts have fallen out of use, have no further effect, otherwise spent, and so those Acts of the Legislature, during the process, are repealed so as to clean up the statutes of the province.

Mr. Minenko: We have the assurance of the Minister that there have been no substantial changes to any of the legislation? This is simply updating and ensuring that there is no overlap and things like that?

Mr. McCrae: The Honourable Member has that assurance.

Mr. Minenko: How many more Acts are we looking at being translated in the future? Is there any indication of how many more statutes are going to be repealed in the future as well?

Mr. McCrae: Mr. Chairman, in order to preserve accuracy it might be better if I asked the Legislative Counsel to respond to the question in the form of a progress report for the Honourable Member.

Ms. Shirley Strutt (Legislative Counsel): Thank you. We are expecting one more Bill with respect to municipal Acts. This is the first Bill related to municipalities, Winnipeg particularly. We are very close to completion, I would say, on a second Bill relating to municipalities outside Winnipeg.

In addition, the Private Acts Project is progressing fairly favourably. We have all of the Acts translated and revised, but we are in the process of getting the text revised in French and out to the particular people affected by those private Acts. As well, we have one Bill to come forward dealing with what we have called Unconsolidated Public Acts in Manitoba, those that were not in the CCSM. They, like the municipal Acts and the private Acts, had the December 31, 1990, deadline, and we have dealt with them as a group.

As you probably know, our tables are organized by category of Act. We have tried in the re-enactment process to keep those categories together in order to facilitate people in the future determining where the Act was, and where it is now and what has happened in the interim.

Mr. Minenko: I have one final question, Mr. Chairman, so that there are no problems with respect to people doing things right now that they may not be entitled to do, because Acts are not being translated. So everybody who has had legislation before the Supreme Court or before the court decision, those Acts are still in effect and still good until the end of 1990, is that correct?

Mr. McCrae: The project, the Translation and Re-enactment Project is following along the guidelines set

by the Supreme Court of Canada in 1985. Any Acts that have not been translated and re-enacted to this point are valid and in effect. Then when the deadline comes, if we have not done what we have been instructed by the Supreme Court, then we have a problem, but until now we have kept with the schedule set for us by the Supreme Court.

* (1200)

Mr. Chairman: Is it the will of the committee to now proceed with studying of the Bill clause by clause? Agreed. Group of clauses by group of clauses? Agreed.

Okay. That would be page 2, Clauses 1 to 6—pass; page 3, Clauses 7(1) and 7(2)—pass; page 4, Clauses 8 to 10(2)—pass; page 5, Clauses 11(1) to 14—pass.

Now the schedules—Schedule A—I am sorry, Mr. Patterson.

Mr. Allan Patterson (Radisson): Mr. Chairman, just as a matter of form, if we are going by pages—

Mr. Chairman: No, we were going by clauses. A group of clauses on a separate page.

Mr. Patterson: Clause 7.2 then would carry over (a) to (f) on the next page?

Mr. McCrae: Absolutely. We would not want to leave the tail end of that clause out, Mr. Chairman. It is a very important clause.

Mr. Chairman: Any other questions? Okay, then the schedules. Schedule A, page 6. Schedule A—pass; Schedule B—pass; Schedule C—pass; Preamble—pass; Title—pass. Shall the Bill be reported? Is it the will of the committee that I report the Bill?

Mr. McCrae: Mr. Chairman, just to be absolutely certain, when we passed Clause 7 on page 3—I did not mean to be facetious—we passed the whole clause, is that correct?

Mr. Chairman: That is correct. The Clerk advises me that we did it properly. Is it the will of the committee that I report the Bill? Agreed.

Mr. Chairman: Is it the will of the committee to proceed to Bill 71? Does the Minister have an opening statement?

Mr. McCrae: Mr. Chairman, an opening statement only to the point to say that it is the intention of, I believe, all Honourable Members to deal with a clause-by-clause study of Bill 71 at a future sitting of this committee, so that we could move now to Bill 76 and defer study of Bill 71 to another sitting of the committee.

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**BILL NO. 76—THE REAL ESTATE
BROKERS AMENDMENT ACT (2)**

Mr. Chairman: Is it the will of the committee to study Bill 76? Agreed. The Real Estate Brokers Amendment Act—does the Honourable Minister have an opening statement? The Honourable Minister.

Hon. James McCrae (Minister of Justice and Attorney General): Mr. Chairman, I would apply the comments I made at the conclusion of Mr. Collie's presentation to my opening statement, and that would be it. Thank you.

Mr. Chairman: Does the official Opposition have a comment on this Bill? Mr. Patterson.

Mr. Allan Patterson (Radisson): I would just like to say, Mr. Chairman, that this is a progressive piece of legislation, and I would endorse the comments of the Minister of Justice (Mr. McCrae).

Mrs. Gwen Charles (Selkirk): I just wanted to ask the question, as was pointed out, of the problem between the terminology of salesman and salesperson, whether legal counsel deems that to be a problem. That is the only reference point I would point out.

Mr. McCrae: I am advised by Legislative Counsel that in regard to that point, the amendment is being prepared as we speak. I think it is arriving now. The issue—if I was listening as carefully as I should have been with some of the other things that have been going on—is to deal with the expression "salesman" as it is used in The Real Estate Brokers Act. I know from personal experience that word does come up in that Act.

So I will be moving in both the French and English languages that Section 2 be renumbered as Subsection 2(1), and that the following be added as Subsection 2(2). Section 1 amended—2(2). The definition of real estate salesman in Section 1 is amended by adding "or salesperson" after salesman.

Mr. Mark Minenko (Seven Oaks): I can perhaps appreciate why the Minister has introduced this type of amendment, because I am sure that if one was to review the whole Act, we would find the expression "salesman" a number of times. I would suggest that perhaps it would be timely at this moment if the Attorney General could perhaps direct staff to make an amendment, looking, if time permits, through the whole Act so that we do not have that confusion.

I think this is an important point that was raised by the association and it should be addressed in its entirety, because it may be some time before this matter is being considered again in the Legislature. I think it would be incorrect to leave the terminology "salesman" in there. If need be, perhaps the Chairman of our committee here can advise us as to how long that might take us, to make those changes, and how many may be involved. I think we have a responsibility of cleaning it up right now in its entirety. Perhaps if Legislative Counsel could advise us how we can do that, whether there is a simple way of doing it or not.

Mr. McCrae: Mr. Chairman, I think there is something that I could propose to Honourable Members, agreeing with them as I do, that where we can do so we should degenderize—if that is the proper expression—to make our legislation gender neutral. It occurs to me—and I would propose that the Session is not over—near the end of the Session will come forward a Statute Law Amendment Act. Through that avenue we could go through the whole Real Estate Brokers Act and fix the problem that the Honourable Member is referring to. That could be done during this Session, although I do not think it would be something that we could do today because of the multitude of references to salesperson in that Act. We could make that commitment to extend best efforts to ensure that in our Statute Law Amendment Act the matter of The Real Estate Brokers Act and the language therein will be dealt with. Would that be satisfactory to Honourable Members?

Mr. Minenko: I think that would be, because I am sure there is a multitude of references to salesman throughout the legislation. I am just wondering if the Minister could advise us whether the Government has an agenda to deal with gender neutrality in all the legislation. Does it have an agenda as to when it would attempt to address this particular problem in all legislation?

Mr. McCrae: At the present time all new legislation coming forward has gender neutral language used. That is the policy and, as legislation amending other legislation comes forward, the issue is addressed then too. We are making efforts to bring the language of our legislation into conformity with gender neutral principles.

Mr. Richard Kozak (Transcona): I wonder if the Minister intends, given the discussion that we have just had, to proceed with the amendment before us. I have to admit, Mr. Chairman, to a certain concern about the logical absurdity of the expression salesman or salesperson.

Mr. McCrae: I think on that one, given the commitment that I have made respecting—now I am really going to get lost, Mr. Chairperson. Given the commitment I have made with respect to the Statute Law Amendment matter, I am at the pleasure of the committee as to what might be done with this particular amendment, given the commitment that I have made that the whole Act would be reviewed for the sake of The Statute Law Amendment Act that will be coming forward.

Mr. Minenko: Mr. Chairperson, often being the end user of legislation passed in this House, and often trying to sift through various gazettes in trying to understand what the actual law is, as passed in this Chamber, I am just wondering whether there is some pressing purpose to maybe pass this Bill as it is set out. I understand from our meetings and the presentation from the association that they are ready to put this fund into place on January 1 of the new year. I am just wondering if perhaps we could bring this Bill back to committee with the changes that I have proposed and other Members have proposed with respect to the gender aspect to it, and bring this on in the new year.

* (1210)

I appreciate the holiday season is upon us, but I am sure one day's worth of work could probably present us with a list of the sections and subsections that need to be changed with respect to gender aspect. In that way, it would be a little bit less confusion for the end user, the lawyer or solicitor sitting in their offices, and the general public, as to what all these amendments coming out with respect to this legislation are.

I am sure I can perhaps make a commitment on behalf of our Party that we would be interested in participating in a committee meeting as soon as possible into the new year that would introduce some of these changes, although we do appreciate that the association would like to have this matter dealt with as quickly as possible.

Mr. McCrae: Well, Mr. Chairman, I did give a commitment to the Honourable Member. We also have tried to make commitments to the industry and to the consumers of this province who would benefit by this legislation. I would ask the Honourable Member to take the commitment that I have made in the spirit that I have made it. I mean it. I mean we are going to bring forward a Statute Law Amendment Act that will include in it measures to improve the wording of this legislation.

I really would ask the Honourable Member to allow this Bill to get through today, because I think the industry is really trying hard to do its job to protect the consumers of this province. We already know that they are doing that in terms of their self-education program. I think what we have is—if it could be called this—good corporate citizenship going on here by the real estate industry. I would sort of ask for the Honourable Member's co-operation to see the Bill go through with the commitment that I have made with respect to the language in the Bill for later on in this Session.

Mr. Chairman: Sounds good to me.

Mr. Minenko: I am just wondering perhaps if—because we are looking at a holiday season and all the excitement surrounding that particular season—if the rules of the committee in the House allow, perhaps the association can voice their comments on a short delay of a few weeks in order to clean up the legislation all in one piece. I appreciate the commitment that we have made with respect to this legislation, and the commitment that the Minister has made. As the Industry and Trade Critic, I appreciate that as well.

I am just wondering if the association can appreciate the conundrum we find ourselves in—and another couple of weeks delay and I am sure the Government House Leader or the Minister of Justice (Mr. McCrae) in his role as Government House Leader, can schedule a committee meeting early on.

Mrs. Charles: I thought this reiterated the statements made by the presenter, and I think the point is accepted by Government. If it is necessary to pass it through it would be just as wise to go on with it. However, I think the point Mr. Minenko is making is that this is not an issue that you can just gloss over at every point as we

go through, but should be anticipated before every Bill is introduced.

I will take the Minister's commitment that from this point on we will see a little bit more of an effort to have gender neutral language introduced into all our Bills. With that agreement, perhaps we can go forward and put this—

Mr. Chairman: Is it the will of the committee now to proceed and look at the Bill, clause by clause?

Mr. McCrae: I agree, Mr. Chairman, but I would like to say one thing in response to what the Honourable Member for Selkirk (Mrs. Charles) said. I think these amendments would have had the appropriate language in them, but that the rest of the Act still contains the old. I think I am on the right track here. That was the reason it came in. It is not our policy to bring in legislation that does not have a gender neutral language in it.

Mrs. Charles: Yes, a very short statement: It does bother me when I see "salesman or salesperson." The idea of having the wording salesperson is to mean either male or female, it does not mean the female version of salesman. I guess I do not like the amendment in that it is making the differentiation between those two words. I think the one word is supposed to suffice, instead of the two, but in the wish to have this put forward today, we will support the amendment and go forward.

Mr. McCrae: I think then, in the light of what the Honourable Member has said and out of respect for—I agree with her—maybe we should withdraw the amendment today and then clean up the act in The Statute Law Amendment Act. So let us withdraw this.

Mr. Chairman: Is there unanimous consent for the committee to withdraw the—

Mr. Minenko: Mr. Chairperson, I think the amendment was meant to ensure that this Bill becomes effective. I would just like to have the Attorney General's opinion on whether the fact that this Bill refers to salespersons and the legislation refers to salesman, will that have an injurious effect on the intent and purpose of this Bill?

An Honourable Member: It is a good point.

Mr. McCrae: The Honourable Member knows I never give legal advice. I can only tell the Honourable Member the legal advice that I have received from those who are qualified to give it, and that is that The Interpretation Act has a role to play. The Interpretation Act has a role to play here rendering this legislation effective.

Mr. Chairman: Everyone happy? Okay, let us go then. Is it the will of the committee to go clause by group of clauses?

Mr. Minenko: Mr. Chairman, I do have some questions with respect to the regulation. I presume that a model

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that entered the picture with respect to the setting up of this fund was the fund established for the Law Society of Manitoba.

I would ask the Minister to advise us as to how this fund will be administered, whether there will be independent auditors attending at brokers' offices and things of that nature, if he could deal with some of the specifics in the operation of this fund.

Mr. McCrae: The regulations referred to in Section 49 of the Bill, those regulations are worked out between the Securities Commission for the Province of Manitoba and the Manitoba Real Estate Association which is the industry body that is going to be in charge of this fund. Those regulations will be worked out in conjunction

with the Manitoba Securities Commission and the industry.

Mr. Chairman: Is it the will of the committee to proceed with the Bill, group of clauses by group of clauses? Page 1, Clauses 1 to 3, page 2, Clause 4 and that is a carry-over from page 1, carries over to page 3 actually. That is Section 39 included, Section 39.1(3). Is it the will of the committee to pass—pass. Clause 5—pass; Clause 6—pass; Preamble—pass; Title—pass. Bill be reported.

Committee rise.

COMMITTEE ROSE AT: 12:20 p.m.