



**Third Session - Thirty-Seventh Legislature**

**of the**

**Legislative Assembly of Manitoba**

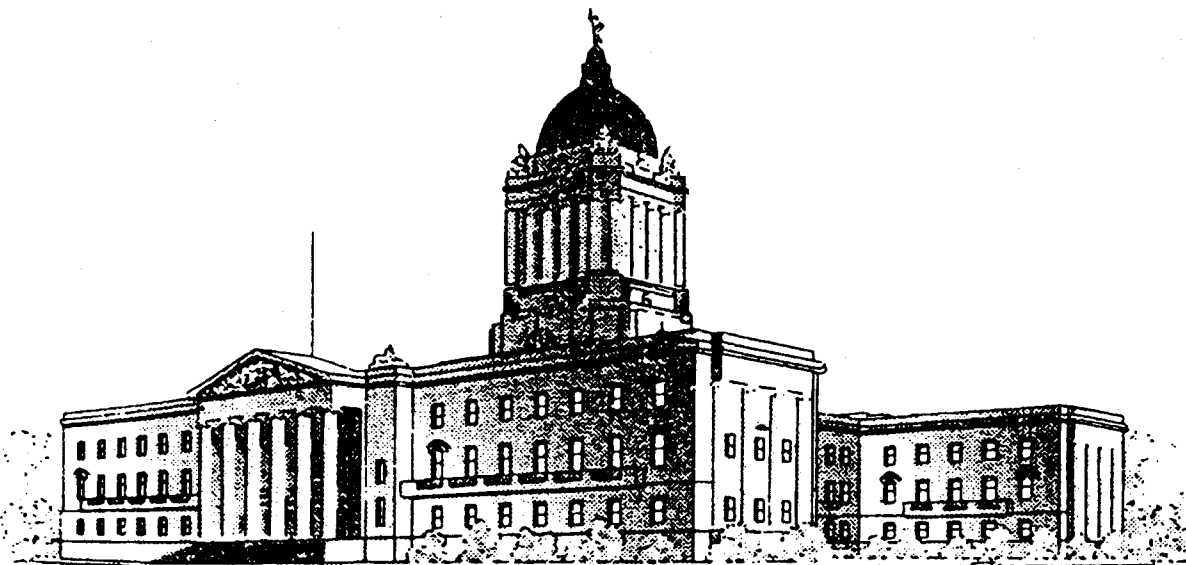
**Standing Committee**

**on**

**Law Amendments**

*Chairperson*

*Ms. Bonnie Korzeniowski  
Constituency of St. James*



**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Seventh Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
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ALLAN, Nancy	St. Vital	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
ASPER, Linda	Riel	N.D.P.
BARRETT, Becky, Hon.	Inkster	N.D.P.
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CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
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DACQUAY, Louise	Seine River	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary, Hon.	Concordia	N.D.P.
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DYCK, Peter	Pembina	P.C.
ENNS, Harry	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
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GERRARD, Jon, Hon.	River Heights	Lib.
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KORZENIOWSKI, Bonnie	St. James	N.D.P.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
LOEWEN, John	Fort Whyte	P.C.
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MAGUIRE, Larry	Arthur-Virden	P.C.
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MITCHELSON, Bonnie	River East	P.C.
MURRAY, Stuart	Kirkfield Park	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
PENNER, Jack	Emerson	P.C.
PENNER, Jim	Steinbach	P.C.
PITURA, Frank	Morris	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack	Southdale	P.C.
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**LEGISLATIVE ASSEMBLY OF MANITOBA**

**THE STANDING COMMITTEE ON LAW AMENDMENTS**

**Wednesday, May 8, 2002**

**TIME – 6:30 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Ms. Bonnie Korzeniowski  
(St. James)**

**VICE-CHAIRPERSON – Mr. Conrad Santos  
(Wellington)**

**ATTENDANCE - 11 – QUORUM - 6**

*Members of the Committee present:*

Hon. Messrs. Ashton, Chomiak, Hon. Ms. Friesen

Messrs. Cummings, Dewar, Faurschou, Hawranik, Jennissen, Ms. Korzeniowski, Maguire, Santos

**APPEARING:**

Mr. Marcel Laurendeau, MLA for St. Norbert

**WITNESSES:**

Bill 7–The Local Authorities Election Amendment Act

Mr. Grant Thorsteinson, Manitoba Municipal Administrators Association  
Ms. Teresa Dillabough, Private Citizen  
Mr. Neil Hathaway, Private Citizen  
Mr. Stuart Briese, President, Association of Manitoba Municipalities

Bill 3–The Highway Traffic Amendment and Summary Convictions Amendment Act  
Mr. John Butcher, Winnipeg Police Service

**MATTERS UNDER DISCUSSION:**

Bill 3–The Highway Traffic Amendment and Summary Convictions Amendment Act

Bill 7–The Local Authorities Election Amendment Act

Bill 10–The Environment Amendment Act.

**WRITTEN SUBMISSIONS:**

Bill 7–The Local Authorities Election Amendment Act

Mr. Roger C. Goethals, Reeve, R.M. of Winchester

\* \* \*

**Clerk Assistant (Ms. JoAnn McKerlie-Korol):** Will the Committee on Law Amendments please come to order. I have before me the resignation of Ms. Bonnie Korzeniowski as Vice-Chairperson of the Standing Committee. It is my understanding that Ms. Korzeniowski is not resigning as a member of the committee, only as the vice-chairperson. We therefore have both the positions of chairperson and vice-chairperson vacant.

Therefore, the first order of business is the election of chairperson. Are there any nominations?

**Mr. Gregory Dewar (Selkirk):** I nominate Ms. Korzeniowski, the MLA for St. James.

**Clerk Assistant:** Ms. Korzeniowski has been nominated. Are there any further nominations?

**Some Honourable Members:** None.

**Clerk Assistant:** Seeing none, Ms. Korzeniowski, would you please take the chair.

**Madam Chairperson:** We now have a vacancy in the position of vice-chairperson. Are there any nominations for the position of vice-chairperson?

**Mr. Dewar:** I nominate Mr. Santos, the MLA for Wellington.

**Madam Chairperson:** Mr. Conrad Santos has been nominated. Are there any further nominations? Mr. Santos has been elected vice-chairperson.

This evening the committee will be considering the following bills: Bill 3, The Highway Traffic Amendment and Summary Convictions Amendment Act; Bill 7, The Local Authorities Election Amendment Act; Bill 10, The Environment Amendment Act.

We have presenters registered to make presentations on Bill 3, The Highway Traffic Amendment and Summary Convictions Amendment Act, and Bill 7, The Local Authorities Election Amendment Act. It is the custom to hear public presentations before consideration of bills. Is it the will of the committee to hear public presentations on the bill, and, if yes, in what order do you wish to hear the presentations? I will then read the names of the persons who have registered to make presentations this evening.

We have Bill 3, The Highway Traffic Amendment and Summary Convictions Amendment Act: John Butcher, Winnipeg Police Service; Bill 7, The Local Authorities Election Amendment Act: Mr. Grant Thorsteinson, Manitoba Municipal Administrators Association; Richard Sexton or Teresa Dillabough, private citizen; Neil Hathaway, private citizen; and Stuart Briese, President, Association of Manitoba Municipalities.

Those are the persons and organizations that have registered so far. If there is anybody else in the audience who would like to register or who has not yet registered and would like to make a presentation, would you please register at the back of the room. Just a reminder that 20 copies of your presentation are required. If you require assistance with photocopying, please see the Clerk of this committee.

I understand that we have some out-of-town presenters in attendance this evening registered to speak to Bill 7. Is it the will of the committee to hear from out-of-town presenters first? *[Agreed]* Before we proceed with the presentations, is it the will of the committee to set time limits on presentations?

**Mr. Dewar:** As members know, it is not our intention to be heavy-handed when it comes to listening to the public on these very important matters, but that has been the practice, of course,

to allow a limit of 15 minutes for presentations and 5 minutes for question-and-answer period following that. So I suggest that is what we do this evening. I will say we are also prepared to be flexible.

**Madam Chairperson:** Is that agreed? *[Agreed]* How does the committee propose to deal with presenters who are not—

**Hon. Steve Ashton (Minister of Transportation and Government Services):** Yes. This is a follow-up. We have agreed to hear out-of-town presenters. I was going to suggest that we start with the presenters on Bill 7, including the out of town and other out-of-town members, and then proceed to the other bill afterwards. There are only two.

**Madam Chairperson:** Just for clarification, all of the presenters to Bill 7 are from out of town. How does the committee propose to deal with presenters who are not in attendance today but have their names called? Shall these names be dropped to the bottom of the list?

**Mr. Marcel Laurendeau (St. Norbert):** We can drop them to the bottom of the list, and then read their names again at the end of the evening. If they are not here, it is finished.

**Madam Chairperson:** As a courtesy to persons waiting, is it agreed? *[Agreed]*

As a courtesy to persons waiting to give a presentation, does the committee wish to indicate how late it is wishing to sit this evening?

**An Honourable Member:** Midnight.

**Madam Chairperson:** Agreed? Midnight is the agreed hour. I would also like to inform the committee that a written submission has been received from Roger C. Goethals, Reeve of the Rural Municipality of Winchester. Copies of this brief have been made for committee members and were distributed at the start of the meeting. Does the committee grant its consent to have this written submission appear in the committee transcript for this meeting? *[Agreed]*

We will now proceed with public presentations.

### **Bill 7—The Local Authorities Election Amendment Act**

**Madam Chairperson:** We will start with Mr. Grant Thorsteinson, Manitoba Municipal Administrators Association. Would you please come forward to make your presentation? Please proceed with your presentation.

**Mr. Grant Thorsteinson (Manitoba Municipal Administrators Association):** Good evening, Madam Chairman. Thank you for allowing us to bring our concerns forward on this legislation. It is of some concern to our members, and I would like to make that presentation on behalf of the association.

At the time we started this, I was the past-president. I am no longer on the board of directors, but they asked me to continue with this until it has been presented. The Municipal Administrators Association is concerned about the nature of the proposed changes to The Local Authorities Election Act, as proposed by this bill. We are concerned that the amendments are too narrow in focus and are intended to deal with a single issue that resulted from the voting of non-residents in one municipality during the 1998 election. Attempting to put in place legislation that would restrict the number of non-resident landowners from an individual piece of property who can vote at a municipal election creates a number of issues which include: (1) difficulty in administration of the election, (2) an arbitrary determination of a number limit, and (3) misguided in terms of its need.

\* (18:40)

Issue No. 1, regarding the difficulty at the election. Individuals who are hired to work at rural election polls are normally average residents willing to volunteer and provide public service with little, if any, formal training. The lack of training combined with the fact that elections are held every four years means that individuals are ill-equipped to deal with complex legal administrative issues at a poll on election day. The election workers are not professionals and thus dealing with demanding individuals seeking the right to vote will cause a great deal of difficulty and may in some cases result in a shortage of poll workers.

In theory the issue of determination of which non-resident individuals will be voting on election day should be done well in advance of the election. However, in practice, individuals may not resolve the issue of who will vote from a given piece of property, nor, as history has shown, will many of them attend the revision of the election list. The result will be individuals attending polls seeking to declare their eligibility and demanding their right to vote. As election officials, most poll clerks and DROs have been instructed not to interfere in the person's right to vote. As a result, if individuals are willing to sign the declaration indicating their eligibility, they will be permitted to proceed. In essence this will negate any benefit the proposed legislation might attempt to establish.

Issue 2, the arbitrary number. Establishing a number regarding the upper limit for non-residents, and I believe it has been two, but at the time we put this together, whether it be two, three or twelve, it could only be arbitrary. Regardless of how the number is formulated, its creation is intended to restrict the rights of some individuals to express their opinion on the future municipality in which they have an economic stake. In addition to issues regarding properties exclusively owned by non-residents, properties which have both resident and non-residential owners would be difficult to deal with and would cause increased frustration of those individuals who would be outside the voting privilege.

Issue No. 3. Given the arbitration nature of limits and difficulty of imposing these limits at polls on election day, the municipal ministerial association is recommending that the provincial government examine the following alternatives:

(a) would be to prohibit all non-residents from voting. Residency is a requirement for other types of local elections, that is, like school divisions; thus, eliminating the vote for non-residents in the municipal election already has precedence within the province.

The administrative association is aware of the fact that restricting non-residents from voting would be politically unpopular, especially in resort areas. In addition, the issue of allowing individuals who have an economic investment in

a region, a voice would not be addressed by eliminating non-resident voting. The advantage of this option is that all non-residents would be treated the same and that local politics could not be unfairly influenced by outside factors. In addition, administration of such a system would be very simplistic and straightforward.

(b) Another recommendation is the status quo. Leaving the requirements and legislation as it currently stands regarding non-resident voting is also acceptable to our association. This system has worked for generations and will continue to work for the vast majority of municipalities. It is our position that the current legislation already contains remedies regarding the situation that occurred in 1998. Section 42 and 43 of The Local Authorities Election Act referred to fraudulent qualifications, and section 28 refers to ineffectual transfers. All three sections could have been used to stop the change, or change the result in Winchester in 1998. Unfortunately, they were not, and now all municipalities in the entire province face a huge administration election issue.

We are recommending that, within the confines of the existing legislation, the province look at the issue of wards versus at-large elections and the imposition of limits for the use of wards based on the total number of electors within a municipality.

The establishment of an electorate floor under which municipalities would not be permitted to use a ward system but rather required to have a vote at large would resolve a number of issues. Elections involving wards with small numbers of electors, which can be influenced by non-residents, would be eliminated. It would improve the level of interest by potential candidates. Currently, the ward system discourages elections since individuals must challenge other candidates. In smaller wards this will mean opposing friends, neighbours or even family members. As a result, acclamations rule the day. In an at-large election, the direct competition is removed and individuals no longer campaign against other candidates but rather for one of four or six positions.

In conclusion, we fully understand the context under which the bill is being proposed. Unfortunately, our association does not believe

that the proposed changes will improve the situation regarding the colouring of elections, and in fact may result in increased confusion, frustration and apathy by local voters and a greater number of election result challenges.

The MMAA believes that the existing legislation provides for dealing with the Winchester situation through sections 28, 42 and 43. The proposed changes in Bill 7 are too narrow in scope to be effective, and a greater review of the entire ward at large issue needs to be held.

In municipalities with a small number of electors, the imposition of at-large elections would improve candidate quality, reduce acclamations, eliminate non-resident voter tampering and improve elector interest.

In conclusion, we would ask the Province to seriously reconsider their position on arbitrary limits of the rights of individuals to vote and examine a more comprehensive approach to solving the issues identified in the 1998 election. That is my presentation.

**Madam Chairperson:** We thank you for your presentation. Do members of the committee have questions they wish to address to the presenter?

**Mr. Larry Maguire (Arthur-Virden):** Does the minister wish to make a statement?

**Hon. Jean Friesen (Minister of Intergovernmental Affairs):** I want to thank you for the presentation. We have had brief discussions, and I know you have had longer discussions with staff over this one. As you know, the bill does come from, initially, the Winchester issue, but I think the issues, or at least some of the trends that you see across the province, indicate that there are shifts in land ownership patterns which I think we might want to be aware of. There are clearly increases in recreational properties across the province, and there are increases in land holdings across the province, many of which are beyond an individual municipality. Although the initiation of this came from one area, the general applicability might be perhaps more widely spread.

The decision, or at least the proposal at this stage, and one that we have discussed with many

municipalities as well as the AMM, is a proposal for two members. We are talking non-residents here, for members of the committee who have not looked at this bill before. This is about non-residents. This has nothing to do with changing resident voters. Proposing two from each multiple property owned is a principle which is consistent with legislation in British Columbia.

That is one of the reasons we have proposed it, but when we looked at the numbers of multiple owners across the province it was felt that two people, being represented by two people, would broadly capture, not all of them, but almost all of the multiple properties.

It was also a number which received, I think, support from a number of the groups who did respond to us and whom staff have talked to. So, on the issue of two, I think we have reached something which has a consistency in other parts of the country and which I think is defensible.

On the issue of the difficulty of administration, I think anytime you create a new administrative proposal like this it will be difficult. I appreciate your comments on that. It is certainly one that staff have been working on. I know they have been talking to members of your association about this. To you, is it? It is all coming back to your doorstep.

What we are doing, as I am sure you are aware, is preparing a handbook for the next municipal elections, which do begin in July in the three resort communities. It will be one I hope the volunteers whom you are talking about will be able to use. Certainly staff have already begun to prepare the handbook and the training sessions that will enable the volunteers in each community to administer this as smoothly as possible. I am sure the second time we do it, it will be much better. The first time is always an unexpected issue. So I appreciate your bringing those to our attention.

**Mr. Thorsteinson:** Just to emphasize, we believe the act already has sections that could have dealt with that.

**Madam Chairperson:** Mr. Thorsteinson, I am sorry. I have to recognize you before you speak.

**Mr. Thorsteinson:** Oh, sorry.

**Madam Chairperson:** Please proceed.

**Mr. Thorsteinson:** I just would like to say we believe the existing legislation already deals with the problem that is proposed to be fixed with this fix, and we feel it is not necessary to add this extra administrative burden on.

\* (18:50)

**Mr. Maguire:** Thank you very much for the presentation, Mr. Thorsteinson. I guess there are two issues here. There was a Bill 38 last year brought in, and part of that bill was to require non-residents to declare who they are on those parcels of land, or at least who own those parcels of land, six months prior to the election date. I know you are concerned about onus on municipal administrators with this kind of a process.

My question is: Do you think that because people have to actually own that land six months ahead of that voting date now that it gives time to clarify amongst those non-residents who the two people are that are going to vote? The onus really is on them to come forward, not you to go seeking out who those two voters are. Would you think that period of time could be used to have a deadline in there that those two names have to be declared by a few weeks, or whatever, before the actual voting day, given that there is a six-month period in there that you know who all the voters are going to be?

**Mr. Thorsteinson:** Six months might be long enough. It is less than six months now. If it comes to the point where if it goes through and there is only two, and it is six months and they have not declared, we would like some assurances that they actually cannot show up at the doorstep on election day and be sworn in. The act says they can be, and if they come and swear, that is not going to stop that whether it is six months or not. I mean, they will not be put on a list, but unless other things change, they can come and be sworn in.

**Mr. Maguire:** It would be my understanding that if they actually showed up on the day of the election and no one had declared for that particular non-residential parcel, none of the

non-residence owners had declared, that the two people who show up still would have to, under the act, have a letter of recognition from at least half the non-resident voters on that particular parcel before they would get the vote. That should help clarify the situation even though it is a race to maybe see who the first who show up with half the names are.

**Mr. Thorsteinson:** That might be okay if all elections were in the municipal office where you had all the records. We have polls all over the place. People show up. That is not going to solve that. That is not going to fix that. I mean, I think if it comes to pass that it is only two and those two have not been declared by a certain date, then none of the owners get to vote. I think that would make it clean. But, if you are still going to leave that door open for them to come and vote, then that is not going to fix that problem. Then they are going to ignore the nomination of their electors.

**Mr. Glen Cummings (Ste. Rose):** I think Mr. Maguire basically asked the question that I was going towards, but I just wanted to assure the minister if she was implying that members on this side may not have read the act before that we in fact had, and that I would ask if there are, other than the recommendations that you made in your presentation, if none of those recommendations are acted upon, do you believe that this should be left as is without the amendments?

**Mr. Thorsteinson:** We believe the status quo is fine unless they look at the whole act. This bits and pieces is just going to cause more concern and people are going to get more confused than they are now with some of the sections in the act.

**Madam Chairperson:** Thank you, Mr. Thorsteinson. Thank you for your presentation. We will now have Mr. Richard Sexton or Ms. Teresa Dillabough.

Ms. Dillabough, please proceed with your presentation.

**Ms. Teresa Dillabough (Private Citizen):** Thank you, Madam Chair. Ms. Friesen and members of the committee. Myself and Mr. Sexton are here today on behalf of the concerned

citizens in the R.M. of Winchester. Not only that, we are also here today to speak out for Manitobans, the best interests of taxpayers right across Manitoba.

Acknowledgment must be given to all of the MLAs that have assisted us since 1998 in this matter. The time taken to give interest to the facts of the voting misdemeanour in the RM of Winchester, listening to our concerns and recognizing the problem for what it really is has meant much to us as taxpayers.

\* (18:55)

We would like also at this time to verbalize our appreciation to Ms. Friesen and her aides, for taking this injustice seriously and drafting legislation that will set democracy on the road to recovery. We are encouraged by the expediency with which you are now attending to this matter as a critical time is drawing near with the elections coming up in the fall.

Our thoughts around this legislation are supportive. Bill 7 addresses, further to Bill 38, several levels of concern. At the same time, it heightens democracy. While non-residents with a viable interest in the land that they own are still allowed to vote and have a voice about issues that concern them in any Manitoba municipality where they own land, it also puts forth a necessary restriction on opportunists who may wish to set up a council and run with their own agenda in mind, making undemocratic decisions that could destroy communities, people, and, left unchecked, would eventually be as widespread as the province itself. Without this legislation, special interest groups, environmentalists, activists, corporations, even radical ethnic factions could stand to gain more than common taxpayers simply having the opportunity to vote.

Our experience with this situation over the last nearly four years has enlightened us greatly. We can tell you of the administrative nightmare that mass revisions to the voters list create, the endless mail-in ballots that cost more to mail than the taxes collected from each of the non-resident voters and the extreme personal cost endured by an individual who had to devote time, energy, and personal funds to taking this



matter to task. Bill 7 places the onus upon the group of non-resident voters to decide who the two eligible voters will be. The administration will be favoured with some relief, as they now will be dealing with fewer revisions and fewer mail-in ballots.

We understand the unique situation that happens with cottage owners. However, without this legislation in place, these votes mean nothing in the end when a group driven by greed and an agenda settle in and take over the area. We have spent the last four years married to this issue. We have studied every angle imaginable. This legislation is not overkill; it is necessary.

Others say that this legislation is too lenient, opting for the one-person, one-vote schematic. We find Bill 7 to be both fair and generous in light of the situation.

We understand that further study and changes to The Local Authorities Election Act will be on the table for 2003. We wonder about the enhanced authority given to election officials, as those we have talked with in local government wish not to make judgments that have no higher authority willing to back them up with expediency.

In our opinion and experience, any revisions to enhance authority should eliminate the onus being placed on an individual to pursue election offences in court, as election offences should fall to the province. This is a very costly procedure to the individual, as dollars and time are laid out unnecessarily.

The only deterrent in this type of process is that the average individual will not pursue the matter because of the personal cost. Without the legislation, these transactions of land under the current Bill 38 revision will continue and will see a person other than the original landowner with his or her name on the ballot.

We intend to stay in touch with this revision process and hope to lend a voice. We have been living with scenarios that would never have been entertained if the need had not arisen. Unfortunately, oftentimes boundaries of legislation are pushed before someone recognizes that there is a genuine problem. We would be more than happy

to share our experience and lend a hand to the revision process.

I thank you for your time in this matter.

**Madam Chairperson:** We thank you for your presentation. Do members of the committee have questions they wish to address to the presenter?

**Ms. Friesen:** I just wanted to thank you for coming such a long distance to make the presentation and for all the attention that you paid to the detail of this issue as it has proceeded through its various preparations. I thank you for that, and I think we all appreciate it.

If I can add, I think Mr. Cummings took exception to something he thinks I may have said earlier. I should explain I have got a number of stitches in my mouth today, and I do not want any jokes about stitches or anything.

**An Honourable Member:** I have already done it.

**Ms. Friesen:** You have done it. He has done it.

I am not speaking very clearly. I can only open my mouth a little way, but certainly nothing I said should be intended to reflect upon any member of the committee. What I was implying was if we had not introduced this bill in November the details may not be fresh in everyone's memory. My apologies.

\* (19:00)

**An Honourable Member:** Apology accepted.

**Mr. Maguire:** Thank you, Ms. Dillabough, for coming in tonight. From the distance, the call that I made back to your home area about an hour and a half ago said there was a half a mile visibility and blowing snow, so I appreciate the time that you and Mr. Sexton have taken to come in and present your presentation to the committee again tonight.

You heard the previous presenter make his presentation, I assume, from the administrator's point of view. I guess I would ask you if you feel it would clarify the circumstances around who could vote in these particular circumstances if

perhaps there was a deadline put in place, say two or three weeks prior to the election date, that the non-resident voters had to come forward and have those declarations in prior to the actual voting day.

**Ms. Dillabough:** That is actually the way we understood it in the beginning was that there would be a deadline set forth. There was the six-month deadline to have the transactions in place, declared on the list, and then another deadline previous to the actual election to declare who the two non-resident voters would be. I think that would certainly eliminate a very large error come election day to have people coming in and swearing by affidavit. I think it would avoid all of that paperwork.

**Mr. David Faurshou (Portage la Prairie):** Thank you very much for the presentation. I appreciate, as Larry, coming from the rural as well, the road conditions can sometimes be challenging.

You have made mention of the number of different groups here, and you mentioned corporations. I would like perhaps maybe for you to elaborate. Corporations right now do not have the ability to vote. They cannot have a signing officer. My farm is incorporated so I have an interest in how you see this as a concern in this particular legislation.

**Ms. Dillabough:** That might have been a poor choice of words. Actually, as I was looking at that I should have said "companies," people who just form a body within themselves to operate any type of a business, and they are not restricted as to number of votes, if they are non-incorporated.

**Mr. Faurshou:** Seeing that I have a resident expert because, as you say, you have lived with this particular situation, what are your feelings in regard to, or what would you guide, as you have obviously expressed an interest in guiding legislation, be considered of extending to corporations, farming corporations, the ability to vote? As we appreciate now larger farms now do have operations in more than one municipality. I am certain you have knowledge of that, those examples of that. Do you have any concerns in that regard?

**Ms. Dillabough:** It is my understanding that corporations get two votes.

**An Honourable Member:** No votes.

**Ms. Dillabough:** They get no votes? I guess our concern is to simply avoid special interest groups and people who are forming a committee together within themselves to waltz into an area and just take over. We have seen this happening and we know of a few other places where it has started to develop. It could go widespread quickly. That is our interest is to avoid that.

**Madam Chairperson:** Any further questions? Thank you for your presentation. Would Mr. Neil Hathaway please come forward to make his presentation.

**Mr. Neil Hathaway (Private Citizen):** Minister Friesen and honourable members of the standing committee, before I begin this, I know that it has been a very difficult situation. It has been long-standing and it has been troublesome and it has made very difficult times in our area.

But it has not always been that negative. Even though it has been troubling, it has not been negative altogether. It has been probably one of the most positive experiences our area has ever had. We have learned to work together as neighbours. We have learned that even though we were neighbours, we were still not that closely involved with each other, as acquaintances sometimes. We also worked together as a group, just people. We found out that people involve different political beliefs. We found the incentive to work together and harmonize on an issue that was so difficult and causing so much disruption in our area. It probably has been one of the most interesting things that has ever hit our area.

Yet at the same time, people, even local people, do not understand the issue. It has taken a lot of work to get people in your chairs to understand the issue. But even the local people sometimes do not understand the meaning of it, how it will affect them, how it can affect the rest of the province. That has been part of the whole scenario. We have communicated back and forth to you people.

Another positive was we met many of you people. I think we have improved our view of the political scene and we thank you for that,

that there are people who listen, that there are people there. You have to work, and you work with them. That is where we have been going. We have been quite often back and forth and in contact. Just yesterday it was suggested that maybe we should have an office in here. A neighbour suggested that maybe I should get a job down here. I said: Well, what could I do? I only want a part-time job. He suggested that maybe I wear my kilt and come down and take the place of the Golden Boy. It is part time, but I have declined gratefully because I do not want to cause traffic jams on the road here.

This is very short as we have been through this scenario many, many times before, and this is just an opportunity to reiterate some of the feelings we have.

I am very pleased to speak in support of Bill 7. This has been such a long-standing issue in our area, and with the municipal elections looming near, this was a vital component for a fair and democratic process in our province, this time around in October. I can assure you that I have never seen such a disruption of friendships, community life and progress like this has done to the Winchester area. Trust and belief in legal and political process has been shattered, especially the legal profession. There is no question that those involved in the legal profession who were involved in this scenario and actually took part in this fiasco should have felt the full brunt of questioning from our justice system and the Bar Association. Justice is to correct problems professionally and legally, not to use the system for very questionable activities.

Today I urge this bill to be passed unanimously with no hesitation. It is critical to our province to have fair elections. I realize there is more to be addressed in this act, and I understand these are to be part of a larger effort in the future.

I agree with the former speaker that a complete look at the review of the bill is imperative. I support that thought also. I hope that begins immediately after October. I do hope at that time that the problem of defending any clause in this act should not be left to the ordinary citizen. Most people walk away in disgust and such atrocities are not challenged. It should not be left to one person to reach in his or

her families' pocket to defend every citizen in Manitoba's justice. Our farm economy is not so buoyant as that for individuals, indeed not fair in the least.

\* (19:10)

Had Mr. Sexton not challenged this issue, it would soon be a rampant problem in every area. Put yourselves in his shoes and ponder whether you might take your families' wages to protect ordinary Manitobans instead of buying groceries, education, or just having a good time. It is a good question for all of us to ponder. I think I know what the answer most would choose.

I speak today as a private citizen, but I am also going to take the liberty to thank those involved in bringing this to the point we are today, from a group who signed the original petition to a person and without hesitation.

The Arthur-Virden New Democrats, of which I am president, my and our thanks go to Minister Friesen for listening to the grassroots and bringing this situation to where we are today and also to our MLA, Larry Maguire, for his willingness to hear our call for justice and take a stand. I hope your party members do not hold that against you, Larry.

It takes courage to face the forces that test our society, but it is that courage that makes society better for all mankind. It does make life easier to know that there are those who can and will listen. I also thank those members who took the time to return calls, to increase their personal knowledge of this problem. Those who could not find their phone when contacted will also be noted for their lack of ability.

I thank you for this opportunity to express my opinions and do hope that it is only a blink of an eye until I read the headlines in our newspapers that Manitoba parties are unanimous in supporting Bill 7. Then you will collectively show support for democracy and the ultimate freedom of voting. Maybe citizens will believe in the political system to a greater degree in the future, as we do.

**Madam Chairperson:** Thank you for your presentation. Do members of the committee have questions they wish to address to the presenter?

**Hon. Steve Ashton (Minister of Transportation and Government Services):** Thanks very much, and as the minister responsible for the Golden Boy, I will take your suggestion under advisement.

I did want to just comment that I remember when I first became aware of it and appreciate your comments about the fact that, and I want to say this too with the previous presenter here, this was something at the time that, you know, if you were to say to people we would be leading today to where you have legislation being passed to deal with something that really hurt the community, I think you would have a lot of people, as you have reflected in your comments, that would have doubted if it could have happened. I think today is a good example that you can make a difference, that ministers in governments and MLAs can and do listen.

You know, I remember when we were in opposition some of us raising the issue even then. It is nice to see that, in fact what is in a very short period of time, if you consider how significant this change is, we are now seeing changes that will be in place so that future elections will not result in this kind of split in the community. So I just wanted to say as one of the ones who remembers being out in the area and finding out about the problem first-hand that I want to commend you and the previous presenter and Mr. Sexton and others in the area and of course your MLA for all the work that they have done.

**Mr. Hathaway:** I have to take a back seat to this. My thanks really go to the other two people, Mr. Sexton and Ms. Dillabough. They were the ones that initiated, did all the major work. I have to say that even as a resident I was one of the last people to find out and join their group. There were other people involved as well, but they were the people who did the footwork, did the hard work and took the major stand. It took a lot of courage and conviction.

**Mr. Maguire:** Well, I thank you as well, Mr. Hathaway, for coming in tonight. I know you may have traveled together, I am not sure of that, with the other two presenters, but for May it is not the most pleasant evening out there to be driving. So thank you for taking the time to

come and reiterate your views as you people did on Bill 38, and you brought this particular idea forward as an amendment to Bill 38 last year. It certainly has received a hearing and an airing, and I am glad to see it is back before us as Bill 7.

I think there may be some things that can be clarified in regard to you making it more simple as far as voting procedures go. Would you see the previous question that I had asked Ms. Dillabough, about having a period of time where these non-residents should declare who the two voters would be by letter or by other mechanisms to the administration with a deadline prior to election day, do you see that as being a help to the process, simplifying administration?

**Mr. Hathaway:** If the administration people have seen this, the people that we have talked to at home have not seen a problem. They felt it has already been simplified quite a bit to what it was. If it is a help to administrative people, I certainly would have nothing opposed to anything that enhances this and makes it more manageable at any time. As I said before, I was under the impression from the AMM convention that there would be a complete review of the process in the future coming possibly. Many of those issues, I am sure, could be addressed to clarify things. The most important thing at this moment is we have simplicity and a correction before this October election this year. I do not expect everything to be perfect possibly, but this is a must as far as we are concerned.

**Madam Chairperson:** No further questions? Thank you, Mr. Hathaway.

Would Mr. Stuart Briese please come forward to make his presentation. Please proceed with your presentation.

**Mr. Stuart Briese (President, Association of Manitoba Municipalities):** The Association of Manitoba Municipalities is pleased to appear before the Standing Committee on Law Amendments and provide our comments on the amendments to The Local Authorities Election Act, the legislation that provides the legislative framework for local government elections.

Bill 7, The Local Authorities Election Amendment Act, proposes key amendments to

ensure fairness and consistency in municipal elections. Specifically, this bill would address issues arising out of the 1998 general municipal election where the courts found an individual transferred interests in land for the purpose of qualifying non-residents to vote in a municipal election.

This bill would amend the non-resident elector provision by setting the maximum number of non-resident owners of a parcel of land who may vote at a municipal election to two. Currently, there is no limit on the number of non-resident owners per parcel of land who may vote.

Our association was fully consulted on the changes in Bill 7, and we believe this amendment addresses the concerns raised by our association and several of our members. We would like to express our appreciation to the Honourable Jean Friesen, Minister of Intergovernmental Affairs and her staff, for consulting with our association and bringing forward this amendment that we believe will ensure that local municipal elections continue to be fair and basic democratic principles are upheld. We are also pleased that the changes will be in effect for the next general municipal election on October 2002.

Although our association supports the passage of Bill 7, we believe The Local Authorities Election Act requires a more thorough review and overhaul to ensure that municipal elections are brought into the 21st century. The AMM requests the Province to undertake a comprehensive review of the act as soon as possible and that our association be fully consulted on the review.

\* (19:20)

I would like to thank you for the opportunity for allowing us to present our association's support for Bill 7. We urge the Legislature to immediately pass this amendment so it will take affect in time for the municipal elections in October. Thank you.

**Madam Chairperson:** We thank you for your presentation. Do the members of the committee have questions they wish to address to the presenter?

**Ms. Friesen:** Thank you, Mr. Briese, for the presentation on behalf of the AMM. Thank you also for your advice during the preparation of this and other bills.

I take your point on the local elections act and a thorough review. As you know, we are committed to doing that. It is a major undertaking, but it is one that we will be undertaking. When it will be completed I cannot guarantee, but it is certainly something that I think you are on the right track with. Thank you for your advice on this bill.

**Mr. Cummings:** I would hate to see Mr. Briese get away without at least one question. Oh, there is another one. My question is more of background to this. When the debate or discussion within the association occurred, and this may be unreasonable to expect you to recall, but I am interested to know if you had any of the municipalities with a large amount of cottaging, which by nature are small parcel holders. Were there very many contrary views expressed from municipalities such as those?

**Mr. Briese:** I do not actually recall the vote, but we had a duly passed resolution at our convention which represents all the municipalities that would include those areas.

**Mr. Maguire:** Thank you, Mr. Briese, for your presentation from the Association of Manitoba Municipalities. Just a couple of questions, I guess, that I have. I thank you for your clear outline in your presentation. I have asked a few others here this evening, as you have heard the presentations, about clarity on simplification for administration and administering the vote in this process. Could you give us an indication of what your thoughts as an association might be in regard to the onus being on the non-resident voters to declare who the two people are prior to, say, a two- or three-week period, prior to the actual election date? If that was done, do you think it would help clarify, or simplify, I guess, the procedures that administration would have to do on election day?

**Mr. Briese:** It is my understanding that the way it will be done is they will have to declare prior to the election day. I may be wrong on that, but that is my understanding.

**Mr. Maguire:** Maybe we could ask the minister that, but it is my understanding that it still would allow them to do it right up to election day. I guess I am just asking what it would be like if it would be a smaller period of time prior to that. If that did come in, it would certainly put all of the onus on the electors.

**Mr. Briese:** Even if it is up till that day, I think they have to have documentation with them that will back it up. So I think it will be covered that way.

**Mr. Maguire:** I appreciate Mr. Briese's time and presentation. Thank you.

**Ms. Friesen:** There are discussions going on around this particular issue and we can clarify those and talk about those perhaps when we have heard all the presenters. Is that acceptable to everyone?

**An Honourable Member:** Yes.

**An Honourable Member:** That is good.

**Ms. Friesen:** Okay, thanks.

**Madam Chairperson:** No further questions. Thank you for your presentation, Mr. Briese.

**Mr. Briese:** Thank you.

### **Bill 3—The Highway Traffic Amendment and Summary Convictions Amendment Act**

**Madam Chairperson:** Now we are on to Bill 3. Would John Butcher please come forward and make your presentation to the committee.

**Mr. John Butcher (Winnipeg Police Service):** Thank you, Madam Chair. Good evening, ladies and gentlemen. My name is John Butcher, and tonight I represent the Winnipeg Police Service.

Certainly one of the core functions of any police service is traffic safety. When encouragement in public education alone—

**Madam Chairperson:** Excuse me. Would you mind just waiting until we—

**Mr. Butcher:** Pardon me?

**Madam Chairperson:** Thank you, Mr. Butcher. Please proceed with your presentation.

**Mr. Butcher:** Thank you. Certainly one of the core functions of any police service is traffic safety. When encouragement in public education alone is not sufficient and since travel on public roadways is a regulated activity, legislatures pass laws for the police to enforce in an attempt to alter dangerous driving behaviour. Technology presents itself in certain circumstances as a more effective method of conducting enforcement. To ensure those technologies are reliable, they are sometimes regulated themselves.

In an attempt to maintain roadworthiness of vehicles, certain mechanical standards and the means to test them have been instituted. When impaired driving was recognized as a danger, breathalizers and approved screening devices were developed and certified. When the Legislature concluded that speed limits on roadways were appropriate, various speed-timing devices were developed to accurately measure vehicular speeds. They, too, later became regulated. These instruments were conceived and eventually came into use also in an attempt to remove some of the inherent human subjectivity and thereby allow courts to make more meaningful weight of the evidence.

In 1958, certain jurisdictions chose to deal with the ongoing danger of red light running and excessive speeding by the use of photo technology, which could more accurately and more efficiently report on an offense. In doing so, a more credible deterrent was created. Although automated, the human element cannot and should not be removed from the enforcement process. As such, even in an automated system, a summons must be signed by a peace officer who believes that, on reasonable and probable grounds, an offence has been committed. That same peace officer, if circumstances warrant, is subject to examination by the accused.

As time and the technology progressed, Madam Chair, additional jurisdictions worldwide came to recognize inherent accuracy and benefits of certain types of photo enforcement technology. Countries in Europe, North and South America, along with Asia, Africa and Australia, currently choose to use the technology.

To those who believe photo technology is an unwarranted intrusion into their activities, Madam Chair, we respond: privacy rights on regulated public roadways are not universal. Even so, current photographic technology is dormant and only activated when an offence has been committed. It is incapable of being used to monitor other activity or as a means of surveillance. It is also important to note that only photographs of the rear of the vehicle are taken.

When the Winnipeg Police Service seeks public input, traffic issues regularly place at or near the top of public concern. An attempt to verify this was made in February 2001 by means of a survey performed by Vantage Research of Calgary. The survey revealed a majority of Winnipeggers believed red light running and excessive speeding represented a real threat to their personal safety, and 88 percent of the respondents at that time agreed that the police should explore new speed-reduction and enforcement strategies.

Since 1994, the Winnipeg Police Service has examined the feasibility of augmenting some of its enforcement capabilities with photo technology, not as a replacement for conventional enforcement but an enhancement of it. This approach, along with a more intensive public education program, has been a model for success in reducing injuries and death due to dangerous driving behaviour. Specifically, it has been noted in Edmonton where, prior to this two-prong approach, an average of 40 traffic fatalities occurred annually. Since the 1993 inception of photo enforcement and stepped-up education, Edmonton has reduced the number of traffic deaths to an average of 14 per year. Similarly, in Washington, D.C., where automated speed enforcement is only six months old, a 35% reduction in vehicles travelling 16 kilometres per hour or more over the speed limit has been realized. Their previous success has been reducing fatalities at intersections from a yearly average of 13 to 2 in 2001.

\* (19:30)

We therefore request, on behalf of Police Chief Ewatski, the men and women of the Winnipeg Police Service and the hundreds of people who have contacted us, that this

committee view Bill 3 as the safety initiative that it is.

That concludes my report.

**Madam Chairperson:** Thank you for your presentation. Do members of the committee have questions they wish to address to the presenter?

**Mr. Marcel Laurendeau (St. Norbert):** Madam Chair, I want to start by thanking John and his committee, Chief Ewatski and the rest of the City of Winnipeg Police for the work that they have done on the photo radar process that has been brought before us today.

I know they have been at it a long time. I remember when we started discussing this back in actually 1990. I do not think you were then. It has come a long way since then, and the work that they have done. I have been watching the promotion that you have put on Shaw TV over the past while. It has been playing and doing a very effective job in having the public made aware of this issue and letting them know how the safety aspects of it are. So I would like to thank you for the hard work that you and your committee did.

You have brought a lot of people onside who were opposed to it in the past, and you have fought a good fight. I would like to thank you for that.

What do you feel about the issue of the high speed corridor not being included in this bill?

**Mr. Butcher:** The service acknowledges that this is a good first step. It is an opportunity for us to prove ourselves. If there is any further examination of the issue of limiting restrictions or different restrictions, we would be glad to participate in any such examination.

**Mr. David Faurschou (Portage la Prairie):** Madam Chairperson, it was not that I was not wanting to ask a question. I was being courteous of the minister to give him first opportunity to ask.

John, thank you very much for your presentation here this evening. I would like to ask a question that really does not involve this

particular legislation; however, peripherally, it may when we study the amendments. That is the dedication of resources that may be derived from this technology and where those resources are expended, your thought patterns on that. I will ask you to have latitude to even discuss the helicopter that has been discussed in the media of late as well. So if you would respond as to where you see the best benefit derived from the monies that will come in from this.

**Mr. Butcher:** First of all, I think we have gone on record publicly as saying that the Police Service is not interested in the revenue of this. In fact, if we become the first service to put this type of initiative out of business, it will be a great sign.

Secondly, I understand there was an amendment entered into the House already today, and I have not had a chance to examine it. Any proposed possible amendment, we have not had a chance to examine. Certainly, the Police Service always looks for additional funds for different measures. However, that is at an extreme arm's length from this initiative that we are on here tonight.

**Mr. Faurschou:** Madam Chairperson, well, hypothetically speaking, if you have resources that generated from this, are you considerate of some avenues to where these resources may be deployed, hypothetically speaking?

**Mr. Butcher:** Sir, on any such subject, I would defer to the Chief of Police to make those considerations.

**Mr. Glen Cummings (Ste. Rose):** I would be interested if you have any statistics or information that you could share with us. We have made an assumption obviously, the Government has, in the introduction of this bill, about the safety, first of all, of red light violations and the damage or death that could occur, and fully support that. I am interested if there are any statistics or information that you might have that address the concern around high speed traffic areas, particularly within the city.

I am a rural person, so once you get past the stop sign, pretty well everybody considered it a full speed road, I suppose. But in the city you

have a variety of restrictions ranging all the way from 60 to 90. Is there any statistical information that you might have that would confirm or contrarily deny the fact that high speed corridors would be useful areas for the use of photo radar?

**Mr. Butcher:** In answer to your question, sir, any area where high speeds are detected would be useful for enforcement. However, we do still have conventional enforcement. We intend to, as I indicated, only enhance our conventional enforcement with this method. I do not know currently of any statistics with respect to certain areas, although the laws of physics will tell you in a high-speed area the vehicle and the human ability to react has been greatly reduced.

**Mr. Cummings:** Without putting too fine a point on it, what I want to have some comment on—or either tell me I am out to lunch—is that if an area where the traffic flow is running in excess of 80 kilometers, the chance of an accident being a more deadly occurrence is higher. I think we all can appreciate that. But your association is not recommending any specific uses in the area, given high speed versus a more medium speed. You are satisfied that the implementation as the Government has proposed here is sufficient, or would it be a useful amendment to have your force's ability to use this equipment in high speed corridors?

**Mr. Butcher:** Sir, I believe this is a valuable first step. Once again I repeat that we do have conventional enforcement. Some time down the road this issue may be revisited, possibly subject to evaluation. At that time, as I have indicated, we would be glad to become involved in any examination that might change the regulations later on.

**Mr. Cummings:** I just wanted to say thank you. I am not trying to put you in an awkward position, but we are trying to decide the extent of the usefulness of this equipment.

**Hon. Steve Ashton (Minister of Transportation and Government Services):** I would like to first of all thank you, not only for the presentation, but the work that you and the Winnipeg Police Service have been doing on a number of fronts. One is the original development of some of the proposals we are dealing



with, which date back really to 1994, as you have indicated led to the passage of the unproclaimed red light legislation in '97 and, of course, now the bill we are seeing today.

I cannot help but echo your comments. I can tell you, as Minister responsible for Transportation and the minister responsible along with my colleagues in government for bringing this act forward, that I would love to see not a single ticket issued using this type of technology because that is the goal. The goal here is not to issue tickets; it is to get greater compliance with our speed laws and in particular as well the red light running that we see.

What I wanted to ask first of all, and this is not for my benefit, I have been receiving regular reports which I would like to thank you for from the Police Service on the trial period which the red light camera has been in operation. But if you could relay to the committee the impact of the red light cameras, and this again fitting in with what I said earlier, that the goal here is compliance with our traffic laws and what the trial period showed where a red light camera was in place and when the public was aware of that in terms of people actually running red lights.

\* (19:40)

**Mr. Butcher:** The pilot project for the intersection safety camera, which monitors red light running and excessive speeding at intersections, was established in October last year at Sherbrook and Broadway as much to see if the equipment worked in our climate as to see its effect on driving behaviour. The effect was dramatic. From an initial 7 violations per hour as noted by ourselves and the media, it quickly dropped to what was about 2.6 a day after that. A lot of this can be credited to the fact that it was in fact a single location. A lot of this is credited to the extensive public education and notification.

Speeding, which is also a concern for us at intersections, dropped to a level of about 63 percent. I do not have the numbers handy myself, but, as the minister indicated, compliance here was the issue. Even more so than a reduction of numbers, we were interested in how its effect would be on collisions. Our initial

examination of some of our rudimentary data indicates that for a three-month period before and during the project, collisions went down 33 percent from 10 reported—these are collisions for serious damage or personal injury—to 7. This might be an anomaly, but it is a positive direction, and I think it speaks to the credibility of the systems, the technology, and the public education.

**Mr. Ashton:** I appreciate that information, because certainly, and once again I would like to thank the Police Service for much of the information that was the basis of the development of this legislation, but, clearly, intersections in the city of Winnipeg are a high-risk area in terms of collisions. It varies from year to year, but upwards of two-thirds of collisions do occur at intersections.

I note in your presentation that you have referenced something I think is very important. That is that this is not a replacement for conventional enforcement but an enhancement of it. I have had discussions with Chief Ewatski and with the City of Winnipeg. One thing that the review that led to the development of this legislation did point to was the fairly significant decline of enforcement the last 10 years, which was documented I think at about 43 percent for Highway Traffic Act offences generally and 41 percent for speeding.

I am wondering if you can indicate what your sense is, what the Police Service sense is. I recognize again this is not a substitute for, it is a supplement to traditional enforcement. Whether this will help to turn around that situation, once again I would like to think that the drop was due to more compliance with speeding, but I think the general feedback we have received and the information that we have received from the spot checks and the surveys that the police service has conducted is that it is more of an enforcement issue rather than the fact that people are complying with our legislation.

I am wondering how you see this fitting in with that, whether in fact it will help us turn around that decline in enforcement. I guess my view as minister is that, as we are seeing with this pilot project in terms of red light, to a certain extent turning that around and making people

realize, the small percentage that perhaps are not going to do what most citizens will do, which is try and follow the laws, that that small percentage that do not may realize there is greater chance of getting caught. Quite frankly, most of the surveys I have seen indicate that that is an element in compliance. If you have the sense of the public that your chance of getting caught is fairly limited, you will get a small percentage of people that will ignore laws that they might otherwise follow.

**Mr. Gerald Hawranik (Lac du Bonnet):** This current Bill 3 allows the use of photo radar in school zones, playground zones, construction areas, as well as intersections with traffic lights. Do you have statistics to show the incidence of accidents at those areas, the extent of property damage that occurs in those areas, and, of course, the extent of personal injuries that occur in those areas, as compared to high speed zones within the city? And if so, please inform us.

**Mr. Butcher:** No, sir, I did not bring those statistics with me. However, I can suggest that in areas where people are most vulnerable, even one collision, one death is too many. If workers on the side of the road and children going to school are not the most vulnerable, I am not sure who is. I think the public has a reasonable expectation that the Police Service is doing everything it can to protect the most vulnerable people here, and that is the opportunity we are taking in respect of this bill.

**Mr. Hawranik:** I take it that you do have those statistics, and if you do, could you make them available to us?

**Mr. Butcher:** I am not sure if I do have those statistics, but I can attempt to retrieve them and present them, or re-present, them at the committee.

**Madam Chairperson:** No further questions? We thank you for your presentation.

That concludes the list of presenters that I have before me this evening. Are there any other persons in attendance who wish to make a presentation?

Seeing none, is it the will of the committee to proceed with detailed clause-by-clause consideration of Bills 3, 7 and 10?

**An Honourable Member:** Three in a row.

**An Honourable Member:** In that order.

**Madam Chairperson:** In that order? What order do you wish to proceed?

**An Honourable Member:** In numerical order.

**An Honourable Member:** Can we do 10 first?

**Madam Chairperson:** There is a suggestion, the order will be 10, 3 and 7.

Is it the will of the committee to take a brief recess?

**An Honourable Member:** Just change ministers.

#### **Bill 10—The Environment Amendment Act**

**Madam Chairperson:** We will be proceeding with Bill 10. Does the minister responsible for Bill 10 have an opening statement?

**Hon. Dave Chomiak (Minister of Health):** No, Madam Chair.

**Madam Chairperson:** Does the critic from the Official Opposition have an opening statement?

**Mr. Glen Cummings (Ste. Rose):** Madam Chair, not so much an opening statement as questions that I would like to pose to the minister in terms of expanding on his reason for the introduction of this bill. One thing that I am always conscious of, no matter which side of the House that I am sitting on, is that occasionally governments of all stripes have a tendency to potentially overkill or, secondly, take too much power, authoritarian power or arbitrary power, into their hands in order to accomplish something that maybe they can already do. I guess that is about as simple a way as I can put it.

I am saying to the minister it seems to me that, through The Emergency Measures Act and other such legislation, the government of the day does have the authority to do what he is attempting to do here. Having said that, there may well be some good reasons to make these

amendments in order to make the process simpler so that if the minister ever is truly faced with an emergency, such as he referenced, of course, with the West Nile disease, that he can do it and do it expeditiously. Further to that, and I will put this on the record so the minister can contemplate it while he is answering my other point, and that is: Does he envision this amendment giving him the authority to take action for, I suppose, development, if you will, or imposition of a mosquito control program such as the one that has received an awful lot of publicity in the last month or so from the Government and from the City of Winnipeg?

\* (19:50)

I would like some comment from him, and particularly some assurance from him that this would not be the type of legislation that he would use to deal with the municipalities surrounding the city of Winnipeg. Am I developing a "sky is falling" question? I hope not. I believe the minister could probably explain this. Those are two of the concerns that immediately came to mind. Of course, until we got to this stage with the bill, we really could not have a back and forth discussion of the ramifications of that. That is all I would like to say right now.

**Mr. Chomiak:** I will attempt to answer both questions addressed by the member.

I agree with the member's proposition that one should not, he used the word "overkill," I would say "overreact," particularly in public health situations. It is important to have an adequate protection available but not to overreact.

The bill we are bringing forward, the amendment to The Environment Act, is relatively narrow. It is narrow to two points. It has to be a health emergency and it has to be one, or imminent, one capable of transmitting diseases via mosquitoes. So it is pretty isolated to that kind of a situation.

Canvassing of the EMO act, the present Environment Act and The Public Health Act all provide for emergency powers but under different types and different sorts of circumstances. It would be an ideal situation actually if—I should not say if—when The Public Health Act is updated and amended that it be comprehensive

enough to capture all the eventualities. Unfortunately, at this point it does not capture all of those eventualities.

This is that narrowest definition capable that we could put in that is narrow enough to permit us to be able to do what we have to do in the event, the unlikely event, but in the event of a health emergency that is preceded, brought to bear, by mosquitoes, a mosquito-borne illness.

With regard to the second question, the answer to the second question is found in the response to the first question, that it is a narrow definition. The intent is very clear that a health emergency must exist.

The most obvious example I utilize is the West Nile virus, which to this point has not appeared in Manitoba, but the wind vectors and the mosquito pattern and the bird patterns indicate it is probably only a question of time before it is detected in this jurisdiction. The only Canadian detection has been in Ontario, in the Windsor area. That was detected last year.

West Nile virus, I supposed unlikely, in the past, western equine encephalitis, and there are, I understand, some other diseases that are on the threshold of development that may be carried by mosquitoes that might be applicable. Again it is the unique circumstances of a health emergency combined with mosquitoes capable of transmitting the diseases. It is narrow to that extent.

I cannot give the member 100% assurance on virtually any issue. Clearly, the intention and the extent to which that is reflected in the legislation and the will of the legislators, that is the intention in this act.

**Mr. Cummings:** Well, the minister, and I think all of us, would agree and understand that it is not smart to be seen to be standing in the way of a minister who is trying to deal with a health emergency. But western equine encephalitis was present in this province on more than one occasion, and the health department seemed to be able to deal with it at that time. Is the corporate memory able to tell the minister what powers were taken in, and why those powers would not be appropriate to deal with any issue, including this?

**Mr. Chomiak:** Not only is corporate memory capable of that, but there is memory in person by this individual who was present in this province at the time of the last outbreak. I am familiar with it. I only use that as an example of another type of illness. The West Nile is the target for this particular legislation and/or anything that might come down the road that is of a similar nature. Yes, there are other ways of dealing with matters of that kind, and, yes, we have functioned in the past without this type of med legislation. But we felt that it would be prudent under the circumstances and given the developments in other jurisdictions, that we have the tools available, if necessary, to deal with it quickly and efficiently and on a site-by-site basis if necessary.

**Mr. Cummings:** I am asking the minister to convince me that this is necessary in light of what he just said: that we have been able to successfully deal with these types of emergencies before, without this legislation. I will tell the minister where I am coming from. I have a bit of a feeling that there are a number of times when governments—and I am not accusing his Government specifically, let us talk about governments in general—who, in reacting to a public concern, rush off to the department and say: Let us introduce a bill to make sure that everybody knows that we are on top of this. I do not want the minister to use something as serious as this.

Let me rephrase that. Something as serious as what he is dealing with—I do not want to trivialize it. I am not accusing the minister of trivializing it. I am asking him to just persuade me just a little bit more that he actually needs this bill, because of the history of actually being able to deal with similar problems, which are mosquito-borne diseases or infections that his department has dealt with previously.

**Mr. Chomiak:** While I appreciate that the member is acknowledging the fact of the intention of the introduction of this amendment, the fact is that as we evolve in public health, we evolve in a whole different series of areas. If one looked at The Public Health Act, for example, it only dealt with infectious communicable diseases and other matters relating to public health. We coped and managed in a variety of areas, but not as efficiently or as effectively as we can, and

should; and this is part of an evolution and part of the ability to manage quickly and to manage in a more efficient fashion. Certainly, we functioned in the past. We also functioned in the past under less serious outbreaks, under less serious potential, and we think it is prudent to have within the ability of the Minister of Health and the Minister of Conservation (Mr. Lathlin) to function in an emergency situation to have these particular methods to function quickly.

**Mr. Cummings:** Others, who know more about the legal side of health than I do, have said that all of the legislation related to public health matters is probably due for an overhaul. I think I see the minister concurring. This is not an accusation against this minister. It is a huge undertaking. But I wonder if the minister would comment in light of the fact that he has to make amendments. That is always going to happen. You can never eliminate that, but would he also comment on whether or not he is prepared to look down the road, or sooner than later, at dealing with the general aspect of health regulation and law as it now is in this province, because it is my understanding that it is an older act that has not been modernized and probably needs to be redone in the light of the fact it has been amended a lot.

\* (20:00)

**Mr. Chomiak:** Madam Chairperson, the member is correct. In fact, I have stated publicly that we will be bringing in a new public health act. The issue with respect to the timing is a logistical issue, but it will be sooner rather than later, and we are working on it.

**Mr. Gerald Hawranik (Lac du Bonnet):** Madam Chairperson, this bill, of course, concerns the measures which may be required and even to the health emergency created by mosquitoes, and you had mentioned, Mr. Minister, specifically with the West Nile virus. I can understand why you are introducing this bill, because I think it is a threat and a possible threat to Manitoba, but there are a couple of issues that I want to discuss a bit today, one of which, of course, is the wording of some of the sections.

I notice in section 25.1(1) you are making an order requiring a municipality to take measures,

and that is mandatory requiring a municipality to do certain things. Under section 25.1(8), if a municipality fails to comply with the minister's order, the minister may cause anything to be done that is required to be done in the order.

Section 25.1(10) indicates that if the minister takes action under subsection (8) the municipality that failed to comply with your order may be required to pay the amount of any expenditures made by the Government. In the following section, section 25.1(11), the Government again may reimburse a municipality for the amount of any expenditures made by that municipality in implementing your order.

This is, I believe, a classic example of the word "may," and the word "may" is permissive. It is not mandatory. It does not require any action to be taken. I believe in those sections that the word "shall" should be used, because it requires a mandatory action. On the one hand, the Government requires municipalities under section 25.1(1), you require municipalities to take action on something that I think clearly is a provincial responsibility, the health of all Manitobans that may be affected by mosquito-borne diseases. On the other hand, you are saying to municipalities that you may reimburse them for their costs. I believe this involves the offloading of costs on the backs of municipalities and onto the backs of property taxpayers. That is something that really is the responsibility of the provincial government, not the municipal government. How does the municipal government bear your responsibility for mosquitoes bearing diseases?

Under section 25.1(12), you indicate, as well, that as a result of any action taken, a person who suffers any loss of real or personal property by virtue of this action, the Government again may compensate the person for the loss. Therefore, the Government only in its discretion will compensate people for losses as a result of action taken that damages real or personal property, and I believe that compensation should be mandatory. The loss would have been as a direct result of the Government's action, and I think that all damage to real and personal property should be compensated for by the Province.

**Mr. Chomiak:** Madam Chairperson, I will try to summarize the member's comments as he went

through the various subsections. The first issue that I believe he was referring to was the question of the use of "may" not being mandatory vis-à-vis being permissive. The second issue that he dealt with was the question of provincial jurisdiction vis-à-vis requirements that have to be taken by municipalities, and the third issue is that there ought to be mandatory compensation with respect to any action that may cause loss or damage in the municipalities. Are those generally the issues the member is referring to?

**Mr. Hawranik:** Yes.

**Mr. Chomiak:** Madam Chairperson, I defer with respect to permissive or mandatory legislation to legislative drafters, and I learned in my experience in this Chamber that generally their recommendations vis-à-vis legislation are generally more apt than, perhaps, sometimes, the issues that I feel ought to, perhaps, be included.

If the member is suggesting that the use of the word "may" is permissive, but the use of the word "shall" in terms of the requirement section for municipalities is contradictory, is that what the member is saying?

**Mr. Hawranik:** I said discretionary. "May" is discretionary as opposed to "shall." On the one hand, you are, in fact, requiring municipalities to take action, and on the other hand, you are saying, well, we might or we may compensate you for damage. I think that is a concern of mine.

**Mr. Chomiak:** My reading of the act is: the minister responsible for the act may, by order, require, and I view that as discretionary. *[interjection]* Not shall.

**Mr. Hawranik:** You may, by order, require. You may, by order, require, which is discretionary, and if you do require them, are you going to compensate them?

**Mr. Chomiak:** I do not think you can ever in law compel the Crown 100 percent of the time. I do not think in law or in practice or in convention, we generally do that.

Now, I will defer to the legislators, but I have never seen—*[interjection]* I mean, the basic

issue would be we very rarely make it mandatory. This actually goes back to the prerogative of the Crown, actually, in that regard, if the member wants to go back in terms of legal interpretation and in terms of the independence of the Legislature.

So I think, quite frankly, it is not likely that one's rights would be tread upon, but I do not think, generally, in legislation that we would make it mandatory. I cannot recall, and I do not think the legislators can recall an example of mandatory compensation, and even if it were called for, I think just in terms of legal principles it would be very difficult to be mandatory in terms of the prerogative of both the Legislature and the Crown.

The third issue: I think the issue of policy with respect to the off-load issue is why there is a section that is contained within the act that allows for compensation in order to remedy any potential difficulty or any cost-sharing that might be required to do this.

**Mr. Hawranik:** I think this is still just a bill dealing with the spread of the virus spread by mosquitoes. I cannot think of any legislation to which you refer, but I can tell you that certainly if the Crown or the Province is responsible for an action or responsible for requiring municipalities to do certain things, why should they not be responsible for covering those costs and make it mandatory? I think that municipalities would agree with me.

**Mr. Chomiak:** I am not disagreeing. I think the member, it makes logical sense, but we cannot make it mandatory, and I do not think it would be prudent to make it mandatory.

**Mr. Cummings:** There is another issue that was brought to my attention that relates not only to this but also to the other issue that the Government is dealing with in terms of mosquito-free zones.

But just so the minister understands that we are not blowing smoke in his ear, there are agricultural operations out there who consider themselves totally pesticide-free, and they market their product as such. In fact, some of their

largest argument is that there is drift from their neighbours.

Now, the reason my colleague's questions are quite valid, and I think the minister needs to consider carefully the authority that he is taking here, whether or not he can provide offsetting recovery for people such as I have just described, is that the potential is there through a non-targeted spraying program, which the minister might well have to enter into.

\* (20:10)

Look, I am not making the judgment that he should not do it. I am just saying that there are people out there who will be damaged, and, as luck would have it, they will be in the wrong place at the wrong time. So they are very real. They are not the wrong time if you cannot move, but operations such as I described will be very vulnerable at a time like this. While we all like to talk about the cleanliness of the environment and safety of our food, and I think we should quantify that, there are entrepreneurs out there who go far beyond what are the normal standards of safety in society, and talk about being totally pesticide free, and their entire livelihood will be wiped out in 30 seconds when the big plane crosses their quarter section.

I would just leave that on the minister's conscience, because I know he cannot avoid taking action in the case of emergency. But when we take these kinds of authorities there are consequences to some people in the public—both ways.

**Mr. Chomiak:** I thank the member for that advice. That is good advice. Generally, in terms of public health decisions, when those decisions are made, those kinds of issues are debated. In terms of our West Nile virus advisory committee—in fact, the chair is here—I will make sure that is passed on, and they are apprised of that issue.

**Mr. Cummings:** I thank the minister for his comments. The fact is that we, on this side, support the strong actions in time if a problem of this magnitude ever should arise. No matter who is in the Minister of Health's chair, he will have some very difficult decisions.

I believe we are prepared to go clause by clause, unless I see a hand from one of my colleagues or across the table.

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

Clauses 1 and 2—pass; clause 3—pass; clauses 4 and 5—pass; enacting clause—pass; title—pass. Bill be reported.

**Mr. Chomiak:** I just want to thank members of the committee, and I want to thank all the staff who have come out and worked hard on this stuff, and take family time, et cetera, to come. I appreciate it. We all appreciate it. Thank you very much.

**Madam Chairperson:** It has been suggested that we do the next two bills, 7 first and then 3. Is that agreed?

**An Honourable Member:** Let us do 3 first.

### **Bill 3—The Highway Traffic Amendment and Summary Convictions Amendment Act**

**Madam Chairperson:** Does the minister responsible for Bill 3 have an opening statement?

**Hon. Steve Ashton (Minister of Transportation and Government Services):** I just want to put a few brief comments on the record. I want to indicate that the passage of this legislation will do a number of things. First of all, it will bring into force the operation of red light cameras. Although legislation was passed by this House in 1997, that legislation was not proclaimed at the time. This will do that. That is important in and of itself.

In addition to the red light cameras, as members of the committee will be aware, there will be targeted photo enforcement, photo enforcement that, particularly in the case of intersections, is targeted at part of our traffic system that, in some cases, can see upwards of

two-thirds of the accidents. In the case of the city of Winnipeg, for example, upwards of two-thirds of accidents do occur at intersections. These are areas that are difficult to police using traditional enforcement. I want to echo some of the words that were used earlier by the Police Service. These are similar to words I have stated, and our Government has stated, in terms of our view of this type of enforcement. It is not a substitute for, it is a supplement to, traditional enforcement.

That is important for a number of reasons. It is a supplement to, in the sense that, in the case of intersections in particular, there is great difficulty, particularly with red light offences, to be able to have the ability to have proper enforcement and proper intervention. It is important to recognize that traditional enforcement is important not only for speeding offences, but it is important for other offences: drinking and driving, getting people off the streets that have suspended licences or have no licence at all. I think that is important to recognize because photo enforcement cannot do that. That is why traditional enforcement has to be a continuing focus. I have put on the record my own concern, that traditional enforcement has declined. There has been a 10% reduction outside of the city of Winnipeg, a 43% reduction of highway traffic offence notices, 41 percent in the case of speeding over the last 10 years.

I have discussed this with the head of City of Winnipeg Police, and I know they are also working on this as well. This is of concern to our police authorities. This legislation will, I think, in a targeted way, provide for that. What is also encouraging as well, and I want to put this on the record, is the trial that was conducted particularly on the red light cameras did show that when people are aware that this type of technology is in place, that the compliance, in this case compliance with stopping at red lights, did increase. I said this earlier in the questioning, but the intent, the long-term intent, of this type of legislation is to increase compliance with our Highway Traffic Act, whether it be speeding or whether it be red light situations.

The other thing I wanted to indicate, we will be bringing an amendment to make this very clear as well, and that is that this is not a revenue

generator for the Province. The fine structure will be the same as the fine structure for other speeding offences. The only revenue that will occur outside of the fine itself is the same revenue that occurs with any other offence, revenue covered court costs, and revenue for the victims of crime fund. We will be bringing in an amendment that will ensure that the proceeds from the traffic authority, whether it be the local municipality and other situations in our organized territory, or where the traffic authority is the Province, in whatever the circumstances, that that revenue will be used for safety or for policing.

\* (20:20)

I think that is very important for the public and members of this committee to recognize that this is being driven by safety. It is not being driven by revenue concerns. Certainly, I can indicate that is the case throughout this legislation.

I just want to conclude on this. I am sure we will have discussion on specific sections of the bill, but I want to indicate that this is very much being driven by the experience of those who are out in the field. I note, for example, the City of Winnipeg Police have requested this type of technology going back to 1994 and, as I said before, even though legislation was brought in on red light cameras, it was not proclaimed. The experience from other jurisdictions does indicate that when this type of enforcement is available, compliance increases, accidents are reduced. I think that for those reasons I would recommend this bill to the committee with the one amendment that we are bringing in.

I can also indicate to the members of the committee, members of the public, as well, that we will be obviously following the experience with this particular legislation, unlike the red light cameras which were not proclaimed, because there was not the ability to put it in place at the field level, in this case, in the city of Winnipeg. There is certainly an indication that with the passage of this legislation, this kind of technology, this kind of enforcement will be feasible. I think that that experience itself is something that we will be monitoring very closely, although, as I said, the indications are from other jurisdictions that it can make a difference in terms of safety. So, with those

comments, I recommend this bill to this committee.

**Madam Chairperson:** Does the critic from the Official Opposition have an opening statement?

**Mr. David Faurshou (Portage la Prairie):** I appreciate the minister's opening comments, and I want to say at the outset that, for the most part, I am very supportive of the legislation as presented. However, having yet to see the minister's amendment in regards to the safety issues and having the resources that may or may not be derived from this technology, as we heard from Winnipeg Police Service tonight and you have reiterated, that it is, perhaps, the hope of all of us that there may be no revenues from this, because persons recognize the technology exists and that it is a deterrent for those considered of infractions under The Highway Traffic Act.

In regard to the safety issues, not having seen your amendment, I will say at the outset that it is certainly our hope that, not playing down your resources and understanding of safety issues, we would like to see that you engage all those that do have practical experience, whether it be the police services, the safety officials from Manitoba Public Insurance Corporation and within your department, as well, that are fully apprized of areas where safety concerns exist and to wisely employ those experiences into helping you address, whether they be in a formalized committee, or informal. It is our hope that you consult with those bodies because, at present, I see a deficiency there in the communication between our Manitoba Public Insurance Corporation, transportation officials, police services, whether they be the city or operating throughout the province, in the rural areas of Manitoba, that there is not an opportunity to come together with observations and statistics collected from those various entities to make the best of decisions possible, because each is somewhat autonomous in their collection of information and does not really have a formalized way of communicating that information and then making the wisest of choices. So I will say it is important to engage the people who have the experience in the decision-making process.

I do hope that the minister has also recognized, as I have stated on an earlier occasion,



that the police services, I believe, in this province are excellently versed in where this technology will make the greatest impact. I hope that he will be considerate of their understanding of other streets outside of these particular zones that have on a number of occasions been surveyed to verify that there are concerns on high speed corridors within our city of Winnipeg and other jurisdictions throughout the province where reduced speeds rather than highway speeds are posted. People do on occasion not recognize those posted speed limits. I think that police services should not be restricted. They should have the ability to deploy the technology in the best interest of the motoring public of Manitoba.

While I look forward to your amendment, perhaps we can have further comment when we have the opportunity to see that.

**Madam Chairperson:** We thank the member. During the consideration of a bill, the enacting clause and the title are postponed until all other clauses have been considered in their proper order.

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

Clauses 1 and 2—pass; clauses 3(1) and 3(2)—pass; clauses 4 and 5(1)—pass; clause 5(2)—pass; clauses 5(3) to 6—pass. Shall clause 7 pass?

**Some Honourable Members:** No.

**Mr. Ashton:** I have an amendment. I would move

*THAT section 7 of the Bill be amended by adding the following after the proposed subsection 257.1(2):*

**Municipalities' use of surplus fine revenue**

**257.1(3)** If a municipality's fine revenue from convictions based on evidence from image capturing enforcement systems exceeds its costs of acquiring and using the systems, the

municipality may use the surplus revenue for safety or policing purposes.

**Province's use of surplus fine revenue**

**257.1(4)** If the government's fine revenue from convictions based on evidence from image capturing enforcement systems exceeds its costs of acquiring and using the systems, the government must use the surplus revenue for safety or policing purposes in the part of the province in which the offence was committed.

**Madam Chairperson:** The amendment is in order.

**Mr. Ashton:** I want to indicate that we had indicated when we introduced this legislation we would be bringing in an amendment of this type. It is important to understand here that the operation of this kind of technology is something that is driven by the, no pun intended, by the local traffic authority. In this case, the first clause deals with where that local traffic authority of the municipality is using this technology as part of its enforcement of traffic offences. It is very clear and very important, I think, in that it indicates that the additional revenue—when I say additional revenue that is after costs—in this case, the excess of fine revenue over costs. Where that occurs will go to safety or policing purposes in that area.

\* (20:30)

The second clause deals with the fact that in an unorganized territory, or in a case where the Province is the traffic authority, the same principle would apply, in this particular case, that the revenue would have to be used for safety or policing purposes in the same part of the province in which the offence occurred. That deals with the fact that the local municipality or, in the case of where it is unorganized territory, does not provide the policing services directly. So, obviously, the provisions of the first section would not apply. It basically adopts the same principle wherever you are in the province, whether the local municipality is the traffic authority or whether the Province is. The intent of the second part of the amendment is to make sure that the Province is doing exactly what this legislation is requiring that the local municipality do where they are the traffic authority.

This reinforces the fact that this legislation, as we see it, and as clearly indicated by this amendment, is revenue neutral. This is not something that is going to raise funds for the province. This is intended to improve enforcement. If there are surplus revenues, those surplus revenues will go right back into policing and safety.

**Mr. Marcel Laurendeau (St. Norbert):** Can I just ask a question? Whereabouts are we? At 257.1, right?

**An Honourable Member:** 257.1(2).

**Mr. Laurendeau:** Right. Okay, good. No, it is okay.

**Mr. Faurshou:** On clarification, if I might ask the minister, in the part of the province in which the offence was committed, in subsection 4, are you looking to, perhaps, the RCMP subdivision as the parts of identified boundaries, or are you a little more definitive than that, broader?

**Mr. Ashton:** Yes, and, in fact, as the member will know, the offence notice is recorded as being on or near a certain area. The reason for this being a separate section, as the member will also know, is the fact that this is to deal with where the municipality is, not the policing authority. Obviously, if you were to have excess revenues, you could not then turn them over to the municipality as would be the case say, in the city of Winnipeg where that municipality has direct access to the surplus revenues, and then get them to provide a policing service, because the kind of circumstance we are dealing with is in a situation in which there is either no municipality, or where the municipality is not the local traffic authority. So, what this will do is put it back in, and I take the member's constituency, for example. It would allow for additional policing if that was to occur in the Portage area. I think that keeps the same intent.

It was a bit problematic in terms of the drafting because, obviously, when you are dealing with municipalities being the traffic authority, the municipal boundaries are obviously very important, but they are fairly easy to deal with because the traffic authority is the local municipality. This is to establish a parallel to

that and ensure that, for example, and this is all hypothetical. There may not be application of this. But if there was, say, an intersection, I would, say, look at, say, Highway 16 and 1 in the member's constituency. If the local police, in this case the RCMP, were to put in this kind of technology, then you would have a similar situation of what would happen if it was put in place, say, in the city of Portage, reflecting the fact that in this case it is the RCMP that are the policing authorities. In other words, the money would basically go back into providing that kind of additional policing, but in that area as well.

We wanted to make sure that if there is anything happening, say, in the Portage area, that it is not going to result in revenue that might be spent, say, in Churchill.

**Mr. Faurshou:** I do appreciate the minister giving an example for us to perhaps more fully understand what he interprets as part of the province. I just wondered whether within the department, we had thought perhaps a little more definitively as to whether it falls within district 12 or district 8 of the Highways Department or within the central subdivision of the RCMP or Westman to see if there was a boundary to perhaps not have Carberry being fought over between Brandon and Portage la Prairie. It is just to allow for a little clearer definition.

**Mr. Ashton:** I certainly appreciate the member's feedback on this, and given the fact that we are dealing with the RCMP in this situation being the police authority, the kinds of issues the member is talking about can be very useful in an administrative sense, and, in fact, if we can maybe continue this discussion after the committee, I think it would be useful because the intent again, really, is to get—if there is the use of this technology, that we get any surplus back into that area, into safety and into policing, so, obviously, back into the RCMP if it is policed by the RCMP.

So, with the member's own knowledge of those structures, I think it would be useful for the department, and I would certainly appreciate the member's feedback on that.

**Mr. Faurshou:** Well, I do appreciate the minister and I very much look forward to that. I

will look to you, Madam Chairperson, for guidance in this respect. Our side of the House had very strong concerns in this regard, right from the outset of the introduction of the bill, and has prepared an amendment, very much in similar language and acknowledged in the same subsection number.

However, the use of two terms is differing from the minister's amendment, and I will share that with him, being that perhaps I want to ask for his consideration. In regard to "substitution of safety in policing purposes," I would ask his consideration of "highway traffic safety and enforcement." That wording change allows for input from his department as a consideration of improvements of particular intersections through highway traffic safety and, using the minister's own example, would allow his department to participate along with the police department which is the enforcement component in handling a concern, an example of which he identified, which coincidentally is one of the more dangerous intersections—the one on 16 which is just west of Portage la Prairie—the benefit of a collaborative effort and very specific to enforcement of The Highway Traffic Act, an identified address of a safety issue by the use of highway traffic safety and enforcement.

So my question of the Chair is whether one can consider this as a friendly amendment.

**Mr. Ashton:** My sense is that unless it is moved as an amendment, it is somewhat different, but I think I can assure the member, for example on the policing side, the term "policing" and the term "enforcement," the preference of legal counsel was for policing. It basically has the same impact.

\* (20:40)

We are proposing this. I think the option available to the member is to basically either support or vote against this and introduce if the member has an alternative.

We also have the ability, and I am a great respecter of the legislative process, I think we have other opportunities in the bill process. I do think, though, that this is an area where I think the general intent is fairly clear. I do believe that

this was a concern that the Opposition had raised as well, and I would hope there would be support on this because I think it has taken quite a bit of work to get this kind of wording, because we have two different situations the member is quite aware of.

I think the options are open to the member to either vote for this or vote against it. Obviously, if it is defeated, he can bring in a substitute amendment at that point.

**Mr. Faurichou:** I believe that the minister has worked long and hard on his amendment, and it basically is the same. I just want to be very much to the point with the enforcement language, whereas policing purposes perhaps allows for a much broader latitude in expenditures of potential revenues from this technology. We were attempting to be very specific with that.

So I will caucus with my colleagues here in regard to this. I appreciate the opportunity to address this.

**Madam Chairperson:** Just for clarification, I would like to put on the record that when the Honourable Mr. Ashton read the amendment on 257.1(3), he used the word "may" rather than "must," but that "must" is on the paper on file.

The question before the committee is the proposed amendment to Bill 3, The Highway Traffic Amendment and Summary Convictions Amendment Act. Are you ready to adopt the motion? *[Agreed]*

The motion is accordingly passed.

**Mr. Faurichou:** I would like to move an amendment at this time.

*THAT the proposed subsection 257.1(2), as set out in section 7 of the Bill, be amended by striking out "and" at the end of clause (a), by adding "and" at the end of clause (b) and by adding the following after clause (b):*

(c) on highways in a city, town or village where the police service, having enforcement authority for the highway reasonably considers it justified to prevent injury or damage to persons or property.

**Madam Chairperson:** The Highway Traffic Amendment and Summaries Convictions Amendment Act, moved by Mr. Faurichou,

THAT the proposed—

**An Honourable Member:** Dispense.

**Madam Chairperson:** This amendment is found in order.

**Mr. Faurichou:** Madam Chairperson, I will say that I addressed in my opening comments the concerns that we have, as to the ability of the police services, whether they be in urban, rural, the flexibility to deploy this type of technology in areas that are of concern. Police services throughout the province have surveys and have indicated that on numerous occasions in multiple areas within the province there are genuine concerns of high speed vehicle travel in areas that are posted at less than highway speed, for good reason, through by-law and regulation.

I would like to state that this particular clause just expands on what the minister has already proposed, expanding from the construction zones, playground zones, school zones and intersections controlled by traffic-control lights, which is inclusive of not only vehicle traffic intersections, but railway intersections as well, I understand. That this would allow the police force, with the addition of clause c, to deploy the technology in areas that we believe are of concern to the motoring public of Manitoba.

Presentations have been provided, Madam Chairperson, citing areas of Lagimodiere Boulevard, Bishop Grandin and within the city of Winnipeg, where vehicles have exceeded the posted 60-, 70-, 80-kilometre areas at speeds of 110, 120 and even as high as 130 kilometres per hour. Also recognizing that this is not a substitute for police activity, it is to augment their undertakings. I believe this is an amendment that will be supported by the police forces, services, as well as the motoring public of Manitoba. Thank you.

**Mr. Ashton:** I think this is one area in the bill where there is going to be disagreement between members of the Opposition and members of the Government. What this, I think, can easily be

described as is pretty well wide-open photo radar. About the only restriction that would be in place is, I take it by the member's amendment, that this is targeted at urban areas, not rural areas, by the use of city, town or village restriction. So I am not quite sure actually why the member has brought in a resolution of that nature, when he is presumably arguing against what we have put forward as a fairly targeted approach. But members opposite may feel that is the appropriate way to go.

I would point out that, if you look at the rationale and the development of photo enforcement, it is most applicable in situations in which it is difficult or impossible to use traditional enforcement. That is particularly the case in intersections. It is the case of red light infractions. It is also the case with speeding, and in intersections you are dealing with upwards of two-thirds of the accidents. This is something that came out of our review of the research and, in particular, our review of some of the experiences of other jurisdictions, and our own traffic statistics here. That is an important point, because traditional enforcement does not work well in intersections. Period. It is dangerous in a lot of cases, potentially dangerous just in the simple intervention itself of trying to catch the person who has run the red light and in this particular case we think that will make a significant difference. The combination of the two is also, I think, quite unique.

\* (20:50)

This is very much a made-in-Manitoba solution because, here is the reality, whether it is in the city of Winnipeg or other urban areas currently, if you do not have proper enforcement of red lights, what happens when people see the lights starting to change? I think we all know. I have seen it happen. People speed up to get through the light. The combination of the red light camera and the speed enforcement through the photo technology is going to bring down significantly, not only people running the red light, but also the phenomenon of people speeding up in an intersection. I have seen enough times over the years, myself, near accidents and a couple of actual accidents where you could see that happening. I ask anybody in the province of Manitoba now to think the last

time they went through an intersection and you will see it happen on a daily basis.

So the combination of the two which we brought in here is very effective, and it is something that cannot be done through traditional enforcement. I think that is very important to note. In the areas that the member has identified, traditional enforcement is far more effective, far safer. I note the member mentioned a recent—I think it was a speeding case or he mentioned, I think, Bishop Grandin—there was a speeding case there of somebody went considerably above the speed limit. I will not get into the specific details, but photo enforcement does not stop that person from speeding. You get a ticket in the mail a couple of weeks later. Traditional enforcement can stop that person, can check and if they were drinking and driving without committing any cases before the courts. I believe those were the circumstances in that particular case.

So traditional enforcement is really important. I note in the City of Winnipeg Police presentation, there is a reference that they, themselves, see it as a supplement to, not a substitute for. I have used this phrase right from the beginning of the introduction of this legislation, that is important to recognize. There is still the opportunity through traditional enforcement to enforce speed limits in these types of situations and, in fact, it is important to recognize that traditional enforcement is that much more important in many cases, because that is how you stop the person who is speeding; that is how you can track these other kinds of offences.

One of the concerns I put on the record, and I put this on earlier this evening, that there has been a 43% reduction in Highway Traffic Act enforcement in the city of Winnipeg, 41 percent in terms of speeding offences in the last 10 years, a decrease of about 10 percent outside of the city of Winnipeg, because without traditional enforcement, you also do not pick up the other offences. We estimate currently that there are upwards of 20 000 suspended and unlicensed drivers on our roadways at any given time.

The way you track those people is through traditional enforcement. Photo enforcement

cannot and will not do that, so it is not only a supplement, it is effective, but it is less effective than traditional enforcement. That is why we have taken a different approach, a targeted approach. It is targeted where the risk occurs. I believe there was a question in terms of school and construction zones. Statistically, there are not the same degree of accidents in those areas, but I think the point there and, I believe, Mr. Butcher reflected that in his answer, again, is the consequences are obviously very significant. I think if you were to ask anybody in the city of Winnipeg, for example, about their concern, they would start with school zones. I have talked to members of City Council. I have talked to residents here in the city of Winnipeg. That is their concern. That is where they think it should be targeted.

Construction zones. Talk to anybody that works on a construction site and they will tell you a lot of people do not follow the reduced speeds that are in place. Once again, statistically, it may not produce the accident rate, but all it takes is one accident involving that combination and the consequences are very serious, again because you have construction workers who are out in a very vulnerable situation. So that is why we have put this together. I want to suggest to members of the Opposition—they have obviously moved this amendment—we will be voting against it. We think the approach that we have adopted in this act is far more balanced, and, quite frankly, will achieve far more in terms of safety in the long run, while at the same time building up traditional enforcement.

The previous section that we passed, I think, is very important because, by having in this case any of the surplus revenues going into policing or in terms of safety initiatives at the local level, that will provide, if there are surplus revenues, an opportunity for in this case not only to supplement the actual enforcement but potentially, as well, to actually increase the traditional enforcement.

I want to put this on the record, because I think this is really important. I think this is where members opposite have made a mistake in introducing this particular amendment. The best kind of traffic enforcement is having cops on the street. That is the best kind of traffic

enforcement. Photo enforcement works best in situations where having cops on the street does not work. We know that is the case in terms of intersections. I believe our targeted approach, versus the wide-open photo radar approach, is an approach that will be supported by the public, will give us an opportunity to assess the made-in-Manitoba approach here.

Again, I want to stress the combination of red light cameras and photo radar is a made-in-Manitoba approach. It is a very unique approach. I believe it will provide the safety enhancements and, quite frankly, at the same time, get attention on the fact that we also need to get those cops on the street in terms of the traditional enforcement as well. I know we have done our bit in terms of support for the RCMP complement, for example. We can get into that issue, I am sure, in the Legislature at various different times. But this targeted approach, I believe, as minister, and we believe, as the Government, will be far more effective in the long run for safety purposes and for proper policing than wide-open photo radar.

**Mr. Laurendeau:** Thank you, Mr. Minister, for reminding me of who you really were. I have had the opportunity of working with you over the past 10 years, and we have been able to come to consensus on many issues on a lot of bills after we had heard from the public, and after we had done a review of legislation, that we could work together and make those small corrections or small amendments that were necessary to actually help perfect legislation. Mr. Minister, you speak about the best protection is the police on the street. You are 100 percent correct. But one thing that we do have to have when we put our police on the street is to make sure they are safe.

Mr. Minister, I would ask you to come with me on a Friday night, on a hot summer night, out to Fort Garry, and watch on the street that we call Bishop Grandin, where the little race cars are coming through at 160 and 180 kilometres an hour, and the police cannot enforce it. Do you know why that is, Mr. Minister? It is because it is not safe for them. You are putting them in danger in that speed zone, because they cannot stop a car on that street. I ask you to talk to the police about that street, and I ask you to talk about a couple of these other high speed

corridors that you say are safe. They will not put enforcement on those areas, because it is not safe for the driving public. They have to wait until they are outside of that zone, or they entrap them somewhere else. But they cannot stop them in that zone.

Yes, that is a fact. I have talked to the police, and the police will correct that for you, Mr. Minister. So I am really sorry that you cannot seem to see around the roadblock. I understand the public image that you are scared of, but this is a safety issue. It is a safety for the public, and it is a safety for our police force. It is important that they have the tools to protect themselves. That is all we are after here: to give the police a tool to make it efficient for them. When it is the dangerous intersections, you are 100 percent right. The school zones, 100 percent right. But there are certain areas, certain zones, which are best left up to the police enforcement to make that decision. I do not think you have the qualifications to make that decision. But the police, who are enforcing the law today, today, do know where they need this type of instrument put in place, where they need the photo enhancement, where they need the photo radar. We do not have that judgment. As politicians, we can pass laws and we can make laws, but they are out on the street day in and day out. They will be dealing with those little red sports cars that are running up and down the strip. It was a menace last year in Vancouver, and it is coming to Winnipeg this year. It has already started. In case you have not noticed, there are more of those little hot rods on the road this year. They have more than tripled in the past two years.

In Vancouver today they are dying on the streets. I ask you to just look at the amendment. Consider it. Do not just turn a blind eye to it. Talk to the police about the safety aspect of it. Do not make us put them on the spot here in the committee where they have to challenge you. That is not fair, and I think it was probably unfair for us to challenge him in front of you as well.

We support the initiatives you are bringing in. We know that you support the safety of this driving public, and we know that you support our police. We would like to see you support this

amendment, which is just a small amendment, Mr. Minister, that would give us a little bit more safety on our streets. We have asked you to help protect those people that are on those corridors, that the police—not you, not I, but the police—deem necessary to have this type of service put in place.

Let it be up to them, not us. Let us not turn it into a political decision. Let us make a decision that is good for the driving public today. Thank you.

**Madam Chairperson:** Mr. Faurshou. Oh, I am sorry. Did you want to respond?

**Mr. Ashton:** I wanted to indicate on the record that the previous government had the same request from the City of Winnipeg Police. The previous government brought in red light camera legislation that remained unproclaimed to the end of its mandate. We committed very early on to implement that legislation, which we supported at the time.

We have gone beyond that, and I can say in terms of safety we have moved on many issues that the members opposite would not even touch, such as graduated drivers' licensing, or such as last session areas that they opposed, such as requiring drivers of heavy equipment to have a driver's licence. I say to members opposite we can engage in the debate, and I would say that our record of action, not words, is one of safety.

I want to indicate to members, and I think they will reflect even on the presentation from the City of Winnipeg Police, and, by the way, we consulted at our initiative, at my initiative as minister, with not only the City of Winnipeg Police, but the RCMP, the City of Brandon Police, MPIC and many other stakeholders. I believe again, and I say to members opposite in this case, this is a significant step forward after 11 years of government not having dealt with this issue in opposition.

They may now want the wide-open approach that we are talking about, but I say to members opposite that this will make a significant difference in terms of safety. I also believe, once again, that it will allow us, Madam Chair, in this case developing a relatively new approach

to Manitoba, I think, and this was reflected again in the police comments as well, to look at the experience in this jurisdiction as well. I do not think it is a small difference. It is interesting, the member said it was a small difference and then engaged in a debate that kind of blew up that difference somewhat more.

I am just saying on the record, believe you me, after 11 years in opposition, I appreciate the role of an opposition. I also appreciate that when you are in government you have to decide on what you act on, not just what you say. For 11 years, the only thing that the previous government moved on was the red light cameras.

In this case, I say to the members opposite, I think we are acting in a prudent way that will make a real difference for safety. I believe in the targeted approach along with identifying, as we have, that traditional enforcement is important, as is the case. I want to point out, and I mention this on the record as well, because I believe the case I was referring to—and I want to refer to it maybe as a hypothetical so as not to create any difficulties in the court situation—was a case, I believe, of a vehicle doing 200 kilometres an hour. Photo enforcement would not have done what traditional policing did, which was to intercept that car, stop it from being a hazard to the public, find out, in this particular case whether the person was intoxicated. I want to stress that again, because I think our balance of traditional enforcement, along with this being a supplement, is what the public would expect. I say, from the experience we develop here, we can look down the line in terms of whatever happens with the experience with photo enforcement, but I believe, in this case, actions speak louder than words.

\* (21:00)

**Mr. Faurshou:** I sat listening intently to the minister's comment in regard to our amendment. It was not until the last three or four sentences when he said he would not support the amendment, because I truly thought he was speaking in support of the amendment. I want to agree with the minister that that is very specific to our amendment, in that allowing the deployment by the Police Service in these areas is a deterrent

unto itself. We heard from the Winnipeg Police Service here this evening, that just the installation or the deployment of this technology, at one intersection, changed from seven infractions per hour to 2.6 in 24 hours, just because people knew the possibility, just the possibility that that instrument was actually active and could potentially capture their vehicle on film.

So just the opportunity to have a deterrent is, as you mentioned, significant. So that is why we believe that this amendment is vital to be included in this legislation. As well, the minister also spoke of safety. As the Member for St. Norbert (Mr. Laurendeau) has indicated, there are very high speed vehicles travelling on corridors within urban areas.

We have been very specific and very prudent in regard to making mention of urban areas that have potential to be a policing concern. Wide-open highways, Trans-Canada, you know, the four lanes that go along, 75, south of the city or north of the city, perhaps police enforcement can handle individuals that are at high speed in unencumbered areas. Within an urban setting, we have to make use or at least allow for the use of technology when it is the Police Service's decision that it is justified.

That is why we have been very careful in the language which we have used within the amendment. As I said, I thought you, Mr. Minister, were in support of the amendment. However, I, as we believe, it is important to include. Ultimately, the Government will decide.

**Mr. Ashton:** Not to belabour the point, but I think it is important to recognize in fact some of the exact corridors that the member referred in the city of Winnipeg. There are intersections on those corners. *[interjection]* Bishop Grandin, I travel every day I am in the city. I stay in that area of the city when I am not back home in Thompson. Last I heard, there are intersections. So I say to members opposite that this will be applicable. There are in fact, I believe, 600 controlled intersections in the city. You have 300 school zones and 200 playground zones. So this is, I think, quite significant.

When I say it is targeted, it is not narrowly targeted as was the red light camera legislation. I believe it has got a fairly significant impact

again, but it is targeted. I suspect that we are going to have to agree to disagree on this one, but I think it very important to put on the record that, with those significant number of intersections, the school zones and playgrounds, and the combination of the two, and I want to mention again, that is unique. That is quite unique in Manitoba and a combination of red light cameras and the photo radar itself. So what we are doing is we are not just going to stop people from running red lights. Hopefully, we are going to stop people from speeding up so they can beat red lights. We will take care of both of those kinds of problems with this. I think the member afterwards will find that, notwithstanding our disagreement on this, I think this will make the kind of significant safety improvement that I know the member himself, notwithstanding any of the political comments I made about the previous government, is very concerned about it because he has raised these kinds of concerns. I think this will deal with his general concern. I think we will have to agree to disagree on the overall.

**Madam Chairperson:** Shall the amendment pass?

**Some Honourable Members:** Yes

**Some Honourable Members:** No.

#### Voice Vote

**Madam Chairperson:** All those in favour of the amendment, please say yea.

**Some Honourable Members:** Yea.

**Madam Chairperson:** All those opposed to the amendment, please say nay.

**Some Honourable Members:** Nay.

**Madam Chairperson:** In my opinion, the Nays have it.

The amendment is accordingly defeated.

\* \* \*

**Mr. Faurchou:** Madam Chairperson, I would like to move an amendment in clause 7.



Madam Chairperson, the proposed amendment I would like to move reads

*That the proposed subsection 257.1(2), as set out in section 7 of the Bill, be amended by striking out "and" at the end of clause (a), by adding "and" at the end of clause (b) and by adding the following after clause (b):*

(c) at any other zone or place prescribed by regulation.

**Madam Chairperson:** It has been moved by Mr. Faurshou that the proposed subsection 257—

**An Honourable Member:** Dispense.

**Madam Chairperson:** The amendment is in order.

**Mr. Hawranik:** I am in favour of this amendment. I am in favour of it, and I hope members opposite are also in favour of it. The reason being is that accidents occur in other locations, other than school zones, playground zones, construction zones and intersections with traffic lights. I think we have heard arguments to that effect tonight, as well as other good arguments, for why we should have the traffic enforcement in other areas other than just those zones.

I agree with the minister that the best enforcement is traditional enforcement. There is absolutely no doubt in my mind that that is very important, but I can tell you that in rural areas, in particular, RCMP enforcement basically stops at one o'clock in the morning, and it does not start again until six in the morning. In the meantime, in those five hours, there is no enforcement. I think, for that very purpose, for that very reason, we should have this available, particularly to rural areas, if not for city areas, but particularly for rural areas. The resources of the RCMP are very limited. Of course, they are outstanding, but they are very limited. I think, in rural areas, in particular, this would be of some use because there are a number of rural communities that are experiencing problems with misguided children who, after one o'clock in the morning, because they know there is no RCMP on the highways, they know they are not patrolling, that they are

drag racing down main streets in town and so on, and that happens. That certainly poses a hazard to people and also creates a possibility of massive property damage. For that very reason, I think you should support this amendment.

**Mr. Ashton:** I am somewhat confused, I am wondering if there is not a split in the Conservative caucus. The previous amendment would have applied photo enforcement to any area in a city, town or village. That was just voted out. This one would apply it anywhere, period. I take by the Member for Lac du Bonnet's (Mr. Hawranik) comments, that is the intent of it.

\* (21:10)

So when I said wide-open photo radar in the passed one, I think I probably jumped the gun, because this is about as broad as you can get. I, quite frankly, do not think the public of Manitoba would accept, in this particular case, something that is significant, significantly new in terms of police enforcement and some significant new elements. For example, the fact that the ticket is by definition under this act issued to the vehicle because that is the only way in protecting the privacy of the motorist so that you can apply the sanction, this would allow a Cabinet, one Cabinet meeting, to basically bring in this kind of enforcement anywhere.

In fact, it is quite in contradiction with the previous version. Having been in opposition, I know that sometimes oppositions are criticized for trying to have it both ways. In this particular case, I think members are trying to have it two different ways that end up with the same end result.

I want to put on the record again that our approach is targeted. They may criticize that. They may want the wide-open photo radar. I would suggest to members opposite that putting this power into the hands of Cabinet I think would not be appropriate in terms of this case, because it would be a fundamentally different principle than what is in the bill itself. This is targeted use of photo enforcement, and I would suggest to members opposite that I do not think the people of Manitoba would want, in this particular case, an element of the bill that would

allow for Cabinet at basically one Cabinet meeting to make this kind of decision.

There is a role for Cabinet to make decisions on regulations, and many a time acts brought in by the previous government and by this Government include that ability. That is appropriate in terms of determining the application, definitions. There are a whole series of areas where that is the case. But the normal approach is not to bring in a bill that has a clear intent, in this case targeted use, and then have a clause snuck in at the committee stage that basically would allow anyone in a week or two without any discussion or consultation with the public of Manitoba to bring in a change of this particular case.

There is a role for regulation. I would suggest to members opposite that something of this significance, quite frankly, should be subject to a legislative amendment. Members are free to move amendments, as they are and have done in this committee process. There are all sorts of opportunities in upcoming sessions of the Legislature. Our Highway Traffic Act is constantly evolving. We are bringing in many other changes this session. Members will see that. But I would suggest to members opposite that the passed one was maybe on their part seen as well intentioned, but something that is a different principle than what we are dealing with I think would be unacceptable, not just to this Government but to the public of Manitoba. So I can say without hesitation that our Government would vote this down.

I would suggest to members opposite if this is the kind of approach that they would like to bring in, they do it in the form of a substantive amendment or a future change to the act that we can debate on its merits, not have it decided by a Cabinet.

I say to members opposite any of the major changes that we have brought in terms of safety, including graduated licensing, for example, we did not do that by regulation. We did it through an act of the Legislature, extensive consultation, the committee hearing process.

I think that this is an issue that deserves an equal degree of consideration, and this is totally inappropriate. I say we would certainly vote against this.

**Mr. Laurendeau:** Madam Chair, the minister should choose his words carefully when he speaks about the powers of his Cabinet. He is quite correct. They do have certain powers as prescribed by regulation, but even within this act right now, you want to take a look at what rights they are giving Cabinet to prescribe. I mean, there are one, two, three, four, five clauses that prescribe different powers of the Cabinet.

\* (21:20)

If you look through what powers our Minister of Health (Mr. Chomiak) has in his regulations, Madam Chair, let me say it is a lot more powerful than this minister would be with this small amendment we are making to this act.

This minister of highway traffic has a lot more power in other regulations, in The Highway Traffic Act, than this small regulation is giving him today. That Cabinet has a lot more power in Finance than this would ever do. Emergency Measures, Mr. Minister, you have a lot more powers under regulations than this. Look into Bill 2 under your regulations, the powers that you are giving to your ministers, and then tell me that you are scared to go deal with the public because you are scared to take a position. That is what it is.

You are scared to take a position. That is what you are saying, because you feel the public is not ready yet. Well, what we have done is we gave you an out. We said you do not have to implement it right away. We are saying go out and have consultations, and if they are deemed necessary, bring it forward and we are willing to give you that ability to do it. You are saying, no, we do not want that kind of power.

Well, let me say, when you ask for other powers in other bills, we had better really scrutinize it closely, because if you are scared of this little power, you are not prepared to govern. You are not prepared to protect the citizens of this province, Mr. Minister, if you cannot take just a little bit of power. That is what it means to govern, and if you are not prepared, maybe it is time for another minister to come into place because you know the acts and you know the powers that you already have.

Mr. Minister, we have dealt on stronger issues than this one in the past. For you to say that

we are giving you a lot of power under this, we are saying go and consult. We are saying we trust you. We trust you as a government, is what we are saying. We are willing to give you the power for the safety because we want you to protect the public. Here we are, giving you that power, and you are saying, no, I do not want it because if I institute this power, the public will come down upon me.

I am sorry, Mr. Minister, we were wrong. We were wrong to have offered you the ability to bring it on. We thought you had it, but we know that you are not able to make the commitment to protect the safety of the people of Manitoba.

Mr. Minister, I am sorry that we brought forward an amendment that you are scared of. I am sorry that your Cabinet cannot deal with this issue. I thought your Cabinet had a little more strength than that, and I am really sorry that you are afraid, afraid to bring forward an issue that protects the police in this province and protects the citizens of Manitoba. If you scared of an issue like this, I challenge you when you bring forward your Bill 2, and a few of your other ones that are giving you a lot more powers, a lot more hidden powers than this ever would.

It is your hidden agenda that you had in the past that you are hiding. It is your hidden agenda. I mean, why do you all of a sudden say, no, we are not going to do it on this one but we will do it on the other ones? It is okay on the ones we want, but we do not want it on this one because the public might give us some heat if we did something on this one.

Mr. Minister, I apologize for bringing forward this amendment. I thought you had the ability to make these decisions in Cabinet. We trusted you to make these decisions in Cabinet. Let me apologize now. Let me apologize now before you even defeat this because I know that in the future when you make the amendments when somebody dies on Bishop Grandin and you make the amendment in the next year or two, you will look back at the record and say, well, we should have done it then.

Madam Chair, we made mistakes in the past when we were government. You know what? Every government makes mistakes. We have to

live with them in the future, but do not repeat the mistakes of the past. You are supposed to learn from them. I only hope that you have learned from your mistakes in the past as you have moved into Government again, and, Mr. Minister, I am looking forward to the years ahead that we will have an opportunity to work on other legislative packages together.

**Mr. Ashton:** Madam Chair, I enjoyed the member's speech, particularly the I-trust-you-as-a-government part. I am wondering if I could get his permission to use that in my next householder. Almost as much, I enjoyed his comment about that when he was in government he made mistakes, and I think there were a few hallelujahs from our side of the table on that one. But I want to say to the member that we have taken a position which is a position that the previous government did not take in 11 years, and not only that.

The member mentioned that we were scared to go to the public. What this amendment would do, if this was put in place, would give the ability of any government, this Government or any future government, to not have to go to the public, to be able to use the regulatory ability the Cabinet has, which has a role to play, and avoid going to the public. We are going to the public right now in this act. We just had public hearings. We have had an extensive process, an internal process; we announced this a considerable time ago. It is now November since we introduced the bill.

I say to the member opposite that I appreciate he trusts us as a government, but one of the elements of democracy at times is knowing when it is appropriate and not appropriate to have power and utilize that power. Maybe it is because of some of the experience I had sitting in this same room when we debated MTS that I actually appreciate now in government, now more than ever, when it is important to make a decision. We did on this one, and it was up front and public, and when it is not appropriate. It would not be appropriate for me to walk into a Cabinet meeting a week after this bill was passed and bring in changes to this act by a regulation that were never once put in any public statement made by this Government or in the bill itself.

That is an abuse of power, and that, I say to the member opposite, is one of the, perhaps, differing elements between us and them. In our case, action speaks louder than words, but it is action that is up front, it is public and, I believe, appropriate. Apart from that, I assume, once again, that we are going to have agree to disagree on this.

**An Honourable Member:** Question.

**Madam Chairperson:** Question? The question for the committee is the amendment moved by Mr. Faurichou that the proposed subsection—

**An Honourable Member:** Dispense.

**Madam Chairperson:** Shall the amendment pass?

**Some Honourable Members:** Yes.

**Some Honourable Members:** No.

#### Voice Vote

**Madam Chairperson:** All those in favour of the amendment, please say yea.

**Some Honourable Members:** Yea.

**Madam Chairperson:** All those opposed to the amendment, please say nay.

**Some Honourable Members:** Nay.

**Madam Chairperson:** In my opinion the Nays have it.

\* \* \*

**Madam Chairperson:** Clause 7 as amended—pass; clauses 8 and 9—pass; clauses 10 and 11—pass; clauses 12 to 13.3—pass; clauses 13.4 to 14—pass; clauses 15.1 and 15.2—pass; clause 15.3—pass; clauses 16.1 and 16.2—pass; clauses 16.3 to 19—pass; clauses 20 to 22—pass; clause 23—pass; enacting clause—pass. Shall the title pass?

**Mr. Glen Cummings (Ste. Rose):** I have a question for the minister relative to contracting for red light and photo radar equipment. Are

contracts in the works that would be related to the number of tickets issued?

**Mr. Ashton:** I am not sure what the member is referencing.

**Mr. Cummings:** Is there any intent to allow contracts to be entered into where the remuneration of the contractor is based on the number of tickets that would be issued?

**Mr. Ashton:** First of all, this legislation is driven by the local police authority, the municipality, in this particular case, the City of Winnipeg. They would make the contractual arrangements. They have already obviously made a contractual arrangement for the test process that they put in place. So, in that sense, if it met the requirements of the act, which are pretty clear, intersections in construction or school zones, they would then be able to put the cameras in place. Then obviously it would depend on compliance as to the degree at which they issued tickets.

I think it is very difficult for anyone to predict how many tickets will be issued, but, quite frankly, it is not an issue for us in the sense that this is not driven by how many tickets or how much revenue it will produce but by the fact that we think this will help on the safety side.

**Madam Chairperson:** Title—pass. Bill as amended be reported.

**Mr. Faurichou:** I do want to take this opportunity at this time to thank those in Legislative Counsel for their assistance in regard to the amendments that we have had the opportunity to debate this evening. I know that they have spent many, many long hours in the past number of days in preparation of this committee's meeting and dedicated themselves far beyond the nine to five hours, please rest assured. So I wanted to take this opportunity to thank them.

**Mr. Ashton:** I was going to make a similar comment, but I also wanted to not only thank Leg Counsel but our departmental staff, MPI, City of Winnipeg Police, Brandon Police, RCMP, Safety Council and others who were involved in many of the initial discussions. Notwithstanding our disagreements, debate on

the bill itself, I can tell you that their input has been invaluable, and it should be something that is noted on the record. I mentioned this earlier in the context of the previous bill, but, quite frankly, I do not think people realize. It is one of the great things about the Manitoba legislative process. It is not simply a matter of a minister sitting down with his very able deputy and Leg Counsel and drafting out the process. That is a fairly important part of it, but it is also that public consultation.

I appreciate the member having put on the record about Leg Counsel, and I am sure he would echo the same comments about others being involved with this.

#### **Bill 7—The Local Authorities Election Amendment Act**

**Madam Chairperson:** Next, Bill 7. Does the minister responsible for Bill 7 have an opening statement?

**Hon. Jean Friesen (Minister of Intergovernmental Affairs):** No, Madam Chair.

**Madam Chairperson:** Does the critic from the Official Opposition have an opening statement?

**Mr. Larry Maguire (Arthur-Virden):** Just quickly to note that most of the discussion around Bill 7 was done in the last session around Bill 38 in regard to the amendment to have two votes for non-residents in municipal ward elections.

\* (21:30)

I think that the only point I would like to make tonight is that there was some discussion here around the point of perhaps clarifying for administration purposes the point that perhaps it would help administrators. Given the fact that all of the non-resident landowners would be known, because of Bill 38, six months of the election date, that the minister would consider to put in place a term of perhaps, I would suggest, two weeks prior to the election date, when non-residents could determine who the two voters are by the majority of a non-resident parcel of land of landowners and forward that to the administration of every municipality two weeks

prior to the election date. I think that would very much help simplify it.

I certainly understand, at this point, the discussion that individuals in the first election, in this process, given the fact that we are within the six-month period now, may in fact need to go through this process once to know exactly how it works. I am sure that there would be some walking in the day of the election and saying we need to have the ability to vote, and we missed the 14-day.

As she indicated, we had a discussion on this, and I respect that point, but I would like to also make it apparent that I would support the move to a date prior to the day of the election to determine who the non-resident voters are. I would urge the minister to consider that.

The only other point I would like to consider is that, in rural municipalities today, many non-resident owners of property have it owned, not in their individual names or their spouse's individual name, but in the name of a corporation, and none of the directors on those corporations get to vote. If we are going to allow two non-residents to vote in this circumstance when they own the property in their own names, I think it would be fair to allow two non-resident voters of that corporation, no more than two, but two at least, to be determined by the executive of that corporation who those two would be, as well.

This is not to further explore the idea of corporate farming, Madam Chair. It is because of the situation that many farm family corporations or family farm enterprises out there today have incorporated for many reasons of farming practices and competitive reasons and tax reasons out there today, many, many of them being very small, acreage-sized operations, if they have a small parcel of land and, say, a hog or livestock operation, do not require a large entity of acreage, at least, would still be able to have some say in how the outcome of that election was carried out.

Of course, if they were non-residents and had land in their own names and a corporation, they would not be allowed to do a vote, obviously. They would either get it in their own

individual names or in the corporate name, but not both.

I would only like to say, with that, that I would urge the minister move forward with the local authorities of The Local Authorities Elections Amendment Act, Bill 7. Thank you.

**Ms. Friesen:** Madam Chair, yes, just to confirm that the Member for Arthur-Virden (Mr. Maguire) and I did discuss the issue of a deadline before election day for the selection for people who were non-residents and were intending to use provisions of the new law.

My preference is, as I said, certainly for this time, to leave the date as election day. They still must present the necessary documentation on election day, but I think there is as much danger at this point in having another date, another deadline that has to be enforced.

I appreciate why the member is suggesting this. It is to try and offer some administrative simplicities for the administrative officers of the municipalities. I appreciate that, but I think what I would prefer to do at the moment is to maintain the widest possible opportunity for people to vote, to leave one deadline, election day. If we had one that was earlier, I am sure he is well aware of the issue of non-resident voting: Did we miss a deadline by a day? Did we fax it in? Did we mail it in, et cetera, et cetera? So let us keep it at the widest is what I am suggesting. Let us keep it at the widest possible opportunity and options. We are looking at the local elections act in a larger review and will certainly keep that in mind, and that proposal in mind and discuss that option with people.

On the other issue of corporations, I know that a number of members of the Opposition raised this in their speeches. I know that this member, in speaking just now, actually did distinguish between the kind of corporations where people do retain land in their name and then essentially incorporate to manage the farming practice, but the farm property remains in the name of the owners, and those people, of course, are able to vote as non-residents. I think, as we move through this process, we would look

at the numbers of people who were not captured by that. My sense is that I listen to Mr. Faurshou's speech, and the numbers that he was suggesting in their farm corporations did not jibe with the numbers that we had from the census. So I wondered if he was rolling a number into them all, but, anyway, let us look at it and see how many people are affected by this because my sense is that the great majority are indeed able to vote through that provision. So my preference is to leave it at that for now, and we could certainly investigate other experiences as we move through the local authorities elections review in the future.

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

Clauses 1 to 2(2)—pass; clauses 2(3) to 2(5)—pass; clauses 2(6) to 4—pass; clauses 5 and 6—pass; enacting clause—pass; title—pass. Bill—

**Mr. Maguire:** Just before we do that, I guess I would like to say that I would like to thank the minister for her comments on this bill, but I would remind her that, in regard to the issue of putting a date just prior to the election date of, say, two weeks or whatever, I hear her when she says that what if they come in a day, and you know, they have 13 days left or they have 12 days left or they have 10 days left, I remind her that it was her that brought in The Elections Amendment Act, Bill 38, which required a deadline of six months.

So I would urge her to enforce the six-month rule, not five months and 29 days or whatever it is. I mean, she has set the precedent that there already is a date deadline. If you are going to have, it is a matter of another one, that is for sure, so if you have these, they are enforceable, and they must be enforced. I think that is clear and all I wanted to make as far as a statement on that issue.

**Madam Chairperson:** Title-pass. Bill be reported.

**Ms. Friesen:** I just wanted to thank the staff of the department and the Legislative Assembly for this evening's work. Thank you.

**Madam Chairperson:** The hour being 9:40, what is the will of the committee? *[interjection]* Committee rise.

**COMMITTEE ROSE AT:** 9:40 p.m.

**WRITTEN SUBMISSIONS PRESENTED  
BUT NOT READ**

Bill 7-The Local Authorities Election Amendment Act

Dear Committee Members:

The Council of the Rural Municipality of Winchester wishes at this time to thank you for allowing us the opportunity to make presentation at this level on the matter of Bill 7. We felt much relief that Minister Friesen not only recognized, but also took the steps to act upon the possible loopholes in *The Local Authorities Election Act*.

We appreciate our government's cooperation in working effectively together in a timely fashion to provide an effective solution prior to the 2002 municipal election.

Please be advised that the Council of the Rural Municipality of Winchester hereby strongly supports Bill 7 with its proposed changes to *The Local Authorities Election Act* being brought forth to your committee, including limiting the number of non-resident owners per property who are eligible to vote in municipal elections to two. Council has been very anxious to see this matter addressed at the legislative level.

We regret being unable to make this presentation personally, and would appreciate receiving a response that you have received this facsimile transmission successfully. Trusting this is satisfactory. Should you require any further information, or wish to meet with any of our membership, do not hesitate to contact our office in this instance.

Roger C. Goethals  
Reeve, R.M. of Winchester