

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON INDUSTRIAL RELATIONS
Tuesday, October 10, 1989

TIME — 10 a.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Mr. Helmut Pankratz (La Verendrye)

ATTENDANCE - 8 — QUORUM - 6

Members of the Committee present:

Hon. Messrs. McCrae, Penner

Messrs. Edwards, Ms. Hemphill, Messrs.
Pankratz, Patterson, Rose, Storie

MATTERS UNDER DISCUSSION:

Bill 54, The Highway Traffic Amendment Act
(5)

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Mr. Chairman: This morning we will be considering Bill No. 54, The Highway Traffic Amendment Act, No. 5.

To date we have not had any presenters contact the Committee Clerk about making a presentation to the committee this morning, but if there are any members of the public in attendance who wish to appear before the committee, please come forward and identify yourself at this time. Nobody present? Mr. Storie.

Mr. Jerry Storie (Flin Flon): Thank you, Mr. Chairperson. It is unfortunate that there are no groups here or individuals to make presentations to the committee. Unfortunately, it is understandable why there are not people before the committee. We have just begun the second part of a Session. We passed a Bill through second reading hastily, primarily because the Attorney General (Mr. McCrae) presented a schedule to both Opposition Caucuses and said that this was necessary.

Subsequent to that, on perusing the Bill, I think both Opposition Parties recognized certain flaws and I think are on record as stating that from the beginning the handling of this piece of legislation, which has in principle the support of all the people of the Legislature, has been nothing short of abysmal. What we are being asked to do now, having hurried it through second reading so that we could hear from the public, we are now of course faced with no one from the public in attendance.

We passed the Bill on Friday afternoon on a Thanksgiving long weekend, called the committee for ten o'clock on a Tuesday morning and all of this is very much distressing and unnecessary. The fact is that the Attorney General has shown, throughout his handling of this legislation, that perhaps legal training should

have been a prerequisite for the job of Attorney General. He has certainly not shown any dexterity in handling the legislation in the amendments that come to us now, the second group of amendments, another major group of amendments, show that there are still major problems with implementing the intent of this legislation.

However, my concern today is that we have not seriously thought this through. The legislation came forward in a rather untimely fashion. There has been no chance given to those in the public who are going to be dealing with, handling and impacted by this legislation to make comment. The Police Association, the police, obviously, were not very impressed with the initial attempt by the Attorney General to have the impounded vehicles handled. We now understand that the Justice Department is going to handle those. There has been no discussion to this point of what that might cost the Government, how that is going to be handled, how far along we are in terms of making those preparations. I am sure that there are many groups out there who will want to comment on the amendments as they are brought forward. To have this committee at this time—and on top of that the Minister responsible for the legislation is not here. I appreciate the reasons for him not being here, but there is no reason to proceed with this Bill at this time.

* (1015)

We can give the public appropriate notice and that is what we should be doing. I am perfectly prepared to talk for the next two-and-a-half hours, or ask questions ad nauseam until we should adjourn because I do not think this is the proper way to conduct this kind of committee or pass legislation. We are in no hurry. The deadline set by the Minister of Justice (Mr. McCrae) is an arbitrary one. There is ample opportunity between now and the end of October to have appropriate public hearings and I do not think we should, on sober second thought, be stampeding this through committee. It is simply not fair, it is not right and it does not do justice to the intent of this legislation.

I would ask the support of the committee to adjourn at this point, to reconvene the committee at some future date, preferably two or three days or a week from now at which time those interested in the public, including the Police Association and lawyers and individuals from across the province may have had time to contemplate the amendment. I would be willing to bet, unlike most legislation, amendments are vetted, amendments are circulated to interest groups and the amendments showed up before legislators only a few days ago. The fact of the matter is that there is no urgency in this matter, certainly not urgency that would require us to pass this at a committee meeting before which there is no interveners, no sober second look from the public generally.

Mr. Chairperson, I would recommend that the committee adjourn for the time being and the Justice

Minister reconvene the committee with due consideration of the needs of other people to prepare and consider these amendments. It was done in haste once and it was wrong. It is being done in haste again, and I think that there are elements of the amendments which have not been thought through. The question of the impounding of vehicles and the central registry is only one of them. I think we should halt this exercise right here before we get ourselves into further trouble.

Mr. Chairman: Does the Official Opposition Critic have any comments that he would like to make at this point in time?

Mr. Paul Edwards (St. James): Yes, thank you, Mr. Chairman. As my friend has indicated, we have grave concerns about the competence with which this Bill has been handled and we have made those views known. We see another whole slew of amendments coming forward now on top of approximately 15 brought forward by the Government at the committee stage to their own Bill.

However, let me say that we want this initiative to go forward and we want it to go forward in a timely fashion. Specifically, as I understand it, the concern of the Government is that there not be sufficient time to put things in place for the Christmas season, the holiday season, which of course as we know from experience is a season in which generally drinking and driving becomes more prevalent. We all hope that does not happen but we all know that it generally does.

I guess at this point I would like to know from the Minister what are the specific time lines he is working under. I want to reserve judgment on this issue at this time until I hear those answers because we have certainly rushed through legislation without appropriate notice to people wanting to present at the committee stage as recently as last week, on another matter, the Workers Compensation Board Amendment Act. But generally we need some indication of duress that the Government is under to do that and it is regrettable when that has to happen.

We are prepared to go ahead today. We have looked at this amendment Bill and we have our comments and our questions in order. Perhaps at this time I can simply ask the Minister present, I note it is not the Minister who is proposing this amendment Bill, but perhaps I can ask him for the specific pressures he is under with respect to getting this initiative going for the Christmas season.

Hon. James McCrae (Minister of Justice and Attorney General): Mr. Chairman, let me begin by responding to some of the comments made by the Honourable Member for Flin Flon (Mr. Storie).

The one about legal training being a prerequisite for an Attorney General, I will pass on and will not dignify the comment with a response.

* (1020)

Besides that, I should say that the Honourable Member for Flin Flon is an experienced Member of this

House and I respect his experience for that. I say though, that as an experienced Member he would understand, I would think, that with pioneering legislation of this type certain steps should be taken.

I know the Honourable Member for St. James (Mr. Edwards) suggests that every "i" should have been dotted and every "t" crossed last June when the House gave us authority to proceed with the implementation phase of this. I assume the Honourable Member for St. James would have liked to see the Government do all of that work which involved a great deal of money and human resources and a lot of time, and then without any assurance that the Legislature would accept in principle the general thrust of the legislation. I suggest that is putting the cart before the horse and a waste of taxpayers' money, and a waste of the excellent human resources we have, not only in the Department of Justice but also in the Department of Highways.

So I am saying that I would think that the Honourable Member for Flin Flon (Mr. Storie) would have understood that aspect of it. I would think also that he would understand that the amendments we are bringing forward are administrative in nature and allow us to dot those "i's" and cross those "t's." I believe the Honourable Member for Flin Flon (Mr. Storie) is making more of the contents of this Bill than there really is.

I should say also to the Honourable Member for Flin Flon (Mr. Storie) that at no time have we ever withheld from him or from anyone in this caucus, including the Justice Critic for the NDP (Ms. Hemphill), or the Honourable Member for St. James (Mr. Edwards), the advice, experience and opportunity to meet with officials of both the Department of Highways and the Department of Justice, to discuss with them and make them aware of the content of these amendments, the reasons for them and so forth. At no time have we been anything but very open with the Opposition because we feel, certainly after last June, that the Opposition is inside in regard to this. These amendments in no way change the substance of the impaired and suspended driving measures that we are putting forward.

So that when we hear comments about the abysmal handling of the Bill, I could understand it coming from the Member for St. James (Mr. Edwards), but not from the Member for Flin Flon (Mr. Storie) who has a fair amount of experience in legislative matters before this House.

I say to the Honourable Member for St. James (Mr. Edwards) in response to his question about a timetable for proceeding with this legislation, I did on September 9 hand to his House Leader (Mr. Alcock) a letter setting out a proposed timetable, the difficulties we could experience if we were not able to keep to that timetable. Issues such as proclamation of legislation must be dealt with, gazetting must be dealt with, and some of these things have to be finalized in a Cabinet meeting, all of which we would like to have the legislation in place and proclaimed and ready to go for November 1.

That being said, it needs to be said also that there are a number of things that need to be done before that. When we passed the legislation at the end of June

we knew that some time would be required to get everything in order. A lot of work has been done by Members of both departments, a lot of consultation and training sessions with regard to magistrates and police personnel, discussions with towing companies and so forth, and not to mention the preparation of forms, and many opportunities to peruse the legislation and to perfect the legislation prior to putting it into effect.

* (1025)

I ask Honourable Members in both Opposition Parties to look at the letter that I handed, not only to the critic for the NDP (Ms. Hemphill), but also the House Leader for the Liberal Party (Mr. Alcock). I see that the critic for the Liberal Party (Mr. Edwards) has a copy of that letter. I asked for their co-operation, and I suggest that if the Honourable Member for Flin Flon (Mr. Storie) and/or the Member for St. James (Mr. Edwards) have serious problems that a couple of days would assist in resolving, I say, on behalf of the Government, that we could go along with such a thing, rather than listen to the Honourable Member for Flin Flon (Mr. Storie) hold forth for the next two-and-a-half hours this morning. As much as I enjoy listening to him, I think that there are other things I could be doing today, as could other Honourable Members.

So I hope that answers the question put forward by the Honourable Member for St. James (Mr. Edwards) on the understanding that we could still work towards the proclamation date that we have been talking about. I could agree to letting this committee rise at this point, but I would ask Honourable Members for their co-operation on the understanding that these are administrative amendments. The Honourable Member for Flin Flon (Mr. Storie), I suggest, makes a little more of it than there is there to be made of. However, out of respect for the fact that we do try in our minority situation to work with the Opposition Parties towards goals that we all share, on that understanding I would agree to seeing the committee rise this morning.

Mr. Chairman: What is the will of the committee? Mr. Storie.

Mr. Storie: I appreciate the Justice Minister's (Mr. McCrae) comments. I am not convinced that these are all simply administrative matters, and perhaps the Attorney General (Mr. McCrae) will have an opportunity to prepare, prior to our next meeting, some information for the committee on the nature of the transfer with respect to the question of impounding of vehicles to the Justice Department, who is going to look after it, how many staff is it going to require, is it going to be manned 24 hours a day as a police station would be?

I think there is a whole series of questions that impact upon the public. We will be asking those questions at that time. Clearly, the Attorney General makes the case

that he presented a letter to the caucus House Leaders on September 29. That is not an unforgivable long period of time. There is a whole series of other pieces of legislation that caucuses have to deal with. My concern is not specifically with the amount of time that legislators have had to review the legislation, although that is of concern.

My concern is that the normal practice, when we have time, and we are not near the end of the Session, and recognizing the Justice Minister's timetable, we send legislation quite regularly and amendments quite regularly to interest groups, to groups who have presented previously and ask for their comment. It is striking that no one is here this morning and that raises an alarm and a concern. So I think the Justice Minister (Mr. McCrae) is being more than reasonable, and I appreciate the co-operation and I suggest committee rise.

Mr. McCrae: I certainly do not want to quibble with the Honourable Member for Flin Flon (Mr. Storie), but I do repeat what I said that staff are available to him and to the Justice Critic for the NDP and have been available. I make that point for them. They would know from last June that we have consistently made staff available to them to help explain the implications of the amendments that are coming. On that basis, we could allow the committee to rise.

Mr. Edwards: We obviously want to see this legislation go through in a timely fashion. We will leave it with the Minister to bring forward sufficient answers the next time we meet, to meet the concerns that we have.

I just want to respond briefly to the suggestion by the Minister that he brought forward this legislation as a flyer to sort of get the feel which way the wind was blowing in the Legislature before coming up with a competent piece of legislation. That is a bizarre notion, one that even in my limited experience I can safely say is probably rare and is an abuse of the House. That is certainly the way I feel about it, and an insult to the Members.

Mr. McCrae: Perhaps the Honourable Member for St. James and I can take this matter up privately. I really have trouble understanding what he means when he talks about an abuse of the House. I think it is an abuse of the Civil Service to send them out on a project for which we are not clear whether there is approval. The Honourable Member for St. James (Mr. Edwards) was anything but clear last spring about where he stood on this legislation.

Mr. Chairman: With those comments, is it the will of the committee to rise?

Committee rise.

COMMITTEE ROSE AT: 10:28 a.m.