



Second Session - Thirty-Fifth Legislature
of the
Legislative Assembly of Manitoba

STANDING COMMITTEE
on
PUBLIC UTILITIES
and
NATURAL RESOURCES

40 Elizabeth II

Chairman
Mrs. Rosemary Vodrey
Constituency of Fort Garry



VOL. XL No. 14 - 1 p.m., FRIDAY, JULY 12, 1991



MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fifth Legislature

LIB - Liberal; ND - New Democrat; PC - Progressive Conservative

NAME	CONSTITUENCY	PARTY
ALCOCK, Reg	Osborne	LIB
ASHTON, Steve	Thompson	ND
BARRETT, Becky	Wellington	ND
CARR, James	Crescentwood	LIB
CARSTAIRS, Sharon	River Heights	LIB
CERILLI, Marianne	Radisson	ND
CHEEMA, Guizar	The Maples	LIB
CHOMIAK, Dave	Kildonan	ND
CONNERY, Edward	Portage la Prairie	PC
CUMMINGS, Glen, Hon.	Ste. Rose	PC
DACQUAY, Louise	Seine River	PC
DERKACH, Leonard, Hon.	Roblin-Russell	PC
DEWAR, Gregory	Selkirk	ND
DOER, Gary	Concordia	ND
DOWNEY, James, Hon.	Arthur-Virden	PC
DRIEDGER, Albert, Hon.	Steinbach	PC
DUCHARME, Gerry, Hon.	Riel	PC
EDWARDS, Paul	St. James	LIB
ENNS, Harry, Hon.	Lakeside	PC
ERNST, Jim, Hon.	Charleswood	PC
EVANS, Clif	Interlake	ND
EVANS, Leonard S.	Brandon East	ND
FILMON, Gary, Hon.	Tuxedo	PC
FINDLAY, Glen, Hon.	Springfield	PC
FRIESEN, Jean	Wolseley	ND
GAUDRY, Neil	St. Boniface	LIB
GILLESHAMMER, Harold, Hon.	Minnedosa	PC
HARPER, Elijah	Rupertsland	ND
HELWER, Edward R.	Gimli	PC
HICKES, George	Point Douglas	ND
LAMOUREUX, Kevin	Inkster	LIB
LATHLIN, Oscar	The Pas	ND
LAURENDEAU, Marcel	St. Norbert	PC
MALOWAY, Jim	Elmwood	ND
MANNES, Clayton, Hon.	Morris	PC
MARTINDALE, Doug	Burrows	ND
McALPINE, Gerry	Sturgeon Creek	PC
McCRAE, James, Hon.	Brandon West	PC
McINTOSH, Linda, Hon.	Assiniboia	PC
MITCHELSON, Bonnie, Hon.	River East	PC
NEUFELD, Harold, Hon.	Rossmere	PC
ORCHARD, Donald, Hon.	Pembina	PC
PENNER, Jack	Emerson	PC
PLOHMAN, John	Dauphin	ND
PRAZNIK, Darren, Hon.	Lac du Bonnet	PC
REID, Daryl	Transcona	ND
REIMER, Jack	Niakwa	PC
RENDER, Shirley	St. Vital	PC
ROCAN, Denis, Hon.	Gladstone	PC
ROSE, Bob	Turtle Mountain	PC
SANTOS, Conrad	Broadway	ND
STEFANSON, Eric, Hon.	Kirkfield Park	PC
STORIE, Jerry	Flin Flon	ND
SVEINSON, Ben	La Verendrye	PC
VODREY, Rosemary	Fort Garry	PC
WASYLYCIA-LEIS, Judy	St. Johns	ND
WOWCHUK, Rosann	Swan River	ND

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON
PUBLIC UTILITIES AND NATURAL RESOURCES

Friday, July 12, 1991

TIME — 1 p.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Mrs. Rosemary Vodrey (Fort Garry)

ATTENDANCE - 10 — QUORUM - 6

Members of the Committee present:

Hon. Messrs. Cummings, Driedger, Enns, Stefanson

Mrs. Carstairs, Messrs. Gaudry, Martindale, Reid, Rose, Mrs. Vodrey

APPEARING:

James McCrae, MLA for Brandon West

Vic Toews, Director of Constitutional Law

WITNESSES:

Robert J. M. Adkins, General Scrap & Car Shredder Ltd.

William Ratuski, General Scrap & Car Shredder Ltd.

MATTERS UNDER DISCUSSION:

Bill 46—The Highway Traffic Amendment Act

Bill 48—The Highway Traffic Amendment Act (2)

Bill 57—The Horse Racing Commission Amendment Act

Bill 58—The Development Corporation Amendment Act

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Clerk of Committees (Ms. Bonnie Greschuk): I have before me the resignation of Mr. Reimer as Chairperson of the Standing Committee on Public Utilities and Natural Resources. The floor is now open for nominations.

Mr. Bob Rose (Turtle Mountain): Thank you. I nominate the member for Fort Garry, Mrs. Rosemary Vodrey.

Madam Clerk: Mrs. Vodrey has been nominated to replace Mr. Reimer as Chairperson of the Public

Utilities and Natural Resources committee. Is that agreed?

Some Honourable Members: Agreed.

Madam Clerk: Agreed. Mrs. Vodrey, please take the Chair.

Madam Chairman: Will the committee on Public Utilities and Natural Resources please come to order? Bills to be considered today are: Bill 46, The Highway Traffic Amendment Act; Bill 48, The Highways Traffic Amendment Act (2); Bill 57, The Horse Racing Commission Amendment Act; and Bill 58, The Development Corporation Amendment Act.

It is the custom to hear briefs before consideration of the bill. Is that the will of the committee?

Some Honourable Members: Agreed.

Madam Chairman: I have a list of persons wishing to appear before this committee: Mr. Robert J. M. Adkins and Mr. William Ratuski, General Scrap & Car Shredder Ltd. Mr. Mel Lazarck, who is on the list will not be attending today.

Mr. Adkins and Mr. Ratuski, if you would like to approach the microphone.

Mr. Robert J. M. Adkins (General Scrap & Car Shredder Ltd.): Thank you very much. My name is Bob Adkins—

Madam Chairman: Excuse me, Mr. Adkins. Does the committee wish to impose a time limit on the length of the public presentations?

* (1310)

Some Honourable Members: No.

Madam Chairman: No. Okay, thank you very much. Go ahead, Mr. Adkins.

Mr. Adkins: My name is Bob Adkins. I am a lawyer and I have worked with the firm of Thompson Dorfman Sweatman. General Scrap & Car Shredder is a client of our firm for several years. Mr. Ratuski who is with me today is a representative of that corporation. Mr. Lazarck unfortunately is in the United States today and was unable to attend. He

had intended to make a presentation both with respect to General Scrap and as a private citizen.

Basically, our concerns with respect to Bill 48 relate to the changes by the inclusion of scrappers under the legislation that formerly dealt with wreckers and dealers. We are not opposed to the inclusion of scrappers as such within these provisions, provided certain amendments are made.

Now, I have provided a sheet with three points outlining what minor amendments we think should be put in place to accomplish what everyone, we understood, wanted to do with respect to this particular amendment.

Just so that you are aware of the difference, and you probably are, but I will spend a little bit of time on that in any event. Obviously, you know who a dealer is or a dealer that sells motor vehicles. A wrecker is someone that in fact wrecks a vehicle for the purpose of selling it for parts. A scrapper is someone that takes the hulk after all the usable parts have been taken off of it and basically shreds it and sells the scrap metal. So that is the process.

General Scrap & Car Shredder is one of the two largest scrappers in the province of Manitoba. There are approximately 12 or so scrappers within the province. So the comments we have to make are obviously related to General Scrap, but they will relate to other scrappers in various parts of this province, not just within the city of Winnipeg.

The first point we make is we say that in the legislation, although it includes scrappers and that is appropriate, scrappers should be exempted from the requirements of recording serial numbers of motor vehicles or parts which they purchase from wreckers, dealers or MPIC.

Now, why do we say that? The legislation contemplates and requires—and has for many years required—wreckers and dealers to record serial numbers of vehicles that they obtain. So if you are selling a motor vehicle as a dealer, you record the vehicle number. If you in fact have acquired a motor vehicle and are selling it for parts, you record the registration serial number for the vehicle and the parts.

If we buy a vehicle from one of those parties, there should be no reason to have to duplicate that process and for us to do it again. For us to do it, it is an extremely onerous task because many of these vehicles have already been squashed,

compacted; to try and find a serial number in that type of a vehicle is difficult. In addition, they generally come in on flatbeds, and it means sending someone up and around, trying to walk around those flatbeds to find serial numbers on these vehicles, and it seems to be a duplication that is unnecessary.

So we would like to see that amendment made. We think it is a minor amendment, but it makes it far more practical and a far more reasonable type of inclusion of scrappers within this legislation.

The second area of concern relates to the holding of vehicles. As you are probably aware, there is a requirement for vehicles to be held for a period of 10 days. We want to put this in perspective.

General Scrap & Car Shredder has approximately 250 to 300 hulks delivered to it per day. This would mean in effect a continuous storage of approximately 2,500 to 3,000 vehicles. That is a lot of scrap material to have sitting around in effect forever, because as you take the one day away, you replace it by another set of cars. It also is a tremendous inventory problem because every one of these has got to be marked so that you know what day you received it, and when the 10 days are up, so you can go and use it.

So to impose that seems like an unusual and costly type of thing, and we also do not think from the discussions we have had with the parties that we believe were supportive of this particular amendment that this was intended.

* (1315)

What we are saying is—and I think that this is in effect what was intended—first of all, if we buy a vehicle from a wrecker, a dealer, or MPIC, there should be no requirement to hold it because that requirement has already been imposed. So that gives us the opportunity then to go ahead and shred it the same day, or the next day, which is the normal practice and we do not end up with having huge great big piles of cars warehoused.

In addition to that, what we are talking about when we are talking about something a scrapper is dealing with is something that you are paying \$50 or \$40 a ton for. We are not talking about a vehicle that has any intrinsic value; we are talking about scrap metal or garbage.

We certainly understand the importance of recording the serial number if it has not already been done of any vehicle, but to store that vehicle

because it is not a vehicle any longer, it is just a hulk of scrap metal, seems to be unnecessary and in fact that was not our understanding of what the process was.

We have voluntarily, at the request of the police department, as have two or three other scrappers, the larger ones, been doing the following: When some individual comes in with a vehicle and he is not a wrecker and he is not a dealer, and it is not MPIC, we record and have recorded voluntarily the serial number on that vehicle or that part. We have written down the person's name and we have written down the licence plate number of the vehicle they drove in delivering the wreck. So that information has been there and we have been turning that over to the police.

If a vehicle is brought in and the serial number is obliterated, if it has been defaced or is not easily recognizable, we have then stored that vehicle for a period of 10 days so that the police, in fact, can come out and look at it, because they have means of identifying vehicles sometimes. We will store that vehicle, but the rest of it is basically just garbage. It is scrap and all we do is take it, run it through a shredder, and then we sell it so it is reusable. It is very important today—it used to be garbage—today, it is an environmental concern. I say that, but I am serious.

Although it is a business, it is also doing a tremendous service. What we are proposing is that we continue to do what we have been doing voluntarily, and this will now, of course, require other scrappers to do it. We think that is appropriate, but that is that we will not be required to hold a vehicle that we have bought from a wrecker or a dealer or any vehicle that we can identify the serial number of the vehicle and where we have the person's name obviously who delivered it to us and their licence plate number, because that is all the police really require.

If we do have a situation where the vehicle has a defaced serial number, we will then take on the obligation of storing that for the 10 days and giving the police an opportunity to come out and inspect the vehicle. We have worked very closely in co-operation with the police and we think that was what was intended; but the way it has been handled, it did not quite pick it up in that fashion.

Those are the first two amendments that we have proposed, and the third amendment which we also

think is one that is just a matter of correction, of oversight, Section 20(8) of the proposed legislation suggests that a scrapper cannot sell a motor vehicle or a part. We think it was intended that you could not sell that to the public or for any other purpose of that nature, but we did not think it was intended to stop us from selling to other scrappers or other wreckers.

Now that does not happen too often but occasionally we get in a vehicle which has some parts that could be sold, and so we would sell that to a wrecker so that the usable parts can be used, then we will probably end up getting the scrap back again. We do not want to be in a situation where because we bought a hulk that happens to have some good parts that we cannot deal with that. I mean, we do not want to see good, used parts being used for scrap metal. First, it is not good for our business and, secondly, it is stupid.

We think that a provision should be put in there permitting us to sell motor vehicles or parts that we have purchased to other scrappers and wreckers. Other than that, we think that the legislation makes sense. We have no problem with the licensing requirements. We have no problem with any of the other requirements in it. We welcome the legislation that we think it is timely and will put everyone in the same position that we have been in voluntarily.

If you would favourably consider that, we would very much appreciate it. If there are any questions I am able to answer them, or Mr. Ratuski is far more knowledgeable about this business than I am and is here to answer questions.

Madam Chairman: Thank you very much, Mr. Adkins.

Hon. Albert Driedger (Minister of Highways and Transportation): First of all, let me compliment those of you who have been working in conjunction with the police and the RCMP in terms of registering the serial numbers. Actually, the amendment that we are looking at in this bill is basically triggered by our enforcement people who have had a good working relationship with some scrappers and felt that we wanted to put it in legislation so that other scrappers would be doing the same thing and wreckers.

* (1320)

We felt that possibly personalities, somewhere along the line, change this kind of a working

relationship, might not be as accommodating. We thought that is the reason why we have brought it forward. Basically the information is when the enforcement people came forward with the law asking this to be included, we had them speaking to our people. We felt receptive to their concerns because apparently by using this system together with you people, they have been able to cut back dramatically on stolen vehicles and also the identification of stolen vehicles.

In regard to the amendments you have here, if everybody is receptive to it as we get to that section in the bill—staff is looking at the amendments right now and we can probably have further discussion on that with the indulgence of the committee at that time, because we have not seen these before. We are having a look at it right now, and we will see whether we have any concerns. I am prepared to debate the concerns with you.

Mr. Adkins: I have no response to that other than if there are any other questions or if you want us to stay to respond to questions at some point we are prepared to.

Madam Chairwoman: Are there further questions of Mr. Adkins?

Hon. Glen Cummings (Minister of Environment): Just for my edification, where there are waste auto dumps that are located around the province and someone who with the proper equipment goes out and unloads those vehicles, whether it is one or two at a time or by semi-load, what procedure do you go through when you receive those vehicles? Are they identified as coming from a wrecker or a dealer, or are they identified at all when they would come in?

Mr. Adkins: If, for example, General Scrap and Car Shredder goes out and picks up cars from some private person, they are dealt with as a private person. If the person that they picked them up from is a wrecker and has recorded things, as he is required to record, then we do not record them because that has already been done and the police have been notified, everything has been finished so that there will be duplication. Is that correct, Mr. Ratuski?

Mr. William Ratuski (General Scrap and Car Shredder Ltd.): It is an interesting point in that the legislation, I guess, does not propose to cover the cars picked up at landfill sites. From General Scrap's point of view, we have two or three dealers which you would now label scrappers that go to

landfill sites and pick up metal which may include some cars. They are the first scrapper to have contact with the car and, I guess, they are the ones that should really be recording the serial numbers.

Mr. Cummings: That was my only reason for asking the question. If someone, and there are a number—and I do not know how many of them you would get—but if people were bringing in car hulks, if you will, four or five at a time, would they normally give you the registration number as they come to the yard or how would that be handled? Presumably these vehicles would come from what would normally be considered a waste disposal ground but specifically set aside where people deposit their abandoned vehicles.

Mr. Ratuski: The reporting requirement is between the wrecker or the scrapper and the police. Movement between scrappers and wreckers—the serial licence numbers do not follow the vehicles, they will go directly from a wrecker to the police. The car will eventually come to General Scrap, and we will not have to track the serial numbers because they have already been tracked in the wrecker's yard.

From General Scrap's point of view, we have a record of every load of material that comes into our yard identified by the person delivering the load and a vehicle licence number, so we can identify all the material coming into our yard that way.

* (1325)

Mrs. Sharon Carstairs (Leader of the Second Opposition): I just want to be absolutely clear that we are all clear on this. What you are really saying is that anything that comes from a scrapper/wrecker need not be listed because it has already been listed and already reported, and anything that comes from a private source, be it a landfill site or be it from a private individual, you think it is acceptable to see an amendment that scrappers would be required to keep records on those particular and individual lots?

Mr. Ratuski: That is correct.

Mr. Rose: Under the current legislation, in getting wrecks from the private people, what happens if there is no serial number, if you cannot identify it or it is obliterated? How do you handle that situation?

Mr. Adkins: We are proposing that those, in fact, be stored for 10 days, as the legislation contemplated, so that it could be inspected and a decision made. I note that in the proposal I put before you, I did not realize that we are actually in

the habit of getting vehicles from other scrappers. So when I have said in paragraph 2, "purchased from a Wrecker, a Dealer or M.P.I.C.," we should add to that: if we have also purchased it from another scrapper. Clearly, the point just being that we do not duplicate something that is already done. Presumably that scrapper has purchased from an individual who will have made a recording, and we should not have to record it again. That is all.

Madam Chairman: Are there any further questions? Thank you, Mr. Adkins. Thank you, Mr. Ratuski.

Is it the will of the committee that we proceed with the bills as I have called them? Does the minister responsible have an opening statement?

Mr. Driedger: Not necessarily. I just want to indicate that I had three bills that have been brought forward. Bill 46, basically, is within the Highway Traffic Act but it deals with the AG's department in terms of the seizure and impoundment aspect of it. Bill 47, which is not here before us today, is the handicapped parking bill and Bill 48 is the normal highway traffic amendment act. If there are questions related to Bill 46, the Attorney General (Mr. McCrae) is here, as well as his staff, who can answer the questions on that.

Madam Chairman: Does the critic for the official opposition have an opening statement?

Mr. Daryl Reid (Transcona): Yes, I do, Madam Chair. It is more in the form of a comment. When we were in second reading on this bill in Chamber I had the opportunity to put my comments on record, and I had several concerns and had listed them at that particular time. Since that time I have had the opportunity to talk, in further discussion, with the government department involved and have had most of my concerns, in fact, I think all of my concerns addressed by the people in their explanations to me and I thank them for those explanations.

I do not see any further problem at this particular time, although as we go through, clause by clause, some thoughts may come to mind. I believe it is just a housekeeping bill, as I have indicated earlier, and I will follow through on the clause-by-clause debate.

Madam Chairman: Does the critic for the second opposition have an opening statement?

Mr. Nell Gaudry (St. Boniface): Yes, Madam Chairperson. I made my comments yesterday and I think the minister was there, and he has taken

them, as I reported them yesterday, when we were going through, clause by clause, and I am ready to do so.

Madam Chairman: The bills will be considered clause by clause. During the consideration of a bill, the title and the preamble are postponed until all other clauses have been considered in their proper order by the committee.

* (1330)

Bill 46—The Highway Traffic Amendment Act

Madam Chairman: We shall begin with Bill 46. Clause 1—pass.

Clause 2(1).

Hon. James McCrae (Minister of Justice and Attorney General): Madam Chairperson, I have three, actually four amendments to move. They all have to do with Clause 2. The first three that I am going to move have to do with a situation involving a driver, or involving a car which has an owner, but which is not registered, and these three amendments deal with that situation. I will move them one at a time. I move, in both the French and English languages,

THAT the proposed clause 242.1(4.1)(b), as set out in subsection 2(3) of the Bill, be amended by striking out "registered in the name of the owner applying under subsection (4)." and substituting "that was at the time of the seizure and impoundment registered in the name of, or owned by, the owner applying under subsection (4)."

(French version)

Il est proposé que l'alinéa 242.1(4.1)b énoncé au paragraphe 2(3) du projet de loi soit amendé par substitution, à "immatriculé au nom du propriétaire qui fait la demande visée au paragraphe (4).", de "qui, au moment de la saisie et de la mise en fourrière, était immatriculé au nom du propriétaire qui fait la demande visée au paragraphe (4) ou appartenait à ce propriétaire."

Madam Chairman: Shall the amendment pass? The amendment is accordingly passed.

Mr. McCrae: Madam Chairperson, as a matter of procedural technicality, could I ask for your direction? I am not a member of this committee. Am I entitled to move these amendments? We will have to do that over again and ask my colleague the honourable Minister of Highways and

Transportation (Mr. Driedger) to move the amendments. I can help explain, I hope, but he will have to move them.

Madam Chairman: Okay. Thank you, Mr. McCrae.

Hon. Albert Driedger (Minister of Highways and Transportation): I shall move, exactly what we did, in my name.

Madam Chairman: Is that agreed?

Some Honourable Members: Agreed.

Madam Chairman: Okay, that is agreed to by the committee.

Are there other amendments within Clause 2 that should be moved at this time?

Mr. Driedger: I move

THAT the proposed subsection 242.1(7.1), as set out in subsection 2(4) of the Bill, be struck out and the following substituted:

Two seizures within two years

242.1(7.1) Notwithstanding subsection (7), where a motor vehicle seized and impounded under this section is registered in the name of, or owned by, a person who, within two years before the day of the seizure and impoundment of the motor vehicle, was registered as the owner, or was the owner, of a motor vehicle that was seized and impounded under this section, and the seizure and impoundment was not revoked by a justice under subsection (5) or (6), the motor vehicle shall be impounded for a period of 60 days from the day it is seized.

French version.

Motion de M. le ministre Driedger

Il est proposé que le paragraphe 242.1(7.1) énoncé au paragraphe 2(4) du projet de loi soit remplacé par ce qui suit:

Deux saisies en deux ans

242.1(7.1) Par dérogation au paragraphe (7), si le véhicule automobile saisi et mis en fourrière en application du présent article est immatriculé au nom d'une personne qui, dans les deux ans qui ont précédé la date de saisie et de mise en fourrière, était inscrite à titre de propriétaire ou était le propriétaire d'un véhicule automobile saisi ou mis en fourrière en application du présent article, ou s'il appartient à une telle personne, et que la saisie et la mise en fourrière n'aient pas été révoquées par un juge en application du paragraphe (5) ou (6), le véhicule automobile est mis en fourrière pendant

une période de 60 jours à compter de la date de saisie.

An Honourable Member: Explain.

Mr. Driedger: Who said that?

Mr. McCrae: The same explanation as the last one, and the same as for the next one.

Madam Chairman: Shall the amendment pass? The amendment is accordingly passed.

Mr. Driedger: Another amendment, Madam Chair. I move

THAT the proposed subsection 242.1(7.3), as set out in subsection 2(4) of the Bill, be amended by striking out clause (a) and substituting the following:

(a) while registered in the name of, or owned by, the applicant; and

I move these in both French and English.

French version.

Motion de M. le ministre Driedger

Il est proposé que le paragraphe 242.1(7.3) énoncé au paragraphe 2(4) du projet de loi soit amendé par substitution, à l'alinéa a), de ce qui suit:

a) si le véhicule est immatriculé au nom de l'auteur de la demande ou si ce dernier en est le propriétaire;

Madam Chairman: It is moved by the Honourable Mr. Driedger. Shall the amendment pass? The amendment is accordingly passed.

Mr. Driedger: Madam Chair, I have one further amendment here. I move

THAT the proposed subsection 242.1(10.2), as set out in subsection 2(5) of the Bill, be amended

(a) by striking out "subsection (1)" and substituting "subsection (10.1)"; and

(b) by striking out "owing under this section," and substituting "owing to the Minister of Finance in respect of the motor vehicle, as prescribed by regulation,".

(French version)

Il est proposé que le paragraphe 242.1(10.2), énoncé au paragraphe 2(5) du projet de loi soit amendé:

a) par substitution, à "paragraphe (1)", de "paragraphe (10.1)";

b) par substitution, à "les coûts et les frais exigibles en application du présent article", de

"au ministre des Finances les coûts et les frais prescrits relativement au véhicule automobile".

Madam Chairman: It has been moved by the honourable Mr. Driedger that the proposed subsection—shall the amendment pass? Oh, excuse me.

Mr. McCrae: Madam Chairperson, this amendment is—I am sure, a very, very simple explanation for this one but it is somewhat technical. I am going to ask our Director of Constitutional Law, Mr. Vic Toews, to help me explain this one for the members of the committee.

* (1340)

Mr. Victor Toews (Director of Constitutional Law): The reference to subsection (1) should, of course, be deleted because the action is properly under (10.1). The second aspect is, in the course of this entire summary process, by which the motor vehicle is transferred to the ownership of the garage keeper, the garage keeper is satisfied in respect of his lien by taking possession and ownership of the motor vehicle.

However, there are certain administrative fees, then, that are lost to the government. When the plates are sent to the registrar of motor vehicles, the registrar of motor vehicles gives, through the Minister of Finance (Mr. Manness), a refund in respect of the registration and the insurance. What happens then is that the registrar or the Minister of Finance will send that cheque back to the designated person in the Department of Justice to take the fees prescribed by regulation out of that amount of money. That amount of money is usually in the realm of about \$50. The balance is then sent on to the previous owner—not to the garage keeper who has already been satisfied by respect of having the ownership, but to the previous owner who is otherwise lawfully entitled to that money.

Mr. McCrae: Madam Chairperson, you see how simple it can sound.

Madam Chairman: It has been moved by the honourable Mr. Driedger:

THAT the proposed subsection 242.1(10.2), as set out in subsection 2(5) of the Bill, be amended

(a) by striking out "subsection (1)" and substituting "subsection 10(1)"; and

(b) by striking out "owing under this section," and substituting "owing to the Minister of

Finance in respect of the motor vehicle, as prescribed by regulation,".

(French version)

Il est proposé que le paragraphe 242.1(10.2), énoncé au paragraphe 2(5) du projet de loi soit amendé:

a) par substitution, à "paragraphe (1)", de "paragraphe (10.1)";

b) par substitution, à "les coûts et les frais exigibles en application du présent article", de "au ministre des Finances les coûts et les frais prescrits relativement au véhicule automobile".

Shall the amendment pass—pass.

Clause 2—pass; Clause 3—pass; Preamble—pass; Title—pass.

Is it the will of the committee that I report the bill as amended? Agreed.

Bill 48—The Highway Traffic Amendment Act (2)

Madam Chairman: Bill 48, Highway Traffic Amendment Act (2). Does the minister responsible have an opening comment?

Hon. Albert Driedger (Minister of Highways and Transportation): Madam Chair, I already covered that in my previous statement.

Madam Chairman: Does the critic for the official opposition have an opening comment?

Mr. Daryl Reid (Transcona): No, I do not, Madam Chair, not at this time.

Madam Chairman: Does the critic for the second opposition have an opening comment?

Mr. Neil Gaudry (St. Boniface): Are we getting amendments?

Madam Chairman: Let us start with Clause 1.

Mr. Gaudry: We are getting amendments to that bill?

Mr. Driedger: Madam Chair, the question was raised, whether there were any amendments. It is my understanding staff is working on some wording changes to accommodate the concerns that were expressed by the presenters.

Mrs. Sharon Carstairs (Leader of the Second Opposition): Thank you, Madam Chairperson. That is really what we wanted to know. I mean, obviously, the presenters had some valid concerns and we want to know if they are going to be

addressed. If staff are still working on those amendments, maybe it is more appropriate to put this one in abeyance and go on to the other two.

Mr. Driedger: The amendments that would be coming forward are a little further back. We can start proceeding on it clause by clause, and then have the wording changes available by the time we hit that point.

I have one amendment here under Bill 48. I move THAT the French version of the proposed new definition of "scrapper" in subsection 1(1) of The Highway Traffic Act, as set out in section 5 of Bill 48, be amended by striking out "l'activité" and substituting "le commerce".

(French version)

Il est proposé que la version française de la définition de "casseur de voitures" au paragraphe 1(1) du Code de la route, énoncée à l'article 5 du projet de loi 48, soit amendée par substitution, à "l'activité", de "le commerce".

Motion agreed to.

Madam Chairman: Clause 2—pass; Clause 3—pass; Clause 4—pass; Clause 5—pass; Clause 6.

Mr. Reid: Madam Chair, I have a—

Madam Chairman: Excuse me, Mr. Reid, if you could just wait until this is distributed, then I will recognize you.

Mr. Reid: Madam Chairperson, I believe the proposed amendment to Section 6 has been distributed, and I ask for your advice on this matter, whether or not I have to read it to the committee or give an explanation.

Madam Chairman: Yes, Mr. Reid, you do.

Mr. Reid: Read it? The motion I am making is to amend Section 6.

THAT the following section be added after section 6 of Bill 48:

Subsection 5(18) rep. and sub.

6.1 Subsection 5(18) is repealed and the following is substituted:

Exemption from registration fee

5(18) Notwithstanding any other provision of the Act, no fee is payable for the registration of not more than one motor vehicle that is a passenger car or a half ton truck that

- (a) is not used as a delivery car or truck; and

- (b) is used solely as a passenger car or truck and not for profit arising directly from the use thereof;

in any case where the owner of the motor vehicle is a person who, by reason of active service in the forces of the Crown in war,

- (c) has lost
 - (i) a hand or any part of an arm above the wrist, or
 - (ii) a foot or any part of a leg above the ankle; or
- (d) is a paraplegic; or
- (e) is blind.

(French version)

Il est proposé que l'article suivant soit ajouté après l'article 6 du projet de loi 48:

Remplacement du paragraphe 5(18)

6.1 Le paragraphe 5(18) est remplacé par ce qui suit:

Exonération des droits d'immatriculation

5(18) Malgré toute autre disposition de la présente loi, le propriétaire n'est pas tenu au paiement des droits d'immatriculation à l'égard d'au plus un véhicule automobile qui est une voiture de tourisme ou un camion demi-tonne qui:

- a) ne sert pas de voiture de livraison ou de camion;
- b) sert exclusivement de voiture de tourisme ou de camion et non à titre lucratif,

dans tous les cas où le propriétaire de ce véhicule est une personne qui, par suite de son service actif dans les forces de la Couronne en temps de guerre,

- c) a perdu:
 - (i) soit une main ou toute partie d'un bras au-dessus de poignet,
 - (ii) soit un pied ou toute partie d'une jambe au-dessus de la cheville,
- d) est paraplégique;
- e) est aveugle.

Explanation?

* (1350)

Madam Chairman: Thank you, Mr. Reid. I have reviewed the proposed amendment moved by Mr. Reid, which is out of scope on the grounds that Section 5(18) is proposing to amend sections from the original act, as cited in Beauchesne's Citation

698(8)(b). The amendment also proposes to relax conditions upon the Public Treasury, which is also out of order according to Beauchesne's Citation 698(7).

Madam Chairman: Clause 6—pass; Clause 7—pass; Clause 8—pass; Clause 9—pass; Clause 10—pass; Clause 11—pass; Clause 12—pass.

Mr. Driedger: Madam Chair, I want to withdraw the passing of Section 12. This is an area that is being worked on right now in terms of wording changes. I am wondering whether we could leave that to the end and continue with the other ones.

Mrs. Carstairs: Yes, I just have one question. Under 11, subsection 20(8), is that not also a section that will require a change?

Mr. Driedger: My registrar indicates that could be the case. Can I then also withdraw Section 11 for the time being while these changes are being brought forward and leave them to the end? We can continue with the balance of the bill and then come back to this.

Madam Chairman: Is there leave of the committee? Agreed.

Mrs. Carstairs: It is also my understanding that 21(1) might need an amendment and 21(3) might need an amendment.

Mr. Driedger: Madam Chair, I do not want to do anything out of whack here. I am just trying to get some direction from our busy people back there, which ones of these we could leave. We could maybe leave the scrapper end of it and then continue on with—where are we?

Madam Chairman: Would the committee like to take a five-minute break while we review the amendments?

Mr. Driedger: No, Madam Chair. How about if we leave that area over, as suggested by the Leader of the Liberal Party, start on page 7 under Learner's, continue with the rest of it, and then we can maybe come back. Hopefully, by that time, maybe it has been resolved.

Madam Chairman: Is there leave by the committee to do this? Agreed.

The committee will begin under Learner's Licence, 26(1) Issue of learner's licence—pass; 26(1.1)—pass; 26(1.2)—pass; 26(1.3)—pass; 26(1.4)—pass.

Clause 21—pass, Clause 22—pass, Clause 26(6)—pass.

Is it the will of the committee that we pass a block of clauses? Agreed.

Begin with Clause 23 at the top of page 9 and look at clauses through, including Clause 66(2) on the bottom of page 21. Shall those blocks of clauses pass? The clauses are accordingly passed.

Mr. Driedger: Madam Chair, I am informed that the wording changes that have been requested by the presenters, which we find acceptable, is being worked on right now. It will take approximately 10 minutes. I am wondering whether we could probably deal with the other two bills and come back to this portion of it.

Madam Chairman: Is there leave of the committee? Is there agreement?

An Honourable Member: Agreed.

Madam Chairman: Agreed.

We will now leave Bill 48, but we will return to it.

Bill 57—The Horse Racing Commission Amendment Act

Madam Chairman: We will now consider Bill 57. Does the minister have an opening statement?

Hon. Eric Stefanson (Minister of Industry, Trade and Tourism): No, I do not.

Madam Chairman: Does the critic for the official opposition have an opening statement? No.

Does the critic for the second opposition have an opening statement? No.

The bill is 57, The Horse Racing Commission Amendment Act.

Let us start with Clause 1. Clause 1—pass; Clause 2—pass; Clause 9(2.1)—pass; Clause 3—pass; Clause 18—pass; Clause 4—pass; Preamble—pass; Title—pass.

Shall the bill be reported? Agreed? Is it the will of the committee that I report—

Mr. Stefanson: I do not have any comments. I made my comments during second reading, unless committee members want me to reiterate them. If somebody is not clearly aware what we are doing here—I am sure everybody is.

Madam Chairman: Shall the bill be reported?

Some Honourable Members: Agreed.

Madam Chairman: Agreed. Is it the will of the committee that I report the bill as amended? I beg your pardon, no amendments.

Bill 58—The Development Corporation Amendment Act

Madam Chairman: Bill 58, The Development Corporation Amendment Act. Does the minister have an opening statement?

Hon. Eric Stefanson (Minister of Industry, Trade and Tourism): No, I do not.

Madam Chairman: Does the critic for the official opposition have an opening statement?

Mr. Daryl Reid (Transcona): No.

Mr. Neil Gaudry (St. Boniface): No.

Madam Chairman: Let us start with Clause 1—pass; Clause 2—pass; Subsection 17(1)—pass; Clause 3—pass; Preamble—pass; Title—pass; Bill be reported—agreed.

Committee will pause for a few moments.

* (1400)

The committee took recess at 2 p.m.

After Recess

The committee resumed at 2:19 p.m.

Madam Chairman: The committee will resume.

Bill 48—The Highway Traffic Amendment Act (2) (Cont'd)

Madam Chairman: For the purposes of clarification, we will start at Clause 9. Clause 9—pass; Clause 10—pass; Clause 11—pass; Clause 20(8)—pass.

* (1420)

Hon. Albert Driedger (Minister of Highways and Transportation): Under section 12.

Madam Chairman: Okay, we are coming to 12 now. Clause 12.

Mr. Driedger: Madam Chair, I move

THAT the proposed subsection 21(1) of The Highway Traffic Act, as set out in section 12 of Bill 48, be amended by striking out "by the dealer, scrapper or wrecker," and substituting "by the dealer, scrapper or wrecker, other than a motor vehicle or motor vehicle part or motor vehicle accessories acquired from another dealer or wrecker or from the Manitoba Public Insurance Corporation."

(French version)

Il est proposé que le paragraphe 21(1) énoncé à du projet de loi soit amendé par adjonction, après l'alinéa c), de ce qui suit:

Les commerçants les casseurs de voitures et les ferrailleurs ne tiennent pas de registre relativement aux véhicules automobiles, aux parties de véhicule automobile ou aux accessoires de véhicules automobiles acquis d'autres commerçants, d'autres ferrailleurs ou de la Société d'assurance publique du Manitoba.

I move that in both the French and the English.

Madam Chairman: On the amendment by the honourable Mr. Driedger that the proposed subsection 21(1) be amended, shall the amendment pass?

Mrs. Sharon Carstairs (Leader of the Second Opposition): Just for clarification, I assume we are adding that at the end of the (a), (b), (c). The (a), (b), (c) is remaining the same and the new paragraph is going in "by the dealer."

Mr. Driedger: Madam Chair, I thank the member for that. It comes at the back end of 21(1)(a)(b)(c). At the end of that is where this will be added. Thank you.

Madam Chairman: On the proposed amendment by the honourable Mr. Driedger to the proposed subsection 21(1), shall the amendment pass—pass.

Clause 12 as amended—pass; Clause 13—pass; Clause 14—pass.

Clause 21(3).

Mr. Driedger: Madam Chair, I understand there is an amendment under Clause 15.

Mrs. Carstairs: Is there not an amendment to 21(3)? Yes, I have just received an amendment to 21(4), but I thought we were dealing with an amendment to 21(3). I anticipated there would be an amendment to 21(3) which would say, in essence, no scrapper shall scrap and no wrecker shall wreck a motor vehicle within 10 days of having acquired it, unless they have acquired it from another scrapper dealer or wrecker.

Mr. Driedger: Madam Chair, might I—and I apologize. We are trying to accommodate the individuals with their concerns, and we are having some technical difficulties here. I am wondering if the committee will be receptive to passing all these sections and that I bring in the proper amendments

for third reading in the House and then nobody has to be under the pressure cooker, because I understand we have other little things here that have to be dealt with. If we can pass the bill this way, then I give the undertaking that we will have the amendments circulated in adequate time for members opposite and we make the amendments in third reading.

Mrs. Carstairs: Yes, Madam Chairperson, I think that is an excellent suggestion by the minister.

Madam Chairman: Is there leave of the committee to do so?

Some Honourable Members: Agreed.

Madam Chairman: Agreed. We will proceed then with Section 15, with Clause 15. Clause 15—pass; Clause 16—pass; Clause 17—pass; Clause 18—pass; Clause 19—pass.

Clause 20.

Mr. Driedger: Madam Chair, we are getting into more difficulties here. There was a proposed amendment under Section 15. I wonder if I could have leave to move back to Section 15 which is an amendment in the French version. Could we go back and do that by leave?

Madam Chairman: Is there leave of the committee?

Some Honourable Members: Leave.

Mr. Driedger: I move

THAT the French version of proposed new subsection 21(4.1) of The Highway Traffic Act, as set out in section 15 of Bill 48, be amended

(a) by striking out "ne sont pas responsable de l'endommagement," and substituting "ne peuvent être tenus, en vertu de l'alinéa 171(1)a), responsables de l'endommagement,"; and

(b) by striking out "contrairement à l'alinéa 171(1)a)".

I apologize to all the people who are speaking French, including my friends.

(French version)

Il est proposé que la version française du nouveau paragraphe 21(4.1) du Code de la route, énoncé à l'article 15 du projet de loi 48, soit amendée:

(a) par substitution, à "ne sont pas tenus responsable de l'endommagement", de "ne peuvent être tenus, en vertu de l'alinéa 171(1)a), responsables de l'endommagement";

(b) par suppression de "contrairement à l'alinéa 171(1)a)".

Madam Chairman: On the amendment proposed by the honourable Mr. Driedger to subsection 21(4.1) of The Highway Traffic Act, shall the amendment pass—pass.

Mrs. Carstairs: I think perhaps we may have missed section 14 because I raised a question at the time about subsection 21(3). I think it might be a good idea, if we have not, to pass it at this point or we are going to find ourselves without a section passed.

Madam Chairman: For the purposes of clarification, Clause 14, shall the clause pass—pass; Clause 20—pass; the Preamble—pass; the Title—pass. Shall the bill as amended be reported?

Some Honourable Members: Agreed.

Madam Chairman: Agreed. Is it the will of the committee that I report the bill as amended?

Some Honourable Members: Agreed.

Madam Chairman: Agreed.

Committee rise.

COMMITTEE ROSE AT: 2:29 p.m.