First Session — Thirty-Fourth Legislature

of the

Legislative Assembly of Manitoba

STANDING COMMITTEE

on

LAW AMENDMENTS

37 Elizabeth II

Chairman
Mr. H. Enns
Constituency of Lakeside

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Thirty-Fourth Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA

THE STANDING COMMITTEE ON LAW AMENDMENTS

Tuesday, December 13, 1988

TIME — 8:00 p.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Mr. Harry Enns (Lakeside)

ATTENDANCE — QUORUM - 6

Members of the Committee present:

Hon. Messrs. Ducharme, McCrae

Messrs. Burrell, Edwards, Enns, Ms. Gray, Mrs. Hammond, Messrs. Maloway, Patterson, Roch, Uruski

APPEARING: Bill No. 8:

Mr. George Finkle, Private Citizen

Mr. Gordon Carnegie, Crown Counsel, Legislation

MATTERS UNDER DISCUSSION:

Bills No. 6, 8, 9, 23 and 27

* * * *

Clerk of Committees, Mrs. Janet Summers: Will the committee please come to order. We must proceed to elect a chairman for the Standing Committee responsible for Law Amendments. Are there any nominations?

Hon. Gerald Ducharme (Minister of Urban Affairs): I nominate the Honourable Member for Lakeside (Mr. Enns).

Madam Clerk: Are there any further nominations? As there are no further nominations, Mr. Enns, will you please take the Chair?

Mr. Chairman: Members of the committee, I am advised by the Clerk that we have a public presentation on Bill No. 8. Would it be the will of the committee to perhaps deal with that Bill first and hear the public presentation? It is somewhat out of your rotation. The rotation that we will be dealing with the Bills are 6, 8, 9, 23 and 27. We will be dealing with Bill No. 8.

* (2005)

BILL NO. 8—THE COURT OF QUEEN'S BENCH SMALL CLAIMS PRACTICES AMENDMENT ACT

Mr. Chairman: I call on the public presentation to be made. Who do we have? We have a Mr. George Finkle, private citizen. Mr. Finkle, would you please come forward? We are dealing with Bill No. 8.

Mr. George Finkle (Private Citizen): There seem to be more officers then there are soldiers in just looking around the room here.

Before I make my presentation, I would like to just relate a personal case that I had on my own here earlier this year. I had an insurance policy and I cashed it in and I thought I got short changed by about $1,000, so I took it into Small Claims Court. Of course, the insurance company hired some of these higher priced lawyers and jumped it up to Q.B. It did not pay me all right to start hiring legal representation to try and fight it because even if I had wanted to, I would be a loser. In that case, I have representation to make and a recommendation to make to this committee.

An individual or a plaintiff filing a claim in Small Claims Court against a wealthy person or a corporation should be allowed to have his case heard. Due to the tendency of the wealthy and/or the corporations to elevate their objections to Q.B, in many cases the plaintiff will not proceed with his claim because of the increased costs.

In my opinion, there are a number of ways to rectify this matter, and three which come to mind quickly are: (1) the decision of the clerk or the magistrate of Small Claims Court should be final, like an umpire, and is not revocable or subject to appeal; (2) a judge could be appointed to Small Claims Court so that the legal beagles will not get their noses out of joint and his decision will be final; and (3) the right of either party to appeal the decision, but one that is elevated to a higher court. The appellant and the action must pay all court costs and the cost of legal representation to the second party of equal standing of his own legal representation.

That is all I have to say. I think the Small Claims Court way of doing business has to be changed. The small man has to be heard and he is not getting his day in court.

* (2010)

Mr. Chairman: Thank you, Mr. Finkle. Are you prepared to accept some questions from Members, if any?

Mr. Finkle: Sure, absolutely.

Mr. Chairman: Do Members have any questions of Mr. Finkle?

Mr. Gary Doer (Leader of the Second Opposition): In conclusion, you feel the Bill does not go far enough in dealing with the issues you have raised in your brief?

Mr. Finkle: No, of course not. I feel that a person who goes to Small Claims Court, it is only up to $3,000 now, and if they up it up to a higher court and they get Aikins McAulay or one of these other firms, you

cannot compete with it. It is impossible. You lose even if you win.

Mr. Chairman: Any other questions? Mr. Uruski.

Mr. Bill Uruski (Interlake): Mr. Finkle, on your third suggestion, I am just trying to envisage a case where is it possible that, as you put it, the small person may be put in a position of having to appeal a decision of a judge and wanting to appeal. Let us say your suggestion were to go through and having then to pay the legal costs of the appeal of both parties, would you still be prepared to make that suggestion?

Mr. Finkle: Yes, I think so, because if he is going to take it that far then he better be prepared to pay. It works, of course, on the other end too. If the corporations are prepared to take it that far, then they must pay. It has to be equal for both of them.

Mr. Chairman: Any further questions? Hearing none, thank you, Mr. Finkle.

Mr. Finkle: Thank you very much.

Mr. Chairman: What is the will of the committee, to deal with this Bill now, or should we come back to it?

An Honourable Member: It will be the second Bill.

Mr. Chairman: It will be the second Bill. Then we will revert back to the order as listed. The Chair calls Bill No. 6. Mr. Minenko.

Mr. Mark Minenko (Seven Oaks): Mr. Chairman, I am just wondering if I would be able to direct a question to the Honourable Attorney-General (Mr. McCrae).

Mr. Chairman: Yes, that would be the proper procedure during the consideration of the Bill. You are referring to Bill No. 8?

Mr. Minenko: Bill No. 8, that is correct.

Mr. Chairman: Can we just deal with the Bills as listed? We are dealing now with Bill No. 6, Bill No. 8 will be the next Bill.

* (2015)

BILL NO. 6—THE FIRES PREVENTION AMENDMENT ACT

Mr. Chairman: I am calling Bill No. 6. On the first page, any amendments offered to Bill No. 6? Mr. Uruski.

Mr. Bill Uruski (Interlake): I could raise a question of either Legal Counsel or the Attorney-General, who might wish to answer this. Mr. Chairman, this in an indirect way relates to this Bill and it may be fairly direct. It deals with the recent situation that has occurred in the community of Gypsumville, and it deals with fire preventions and the whole area of agreements between municipalities and other jurisdictions to have what is commonly known as service agreements.

I understand now that an agreement has been reached between the Local Government District of Grahamdale and the Fairford Band. However, there are two other communities just in that same vicinity, that being the Lake St. Martin Band and the Little Saskatchewan Band, which are communities that also would be serviced by a service agreement with the local government district, and there are other communities that I am sure, while I do not have the circumstances, the actual names, that do not have service agreements.

Perhaps either the Minister of Municipal Affairs (Mr. Cummings) or the Attorney-General (Mr. McCrae) could advise whether the work is continuing as per my request to have a province-wide inventory done so that the kind of circumstances that did occur in the Fairford incident would not happen again.

I am trying to raise the question generally in the hope that one of the Ministers who are directly involved or indirectly involved in the area of fires and fire prevention can in fact shed some light on the situation and the province's position and actions in this regard.

Hon. Glen Cummings (Minister of Municipal Affairs): Mr. Chairman, I can shed some light on the question that the Member raises. The Department of Municipal Affairs is continuing to work with the Department of Northern Affairs to have agreements signed with the other two areas near Grahamdale. Plus we have undertaken to work with—when I said Northern Affairs, I should have said Indian Affairs—the federal Department of Indian Affairs. Plus we have undertaken to work with Indian Affairs to determine what other bands within the province could be better covered if they had an agreement with the surrounding municipal authorities, bearing in mind that some joint firefighting or rescue agreements would not be practical in some areas because of distance. As far as the other regions in the province are concerned, it is my understanding that almost all of them have agreements covering joint response or covering for other jurisdictions if they get called out of their home area.

There are three areas—I believe Carberry and Portage La Prairie are two of them—that do not have a firefighting problem. Carberry, I presume, and I will have to get more information, there is a distance problem. It is not that there is not an ability anything other than distance, Neepawa, Brandon and Portage being the more close areas that could jointly respond. The concern is legitimate and we are working to try and make sure that a situation such as happened in Fairford will not happen again.

Mr. Chairman: Clause 1 of Bill No. 6—pass; Clause 2—pass; Clause 3—pass; Title pass; Preamble—pass.

Bill be reported.

* (2020)

BILL NO. 8—THE COURT OF QUEEN'S BENCH SMALL CLAIMS PRACTICES AMENDMENT ACT

Mr. Chairman: I call Bill No. 8, The Court of Queen's Bench Small Claims Practices Amendment Act. I recognize the Attorney-General.

Hon. James McCrae (Attorney-General): Mr. Chairman, there are some amendments, but the first amendment does not come until we get to Section 4.

Mr. Chairman: Then I would ask you to await till that time. I might also draw to your attention, Mr. McCrae, I think the Clerk has asked us to cooperate with her in using the form that we have in terms of proposing amendments and that they be presented in that form.

I believe the Member for Seven Oaks (Mr. Minenko) wished to comment or to ask some questions on Bill No. 8. I call on the Member for Seven Oaks.

Mr. Mark Minenko (Seven Oaks): Mr. Chairman, just one short question, shortly after the Honourable Attorney-General (Mr. McCrae) introduced this Bill to the House and after my participation in the debate on the second reading of it, I suggested to the Honourable Minister in my remarks that day, as well as to him separately, that had the Attorney-General's Department given some consideration to amending the Bill in accordance with the suggestion of the Law Reform Commission to ensure that the individuals sitting as judges are in fact legally trained in some format, in one form or another.

I am just wondering if the Attorney-General's office has given that matter some consideration. Are they looking to the future to look at that whole matter?

Mr. McCrae: Mr. Chairman, the Honourable Member puts this forward, I take it, as a suggestion or something we should look into. The way the Small Claims Court is set up, or the way we would like to see it operate, is one where anyone can come forward and file his or her claim and feel comfortable and unintimidated by perhaps the feeling that they are in a place where people are running the court, that whose training is such that one might feel intimidated.

I have discussed this matter certainly with people involved in the system and I do not know that formal legal training is something that I am ready to move toward at a time when we are trying to make this court more accessible and more, what one might call, a people's court. I do not think it is the time to be talking about robes and wigs and so forth that might make people feel uncomfortable.

* (2025)

Mr. Minenko: Mr. Chairman, I am certainly not suggesting to the Honourable Attorney-General or to anyone here this evening or, in fact, to the people of Manitoba, that we should look at having lawyers represent people appearing in Small Claims Court.

What I am suggesting is that one of the problems that I have encountered as practising barrister-solicitor in this province is that litigants have been put through extra expense because of decisions made in the Small Claims Court.

I have certainly no objections to the way it is run and I would certainly feel very strongly, as our party and our critic in the area has presented, that Small Claims Court should be a forum for anyone feeling totally unintimidated in appearing to have his matter heard.

The concern that I have though, Mr. Chairman, is that sometimes these litigants who appear in Small Claims Court are ultimately forced to bearing a greater financial burden on themselves, because from time to time the people who are presently considering matters in Small Claims Court have made decisions that I would suggest are not in accordance with decisions of even the Manitoba Court of Appeal where, as a result of these decisions, my clients have been advised that the law is X,Y,Z, whereas the decision was A,B, and C; and, as a result, have instructed me then to appeal the decision in the Queen's Bench, thereby necessitating extra expense and the robes and everything, as the Honourable Attorney-General suggests.

That is why I am suggesting that perhaps we certainly need to look to the advice and counsel of the Law Reform Commission report of a few short years ago which suggested that we perhaps should look to having the people sitting, perhaps not unlike as everyone could relate to Judge Wapner, but certainly that person there has some legal training. But the person ultimately making those decisions has the legal knowledge to follow the law, and I would offer this as a suggestion for the Honourable Attorney-General's Department to consider that and whether his department is in fact considering that or not.

Mr. McCrae: The Small Claims Court falls under the jurisdiction of the Queen's Bench. I am quite satisfied in the competence of the Chief Justice and his Associate Chief Justices to ensure that the Small Claims Court is operated in the fairest, most efficient and vested manner possible. If the Honourable Member is aware of some cases that he would like to document for me and let me know about and that there is something I can do about them, I would be pleased to assist in any way I can, but I think the Small Claims Court is a court that, like others, is being monitored.

There is a choice, according to our proposed legislation, for the hearing officer, in being faced with complicated, perhaps constitutional or other legal questions, to have the matter heard by a judge who has been trained in the law. The Small Claims Court has served this province well for many years and I do not propose to make any radical changes at this time. If the Honourable Member can bring to my attention some widespread abuse or widespread problems of the kind that he envisages with his question, then that would be my position.

I would be quite happy to hear from the Honourable Member though if he can identify specific problems. In any event, the avenue is available for appeal of cases heard in the Small Claims Court. You can go to a higher

court where everyone involved is very well trained in the law, and still end up in a higher court again. So that is why we have appellate jurisdictions, courts.

* (2030)

Mr. Paul Edwards (St. James): I am going to follow up on some of the comments made by my honourable friend from Seven Oaks (Mr. Minenko).

The Attorney-General references he is not aware of any great drastic problems in Small Claims and it has served this province well. With the latter, I wholeheartedly agree; it has served this province very well. There obviously were problems which necessitated this Amendment Act. It was my view, when I first spoke to this Act, that it did very positive things. That continues to be my view. However, I do quarrel with the suggestion that there are no drastic problems. It is my experience, it is my view, and having consulted with the Bar Association in this province and the Law Society, I guess I would ask the Attorney-General if he has consulted with those bodies, what they think about this and my suggestions that the key factor in settling cases in the civil courts where cases under, I would estimate $20,000, the key factor in settling those cases oftentimes becomes the legal costs and that is obviously not desirable.

That is the whole point of Small Claims, to allow these litigants for smaller amounts to have a streamlined process. They do not go through all the pre-trial procedures, they do not spend all the legal fees. To that end, the Law Reform Commission, in 1986 it was, I believe, proposed specific changes to the small claims system in this province, modelled them in a large part on the Ontario system and provided for, in my view, or suggested some very, very interesting and, I would submit, valid suggestions.

Has the Attorney-General (Mr. McCrae) studied that Law Reform Commission Report, and is he aware of any reports in his department specifically assessing it for feasibility?

Mr. McCrae: The Honourable Member for St. James (Mr. Edwards) repeats the point that there are some serious problems with our Small Claims Court, or makes the suggestion that if there are not, there could be. I ask the Honourable Member, if there are problems like that, if he could lay them at the feet of the hearing officers.

Mr. Edwards: I fail to see the relevance of that. If the Attorney-General is trying to make this into a personal attack that I am laying on the magistrates, I am not. I said to him that I agreed Small Claims Courts had served this province and I am sure everyone here at this committee table heard me say that. I asked him, has he read the Law Reform Commission Report? Has his department studied it for feasibility for implementation? Is he aware of any report that his department has done, studying this Law Reform Commission of Manitoba Report?

Mr. McCrae: The Honourable Member also in his previous question, and I will not suggest that the Honourable Member is attempting to say something disparaging about the hearing officers that we have in our province, whom I believe are doing a good job in providing Manitobans with a good service, but the question did seem to beg the question that if there are problems following on the question raised by the Honourable Member for Seven Oaks (Mr. Minenko) about legal training, one is led to wonder if the suggestion is being made again that there should be some further form of legal training or whether these people should be practising lawyers or trained in the law.

I am glad the Honourable Member has settled that issue by admitting that the people we have serving us in the Small Claims Court are doing a good job for us. The Manitoba Bar Association has not seen fit to appear here this evening to suggest changes or to complain about the way the Small Claims system is operating, so that I think the Bar Association is aware of the way our legislative system works and is aware that the opportunity is there and chose not to be here for that purpose. We rely to a large extent on the advice that we get, certainly in my office, from people who are trained in the law. I have not had any serious problems regarding this legislation raised that will not be dealt with through amendments that we will be proposing later on.

Mr. Edwards: Is the Attorney-General looking to Law Reform Commission Report done specifically on small claims amendments and, in particular, did he look at it before he proposed this Act?

Mr. McCrae: The proposal that we have before us flows directly from a commitment made by the Progressive Conservative Party in the election campaign with respect to the jurisdiction of the court, that is of the Small Claims Court, and that is the basis upon which this legislation finds itself before the Legislature. The Honourable Member and his colleagues have spoken in support of this kind of legislation and, as I recall the election campaign, no one was attacking the Progressive Conservative policies respecting the Small Claims Court. Therefore, we can conclude that the measures that we are proposing here do enjoy the support of the people of Manitoba.

Mr. Edwards: I seem to be having some difficulty and I can understand the Attorney-General's reticence to answer this and I have said many times I agree with the things that are done here. That report by the Law Reform Commission is thorough, interesting and I think merits reading, and I would simply suggest that as we are dealing with reform and small claims, and it was my position then that whatever aspects of the Law Reform Commission Report could be feasibly integrated into the Manitoba system could and should be done at the same time. Can he give any indication as to his department's view of the Law Reform Commission Report on small claims amendments, or his view?

Mr. McCrae: If the Honourable Member has gleaned from the report to which he refers some proposals that he thinks should form part of this legislation at this Session of the House, of the Legislature, let him bring

forward amendments and we will deal with them in the course that it is usually followed in the Legislature.

Mr. Edwards: There are many aspects of that report not the least of which is providing, in my view, for a better way to avoid appeals. The Attorney-General mentions that an appeal structure is in place. I think he would agree that a better idea behind small claims is that it not lead automatically to appeals because that does include extra cost for both of the parties. To that extent, there are specific recommendations in that report dealing with the adjudication of small claims in a better manner.

Is he convinced that those specific things within that report could not have been included in this Act? And again I ask, has his department reviewed that study for feasibility?

Mr. McCrae: The Honourable Member, Mr. Chairman, refers to appeals and appeals creating some kind of difficulty. I suggest the principle of justice for both sides in a dispute must still be respected even if we try as best we can to tailor legislation to assist those in society who might find it difficult to appear in a court of law with the assistance of legal counsel.

Those avenues of appeal that are open to people must remain open; although, by virtue of an amendment I will be moving a little later, appeals from decisions of the Small Claims Court would be dealt with in a summary manner which would obviate the necessity of such things as Examinations for Discovery which cost money as well and make the services of this court even more accessible or accessible to the average Manitoban. So, as I say, if the Honourable Member, having gleaned proposals from the report of the Law Reform Commission on the Small Claims Court, then we will look forward to his amendments a little later this evening.

Mr. Minenko: I just have another question that I hope the Honourable Attorney-General (Mr. McCrae) does not take an adversarial view to. It is with respect to the proposed amendments that have been circulated.

Clause 11, where they are amending Subsections 12(1) to (3.1), on the second page, where it reads an appeal should be dealt with in a summary manner and the general rules of the court do not apply unless on the application of a party to the appeal a judge otherwise orders, I am just wondering if the Attorney-General could advise us how does a party invoke or prevent the rules of the Queen's Bench Court to be used on appeals from small claims?

I certainly know that litigants appealing from small claims decisions would prefer not having to go through all the rules of the court as set up because it does the thing that the Small Claims Court is intended, or it deflects that which is intended by the Small Claims Court, to ensure the speedy decision making in the poor process because of possible delays if counsel use all the rules of the Queen's Bench Court.

I am just wondering, will the notice of appeal have a special section on it advising a judge that they would want the Court of Queen's Bench rules to be used, or how is that going to work?

Mr. Chairman: Mr. Minenko, and ladies and gentlemen of the committee, we are now dealing with specific clauses of the committee. Perhaps we could move through the clauses clause by clause. I invite Members of the committee to make these kinds of observations when we reach the particular clause in question. I recognize Mr. Edwards for one more general question. Pardon me, Mr. McCrae.

* (2040)

Mr. McCrae: If that is the way we can proceed, that is fine. I just want the Honourable Member for Seven Oaks (Mr. Minenko) to know that I have taken note of his question and when we get to that section, I will deal with the question he has asked.

Mr. Edwards: I just have one more brief general question, Mr. Chairman. The Attorney-General (Mr. McCrae) has indicated that he will be bringing in training procedures for magistrates and justices of the peace, and I have asked him in the House and I would ask again whether or not he will be making those training procedures retroactive so that all magistrates and justices of the peace presently serving may benefit from those training procedures which he intends to bring in.

Mr. McCrae: I assume by "retroactive," the Honourable Member means retraining for those who are already here. Any training, and this is something that we have discussed, something referred to in the Dewar review, any training, any matters related to the judiciary are matters for me to take forward to the judiciary for them. The Attorney-General cannot, all by himself, decide what judges are going to do in this province. It is certainly a matter that has to be taken up with the judiciary. I have done that, and will continue to do that, and will be getting reactions from the Chief Judge in the Provincial Court and the Chief Justice in the Queen's Bench as to those kinds of changes, those kinds of training procedures that are being undertaken.

All I can do is suggest in whatever terms that I think most successful with the judiciary as to what training programs there should be, but former Chief Justice Dewar was very clear about his feelings about that and we certainly made those feelings known to the judiciary in Manitoba.

Mr. Edwards: What will the Attorney-General's suggestion be with respect to training for all magistrates and justices of the peace presently serving?

Mr. McCrae: The magistrates and justices of the peace, Mr. Chairman, I suggest is getting a little off topic when we are dealing with the Queen's Bench because that deals with the Provincial Court in this province.

When we are talking about what procedures we will be adopting, we are going to be guided by the Dewar report. We are going to be guided by the history of what has happened in the particular case being reviewed

by Mr. Dewar, to some extent, and updating manuals that magistrates and justices of the peace already have and seeing that those manuals are updated, as I say, and being adhered to. When I say we are going to be doing this, I say this very respectfully, in cooperation and in consultation with the judiciary, so that the issues raised by former Chief Justice Dewar are the types of issues that we think that justices of the peace and magistrates in this province should be looking at.

Mr. Chairman: I now call on the committee to consider, clause by clause, Bill No. 8, The Court of Queen's Bench Small Claims Practices Amendment Act. Clause No. 1—pass; Clause No. 2—pass; Clause No. 3—pass.

Clause No. 4.

Mr. McCrae: Mr. Chairman, I move

THAT the English version of section 4 of the Bill be amended by striking out "5,000." and substituting "$5,000."

(French version)

Il est proposé que l'article 4 de la version anglaise du projet de loi soit modifié par la suppression de "5,000" et son remplacement par "$5,000."

Mr. Chairman: Any discussion on the amendment?

Mr. McCrae: Mr. Chairman, it is just a simple typographical error. A dollar sign was left out of the initial draft.

Mr. Patterson: We are talking about typographical errors. The quotation marks are omitted after the $5,000.00. They should be in there.

Mr. Chairman: I thank you for that correction, Mr. Patterson. Section No. 4, as amended—pass.

Section No. 5—Mr. McCrae, a further amendment?

Mr. McCrae: Mr. Chairman, I move

THAT the following be added after Section 5 of the Bill:

Subsection 6(4) added

5.1 Section 6 is amended by adding the following after subsection (3):

No interlocutory proceedings

6(4) No interlocutory proceedings shall be taken.

(French version)

Il est proposé que l'article suivant soit inséré après l'article 5 du projet de loi:

Adjonction du paragraphe 6(4)

5.1 L'article 6 est modifié par l'adjonction, après le paragraphe 6(3), de ce qui suit:

Procédures interlocutoires

6(4) Aucune procédure interlocutoire ne peut être introduite.

Mr. Chairman: Section 5, as amended—pass; Section 6—pass; Section 7—pass; Section 9—pass; Subsection 9(3), amended—pass; Subsection 9(4)—pass; Subsection 10—pass.

Subsection 11(1)—Mr. Edwards.

Mr. Edwards: With respect to this section, it is clear that the court or officer may allow a claimant to prove service of the statement and give default judgment where the defendant or someone on behalf of the defendant does not appear.

It has been the tradition in my experience that when the plaintiff appears and the defendant does not appear, the court will give the judgment, but the court generally does seek to assure itself that the claim is not frivolous. This is the first time they have seen the claim and they generally do ask for some evidence of the claim so that just because the person does not show up, they are not giving judgment for whatever amount is claimed. Oftentimes, that takes the form of someone who has perhaps claimed as most often these small claims litigants do. They claim for a lot of money in damages and all kinds of things and the court will oftentimes simply pare that down a bit. They may give them judgment but for a little less.

My question is to the Attorney-General. Was there any discussion as to including, and obviously I think this still may leave the option of doing that, and perhaps to that extent, has there been any instruction that he knows of going out saying that it is advisable that the magistrates simply assure themselves that there is a claim and that the amount is not spuriously claimed?

Mr. McCrae: I would have to, Mr. Chairman, yield to staff, if they are here, from Legislative Counsel Office. It is my understanding that the court may do certain things and the court may ask questions. If the court is to, on a routine basis, basically ask all the questions that might be asked in the case before allowing that default judgment—I am not sure I am following the Honourable Member's question exactly.

* (2050)

Mr. Edwards: Perhaps I can clarify it. In my experience, it has been traditional that the magistrates do ask a few questions. If you claim for a certain amount, as the Attorney-General knows, the claim itself is a very bald statement of the facts and the allegations of amounts. Generally, if it is a claim for somebody not paying their bill or perhaps their rental payment, they ask for some receipts or a copy of the lease or something to assure themselves that this claim is not groundless.

I am just simply asking the Attorney-General if he considered putting in provision for the magistrate to make that effort. It appears from this section, to me, that the Act is sanctioning the simple giving of an award of damages where someone does not show up.

Mr. McCrae: I believe the word here is "may" in this section. The hearing officer may allow a claimant to prove service of the statement. I think that probably

means, or I would suggest, that it means that the procedures referred to by the Honourable Member are not likely changed by virtue of this legislation.

Mr. Minenko: I will not bother wasting or spending anymore time asking the same question, but I am just wondering if the Attorney-General could direct his attention to the question I had asked earlier dealing with Clause 11 of the amendment he has circulated, relating to amending Subsection 12(3.1).

Mr. McCrae: The amendment does allow for an appeal to be dealt with in a summary manner and the general rules of the court do not apply unless, on the application of a party to the appeal, a judge otherwise orders. The judge would otherwise order on the basis of his knowledge of the matter and it is a matter of discretion on the part of the judges. In many of our statutes, judges are given certain latitude, certain discretion.

I would suggest to the Honourable Member that the judge's knowledge of the complexity of the matter at hand, perhaps the history of the matter and some of the facts in connection with that would lead the judge to feel that the matter is sufficiently complex to allow it to be dealt with in a non-summary manner and it would be a matter of judicial discretion.

Mr. Minenko: So with respect to what happens today, or has happened up to now anyway, is that you file your appeal papers, you simply are assigned a trial date and you then appear at that trial date.

Are you suggesting then that the judge, while he is hearing some of the evidence, determines, or a party suggests, that rules of the court should be used, is that the time when the judge will make that order or will any of the people involved in the litigation be able to get this judicial order before the day of the trial?

Mr. McCrae: The Honourable Member would know the Queen's Bench rules give the judges in the committee that is being set up the authority to make rules but, as the amendment before us tells us, the matter is begun or a change is made in the way the case is handled by virtue of an application by one of the parties to the appeal. So I take it the word for that in legalese is a motion that comes before the court to ask that the matter be dealt with in a non-summary way. Now the Honourable Member has some better background in this than I do and it would seem to me that the amendment itself says that on application of a party to the appeal. Now that application, I would assume, would be made prior to, by way of a motion, and if necessary evidence could be heard on that motion. The Honourable Member seems to be nodding and maybe he could help me with this.

Mr. Minenko: So what the Attorney-General is suggesting is that unless a particular litigant files Notice of Motion, the appropriate other material, before the trial, presumably some period of time allowed for by the rules of the court, then all appeals from small claims decisions shall be heard in a summary way.

Mr. McCrae: What we are proposing is that appeals be dealt with in a summary way unless on application and after that application the judge decides for whatever reasons that it can be done in a non-summary way. The intent here is that small claims appeals be handled in a summary way.

Mr. Chairman: Section 11—Mr. Minenko.

Mr. Minenko: I would just like to add a comment then. I would very strongly support this new method.

Mr. McCrae: I have a motion respecting Section 11. The motion is:

THAT Section 11 of the Bill be struck out and the following substituted:

Subsections 12(1), (2) and (3) rep. and sub.
11 Subsections 12(1), (2) and (3) are repealed and the following is substituted:

Decision is a judgment of the court
12(1) Subject to Subsection (2), the decision of a court officer under Subsections 9(1), 11(1) or 20(2), when filed in the court office, is a judgment of the court.

Appeal to a judge
12(2) Where a decision under Subsections 9(1), 11(1) or 20(2) is made by a court officer, a party aggrieved by the decision may, within 30 days after the signing of the decision, or within such further time as a judge may by order allow, appeal from the decision to a judge of the court.

Appeal conducted as a new trial
12(3) An appeal under Subsection (2) shall be a new trial, and shall be launched by filling a simple notice of appeal.

Summary procedure
12(3.1) An appeal shall be dealt with in a summary manner and the general rules of the court do not apply unless, on the application fo a party to the appeal, a judge otherwise orders.

(French version)

Il est proposé que l'article 11 du projet de loi soit supprimé et remplacé par ce qui suit:

Abr. et rempl. des par. 12(1), (2) et (3)
11 Les paragraphes 12(1), (2) et (3) sont abrogés et remplacés par ce qui suit:

Judgement du tribunal
12(1) Sous réserve du paragraphe (2), la décision d'un auxiliare de la justice rendue en vertu du paragraphe 9(1), 11(1) ou 20(2) constitue un jugement du tribunal lorsqu'elle est déposée au greffe.

Appel a un juge
12(2) Si un auxiliaire de la justice rend une décision en vertu du paragraphe 9(1), 11(1)

ou 20(2), la partie lésée par cette décision peut en appeler à un juge du tribunal, dans les 30 jours de la signature de la décision ou dans tout autre délai supplémentaire qu'un juge peut accorder par ordonnance.

Appel constituant un nouveau procés

12(3) L'appel visé au paragraphe (2) constitue un nouveau procès et est interjeté par le dépôt d'un simple avis d'appel.

Procédure sommaire

12(3.1) Un appel est traité de manière sommaire; les règles générales de la Cour ne s'appliquent pas sauf si le juge ne l'ordonne autrement, sur requête d'une partie à l'appel.

Mr. Chairman: This all seems to make eminent sense to me.

Mr. McCrae, can we have affirmation that this is also applicable in the French version? I assume this is also applicable in the French version.

Mr. McCrae: Yes, Mr. Chairman. You want me to read the French too?

Mr. Chairman: Just acknowledgement.

Section 11, as amended—pass; Section 12—pass; Section 13—pass; Section 14—pass; Section 15—pass; Section 16—pass; Section 17—pass; Title—pass; Preamble—pass.

Bill be reported, as amended.

* (2100)

BILL NO. 9—THE STATUTE LAW AMENDMENT (RE-ENACTED STATUTES) ACT

Mr. Chairman: I call Bill No. 9, The Statute Law Amendment (Re-enacted Statutes) Act, page 1.

I understand we have some amendments. I certainly think we could do them page by page. Mr. McCrae.

Hon. James McCrae (Attorney-General): I am told by legislative staff, or advised, that rather than page by page, we could say shall Clauses 1 through whatever the last clause is carry? We could do it that way rather than page by page. I understand there is some technical reason for that.

Mr. Chairman: I remind Honourable Members that this committee is not ruled by staff, but we in fact make the laws in this committee. If we decide to pass it page by page, that is the way we will pass it.

Members of the committee, my understanding is, if I have the concurrence of committee Members, if there is no discussion on this Bill, then can I have your concurrence that we can pass from Clause 1 to 23, which is the Bill inclusive.

Mr. Paul Edwards (St. James): I would move that we do it page by page. I do not think that is too onerous.

I would ask a general question at the outset. I do not believe I have a lot of comments on this Act. I have made a lot in the House, but I simply would have a general question to the Attorney-General.

Mr. Chairman: The Chair tends to agree with you because it does offer the individual Members to comment on a particular measure of the Bill as it comes up; however, I am advised here from the whisperings to my right that it is not procedurally correct. It has been done that way for many, many years in this committee, in this Chamber. I am at the will of the committee. Do we wish to deal with it?

Well, perhaps the Chair will entertain any considerations that the Members have of this Bill in the general way and then pass the Bill in its entirety.

Mr. Edwards: I simply want to assure myself—and you have to appreciate to a large extent that this Bill appears to be housekeeping. We have been assured that it is housekeeping and it is in compliance with the Supreme Court decision. There are many, many Bills that are mentioned throughout this and I simply would ask the Attorney-General—I do not have a copy of his speech handy here to highlight—what if anything aside from straight compliance with the Supreme Court decision this Act does?

Mr. McCrae: Mr. Chairman, generally near the end of a Session, there is a Statute Law Amendment Act which corrects—you could call it an error correction Act. It corrects errors of one kind or another, very often typographical or phraseology, nothing to do with the substance of the Bills—I say Bills, plural—being amended.

Now in the case of the re-enacted statutes, in the course of re-enactment of statutes, even Legislative Counsel will probably admit that there was the odd small, very small, error made along the way.

So what this Bill does is all of the re-enacted statutes—statutes that have been re-enacted—this Bill corrects errors made in the re-enacted statutes. So this is a re-enacted errors correction statute.

Mr. Edwards: I take it we have the assurance of the Attorney-General, and he has his counsel here with him, that there are no changes in intent or meanings within this Act. It is simply changing things into grammatically correct form.

Mr. McCrae: Without reading each and every statute, and taking my advice from Legislative Counsel, the answer would be in the affirmative.

Mr. Chairman: Sections 1 through to 31, inclusively, of this Bill—pass; Preamble—pass; Title—pass.

Bill be reported, as amended.

BILL NO. 23—THE REGULATIONS VALIDATION STATUTES AMENDMENT ACT

Hon. James McCrae (Attorney-General): Mr. Chairman, I am not sure how you want to handle Bill 23.

Mr. Chairman: The Chair is entirely in the hands of the committee.

Mr. McCrae: If I may say so, we have a number of amendments to Bill No. 23. These amendments are necessary, Mr. Chairman, solely as a result of whatever delay there has been in the passage of this Bill itself. All regulations requiring validation under the Supreme Court order must be passed and at the Queen's Printer by December 20, 1988, for publication on December 31, 1988. If these regulations do not go to Cabinet on December 14—that is tomorrow—and in the case of The Public Schools Act regulation, on December 13—today—we cannot meet the obligation imposed by the court to re-enact and publish by December 31, 1988.

Since passage of the Bill is essential for the validity of the regulations, each regulation must be retroactively validated; that is retroactive from the date of Royal Assent of the Bill. So I have some amendments, six of them in all dealing with various regulations which we need to move in order to have them validated.

So with that understanding, maybe we would like to move, Mr. Chairman, directly to Section 10, but I see the Honourable Member for the Interlake (Mr. Uruski) may have a question or something.

Mr. Bill Uruski (Interlake): Just following early comments of Mr. Edwards, as we go through sections that we are prepared to pass, as long as the Attorney-General (Mr. McCrae) is prepared to give us the assurance that there are no substantive changes in the Bill, I believe they are all corrective changes and we can move from amendment to amendment and continue on.

Mr. Chairman: If it is the will of the committee, I will call page-by-page. I would ask the Attorney-General to interject with the necessary amendments when we arrive at the appropriate page. Would that be agreeable?

Page No. 1 of Bill No. 23—Mr. Edwards.

Mr. Paul Edwards (St. James): I believe we had a question from Mr. Uruski. I would like an opportunity to ask some preliminary questions. I think it would save time as the Bill went.

Mr. McCrae: Mr. Chairman, I was going to ask Mr. Carnegie if he would be so kind as to answer the question put by the Member for Interlake (Mr. Uruski).

Mr. Gordon Carnegie (Crown Counsel, Legislation): The purpose of this Bill, which originated in our office as part of the validation of the regulations in Manitoba, is essentially to adjust the statutes amended to make the validation cheaper and better; that is to say, to give you the really salient example, the new Public Schools Act. The Public Schools Act we now have came into force in, I think, 1981. Apparently at that time school divisions and school boards were created by Order-in-Council. These Orders-in-Council are of a legislative character and fall within the translation requirement of the Supreme Court.

In 1981, however, school boards and school districts have their boundaries amended by a body called the Board of Reference. We either had a choice to hold 57 hearings—the Board of Reference cannot act without a hearing—to validate every school district and school board in Manitoba, a physically impossible task for the board, or we had to amend the Act to make sure that the Board of Reference could, given this one special power, validate all the school boards and school districts in the form of regulations.

The Supreme Court Order did not recognize the way we did some things. This is to adjust what we have done in the past to the necessities of the Supreme Court order to make it less expensive, in some cases, to make it more reasonable. We would have had to translate those old Orders-in-Council which were amended by the Board of Reference and the two could never meet—you see what I mean. This was irrational and wasteful; hence the amendment. That is just an example. Each one of these is quite special and different but it has the same kind of intent to make the validation possible.

* (2110)

Mr. Edwards: Perhaps I will address this to the Attorney-General, but obviously since Mr. Carnegie is here and is the expert, he may want to answer this.

It is my understanding that this also provides for certain regulations not to be translated into French and provides for the ability to exempt certain regulations from not being translated in French. Is that true?

Mr. Carnegie: That is not true except to the limit and extent that in the case of the school boards we had to decide whether Cabinet would validate the school districts and school division boundaries or the Board of Reference. In choosing Cabinet, we would have fallen within the translation requirement. In choosing the Board of Reference, we fell outside the translation requirement. In the decision as to which way we would go, we chose the Board of Reference. It is, after all, the board that is now empowered to do this and could have done it had we had the time to hold 57 hearings.

In other words, we have tried to honour the spirit as well as the letter of the Supreme Court order in all that we have done. What we have done is to remove some administrative documents that were required to be in the regulations. Let me talk about The Health Services Act, Part II, I believe, of the Bill.

Under The Health Services Act, each time a hospital is extended, a financial plan called a "scheme" is developed. This scheme is required to be part of the regulation. This scheme, once the hospital is built of course is obsolete, but the statute still requires it to

be part of the regulation. So if we honour the terms of the statute we would have found ourselves translating several hundred pages of obsolete and totally useless documents. Therefore, we have amended the relevant sections to make sure that those schemes are not part of the regulations. They are not legislative in character; they are administrative. The schemes will now be done by ordinary Order-in-Council as they have always been done but the creation of hospital districts, and nursing care districts will be part of the regulations.

You see how we have had to divide that which falls within the regulations and that which is not a regulation by nature, and in that way we save several thousands of dollars.

Mr. Edwards: I do not want to belabour this point. Mr. Carnegie has indicated that—and I think he referenced The Public Schools Act—the Board of Reference was chosen over Order-in-Council. What was not translated by that decision that would have been translated otherwise?

Mr. Carnegie: Obsolete documents, Mr. Chairman, obsolete Orders-in- Council. What we have done is to meld the amendments made by the Board of Reference with the legal descriptions in the old O/Cs, put them together in a consolidated legal and translate that. We have not translated individual amendments or the history, but only the result as it stands on December 14, 1988.

Mr. Edwards: Do we have the assurance then that this does not affect translation of law that is not obsolete, that has substance?

Mr. Carnegie: I can give you my absolute assurance that the intention of this is to honour the spirit and the letter of the Supreme Court order.

Mr. Chairman: Page 1—pass; page 2—pass.

Page 3—Mr. McCrae.

Mr. McCrae: I have an amendment to Section 10 as follows:

THAT Section 10 of Bill 23 be amended
(a) by striking out "section 45.1 added" from the section heading and substituting "sections 45.1 and 45.2 added", and
(b) by adding the following after proposed section 45.1:

Validation
45.2 The regulation entitled "Hospital Districts and Medical Nursing Districts Regulation" made by the Minister and confirmed by the Lieutenant Governor in Council on December 14, 1988 is validated and is deemed to have been lawfully made and confirmed.

(French version)

Il est proposé que l'article 10 du project de loi 23 soit modifié par:

a) la suppression de "Adj. de l'art. 45.1", dans le titre, et son remplacement par "Adj. des art. 45.1 et 45.2";
b) l'adjonction de ce qui suit après le nouvel article 45.1:

Validation
45.2 Le règlement intitulé "Règlement sur les districts hospitaliers et les districts régionaux de soins infirmiers" pris par le ministre et ratifié par le lieutenant-governeur en conseil le 14 décembre 1988 est validé et est réputé avoir été pris et ratifié légalement.

Mr. Chairman: Section 10 of Bill 23, as amended—pass; page 3, as amended—pass.

Page 4—Mr. McCrae.

Mr. McCrae: I move

THAT Section 14 of Bill No. 23 be amended by adding the following after proposed Subsection 18.1(4):

Validation
18.1(5) The regulation entitled "Control Lines Establishment and Limited Access Designations Regulation" made by the Lieutenant Governor in Council on December 14, 1988 is validated and deemed to have been lawfully made.

(French version)

Il es proposé que l'article 14 du projet de loi 23 soit modifié par l'adjonction de ce qui suit après le nouveau paragraphe 18.1(4):

Validation
18.1(5) Le règlement untitulé "Règlement sur l'établissement de lignes de contrôle et la désignation de voies publiques à accès limité" pris par le lieutenant-gouverneur en conseil le 14 décembre 1988 est valideét est réputé avoir été pris légalement.

Mr. Chairman: Section 14 of Bill No. 23, as amended—pass; page 4, as amended—pass; page 5—pass;

Page 6—Mr. McCrae.

Mr. McCrae: I move

THAT Section 20 of Bill No. 23 be amended by adding the following after proposed Subsection 4.1(2):

Validation
4.1(3) The regulation entitled "School Divisions and Districts Establishment Regulation" made by the Board of Reference on December 13, 1988 is validated and deemed to have been lawfully made.

(French version)

Il est proposé que l'article 20 du projet de loi 23 soit modifié par l'adjonction de ce qui suit après le nouveau paragraphe 4.1(2):

Validation
4.1(3) Le règlement intitulé "School Divisions and Districts Establishment Regulation" pris par la Commission des renvois le 13 décembre 1988 est validé et est réputé avoir été pris légalement.

Mr. Chairman: Section 20, as amended—pass; page 6, as amended—pass; page 7—pass; page 8—pass.

Page 9—Mr. McCrae:

Mr. McCrae: I move

THAT Section 28 of Bill No. 23 be amended by adding the following after proposed subsection 2(2):

Validation
2(3) The regulation entitled "Local Government Districts Incorporation and Boundaries Regulation" made by the Lieutenant Governor in Council on December 14, 1988 is validated and deemed to have been lawfully made.

(French version)

Il est proposé que l'article 28 du projet de loi 23 soit modifié par l'adjonction de ce qui suit après le nouveau paragraphe 2(2).

Validation
2(3) Le règlement intitulé "Règlement sur les limites des districts d'administration locale et leur constitution en corporation" pris par le lieutenant-gouverneur en conseil le 14 décembre 1988 est validé et est réputé avoir été pris légalement.

Mr. Chairman: Section 28, as amended—pass; page 9, as amended—pass; page 10—pass; page 11—pass; page 12—pass.

Page 13—Mr. McCrae:

Mr. McCrae: I move

THAT section 47 of Bill 23 be amended by adding the following after proposed Subsection 19.1(3):

Validation
19.1(4) The regulation entitled "Municipal Status and Boundaries Regulation" made by the Lieutenant Governor in Council on December 14, 1988 is validated and deemed to have been lawfully made.

(French version)

Il est proposé que l'article 47 du projet de loi 23 soit modifié par l'adjonction de ce qui suit après le nouveau paragraph 19.1(3):

Validation
19.1(4) Le règlement intitulé "Statut et limites des municipalités" pris par le lieutenant-gouverneur en conseil le 14 décembre 1988 est validé et est réputé avoir été pris légalement.

Mr. Chairman: Section 47, as amended—pass; page 13, as amended—pass.

Page 14—Mr. McCrae:

Mr. McCrae: I move

THAT sections 51 to 57 of Bill 23 be struck out and the following subsitituted:

Coming into force
51 This Act comes into force on the day it receives the royal assent.

(French version)

Il est proposé que les articles 51 à 57 du projet de loi 23 soient supprimés et remplacés par ce qui suit:

Entrée en vigueur
51 La présente loi entre en vigueur le jour de sa sanction.

Mr. Chairman: Is that acceptable to the committee? (Agreed) Page 14—pass; page 15—pass; page 16 of the Schedule Annex—pass; page 17—pass; page 18—pass; page 19—pass; page 20—pass; page 21—pass; page 22—pass; page 23—pass; Preamble—pass; Title—pass.

Bill be reported, as amended.

* (2120)

BILL NO. 27—THE PRIVATE ACTS REPEAL ACT

Mr. Chairman: I draw the attention of committee members to Bill No. 27, The Private Acts Repeal Act. Can I ask the Attorney-General, are there any amendments being offered to this Bill? I am given to understand there are. I recognize Mr. Edwards.

Mr. Paul Edwards (St. James): If I may, I am just going along the same format rather than get into detail on any pages. I understand that the institutions that had private Acts on the books in Manitoba were consulted and asked whether or not they desired their Act to be translated or whether or not they wished to be registered under The Corporations Act. To that extent, I wonder (a) if that is true, if that was the process that was followed; and (b) were there any private Acts that the Attorney-General (Mr. McCrae) felt it was important to translate? If so, were those translated and was there a total choice on the part of the institution involved or did the Attorney-General feel that any private Acts needed to be translated for the Manitoba public?

Hon. James McCrae (Attorney-General): With respect to the private Acts, Legislative Counsel had to figure out the best way to deal with all the numerous private Acts that have been passed in this province from over many, many years. The chosen route was to advertise and to re-enact those Bills that re-enact the statutes of those who asked for re-enactment. In other words, the choice given was that in the case of some organizations, they might choose to incorporate under

The Corporations Act, or if they chose to have their Acts re-enacted and continued then they could do that. Those who wish to have their statutes re-enacted have that right.

The Bill before us is the Acts which represent those which either no longer exist or did not respond to the campaign that we undertook. That is with the exception, I take it, of one which is being deleted here dealing with the Winnipeg Clinic. So we are going to be moving an amendment that one of these Bills that the Bill says is no longer required is required, and we are going to strike item No. 76 dealing with the Winnipeg Clinic from this repeal Act.

This Bill comes into force at the end of 1990 so that if there are others who wish to have their Acts re-enacted in French and English, then they still have time to come forward and do that. So time is left available for Legislative Counsel to be able to respond to those kinds of requests.

Mr. Edwards: Can we have someone that—and correct me if I am wrong—a lot of the institutions which are represented by private Acts here which are being repealed will re-enact themselves under The Corporations Act? Is this the list that includes those institutions?

Mr. McCrae: We are still identifying those who would like their Acts re-enacted. These are the Bills deemed by Legislative Counsel, through their investigative methods, to be spent and of no use to anyone anymore except for No. 76 which we are going to remove from this list.

Mr. Edwards: Very briefly and I will finish. This, perhaps, is a bit off topic but we are on the last Bill tonight and I wanted to ask this because it does have to do with the re-enactment although not this Act specifically. The binders they put those in were absolutely huge and I know that the various vendors of large litigation briefcases were very happy the day they saw those binders. If you are going to go to court for any trial at all, you need three or four of them. I can tell you, they are a few hundred bucks each. It would mean a lot of extra photocopies if you had to photocopy the specific information needed. When are they going to come out with the smaller binders? I know a lot of law firms, including the one that I am associated with, have bought their own binders. Does Legislative Counsel and the Attorney-General's Department plan to come out with thinner binders?

Mr. McCrae: I note the Honourable Member did not ask if we were going to, but when. So he is obviously aware of something I said in Brandon a week or so ago when I addressed the Bar Association out there. My comments were well-received and I am sure will be well-received by the Honourable Member.

Mr. Chairman, you will recall some complaints coming into our caucus when we were in Opposition about the proposals and about the binders that were expected and about lawyers' offices having to be renovated to allow for these ugly huge big things. So I was able to say in Brandon not so long ago that, yes, we will be moving to a narrower— we will still have the same format for our statutes—binder, a better quality binder, easier to handle for anyone who needs to use them. That will be happening this fiscal year. Basically, it depends on the time taken to deliver.

That is the direction we are headed in. We certainly understand the concern, to a large extent, of those in the legal profession, but certainly others as well who use the statutes. I have occasion to use them myself down in my office. I find them very burdensome and cumbersome. So we believe this is something we should do and we are doing it.

Mr. Edwards: One further question—just before I go onto that, I might add that the hole punch I do not think works either, because the holes are not quite big enough. It is very tough to pull the pages over the holes. It just does not work, strange but true.

Going on to my second question, a little bit more serious, it is my understanding that, and the Attorney-General has confirmed this, there are no plans to provide indexes for these statutes, the re-enacted statutes. Given that accessibility to justice is a spoken commitment of this Government, does it not make sense, and also given that some of our Acts are 700 sections long, that in order to aid the accessibility to the statutes by non-legally trained citizens, indexes make a lot of sense? I understand there may be cost ramifications. Can the Attorney-General elaborate on those and how the decision came to be made?

Mr. Chairman: The Chair is moved to observe—I have a lot of trouble with my baler in baling the short hay but I will not try to get this committee to resolve that right now. I will ask Mr. McCrae to respond.

Mr. McCrae: I would ask you, is it true that for short hay, do you have to use a different gauge of binder twine? Is that true?

The Honourable Member refers to the holes in the statutes. I think I would have to take notice of that question and leave it for another day and answer, as the Honourable Member for Springfield (Mr. Roch) said, in due course, or in the fullness of time, respecting the holes in the statutes.

Mr. Chairman, with respect to the question that the index as referred to by the Honourable Member, which I do believe gets to the more serious part of it, although the part of the holes could be a serious inconvenience, in any event, Legislative Counsel is looking at the issue raised by the Honourable Member. Legislative Counsel will, I presume, be making certain recommendations to the department in the next fiscal year. The question the Honourable Member asked will be taken under serious consideration.

Mr. Bill Uruski (Interlake): Mr. Chairman, during discussions on this Bill, we raised, and maybe the Attorney-General will answer that—I have not read Hansard on the closing of this Bill—we made the suggestion that the private commercial Bills, should they be required to be translated, that those costs be

borne by the commercial entity and that the Bills that would have to be required to be translated by non-profit and cooperative organization groups, that in fact these costs would be borne publicly. Has that decision been made?

Mr. McCrae: The Supreme Court decision was not something in the power of either private or corporate people or organizations and so the cost involved should not have to be borne by either. Cost has been absorbed by the Government.

Mr. Chairman: I will ask the committee to consider Bill No. 27 clause by clause. Clause No. 1—pass; Clause No. 2—pass.

The Schedule in its entirety—Mr. McCrae.

Mr. McCrae: I move

THAT item 76 of the Schedule to Bill 27 be struck out and the items numbered 77 through 97 be renumbered as 76 through 96.

Mr. Chairman: Schedule as amended—pass; Preamble—pass.

Title—Mr. Uruski.

Mr. Uruski: It may be facetious but why did the Winnipeg Clinic wish to be—did they require the statute to be passed? I mean it was to be repealed.

Mr. McCrae: Mr. Chairman, I am advised by Legislative Counsel that this was due to an error and that one aspect of the operations of the Winnipeg Clinic was operating under The Corporations Act and that there was still further aspects of the clinic operating under its statute, so that this was an error that this amendment corrects.

Mr. Chairman: Can I call on the Attorney-General to indicate that the moved amendments are applicable in French?

An Honourable Member: And in English.

Mr. Chairman: Affirmative.

Mr. McCrae: Yes, Mr. Chairman.

Mr. Chairman: Thank you. Title—pass.

Bill be reported, as amended.

Committee rise.

COMMITTEE ROSE AT: 9:28 p.m.