

Manitoba Law Reform Commission

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THIRTY-NINTH ANNUAL REPORT

2009-2010

March 31, 2010

The Manitoba Law Reform Commission was established by *The Law Reform Commission Act* in 1970 and began functioning in 1971.

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The Manitoba Law Reform Commission is funded through grants from:



The Department of Justice, Government of Manitoba

and



The Manitoba Law Foundation

Copies of the Commission's Reports may be ordered from the Publications Branch, Office of the Queen's Printer, 200 Vaughan Street, Winnipeg, MB R3C 1T5; however, some of the Commission's Reports are no longer in print.

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THE COMMISSION'S MANDATE

The Manitoba Law Reform Commission is an independent agency of the Government of Manitoba established by *The Law Reform Commission Act*. The Commission's duties are to inquire into and consider any matter relating to law in Manitoba with a view to making recommendations for the improvement, modernization and reform of law, including:

- the removal of provisions of the law that are outdated or inconsistent;
- the maintenance and improvement of the administration of justice;
- the review of judicial and quasi-judicial procedures under any Act;
- the development of new approaches to, and new concepts of, law in keeping with and responsive to the changing needs of society and of individual members of society; and
- any subject referred to it by the Minister.

MANDAT DE LA COMMISSION

La Commission de réforme du droit du Manitoba est un organisme indépendant du gouvernement du Manitoba, établi en vertu de la *Loi sur la Commission de réforme du droit*. La Commission a pour fonctions de faire enquête sur les questions se rapportant au droit manitobain et de les étudier en vue de faire des recommandations pour améliorer, moderniser et réformer le droit, et notamment en vue:

- de supprimer les dispositions du droit qui sont désuètes ou incompatibles;
- de soutenir et d'améliorer l'administration de la justice;
- d'examiner les procédures judiciaires et quasi-judiciaires prévues par une loi quelconque;
- d'élaborer de nouvelles méthodes et de nouveaux concepts de droit correspondant à l'évolution des besoins de la société et des individus qui la composent;
- de traiter tout autre sujet que le ministre lui soumet.

PART I

INTRODUCTION

The Manitoba Law Reform Commission is pleased to present its annual report for 2009-2010, after another active and productive year. The Commission released two final reports in 2009-2010, dealing with the appointment of members to administrative agencies, boards and commissions and with waivers of liability for sporting and recreational activities. The Commission also released a draft report for consultation on the limitation of actions, and is finalizing this report in light of the comments received. Work is also underway on a number of other topics, including the parole evidence rule, specific performance in relation to real property, *The Tortfeasors and Contributory Negligence Act* and the division of pensions on marital breakdown. The Commission continues to be concerned about the lack of implementation of several of our previous reports, however, and continues to urge the Government of Manitoba to take action on these recommendations.

The Manitoba Law Reform Commission regrets to report that Alice R. Krueger, the lay member on the Commission, decided not to be re-appointed when her term expired on June 21, 2009. The Lieutenant Governor in Council appointed Ms Krueger to the Commission on April 3, 2002. Ms Krueger, at the time of her appointment, was a long-time Winnipeg journalist. Her newspaper career spanned more than 30 years and covered the Manitoba Legislature over the course of five administrations. Ms Krueger's contributions to the Commission have been many and the Commission will truly miss her perspective on "non-legal" issues as well as her proficiency of the English language. She definitely made a valuable contribution to the Commission with her excellent writing skills during her appointment.

The Commission notes the death on September 8, 2009, of Rae Tallin, who, in the early years of the Commission, as Manitoba's Legislative Counsel, was very supportive and provided the Commission with wise counsel. He had an extraordinary command of Manitoba's statutes, coupled with the perception to see at once how a reform recommendation could impact existing legislation.

PART II

THE YEAR IN REVIEW April 1, 2009 to March 31, 2010

1. REPORTS ISSUED

The full text and executive summaries of all reports can be found on our website at <http://www.gov.mb.ca/justice/mlrc/>.

A. Waivers of Liability for Sporting and Recreational Injuries (Report #120)

On May 14, 2009, the Commission released a report on the use of waivers of liability by the providers of sporting and recreational activities. Contractual waivers are usually required for consumers to participate in a wide variety of activities and generally are designed to negate the civil liability of providers of sporting and recreational activities for the personal injuries or death of consumers.

This report provides an overview of civil liability for providers of sporting and recreational activities for the personal injuries or death of consumers arising under three regimes of legal responsibility: *The Occupiers' Liability Act*, the tort of negligence and the law of contract. The report reviews the potential bases of liability and the principles controlling the validity and scope of waivers of liability. Providers of sporting and recreational activities and consumers are currently faced with a very uncertain regime of responsibility, and the legal outcome in any case depends upon the technicalities of waiver validity and interpretation and judicial discretion.

The Commission considered various options for reform of the law relating to waivers of liability for sporting and recreational injuries. The Commission recommends that the use of waivers of liability be prohibited and believes that this would enhance consumer protection in Manitoba. The Commission also provides an alternative recommendation that would partially limit the use of waivers of liability and render them ineffective unless they are fair and reasonable in the circumstances. The Commission believes that providers of sporting and recreational activities should be able to obtain an acknowledgment and assumption of inherent risk from consumers. The Commission suggests that this can be accomplished without obtaining a waiver of liability for personal injury or death resulting from negligence.

B. Improving Administrative Justice in Manitoba: Starting With The Appointments Process (Report #121)

Manitoba has approximately 160 administrative agencies, boards and commissions that operate outside the government departmental structure. The government relies on administrative agencies, boards and commissions to regulate, adjudicate, give advice, administer substantial financial and other assets and provide goods and services. About 1500 individuals are appointed by the government to these boards as full or part time decision makers.

This report, which was released on March 31, 2010, provides an overview of the role of administrative agencies, boards and commissions in Manitoba. The report outlines the mechanisms for making appointments in Canadian common law jurisdictions, describes the publicly available information on the current appointments process in Manitoba and reviews the developments and reforms in appointments policies in other jurisdictions.

The final part of this report examines more closely the elements of appointments policies and makes recommendations for a new appointments policy for Manitoba aimed at ensuring that administrative board appointments are open, transparent, and based on merit, that patronage is eliminated, that partisan affiliation is minimized and that progress on the implementation and maintenance of a new appointments policy can be monitored.

2. IMPLEMENTATION

In June, 2009, the Manitoba Legislature enacted *The Regulated Health Professions Act*, S.M. 2009, c. 15. This Act has the effect of implementing, in relation to health professions, several of the Commission's recommendations for a new task-based model of occupational regulation made in Report #84, *Regulating Professions and Occupations*.¹ The Act implements the task-based model, as well as further recommendations including, *inter alia*, recommendations for greater transparency, accessibility and accountability in the operation of self-governing bodies, for a uniform disciplinary model and for a minimum level of public representation on the councils and committees of self-governing bodies. The Commission had also recommended that an independent body be created to determine whether certain occupational tasks or services should be regulated and whether requests for self-governance of occupations should be granted, and to set standards for entry to practice and continuing competency for an occupation. The Act implements these recommendations, in principle, through the establishment of an independent advisory body. The Act reflects the central theme

¹ (Report #84, 1994). The Commission issued Report #84 following a reference from the Minister of Justice and Attorney General respecting the regulation of professions and occupations in Manitoba. See also Manitoba Health, *Proposed Umbrella Health Professions Legislation: The Regulated Health Professions Act* (Health Professions Regulatory Reform Consultation Document, January 2009) at 1, referring to the report.

of Report #84, that the best interests of the public and the costs and benefits of regulation must be assessed when considering whether regulation of a task or service is warranted.

We continue to urge the Minister of Justice to implement the outstanding recommendations of the Commission. In addition to our most recent reports, areas of particular concern to the Commission are the recommendations relating to: *Enduring Powers of Attorney: Supplementary Report* (Report #117, 2008), *Wills and Succession Legislation* (Report #108, 2003), *Compensation for Vaccine-Damaged Children* (Report #104, 2000) and *Informal Assessment of Competence* (Report #102, 1999).

3. CURRENT PROJECTS

A. *The Limitation of Actions Act*

The law of limitations prevents a litigant with an otherwise viable claim from pursuing that claim in the courts after a certain period of time has passed. Manitoba's *Limitations of Actions Act* was enacted in 1931, and although amended in 1967, 1980 and 2002, is based on the same principles as the original inherited English limitations legislation, much of which dates back to the 17th century. In recent years several Canadian jurisdictions have enacted, and the Uniform Law Conference has proposed, legislation that simplifies, clarifies and rationalizes the law of limitations and introduces increased uniformity among the provinces.

In June, 2009, the Commission released *The Limitations of Actions Act: Draft Report for Consultation*. The draft report describes the structure of the 'modern' limitations regimes found in other jurisdictions, and analyzes whether they are suitable for Manitoba and how, if at all, they ought to be adapted for Manitoba's conditions. The draft report makes tentative recommendations to modernize Manitoba's legislation and to provide a more sensible and reliable 21st century framework to govern civil litigation, based on the adoption of two principal limitations applying to nearly all claims. The recommendations include proposals for reform in relation to both personal and real property limitations.

The Commission has reviewed the comments provided to the Commission and is finalizing its recommendations. A final report will be released in 2010.

During its review of the limitations project, the Commission identified a need for rationalization of the law with respect to the torts of conversion and detinue. Following the final report on *The Limitation of Actions Act*, the Commission will prepare a brief report recommending improvements to the substantive law of conversion and detinue, including remedies and limitations.

B. Compensation for the Loss of Homestead Rights

As a result of some judicial comments in recent Manitoba case law and a proposal for law reform from a law professor of the University of Manitoba, the Commission is considering the issue of compensation for the loss of homestead rights where there has been a fraudulent or wrongful disposition of homestead property. Consideration is being given to whether damages should be left within the discretion of the court or whether a formulaic model of compensation which exists in some other jurisdictions is preferable and whether legislative reform should be recommended to *The Homesteads Act*.

C. Review of Defamation Law Respecting Journalism

The Commission had been engaged in a project regarding defamation law respecting journalism, with particular emphasis on publications concerning matters of public interest. Some of the issues under consideration by the Commission included defences available to the communications media for the tort of defamation and whether law reform is required in Manitoba. During the consultation phase of this project, the Ontario Court of Appeal released the decision of *Cusson v. Quon* which recognized a defence of public interest responsible journalism which was followed by an appeal to the Supreme Court of Canada, released on December 2009, which created a defence of “responsible communication on a matter of public interest”. The Commission has decided to put this project in abeyance until the fall of 2010, after which, depending upon judicial treatment and commentary, the Commission may publish either a formal or informal report.

D. Specific Performance and the Uniqueness of Land in Manitoba

The Commission is reviewing case law regarding the availability of specific performance in connection with contracts for the purchase and sale of land. Historically, land was considered unique and specific performance had been generally available, and such an interest in land was registrable against title by caveat. As a result of recent case law from the Supreme Court of Canada and subsequent appellate decisions, there is uncertainty in other jurisdictions respecting the availability of specific performance in this context. This topic has been the subject of recent law reform attention in a report prepared by the Alberta Law Reform Institute, and the Commission is in the process of drafting an informal report to be submitted to the Minister of

Justice considering whether a legislative amendment to *The Law of Property Act* would enhance real property transactions in Manitoba.

E. Parol Evidence

The Commission has prepared a draft report on the parol evidence rule in connection with contracts that are outside the scope of *The Consumer Protection Act* as well as those contracts that are governed by *The Consumer Protection Act*. The Commission is in the process of consulting with lawyers specializing in the area of sales and consumer law. The Commission anticipates a final report will be issued by the fall of 2010.

F. *The Tortfeasors and Contributory Negligence Act*

The Commission has reviewed a submission for possible law reform to *The Tortfeasors and Contributory Negligence Act*, and is preparing a draft report for consultation, respecting several issues related to contributory negligence and tortfeasors for the purpose of recommending improvement of *The Tortfeasors and Contributory Negligence Act*.

G. Pension Benefits and Marital Breakdown

The Commission is carrying out research with respect to the division of pension benefits on marital breakdown. The economic disadvantage resulting from the loss of survivor's benefits by a divorced spouse was raised with the Commission and the Commission is also considering broader questions of the division of benefits generally. Currently in Manitoba, *The Pension Benefits Act* requires the use of the Immediate Settlement Method for the division of pension benefits in a defined benefit plan, which requires the commuted value of the spouse's share in the pension be transferred from the plan immediately, valued as if the member's employment terminated on the date of separation.

The Commission is considering whether the use of another method would produce a more equitable result.

4. POTENTIAL PROJECTS

The Commission continues to receive suggestions for new projects from members of the public, members of the legal community and Commissioners. From these suggestions, and its review of law reform projects that had been deferred in previous years, the Commission has created the following list of projects in no particular order:

- Prenatal liability
- *The Nuisance Act*
- Contiguous lands: natural and other encroachments
- *The Trustee Act*
- Enforcement of judgments
- Obsolete statutes
- Service of documents

The Commission welcomes comments and suggestions with respect to these subject areas, as well as in relation to other projects that may be appropriate for review.

PART III

ADMINISTRATION

1. THE COMMISSIONERS

The current members of the Commission and their terms of office are as follows:

Commissioner	Affiliation	Term expires
Cameron Harvey, Q.C.	Professor Emeritus, Faculty of Law University of Manitoba	June 21, 2009*
John C. Irvine	Professor, Faculty of Law University of Manitoba	August 20, 2009*
Gerald O. Jewers	Justice, Court of Queen's Bench (retired)	June 21, 2009*
Perry W. Schulman	Justice, Court of Queen's Bench	July 25, 2010

* Awaiting Order In Council for re-appointment.

At the present time, the Commission has two vacant member positions and is awaiting an Order In Council to fill these two vacancies and re-appoint the current members.

During the past year, the Commission held 7 regular meetings.

2. STAFF

Currently, the Commission staff consists of Debra Floyd as the Commission's Administrator, and Darlene Jonsson and Leah Craven as legal counsel. The office is staffed three days per week.

3. CONSULTANTS

The Commission thanks Professor Philip Osborne of the Faculty of Law, University of Manitoba, who proposed the *Waivers of Liability for Sporting and Recreational Injuries* project and was retained as our consultant to prepare a draft report. As well, we thank Mr. James Lee, Lecturer, Birmingham Law School who was consulted to provide legal research and advice respecting the use of waivers of liability in the United Kingdom. Professor Arthur Braid of the Faculty of Law, University of Manitoba, also provided assistance by preparing a memorandum on a related issue. The Commission thanks those who responded during the consultation

process.

We also thank Professor Karen Busby of the University of Manitoba Faculty of Law, who suggested reform of the appointments process for consideration by the Commission and was retained as our consultant to prepare a draft report on *Improving Administrative Justice in Manitoba: Starting with the Appointments Process*. The Commission also appreciates the advice and feedback that Professor Busby received while writing this report from Paul Thomas, Lorne Sossin, Alan Scramstad, Terry Sargeant, Ross Nugent, Mel Myers, Jan Lederman, Archie Kaiser, Gerald Heckman, Cameron Harvey, Michelle Gallant, Aaron Berg and Chris Axworthy. Additionally, the Commission acknowledges the research assistance provided to Professor Busby by Matthew Underwood, a law student at the University of Manitoba, with the support of a grant from the Legal Research Institute at the Faculty of Law, University of Manitoba.

Jonathan Penner, independent researcher, also assisted the Commission again during the past year, working on a draft report concerning the limitation of actions. We also appreciate the advice of Ned Brown of Pitblado, LLP and Tim Rattenbury of the New Brunswick Office of the Attorney General, who provided detailed comments on a number of sections of the draft report.

4. FINANCE

The Manitoba Law Foundation provides a yearly grant of \$100,000 to the Commission. For the fiscal year 2009-2010, the Commission was again fortunate to receive an additional \$20,000 from the Manitoba Law Foundation, increasing the grant to \$120,000. The Department of Justice continues to provide a combination of in-kind services (\$15,000) and a grant (\$85,000), for a total of \$100,000.

We wish to thank both the Department of Justice and the Manitoba Law Foundation for their continued support of our work.

5. PUBLIC RELATIONS

The Commission provides a monthly submission on law reform updates throughout Canada for the Manitoba Bar Association, Legal Research Section newsletter, *The Law and Library Monthly*. This electronic publication is circulated to all members of the Manitoba Bar Association Legal Research Section. The Commission also submits regular reports to the Manitoba Bar Association monthly newsletter *Headnotes and Footnotes*.

At the request of the Law Society of Manitoba, the Commission provides a news release of all reports for inclusion in *eLaw*, an electronic subscription available to all members of the Law Society of Manitoba as a professional development and competence tool.

The Commission also contributes project updates to *Reform*, a journal of contemporary law reform issues published by the Australian Law Reform Commission.

Many of the Commission's reports have been referred to or commented upon in written publications and electronic sources, including the *Winnipeg Free Press*, *The Lawyer's Weekly*, *The Globe and Mail*, *The Canadian Press*, *CTV Globe Media* and various law firm and law societies' websites.

PART IV

CONCLUSION

We again wish to express our thanks to the Manitoba Law Foundation and to the Department of Justice for their continued support of the work of the Commission.

We thank the staff of the Department of Justice, the Faculty of Law, Provincial Archives and Legislative libraries, and the staff of the Property Registry for their continued assistance over the past year.

We also thank the Deputy Minister, Mr. Jeffrey Schnoor, Q.C. for providing a liaison between the Commission and the Minister. Finally, we thank the former Minister of Justice and Attorney General, the Hon. Dave Chomiak, and the current Minister of Justice and Attorney General, the Hon. Andrew Swan, for their support.

This is a report pursuant to section 15 of *The Law Reform Commission Act*, C.C.S.M. L95, dated this 31st day of March 2010.

(original signed by)
Cameron Harvey, President

(original signed by)
John C. Irvine, Commissioner

(original signed by)
Gerald O. Jewers, Commissioner

(original signed by)
Perry W. Schulman, Commissioner

APPENDIX A

Statement of Receipts and Expenditures 2009-2010 Fiscal Year (000's)

RECEIPTS

Funds carried forward.....	\$ 53.7
Grant from Department of Justice.....	85.0 ¹
Last instalment from the Manitoba Law Foundation for 2008-09	30.0
Grant from the Manitoba Law Foundation (first 3 quarterly instalments)	90.0 ²
Total	\$258.7

EXPENDITURES

Commissioners' remuneration and benefits.....	\$ 33.3
Staff remuneration (part-time)	111.5
Payroll administrative costs	8.5
Consultants	7.0
Telephone, fax, postage, courier.....	5.2
Supplies and service	1.1
Printing and photocopying.....	4.1
Computer related expenses	6.0
Meetings, travel and accommodation0
Subscriptions and other operating expenses	1.6
Membership fees.....	5.8
Total	\$184.1

Surplus **\$74.6³**

¹ The Province of Manitoba provides the Manitoba Law Reform Commission with an \$85,000 grant coupled with \$15,000 in-kind services provided by the Department of Justice for accounting services and office accommodation, bringing the total grant from the Province to \$100,000.

² As noted in previous reports, we carry forward a balance of at least \$30,000 each year of our grant from the Manitoba Law Foundation as this last instalment is not received until March 31st each year. Again, this year, with the core grant increase of \$20,000 from the Manitoba Law Foundation, our quarterly instalment payments increased to \$30,000, totalling a grant of \$120,000 for 2009-2010.

³ A large portion of this year's surplus is due to funds which have been allocated for remuneration and benefits for 2 vacant Commissioners positions, as well as funds designated for printing and distribution costs for 3 current reports.

APPENDIX B

REPORTS OF THE MANITOBA LAW REFORM COMMISSION AND THEIR IMPLEMENTATION

Report #	Title	Date	Implementation of Commission's Recommendations
#1	Jury Services for Registered Indians	April 7, 1971	An Act to Amend The Jury Act, S.M. 1971, c. 32
#2	Summary Disposition of Builders' and Workmen's Liens	April 13, 1971	An Act to Amend The Builders and Workmen Act, S.M. 1976, c. 22
#3	Disposition of Maintenance Judgments in Land Titles Offices	May 25, 1971	An Act to Amend The Judgments Act, S.M. 1972, c. 4
#4	An Act Respecting Billiard and Pool Rooms proposed repeal	October 19, 1971	The Statute Law Amendment Act (1974), S.M. 1974, c. 59 (s. 8)
#5	Recommended Right of Mortgagors to Obtain Annual Statements	October 19, 1971	An Act to Amend The Mortgage Act, S.M. 1971, c. 28
#6	Enactment of a Mineral Declaratory Act	December 20, 1971	The Sand and Gravel Act, S.M. 1972, c. 34 An Act to Amend The Mines Act, S.M. 1972, c. 70 (s. 11) An Act to Amend The Real Property Act, S.M. 1972, c. 70 (ss. 15 and 16)
#7	Powers of Entry, Search and Seizure in The City of Winnipeg Act	January 24, 1972	An Act to Amend The City of Winnipeg Act, S.M. 1972, c. 93 (ss. 26, 37, 68, 69, 89 and in part ss. 38, 39 and 63)
1A	Auto Engine Numbers in Section 11 of The Bills of Sale Act	May 11, 1971	The Statute Law Amendment Act, S.M. 1972, c. 81 (s. 3)
1B	(a) Prospect of Mortgagor's Relief from Provisions of Section 20(6) of The Mortgage Act (b) Right to Have Mortgage Discharged Upon Payment in Full After Five Years	December 29, 1971 December 29, 1971	(change not recommended) An Act to Amend The Real Property Act, S.M. 1972, c. 37 (s. 103(1))
1C	Amending provisions as to costs in Part II of The County Courts Act to avoid inconsistency with intent of this new legislation	January 12, 1972	An act to Amend The County Courts Act, S.M. 1972, c. 38

Report #	Title	Date	Implementation of Commission's Recommendations
	First Annual Report	March 13, 1972	(not applicable)
#8	Section 45 of the Offenses Against the Person Act, 1861	July 27, 1972	An Act to Amend The Tortfeasors and Contributory Negligence Act, S.M. 1973, c. 13
#9	A Review of The Privacy Act with proposed Amendments to the Criminal Code of Canada	September 11, 1972	(change not recommended)
#10	The Abolition of Interspousal Immunity in Tort	December 19, 1972	An Act to Amend The Married Women's Property Act, S.M. 1973, c. 12; An Act to Amend The Tortfeasors and Contributory Negligence Act, S.M. 1973, c. 13; An Act to Amend The Criminal Injuries Compensation Act, S.M. 1973, c. 23
2A	Comments on draft Bill to Amend The Jury Act	April 21, 1972	An Act to Amend The Jury Act, S.M. 1972, c. 56
2B	Relaxation of Limit of Number of Trustees under The Trustee Act	June 22, 1972	An Act to Amend The Trustee Act, S.M. 1972, c. 60
2C	Uniformity of Definition of Age as between The Age of Majority Act (Man.) And the Criminal Code and the Interpretation Act (Can.)	August 14, 1972	(not applicable for provincial amendment)
2D	Automatic Attachment of Wages for Maintenance Orders	November 27, 1972	An Act to Amend The Garnishment Act, S.M. 1974, c. 8
	Second Annual Report	March 20, 1973	(not applicable)
#11	The Advisability of a Good Samaritan Law	March 8, 1973	(change not recommended)
#12	Section 110 of The Real Property Act - the immortal Manitoba mortgage	April 11, 1973	An Act to Amend The Real Property Act, S.M. 1974, c. 44
#13	Pre-licensing Education for Real Estate Agents in Manitoba	December 3, 1973	An Act to Amend The Real Estate Brokers Act, S.M. 1975, c. 23
#14	Special Enduring Powers of Attorney	January 8, 1974	The Powers of Attorney Act, S.M. 1980, c. 4

Report #	Title	Date	Implementation of Commission's Recommendations
#15	Administration of Justice Part I - Control of Post-arrest/pre-trial detention	February 26, 1974	Administration of the Public Safety Building in Winnipeg assumed by the Province of Manitoba, effective October 1, 1977; now called The Winnipeg Remand Centre
3A	Conferring of matrimonial jurisdiction upon a County Court Judge as a local Judge of The Queen's Bench within the Eastern Judicial District	March 30, 1973	An Act to Amend The Queen's Bench Act, S.M. 1978, c. 28
3B	Correcting recent error in s. 51 of The Queen's Bench Act	September 26, 1973	An Act to Amend The Queen's Bench Act, S.M. 1974, c. 15
3C	Conferring jurisdiction to extend time for payment of fines upon provincial judges other than those who imposed such fines	October 16, 1973	(not applicable for provincial enactment)
3D	Up-dating index to Statutes of Manitoba	October 23, 1973	Indexing commenced; computer search of statutes available
3E	Repeal of Section 212 of The Liquor Control Act	December 19, 1973	Substantial acceptance under s. 16 of An Act to Amend The Liquor Control Act, S.M. 1974, c. 63
	Third Annual Report	April 1, 1974	(not applicable)
#16	Definition of Death	May 6, 1974	An Act to Amend The Vital Statistics Act, S.M. 1975, c. 5
#17	An International Form of Wills for Manitobans	May 6, 1974	An Act to Amend The Wills Act, S.M. 1975, c. 6
#18	The Rule in Saunders v. Vautier	January 8, 1975	An Act to Amend The Trustee Act, S.M. 1982-83-84, c. 38 (s. 4)
#19	The Administration of Justice in Manitoba Part II - Review of The Jury System	February 11, 1975	An Act to Amend The Jury Act, S.M. 1977, c. 18
4A	Interprovincial Subpoenas	January 27, 1975	The Interprovincial Subpoena Act, S.M. 1975, c. 3
4B	Enforcement of Custody Orders	January 27, 1975	The Extra-Provincial Custody Orders Enforcement Act, S.M. 1975, c. 4
4C	Statutory Sums	February 11, 1975	Various amendments to Manitoba statutes

Report #	Title	Date	Implementation of Commission's Recommendations
	Fourth Annual Report	April 9, 1975	(not applicable)
#20	The Highway Traffic Act	June 16, 1975	An Act to Amend The Highway Traffic Act, S.M. 1977, c. 34 An Act to Amend The Highway Traffic Act and The Tortfeasors and Contributory Negligence Act, S.M. 1980, c. 19
#21	The Administration of Justice in Manitoba Part III - Consolidation of Extra-Provincial Judgment Enforcement	January 28, 1976	-
#22	Some Aspects of Fire Insurance Legislation in Manitoba	February 9, 1976	An Act to Amend The Insurance Act, S.M. 1982, c. 11 (s. 1)
#23	Family Law - Part I The Support Obligation	February 27, 1976	The Family Maintenance Act, S.M. 1978, c. 25
#24	Family Law - Part II Property Disposition	February 27, 1976	An Act to Amend The Gift Tax Act (Manitoba) and The Succession Duty Act (Manitoba), S.M. 1977 (2nd Session), c. 2 The Marital Property Act, S.M. 1978, c. 24 An Act to Amend various Acts relating to Marital Property, S.M. 1978, c. 27 An Act to Amend The Wills Act, S.M. 1980, c. 7
5A	Limitation of Actions for the taking away, conversion or detention of chattels	May 26, 1975	An Act to Amend The Fatal Accidents Act and Limitation of Actions Act, S.M. 1976, c. 41 (ss. 2-4)
	Fifth Annual Report	March 29, 1976	(not applicable)
#25	The Case for a Provincial Bill of Rights	May 19, 1976	-
#26	Revision of Birth Certificates of Trans-sexual Persons	September 13, 1976	The Vital Statistics Act, S.M. 1982-83-84, c. 58
	Sixth Annual Report	March 14, 1977	(not applicable)

Report #	Title	Date	Implementation of Commission's Recommendations
7A	The Local Authorities Election Act	May 31, 1977	An Act to Amend The Local Authorities Election Act, S.M. 1980, c. 48
	Seventh Annual Report	March 1, 1978	(not applicable)
#27	Limitation of Actions: Time Extensions for Children, Disabled Persons and Others	January 8, 1979	An Act to Amend The Limitation of Actions Act, S.M. 1980, c. 28
#28	Enforcement of Judgments Part I: Exemptions under The Garnishment Act	January 8, 1979	An Act to Amend The Garnishment Act, S.M. 1979, c. 8
#29	Emergency Apprehension, Admissions and Rights of Patients under The Mental Health Act	February 12, 1979	An Act to Amend The Mental Health Act, S.M. 1980, c. 62
#30	Confidentiality of Adoption Records	February 12, 1979	An Act to Amend The Child Welfare Act, S.M. 1979, c. 22 (s. 60) An Act to Amend The Child Welfare Act, S.M. 1980, c. 41 Establishment of a Post-adoption Registry
8A	Section 5(1) of The Social Allowances Act	March 30, 1978	The Statute Law Amendment Act (1984), S.M. 1984, c. 17
	Eighth Annual Report	February 12, 1979	(not applicable)
#31	Political Financing and Election Expenses	August 13, 1979	The Elections Finances Act, S.M. 1980, c. 68
#32	Mechanics' Liens Legislation	August 13, 1979	The Builders' Liens Act, S.M. 1980-81, c. 7
#33	Enforcement of Revenue Statutes	August 13, 1979	The Charter Compliance Statute Amendment Act, S.M. 1985, c. 50
#34	Enforcement of Judgments Part III: Exemptions under The Executions Act	October 22, 1979	An Act to Amend The Executions Act, S.M. 1980, c. 55
#35	Estate Claims for Loss of Expectation of Life	October 22, 1979	An Act to Amend The Fatal Accidents Act and The Trustee Act, S.M. 1980, c. 5

Report #	Title	Date	Implementation of Commission's Recommendations
#36	Improved Methods of Enforcing Support Orders Against Real Property	November 19, 1979	The Family Law Amendment Act, S.M. 1980, c. 54
#37	Systems of Voter Registration	November 26, 1979	The Elections Act, S.M. 1980, c. 67
#38	The One Year Rule for Enforcement of Arrears in Maintenance	January 21, 1980	An Act to Amend The Family Maintenance Act and The Queen's Bench Act, S.M. 1980, c. 21
9A	The Fire Departments Arbitration Act	April 17, 1979	An Act to Amend The Fire Departments Arbitration Act, S.M. 1980, c. 27
9B	Section 7 of The Payment of Wages Act	August 15, 1979	An Act to Amend The Payment of Wages Act, S.M. 1980, c. 57
9C	The Seduction Act	October 22, 1979	The Equality of Status Act, S.M. 1982, c. 10
9D	Section 9 of The Manitoba Evidence Act	November 6, 1979	An Act to Amend The Manitoba Evidence Act, S.M. 1980, c. 26
9E	The Wills Act and Ademption	November 20, 1979	An Act to Amend The Wills Act, S.M. 1980, c. 7
9F	The term "illegitimate"	December 4, 1979	(change not recommended)
	Ninth Annual Report	February 25, 1980	(not applicable)
#39	Controverted Elections	April 21, 1980	The Elections Reform Act, S.M. 2006, c. 15 repealed The Controverted Elections Act and enacted The Elections Act, C.C.S.M. c. E30
#40	Enforcement of Judgments Part II: Exemptions under The Judgments Act	April 21, 1980	-
#41	The Statute of Frauds	August 11, 1980	An Act to repeal the Statute of Frauds, S.M. 1982-83-84, c. 34
#42	Occupiers' Liability	August 11, 1980	The Occupiers' Liability Act, S.M. 1982-83-84, c. 29; The Statute Law Amendment Act (1984), S.M. 1984, c. 17 (s. 28)
#43	The Wills Act and the Doctrine of Substantial Compliance	September 8, 1980	The Wills Act, S.M. 1982-83-84, c. 31

Report #	Title	Date	Implementation of Commission's Recommendations
#44	The General Register	September 22, 1980	The Real Property Act and Various Other Acts Amendments Act, S.M. 1987, c. 27
#45	Simplified Mortgage	December 15, 1980	(legislative amendment not required)
10A	Municipal Assessment of Personal Property	February 26, 1980	(referred to Special Committee)
10B	The Marriage Settlement Act	October 9, 1980	The Statute Law Amendment Act, S.M. 1980-81, c. 26 (s. 22)
	Tenth Annual Report	February 16, 1981	(not applicable)
#46	Conflict of Interest of Municipal Councillors	April 14, 1981	The Municipal Conflict of Interest Act, S.M. 1982-83-84, c. 44
#47	Prejudgment Compensation on Money Awards: Alternatives to Interest	January 4, 1982	The Judgment Interest and Discount Act, S.M. 1986, c. 39 (implemented in principle) (now contained in Part XIV of The Court of Queen's Bench Act)
#48	Prescriptive Easements and Profits-à-prendre	January 18, 1982	-
#49	The Rules Against Accumulations and Perpetuities	February 12, 1982	The Perpetuities and Accumulations Act, S.M. 1982-83-84, c. 43
#50	Investment Provisions under The Trustee Act	February 12, 1982	An Act to Amend The Trustee Act, S.M. 1982-83-84, c. 38
11A	Parents' Maintenance Legislation	March 3, 1981	The Parents' Maintenance Act, S.M. 1985-86, c. 47, s. 34
11B	Provincial Offences Procedures	June 29, 1981	An Act to Amend The Summary Convictions Act, S.M. 1982, c. 24
11C	The Remembrance Day Act	January 28, 1982	-
	Eleventh Annual Report	February 14, 1982	(not applicable)
#51	The Survivorship Act	September 7, 1982	The Survivorship Act, S.M. 1982-83-84, c. 28

Report #	Title	Date	Implementation of Commission's Recommendations
#52	Structure of the Courts, Part I: Amalgamation of the Court of Queen's Bench and the County Courts of Manitoba	October 25, 1982	An Act to Amend The Queen's Bench Act and to repeal The County Courts Act, The Surrogate Courts Act and The County Court Judges' Criminal Courts Act and to amend The Municipal Boundaries Act, S.M. 1982-83-84, c. 82 The Court of Queen's Bench Small Claims Practices Act, S.M. 1982-83-84, c. 83 The Court of Queen's Bench Surrogate Practice Act, S.M. 1982-83-84, c. 84 An Act to amend Various Acts of the Legislature to facilitate the Reorganization and Expansion of the Court of Queen's Bench, S.M. 1982-83-84, c. 85
#53	The Law of Domicile	December 1, 1982	The Domicile and Habitual Residence Act, S.M. 1982-83-84, c. 80
#54	Certificates of Lis Pendens	February 1, 1983	The Court of Queen's Bench Act, S.M. 1988-89, c. 4 (s. 58)
#55	Structure of the Courts, Part II: The Adjudication of Smaller Claims	March 7, 1983	The Statute Law Amendment Act (1985), S.M. 1985, c. 51
	Twelfth Annual Report	April 11, 1983	(not applicable)
#56	Medical Privilege	October 4, 1983	(privilege not recommended)
#57	Uniform Sale of Goods Act	November 1, 1983	-
	Thirteenth Annual Report	April 2, 1984	(not applicable)
#58	Administrative Law; Part I: Procedures of Provincial Government Agencies	June 29, 1984	(legislative amendment not required); implementation, in part, through governmental policy
#59	Breach of Promise to Marry	October 1, 1984	The Family Law Amendment Act, S.M. 1987, c. 21
14A	Jactitation of Marriage	October 5, 1984	The Family Law Amendment Act, S.M. 1987, c. 21

Report #	Title	Date	Implementation of Commission's Recommendations
#60	An Examination of The Dower Act	November 19, 1984	The Homesteads, Marital Property Amendment and Consequential Amendments Act, S.M. 1992, c. 46
#61	Intestate Succession	March 25, 1985	The Intestate Succession and Consequential Amendments Act, S.M. 1989-90, c. 43
	Fourteenth Annual Report	April 2, 1985	(not applicable)
#62	Small Projects 1) Section 6 of The Mercantile Law Amendment Act 2) The Rule in Shelley's Case 3) Permissive and Equitable Waste	October 7, 1985	The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32
#63	The Testators Family Maintenance Act	December 16, 1985	The Dependents Relief Act, S.M. 1989-90, c. 42
#64	The Married Women's Property Act and Related Matters	December 16, 1985	-
#65	Section 83 of The Queen's Bench Act	March 31, 1986	The Statute Law Amendment Act (1986), S.M. 1986-87, c. 19 (s. 12)
#66	The Human Tissue Act	March 31, 1986	The Human Tissue Act, S.M. 1987, c. 39; The Human Tissue Amendment Act, S.M. 1989-90, c. 28 An Act to Amend The Anatomy Act, S.M. 1987, c. 57
15A	Section 300 of The Liquor Control Act	June 17, 1985	The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32
	Fifteenth Annual Report	May 6, 1986	(not applicable)
#67	Sections 33 and 34 of The Wills Act	June 16, 1986	The Statute Law Amendment Act (1987), S.M. 1987-88, c. 66 (s. 25); The Wills Amendment Act, S.M. 1989-90, c. 44
#68	Periodic Payment of Damages	March 31, 1987	The Court of Queen's Bench and Consequential Amendments Act, S.M. 1993, c. 19

Report #	Title	Date	Implementation of Commission's Recommendations
#69	Administrative Law, Part II: Judicial Review of Administrative Action	March 31, 1987	-
	Sixteenth Annual Report	April 13, 1987	(not applicable)
17A	The Wages Recovery Act	September 9, 1987	The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32
	Seventeenth Annual Report	September 14, 1988	(not applicable)
#70	The Manitoba Law Reform Commission: A Framework for the Future	November 23, 1988	The Law Reform Commission Act, S.M. 1989-90, c. 25
#71	The Bulk Sales Act	December 21, 1988	The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32
	Eighteenth Annual Report	August 8, 1989	(not applicable)
#72	The Independence of Provincial Judges	June 28, 1989	The Provincial Court Amendment Act, S.M. 1989-90, c. 34; The Provincial Court Amendment Act, S.M. 1994, c. 14
	Nineteenth Annual Report	May 15, 1990	(not applicable)
#73	Statutory Designations and The Retirement Plan Beneficiaries Act	October 23, 1990	The Retirement Plan Beneficiaries Act, S.M. 1992, c. 31
20A	Limitation of Actions Brought by the Crown	September 27, 1990	-
20B	Replevin and the Need for Prior Possession	January 28, 1991	(change not recommended)
	Twentieth Annual Report	March 31, 1991	(not applicable)
#74	Self-Determination in Health Care (Living Wills and Health Care Proxies)	June 25, 1991	The Health Care Directives and Consequential Amendments Act, S.M. 1992, c. 33
#75	The Independence of Justices of the Peace and Magistrates	August 15, 1991	The Provincial Court Amendment Act (Justices of the Peace), S.M. 2005, c. 8
#76	Sterilization and Legal Incompetence	January 27, 1992	(change not recommended)
	Twenty-first Annual Report	March 31, 1992	(not applicable)

Report #	Title	Date	Implementation of Commission's Recommendations
#77	Non-charitable Purpose Trusts	September 21, 1992	-
#78	Tort Liability for Animals	November 23, 1992	The Animal Liability and Consequential Amendment Act, S.M. 1998, c. 8
#79	Ethical Investments by Trustees	January 25, 1993	The Trustee Amendment Act, S.M. 1995, c. 14
22A	Scope of Apportionment under The Tortfeasors and Contributory Negligence Act	June 22, 1992	-
22B	Section 23 of The Wills Act Revisited	December 14, 1992	The Wills Amendment Act, S.M. 1995, c. 12
	Twenty-second Annual Report	March 31, 1993	(not applicable)
#80	Privity of Contract	October 5, 1993	-
#81	Distress for Rent in Commercial Tenancies	January 4, 1994	-
#82	Pre-contractual Misstatements	March 7, 1994	-
#83	Enduring and Springing Powers of Attorney	March 29, 1994	The Powers of Attorney and Mental Health Amendment Act, S.M. 1996, c. 62
	Twenty-third Annual Report	March 31, 1994	(not applicable)
#84	Regulating Professions and Occupations	October 28, 1994	Partly implemented, in principle, by amendments to various Acts of the Legislature; <i>The Regulated Health Professions Act</i> , S.M. 2009, c. 15.
#85	Arbitration	November 28, 1994	The Arbitration and Consequential Amendments Act, S.M. 1997, c. 4
#86	Covenants in Commercial Tenancies	March 28, 1995	-
24A	A Small Discrepancy between The Elections Act and The Local Authorities Election Act	April 26, 1994	Acts repealed and replaced by The Elections Reform Act, S.M. 2006, c. 15 and The Municipal Councils and School Boards Elections Act, S.M. 2005, c. 27.
24B	Lapsed Residual Gifts in Wills	May 16, 1994	(no longer required due to <i>Re Smith and McKay</i> (1994), 116 D.L.R. (4th) 308 (Man. C.A.))

Report #	Title	Date	Implementation of Commission's Recommendations
24C	Security for the Administration of Estates	October 6, 1994	-
	Twenty-fourth Annual Report	March 31, 1995	(not applicable)
#87	Interim Payment of Damages	June 6, 1995	-
#88	Reselling Unused Cemetery Plots	September 21, 1995	-
#89	The Trust Provisions in The Perpetuities and Accumulations Act	September 21, 1995	-
#90	Residential Exemptions from Judgment Execution	October 17, 1995	-
#91	Minors' Consent to Health Care	December 12, 1995	-
#92	Fundamental Breach and Frustration in Commercial Tenancies	January 23, 1996	-
#93	Animal Protection	February 13, 1996	The Animal Care Act, S.M. 1996, c. 69
	Twenty-fifth Annual Report	March 31, 1996	(not applicable)
#94	Confidentiality of Mediation Proceedings	April 23, 1996	-
#95	Commercial Tenancies: Miscellaneous Issues	July 29, 1996	-
#96	Special Constables	November 12, 1996	Implemented, in part, through administrative action of the Department of Justice's Law Enforcement Services
#97	Section 270 of The Highway Traffic Act	March 24, 1997	-
#98	Stalking	May 28, 1997	The Domestic Violence and Stalking Prevention, Protection and Compensation and Consequential Amendment Act, S.M. 1998, c. 41
	Twenty-sixth Annual Report	June 30, 1997	(not applicable)
#99	Review of the Small Claims Court	March 17, 1998	The Court of Queen's Bench Small Claims Practices Amendment and Parental Responsibility Amendment Act, S.M. 1999, c. 22

Report #	Title	Date	Implementation of Commission's Recommendations
	Twenty-seventh Annual Report	March 31, 1998	(not applicable)
#100	Class Proceedings	January 1999	The Class Proceedings Act, S.M. 2001-2002, c. 14
	Twenty-eighth Annual Report	March 31, 1999	(not applicable)
#101	Trustee Investments: The Modern Portfolio Theory	June 1999	-
#102	Informal Assessment of Competence	September 1999	-
#103	Adult Protection and Elder Abuse	December 1999	-
	Twenty-ninth Annual Report	March 31, 2000	(not applicable)
#104	Compensation of Vaccine-Damaged Children	June 2000	-
#105	Assessment of Damages under <i>The Fatal Accidents Act</i> for the loss of Guidance, Care and Companionship	October 2000	The Fatal Accidents Amendment Act, S.M. 2001-2002, c. 13
#106	The Legislative Assembly and Conflict of Interest	December 2000	The Legislative Assembly and Executive Council Conflict of Interest Amendment (Conflict of Interest Commissioner) Act, S.M. 2001-2002, c. 49
	Thirtieth Annual Report	March 31, 2001	(not applicable)
#107	Good Faith and the Individual Contract of Employment	December 2001	-
	Thirty-first Annual Report	March 31, 2002	(not applicable)
#108	Wills and Succession Legislation	March 11, 2003	-
	Thirty-second Annual Report	March 31, 2003	(not applicable)
#109	Withholding or Withdrawing Life Sustaining Medical Treatment	December 18, 2003	Implemented, in part, through The College of Physicians and Surgeons of Manitoba's Statement on Withholding and Withdrawing Life-Sustaining Treatment, effective February 1, 2008

Report #	Title	Date	Implementation of Commission's Recommendations
	Thirty-third Annual Report	March 31, 2004	(not applicable)
#110	Substitute Consent to Health Care	October 26, 2004	-
	Thirty-fourth Annual Report	March 31, 2005	(not applicable)
#111	Costs Awards in Civil Litigation	September 13, 2005	-
#112	Review of The Garnishment Act	December 31, 2005	-
	Thirty-fifth Annual Report	March 31, 2006	(not applicable)
#113	Development Schemes	June 30, 2006	-
#114	Private Title Insurance	December 31, 2006	-
	Thirty-sixth Annual Report	March 31, 2007	(not applicable)
	Thirty-seventh Annual Report	March 31, 2008	(not applicable)
#115	Mandatory Arbitration Clauses and Consumer Class Proceedings	April 31, 2008	-
#116	Franchise Law	May 31, 2008	-
	Enduring Powers of Attorney: Areas for Reform (Western Canada Law Reform Agencies Report)	July, 2008	
#117	Enduring Powers of Attorney – Supplementary Report	September 31, 2008	-
#118	Posthumously Conceived Children: Intestate Succession and Dependants Relief – <i>The Intestate Succession Act</i> : Sections 1(3), 6(1), 4(5), 4(6) and 5	November 2008	-
#119	Private International Law	January 2009	-
	Twenty-eighth Annual Report	March 31, 2009	(not applicable)

Report #	Title	Date	Implementation of Commission's Recommendations
#120	Waivers of Liability for Sporting and Recreational Injuries	January, 2009	-
#121	Improving Administrative Justice in Manitoba: Starting with the Appointments Process	November, 2009	-
	Thirty-ninth Annual Report	March 31, 2010	(not applicable)