



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 36

THIRD SESSION, THIRTY-SEVENTH LEGISLATURE

PRAYERS

10:00 O'CLOCK A.M.

The House resumed the Adjourned Debate on the Proposed Motion of Hon. Mr. MACKINTOSH:

THAT Bill (No. 8) – The Limitation of Actions Amendment Act/Loi modifiant la Loi sur la prescription, be now read a Third Time and passed.

And the debate continuing,

And Hon. Mr. ROBINSON, Mr. SCHULER, Hon. Mr. DOER, Messrs. MURRAY and HAWRANIK having spoken,

The debate was allowed, by leave, to remain in the name of Hon. Ms. BARRETT.

Hon. Mr. CALDWELL moved:

THAT Bill (No. 22) – The Public Schools Amendment Act (Francophone School Division Governance Structure)/Loi modifiant la Loi sur les écoles publiques (structure de gestion de la division scolaire de langue française), be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. CALDWELL having spoken,

The debate was, on motion of Mr. ROCAN, adjourned.

Hon. Mr. CALDWELL moved:

THAT Bill (No. 20) – The Adult Learning Centres Act/Loi sur les centres d'apprentissage pour adultes, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. CALDWELL having spoken,

The debate was, on motion of Mr. GILLESHAMMER, adjourned.

Hon. Mr. MACKINTOSH moved:

THAT Bill (No. 16) – The Class Proceedings Act/Loi sur les recours collectifs, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. MACKINTOSH having spoken,

The debate was, on motion of Mr. HAWRANIK, adjourned.

Hon. Mr. SMITH (Brandon West) moved:

THAT Bill (No. 21) – The Partnership Amendment and Business Names Registration Amendment Act/Loi modifiant la Loi sur les sociétés en nom collectif et la Loi sur l'enregistrement des noms commerciaux, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. SMITH (Brandon West) having spoken,

The debate was, on motion of Mr. ROCAN, adjourned.

The House resumed the Adjourned Debate on the Proposed Motion of Hon. Mr. CALDWELL:

THAT Bill (No. 14) – The Public Schools Modernization Act (Public Schools Act Amended)/Loi sur la modernisation des écoles publiques (modification de la Loi sur les écoles publiques), be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Ms. CERILLI having spoken,

The debate was allowed, by leave, to remain in the name of Mr. GILLESHAMMER.

1:30 O'CLOCK P.M.

By leave, Mr. REID, Chairperson of the Standing Committee on Industrial Relations, presented its First Report, which was read as follows:

Meetings:

Your Committee met on Wednesday, May 22, 2002 at 6:30 p.m. in Room 255 of the Legislative Building.

Matters Under Consideration:

- Bill (No. 5) – The Workers Compensation Amendment Act/Loi modifiant la Loi sur les accidents du travail

Membership Resignations / Elections:

Substitutions received prior to commencement of meeting:

- Hon. Mr. ASHTON for Hon. Ms. MIHYCHUK;
- Mr. NEVAKSHONOFF for Ms. CERILLI;
- Mr. LAURENDEAU for Mr. SCHULER;
- Mr. DERKACH for Mrs. STEFANSON;
- Mr. GILLESHAMMER for Mr. LOEWEN.

Public Presentations:

Your Committee heard 4 presentations on Bill (No. 5) - The Workers Compensation Amendment Act/Loi modifiant la Loi sur les accidents du travail, from the following individuals and/or organizations:

Janet Sabourin	Private Citizen
Alex Forrest	President, United Firefighters of Winnipeg and International Association of Firefighters Representative
Nancy Klassen	Private Citizen
Gerry Schedler	Private Citizen

Bills Considered and Reported:

Bill (No. 5) - The Workers Compensation Amendment Act/Loi modifiant la Loi sur les accidents du travail

Your Committee agreed to report this Bill with the following amendments:

THAT the proposed subsection 4(5.4), as set out in section 2 of the Bill, be amended by striking out "the day that subsection comes into force" and substituting "January 1, 1992".

THAT section 2 of the Bill be amended by adding the following after the proposed subsection 4(5.4):

Research on part-time firefighters

4(5.5) The board must

(a) conduct research to determine if the injuries referred to in subsection (5.1) are occupational diseases, the dominant cause of which is the employment as a casual or part-time member of a municipal fire brigade; and

(b) prepare a report on the status of the research and submit it to the minister no later than three years after the coming into force of this subsection, and the minister shall lay a copy of the report before the Assembly within 15 days after receiving it if the Assembly is sitting or, if it is not, within 15 days after the beginning of the next sitting.

On motion of Mr. REID, the Report of the Committee was received.

By leave, Hon. Ms. BARRETT introduced Bill (No. 29) – The Engineering and Geoscientific Professions Amendment Act/Loi modifiant la Loi sur les ingénieurs et les géoscientifiques, and outlined the purposes thereof, it was read a First Time.

Pursuant to Rule 23(1), Mr. RONDEAU, Mrs. DRIEDGER, Mr. SCHELLENBERG, Mrs. SMITH (Fort Garry) and Ms. KORZENIOWSKI made Members' Statements.

By leave, it was agreed to waive Private Members' Business for Thursday, May 23, 2002.

By leave, the Order of the Day being read for consideration of Bill (No. 5) – The Workers Compensation Amendment Act/Loi modifiant la Loi sur les accidents du travail, as amended and reported from the Standing Committee on Industrial Relations:

Mr. DERKACH moved:

THAT Bill 5 be amended in the proposed subsection 4(5.1), as set out in section 2 of the Bill, by adding ", including a casual emergency worker to whom clause 1(4)(a) applies," after "worker".

And a debate arising,

And Mr. DERKACH, Hon. Ms. BARRETT, Messrs. MURRAY, REID and TWEED, Hon. Mr. SMITH (Brandon West), Mrs. SMITH (Fort Garry) and Mr. SCHULER having spoken,

And the Question being put on the amendment. It was negatived, on the following division:

YEA

CUMMINGS	MITCHELSON
DERKACH	PENNER (Steinbach)
DRIEDGER	PITURA
DYCK	REIMER
GILLESHAMMER	ROCAN
HAWRANIK	SCHULER
HELWER	SMITH (Fort Garry)
LAURENDEAU	TWEED 17
LOEWEN	

NAY

AGLUGUB	MALOWAY
ALLAN	MARTINDALE
ASPER	MCGIFFORD
BARRETT	MIHYCHUK
CALDWELL	NEVAKSHONOFF
CERILLI	REID
CHOMIAK	ROBINSON
DEWAR	RONDEAU
DOER	SALE
FRIESEN	SANTOS
JENNISSEN	SHELLENBERG
KORZENIOWSKI	SMITH (Brandon West)
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During the debate, Mr. CUMMINGS rose on a point of order regarding the word "racist" spoken by the Honourable Member for Transcona and requested it be withdrawn,

And Hon. Mr. SALE having spoken to the point of order,

WHEREUPON the Speaker informed the House he would take the matter under advisement.

By leave, Mr. DERKACH then moved:

THAT Bill 5 be amended by replacing the proposed subsection 4(5.2), as set out in section 2 of the Bill, with the following:

Application

4(5.2) The presumption in subsection (5.1) applies to a worker, including a casual emergency worker to whom clause 1(4)(a) applies, who has been regularly exposed to the hazards of a fire scene other than a forest-fire scene.

And a debate arising,

And Mr. DERKACH, Hon. Ms. BARRETT and Hon. Mr. GERRARD having spoken,

And leave denied for Hon. Mr. GERRARD to move a Sub-Amendment,

And the Question being put on the amendment. It was negatived, on the following division:

YEA

CUMMINGS	LOEWEN
DERKACH	MITCHELSON
DRIEDGER	MURRAY
DYCK	PENNER (Steinbach)
GERRARD	PITURA
GILLESHAMMER	REIMER
HAWRANIK	ROCAN
HELWER	SCHULER
LAURENDEAU	TWEED 18

NAY

AGLUGUB	MALOWAY
ALLAN	MARTINDALE
ASPER	MCGIFFORD
BARRETT	MIHYCHUK
CALDWELL	NEVAKSHONOFF
CERILLI	REID
CHOMIAK	ROBINSON
DEWAR	RONDEAU
DOER	SALE
FRIESEN	SANTOS
JENNISSON	SCHELLENBERG
KORZENIOWSKI	SMITH (Brandon West)
MACKINTOSH	STRUTHERS 26

By leave, Mr. DERKACH then moved:

THAT Bill 5 be amended by striking out the proposed subsection 4(5.4), as set out in section 2 of the Bill and amended in Committee, and substituting the following:

Effective date of presumption

4(5.4) The presumption in subsection (5.1) applies to

- (a) accidents that happened on or after January 1, 1987, but before the coming into force of subsection (5.1); and
- (b) accidents that happen on or after the coming into force of subsection (5.1).

And a debate arising,

And Mr. DERKACH, Hon. Ms. BARRETT, Mrs. MITCHELSON and Mr. LAURENDEAU having spoken,

And the Question being put on the amendment. It was negatived, on the following division:

YEA

CUMMINGS	MITCHELSON
DERKACH	MURRAY
DRIEDGER	PENNER (Steinbach)
DYCK	PITURA
GILLESHAMMER	REIMER
HAWRANIK	ROCAN
HELWER	SCHULER
LAURENDEAU	TWEED 17
LOEWEN	

NAY

AGLUGUB	MALOWAY
ALLAN	MARTINDALE
ASPER	MCGIFFORD
BARRETT	MIHYCHUK
CALDWELL	NEVAKSHONOFF
CERILLI	REID
CHOMIAK	ROBINSON
DEWAR	RONDEAU
DOER	SALE
FRIESEN	SANTOS
JENNISSON	SCHELLENBERG
KORZENIOWSKI	SMITH (Brandon West)
MACKINTOSH	STRUTHERS 26

By leave, Bill (No. 5) – The Workers Compensation Amendment Act/Loi modifiant la Loi sur les accidents du travail, as amended and reported from the Standing Committee on Industrial Relations, was concurred in.

By leave, Hon. Mr. MACKINTOSH moved:

THAT Bill (No. 5) – The Workers Compensation Amendment Act/Loi modifiant la Loi sur les accidents du travail, be now read a Third Time and passed.

And the Question being put. It was agreed to unanimously.

The Bill was accordingly read a Third Time and passed.

By leave, the House resumed the Adjourned Debate on the Proposed Motion of Hon. Mr. MACKINTOSH:

THAT Bill (No. 8) – The Limitation of Actions Amendment Act/Loi modifiant la Loi sur la prescription, be now read a Third Time and passed.

And the debate continuing,

And leave having been denied to have the matter remain in the name of Hon. Ms. BARRETT,

And Hon. Mr. SALE, Mr. MARTINDALE and Hon. Mr. MACKINTOSH having spoken,

And the Question being put. It was agreed to, on the following division:

YEA

AGLUGUB	MACKINTOSH
ALLAN	MALOWAY
ASPER	MARTINDALE
BARRETT	MCGIFFORD
CALDWELL	MIHYCHUK
CERILLI	MITCHELSON
CHOMIAK	MURRAY
CUMMINGS	NEVAKSHONOFF
DERKACH	PENNER (Steinbach)
DEWAR	PITURA
DOER	REID
DRIEDGER	REIMER
DYCK	ROBINSON
FRIESEN	ROCAN
GERRARD	RONDEAU
GILLESHAMMER	SALE
HAWRANIK	SANTOS
HELWER	SCHELLENBERG
KORZENIOWSKI	SCHULER
LAURENDEAU	SMITH (Brandon West)
LOEWEN	STRUTHERS 42

NAY

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The Bill was accordingly read a Third Time and passed.

His Honour, Peter LIBA, Lieutenant-Governor of the Province of Manitoba, having entered the House at 5:52 p.m., and being seated on the Throne:

Mr. Speaker addressed His Honour in the following words:

Your Honour:

At this sitting, the Legislative Assembly has passed certain Bills that I ask Your Honour to give assent to.

(No. 3) – The Highway Traffic Amendment and Summary Convictions Amendment Act/Loi modifiant le Code de la route et la Loi sur les poursuites sommaires

(No. 5) – The Workers Compensation Amendment Act/Loi modifiant la Loi sur les accidents du travail

Thursday, May 23, 2002

(No. 6) – The Fortified Buildings Act/Loi sur les bâtiments fortifiés

(No. 7) – The Local Authorities Election Amendment Act/Loi modifiant la Loi sur l'élection des autorités locales

(No. 8) – The Limitation of Actions Amendment Act/Loi modifiant la Loi sur la prescription

(No. 10) – The Environment Amendment Act/Loi modifiant la Loi sur l'environnement

To these Bills the Royal Assent was announced by the Clerk of the Legislative Assembly as follows:

"In Her Majesty's name, His Honour assents to these Bills."

At 5:55 p.m., His Honour was then pleased to retire.

The House then adjourned at 5:56 p.m. until 1:30 p.m. Monday, May 27, 2002.

Hon. George HICKES,
Speaker.