



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 10

THIRD SESSION, THIRTY-EIGHTH LEGISLATURE

PRAYERS

1:30 O'CLOCK P.M.

Prior to Routine Proceedings, Mr. SCHULER rose on a Matter of Privilege and moved:

THAT this be referred to the Speaker and that Mr. Speaker report back to the House on this matter.

And Hon. Mr. ASHTON, Messrs. GOERTZEN, DERKACH and LAMOUREUX having spoken.

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

The following petitions were presented and read:

Mrs. DRIEDGER – Legislative Assembly of Manitoba to request the Provincial Government to consider redirecting administrative cost savings to front line health care workers and to treat front line health care workers with the respect they deserve and to consider supporting the Healthcare Employees' Pension Plan by not cutting pension benefits. (D. Giesbrecht, J. Brako, M. Vieweg and others)

Mr. MAGUIRE – Legislative Assembly of Manitoba to request that the Minister of Transportation and Government Services to consider having PR #270 significantly upgraded with ongoing maintenance, preferably paved, from the junction of Highway #16 to Highway #25 and that the Premier of Manitoba consider supporting said initiatives to ensure for the safety of our Manitobans and all Canadians who travel along Manitoba Highways. (T. Hedley, L. Sharpe, L. Hedley and others)

Mr. FAURSCHOU – Legislative Assembly of Manitoba to request the Provincial Government to consider redirecting administrative cost savings to front line health care workers and to treat front line health care workers with the respect they deserve and to consider supporting the Healthcare Employees' Pension Plan by not cutting pension benefits. (M. Maurer-Stewart, F. Sapinski, E. Lorn and others)

Mr. LAMOUREUX – Legislative Assembly of Manitoba to request the Legislative Assembly of Manitoba to consider recognizing the need to sit for a minimum of 80 days in any given calendar year. (R. Reyes, R. Vidaira, R. Porcioncula)

Mr. CULLEN – Legislative Assembly of Manitoba to strongly urge the Minister of Health to consider taking charge and ensuring that he will improve long-term planning efforts to develop a lasting solution to the chronic problem of pediatrician and other specialist shortages in Brandon and to treat this as the crisis that it is and consider consulting with front-line workers, particularly doctors, to find solutions and to strongly urge the Minister of Health and the Premier of Manitoba to consider ending highway medicine now. (D. Martinussen, T. McNabb, L. Patterson and others)

Ms. BRICK, Chairperson of the Standing Committee on Intergovernmental Affairs, presented its First Report, which was read as follows:

Meetings:

Your Committee met on Thursday, December 2, 2004 at 10:00 a.m. in Room 255 of the Legislative Building.

Matters Under Consideration:

- **Bill** (No. 4) - The City of Winnipeg Charter Amendment Act (Differential Business Tax Rates)/Loi modifiant la Charte de la ville de Winnipeg (taux de taxe d'entreprise différentiels)

Membership Resignations / Elections:

Your Committee elected Ms. BRICK as the Chairperson.

Your Committee elected Mr. SCHELLENBERG as the Vice-Chairperson.

Substitutions received prior to commencement of meeting:

- Mr. CALDWELL for Hon. Ms. WOWCHUK
- Mrs. DRIEDGER for Mr. CUMMINGS
- Ms. KORZENIOWSKI for Mr. NEVAKSHONOFF
- Mrs. STEFANSON for Mrs. MITCHELSON
- Mr. SWAN for Hon. Mr. RONDEAU

Public Presentations:

Your Committee heard one presentation on Bill (No. 4) – The City of Winnipeg Charter Amendment Act (Differential Business Tax Rates)/Loi modifiant la Charte de la ville de Winnipeg (taux de taxe d'entreprise différentiels), from the following organization:

Mr. David Saunders

Deloitte & Touche LLP

Bills Considered and Reported:

- **Bill** (No. 4) - The City of Winnipeg Charter Amendment Act (Differential Business Tax Rates)/Loi modifiant la Charte de la ville de Winnipeg (taux de taxe d'entreprise différentiels)

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

THAT the proposed clause 334.1(5), as set out in Clause 3 of the Bill, be amended by adding the following at the end:

The tax collector must amend the business tax roll to conform with the hearing body's decision, and section 343 applies, with necessary changes, to the amendment.

On motion of Ms. BRICK, the Report of the Committee was received.

Hon Mr. ROBINSON for Hon. Mr. LATHLIN presented:

Communities Economic Development Fund, Quarterly Reports, Three Months, April 1 to June 30, 2004 and Six Months, April 1 to September 30, 2004.

(Sessional Paper No. 22)

Hon. Ms. ALLAN, the Minister responsible for the Status of Women, made a statement regarding December 6, 2004, being National Day of Remembrance and Action on Violence against Women,

Mr. MURRAY and, by leave, Hon. Mr. GERRARD commented on the statement.

On motion of Hon. Ms. ALLAN, Bill (No. 10) – The Pension Benefits Amendment Act/Loi modifiant la Loi sur les prestations de pension, was read a First Time and had its purposes outlined.

Pursuant to Rule 26(1), Hon. Mr. BJORNSON, Mr. REIMER, Ms. BRICK, Mr. EICHLER and Ms. IRVIN-ROSS made Members' Statements.

In accordance with Rule 27, Messrs. CUMMINGS, DYCK and GOERTZEN rose on Grievances.

Prior to Orders of the Day, Mr. DERKACH rose on a Matter of Urgent Public Importance and moved:

THAT under Rule 36(1) the ordinary business of the House be set aside to discuss a Matter of Urgent Public Importance, namely, on the Children's Advocate Report.

Monday, December 6, 2004

And Mr. DERKACH, Hon. Mr. ASHTON and, by leave Mr. LAMOUREUX having spoken to the urgency of the motion,

WHEREUPON Mr. Speaker ruled as follows:

I thank the Honourable Members for their advice to the chair on whether the motion proposed by the Honourable Official Opposition House Leader should be debated today. The notice required by Rule 36(1) was provided. Under our Rules and Practices, the subject matter requiring urgent consideration must be so pressing that the public interest will suffer if the matter is not given immediate attention. There must also be no other reasonable opportunities to raise the matter.

I do not doubt that this matter is one that is of serious concern to a number of members in the House. Issues involving youth are very serious matters, and I can appreciate the concern that Members do have.

I have listened very carefully to the arguments put forward, however I was not persuaded that the ordinary business of the House should be set aside to deal with this issue today. Although this is undoubtedly a very serious issue that the Member has brought forward, I do not believe that the public interest will be harmed if the business of the House is not set aside to debate the motion today.

Additionally, I would like to note that there are other avenues for Members to raise this issue, including questions in Question Period, and raising the item under Grievances. In addition, there is also the option of having this topic presented as the subject of an Opposition Day motion.

Therefore, with the greatest of respect, I must rule that this matter does not meet the criteria set by our Rules and Precedents and I rule the motion out of order as a Matter of Urgent Public Importance.

Hon. Ms. MELNICK moved:

THAT Bill (No. 2) – The Child and Family Services Amendment Act (Child Protection Penalties)/Loi modifiant la Loi sur les services à l'enfant et à la famille (peines applicables en matière de protection des enfants), be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Ms. MELNICK having spoken,

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

Hon. Mr. SELINGER moved:

THAT Bill (No. 5) – The Manitoba Public Insurance Corporation Amendment Act (Injury Compensation Appeal Commission)/Loi modifiant la Loi sur la Société d'assurance publique du Manitoba (Commission d'appel des accidents de la route), be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. SELINGER having spoken,

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

Hon. Mr. SELINGER moved:

THAT Bill (No. 6) – The Real Property Amendment Act/Loi modifiant la Loi sur les biens réels, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. SELINGER having spoken,

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

Hon. Mr. SELINGER moved:

THAT Bill (No. 7) – The Personal Investigations Amendment Act/Loi modifiant la Loi sur les enquêtes relatives aux particuliers, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. SELINGER having spoken,

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

Hon. Mr. ROBINSON moved:

THAT Bill (No. 9) – The Manitoba Centennial Centre Corporation Act/Loi sur la Société du Centre du centenaire du Manitoba, be now read a Second Time and be referred to a Committee of this House.

(Recommended by His Honour, the Lieutenant Governor)

And a debate arising,

And Hon. Mr. ROBINSON having spoken,

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

Hon. Mr. ROBINSON presented:

Message from His Honour, the Lieutenant Governor recommending the disposition of public revenue for Bill (No. 9).

(Sessional Paper No. 23)

The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 22) – The Water Protection Act/Loi sur la protection des eaux, reported from the Standing Committee on Social and Economic Development:

Hon. Mr. GERRARD moved:

THAT Bill 22 be amended by renumbering Clause 2 as Clause 2(1) and adding the following as Clause 2(2):

No net loss of wetlands

2(2) Given the unique role that wetlands play in Manitoba's aquatic ecosystems, another purpose of this Act is to ensure there is no net loss of wetlands in Manitoba.

And a debate arising,

And Hon. Messrs. GERRARD and ASHTON and Mr. LAMOUREUX having spoken,

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

Hon. Mr. GERRARD then moved:

THAT Bill 22 be amended in Clause 21(1) by adding the following at the end:

At least one of the five must be an active farmer who is representative of agricultural practices in Manitoba.

And a debate arising,

And Hon. Messrs. GERRARD and ASHTON having spoken,

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

Hon. Mr. GERRARD then moved:

THAT Bill 22 be amended by adding the following after Clause 31:

Appeal

31.1 Any person who is affected by an order or decision of the minister under this Act may, within 30 days after the making of the order or decision, appeal the order or decision to The Municipal Board, and the decision of The Municipal Board, notwithstanding anything to the contrary in *The Municipal Board Act*, is final and not subject to further appeal.

And a debate arising,

And Hon. Messrs. GERRARD and ASHTON having spoken,

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

Hon. Mr. GERRARD then moved:

THAT Bill 22 be amended in Clause 24

(a) by striking out "and" at the end of clause (3)(b), adding "and" at the end of clause (3)(c) and adding the following after clause (3)(c):

(d) to pay compensation to an owner or occupant of land who suffers loss or damage as a result of

(i) a previously permitted use, activity or thing associated with the land being governed, regulated or prohibited because of the land's being within an area designated as a water quality management zone, or

(ii) anything done by the minister due to a serious water shortage being declared.

(b) by adding the following after clause (4)(a):

(a.1) compensation paid under clause (3)(d) B but not exceeding the amount contained in the fund B on any terms and conditions the minister considers appropriate;

And a debate arising,

And Hon. Messrs. GERRARD and ASHTON having spoken,

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

Mr. FAURSCHOU then moved:

THAT Bill 22 be amended in Clause 4(2)

(a) in the part before clause (a), by striking out "may" and substituting "must"; and

(b) in clause (b), by adding ", salt" after "nutrients".

And a debate arising,

And Mr. FAURSCHOU and Hon. Mr. ASHTON having spoken,

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

Mr. FAURSCHOU then moved:

THAT Bill 22 be amended

(a) in Clause 7(1), by striking out "If the minister" and substituting "If the Lieutenant Governor in Council"; and

(b) in Clauses 7(1) and (4), by striking out "minister may declare" and substituting "Lieutenant Governor in Council may, by order, declare".

And a debate arising,

And Mr. FAURSCHOU speaking at 5:30 p.m. The debate was allowed to remain in his name.

The House then adjourned at 5:30 p.m. until 1:30 p.m. Tuesday, December 7, 2004.

Hon. George HICKES,
Speaker.