



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 28

FIRST SESSION, THIRTY-NINTH LEGISLATURE

PRAYER

10:00 O'CLOCK A.M.

Mr. SCHULER moved:

THAT Bill (No. 211) – The Teachers' Pensions Amendment Act/Loi modifiant la Loi sur la pension de retraite des enseignants, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Mr. SCHULER, Hon. Mr. BJORNSON, Mr. BOROTSIK, Ms. BRAUN, Mr. DERKACH, Hon. Mr. RONDEAU and Mr. LAMOUREUX having spoken,

The debate was allowed to remain open.

Mr. NEVAKSHONOFF moved:

Resolution No. 9: Provincial Diabetes Strategy

WHEREAS November 14th was World Diabetes Day, and the Canadian Diabetes Association has made November Diabetes Awareness Month; and

WHEREAS in 2001 the total number of Manitobans living with diabetes exceeded 63,000 with more than 6000 new cases diagnosed each year since 2001; and

WHEREAS age is a factor in the development of diabetes and the aging population will result in a higher incidence of people living with type 2 diabetes; and

WHEREAS the rate of First Nations people living with Type 2 diabetes has reached epidemic levels, being approximately two times the rate for all Manitobans, with about one in two First Nations females aged 50 and up living with Type 2 diabetes, which is about four times the rate of all Manitoban women ages 50 years and older; and

WHEREAS the Provincial Government has recognized the devastation diabetes has wrought on many communities, particularly First Nations and elderly, as well as the accompanying strains on the health care system; and

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WHEREAS the Provincial Government is working in partnership with Aboriginal organizations to address the unique healthcare challenges and to create meaningful preventative strategies; and

WHEREAS the Provincial Government applauds Northern communities involved with the Northern Healthy Foods Initiative, which is designed to promote healthy living and reduce the prevalence of diseases like diabetes among others, and

WHEREAS the Provincial Government has recognized the chronic nature of diabetes and the necessity of formulating an integrated healthy living approach to properly prevent, care and control diabetes; and

WHEREAS the Provincial Government launched the Chronic Disease Prevention Initiative in 2006 , which provides support to communities for the creation of chronic disease prevention programs relevant to the unique needs of people across the province; and

WHEREAS the Provincial Government's strategy incorporates the Regional Diabetes Program Framework, the Risk Factor and Complication Assessment (RFCA) and the Chronic Disease Prevention Initiative (CDPI); and

WHEREAS Norway House and Garden Hill now both have dialysis units, making Manitoba the only province in Canada to have this service on reserves; and

WHEREAS the need for such services on many other reserves in Manitoba and across the country is growing rapidly; and

WHEREAS the Provincial and Federal Governments have provided funding for the Chronic Disease Prevention Initiative to help fight chronic disease in Manitoba that further supplements previous Manitoba Health and Healthy Living Initiatives that focus on early detection, changes in disease patterns and improved health outcomes.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Provincial Government to continue to support public education in the area of healthy living and diabetes prevention throughout the province of Manitoba as part of its comprehensive preventative disease initiative; and

BE IT FURTHER RESOLVED that the Legislative Assembly of Manitoba encourage the Provincial Government to consider promoting further partnerships with the Federal Government and First Nations communities and to consider expanding these services in Northern and remote communities in Manitoba.

And a debate arising,

And Messrs. NEVAKSHONOFF, GOERTZEN, JENNISSEN and DYCK, Hon. Mr. ROBINSON, Messrs. LAMOUREUX and BOROTSIK having spoken,

And Mr. DERKACH speaking at 12:00 p.m. The debate was allowed to remain in his name.

1:30 O'CLOCK P.M.

The following petitions were presented and read:

Mr. BRIESE – Legislative Assembly of Manitoba to request the Minister of Health to consider the feasibility of a joint health centre, including an emergency room, to service Neepawa, Minnedosa and the surrounding area and to consider sustaining health care services in this area by working with local physicians and the Assiniboine Regional Health Authority on this initiative. (M. Oswald, M. Kulback, W. Anderson and others)

Mrs. TAILLIEU – Legislative Assembly of Manitoba to request the Minister of Infrastructure and Transportation to consider making the completion of the dividing of the Trans Canada Highway in Headingley in 2008 an urgent Provincial Government priority and to consider evaluating whether any other steps can be taken to improve motorist safety while the dividing of the Trans Canada Highway in Headingley is being completed. (J. Bowan, R. Carwaitaw, V. Connolly and others)

Mr. SCHULER – Legislative Assembly of Manitoba to urge the Provincial Government to consider adequate funding for the PAA on a long-term basis to ensure that the current retired teachers, as well as all future retirees, receive a fair COLA. (D. Gregovski, A. Ferley, E. Harvie and others)

Mr. MAGUIRE – Legislative Assembly of Manitoba to request the Minister of Health to consider taking serious action to fill the nursing vacancies at personal care homes in the Town of Virden and to consider reopening the beds that have been closed as a result of this nursing shortage and to consider prioritizing the needs of those seniors that have been moved out of their community by committing to move those individuals back into Virden as soon as beds become available. (T. Cameron, G. Hayward, R. Freeman and others)

Mr. LAMOUREUX – Legislative Assembly of Manitoba to urge the Premier to consider attending the November 5th public meeting at the Munroe Public Library which is located in his constituency. (R. Ortanacio, M. Illocincio, M. Marasigan and others)

Ms. BRICK, Chairperson of the Standing Committee on Justice, presented its Second Report, which was read as follows:

Meetings:

Your Committee met on Monday, October 29, 2007 at 6:30 p.m. in Room 254 of the Legislative Building.

Matters under Consideration

- **Bill (No. 5)** – The Public Accounts Committee Meeting Dates Act (Legislative Assembly Act Amended)/Loi sur les dates de réunion du Comité des comptes publics (modification de la Loi sur l'Assemblée législative)

- **Bill (No. 19)** – The Fair Registration Practices in Regulated Professions Act/Loi sur les pratiques d'inscription équitables dans les professions réglementées
- **Bill (No. 20)** – The Planning Amendment Act (Deemed Single Operations)/Loi modifiant la Loi sur l'aménagement du territoire (exploitations réputées uniques)

Committee Membership

- Hon. Ms. ALLAN
- Hon. Mr. ASHTON
- Ms. BRICK (*Chairperson*)
- Hon. Mr. CHOMIAK
- Mr. EICHLER
- Mr. GRAYDON
- Mr. HAWRANIK
- Ms. MARCELINO (*Vice-Chairperson*)
- Mr. SARAN
- Mr. SWAN
- Mrs. TAILLIEU

Substitutions received during committee proceedings:

- Mr. DEWAR for Hon. Ms. ALLAN

Public Presentations

Your Committee heard 14 presentations on **Bill (No. 19)** – The Fair Registration Practices in Regulated Professions Act/Loi sur les pratiques d'inscription équitables dans les professions réglementées, from:

Sharon Eadie	The College of Occupational Therapists of Manitoba
Douglas Bedford	Law Society of Manitoba
Dr. William D.B. Pope	Registrar, College of Physicians and Surgeons of Manitoba
Ronald Guse	Manitoba Pharmaceutical Association
Sheila Dresen	President, College of Registered Nurses of Manitoba
Robyn Taylor	Association of Professional Engineers & Geoscientists
Annette Osted	College of Registered Psychiatric Nurses
Dave Ennis	Private Citizen
Mamadou Ka	Private Citizen
Dustin Gosnell	Manitoba Institute of Agrologists
Monika Feist	Success Skills Centre
Teyeb Mereji	Social Planning Council
Virgilio Nazareth	Immigrant Professionals of Manitoba
Dr. Bahram Groohi	Association of Foreign Medical Graduates in Manitoba

Written Submissions

Your Committee received one written submission on **Bill (No. 19)** – The Fair Registration Practices in Regulated Professions Act/Loi sur les pratiques d'inscription équitables dans les professions réglementées), from:

Verna Holgate

College of Licensed Practical Nurses of Manitoba

Your Committee received two written submissions on **Bill (No. 20)** – The Planning Amendment Act (Deemed Single Operations)/Loi modifiant la Loi sur l'aménagement du territoire (exploitations réputées uniques), from:

David Rolfe
Karl Kynoch

Keystone Agricultural Producers
Manitoba Pork Council

Bills Considered and Reported

Bill (No. 5) – The Public Accounts Committee Meeting Dates Act (Legislative Assembly Act Amended)/Loi sur les dates de réunion du Comité des comptes publics (modification de la Loi sur l'Assemblée législative)

Your Committee agreed to report this Bill without amendment.

Bill (No. 19) – The Fair Registration Practices in Regulated Professions Act/Loi sur les pratiques d'inscription équitables dans les professions réglementées

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

THAT Clause 6 of the Bill be amended by replacing clause (c) with the following:

- (c) provide written reasons to applicants within a reasonable time in respect of all
 - (i) registration decisions refusing to grant registration, or granting registration subject to conditions, and
 - (ii) internal review or appeal decisions,including, where practical, information respecting measures or programs that may be available to assist unsuccessful applicants in obtaining registration at a later date.

THAT Clause 17(1)(b) of the Bill be amended by adding “knowingly” before “provides” wherever it occurs.

THAT the following be added after Clause 18 of the Bill:

Avoiding disclosure of personal information

18.1 A person who submits a report or other document for the purposes of this Act or the regulations must take every reasonable precaution to avoid disclosing personal information, as defined in *The Freedom of Information and Protection of Privacy Act*, in the report or document.

Confidentiality of information

18.2 A person is not guilty of an offence concerning the confidentiality or secrecy of information under any other enactment by reason of complying with a request or requirement to provide information to the fairness commissioner under this Act or the regulations.

Bill (No. 20) – The Planning Amendment Act (Deemed Single Operations)/Loi modifiant la Loi sur l'aménagement du territoire (exploitations réputées uniques)

Your Committee agreed to report this Bill without amendment.

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

Ms. BRAUN, Chairperson of the Standing Committee on Social and Economic Development, presented its Third Report, which was read as follows:

Meetings:

Your Committee met on Monday, October 29, 2007 at 6:30 p.m. in Room 255 of the Legislative Building.

Matters under Consideration

- **Bill (No. 7)** – The Insurance Amendment Act/Loi modifiant la Loi sur les assurances
- **Bill (No. 9)** – The Securities Amendment Act/Loi modifiant la Loi sur les valeurs mobilières
- **Bill (No. 11)** – The Children's Advocate's Enhanced Mandate Act (Various Acts Amended)/Loi sur l'élargissement du mandat du protecteur des enfants (modification de diverses dispositions législatives)
- **Bill (No. 15)** – The Biofuels Amendment Act/Loi modifiant la Loi sur les biocarburants
- **Bill (No. 17)** – The Firefighters, Peace Officers and Workers Memorial Foundations Act/Loi sur les fondations à la mémoire des pompiers, des agents de la paix et des travailleurs

Committee Membership

Committee Membership for the meeting:

- Ms. BLADY
- Ms. BRAUN (*Chairperson*)
- Ms. KORZENIOWSKI
- Hon. Mr. LEMIEUX
- Hon. Mr. MACKINTOSH
- Hon. Mr. RONDEAU
- Hon. Mr. SELINGER
- Mr. BRIESE
- Mr. FAURSCHOU
- Mr. MAGUIRE
- Mr. SCHULER

THAT Clause 20(a) of the Bill be replaced with the following:

(a) by replacing the definitions "beneficiary" and "declaration" with the following:

"beneficiary" means a person — other than the insured or the insured's personal representative — who is designated or appointed in a contract or by a declaration, and to whom or for whose benefit insurance money payable under the contract is to be paid; (« bénéficiaire »)

"declaration" means an instrument, signed by the insured,

(a) with respect to which an endorsement is made on the policy,

(b) that identifies the contract, or

(c) that describes the insurance, the insurance fund or a part of either of them,

in which the insured designates his or her personal representative or a beneficiary as a person to whom or for whose benefit the insurance money payable under the contract is to be paid, or in which the insured changes or revokes a previous designation; (« declaration »)

THAT Clause 40 of the Bill be replaced with the following

Coming into force — royal assent

40(1) Subject to subsection (2), this Act comes into force on the day it receives royal assent.

Coming into force — proclamation

40(2) Sections 2, 18, 20, 22, 25 and 30 and subsections 32(2) and 36(2) to (5) come into force on a day to be fixed by proclamation.

Bill (No. 9) – The Securities Amendment Act/Loi modifiant la Loi sur les valeurs mobilières

Your Committee agreed to report this Bill, without amendment.

Bill (No. 11) – The Children's Advocate's Enhanced Mandate Act (Various Acts Amended)/Loi sur l'élargissement du mandat du protecteur des enfants (modification de diverses dispositions législatives)

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

THAT Clause 1(2) of the Bill be amended

(a) by replacing the proposed clause 8.2.3(1)(a) with the following:

(a) must review the standards and quality of care and services provided under this Act to the child or the child's parent or guardian and any circumstances surrounding the death that relate to the standards or quality of the care and services;

(b) *in the proposed subsection 8.2.3(2), by striking out "not to determine the cause of the child's death, but"*.

Bill (No. 15) – The Biofuels Amendment Act/Loi modifiant la Loi sur les biocarburants

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

THAT Clause 2(1) of the Bill be amended by replacing the proposed definition "biodiesel" with the following:

"biodiesel" means

(a) an ester-based oxygenated fuel that is derived from vegetable oils, animal fats or other biomass material; or

(b) a prescribed renewable fuel that may be used to power a diesel engine or for heating. (« biodiesel »)

THAT Clause 5(8) of the Bill be amended by replacing the proposed subsections 6.4(2) and (3) with the following:

Credits to Ethanol Fund

6.4(2) The following amounts are to be paid or credited to the Ethanol Fund:

(a) for each of the first eight 12-month periods to which the denatured ethanol sales mandate applies, the amount determined by the following formula is to be paid or credited to the Ethanol Fund from the taxes collected under *The Gasoline Tax Act* for that period:

$$\text{Credit} = R \times L$$

In this formula,

R is the applicable rate, determined as follows:

(i) for the first two 12-month periods, \$0.20 per litre,

(ii) for the next three 12-month periods, \$0.15 per litre,

(iii) for the last three 12-month periods, \$0.10 per litre;

L is the least of

(i) the number of litres of denatured ethanol that were manufactured in Manitoba during the period,

(ii) the number of litres of denatured ethanol included in gasohol that was sold during the period and on which tax under *The Gasoline Tax Act* was collected and not refunded, and

(iii) the number of litres of gasoline and gasoline-based fuels that were sold by fuel suppliers during the period and on which tax under clause 2(1)(d) of *The Gasoline Tax Act* was collected and not refunded, multiplied by the prescribed percentage that applies in determining the denatured ethanol sales mandate for that period, or, if another percentage is prescribed, by that other percentage;

(b) any portion of a grant repaid to or recovered by the minister;

(c) interest earned on amounts credited to the Ethanol Fund.

Additional credit — before mandate begins

6.4(3) For December, 2007, and for each month after that until the denatured ethanol sales mandate begins to apply, there is to be paid or credited to the Ethanol Fund, from the taxes collected under *The Gasoline Tax Act* for that month, the amount determined by the Minister of Finance to be the equivalent of \$0.025 per litre of gasohol to which the rate reduction under subsection 2(2) of that Act applied in the same month one year earlier.

THAT Clause 5(17) of the Bill be amended

(a) in Clause 5(17)(a), in the proposed clause 19(1)(a.1), by striking out "and" at the end of subclause (ii), adding "and" at the end of subclause (iii) and adding the following after subclause (iii):

(iv) a renewable fuel, for the purposes of the definition "biodiesel" in section 1;

(b) in Clause 5(17)(b), by replacing the proposed clause 19(1)(b.6) with the following:

(b.6) prescribing a percentage for the purpose of subclause (iii) of "L" in the formula in subsection 6.4(2);

Bill (No. 17) – The Firefighters, Peace Officers and Workers Memorial Foundations Act/Loi sur les fondations à la mémoire des pompiers, des agents de la paix et des travailleurs

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

THAT the following be added after Clause 14 of the Bill:

Memorial foundations established by regulation

14.1(1) The Lieutenant Governor in Council may, by regulation, establish one or more memorial foundations to promote the memory of paramedics and other specified groups of workers who have died in the workplace.

Corporate status

14.1(2) A memorial foundation established by regulation is a corporation without share capital and shall be carried on without pecuniary gain to its members.

Contents of regulation

14.1(3) A regulation establishing a memorial foundation must

- (a) set out the purposes of the foundation;
- (b) specify which provisions of this Act apply to the foundation and modify any of those provisions to deal with the particular circumstances of the foundation; and
- (c) contain any other provisions required for the foundation to achieve its purposes.

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

Pursuant to Rule 26(1), Messrs. SCHULER and JHA, Mrs. ROWAT, Messrs. JENNISSEN and LAMOUREUX made Members' Statements.

In accordance with Rule 27, Mr. MAGUIRE and Mrs. DRIEDGER rose on Grievances.

In accordance with Rule 31(8), the Deputy Government House Leader announced that the Canadian Internment Camps Resolution sponsored by the Honourable Member for River Heights will be considered next Tuesday, November 6, 2007.

The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 13) – The Organic Agricultural Products Act/Loi sur les produits agricoles biologiques, reported from the Standing Committee on Social and Economic Development:

Mr. EICHLER moved:

THAT Bill 13 be amended as follows:

- (a) by renumbering the proposed Clause 2 as Clause 2(1) and adding the following as Clause 2(2)*

Exemption for farm gate sales

2(2) Subject to the regulations, subsection (1) does not apply to a sale of an organically grown product if

- (a) the product is sold by its producer directly to a purchaser for consumption by the purchaser or by others at the purchaser's expense; and

(b) the sale occurs at the farm or other property where the product was produced.

(b) by adding the following after Clause 19(1)(n):

(n.1) limiting the exemption under subsection 2(2) (farm gate sales);

And a debate arising,

And Mr. EICHLER, Hon. Ms. WOWCHUK and Mr. FAURSCHOU having spoken,

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

Mr. EICHLER then moved:

THAT Bill 13 be amended by striking out Clause 19(1)(j).

And a debate arising,

And Mr. EICHLER, Hon. Ms. WOWCHUK, Messrs. DERKACH, MAGUIRE and FAURSCHOU having spoken,

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

Mr. EICHLER then moved:

THAT Bill 13 be amended by replacing Clause 19(1)(p) with the following:

(p) exempting or excluding a person, activity or agricultural product, or a class of any of them, from the application of this Act or any part of it;

And a debate arising,

And Messrs. EICHLER and FAURSCHOU, Mrs. TAILLIEU, Hon. Ms. WOWCHUK, Messrs. DYCK and DERKACH having spoken,

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

Hon. Mr. GERRARD then moved:

THAT Bill 13 be amended in Clause 2 by striking out "agricultural product using the term "organic", "biologique" or any other" and substituting "agricultural product produced in Manitoba using the term "certified organic product (MB)", "produit certifié biologique (Man.)" or any other".

And a debate arising,

And Hon. Mr. GERRARD, Hon. Ms. WOWCHUK and Mr. LAMOUREUX having spoken,

And the Question being put on the amendment. It was negatived.

Hon. Mr. ASHTON moved:

THAT Bill (No. 3) – The Healthy Child Manitoba Act/Loi sur la stratégie « Enfants en santé Manitoba », reported from the Standing Committee on Social and Economic Development, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. ASHTON, Mr. GOERTZEN and Hon. Mr. GERRARD having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

Hon. Mr. CHOMIAK moved:

THAT Bill (No. 14) – The Government Purchases Amendment Act (Responsible Manufacturing)/Loi modifiant la Loi sur les achats du gouvernement (pratiques équitables des fabricants), reported from the Standing Committee on Justice, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. CHOMIAK, Mr. MAGUIRE and Mr. LAMOUREUX having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

Hon. Mr. CHOMIAK moved:

THAT Bill (No. 18) – The Forest Health Protection Act/Loi sur la protection de la santé des forêts, reported from the Standing Committee on Social and Economic Development, be concurred in and be now read a Third Time and passed.

And a debate arising,

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

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

Hon. Mr. CHOMIAK moved:

THAT Bill (No. 22) – The Medical Amendment Act/Loi modifiant la Loi médicale, reported from the Standing Committee on Social and Economic Development, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. CHOMIAK and Mr. GOERTZEN having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

The House then adjourned at 5:00 p.m. until 1:30 p.m. Wednesday, October 31, 2007.

Hon. George HICKES,
Speaker.