



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 21

FOURTH SESSION, THIRTY-EIGHTH LEGISLATURE

PRAYERS

10:00 O'CLOCK A.M.

The House resumed the Interrupted Debate on the Proposed Motion of Hon. Mr. GERRARD:

THAT Bill (No. 203) – The Health Services Amendment and Health Services Insurance Amendment Act/Loi modifiant la Loi sur les services de santé et la Loi sur l'assurance-maladie, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Messrs. JHA, SWAN and LAMOUREUX having spoken,

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

The House resumed the Adjourned Debate on the Proposed Motion of Mrs. MITCHELSON:

THAT Bill (No. 200) – The Manitoba Public Insurance Corporation Amendment Act/Loi modifiant la Loi sur la Société d'assurance publique du Manitoba, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Ms. BRICK and Mr. SCHULER having spoken,

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

The House resumed the Interrupted Debate on the Proposed Motion of Hon. Mr. GERRARD:

THAT Bill (No. 202) – The Good Samaritan Act/Loi du bon samaritain, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Messrs. ROCAN and GOERTZEN having spoken,

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

Mr. DEWAR moved:

Resolution No. 3: Diabetes Strategy

WHEREAS in 2001 the total number of Manitobans living with diabetes exceeded 63,000 with over 6000 new cases diagnosed annually; and

WHEREAS Manitoba's aging population has a higher incidence of diabetes than the rest of the population and will further drive up the number 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 four times the rate for all Manitobans, and in some regions one in two First Nations individuals aged 50 and up live with Type 2 diabetes; and

WHEREAS the NDP 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

WHEREAS the NDP 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 Manitoba's diabetes strategy incorporates the Regional Diabetes Program Framework, the Renal Health Outreach Program, the Manitoba First Nations Diabetes Committee and the Chronic Disease Prevention Initiative; and

WHEREAS six million dollars in new funding from the Provincial and Federal Governments has been allocated to fight chronic disease in Manitoba and further supplement 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 consider continuing to implement Manitoba's Diabetes Strategy by continuing to work with both the Federal Government and community groups in combating in an integrated manner the spread of diabetes; and

BE IT FURTHER RESOLVED that the Legislative Assembly urge the Provincial Government to consider continuing 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 a debate arising,

And Messrs. DEWAR, CULLEN and JENNISSEN, Hon. Mr. GERRARD, Messrs. NEVAKSHONOFF and GOERTZEN having spoken,

And Mr. CUMMINGS 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. GOERTZEN – Legislative Assembly of Manitoba to request the Premier of Manitoba to consider covering the cost of insulin pumps that are prescribed by an Endocrinologist or Medical Doctor under the Manitoba Health Insurance Plan. (R. Remillard, R. Labossiere, J. De Pape and others)

Mr. LAMOUREUX – Legislative Assembly of Manitoba to request the Legislative Assembly of Manitoba to consider the need to seek clarification on why the Government did not act on fixing the Crocus fund back in 2001. (R. Wasnig, L. From, J. Kirkness and others)

Mr. MARTINDALE, Chairperson of the Standing Committee on Human Resources, presented its First Report, which was read as follows:

Meetings:

Your Committee met on Monday, November 28, 2005 at 9:00 a.m. in Room 254 of the Legislative Building.

Matters under Consideration:

- **Bill (No. 5)** – The Dental Hygienists Act/Loi sur les hygiénistes dentaires
- **Bill (No. 6)** – The Dental Association Amendment Act/Loi modifiant la Loi sur l'Association dentaire

Committee Membership:

- Mr. AGLUGUB
- Ms. BRICK
- Mr. DYCK
- Mr. EICHLER
- Mr. JENNISSEN
- Ms. KORZENIOWSKI
- Mr. MARTINDALE
- Mr. ROCAN
- Hon. Mr. SALE
- Mrs. STEFANSON
- Mr. SWAN

Your Committee elected Mr. MARTINDALE as the Chairperson and Ms. BRICK as the Vice-Chairperson.

Public Presentations:

Your Committee heard seven presentations on **Bill (No. 5)** – The Dental Hygienists Act/Loi sur les hygiénistes dentaires, from the following individuals and/or organizations:

Shelly Irvine-Day	Manitoba Speech and Hearing Association
Sheelagh Smith	Private Citizen
Mickey Emmons Wener	Manitoba Dental Hygienists Association
Mary Scott	Provincial Council of Women of Manitoba
Joanna Asadoorian	Private Citizen
Rafi Mohammed	Manitoba Dental Association
Salme Lavigne	School of Dental Hygiene University of Manitoba

Your Committee heard one presentation on **Bill (No. 6)** – The Dental Association Amendment Act/Loi modifiant la Loi sur l'Association dentaire, from the following organization:

Rafi Mohammed	Manitoba Dental Association
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Bills Considered and Reported:

Bill (No. 5) – The Dental Hygienists Act/Loi sur les hygiénistes dentaires

Your Committee agreed to report this Bill without amendment.

Bill (No. 6) – The Dental Association Amendment Act/Loi modifiant la Loi sur l'Association dentaire

Your Committee agreed to report this Bill without amendment.

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

Mr. REIMER, Chairperson of the Standing Committee on Public Accounts, presented its First Report, which was read as follows:

Meetings:

Your Committee met on Monday, November 28, 2005 at 6:00 p.m. in Room 255 of the Legislative Building.

Matters under Consideration:

- Provincial Auditor's Report on Compliance and Special Audits for the fiscal year ended March 31, 2001
- Provincial Auditor's Report – Investigation of an Adult Learning Centre ("The Program") in Morris–Macdonald School Division #19 dated September, 2001

- Auditor General's Report – Value-for-Money Audit, Student Financial Assistance Program dated September 2002
- Auditor General's Report – Audit of the Public Accounts for the year ended March 31, 2002
- Auditor General's Report – An Examination of RHA Governance in Manitoba dated January 2003
- Auditor General's Report – Dakota Tipi First Nation Gaming Commission and First Nation Gaming Accountability in Manitoba dated March 2003
- Auditor General's Report – Investigation of Hecla Island Land and Property Transactions dated August 2003
- Auditor General's Report – An Examination of Le Collège de Saint-Boniface August 2003
- Annual Report of the Operations of the Office of the Auditor General for the fiscal year ended March 31, 2003
- Auditor General's Report – Follow-up on Previously Issued Recommendations on Business Planning and Performance Measurement Report dated December 2003
- Auditor General's Report – Audit of the Public Accounts for the year ended March 31, 2003
- Auditor General's Report – Information Technology Report dated March 2004
- Auditor General's Report – A Review of Crown Corporations Council and Compliance Audits dated March 2004
- Auditor General's Report – Attributes of Managing and Reporting Results: A Survey of Senior Management dated March 2004
- Auditor General's Report – Investigation of Hydra House Ltd. and a Review of the related Department of Family Services and Housing Financial Accountability Framework dated June, 2004
- Annual Report of the Operations of the Office of the Auditor General for the year ended March 31, 2004
- Auditor General's Report – Investigation of Maintenance Branch of the Manitoba Housing Authority dated November 2004
- Auditor General's Report – Audit of the Public Accounts for the year ended March 31, 2004
- Auditor General's Report – Voluntary Sector Grant Accountability: Perspectives and Practices – Enhancing Board Governance in Not-For-Profit Organizations Report dated February 2005
- Auditor General's Report – Examination of the Crocus Investment Fund dated May 2005
- Auditor General's Report – Follow-up of Recommendations Made in Our August 2003 Report, an Examination of Le Collège de Saint-Boniface dated July 2005
- Auditor General's Report – Follow-Up of Report Recommendations – A Review dated July 2005
- Annual Report of the Operations of the Office of the Auditor General for the year ended March 31, 2005
- Auditor General's Report – Environmental Audit – Review of the Province of Manitoba's Management of Contaminated Sites and the Protection of Well Water Quality in Manitoba dated November 2005
- Public Accounts Volumes 1, 2, 3 and 4 of the March 31, 2003
- Public Accounts Volumes 1, 2, 3 and 4 of the March 31, 2004
- Public Accounts Volumes 1, 2 and 3 of the March 31, 2005

Committee Membership:

Committee Membership for the November 28, 2005 meeting:

- Mr. CALDWELL
- Mr. CUMMINGS
- Mr. HAWRANIK
- Mr. LAMOUREUX
- Mr. MAGUIRE
- Mr. MALOWAY – Vice-Chairperson
- Mr. MARTINDALE
- Mr. NEVAKSHONOFF
- Mr. REIMER - Chairperson
- Mr. SANTOS
- Hon. Mr. SELINGER

Officials Speaking on Record:

- Ms. Bonnie Lysyk, Deputy Auditor General and Chief Operating Officer

Reports Considered and Adopted:

Your Committee has considered and adopted the following reports as presented:

- Provincial Auditor's Report on Compliance and Special Audits for the fiscal year ended March 31, 2001
- Auditor General's Report – Value-for-Money Audit, Student Financial Assistance Program dated September 2002
- Auditor General's Report – Audit of the Public Accounts for the year ending March 31, 2002
- Auditor General's Report – An Examination of Le Collège de Saint-Boniface August 2003
- Annual Report of the Operations of the Office of the Auditor General for the fiscal year ended March 31, 2003
- Auditor General's Report – Information Technology Report dated March 2004
- Auditor General's Report – Attributes of Managing and Reporting Results: A Survey of Senior Management dated March 2004
- Annual Report of the Operations of the Office of the Auditor General for the year ended March 31, 2004
- Auditor General's Report – Follow-up of Recommendations Made in Our August 2003 Report, an Examination of Le Collège de Saint-Boniface dated July 2005
- Annual Report of the Operations of the Office of the Auditor General for the year ended March 31, 2005

Reports Considered but not Adopted:

Your Committee has considered the following reports but did not adopt them:

- Provincial Auditor's Report – Investigation of an Adult Learning Centre ("The Program") in Morris–Macdonald School Division #19 dated September, 2001.

- Auditor General's Report – An Examination of RHA Governance in Manitoba dated January 2003
- Auditor General's Report – Dakota Tipi First Nation Gaming Commission and First Nation Gaming Accountability in Manitoba dated March 2003
- Auditor General's Report – Investigation of Hecla Island Land and Property Transactions dated August 2003
- Auditor General's Report – Follow-up on Previously Issued Recommendations on Business Planning and Performance Measurement Report dated December 2003
- Auditor General's Report – Audit of the Public Accounts for the year ended March 31, 2003
- Auditor General's Report – A Review of Crown Corporations Council and Compliance Audits dated March 2004
- Auditor General's Report – Investigation of Hydra House Ltd. and a Review of the related Department of Family Services and Housing Financial Accountability Framework dated June, 2004
- Auditor General's Report – Investigation of Maintenance Branch of the Manitoba Housing Authority dated November 2004
- Auditor General's Report – Audit of the Public Accounts for the year ended March 31, 2004
- Auditor General's Report – Voluntary Sector Grant Accountability: Perspectives and Practices – Enhancing Board Governance in Not-For-Profit Organizations Report – February, 2005
- Auditor General's Report – Examination of the Crocus Investment Fund – May 2005
- Auditor General's Report – Follow-Up of Report Recommendations – A Review dated July 2005
- Auditor General's Report – Environmental Audit – Review of the Province of Manitoba's Management of Contaminated Sites and the Protection of Well Water Quality in Manitoba dated November 2005
- Public Accounts Volumes 1, 2, 3 and 4 of the March 31, 2003
- Public Accounts Volumes 1, 2, 3 and 4 of the March 31, 2004
- Public Accounts Volumes 1, 2 and 3 of the March 31, 2005

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

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

Meetings:

Your Committee met on Monday, November 28, 2005 at 12:00 p.m. in Room 255 of the Legislative Building.

Matters Under Consideration:

- Re-appointment of the Conflict of Interest Commissioner

Committee Membership:

Committee membership for the November 28, 2005 meeting:

- Mr. AGLUGUB
- Ms. BRICK
- Mr. CALDWELL
- Mr. DERKACH
- Mr. DEWAR
- Ms. KORZENIOWSKI
- Hon. Mr. MACKINTOSH
- Mr. MAGUIRE
- Mrs. MITCHELSON
- Mr. PENNER
- Mr. REID

At the November 28, 2005 meeting, your Committee elected Ms. BRICK as Chairperson.

At the November 28, 2005 meeting, your Committee elected Mr. REID as Vice-Chairperson.

Motions Adopted and Reported:

THAT this Committee recommends to the Lieutenant-Governor-in-Council that Mr. William Norrie be re-appointed as Conflict of Interest Commissioner until February 1, 2007.

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

Hon. Mr. STRUTHERS presented:

Annual Report of the Manitoba Hazardous Waste Management Corporation for the fiscal year ending March 31, 2005.

(Sessional Paper No. 27)

Annual Report of the Manitoba Product Stewardship Corporation for the fiscal year ending March 31, 2005.

(Sessional Paper No. 28)

Annual Report of the Clean Environment Commission for the year ending March 31, 2005

(Sessional Paper No. 29)

Annual Report of the Sustainable Development Innovations Fund for the fiscal year ending March 31, 2005.

(Sessional Paper No. 30)

Annual Report of the Department of Conservation for the fiscal year ending March 31, 2005.

(Sessional Paper No. 31)

Tuesday, November 29, 2005

During Oral Questions, Mrs. STEFANSON rose on a Matter of Privilege and moved:

THAT as a result of the seriousness of this breach of Privilege that this matter be now referred to the Standing Committee on Legislative Affairs; and

THAT the Minister of Health be requested to apologize to Manitobans and to the Honourable Members of this Chamber for purposely and knowingly putting false information onto the public record and in doing so, misleading Manitobans and the Honourable Members of this Chamber.

And Hon. Mr. MACKINTOSH, Mr. DERKACH and Hon. Messrs. SALE and GERRARD having spoken.

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

Subsequently during Oral Questions, Mr. DERKACH rose on a point of order regarding the authenticity of the letter tabled by the Honourable Minister of Health.

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

Pursuant to Rule 26(1), Messrs. DYCK, JHA, EICHLER, AGLUGUB and LAMOUREUX made Members' Statements.

In accordance with Rule 31(8), the Government House Leader announced that the Wind Energy Resolution will be considered next Tuesday, December 6, 2005.

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

THAT Bill (No. 11) – The Winter Heating Cost Control Act/Loi sur la limitation des frais de chauffage en hiver, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Mr. MAGUIRE having spoken,

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

The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 7) – The Architects and Engineers Scope of Practice Dispute Settlement Act (Various Acts Amended)/Loi sur le règlement des différends portant sur le champ d'exercice des architectes et des ingénieurs (modification de diverses dispositions législatives), reported from the Standing Committee on Social and Economic Development:

Hon. Mr. GERRARD moved:

*THAT Bill 7 be amended in Clause 3(2) by striking out", or has planned" in the proposed clause 15(1.1)(a) of **The Architects Act.***

And a debate arising,

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

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

Hon. Mr. GERRARD then moved:

THAT Bill 7 be amended in Clause 10 by replacing the proposed subsection 25(1) of The Architects Act with the following:

Work that may be done by non-members

25(1) Subject to subsection (2) and any regulations, nothing in this Act prohibits a person or firm from preparing or altering plans, drawings or specifications in connection with

- (a) the erection, construction, enlargement or alteration of a building
 - (i) that does not exceed three storeys in height and
 - (A) does not exceed 600 square metres in building area if it is a one-storey building,
 - (B) does not exceed 300 square metres in building area if it is a two-storey building,
or
 - (C) does not exceed 200 square metres in building area if it is a three-storey building,
and
 - (ii) that is used or intended to be used for residential, business or personal services, or mercantile occupancy or medium or low hazard occupancy as those expressions are described in *The Manitoba Building Code* established and adopted under *The Buildings and Mobile Homes Act*;
- (b) the erection, construction, enlargement or alteration of any building outside a city or town, used or to be used for a private dwelling, or for farm purposes, or for outbuildings or auxiliary buildings in connection therewith;
- (c) the erection, construction, enlargement or alteration of any grain elevator or grain warehouse;
- (d) the erection, construction, enlargement or alteration of any arena with an occupant load of less than 1,000 as described in *The Manitoba Building Code*;

(e) the erection, construction, enlargement or alteration of any industrial building as described in *The Manitoba Building Code*;

(f) the alteration of a building, provided that the alteration

(i) is under the direction of a professional engineer registered under *The Engineering and Geoscientific Professions Act*, and

(ii) only affects, or is likely to only affect, the integrity of

(A) life safety systems,

(B) the structural system, or

(C) the heating, ventilation or air-conditioning systems;

(g) the alteration of the interior of a building, provided that the alteration does not affect

(i) fire compartments or separations,

(ii) exiting routes,

(iii) changes in occupancy, or

(iv) usable floor space; or

(h) any other work prescribed in a regulation made under subsection (1.1).

Regulation by joint board

25(1.1) The joint board may make a regulation to amend subsection (1) if all the members of the joint board are in favour of making the regulation and the regulation is only made for the purpose of

(a) enlarging, limiting or varying any of the matters set out in clauses (1)(a) to (g); or

(b) prescribing other work for the purpose of clause (1)(h).

And a debate arising,

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

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

Hon. Mr. GERRARD then moved:

THAT Bill 7 be amended in Clause 17(2)

(a) by striking out "as subsection 15(2)"; and

*(b) by adding the following after the proposed subsection 15(2) of **The Buildings and Mobile Homes Act**:*

Building Code regulation subject to Architects Act

15(3) A regulation made under clause (1)(c) is subject to subsection 25(1) of *The Architects Act* and any regulations made under subsection 25(1.1) of that Act.

And a debate arising,

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

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

Hon. Mr. MACKINTOSH moved:

THAT Bill (No. 7) – The Architects and Engineers Scope of Practice Dispute Settlement Act (Various Acts Amended)/Loi sur le règlement des différends portant sur le champ d'exercice des architectes et des ingénieurs (modification de diverses dispositions législatives), reported from the Standing Committee on Social and Economic Development, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Hon. Messrs. MACKINTOSH and GERRARD having spoken,

And Mr. LAMOUREUX speaking at 5:00 p.m. The debate was allowed to remain in his name.

The House then adjourned at 5:00 p.m. until 1:30 p.m. Wednesday, November 30, 2005.

Hon. George HICKES,
Speaker.