



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 63

FOURTH SESSION, THIRTY-NINTH LEGISLATURE

PRAYER

1:30 O'CLOCK P.M.

The Clerk formally advised the Assembly that Mr. Speaker was unavoidably absent and called upon the Deputy Speaker to take the Chair pursuant to the Statutes. The Deputy Speaker took the Chair at 1:30 p.m.

The following Bills were respectively read a First Time and had their purposes outlined:

(No. 237) – The Single-Use Bottled Water Spending Act/Loi sur les dépenses liées aux bouteilles d'eau jetables

(Hon. Mr. GERRARD)

(No. 238) – The Secondary Suites Act (City of Winnipeg Charter and Planning Act Amended)/Loi sur les appartements secondaires (modification de la Charte de la ville de Winnipeg et de la Loi sur l'aménagement du territoire)

(Mr. SARAN)

The following petitions were presented and read:

Mrs. DRIEDGER – Legislative Assembly of Manitoba to request that the Provincial Government consider immediately providing Revlimid as a choice to patients with Multiple Myeloma and their health care providers in Manitoba through public funding. (C. McLean, J. Poturnak, J. Hartry and others)

Mr. DERKACH – Legislative Assembly of Manitoba to urge the Provincial Government to consider proceeding with the cheaper, shorter and more logical east side route, subject to necessary regulatory approvals, to save ratepayers hundreds of millions of dollars during these challenging economic times. (H. Kopertsky, R. Toretsky, W. Klimack and others)

Mr. GOERTZEN – Legislative Assembly of Manitoba to urge the Minister of Family Services to consider working with the Blumenort Christian Preschool to ensure that affordable nursery school options remain in the Blumenort community. (L. Hiebert, N. Friesen, T. Friesen and others)

Mr. LAMOUREUX – Legislative Assembly of Manitoba to request the Premier of Manitoba to consider the important role that community police offices can play in making our communities safer. (J. C. Lazo Sr., J. H. Lazo Jr., A. H. Lazo and others)

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

Meetings:

Your Committee met on Tuesday, June 15, 2010 at 6:00 p.m.

Matters under Consideration

- **Bill (No. 7)** – The Highway Traffic Amendment Act (Suspending Drivers' Licences of Drug Traffickers)/Loi modifiant le Code de la route (suspension de permis de conduire en cas d'infractions se rapportant au trafic de drogues)
- **Bill (No. 13)** – The Civil Remedies Against Organized Crime Amendment Act/Loi modifiant la Loi sur les recours civils contre le crime organisé
- **Bill (No. 14)** – The Body Armour and Fortified Vehicle Control Act/Loi sur le contrôle des gilets de protection balistique et des véhicules blindés
- **Bill (No. 21)** – The Highway Traffic Amendment Act (Immobilizers and Air Bags)/Loi modifiant le Code de la route (dispositifs d'immobilisation et sacs gonflables)
- **Bill (No. 28)** – The Drivers and Vehicles Amendment Act/Loi modifiant la Loi sur les conducteurs et les véhicules
- **Bill (No. 30)** – The Strengthened Enforcement of Family Support Payments and Miscellaneous Amendments Act (Various Acts Amended)/Loi sur le renforcement des mesures d'exécution relatives aux paiements de pension alimentaire familiale et modifications diverses (modification de diverses dispositions législatives)
- **Bill (No. 36)** – The Statutes Correction and Minor Amendments Act, 2010/Loi corrective de 2010

Committee Membership

- Hon. Mr. ASHTON
- Mr. DEWAR
- Mr. EICHLER
- Mr. GOERTZEN
- Mr. JENNISSON
- Mr. MARTINDALE (*Vice-Chairperson*)
- Mr. NEVAKSHONOFF
- Mr. PEDERSEN
- Mr. SCHULER
- Hon. Mr. SWAN
- Mr. WHITEHEAD

Your Committee elected Mr. NEVAKSHONOFF as the Chairperson.

Bills Considered and Reported

- **Bill (No. 7)** – The Highway Traffic Amendment Act (Suspending Drivers' Licences of Drug Traffickers)/Loi modifiant le Code de la route (suspension de permis de conduire en cas d'infractions se rapportant au trafic de drogues)

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 13)** – The Civil Remedies Against Organized Crime Amendment Act/Loi modifiant la Loi sur les recours civils contre le crime organisé

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 14)** – The Body Armour and Fortified Vehicle Control Act/Loi sur le contrôle des gilets de protection balistique et des véhicules blindés

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 21)** – The Highway Traffic Amendment Act (Immobilizers and Air Bags)/Loi modifiant le Code de la route (dispositifs d'immobilisation et sacs gonflables)

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 28)** – The Drivers and Vehicles Amendment Act/Loi modifiant la Loi sur les conducteurs et les véhicules

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 30)** – The Strengthened Enforcement of Family Support Payments and Miscellaneous Amendments Act (Various Acts Amended)/Loi sur le renforcement des mesures d'exécution relatives aux paiements de pension alimentaire familiale et modifications diverses (modification de diverses dispositions législatives)

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 36)** – The Statutes Correction and Minor Amendments Act, 2010/Loi corrective de 2010

Your Committee agreed to report this Bill without amendment.

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

Mr. REID, Chairperson of the Standing Committee on Legislative Affairs, presented its Fourth Report, which was read as follows:

Meetings:

Your Committee met on Tuesday, June 15, 2010 in Room 255 of the Legislative Building:

Matters under Consideration

- **Bill (No. 3)** –The City of Winnipeg Charter Amendment and Municipal Amendment Act (Derelict Property)/Loi modifiant la Charte de la ville de Winnipeg et la Loi sur les municipalités (biens abandonnés)

- **Bill (No. 5)** – The Cottage Property Tax Increase Deferral Act (Property Tax and Insulation Assistance Act Amended)/Loi sur le report des majorations de taxes foncières visant les chalets (modification de la Loi sur l'aide en matière de taxes foncières et d'isolation thermique des résidences)
- **Bill (No. 16)** – The Order of Manitoba Amendment Act/Loi modifiant la Loi sur l'Ordre du Manitoba
- **Bill (No. 20)** – The University College of the North Amendment Act/Loi modifiant la Loi sur le Collège universitaire du Nord
- **Bill (No. 23)** – The Public Schools Amendment Act/Loi modifiant la Loi sur les écoles publiques
- **Bill (No. 26)** – The Addictions Foundation Amendment Act/Loi modifiant la Loi sur la Fondation manitobaine de lutte contre les dépendances
- **Bill (No. 29)** – The Advanced Education Administration Act and Amendments to The Council on Post-Secondary Education Act and The Education Administration Act/Loi sur l'administration de l'enseignement postsecondaire et modifications concernant la Loi sur le Conseil de l'enseignement postsecondaire et la Loi sur l'administration scolaire
- **Bill (No. 227)** – The Employment Standards Code Amendment Act (Unpaid Leave Related to Donating an Organ)/Loi modifiant le Code des normes d'emploi (congé sans solde pour donneurs d'organes)

Committee Membership

Committee Membership for the June 15, 2010 meeting:

- Hon. Ms. ALLAN
- Mr. BRIESE
- Mr. DERKACH
- Mr. GRAYDON
- Hon. Mr. LEMIEUX
- Hon. Ms. MCGIFFORD
- Mr. REID
- Mr. SARAN
- Mrs. STEFANSON
- Hon. Mr. STRUTHERS
- Hon. Ms. WOWCHUK

Your Committee elected Mr. REID as the Chairperson.

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

Public Presentations

Your Committee heard the following one presentation on **Bill (No. 3)** –The City of Winnipeg Charter Amendment and Municipal Amendment Act (Derelict Property)/Loi modifiant la Charte de la ville de Winnipeg et la Loi sur les municipalités (biens abandonnés):

Ed Ackerman

Private Citizen

Your Committee heard the following six presentations on **Bill (No. 5)** – The Cottage Property Tax Increase Deferral Act (Property Tax and Insulation Assistance Act Amended)/Loi sur le report des majorations de taxes foncières visant les chalets (modification de la Loi sur l'aide en matière de taxes foncières et d'isolation thermique des résidences):

Larry Baker	Private Citizen
Gus Wruck	Private Citizen
Dave Crabb	Manitoba Association of Cottage Owners
Pat Dunlop	Private Citizen
Lorne Weiss	Manitoba Real Estate Association
Peter Squire	Winnipeg Realtors

Your Committee heard the following two presentations on **Bill (No. 227)** – The Employment Standards Code Amendment Act (Unpaid Leave Related to Donating an Organ)/Loi modifiant le Code des normes d'emploi (congé sans solde pour donneurs d'organes):

Henry Horner	Kidney Foundation
Ryan Johnson	Private Citizen

Written Submissions

Your Committee received one written submission on **Bill (No. 5)** – The Cottage Property Tax Increase Deferral Act (Property Tax and Insulation Assistance Act Amended)/Loi sur le report des majorations de taxes foncières visant les chalets (modification de la Loi sur l'aide en matière de taxes foncières et d'isolation thermique des résidences), from:

Colin Craig	Canadian Taxpayers Federation
-------------	-------------------------------

Bills Considered and Reported

- **Bill (No. 3)** –The City of Winnipeg Charter Amendment and Municipal Amendment Act (Derelict Property)/Loi modifiant la Charte de la ville de Winnipeg et la Loi sur les municipalités (biens abandonnés)

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 5)** – The Cottage Property Tax Increase Deferral Act (Property Tax and Insulation Assistance Act Amended)/Loi sur le report des majorations de taxes foncières visant les chalets (modification de la Loi sur l'aide en matière de taxes foncières et d'isolation thermique des résidences)

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 16)** – The Order of Manitoba Amendment Act/Loi modifiant la Loi sur l'Ordre du Manitoba

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 20)** – The University College of the North Amendment Act/Loi modifiant la Loi sur le Collège universitaire du Nord

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 23)** – The Public Schools Amendment Act/Loi modifiant la Loi sur les écoles publiques

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 26)** – The Addictions Foundation Amendment Act/Loi modifiant la Loi sur la Fondation manitobaine de lutte contre les dépendances

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 29)** – The Advanced Education Administration Act and Amendments to The Council on Post-Secondary Education Act and The Education Administration Act/Loi sur l'administration de l'enseignement postsecondaire et modifications concernant la Loi sur le Conseil de l'enseignement postsecondaire et la Loi sur l'administration scolaire

Your Committee agreed to report this Bill without amendment on a recorded vote of Yeas 6, Nays 3.

- **Bill (No. 227)** – The Employment Standards Code Amendment Act (Unpaid Leave Related to Donating an Organ)/Loi modifiant le Code des normes d'emploi (congé sans solde pour donneurs d'organes)

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

THAT Clause 2 of the Bill be amended by replacing the proposed clauses 59.6(1) to (11) with the following:

Interpretation

59.6(1) For the purpose of this section, an employee donates an organ when he or she undergoes a surgical procedure that involves the removal of an organ or tissue from the employee for the purpose of it being transplanted into another individual.

Unpaid leave for donating an organ

59.6(2) An employee who has been employed by the same employer for at least 30 days is entitled to unpaid leave of up to 13 weeks for the purpose of donating an organ.

Notice and medical certificate to be given to employer

59.6(3) An employee who wishes to take a leave under this section must give the employer

(a) in writing, as much notice as is reasonable and practicable in the circumstances; and

(b) a medical certificate stating the start date and end date of the period necessary for the employee to donate the organ and recover from the procedure.

Length of leave

59.6(4) The employee is entitled to take leave for the period set out in the medical certificate.

Extending leave

59.6(5) The employee is entitled to extend his or her leave if, in respect of the period certified under clause (3)(b) coming to an end, the employee gives the employer a medical certificate stating that the employee requires an additional specified period to recover from donating an organ.

Extensions not to total more than 13 weeks

59.6(6) A leave may be extended more than once, but the total extension period must not exceed 13 weeks.

Notice to employer — minimum period

59.6(7) An employee who wishes to extend a leave must give the employer written notice at least one pay period before extending the leave, if reasonable and practicable in the circumstances.

When extended leave ends

59.6(8) An extended leave ends on the day specified in the most recent medical certificate given to the employer.

Ending leave early

59.6(9) The employee may end the leave earlier than provided in subsections (4) or (8) by giving the employer written notice at least one pay period before the day he or she wishes to end the leave.

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

Hon. Ms. WOWCHUK presented:

Supplementary Information for Legislative Review 2010-2011 – Revenue Estimates – Finance.
(Sessional Paper No. 69)

Hon. Mr. BLAIKIE, the Minister of Conservation, made a statement regarding the current status of the forest fire situation facing Manitoba communities,

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

Following Oral Questions, Madam Deputy Speaker made the following ruling:

During Oral Questions on June 7, 2010, the Honourable Member for River Heights rose on a matter of privilege contending that he was prevented from doing his job as a Member due to his inability to make explicit reference to a document that had been presented to the Legislative Assembly Management Commission as an estimates submission by the Office of the Children's Advocate. The Honourable Government House Leader, the Honourable Official Opposition House Leader, and the Honourable Member for Inkster also offered contributions to the Chair. I took the matter under advisement in order to consult the procedural authorities.

I thank all Members for their advice to the Chair on this matter.

I want to explain to the House that the ruling I am giving is based on conditions that were in effect at the time the matter of privilege was raised and that subsequent actions that have taken place since last Monday will also be addressed at the end of the ruling. So I would respectfully request that Members please hear the ruling in its entirety, keeping this in mind.

There are two conditions that must be satisfied in order for the matter raised to be ruled in order as a prima facie case of privilege. First, was the issue raised at the earliest opportunity, and second, has sufficient evidence been provided to demonstrate that the privileges of the House have been breached, in order to warrant putting the matter to the House.

The Honourable Member for River Heights asserted that he was raising the issue at the earliest opportunity, and I accept the word of the Honourable Member.

Regarding the second issue, of whether or not a prima facie case exists, there are a number of factors to be considered.

In the raising of the matter of privilege on June 7, the Honourable Member for River Heights is quoted on page 2754 of Hansard as saying that he was being limited in his ability as an MLA and as Leader of the Liberal Party from doing his job adequately as a Member. I should note for the House that Joseph Maingot advises on page 225 of the second edition of *Parliamentary Privilege in Canada* that “parliamentary privilege is concerned with the special rights of Members, not in their capacity as Ministers or Party Leaders, Whips or Parliamentary Secretaries, but strictly in their capacity as Members in their parliamentary work.” Keeping this in mind, the question of privilege can only be examined in the context of the privileges of the Member for River Heights as a Member and not as a party leader, as parliamentary privilege does not provide protection for actions as a party leader.

Turning to the essence of the point that the Member for River Heights was limited in his ability as an MLA by not being able to address certain questions relating to the budget estimates submission of the Children’s Advocate Office during Oral Questions, and also dealing with the issue of freedom of speech that was raised by other Members in their advice to the Chair, in order to address this aspect I believe it would be helpful to explain to the House what the parliamentary privilege of freedom of speech entails.

Although some Members may be of the opinion that freedom of speech means that Members are free to say whatever they want in the House, this is not what the parliamentary protection of freedom of speech means. The protection of freedom of speech comes from Article 9 of the Bill of Rights, 1689 which states “the freedom of speech and debates, or proceedings in Parliament ought not to be impeached or questioned in any court or place outside of Parliament.” In short, what this means is that freedom of speech is the ability of Members to say what they want in the House without outside interference or prosecution from the courts and from outsiders.

Continuing on this point, Joseph Maingot states on page 13 of the second edition of *Parliamentary Privilege in Canada*, “While it will be seen that the Member enjoys all the immunity necessary to perform his parliamentary work, this privilege or right, such as freedom of speech, is nevertheless subject to the practices and procedures of the House.” This is reinforced by Beauchesne citation 77 which states that “freedom of speech does not mean that the Members have an unlimited or unrestrained right to speak on every issue.”

In a ruling given on April 9, 1996 by Madam Speaker Dacquay on the subject of parliamentary privilege and freedom of speech, she quoted from page 45 of *The Procedure of the House of Commons* by Josef Redlich and I'd like to share this quote with Members. It states: "Freedom of speech is, in England (and throughout the Commonwealth) one of the original and fundamental privileges of the members of both Houses of Parliament, but it is a privilege intended in the first instance as a protection against attacks from without. Freedom of speech looked at from the point of view of the House as a whole does not mean boundless license of speech, but equal freedom to all in the House, and equal latitude in the application of all rules as to speech to all the Members."

Speaker Dacquay also quoted from the work *Parliament: Functions, Practice and Procedures*, by J.A. G. Griffith and Michael Ryle, which explains on page 88 "The main benefit of Article 9 of the Bill of Rights, as far as individual Members are concerned, is to enable them to speak freely in the House or in committee without fear of actions for defamation. Although Article 9 prevents attempts by outside bodies or the courts to limit freedom of speech in Parliament, it does not mean that Members can say whatever they like at all times, because the House itself and the Speaker on behalf of the House can restrict the content of speech in debate and other proceedings."

I have cited quite a number of references, and I thank the House for the indulgence in listening patiently to these references, but I want to ensure Members understand clearly that the protection of freedom of speech means protection from outside actions and does not mean the freedom to say anything in the House, because limitations on what can be said are provided through the designation of certain language as unparliamentary, and also through other actions taken by the Presiding Officer to ensure decorum in the Chamber.

Turning to the substance of the complaint that the Honourable Member for River Heights was prevented from performing his duties as an MLA by not being able to ask questions making explicit reference to the estimates submission of the Children's Advocate Office to the Legislative Assembly Management Commission, I would note for the House that at the time this issue was raised, the report in question had not been made public or disclosed to the media, so the provisions of s. 5.(1)(3)(c) of The Legislative Assembly Management Commission Act prohibiting public disclosure of estimates submissions were in effect. Members were being asked to rephrase questions not as a means of stifling debate or preventing issues related to child welfare from being raised but as a means of ensuring the provisions of the law were not being breached. At no time did the Chair indicate that questions relating to child welfare were out of order or could not be asked. What the Chair was asking the House was that questions be carefully framed. I would note that after the matter of privilege was raised, the Member for River Heights and other Members were still able to raise questions about children's welfare in Manitoba, so I would respectfully rule that there was no prima facie evidence of a breach of privilege.

Although I am finding there is no prima facie evidence of a breach of privilege, there are several issues to note for the House. Since the time the matter of privilege was taken under advisement, Members will be aware that a number of actions have taken place, including the provision of the estimates submission of the Children Advocate's Office to the media, which opened up the realm of public consideration of the issue. Given that the content of the estimates submission has received a public airing in the media, and given my statement on Thursday citing the legal opinion provided by the Law Officer for the Legislative Assembly, I want to reiterate that it has clearly been established that Members are now free to discuss and raise questions about the estimates submission, and that the Acting Children's Advocate can also be invited to committee to respond to questions and concerns raised regarding the estimates submission. The finding of no prima facie case of privilege doesn't in any way change or impact the ability of Members to now ask questions on the estimates submission and the state of child welfare, nor does it impede the ability of the Acting Children's Advocate to respond.

One final item that I would like to note for the record comes from the comments of the Member for Inkster who stated in his advice on the matter of privilege “Let’s not use the Speaker’s chair in order to prevent the questions from being asked.” I would urge Members to be cautious in their remarks regarding the Chair, as comments such as these could be construed as a reflection on the Chair. As all Honourable Members know, Beauchesne advises that “reflections upon the character or actions of the Speaker may be punished as breaches of privilege. The actions of the Speaker cannot be criticized incidentally in debate or upon any form of proceeding except by way of a substantive motion.” As your presiding officer, I am responsible for ensuring there is decorum and order in the House. I am working with all Members in the House, not just one side or the other, to help the House maintain dignity and decorum, and I sincerely thank all Members for their patience and understanding as we work through these days together.

Pursuant to Rule 26(1), Mr. SCHULER, Ms. BRAUN, Messrs. MCFADYEN and NEVAKSHONOFF and Hon. Mr. GERRARD made Members' Statements.

In accordance with Rule 27, Hon. Mr. GERRARD and Mrs. ROWAT rose on Grievances.

Mrs. STEFANSON moved the following Opposition Day Motion:

THAT the Legislative Assembly endorse the concept that legislation should not be changed to protect ministerial salaries for failure to adhere to legislative requirements.

And a debate arising,

And Mrs. STEFANSON, Hon. Mr. BLAIKIE, Messrs. BOROTSIK and CALDWELL, Mrs. TAILLIEU, Hon. Ms. WOWCHUK, Mr. DERKACH, Hon. Mr. GERRARD, Messrs. PEDERSEN, EICHLER, MAGUIRE and HAWRANIK having spoken,

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

YEA

BOROTSIK	HAWRANIK
BRIESE	LAMOUREUX
CULLEN	MAGUIRE
DERKACH	MCFADYEN
DRIEDGER	MITCHELSON
DYCK	PEDERSEN
EICHLER	ROWAT
FAURSCHOU	SCHULER
GERRARD	STEFANSON
GOERTZEN	TAILLIEU
GRAYDON	21

NAY

ALLAN	MARCELINO
ALTEMEYER	MARTINDALE
BLADY	MCGIFFORD
BLAIKIE	MELNICK
BJORNSON	NEVAKSHONOFF
BRAUN	OSWALD
CALDWELL	REID
CHOMIAK	RONDEAU
DEWAR	SARAN
IRVIN-ROSS	STRUTHERS
JENNISSEN	SWAN
JHA	WHITEHEAD
KORZENIOWSKI	WIEBE
LEMIEUX	WOWCHUK.....29
MACKINTOSH	

By leave, Hon. Mr. BLAIKIE moved:

THAT Bill (No. 3) – The City of Winnipeg Charter Amendment and Municipal Amendment Act (Derelict Property)/Loi modifiant la Charte de la ville de Winnipeg et la Loi sur les municipalités (biens abandonnés), reported from the Standing Committee on Legislative Affairs, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. BLAIKIE and Messrs. BRIESE and LAMOUREUX having spoken,

And the Question being put. It was agreed to.

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

By leave, Hon. Mr. BLAIKIE moved:

THAT Bill (No. 5) – The Cottage Property Tax Increase Deferral Act (Property Tax and Insulation Assistance Act Amended)/Loi sur le report des majorations de taxes foncières visant les chalets (modification de la Loi sur l'aide en matière de taxes foncières et d'isolation thermique des résidences), reported from the Standing Committee on Legislative Affairs, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. BLAIKIE, Mrs. STEFANSON and Hon. Mr. GERRARD having spoken,

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

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

By leave, Hon. Mr. BLAIKIE:

THAT Bill (No. 7) – The Highway Traffic Amendment Act (Suspending Drivers' Licences of Drug Traffickers)/Loi modifiant le Code de la route (suspension de permis de conduire en cas d'infractions se rapportant au trafic de drogues), 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. BLAIKIE 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.

By leave, Hon. Mr. BLAIKIE:

THAT Bill (No. 8) – The Highway Traffic Amendment Act (Safety Precautions to Be Taken When Approaching Tow Trucks and Other Designated Vehicles)/Loi modifiant le Code de la route (précautions que doivent prendre les conducteurs qui s'approchent de dépanneuses ou d'autres véhicules désignés), 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. BLAIKIE, Mr. EICHLER 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.

By leave, Hon. Mr. BLAIKIE:

THAT Bill (No. 13) – The Civil Remedies Against Organized Crime Amendment Act/Loi modifiant la Loi sur les recours civils contre le crime organisé, 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. BLAIKIE, Messrs. GOERTZEN and LAMOUREUX having spoken,

And the Question being put. It was agreed to.

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

By leave, Hon. Mr. SWAN:

THAT Bill (No. 14) – The Body Armour and Fortified Vehicle Control Act/Loi sur le contrôle des gilets de protection balistique et des véhicules blindés, 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. SWAN, Messrs. GOERTZEN and LAMOUREUX having spoken,

And the Question being put. It was agreed to.

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

By leave, Hon. Mr. BLAIKIE:

THAT Bill (No. 19) – The Protection from Domestic Violence and Best Interests of Children Act (Family Law Statutes Amended)/Loi sur la protection contre la violence familiale et l'intérêt supérieur des enfants (modification de dispositions législatives concernant le droit de la famille), as amended and 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. BLAIKIE 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.

By leave, Hon. Mr. CHOMIAK moved:

THAT Bill (No. 20) – The University College of the North Amendment Act/Loi modifiant la Loi sur le Collège universitaire du Nord, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. CHOMIAK and Mrs. TAILLIEU having spoken,

And the Question being put. It was agreed to.

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

By leave, Hon. Mr. CHOMIAK:

THAT Bill (No. 21) – The Highway Traffic Amendment Act (Immobilizers and Air Bags)/Loi modifiant le Code de la route (dispositifs d'immobilisation et sacs gonflables), 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 and Mr. EICHLER having spoken,

And the Question being put. It was agreed to.

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

By leave, Hon. Mr. CHOMIAK:

THAT Bill (No. 22) – The Credit Unions and Caisses Populaires Amendment Act/Loi modifiant la Loi sur les caisses populaires et les credit unions, as amended and 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, Mr. FAURSCHOU 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.

By leave, Hon. Mr. BLAIKIE:

THAT Bill (No. 25) – The Manitoba Evidence Amendment Act (Scheduling of Criminal Organizations)/Loi modifiant la Loi sur la preuve au Manitoba (établissement d'une liste d'organisations criminelles), 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. BLAIKIE 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.

By leave, Hon. Mr. BLAIKIE moved:

THAT Bill (No. 26) – The Addictions Foundation Amendment Act/Loi modifiant la Loi sur la Fondation manitobaine de lutte contre les dépendances, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. BLAIKIE, Mrs. ROWAT 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.

By leave, Hon. Mr. SWAN:

THAT Bill (No. 28) – The Drivers and Vehicles Amendment Act/Loi modifiant la Loi sur les conducteurs et les véhicules, 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. SWAN and Mrs. TAILLIEU having spoken,

And the Question being put. It was agreed to.

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

By leave, the Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 29) – The Advanced Education Administration Act and Amendments to The Council on Post-Secondary Education Act and The Education Administration Act/Loi sur l'administration de l'enseignement postsecondaire et modifications concernant la Loi sur le Conseil de l'enseignement postsecondaire et la Loi sur l'administration scolaire, reported from the Standing Committee on Legislative Affairs:

Hon. Mr. GERRARD moved:

THAT Bill 29 be amended in Clause 1 of Schedule A by replacing clause (a) of the proposed definition "individual student information" with the following:

(a) the following recorded personal information about an identifiable student:

- (i) the student's name, age and sex,
- (ii) the student's home address, or home telephone, facsimile or e-mail address,
- (iii) information about the student's education or educational history,
- (iv) information about the student's ancestry, race, nationality, or national or ethnic origin,
- (v) information about the student's criminal history;

And a debate arising,

And Hon. Mr. GERRARD and Mrs. TAILLIEU having spoken,

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

Hon. Mr. GERRARD then moved:

THAT Bill 29 be amended in Clause 4 of Schedule B by replacing clause (a) of the definition "individual student information" in the proposed subsection 12.1(1) with the following:

(a) the following recorded personal information about an identifiable student:

- (i) the student's name, age and sex,
- (ii) the student's home address, or home telephone, facsimile or e-mail address,
- (iii) information about the student's education or educational history,
- (iv) information about the student's ancestry, race, nationality, or national or ethnic origin,
- (v) information about the student's criminal history;

And a debate arising,

Hon. Mr. GERRARD and Mrs. TAILLIEU having spoken,

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

Hon. Mr. GERRARD then moved:

THAT Bill 29 be amended in Clause 3 of Schedule C by replacing the definition "personal information" in the proposed subsection 3.2(1) with the following:

"personal information" means the following recorded personal information about an identifiable pupil or child:

- (a) his or her name, age and sex;
- (b) his or her home address, or home telephone, facsimile or e-mail address;
- (c) information about his or her education or educational history;
- (d) information about his or her ancestry, race, nationality, or national or ethnic origin;
- (e) information about his or her criminal history;

and includes the Manitoba education number assigned to the pupil or child. (« renseignements personnels »)

And a debate arising,

Hon. Mr. GERRARD and Mrs. TAILLIEU having spoken,

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

Hon. Mr. SWAN moved:

THAT Bill (No. 29) – The Advanced Education Administration Act and Amendments to The Council on Post-Secondary Education Act and The Education Administration Act/Loi sur l'administration de l'enseignement postsecondaire et modifications concernant la Loi sur le Conseil de l'enseignement postsecondaire et la Loi sur l'administration scolaire, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Messrs. SWAN and GERRARD, Mrs. TAILLIEU and Mr. LAMOUREUX having spoken,

The debate was allowed to remain open.

By leave, Hon. Mr. SWAN:

THAT Bill (No. 30) – The Strengthened Enforcement of Family Support Payments and Miscellaneous Amendments Act (Various Acts Amended)/Loi sur le renforcement des mesures d'exécution relatives aux paiements de pension alimentaire familiale et modifications diverses (modification de diverses dispositions législatives), 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. SWAN 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.

By leave, Hon. Mr. SWAN:

THAT Bill (No. 34) – The Consumer Protection Amendment Act (Negative Option Marketing and Enhanced Remedies)/Loi modifiant la Loi sur la protection du consommateur (commercialisation par abonnement par défaut et amélioration des recours), as amended and 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. SWAN, Mr. FAURSCHOU and Hon. Mr. GERRARD and having spoken,

And the Question being put. It was agreed to.

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

By leave, the Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 35) – The Condominium Amendment Act (Phased Condominium Development)/Loi modifiant la Loi sur les condominiums (aménagement par phases), as amended and reported from the Standing Committee on Social and Economic Development:

Hon. Mr. GERRARD moved:

THAT Bill 35 be amended in Clause 2 in the proposed definition "phase" by adding "phasing" before "unit" in clause (b) of that proposed definition.

And a debate arising,

And Hon. Messrs. GERRARD and MACKINTOSH having spoken,

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

Hon. Mr. GERRARD then moved:

THAT Bill 35 be amended in Clause 5

(a) in the proposed subsection 5.7(4) by adding ", subject to subsection (5)," after "may" in the part before clause (a); and

(b) by adding the following after the proposed subsection 5.7(4):

Order for registration must be made unless existing unit owner will be oppressed or prejudiced

5.7(5) The court hearing an application under subsection (4) must make an order permitting the proposed amendment to be registered, on such terms and conditions as the court considers just, unless the court is satisfied that registration will oppress or unfairly prejudice any owner of an existing unit.

And a debate arising,

And Hon. Messrs. GERRARD and MACKINTOSH having spoken,

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

Hon. Mr. GERRARD then moved:

THAT Bill 35 be amended in Clause 5

(a) in the proposed subsection 5.11(4) by adding ", subject to subsection (4.1)," after "may" in the part before clause (a); and

(b) by adding the following after the proposed subsection 5.11(4):

Order for registration must be made unless existing unit owner will be oppressed or prejudiced

5.11(4.1) The court hearing an application under subsection (4) must make an order permitting the proposed amendment to be registered, on such terms and conditions as the court considers just, unless the court is satisfied that registration will oppress or unfairly prejudice any owner of an existing unit.

And a debate arising,

And Hon. Messrs. GERRARD and MACKINTOSH having spoken,

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

Hon. Mr. SWAN:

THAT Bill (No. 35) – The Condominium Amendment Act (Phased Condominium Development)/Loi modifiant la Loi sur les condominiums (aménagement par phases), as amended and 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. SWAN, Mr. FAURSCHOU 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.

By leave, the Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 16) – The Order of Manitoba Amendment Act/Loi modifiant la Loi sur l'Ordre du Manitoba, reported from the Standing Committee on Legislative Affairs:

By leave, Mr. FAURSCHOU withdrew his Proposed Amendments,

Hon. Ms. WOWCHUK then moved:

THAT Bill 16 be amended by replacing the proposed Clause 3 with the following:

3(1) Clause 12(1)(a) is amended, in the part before subclause (i), by striking out "three members" and substituting "four members".

3(2) Subclause 12(1)(a)(iii) is replaced with the following:

(iii) one is the President of The University of Manitoba, Brandon University or The University of Winnipeg, each serving for a term of two years on a rotating basis in the order that they are listed, and

(iv) one is the President of Le Collège universitaire de Saint-Boniface, University College of the North, the corporation established by *The Mennonite College Federation Act* or Red River College, each serving for a term of two years on a rotating basis in the order that they are listed; and

3(3) Clause 12(1)(b) is amended by striking out "four" and substituting "six".

And a debate arising,

And Hon. Ms. WOWCHUK, Mr. FAURSCHOU, Mrs. STEFANSON and Mr. LAMOUREUX having spoken,

And the Question being put on the amendment. It was agreed to.

Hon. Mr. SWAN:

THAT Bill (No. 16) – The Order of Manitoba Amendment Act/Loi modifiant la Loi sur l'Ordre du Manitoba, reported from the Standing Committee on Legislative Affairs, and subsequently amended, be concurred in and be now read a Third Time and passed.

And a debate arising,

Wednesday, June 16, 2010

And Hon. Mr. SWAN 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 7:09 p.m. until 10:00 a.m. Thursday, June 17, 2010.

Marilyn BRICK,
Deputy Speaker.