



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 63

FIFTH SESSION, THIRTY-NINTH LEGISLATURE

PRAYER

1:30 O'CLOCK P.M.

Immediately following the Prayer, Mrs. TAILLIEU rose on a Matter of Privilege regarding The Child and Family Services Act (Children's Advocate Reporting) which requires the Annual Report of the Children's Advocate to be referred to the Standing Committee of the Assembly on Legislative Affairs within 60 days after being tabled and moved:

THAT this House find the Government in contempt for breaking their own law by not calling the Children's Advocate before the Standing Committee on Legislative Affairs within the legislated time period thereby obstructing the Opposition from asking questions in Question Period, and deliberately withholding information from the Members of this House and the public.

And Hon. Ms. HOWARD and Hon. Mr. GERRARD having spoken.

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

The following petitions were presented and read:

Mr. BRIESE – Legislative Assembly of Manitoba to request the Minister of Infrastructure and Transportation to consider making the installation of traffic lights at the intersection of PTH 16 and PTH 5 North a priority project in order to help protect the safety of the motorists and pedestrians who use it. (S. Andrew, C. Flood, A. Bates and others)

Mr. GOERTZEN – Legislative Assembly of Manitoba to request the Minister of Justice to consider ensuring that all court orders for car thieves are vigorously monitored and enforced and to consider ensuring all breaches of court orders on car thieves are reported to police and vigorously prosecuted. (F. Kilpatrick, S. Lay, C. Alexander and others)

Mr. PEDERSEN – Legislative Assembly of Manitoba to urge the Provincial Government to build the Bipole III transmission line on the shorter and more reliable east side of Lake Winnipeg, in order to save each Manitoba family of four \$11,748. (G. Lapointe, S. Lapointe, Y. Lapointe and others)

Mr. MAGUIRE – Legislative Assembly of Manitoba to urge the Provincial Government to consider reconstructing the entire Oak Lake dam and dike system, to consider a compensation program that supports the costs home owners at Oak Lake beach have endured due to this spring's flooding and to request the Provincial Government to consider creating a task force comprised of government officials and local persons to examine future flood protection strategies for the area and how to address them. (S. Gray, B. Larkin, P. Larkin and others)

Mr. NEVAKSHONOFF, Chairperson of the Standing Committee on Social and Economic Development, presented its Sixth Report, which was read as follows:

Meetings:

Your Committee met on the following occasions:

- June 13, 2011
- June 14, 2011

Matters under Consideration

- **Bill (No. 46)** – The Save Lake Winnipeg Act/Loi sur la protection du lac Winnipeg

Committee Membership

Committee Membership for the June 13, 2011 meeting:

- Hon. Mr. BLAIKIE
- Hon. Mr. CHOMIAK
- Mr. CULLEN
- Mr. GRAYDON
- Mr. MAGUIRE
- Hon. Ms. MELNICK
- Mr. NEVAKSHONOFF
- Mr. REID
- Hon. Mr. RONDEAU
- Mr. SCHULER
- Hon. Mr. STRUTHERS

Your Committee elected Mr. REID as the Chairperson at the June 13, 2011 meeting.

Your Committee elected Mr. NEVAKSHONOFF as the Vice-Chairperson at the June 13, 2011 meeting.

Substitutions received during committee proceedings at the June 13, 2011 meeting:

- Mr. WIEBE for Hon. Mr. CHOMIAK

Committee Membership for the June 14, 2011 meeting:

- Hon. Mr. BLAIKIE
- Mr. CULLEN
- Mr. GRAYDON

- Mr. MAGUIRE
- Hon. Ms. MELNICK
- Mr. NEVAKSHONOFF
- Mr. REID
- Mr. SCHULER
- Hon. Mr. STRUTHERS
- Hon. Ms. WOWCHUK
- Mr. WIEBE

Your Committee elected Mr. NEVAKSHONOFF as the Chairperson at the June 14, 2011 meeting.

Your Committee elected Mr. REID as the Vice-Chairperson at the June 14, 2011 meeting.

Substitutions received during committee proceedings at the June 14, 2011 meeting:

- Ms. BRAUN for Mr. WIEBE

Public Presentations

Your Committee heard the following twenty-seven presentations on **Bill (No. 46)** – The Save Lake Winnipeg Act/Loi sur la protection du lac Winnipeg:

June 13, 2011 meeting:

Doug Chorney	Keystone Agricultural Producers
Peter Marykuca	Private Citizen
Cam Dahl	Manitoba Beef Producers
Weldon Newton	Private Citizen
Greg Bruce	Ducks Unlimited Canada
Robert T. Kristjanson	Private Citizen
Lois Wales	Manitoba Government Employees Union
Kristian Stephens	Canadian Fertilizer Institute
Allan Kristofferson	Lake Winnipeg Research Consortium
Cheryl Kennedy Courcelles	Private Citizen
Dr. Eva Pip	Private Citizen
Vicki Burns	Private Citizen
Josh Brandon	Green Action Centre
Kevin Rebeck	Manitoba Federation of Labour
Don Flaton, Professor	Chair of the National Centre for Livestock and the Environment at the University of Manitoba
Scott Fielding, City Councillor	City of Winnipeg
James Beddome	Leader, Green Party of Manitoba
Caitlin McIntyre	Private Citizen
Gaile Whelan-Enns	Manitoba Wildlands
David Mackay	Private Citizen
Greg McIvor	Private Citizen
Ross Eadie	Private Citizen

June 14, 2011 meeting:

Karl Kynoch (by leave)	Manitoba Pork Council
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Bill McDonald, CEO	Winnipeg Humane Society
Eugennie Mercredi	Private Citizen
Mike Sutherland	Peguis First Nation
Morris Swan Shannacappo, Grand Chief	SCO - Southern Chiefs Organization

Written Submissions

Your Committee received nine written submissions on **Bill (No. 46)** – The Save Lake Winnipeg Act/Loi sur la protection du lac Winnipeg, from:

Donald Cobb	Lake Winnipeg Foundation
F. Phillip Abrary	Ostara Nutrient Recovery Technologies
Gail Kreutzer	Private Citizen
John Fefchak	Private Citizen
Henry David Venema	International Institute for Sustainable Development
Karl Kynoch	Manitoba Pork Council
Roger Ritsema	Private Citizen
Joe Leschychyn	Private Citizen
Ruth Pryzner	Private Citizen

Bills Considered and Reported

- **Bill (No. 46)** – The Save Lake Winnipeg Act/Loi sur la protection du lac Winnipeg

Your Committee agreed to report this Bill without amendment.

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

Mr. DEWAR, Chairperson of the Standing Committee on Private Bills, presented its First Report, which was read as follows:

Meetings:

Your Committee met on June 14, 2011.

Matters under Consideration

- **Bill (No. 204)** – The Consumer Rights Day Act/Loi sur la journée des Droits du consommateur
- **Bill (No. 205)** – The Regional Health Authorities Amendment Act (Mammography Accreditation)/Loi modifiant la Loi sur les offices régionaux de la santé (homologation des mammographies)
- **Bill (No. 217)** – The Residential Tenancies Amendment Act (Expanded Grounds for Early Termination)/Loi modifiant la Loi sur la location à usage d'habitation (nouveaux motifs de résiliation par anticipation)
- **Bill (No. 220)** – The Justice for Victims of Child Pornography Act/Loi sur l'indemnisation des victimes de pornographie juvénile

- **Bill (No. 222)** – The Sexual Assault Awareness Month Act/Loi sur le Mois de la sensibilisation aux agressions sexuelles
- **Bill (No. 300)** – The Winnipeg Foundation Amendment Act/Loi modifiant la Loi sur la fondation dénommée « The Winnipeg Foundation »
- **Bill (No. 301)** – The Providence College and Theological Seminary Incorporation Amendment Act/Loi modifiant la Loi constituant en corporation le « Providence College and Theological Seminary »

Committee Membership

- Ms. BLADY
- Ms. BRAUN
- Ms. BRICK
- Mr. DEWAR
- Mrs. DRIEDGER
- Mr. GOERTZEN
- Mr. MARTINDALE
- Mr. PEDERSEN
- Mr. SARAN
- Mr. SCHULER
- Hon. Mr. SWAN

Your Committee elected Mr. DEWAR as the Chairperson.

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

Motions

Your Committee agreed to the following motions:

- *That this committee recommends that the fees paid with respect to Bill (No. 300) – The Winnipeg Foundation Amendment Act/Loi modifiant la Loi sur la fondation dénommée « The Winnipeg Foundation », be refunded, less the cost of printing.*
- *That this committee recommends that the fees paid with respect to Bill (No. 301) – The Providence College and Theological Seminary Incorporation Amendment Act/Loi modifiant la Loi constituant en corporation le « Providence College and Theological Seminary », be refunded, less the cost of printing.*

Public Presentations

Your Committee heard the following presentation on **Bill (No. 204)** – The Consumer Rights Day Act/Loi sur la journée des Droits du consommateur:

Gloria Desorcy

Consumers Association of Canada - Manitoba Branch

Your Committee heard the following presentation on **Bill (No. 217)** – The Residential Tenancies Amendment Act (Expanded Grounds for Early Termination)/Loi modifiant la Loi sur la location à usage d'habitation (nouveaux motifs de résiliation par anticipation):

Major Heather Collins

Department of National Defence

Your Committee heard the following presentation on **Bill (No. 301)** – The Providence College and Theological Seminary Incorporation Amendment Act/Loi modifiant la Loi constituant en corporation le « Providence College and Theological Seminary »:

Gus Kunkel

Providence College & Seminary

Written Submissions

Your Committee received the following written submission on **Bill (No. 217)** – The Residential Tenancies Amendment Act (Expanded Grounds for Early Termination)/Loi modifiant la Loi sur la location à usage d'habitation (nouveaux motifs de résiliation par anticipation):

Kim Storeshaw

NorWest Co-op Community Health

Bills Considered and Reported

- **Bill (No. 204)** – The Consumer Rights Day Act/Loi sur la journée des Droits du consommateur

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 205)** – The Regional Health Authorities Amendment Act (Mammography Accreditation)/Loi modifiant la Loi sur les offices régionaux de la santé (homologation des mammographes)

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

THAT the proposed section 28.1, as set out in Clause 2 of the Bill, be amended by striking out "must ensure that a mammography unit is not used in its health region unless" and substituting ", health corporation or health care organization must ensure that a mammography unit is not used in any facility owned or operated by the regional health authority, health corporation or health care organization unless".

THAT Clause 4 of the Bill be replaced with the following:

Coming into force

4 This Act comes into force on March 31, 2012.

- **Bill (No. 217)** – The Residential Tenancies Amendment Act (Expanded Grounds for Early Termination)/Loi modifiant la Loi sur la location à usage d'habitation (nouveaux motifs de résiliation par anticipation)

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

THAT Clause 2 of the Bill be amended

(a) by replacing the proposed section 92.1 with the following:

Interpretation: Canadian Forces member or member of the armed forces of another country

92.1(1) For the purposes of this section, a person is

- (a) a Canadian Forces member if he or she is a member of
 - (i) the regular or a special force of the Canadian Forces, or
 - (ii) the reserve force of the Canadian Forces on or proceeding on full-time training or service or on active service; and
- (b) a member of the armed forces of a country other than Canada if he or she is
 - (i) assigned to military duties with the Canadian Forces, or
 - (ii) attending a training course in Manitoba provided by the Canadian Forces.

Termination re Canadian Forces members and members of the armed forces of another country

92.1(2) A tenant of a rental unit may terminate the tenancy by giving notice in accordance with subsection (3) if the tenant is

- (a) a Canadian Forces member as described in clause (1)(a) who is posted to a location that is at least 50 kilometres from the rental unit after the tenancy agreement is entered into;
- (b) a member of the armed forces of a country other than Canada as described in clause (1)(b) who has ceased to be assigned to military duties with the Canadian Forces or whose training course has ended; or
- (c) a person who resides with a member described in clauses (a) or (b), if
 - (i) the person is the spouse or common-law partner of the member, and
 - (ii) the member is named as an occupant in the tenancy agreement.

Notice and certificate from official required

92.1(3) To terminate a tenancy under subsection (2), the tenant must give the landlord

- (a) a notice of termination that is not less than the prescribed period of notice; and
- (b) a certificate in the form approved by the director from an official with the Canadian Forces confirming that the tenant or the spouse or common-law partner of the tenant, as the case may be, is

(i) a Canadian Forces member as described in clause (1)(a) who has been posted to a location that is at least 50 kilometres from the tenant's rental unit, or

(ii) a member of the armed forces of a country other than Canada as described in clause (1)(b) who has ceased to be assigned to military duties with the Canadian Forces or whose training course has ended.

(b) in the English version, by replacing the proposed clause 92.7(a) with the following:

(a) section 92.1 (termination re Canadian Forces members and members of the armed forces of another country);

THAT Clause 6 of the Bill be replaced with the following:

Coming into force: royal assent

6(1) *Subject to subsection (2), this Act comes into force on the day it receives royal assent.*

Coming into force: proclamation

6(2) *The following provisions of **The Residential Tenancies Act** come into force on a day to be fixed by proclamation:*

(a) section 92.1 and clause 92.7(a), as enacted by section 2 of this Act;

(b) clause 194(1)(j.5), as enacted by section 5 of this Act.

- **Bill (No. 220)** – The Justice for Victims of Child Pornography Act/Loi sur l'indemnisation des victimes de pornographie juvénile

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

THAT Clause 2 of the Bill be replaced with the following:

Application on behalf of victim

2 If a resident of Manitoba was involved in conduct that would constitute a child pornography offence — whether or not he or she has been convicted of the offence — the minister may apply to the court for an order requiring the person to pay damages for injuries and other losses suffered by a child who is depicted in the child pornography in question, whether or not that child has been identified.

THAT the following be added after Clause 5 of the Bill:

Limitation of Actions Act

5.1 Despite *The Limitation of Actions Act*, no limitation period applies with respect to bringing an application under section 2.

THAT Clause 8(2)(a) of the Bill be amended by striking out "who is" and substituting "who is known or is".

- **Bill (No. 222)** – The Sexual Assault Awareness Month Act/Loi sur le Mois de la sensibilisation aux agressions sexuelles

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 300)** – The Winnipeg Foundation Amendment Act/Loi modifiant la Loi sur la fondation dénommée « The Winnipeg Foundation »

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 301)** – The Providence College and Theological Seminary Incorporation Amendment Act/Loi modifiant la Loi constituant en corporation le « Providence College and Theological Seminary »

Your Committee agreed to report this Bill without amendment.

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

Mr. Speaker presented:

Auditor General's Report – Manitoba's Participation in Canada's Economic Action Plan – dated May 2011.

(Sessional Paper No. 86)

Hon. Mr. BLAIKIE presented:

Annual Report of the Manitoba Hazardous Waste Management Corporation for the fiscal year ending March 31, 2010.

(Sessional Paper No. 87)

Annual Report of the Clean Environment Commission for the fiscal year ending March 31, 2011.

(Sessional Paper No. 88)

Hon. Mr. ASHTON, the Minister responsible for Emergency Measures, made a statement regarding the status of flooding in Manitoba.

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

Hon. Mr. ROBINSON, the Minister of Aboriginal and Northern Affairs, made a statement to honour and recognize Kenneth Paul, a Northern Manitoban bus driver who protected 18 students at the site of a traffic accident.

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

Wednesday, June 15, 2011

Pursuant to Rule 26(1), Mr. BRIESE, Ms. BRAUN, Messrs. MAGUIRE and REID and Hon. Mr. GERRARD made Members' Statements.

Hon. Ms. HOWARD moved:

THAT Bill (No. 17) – The Cooperatives Amendment Act/Loi modifiant la Loi sur les coopératives, 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. Ms. HOWARD, Mr. PEDERSEN 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. BLAIKIE moved:

THAT Bill (No. 30) – The Change of Name Amendment Act/Loi modifiant la Loi sur le changement de nom, 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. BLAIKIE, Mr. PEDERSEN 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. BLAIKIE moved:

THAT Bill (No. 35) – The Consumer Protection Amendment Act (Cell Phone Contracts)/Loi modifiant la Loi sur la protection du consommateur (contrats de téléphonie cellulaire), 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. Messrs. BLAIKIE and MACKINTOSH, Mr. PEDERSEN 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. BLAIKIE moved:

THAT Bill (No. 36) – The Adult Abuse Registry Act and Amendments to The Vulnerable Persons Living with a Mental Disability Act/Loi sur le registre des mauvais traitements infligés aux adultes et modifications concernant la Loi sur les personnes vulnérables ayant une déficience mentale, 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. BLAIKIE, Mrs. MITCHELSON, Hon. Ms. HOWARD 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. Ms. HOWARD moved:

THAT Bill (No. 39) – The Grieving Families Protection Act (Various Acts Amended)/Loi sur la protection des familles en deuil (modification de diverses dispositions législatives), 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. Ms. HOWARD, Hon. Mr. MACKINTOSH, Mr. SCHULER 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. Ms. HOWARD moved:

THAT Bill (No. 40) – The Condominium Act and Amendments Respecting Condominium Conversions (Various Acts Amended)/Loi sur les condominiums et modifications législatives en matière de conversion en condominium, 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. Ms. HOWARD, Mr. PEDERSEN, Hon. Ms. HOWARD (by leave) 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. Ms. HOWARD moved:

THAT Bill (No. 41) – The Liquor Control Amendment Act/Loi modifiant la Loi sur la réglementation des alcools, 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. Ms. HOWARD, Hon. Mr. MACKINTOSH, Mr. BOROTSIK, Hon. Mr. GERRARD and Mr. DYCK having spoken,

And the Question being put. It was agreed to.

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

Hon. Ms. HOWARD moved:

THAT Bill (No. 43) – The Real Property Amendment Act/Loi modifiant la Loi sur les biens réels, 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. Ms. HOWARD, Mr. PEDERSEN 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. Ms. HOWARD moved:

THAT Bill (No. 14) – The Prescription Drugs Cost Assistance Amendment Act (Prescription Drug Monitoring and Miscellaneous Amendments)/Loi modifiant la Loi sur l'aide à l'achat de médicaments sur ordonnance (contrôle de certains médicaments couverts et modifications diverses), 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. Ms. HOWARD, Hon. Ms. OSWALD, Mrs. DRIEDGER 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. Ms. HOWARD moved:

THAT Bill (No. 20) – The Defibrillator Public Access Act/Loi sur l'accès du public aux défibrillateurs, reported from the Standing Committee on Human Resources, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Ms. HOWARD, Hon. Ms. OSWALD, Mrs. DRIEDGER 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. Ms. HOWARD moved:

THAT Bill (No. 21) – The Organ and Tissue Donation Awareness Day Act/Loi sur la Journée de sensibilisation aux dons d'organes et de tissus, reported from the Standing Committee on Human Resources, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Ms. HOWARD, Hon. Ms. OSWALD, Mrs. DRIEDGER 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.

Wednesday, June 15, 2011

Hon. Ms. HOWARD moved:

THAT Bill (No. 38) – The Regional Health Authorities Amendment Act (Accountability and Transparency)/Loi modifiant la Loi sur les offices régionaux de la santé (responsabilisation et transparence), reported from the Standing Committee on Human Resources, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Ms. HOWARD, Hon. Ms. OSWALD, Mrs. DRIEDGER 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.

The House then adjourned at 5:00 p.m. until 10:00 a.m. Thursday, June 16, 2011.

Hon. George HICKES,
Speaker.