



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 68

FOURTH SESSION, FORTIETH LEGISLATURE

PRAYER

10:00 O'CLOCK A.M.

Mr. Speaker laid upon the Table of the House:

LEGISLATIVE ASSEMBLY OF MANITOBA

To the Speaker of the Legislative Assembly.

I, Peter BJORNSON, Member of the Legislative Assembly of Manitoba for the electoral division of Gimli, do hereby declare that it is my intention to resign my seat in the Legislative Assembly for the electoral division aforesaid.

Given under my hand and seal at the Legislative Offices this 7th day of August, 2015.

(Signed) Peter Bjornson

Witness: Erica Goodman (signed)

Witness: Alex Krosney (signed)

To His Honour, the Lieutenant Governor in Council:

I beg to advise that I have received the written resignation of Mr. Peter BJORNSON, Member for the Electoral Division of Gimli in the Legislative Assembly of Manitoba dated the 7th day of August, 2015.

Pursuant to section 24 of The Legislative Assembly Act, I do now request Your Honour in Council to pass an Order-in-Council for the filling of the vacancy in the representation of the Electoral Division of Gimli.

Dated at Winnipeg, this 7th day of August, 2015.

(Signed) Honourable Daryl Reid
Speaker
Legislative Assembly of Manitoba

(Sessional Paper No. 75)

Tuesday, October 20, 2015

Mr. Speaker laid upon the Table of the House:

LEGISLATIVE ASSEMBLY OF MANITOBA

To the Speaker of the Legislative Assembly.

I, Erin SELBY, Member of the Legislative Assembly of Manitoba for the electoral division of Southdale, do hereby declare that it is my intention to resign my seat in the Legislative Assembly for the electoral division aforesaid.

Given under my hand and seal at the Legislative Offices this 4th day of September, 2015.

(Signed) Erin Selby

Witness: Becky Barrett (signed)

Witness: Kim Johnson (signed)

To His Honour, the Lieutenant Governor in Council:

I beg to advise that I have received the written resignation of Ms. Erin SELBY, Member for the Electoral Division of Southdale in the Legislative Assembly of Manitoba dated the 4th day of September, 2015.

Pursuant to section 24 of The Legislative Assembly Act, I do now request Your Honour in Council to pass an Order-in-Council for the filling of the vacancy in the representation of the Electoral Division of Southdale.

Dated at Winnipeg, this 4th day of September, 2015.

(Signed) Honourable Daryl Reid
 Speaker
 Legislative Assembly of Manitoba

(Sessional Paper No. 76)

By leave, it was agreed for the House to deal with Debate on Second Readings of Bills (No. 207) and (No. 204) with the debating time split evenly between the two bills.

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

THAT Bill (No. 207) – The Delivery of Goods and Provision of Services in Winnipeg Outside the Perimeter Act/Loi sur la livraison de produits et la fourniture de services à Winnipeg à l'extérieur de la ceinture périphérique, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And leave having been denied to have the matter remain in the name of Mr. GOERTZEN,

And Messrs. PIWNIUK and EWASKO having spoken,

And Mr. SCHULER speaking at 10:38 a.m. The debate was allowed to remain in his name.

Mr. EWASKO moved:

THAT Bill (No. 204) – The Cyberbullying Prevention Act/Loi sur la prévention de la cyberintimidation, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Messrs. EWASKO and GAUDREAU having spoken,

And Mr. PETERSEN speaking at 11:00 a.m. The debate was allowed to remain in his name.

Mr. WIEBE moved:

Resolution No. 14: Government Action on Parks and Protected Spaces

WHEREAS Manitoba is known for its natural diversity, including lakes, rivers, forests, tall grass prairie and more; and

WHEREAS many species and ecosystems within Manitoba are in need of protection to ensure their continued survival; and

WHEREAS the Provincial Government is taking bold, pioneering action to protect precious natural resources and ensure a healthier environment for future generations of Manitobans; and

WHEREAS the Provincial Government has recently announced that it is taking steps to protect five Manitoba animal and plant species as well as two ecosystems, tall grass prairie and alvar; and

WHEREAS protecting entire ecosystems is an approach that is the first of its kind in North America and only the third in the world overall; and

WHEREAS the Provincial Government has taken critical steps in preserving the natural ecosystems, habitats and species of the province by improving Manitoba's parks system and creating ecological reserves and other protected spaces; and

WHEREAS the Provincial Government is furthermore taking decisive action to protect Lake Winnipeg by preserving wetlands, reducing nutrient runoff, fighting invasive species like zebra mussels and by investing in lake research like the U of M Watershed System Research Program, the Lake Winnipeg Research Vessel and the Experimental Lakes Area, a program the Federal Conservative government chose to cut; and

WHEREAS the Official Opposition has aggressively opposed the Provincial Government's water protection and climate change prevention measures and would gut water protection laws in the province.

THEREFORE BE IT RESOLVED that the Manitoba Legislative Assembly affirm its support for this first in North America protection of entire ecosystems; and

BE IT FURTHER RESOLVED that the Legislative Assembly urge the Provincial Government to continue its aggressive plan to protect Manitoba's valuable natural resources for future generations.

And a debate arising,

And Messrs. WIEBE and MARTIN, Hon. Mr. NEVAKSHONOFF, Mr. WISHART, Hon. Mr. GERRARD and Mr. PEDERSEN having spoken,

And Mrs. ROWAT speaking at 12:00 p.m. The debate was allowed to remain in her name.

1:30 O'CLOCK P.M.

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

THAT this Matter involving the lack of past and ongoing disclosure of untendered contracts as required under provincial procurement rules be referred to the Standing Committee of this House.

And Hon. Messrs. CHOMIAK and GERRARD having spoken.

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

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

Meetings:

Your Committee met on the following occasions in the Legislative Building:

- September 9, 2015
- September 14, 2015
- September 29, 2015
- September 30, 2015

Matters under Consideration

- **Bill (No. 30)** – The Non-Smokers Health Protection Amendment Act (E-Cigarettes)/Loi modifiant la Loi sur la protection de la santé des non-fumeurs (cigarettes électroniques)

Committee Membership

Committee Membership for the September 9, 2015 meeting:

- Hon. Mr. CHIEF

- Hon. Mr. CHOMIAK
- Hon. Ms. CROTHERS
- Mrs. DRIEDGER
- Mr. GRAYDON
- Mr. MARCELINO (*Vice-Chairperson*)
- Mr. MARTIN
- Mr. RONDEAU
- Mr. SWAN
- Mr. WISHART

Your Committee elected Mr. RONDEAU as the Chairperson at the September 9, 2015 meeting

Committee Membership for the September 14, 2015 meeting:

- Hon. Mr. ALLUM
- Mr. ALTEMEYER
- Hon. Ms. CROTHERS
- Mrs. DRIEDGER
- Ms. LATHLIN
- Hon. Ms. MARCELINO
- Mr. MARTIN
- Mr. RONDEAU (*Chairperson*)
- Mr. SMOOK
- Hon. Ms. WIGHT
- Mr. WISHART

Your Committee elected Mr. ALTEMEYER as the Vice-Chairperson at the September 14, 2015 meeting

Committee Membership for the September 29, 2015 meeting:

- Hon. Mr. ALLUM
- Hon. Ms. CROTHERS
- Mr. CULLEN
- Mr. FRIESEN
- Mr. GAUDREAU
- Mr. GRAYDON
- Hon. Mr. KOSTYSHYN
- Mr. MARCELINO
- Mr. PEDERSEN
- Mr. SWAN
- Mr. WIEBE

Your Committee elected Mr. GAUDREAU as the Chairperson at the September 29, 2015 meeting.

Your Committee elected Mr. WIEBE as the Vice-Chairperson at the September 29, 2015 meeting.

Committee Membership for the September 30, 2015 meeting:

- Hon. Mr. ALLUM

- Hon. Ms. CROTHERS
- Hon. Mr. CHOMIAK
- Mr. GAUDREAU (*Chairperson*)
- Mr. GRAYDON
- Hon. Mr. LEMIEUX
- Mr. MARCELINO
- Mr. MARTIN
- Hon. Mr. NEVAKSHONOFF
- Mr. PIWNIUK
- Mr. SMOOK

Your Committee elected Mr. MARCELINO as the Vice-Chairperson at the September 30, 2015 meeting.

Public Presentations

Your Committee heard the following forty-four presentations on **Bill (No. 30)** – The Non-Smokers Health Protection Amendment Act (E-Cigarettes)/Loi modifiant la Loi sur la protection de la santé des non-fumeurs (cigarettes électroniques):

September 9, 2015 meeting

Erin Crawford	Canadian Cancer Society – Manitoba Office
Andrew Klukes	Western Convenience Stores
Alex Scholten	Canadian Convenience Stores Association
Beju Lakhani	Canadian Vaping Association
Tracy Fehr	Manitoba Lung Association
Donald Reay	Private Citizen
Christine Houde	Heart and Stroke Foundation
Jim Baker	Manitoba Hotel Association
Garry Iwankow	Private Citizen
Kerwin Unger	Private Citizen

September 14, 2015 meeting

Caroline Martel	Nicoventures
Kathy Martin	Private Citizen
Rob Cunningham	Canadian Cancer Society – National Office
Charlene Haste	Vapemate
Eden Sorrell	Theravape
Murray Gibson	MANTRA – Manitoba Tobacco Reduction Alliance
Dr. Marcia Anderson-DeCoteau	Winnipeg Regional Health Authority
Scott Jocelyn	Manitoba Restaurant and Foodservices Association
Steven Stairs	Private Citizen
Shaun Croatto	Private Citizen
Jim Chabai	Vapetastic
Clayton Olson	Private Citizen
Jennifer Vasas	Private Citizen

September 29, 2015 meeting

Nicole Gomes, Jade Solomon and Jenna Kalinski (<i>by leave</i>)	Manitoba Swat (Student Working against Tobacco)
Cindy Neniska	Private Citizen
John Haste	The Electronic Cigarette Trade Association
Cam Irving	Private Citizen
Jordan Vedoya	Fat Panda
Cierra Giesbrecht	Private Citizen
Neil Migalski	Private Citizen
Jason Doornink	Private Citizen
Leroy Kehler	Private Citizen

September 30, 2015 meeting

Suzane Bouchard	Private Citizen
Kyle Bloomfield	Private Citizen
Edward Wei	Private Citizen
Alexander Derksen	Private Citizen
Randy Klassen	Private Citizen
Will Cooke	Private Citizen
Leona Weday	Private Citizen
David Lofchick	Private Citizen
Stephanie Mitchell	Private Citizen
Craig Billows	Private Citizen
Thomas Glas	Private Citizen
Julie Wei	Private Citizen

Written Submissions

Your Committee received the following fifteen written submissions on **Bill (No. 30)** – The Non-Smokers Health Protection Amendment Act (E-Cigarettes)/Loi modifiant la Loi sur la protection de la santé des non-fumeurs (cigarettes électroniques):

Melanie Koncur	Private Citizen
Gerald Dales	Private Citizen
Cristopher Britton	Black Tie Vapour
Matt Anderson	Private Citizen
Eric Mutter	Private Citizen
Kerry Miller	Private Citizen
Deanna Hinson	Private Citizen
Laura Cosford	Private Citizen
Allan Wald	Private Citizen
Ron Jerome	Private Citizen
Gord Tagg	Private Citizen
Tyler Korman	Private Citizen
Christine Dales	Private Citizen
David Ryman	Private Citizen
Brennden Mackenzie	Private Citizen

Bill Considered and Reported

- **Bill (No. 30)** – The Non-Smokers Health Protection Amendment Act (E-Cigarettes)/Loi modifiant la Loi sur la protection de la santé des non-fumeurs (cigarettes électroniques)

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

THAT Clause 3 of the Bill be amended in the proposed definition "vapour product shop" by adding ", subject to any additional criteria specified in the regulations," after "means".

THAT Clause 15(1) of the Bill be amended in clause (a) by adding the following after the proposed clause 9(1)(a.0.1):

(a.0.2) specifying additional criteria for the purpose of the definition "vapour product shop";

THAT Clause 15(1) of the Bill be amended by deleting clause (b).

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

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

Meetings:

Your Committee met on September 14, 2015 at 6:00 p.m. in Room 255 of the Legislative Building.

Matters under Consideration

- **Bill (No. 4)** – The Farm and Food Awareness Act/Loi sur la promotion du secteur agroalimentaire
- **Bill (No. 15)** – The Foreign Cultural Objects Immunity from Seizure Amendment Act/Loi modifiant la Loi sur l'insaisissabilité des biens culturels étrangers
- **Bill (No. 19)** – The Legal Profession Amendment Act/Loi modifiant la Loi sur la profession d'avocat
- **Bill (No. 23)** – The Boxing Amendment Act/Loi modifiant la Loi sur la boxe
- **Bill (No. 28)** – The Personal Property Security Amendment Act/Loi modifiant la Loi sur les sûretés relatives aux biens personnels
- **Bill (No. 32)** – The Noxious Weeds Amendment Act/Loi modifiant la Loi sur la destruction des mauvaises herbes
- **Bill (No. 34)** – The Safer Roads Act (Drivers and Vehicles Act and Highway Traffic Act Amended)/Loi sur la sécurité accrue des routes (modification de la Loi sur les conducteurs et les véhicules et du Code de la route)

Committee Membership

- Hon. Mr. CHOMIAK
- Mr. EWASKO

Bills Considered and Reported

- **Bill (No. 4)** – The Farm and Food Awareness Act/Loi sur la promotion du secteur agroalimentaire

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 15)** – The Foreign Cultural Objects Immunity from Seizure Amendment Act/Loi modifiant la Loi sur l'insaisissabilité des biens culturels étrangers

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 23)** – The Boxing Amendment Act/Loi modifiant la Loi sur la boxe

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 28)** – The Personal Property Security Amendment Act/Loi modifiant la Loi sur les sûretés relatives aux biens personnels

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 32)** – The Noxious Weeds Amendment Act/Loi modifiant la Loi sur la destruction des mauvaises herbes

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 34)** – The Safer Roads Act (Drivers and Vehicles Act and Highway Traffic Act Amended)/Loi sur la sécurité accrue des routes (modification de la Loi sur les conducteurs et les véhicules et du Code de la route)

Your Committee agreed to report this Bill without amendment.

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

Mr. JHA, Chairperson of the Standing Committee on Crown Corporations, presented its First Report, which was read as follows:

Meetings:

Your Committee met on the following occasions in the Legislative Building:

- October 23, 2013 (2nd Session – 40th Legislature)
- October 15, 2014 (3rd Session – 40th Legislature)
- September 10, 2015 (4th Session – 40th Legislature)

Matters under Consideration

- Annual Report of The Workers Compensation Board for the year ending December 31, 2013

- Annual Report of The Workers Compensation Board for the year ending December 31, 2014
- Annual Report of the Appeal Commission and Medical Review Panel for the year ending December 31, 2013
- Annual Report of the Appeal Commission and Medical Review Panel for the year ending December 31, 2014
- The Workers Compensation Board 2013-2017 Five Year Plan
- The Workers Compensation Board 2014-2018 Five Year Plan
- The Workers Compensation Board 2015-2019 Five Year Plan

Committee Membership

Committee Membership for the October 23, 2013 meeting:

- Hon. Ms. BRAUN
- Mr. BRIESE
- Mr. CALDWELL (*Vice-Chairperson*)
- Mr. DEWAR
- Hon. Ms. HOWARD
- Hon. Ms. MARCELINO
- Mr. PETERSEN (*Chairperson*)
- Hon. Mr. ROBINSON
- Mrs. ROWAT
- Mr. SCHULER
- Mr. WISHART

Committee Membership for the October 15, 2014 meeting:

- Hon. Ms. BRAUN
- Mr. CULLEN
- Mr. DEWAR
- Mrs. DRIEDGER
- Mr. GAUDREAU
- Mr. JHA (*Chairperson*)
- Hon. Mr. MACKINTOSH
- Mr. MARCELINO (*Vice-Chairperson*)
- Mr. SARAN
- Mr. SMOOK
- Mr. WISHART

Committee Membership for the September 10, 2015 meeting:

- Hon. Ms. BRAUN
- Hon. Mr. CHOMIAK
- Hon. Mr. DEWAR
- Mr. FRIESEN
- Mr. JHA
- Hon. Ms. MARCELINO
- Hon. Mr. SARAN

- Mr. SMOOK
- Mrs. STEFANSON
- Mr. STRUTHERS
- Mr. WISHART

Your Committee elected Mr. JHA as the Chairperson and Mr. STRUTHERS as the Vice-Chairperson at the September 10, 2015 meeting.

Officials Speaking on Record

Officials Speaking on Record at the October 23, 2013 meeting:

- Michael Werier, Chairperson of the Board
- Winston Maharaj, President and CEO

Officials Speaking on Record at the October 15, 2014 meeting:

- Michael Werier, Chairperson of the Board
- Winston Maharaj, President and CEO

Officials Speaking on Record at the September 10, 2015 meeting:

- Michael Werier, Chairperson of the Board
- Winston Maharaj, President and CEO

Reports Considered and Passed

Your Committee considered and passed the following reports as presented:

- Annual Report of The Workers Compensation Board for the year ending December 31, 2013
- Annual Report of the Appeal Commission and Medical Review Panel for the year ending December 31, 2013
- The Workers Compensation Board 2013-2017 Five Year Plan

Reports Considered but not Passed

Your Committee considered the following reports but did not pass them:

- Annual Report of The Workers Compensation Board for the year ending December 31, 2014
- Annual Report of the Appeal Commission and Medical Review Panel for the year ending December 31, 2014
- The Workers Compensation Board 2014-2018 Five Year Plan
- The Workers Compensation Board 2015-2019 Five Year Plan

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

Mr. JHA, Chairperson of the Standing Committee on Crown Corporations, presented its Second Report, which was read as follows:

Meetings:

Your Committee met on the following occasions in the Legislative Building:

- April 4, 2012 (1st Session – 40th Legislature)
- April 9, 2013 (2nd Session – 40th Legislature)
- October 2, 2013 (2nd Session – 40th Legislature)
- September 24, 2014 (3rd Session – 40th Legislature)
- September 15, 2015 (4th Session – 40th Legislature)

Matters under Consideration

- Annual Report of the Manitoba Hydro-Electric Board for the fiscal year ending March 31, 2011
- Annual Report of the Manitoba Hydro-Electric Board for the fiscal year ending March 31, 2012
- Annual Report of the Manitoba Hydro-Electric Board for the fiscal year ending March 31, 2013
- Annual Report of the Manitoba Hydro-Electric Board for the fiscal year ending March 31, 2014

Committee Membership

Committee membership for the April 4, 2012 meeting:

- Mr. ALLUM
- Hon. Mr. CHOMIAK
- Mr. CULLEN
- Mr. DEWAR
- Mr. HELWER
- Mr. JHA (*Chairperson*)
- Hon. Ms. MARCELINO
- Mr. MARCELINO (Tyndall Park)
- Mrs. STEFANSON
- Ms. WIGHT (*Vice-Chairperson*)
- Mr. WISHART

Substitutions received during committee proceedings on April 4, 2012:

- Mr. MCFADYEN for Mrs. STEFANSON

Committee membership for the April 9, 2013 meeting:

- Hon. Mr. CHOMIAK
- Ms. CROTHERS (*Vice-Chairperson*)
- Mr. EICHLER
- Mr. DEWAR
- Mr. EWASKO
- Mr. FRIESEN
- Mr. JHA (*Chairperson*)
- Mr. MARCELINO

- Mr. SCHULER
- Hon. Mr. SWAN
- Mr. WIEBE

Committee membership for the October 2, 2013 meeting:

- Hon. Mr. CHOMIAK
- Mr. DEWAR
- Mr. EWASKO
- Mr. HELWER
- Mr. JHA (*Chairperson*)
- Mr. MALOWAY
- Hon. Ms. MARCELINO (*Logan*)
- Mr. MARCELINO (*Tyndall-Park*) (*Vice-Chairperson*)
- Mr. SCHULER
- Mrs. STEFANSON
- Hon. Mr. SWAN

Committee membership for September 24, 2014 meeting:

- Ms. ALLAN
- Mr. BRIESE
- Hon. Mr. CHIEF
- Mr. DEWAR
- Mr. EICHLER
- Mr. GRAYDON
- Mr. NEVAKSHONOFF (*Chairperson*)
- Mr. PEDERSEN
- Hon. Mr. STRUTHERS
- Mr. WIEBE
- Ms. WIGHT (*Vice-Chairperson*)

Substitutions received during committee proceedings on September 24, 2014:

- Hon. Mr. CHOMIAK for Mr. WIEBE

Committee membership for September 15, 2015 meeting:

- Mr. ALTEMEYER
- Mr. BRIESE
- Mr. EICHLER
- Mr. JHA (*Chairperson*)
- Mr. MALOWAY
- Hon. Ms. MARCELINO
- Mr. MARTIN
- Hon. Mr. ROBINSON
- Mr. PEDERSEN
- Hon. Mr. SARAN
- Hon. Ms. WIGHT

Your Committee elected Mr. ALTEMEYER as the Vice-Chairperson at the September 15, 2015 meeting
Your Committee elected Mr. MALOWAY as the Vice-Chairperson at the September 15, 2015 meeting

Substitutions received during committee proceedings on September 15, 2015:

- Mr. SCHULER for Mr. MARTIN
- Hon. Mr. CHOMIAK for Mr. ALTEMEYER
- Mr. CULLEN for Mr. PEDERSEN

Officials from Manitoba Hydro speaking on the record at the April 4, 2012 meeting:

- Mr. Scott Thomson, President and Chief Executive Officer
- Mr. Bill Fraser, Chair of the Board

Officials from Manitoba Hydro speaking on the record at the April 9, 2013 meeting:

- Mr. Scott Thomson, President and Chief Executive Officer
- Mr. Bill Fraser, Chair of the Board

Officials from Manitoba Hydro speaking on the record at the October 2, 2013 meeting:

- Mr. Scott Thomson, President and Chief Executive Officer

Officials from Manitoba Hydro speaking on the record at the September 24, 2014 meeting:

- Mr. Scott Thomson, President and Chief Executive Officer
- Mr. Bill Fraser, Chair of the Board

Officials from Manitoba Hydro speaking on the record at the September 15, 2015 meeting:

- Mr. Darren Rainkie, Interim President and Chief Executive Officer
- Mr. Bill Fraser, Chair of the Board

Report Considered and Passed

Your Committee considered and passed the following report as presented:

- Annual Report of the Manitoba Hydro-Electric Board for the fiscal year ending March 31, 2011

Reports Considered but not Passed

Your Committee considered the following reports but did not pass them:

- Annual Report of the Manitoba Hydro-Electric Board for the fiscal year ending March 31, 2012
- Annual Report of the Manitoba Hydro-Electric Board for the fiscal year ending March 31, 2013
- Annual Report of the Manitoba Hydro-Electric Board for the fiscal year ending March 31, 2014

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

Mr. JHA, Chairperson of the Standing Committee on Crown Corporations, presented its Third Report, which was read as follows:

Meetings:

Your Committee met on the following occasions in the Legislative Building:

- April 4, 2013 (2nd Session – 40th Legislature)
- October 21, 2013 (2nd Session – 40th Legislature)
- September 30, 2014 (3rd Session – 40th Legislature)
- September 28, 2015 (4th Session – 40th Legislature)

Matters under Consideration

- Annual Report of the Manitoba Public Insurance Corporation for the fiscal year ending February 29, 2012
- Annual Report of the Manitoba Public Insurance Corporation for the fiscal year ending February 28, 2013
- Annual Financial Statement of the Manitoba Public Insurance Corporation for the fiscal year ending February 28, 2013
- Annual Report of the Manitoba Public Insurance Corporation for the fiscal year ending February 28, 2014
- Annual Financial Statement of the Manitoba Public Insurance Corporation for the fiscal year ending February 28, 2014
- Annual Report of the Manitoba Public Insurance Corporation for the fiscal year ending February 28, 2015
- Annual Financial Statement of the Manitoba Public Insurance Corporation for the fiscal year ending February 28, 2015

Committee Membership

Committee Membership for the April 4, 2013 meeting:

- Mr. BRIESE
- Ms. CROTHERS (*Vice-Chairperson*)
- Mr. DEWAR
- Mr. EWASKO
- Mr. GAUDREAU
- Mr. HELWER
- Mr. JHA (*Chairperson*)
- Mr. MALOWAY
- Mrs. ROWAT
- Hon. Mr. ROBINSON
- Hon. Mr. SWAN

Committee Membership for the October 21, 2013 meeting:

- Mr. CALDWELL
- Mr. DEWAR

- Mr. EICHLER
- Mr. EWASKO
- Mr. HELWER
- Mr. JHA (*Chairperson*)
- Mr. MALOWAY
- Mr. MARCELINO (*Vice-Chairperson*)
- Mr. SMOOK
- Hon. Mr. SWAN
- Mr. WIEBE

Committee Membership for the September 30, 2014 meeting:

- Hon. Mr. CHOMIAK
- Ms. CROTHERS
- Mr. EICHLER
- Mr. GOERTZEN
- Mr. JHA (*Chairperson*)
- Hon Ms. MARCELINO
- Mr. PEDERSEN
- Mr. RONDEAU (*Vice-Chairperson*)
- Mr. SCHULER
- Hon. Mr. SWAN
- Mr. WIEBE

Committee Membership for the September 28, 2015 meeting:

- Mr. ALTEMEYER
- Hon. Mr. CHOMIAK
- Mr. EWASKO
- Mr. GOERTZEN
- Ms. HOWARD
- Mr. JHA (*Chairperson*)
- Hon. Mr. MACKINTOSH
- Hon Ms. MARCELINO
- Mrs. MITCHELSON
- Mr. SCHULER
- Mr. WIEBE

Your Committee elected Mr. WIEBE as the Vice-Chairperson at the September 28, 2015 meeting.

Substitution received during the committee proceedings:

- Mr. CULLEN for Mr. EWASKO

Officials Speaking on Record

Officials speaking on the record at the April 4, 2013 meeting:

- Ms. Marilyn McLaren, President and Chief Executive Officer
- Mr. Jake Janzen, Board Chairperson

Officials speaking on the record at the October 21, 2013 meeting:

- Ms. Marilyn McLaren, President and Chief Executive Officer
- Mr. Jake Janzen, Board Chairperson

Officials speaking on the record at the September 30, 2014 meeting:

- Mr. Dan Guimond, President and Chief Executive Officer

Officials speaking on the record at the September 28, 2015 meeting:

- Mr. Dan Guimond, President and Chief Executive Officer

Report Considered and Passed

Your Committee considered and passed the following reports as presented:

- Annual Report of the Manitoba Public Insurance Corporation for the fiscal year ending February 29, 2012
- Annual Report of the Manitoba Public Insurance Corporation for the fiscal year ending February 28, 2013
- Annual Financial Statement of the Manitoba Public Insurance Corporation for the fiscal year ending February 28, 2013
- Annual Financial Statement of the Manitoba Public Insurance Corporation for the fiscal year ending February 28, 2014

Reports Considered but not Passed

Your Committee considered the following reports but did not pass them:

- Annual Report of the Manitoba Public Insurance Corporation for the fiscal year ending February 28, 2014
- Annual Report of the Manitoba Public Insurance Corporation for the fiscal year ending February 28, 2015
- Annual Financial Statement of the Manitoba Public Insurance Corporation for the fiscal year ending February 28, 2015

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

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

Meetings:

Your Committee met on September 9, 2015 at 6:00 p.m. in Room 255 of the Legislative Building.

Matters under Consideration

- **Bill (No. 10)** – The Municipal Amendment Act/Loi modifiant la Loi sur les municipalités

- **Bill (No. 13)** – The Planning Amendment Act (Special Planning Areas)/Loi modifiant la Loi sur l'aménagement du territoire (circonscriptions spéciales d'aménagement du territoire)
- **Bill (No. 20)** – The Architects Amendment Act/Loi modifiant la Loi sur les architectes
- **Bill (No. 21)** – The Engineering and Geoscientific Professions Amendment Act/Loi modifiant la Loi sur les ingénieurs et les géoscientifiques
- **Bill (No. 24)** – The Wildlife Amendment and Fisheries Amendment Act/Loi modifiant la Loi sur la conservation de la faune et la Loi sur la pêche
- **Bill (No. 31)** – The Registered Professional Planners Act/Loi sur les urbanistes professionnels

Committee Membership

- Ms. ALLAN (*Chairperson*)
- Hon. Ms. BRAUN
- Hon. Mr. CALDWELL
- Mr. CULLEN
- Hon. Mr. DEWAR
- Mr. EICHLER
- Hon. Mr. NEVAKSHONOFF
- Ms. OSWALD
- Mr. PIWNIUK
- Mr. SMOOK

Your Committee elected Ms. OSWALD as the Vice-Chairperson

Public Presentations

Your Committee heard the following three presentations on **Bill (No. 13)** – The Planning Amendment Act (Special Planning Areas)/Loi modifiant la Loi sur l'aménagement du territoire (circonscriptions spéciales d'aménagement du territoire):

Diane Gray	CentrePort Canada Inc.
Frances Smee	RM of Rosser
Jim McLandress	Winnipeg Airport Authority

Your Committee heard the following three presentations on **Bill (No. 20)** – The Architects Amendment Act/Loi modifiant la Loi sur les architectes:

Judy Pestrak	Manitoba Association of Architects
Verne Reimer	Private Citizen
Ralph Stern	Private Citizen

Your Committee heard the following three presentations on **Bill (No. 21)** – The Engineering and Geoscientific Professions Amendment Act/Loi modifiant la Loi sur les ingénieurs et les géoscientifiques:

David Grant	Private Citizen
Grant Koropatnick	Association of Professional Engineers and Geoscientists of Manitoba
Vicki Poirier	Private Citizen

Your Committee heard the following presentation on **Bill (No. 24)** – The Wildlife Amendment and Fisheries Amendment Act/Loi modifiant la Loi sur la conservation de la faune et la Loi sur la pêche:

Brian Strauman

Manitoba Wildlife Federation

Your Committee heard the following presentation on **Bill (No. 31)** – The Registered Professional Planners Act/Loi sur les urbanistes professionnels:

Valdene Lawson

Manitoba Professional Planners Institute

Written Submissions

Your Committee received the following four written submissions on **Bill (No. 21)** – The Engineering and Geoscientific Professions Amendment Act/Loi modifiant la Loi sur les ingénieurs et les géoscientifiques:

Alan Pollard

Private Citizen

Bev Pike

Private Citizen

Don Osman

Private Citizen

Roger Rempel

Private Citizen

Your Committee received the following two written submissions on **Bill (No. 31)** – The Registered Professional Planners Act/Loi sur les urbanistes professionnels:

Joe Masi

Association of Manitoba Municipalities

Braden Smith

City of Winnipeg

Bills Considered and Reported

- **Bill (No. 10)** – The Municipal Amendment Act/Loi modifiant la Loi sur les municipalités

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

THAT Clause 2 of the Bill be amended by replacing the French version of the proposed clause 147.1(2)(a) with the following:

a) d'une majorité qualifiée de ses membres, laquelle consiste de 50 % des voix plus deux;

- **Bill (No. 13)** – The Planning Amendment Act (Special Planning Areas)/Loi modifiant la Loi sur l'aménagement du territoire (circonscriptions spéciales d'aménagement du territoire)

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 20)** – The Architects Amendment Act/Loi modifiant la Loi sur les architectes

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 21)** – The Engineering and Geoscientific Professions Amendment Act/Loi modifiant la Loi sur les ingénieurs et les géoscientifiques

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 24)** – The Wildlife Amendment and Fisheries Amendment Act/Loi modifiant la Loi sur la conservation de la faune et la Loi sur la pêche

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 31)** – The Registered Professional Planners Act/Loi sur les urbanistes professionnels

Your Committee agreed to report this Bill without amendment.

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

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

Meetings:

Your Committee met on the following occasions in the Legislative Building:

- June 9, 2015 (4th Session – 40th Legislature)
- October 6, 2015 (4th Session – 40th Legislature)

Matters under Consideration:

- Report and Recommendations of the Judicial Compensation Committee dated November 20, 2014
- Process for hiring a new Conflict of Interest Commissioner, Lobbyist Registrar and Information and Privacy Adjudicator

Committee Membership:

Committee membership for the June 9, 2015 meeting:

- Mr. BJORNSON
- Hon. Mr. CHOMIAK
- Mr. EICHLER
- Mr. FRIESEN
- Mr. GAUDREAU (*Chairperson*)
- Mr. GOERTZEN
- Hon. Mr. MACKINTOSH
- Hon. Ms. MARCELINO
- Mr. PEDERSEN
- Mr. STRUTHERS (*Vice-Chairperson*)
- Mr. SWAN

Committee membership for the October 6, 2015 meeting:

- Ms. ALLAN (*Chairperson*)
- Mr. BRIESE

- Hon. Mr. CHOMIAK
- Mr. EWASKO
- Mr. GOERTZEN
- Mr. HELWER
- Hon. Mr. MACKINTOSH
- Mr. MARCELINO (*Vice-Chairperson*)
- Mr. SWAN
- Mr. WIEBE

Public Presentation at the June 9, 2015 meeting:

By leave, your Committee heard one presentation on the Report and Recommendations of the Judicial Compensation Committee from:

Susan Dawes

Provincial Judges Association of Manitoba

Motions:

Your Committee agreed to the following motions at the October 6, 2015 meeting:

- *THAT the Standing Committee on Legislative Affairs:*

accept the recommendations in Schedule A,

reject the recommendations in Schedule B for the reasons set out in that Schedule and,

recommend the same to the Legislative Assembly.

SCHEDULE A

**Recommendations of the Judicial Compensation Committee
accepted by the Standing Committee on Legislative Affairs**

1. That the annual salaries for puisne judges shall be:
 - (i) April 1, 2014 to March 31, 2015 - \$239,000;
 - (ii) April 1, 2015 to March 31, 2016 - cumulative adjustment equal to the annual percentage change in the average weekly earnings for Manitoba on April 1, 2015;
 - (iii) April 1, 2016 to March 31, 2017 - cumulative adjustment equal to the annual percentage change in the average weekly earnings for Manitoba on April 1, 2016.

The percentage change in the average weekly earnings should be calculated based on the percentage change over the preceding calendar year.

The recommendation should apply to all who were judges as of April 1, 2014, including those who retire or otherwise leave the Bench prior to implementation.

2. That the salary differentials for the Chief Judge and Associate Chief Judge remain in place as of April 1, 2014. This will mean a salary of \$258,120 for the Chief Judge and \$250,950 for the Associate Chief Judges.

This recommendation shall apply to all judges who were either a Chief Judge or an Associate Chief Judge as of April 1, 2014, including those who retire or otherwise leave the Bench prior to implementation.

3. Simple interest shall be paid, from April 1, 2014 to the date of retroactive payment of salary increase(s) including the differentials for the administrative judges and related per diems for senior judges, in accordance with the relevant prejudgment and post-judgment interest rates as set out in *The Court of Queen's Bench Act*.
4. Prejudgment interest shall be payable from April 1, 2014 to the date the salary and per diem recommendations are implemented (whether by vote of the Legislature or by virtue of s. 11.1(29) of the Act), and post-judgment interest should be payable from that date to the date that judges are paid the retroactive adjustments.
5. That as it relates to Senior Judges:
 - the per diem rate for senior judges shall be set at 1/218 of the annual salary of a full-time judge;
 - Interest shall be paid on the retroactive per diem rate;
 - Each senior judge shall be afforded an educational allowance of \$3,000 and a professional allowance of \$2,000;
 - A fund shall be set up for each allowance based on the number of judges (including a pro rata share for senior judges who come into the program partway through a fiscal year). The fund shall be distributed by the Chief Judge based on the needs of the judges in question; and
 - These recommendations shall be effective April 1, 2014, and shall apply to all who were judges as of April 1, 2014, including those who retire or otherwise leave the Bench prior to implementation.
6. That as it relates to the Limited Pooling Of Education Resources:
 - Effective April 1, 2014, each judge's annual education allowance should remain at the current level of \$3,000 per annum per judge;
 - The combined amount of the education allowances (\$3,000 per judge x 41 judges) shall be provided to the court in a fund to be administered by the Chief Judge in accordance with the principles set out below;

- Individual judges shall have access to their educational allowance in order to fund their attendance at conferences and seminars, and/or for other educational purposes, as approved by the Chief Judge in accordance with court policy. With the consent of each individual judge, unused portions of each judge's education allowance may be used to the benefit of the court as a whole. All uses of the allowances are subject to approval by the Chief Judge in accordance with court policy.
 - This recommendation shall be effective April 1, 2014, and shall apply to all who were judges as of April 1, 2014, including those who retire or otherwise leave the Bench prior to implementation.
7. That the Province pay 75% of the Judges' legal costs and fees for the Judicial Compensation Committee process, up to a maximum aggregate payment by the Province of \$45,000.00.
 8. That the Province pay 100% of Judges' disbursement costs and fees for the Judicial Compensation Committee process, up to a maximum aggregate payment by the Province of \$22,500.00.
 9. That unless otherwise stated, all changes shall be effective on the date of approval by the Legislative Assembly of Manitoba.
 10. In these recommendations, "date of approval by the Legislative Assembly" means
 - (a) the date that the vote of concurrence referred to in subsection 11.1(28) of *The Provincial Court Act* takes place with respect to these recommendations; or
 - (b) if the recommendations must be implemented because of subsection 11.1(29) of *The Provincial Court Act*, the first day after the end of the 21-day period referred to in that subsection.

SCHEDULE B

Recommendations of the Judicial Compensation Committee rejected by the Standing Committee on Legislative Affairs

1. That the contribution rates to be paid by judges into the Civil Service Superannuation Fund are those currently set out in the *Employee Contribution Rates Regulation, 178/2011*. To the extent the Regulation is amended in the future, the recommendation of a JCC must first be sought.
2. That at the time of their appointment, all judges should be enrolled for life insurance coverage worth five times their salary (up to the policy maximum), unless they elect a lower level of coverage at that time, or following their appointment.

Reasons

In considering the Report and Recommendations of the Judicial Compensation Committee, the Standing Committee has examined each of the recommendations individually and collectively. The reasons for rejecting these recommendations are as follows:

Recommendation 1:

- The Standing Committee does not accept the view of the Judicial Compensation Committee that changes to pension contributions require a Judicial Compensation Committee recommendation or that it is a constitutional requirement.
- While the Standing Committee fully respects and understands that the Judicial Compensation Committee process is required by the Constitution in order to ensure the independence of the judiciary, the Standing Committee has considered this very carefully and disagrees that the manner in which pension contributions are currently set out in the *Employee Contribution Rates and Regulation, 178/2011* are a threat to such independence.
- The Standing Committee notes that any changes to contribution rates for all members of the Civil Service Superannuation Fund are made through a Joint Stakeholders Committee and apply equally to all members of the Fund plan.
- The Standing Committee understands and accepts that any changes in pension contributions have an impact on the remuneration of judges, but these contemplated changes which were the subject of the recommendation, apply to all members of the Fund plan and are similar to the changes that are made from time to time to other benefit plans, such as Blue Cross, which have never required a Judicial Compensation Committee recommendation prior to implementation.
- Moreover, the Standing Committee is concerned that if changes to the contribution rates to be paid by judges into the Fund required a recommendation from a Judicial Compensation Committee, then judges would be treated differently than other members of the Fund plan. This, in and of itself, may well impact judicial independence as the perception may be that judges are being treated differently than other members of the Fund plan.
- The Standing Committee is of the view that as members of multi unit pension plan, judges ought not to be treated differently from any other Members of that plan. The Civil Service Superannuation Fund covers nearly 34,000 active employees and over 53,000 total members. If additional contributions are necessary to ensure the stability of the plan, all stakeholders are consulted, including the Judges. Giving any group a veto power could jeopardize the plan.
- The Standing Committee notes that the Judicial Compensation Committee has recognized that the timing of the Judicial Compensation Committee Process may have an impact on how the recommendation would be implemented. However, the Standing Committee disagrees that adjustments can be made in the ordinary course, as suggested, given the statutory requirements for any change.
- In the event any issues arise as they relate to the contribution rates paid by judges into the Fund plan, such issues could be addressed by a subsequent Judicial Compensation Committee to ensure the judicial independence of the judiciary is always maintained.
- It should be noted that the Judges also have a supplementary plan where it is reasonable for future changes to be subject to the recommendations of a subsequent Judicial Compensation Committee.
- Accordingly, after careful consideration of the recommendations made in this regard and for the reasons set out above, the Standing Committee rejects the Judicial Compensation Committee's recommendations as they relate to pension contributions.

Recommendation 2:

- The Standing Committee does not accept that special provisions ought to or even can be established for judges, as recommended by the Judicial Compensation Committee.

- The Standing Committee understands the principle that all judges be treated in the same way at the time of appointment, but does not accept that the proposed recommendation achieves that result. While it would provide all judges with the same amount of insurance coverage, it would treat judges differently than all other members of the life insurance plan.
- The Standing Committee previously accepted the recommendation of a prior Judicial Compensation Committee to have the judges participate in the same insurance plan and coverage as that which the Government makes available to public servants, including the same Dependents' Life Insurance Policy. Moreover, the Standing Committee accepted that same Judicial Compensation Committee's recommendation that judges pay the same premiums for life insurance as civil servants.
- Consistent with those recommendations, the Standing Committee is of the view that judges ought not be treated differently from those who are members of that plan.
- This evidence of insurability is a current requirement for all plan members and is designed to prevent "adverse selection" in an insurance plan. It is a principle of virtually all life insurance plans.
- The Standing Committee has considered the matter very carefully and the change may not even be possible with a third party insurer, it is a matter of equities and fairness. If it is possible it is not clear that it would be an insubstantial cost. The Standing Committee does not accept that it is simply a housekeeping matter, for the reasons outlined above.
- The only feasible compromise solution would be for the Government to arrange for a separate insurance plan for Judges only with the likelihood of significantly higher premiums for Judges and Government. In effect reversing the decision of the previous Judicial Compensation Committee's recommendations.
- Accordingly, the Standing Committee rejects the recommendation that at the time of their appointment, all judges should be enrolled for life insurance coverage worth five times their salary (up to the policy maximum), unless they elect a lower level of coverage at that time, or following their appointment.

- *THAT a sub-committee of the Standing Committee on Legislative Affairs be struck to manage the process of hiring a new Conflict of Interest Commissioner and Information and Privacy Adjudicator for the Province of Manitoba, under the terms and conditions as follows:*
 - (a) the subcommittee consist of four government members, two official opposition members and one independent member;*

 - (b) the subcommittee have the authority to call their own meetings, the ability to meet in camera, and be able to undertake duties it deems necessary in order to fulfil its responsibilities in the hiring process;*

 - (c) the subcommittee may only report back to the Standing Committee on Legislative Affairs with a recommendation that has been agreed to by all members; and*

 - (d) the Committees Branch staff as well as the Legislative Assembly Human Resource Services staff be authorize to attend all meetings of the subcommittee.*

Item Considered and Not Concluded:

Your Committee has not completed consideration of the process for hiring a new Conflict of Interest Commissioner, Lobbyist Registrar and Information and Privacy Adjudicator.

Report Considered and Concluded:

Your Committee has completed consideration of the Report and Recommendations of the Judicial Compensation Committee dated November 20, 2015.

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

Hon. Mr. SELINGER, the First Minister, made a statement regarding the 2015 Federal Election.

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

Pursuant to Rule 26(1), Mr. MARTIN, Hon. Ms. BLADY and Messrs. GRAYDON, MARCELINO (Tyndall Park) and WISHART made Members' Statements.

The following petitions were presented and read:

Mrs. ROWAT – Legislative Assembly of Manitoba to urge the Provincial Government to install a Pedestrian Corridor at the intersection of Highway 10 and Victor Avenue in Onanole to replace the existing crosswalk. (A. Mandziuk, B. Forbes, A. Forbes and others)

Mr. SCHULER – Legislative Assembly of Manitoba to urge that the Provincial Government improve the safety at the pedestrian corridor at the intersection of PTH# 206 and Cedar Avenue in Oak Bank by considering such steps as highlighting pavement markings to better indicate the location of the shoulders and crosswalk, as well as installing a lighted crosswalk structure. (B. Rettaler, M. Wicks, P. Dyrda and others)

In accordance with Rule 31(8), the Government House Leader announced that the Calling on the Federal Government to Work with Manitoba Resolution will be considered next Tuesday, October 27, 2015.

By unanimous consent, it was agreed to waive requests for quorum in the House for the morning of Thursday, October 22, 2015.

By leave, Hon. Mr. CHOMIAK moved:

THAT Bill (No. 34) – The Safer Roads Act (Drivers and Vehicles Act and Highway Traffic Act Amended)/Loi sur la sécurité accrue des routes (modification de la Loi sur les conducteurs et les véhicules et du Code de la route), 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,

Tuesday, October 20, 2015

And Hon. Mr. CHOMIAK, Mr. GOERTZEN, Hon. Mr. GERRARD and Mr. GRAYDON 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. 10) – The Municipal Amendment Act/Loi modifiant la Loi sur les municipalités, 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. Messrs. CHOMIAK and CALDWELL, Mr. EICHLER, Hon. Mr. GERRARD and Mr. PEDERSEN 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 Architects Amendment Act/Loi modifiant la Loi sur les architectes, 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. SMOOK, Hon. Mr. GERRARD and Messrs. FRIESEN and GRAYDON having spoken,

And Mr. PIWNIUK 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, October 21, 2015.

Hon. Daryl REID,
Speaker.