



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 30

FIRST SESSION, THIRTY-NINTH LEGISLATURE

PRAYER

10:00 O'CLOCK A.M.

Mr. GOERTZEN moved:

THAT Bill (No. 215) – The Mandatory Testing for Pathogens Act/Loi sur le dépistage obligatoire d'agents pathogènes, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Messrs. GOERTZEN and PEDERSEN having spoken,

And Mr. LAMOUREUX speaking,

During the debate, Mr. Speaker interjected and requested that the word "allow his monkeys" spoken by the Honourable Member for Inkster be withdrawn.

And Mr. LAMOUREUX withdrew and concluded his remarks,

And Mr. FAURSCHOU, Mrs. TAILLIEU, Messrs. DYCK and EICHLER having spoken,

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

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

THAT Bill (No. 203) – The Phosphorus-Free Dishwashing Detergent Act/Loi sur les détergents à vaisselle sans phosphore, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

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

Mrs. ROWAT moved:

Resolution No. 10: Age of Protection

WHEREAS Manitoba's Provincial Government has a responsibility to protect children from exploitation by adults; and

WHEREAS adult predators are increasingly using nefarious means such as drugs, alcohol, gifts, false promises and threats to lure or pressure child victims into harmful situations. Children are being misled or coerced into participating in criminal and/or sexual acts; and

WHEREAS the current age of protection in the Canadian Criminal Code recognizes those under eighteen years of age as deserving of certain legal protections; and

WHEREAS Canada has legal standards that acknowledge children are not yet prepared to make life-altering decisions regarding their safety and health; and

WHEREAS children cannot legally smoke cigarettes or drink alcoholic beverages until they are eighteen years of age, yet the age of consent for sexual activity remains fourteen years of age; and

WHEREAS children between the ages of fourteen and sixteen years old are especially vulnerable to exploitation by adult predators at least three years older than them due to this gross legal loophole; and

WHEREAS families, communities and law enforcement authorities are frustrated with the lack of tools available to effectively protect children from exploitation; and

WHEREAS exploitation can take many forms, including the use of children for illegal drug activity, gang recruitment, or sexual abuse; and

WHEREAS any child may become a victim of exploitation, but at-risk children are particularly vulnerable; and

WHEREAS many of the targeted child victims may be in the care of or have had previous contact with Child and Family Services; and

WHEREAS the age of protection is within federal jurisdiction, yet section 52 of Manitoba's *Child and Family Services Act* could be amended and strengthened to better safeguard children in care; and

WHEREAS the consequences of any type of exploitation are devastating;

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Provincial Government to consider amending and strengthening section 52 of *The Child and Family Services Act* to allow for the greater protection of children in care who are at risk of being targeted by those who would exploit them; and

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BE IT FURTHER RESOLVED that the Legislative Assembly of Manitoba urge the Provincial Government to consider lobbying the Federal Government to raise the age of protection to a minimum of sixteen years of age.

And a debate arising,

And Mrs. ROWAT, Hon. Ms. MELNICK, Mrs. DRIEDGER, Messrs. MARTINDALE and BRIESE, Ms. HOWARD and Mrs. MITCHELSON having spoken,

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

1:30 O'CLOCK P.M.

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

THAT the Premier be directed to apologize to the Legislative Assembly and the people of Manitoba for intentionally misleading this Legislative Assembly.

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

WHEREUPON Mr. Speaker ruled there was no Matter of Privilege.

Subsequently prior to Routine Proceedings, Mr. LAMOUREUX rose on a point of order regarding the Honourable First Minister's conflicting statements in the House.

And Hon. Mr. ASHTON and Mr. GOERTZEN having spoken to the point of order,

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

The following petitions were presented and read:

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

Mrs. ROWAT – Legislative Assembly of Manitoba to request the Premier to consider amending and strengthening section 52 of The Child and Family Services Act to allow for the greater protection of children in care from exploitation and to consider urging the Federal Government to raise the age of protection to a minimum of sixteen years of age. (V. Hourie, M. Courcher, G. Smith and others)

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

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

Hon. Ms. MCGIFFORD presented:

Annual Report of the University of Manitoba for the fiscal year ending March 31, 2007.
(Sessional Paper No. 119)

Annual Report of the University of Winnipeg for the fiscal year ending March 31, 2007.
(Sessional Paper No. 120)

Annual Report of the Brandon University for the fiscal year ending March 31, 2007.
(Sessional Paper No. 121)

Annual Report of the Collège universitaire de Saint-Boniface for the fiscal year ending March 31, 2007.
(Sessional Paper No. 122)

Following Oral Questions, Mr. Speaker made the following ruling:

On October 24, 2007, during the Tabling of Reports portion of Routine Proceedings, the Honourable Member for Russell raised a point of order regarding the tabling of the Auditor General's Special Audit on the Image Campaign for the Province of Manitoba. The Honourable Member for Russell contended that as the Public Accounts Committee had requested the Auditor General to conduct the audit, the Auditor General should have first reported the results to the Public Accounts Committee due to section 16(2) of The Auditor General's Act, and that the Honourable Member for Russell, as Chair of the Public Accounts Committee, should have been the one to table the Auditor's Report in the Legislature. I took the matter under advisement in order to consult the procedural authorities.

From a technical point of view, I must advise the House that there is no point of order, because as indicated in Beuchesne citation 168(5) the Speaker does not interpret questions of law. Similarly, it has been ruled on many occasions, both in the Manitoba Legislature and in the Canadian House of Commons that it is not appropriate for the Speaker to intervene in committee matters. That being said however, there are some observations about the current situation that may be appropriate to share with the House.

Although the Honourable Member for Russell contended that as the Chair of the Public Accounts Committee he should have tabled the Special Audit in the Legislature, this is at odds with both our practices and with section 28(1) of The Auditor General's Act. Our practice in Manitoba is that the Independent Officers of the Legislature report to the Legislature through the Speaker, and that it is the Speaker who tables the reports. Section 28(1) of The Auditor General Act also states that when making a report to the Assembly under this Act, the Auditor General must submit the report to the Speaker, and that the Speaker must table the report in the Assembly.

Also, Rule 124 of the Manitoba Rule book indicates that the Public Accounts Chairperson shall table reports in the House, but the rule does not state that these are annual reports of the Auditor. I would suggest that it is probably reasonable to assume that this rule instead refers to committee reports, which are different than reports prepared by the Auditor, as rule 126 goes on to use the wording "The report of the PAC."

I would also offer the observation that section 16(3) of The Auditor General's Act indicates that a report of an audit under this section may be submitted to the Assembly, while section 16(2) states that the Auditor General must report the findings of the audit to the person or body that requested the audit and to the minister responsible for any government organization concerned. Having the report tabled first in the Legislature does not preclude the Auditor from reporting the findings of the audit to the committee.

As the Honourable Member for Russell pointed out, this is the first time that the Public Accounts Committee has requested the Auditor General to conduct a special audit under section 16(1), and it could be the case that expectations about what should happen were not clear. I note from reading the transcripts of the February 22, 2007 meeting where the Public Accounts Committee passed the motion to request the Auditor to conduct the special audit, no terms of reference were explored, nor was the reporting process discussed.

I would suggest at this point that it would probably be appropriate for the Public Accounts Committee to have a discussion of this issue at the next Public Accounts Committee meeting, and to engage the Auditor General and perhaps the House Leaders in the discussion. Additionally, for future special audit requests, it may be helpful for the Public Accounts Committee to discuss terms of reference when making the request, as well as noting expectations about the reporting process.

Pursuant to Rule 26(1), Ms. KORZENIOWSKI, Messrs. BRIESE, MALOWAY, GOERTZEN and SARAN made Members' Statements.

The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 17) – The Firefighters, Peace Officers and Workers Memorial Foundations Act/Loi sur les fondations à la mémoire des pompiers, des agents de la paix et des travailleurs, as amended and reported from the Standing Committee on Social and Economic Development:

By leave, it was agreed to first deal with the sixth and seventh Proposed Report Stage Amendment sponsored by Mr. MAGUIRE.

Mr. MAGUIRE moved:

THAT Bill 17 be amended by adding the following after Clause 14.1:

Paramedics Memorial Foundation to be established

14.2 Within one year after this Act comes into force,

(a) the government must consult with paramedics in Manitoba or an organization that represents them; and

(b) a regulation establishing the Paramedics Memorial Foundation must be made under section 14.1.

And a debate arising,

And Messrs. MAGUIRE and FAURSCHOU, Hon. Mr. LEMIEUX, Messrs. GOERTZEN, EICHLER and DERKACH having spoken,

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

In accordance with Rule 31(9), the Deputy Opposition House Leader announced that the Privacy Protection in Manitoba Resolution will be considered next Thursday, November 8, 2007.

Mr. MAGUIRE then moved:

THAT Bill 17 be amended in Clause 15 by adding "or April 1, 2008, whichever is earlier" after "proclamation".

And a debate arising,

And Messrs. MAGUIRE and FAURSCHOU having spoken,

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

By leave, Mr. MAGUIRE then withdrew his remaining Proposed Report Stage Amendments.

The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 19) – The Fair Registration Practices in Regulated Professions Act/Loi sur les pratiques d'inscription équitables dans les professions réglementées, as amended and reported from the Standing Committee on Justice:

Mr. LAMOUREUX moved:

THAT Bill 19 be amended by replacing Clause 11 with the following:

Appointment process

11(1) The President of the Executive Council must convene a meeting of the Standing Committee of the Assembly on Legislative Affairs if

(a) the position of fair registration practices commissioner is vacant; or

(b) the fair registration practices commissioner has resigned and the resignation takes effect within 12 months.

Recommendations of committee

11(2) The Standing Committee of the Assembly on Legislative Affairs must consider candidates for the position of fair registration practices commissioner and make recommendations to the President of the Executive Council.

Appointing fairness commissioner

11(3) On the recommendation of the Standing Committee of the Assembly on Legislative Affairs, the Lieutenant Governor in Council must appoint a person as fair registration practices commissioner.

And a debate arising,

And Mr. LAMOUREUX, Mrs. TAILLIEU and Hon. Ms. ALLAN having spoken,

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

By leave, Mr. LAMOUREUX then withdrew his remaining Proposed Report Stage Amendments.

By leave, it was agreed to first deal with the third Proposed Report Stage Amendment sponsored by Mrs. TAILLIEU.

Mrs. TAILLIEU then moved:

THAT Bill 19 be amended

(a) in Clause 13(1), by striking out "the minister" and substituting "the Speaker of the Assembly"; and

(b) in Clause 13(3), by striking out "minister" and substituting "Speaker".

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And a debate arising,

Mrs. TAILLIEU and Mr. LAMOUREUX having spoken,

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

Mrs. TAILLIEU then moved:

THAT Bill 19 be amended in the definition "registration" in Clause 2 by adding ", but does not include the renewal of a registration" at the end.

And a debate arising,

Mrs. TAILLIEU and Hon. Ms. ALLAN having spoken,

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

By leave, Mrs. TAILLIEU then withdrew her remaining Proposed Report Stage Amendment.

The House then adjourned at 4:56 p.m. until 1:30 p.m. Monday, November 3, 2007.

Hon. George HICKES,
Speaker.