



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 62

FIFTH SESSION, THIRTY-NINTH LEGISLATURE

PRAYER

10:00 O'CLOCK A.M.

By leave, it was agreed for the House to deal with Second Reading of Bill (No. 213).

Mrs. ROWAT moved:

THAT Bill (No. 213) – The Consumer Protection Amendment Act (Gift Cards)/Loi modifiant la Loi sur la protection du consommateur (cartes-cadeaux), be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Mrs. ROWAT, Hon. Mr. MACKINTOSH, Mr. FAURSCHOU, Hon. Ms. SELBY, Mrs. STEFANSON and Messrs. WIEBE and CULLEN having spoken,

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

Mr. JENNISSON moved:

Resolution No. 18: Improving Education and Helping Students Succeed

WHEREAS nothing is more important to our children's future success and to building a knowledge-based economy than education; and

WHEREAS promoting excellence and academic success is the most important goal of our education system; and

WHEREAS this year's education funding announcement brought the total increase to \$363.7 million since 1999, representing a 47.2 per cent increase in overall support, compared to the 1990s when school funding was either frozen or reduced for five consecutive years; and

WHEREAS the Minister of Education has introduced legislation to raise the compulsory school age to 18, because it is important to not give up on any of our kids; and

Tuesday, June 14, 2011

WHEREAS the Province is developing a parent-friendly report card written in plain language for use in all public schools, to help parents get the information they need to be full partners in their children's education.

THEREFORE BE IT RESOLVED THAT the Legislative Assembly commend the teachers, principals, parents, school divisions and all educators for their dedication to student success and for their strong partnerships with the Provincial Government which has resulted in a 14% increase in the graduation rate since 2002.

BE IT FURTHER RESOLVED THAT the Provincial Government of Manitoba be urged to continue investing the necessary resources to ensure that every student in Manitoba has the opportunity to succeed and to build a good life here in Manitoba.

And a debate arising,

And Messrs. JENNISSEN, CULLEN, JHA and DERKACH and Hon. Ms. ALLAN having spoken,

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

1:30 O'CLOCK P.M.

The following petitions were presented and read:

Mr. BRIESE – Legislative Assembly of Manitoba to request the Minister of Infrastructure and Transportation to consider the importance of reducing the speed limit on PTH 5 to 80 km/hour in the vicinity of the Town of Ste. Rose from the west side of the Turtle River bridge to the south side of the access to the Ste. Rose Auction Mart to help better protect motorist safety. (J. Le Blanc, L. Murray, T. Campbell 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. (M. Ostrow, K. Houston, C. Dueck 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. (M. Wiebe, S. Tkachyk, R. Tkachyk and others)

Mr. MAGUIRE – Legislative Assembly of Manitoba to request the Provincial Government to consider enacting a compensation program to help address the extra costs facing agricultural producers due to severe flooding in the Rural Municipality of Sifton and to consider developing a long-term strategy to more effectively address future flooding events in the R.M of Sifton. (S. Gray, B. Larkin, P. Larkin and others)

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

Meetings:

Your Committee met on June 13, 2011.

Matters under Consideration

- **Bill (No. 22)** – The Securities Amendment Act/Loi modifiant la Loi sur les valeurs mobilières
- **Bill (No. 27)** – The Manitoba Ukrainian Canadian Heritage Day Act/Loi sur le Jour du patrimoine ukrainien-canadien au Manitoba
- **Bill (No. 44)** – The Civil Service Superannuation and Related Amendments Act/Loi sur la pension de la fonction publique et modifications connexes
- **Bill (No. 45)** – The Statutes Correction and Minor Amendments Act, 2011/Loi corrective de 2011
- **Bill (No. 47)** – The Accessibility Advisory Council Act and Amendments to The Government Purchases Act/Loi sur le Conseil consultatif de l'accessibilité et modifiant la Loi sur les achats du gouvernement
- **Bill (No. 48)** – The Planning and Land Dedication for School Sites Act (Various Acts Amended)/Loi sur la planification et les affectations de biens-fonds concernant les emplacements scolaires (modification de diverses dispositions législatives)
- **Bill (No. 49)** – The Employment and Income Assistance Amendment and Highway Traffic Amendment Act/Loi modifiant la Loi sur l'aide à l'emploi et au revenu et le Code de la route

Committee Membership

- Mr. ALTEMEYER
- Mr. BRIESE
- Mr. DEWAR
- Mr. EICHLER
- Hon. Ms. HOWARD
- Hon. Mr. LEMIEUX
- Mrs. MITCHELSON
- Mrs. ROWAT
- Hon. Mr. SWAN
- Mr. WHITEHEAD
- Hon. Ms. WOWCHUK

Your Committee elected Mr. ALTEMEYER as the Chairperson.

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

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

Substitutions received during committee proceedings:

- Mr. MARTINDALE for Mr. DEWAR
- Mr. DERKACH for Mr. EICHLER
- Hon. Ms. ALLAN for Hon. Mr. SWAN

Motions

Your Committee agreed to the following motion:

- *THAT Legislative Counsel be authorized to make all necessary changes to Bill 44 so that it reflects the Bill as amended by this Committee, including striking out Schedule B and the text between the enacting clause of the Bill and Clause 1 of Schedule A, and to reprint the Bill as amended.*

Public Presentations

Your Committee heard the following 21 presentations on **Bill (No. 47)** – The Accessibility Advisory Council Act and Amendments to The Government Purchases Act/Loi sur le Conseil consultatif de l'accessibilité et modifiant la Loi sur les achats du gouvernement:

David Lepofsky	Accessibility for Ontarians with Disabilities Act Alliance
Gary Dyson & Terry McIntosh	Private Citizens
Doug Momotiuk	Manitoba Deaf Association
Dennis Zimmer	Private Citizen
Patrick Falconer	Barrier-Free Manitoba
Jeannette Delong	Abilities Manitoba
Kevin Rebeck	Manitoba Federation of Labour
Orland Backstrom	Manitoba Supported Employment Network
Paula Keirstead	Manitoba League of Persons with Disabilities
Janet Letkeman	Private Citizen
Valerie Wolbert	Friends of People First
Dr. Jennifer Frain	New Directions for Children, Youth, Adults & Families
Ross Eadie	Private Citizen
Jim Derksen	Private Citizen
Laurie Helgason	Private Citizen
Bob Montpetit	Private Citizen
David Steen	Private Citizen
Rob Cox	Private Citizen
Samuel Unrau	Private Citizen
Gisele Saurette-Roch	Provincial Council of Women of Manitoba
Jordan Sangalang	Private Citizen

Your Committee heard the following 12 presentations on **Bill (No. 48)** – The Planning and Land Dedication for School Sites Act (Various Acts Amended)/Loi sur la planification et les affectations de biens-fonds concernant les emplacements scolaires (modification de diverses dispositions législatives):

Robert Rivard	Manitoba School Board Association
Michael Carruthers	Urban Development Institute
Eric Vogan	Qualico
Alan Borger	Ladco Company Limited

Mike Moore	Manitoba Homebuilders Association
Jonathan Fahr	Fahr Group
Jerry Klein	GenStar Development Company
Tim Comack	Ventura Land Company
Norm Boyle	North Grassie Properties
Les McLaughlin	Pollock & Wright Land Surveyors
Frank Bueti	Private Citizen
Kim Raban	Private Citizen

Written Submissions

Your Committee received the following two written submissions on **Bill (No. 47)** – The Accessibility Advisory Council Act and Amendments to The Government Purchases Act/Loi sur le Conseil consultatif de l'accessibilité et modifiant la Loi sur les achats du gouvernement:

Doug Dobrowolski	Association of Manitoba Municipalities
Karl Riese	Private Citizen

Bills Considered and Reported

- **Bill (No. 22)** – The Securities Amendment Act/Loi modifiant la Loi sur les valeurs mobilières

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 27)** – The Manitoba Ukrainian Canadian Heritage Day Act/Loi sur le Jour du patrimoine ukrainien-canadien au Manitoba

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

THAT Clause 1 be amended by striking out "in July" and substituting " before the first Monday in August".

THAT the last paragraph of the preamble be amended by striking out "in July" and substituting " before the civic holiday (the first Monday in August)".

- **Bill (No. 44)** – The Civil Service Superannuation and Related Amendments Act/Loi sur la pension de la fonction publique et modifications connexes

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

Your committee voted to defeat Clauses 1-56 of Schedule B of the Bill.

Your committee voted to defeat Clause 2 of the Bill.

THAT the title of the Bill be amended by striking out "AND RELATED AMENDMENTS" and substituting "AMENDMENT".

- **Bill (No. 45)** – The Statutes Correction and Minor Amendments Act, 2011/Loi corrective de 2011

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 47)** – The Accessibility Advisory Council Act and Amendments to The Government Purchases Act/Loi sur le Conseil consultatif de l'accessibilité et modifiant la Loi sur les achats du gouvernement

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

THAT Clause 7(1)(a) of the Bill be amended by adding "and timely" after "systematic".

THAT the Preamble of the Bill be amended by adding the following after the fourth paragraph:

AND WHEREAS legislation is needed to establish a systemic and proactive approach for identifying, preventing and removing barriers that will complement *The Human Rights Code* in ensuring accessibility for Manitobans;

- **Bill (No. 48)** – The Planning and Land Dedication for School Sites Act (Various Acts Amended)/Loi sur la planification et les affectations de biens-fonds concernant les emplacements scolaires (modification de diverses dispositions législatives)

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

THAT Clause 2 of the Bill be amended by adding the following definition:

"school division" means a school division as defined in subsection 1(1) of *The Public Schools Act* but, except in clause 163(1)(c), does not include the francophone school division. (« division scolaire »)

THAT Clause 5 of the Bill be amended in the proposed subclause 259.1(3)(a)(ii) by striking out "at the option of the school board" and substituting ""if the developer and the school board agree".

THAT Clause 7 of the Bill be amended by adding the following definition:

"school division" means a school division as defined in subsection 1(1) of *The Public Schools Act* but does not include the francophone school division. (« division scolaire »)

THAT Clause 14 of the Bill be amended in the proposed subclause 137.1(3)(a)(ii) by striking out "at the option of the school board" and substituting ""if the developer and the school board agree".

- **Bill (No. 49)** – The Employment and Income Assistance Amendment and Highway Traffic Amendment Act/Loi modifiant la Loi sur l'aide à l'emploi et au revenu et le Code de la route

Your Committee agreed to report this Bill without amendment.

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

Hon. Mr. SWAN presented:

Annual Report of The Manitoba Public Insurance Corporation for the fiscal year ending February 28, 2011.

(Sessional Paper No. 85)

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.

Pursuant to Rule 26(1), Mr. EICHLER, Hon. Ms. IRVIN-ROSS, Messrs. DYCK, WHITEHEAD and DERKACH made Members' Statements.

Prior to Grievances, Mr. MCFADYEN rose on a Matter of Urgent Public Importance and moved:

THAT in accordance with Rule 36(1), the ordinary business of the House be set aside to discuss a Matter of Urgent Public Importance, namely, the challenges created for Manitobans by the handling of the 2011 flood.

And Mr. MCFADYEN and Hon. Ms. HOWARD having spoken to the urgency of the motion,

WHEREUPON Mr. Speaker ruled as follows:

I thank the Honourable Members for their advice to the Chair on whether the motion proposed by the Honourable Leader of the Official Opposition should be debated today. The notice required by Rule 36(1) was provided. Under our Rules and Practices, the subject matter requiring urgent consideration must be so pressing that the public interest will suffer if the matter is not given immediate attention. There must also be no other reasonable opportunities to raise the matter.

I have listened very carefully to the arguments put forward, however I was not persuaded that the ordinary business of the house should be set aside to deal with this issue today. Although this is an issue that some Members may have a concern about, I do not believe that the public interest will be harmed if the business of the house is not set aside to debate the motion today.

Additionally, I would like to note that other avenues exist for Members to raise this issue, including Question Period, Members' Statements and Grievances. There have also been daily Ministerial Statements providing updates on the flooding situation, and the Official Opposition critic and the Member for River Heights have had the opportunities to comment on these Ministerial updates.

Therefore, with the greatest of respect, I must rule that this matter does not meet the criteria set by our Rules and Precedents and I rule the motion out of order as a Matter of Urgent Public Importance.

However, despite the procedural shortcomings, there does appear to be a willingness to debate the issue. I shall then put the Question to the House shall the debate proceed?

Mr. Speaker then put the Question, "Shall the debate proceed?" It was agreed to.

And a debate arising,

And Mr. MCFADYEN, Hon. Mr. ASHTON, Messrs. EICHLER and NEVAKSHONOFF and Hon. Mr. GERRARD having spoken.

The debate was terminated in accordance with Rule 36(6).

In accordance with Rule 31(8), the Government House Leader announced that the Continued Expansion of Personal Care Homes and Long-Term Care Services Resolution will be considered on the next Tuesday of Private Members' Business.

Hon. Ms. HOWARD moved:

THAT Bill (No. 16) – The Safer Communities and Neighbourhoods Amendment and Criminal Property Forfeiture Amendment Act/Loi modifiant la Loi visant à accroître la sécurité des collectivités et des quartiers et la Loi sur la confiscation de biens obtenus ou utilisés criminellement, 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. Ms. HOWARD, Mr. GOERTZEN and Hon. Messrs. SWAN and 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. 18) – The Highway Traffic Amendment Act/Loi modifiant le Code de la route, 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. Ms. HOWARD, Hon. Mr. SWAN, Mr. GOERTZEN 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. 19) – The Provincial Court Amendment Act (Senior Judges)/Loi modifiant la Loi sur la Cour provinciale (juges aînés), 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. Ms. HOWARD, Hon. Mr. SWAN, Mr. GOERTZEN 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. 25) – The Inter-jurisdictional Support Orders Amendment Act/Loi modifiant la Loi sur l'établissement et l'exécution réciproque des ordonnances alimentaires, 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. Ms. HOWARD, Hon. Mr. SWAN, Mr. GOERTZEN 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. 29) – The Child Sexual Exploitation and Human Trafficking Act/Loi sur l'exploitation sexuelle d'enfants et la traite de personnes, reported from the Standing Committee on Justice, be concurred in and be now read a Third Time and passed.

And a debate arising,

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And Hon. Ms. HOWARD, Hon. Mr. SWAN, Mr. GOERTZEN 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. 31) – The Manitoba Public Insurance Corporation Amendment Act/Loi modifiant la Loi sur la Société d'assurance publique du Manitoba, 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. Ms. HOWARD, Hon. Mr. SWAN, Mrs. TAILLIEU, Hon. Mr. GERRARD 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.

The House then adjourned at 5:00 p.m. until 1:30 p.m. Wednesday, June 15, 2011.

Hon. George HICKES,
Speaker.