

**First Session - Thirty-Ninth Legislature**  
**of the**  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
**on**  
**Justice**

*Chairperson*  
*Ms. Marilyn Brick*  
*Constituency of St. Norbert*

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Ninth Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
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ALTEMEYER, Rob	Wolseley	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
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GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin	Steinbach	P.C.
GRAYDON, Cliff	Emerson	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
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LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
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**LEGISLATIVE ASSEMBLY OF MANITOBA  
THE STANDING COMMITTEE ON JUSTICE**

**Wednesday, November 7, 2007**

**TIME – 3 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Ms. Marilyn Brick (St. Norbert)**

**VICE-CHAIRPERSON – Ms. Flor Marcelino (Wellington)**

**ATTENDANCE – 11 QUORUM – 6**

*Members of the Committee present:*

Hon. Mr. Lemieux, Hon. Ms. Oswald

Ms. Brick, Messrs. Cullen, Dewar, Goertzen, Graydon, Hawranik, Ms. Marcelino, Messrs. Saran, Swan

**APPEARING:**

Mr. Jon Gerrard, MLA for River Heights

**WITNESSES:**

Bill 202–The Apology Act

Ms. Leslie Worthington, Private Citizen  
Ms. Tracy Weber, Private Citizen

**MATTERS UNDER CONSIDERATION:**

Bill 202–The Apology Act

Bill 209–The Historic Trans-Canada Highway Act

\* \* \*

**Madam Chairperson:** Good afternoon. Will the Standing Committee on Justice please come to order.

The meeting has been called to consider the following bills: Bill 202, The Apology Act; and Bill 209, The Historic Trans-Canada Highway Act.

We have two presenters registered to speak to these bills as follows: Leslie Worthington and Tracy Weber to speak together as one presentation to The Apology Act.

How long does the committee wish to sit this afternoon?

**Mr. Andrew Swan (Minto):** Madam Chair, I propose we sit until our business this afternoon is completed.

**Madam Chairperson:** It has been proposed that we sit until the business of the committee is complete. Is that agreed? *[Agreed]*

We will first proceed with the presenters, so if the originator of the bill can come forward, please.

Before we proceed with presentations, we do have a number of other items and points of information to consider. First of all, if there is anyone else in the audience who would like to make a presentation this afternoon, please register with staff at the entrance of the room.

Also, for the information of all presenters, while written versions of presentations are not required, if you are going to accompany your presentation with written materials, we ask that you provide 20 copies. If you need help with photocopying, please speak with our staff.

As well, I would like to inform presenters that in accordance with our rules a time limit of 10 minutes has been allotted for presentations with another five minutes allowed for questions from committee members.

Prior to proceeding with public presentations, I would like to also advise members of the public regarding the process for speaking in committee. The proceedings of our meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA or a presenter, I first have to say the person's name. This is the signal for the *Hansard* recorder to turn the mike on and off.

Thank you for your patience. We will now proceed with public presentations.

**Bill 202–The Apology Act**

**Madam Chairperson:** I will now call on Leslie Worthington and Tracy Weber to speak to The Apology Act.

Thank you. Prior to proceeding, if you could just identify who each one of you is.

**Ms. Leslie Worthington (Private Citizen):** I'm Leslie Worthington.

**Ms. Tracy Weber (Private Citizen):** And I'm Tracy Weber.

**Madam Chairperson:** Thank you. Do you have any copies of your presentations you want to circulate?

**Ms. Worthington:** No, it's a very brief statement.

**Madam Chairperson:** That's fine. Please proceed.

**Ms. Worthington:** Thank you. On behalf of Mimi Raglan and Danica Terziski both, who could not be with us today, Tracy Weber and me, myself, we are pleased that The Apology Act is moving forward because it is needed.

In our experience, have an apology when there is a medical error is the first step. We feel the first step should be followed up by a proper investigation of what happened and keeping the family informed. The next step is resolution, which means sharing the results of the investigation with the patient and/or family and how it will be prevented in the future and offer compensation where applicable just like the Sorry Works! program in the United States. Thank you.

**Madam Chairperson:** If you could just stay at the mike, please. Thank you very much.

Are there questions for the presenter?

**Hon. Jon Gerrard (River Heights):** Thank you, Leslie and Tracy, for coming forward and for presenting today. I think what you said is very important, that The Apology Act is a pretty important step forward, but that there are other things that we need to follow this up with afterwards in terms of making sure that we have a process which better addresses medical errors and make sure that they don't happen again.

So thank you very much for coming forward and presenting, and please give regards of the committee to the others who were involved as well. I know you've all had some personal incidents and experience, and hope that in the future with The Apology Act, and hopefully following that the other changes, that the kinds of experience that you've had, people won't have to go through in the same way again.

**Hon. Theresa Oswald (Minister of Health):** I wanted to say thank you to Ms. Worthington and Ms. Weber as well for appearing today. I concur with the Member for River Heights' remarks that The Apology Act can be a very important piece in what is a more complex spectrum of issues that need to be

addressed to ensure that we can do all that we can to learn from, to prevent medical error from happening, and to have a smoother system in future.

It is not the first step in our journey. There have been steps in the RHA amendment act that I think has set the stage beautifully for the adoption of The Apology Act here in Manitoba and also setting the stage for further work that we're going to do.

I think that such things can happen as a result of legislation that takes place, but more importantly, I think real things happen because of passionate advocacy. You two are indeed, in conjunction with the others you mentioned today, the embodiment of that. Manitoba owes you a debt of gratitude. So, thank you.

**Mr. Kelvin Goertzen (Steinbach):** Thank you, Mses. Worthington and Weber, for your presentations.

You referenced the American legislation as it relates to compensation and looking in the future toward something like that. Can you just briefly sort of explain? Does that system set out a schedule? Is it like a no-fault system of compensation or is there a civil litigation involved with it?

\* (15:10)

**Ms. Weber:** The Sorry Works! program has been initiated in some hospitals in the States. What it is, is where doctors can come forward, and patients that have been hurt can come forward also with lawyers representing them. They do have meetings, and they discuss what went wrong. There is an apology. It's a way of saying sorry, that something happened and explaining what they're going to do in the future to correct it, then they're offered compensation, and then they can discuss it. It's a way for everybody, like the doctors, nurses, everybody, can come forward and apologize. The family gets an understanding of what's happened.

It doesn't mean that they can't still go to court. They can go to court, but it does help. It's been proven that the costs of medical mistakes are incredibly high. This has proven that litigation is not the way to do it, that this is a better way and it's less expensive in the end.

**Madam Chairperson:** The committee thanks you very much for your presentation. Thank you.

That concludes the list of presenters I have before me. Are there any other persons in attendance

who wish to make a presentation? Seeing none, that concludes public presentations.

**Madam Chairperson:** In what order does the committee wish to proceed with clause-by-clause consideration of these bills?

**Mr. Andrew Swan (Minto):** Maybe just proceed in numerical order of the way they're listed on the paper.

**Madam Chairperson:** Is that agreed? *[Agreed]*

During the consideration of a bill, the preamble, the enacting clause and the title are postponed until all other clauses have been considered in their proper order.

### **Bill 202—The Apology Act**

**Madam Chairperson:** On Bill 202, does the bill sponsor, the honourable Member for River Heights, have an opening statement?

**Hon. Jon Gerrard (River Heights):** I'll be quite brief. I think that this is an important moment in Manitoba. It's a real opportunity to make some progress in how we deal with medical errors, medical mistakes in this province. The Apology Act, as we have it here, will set the stage, I think, for further changes beyond this which will help deal, both from the point of view of health-care professionals and from people who've been in the system who have been the subject or their families have been the subject of medical mistakes and medical errors.

I would like to compliment the Minister of Health (Ms. Oswald) for agreeing to support this and to second it at second reading and to allow this bill to be moved forward for the benefit of all Manitobans. So I say, publicly, thank you to the Minister of Health for that.

**Madam Chairperson:** We thank the member.

Does any other member wish to make an opening statement on Bill 202.

Seeing none, clause 1—pass; clause 2—pass;

We've been asked to just pause for a moment so Leg Counsel will have an opportunity to work on an amendment.

Shall clause 3 pass?

**Hon. Theresa Oswald (Minister of Health):** This just in. I'd like to propose an amendment, and I

move, seconded by the Member for Minto (Mr. Swan),

*THAT Clause 3 of the Bill be replaced with the following:*

#### **Coming into force**

**3** This Act comes into force 90 days after the day it receives royal assent.

**Madam Chairperson:** It has been moved by honourable Minister Oswald

*THAT Clause 3 of the Bill be replaced with the following:*

#### **Coming into force—**

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense. The motion is in order.

**Ms. Oswald:** This is a minor amendment, of course, but an important one. Standard operating procedure with a government bill would involve stakeholder consultation and careful procedure with informing the field of changes that might affect them. This may or may not have fully occurred in the case of a private member's bill, and to ensure that we are able to prepare the system with any necessary details enabling them to react as a result of changes that exist, we believe that these 90 days will afford that opportunity, and we want to ensure that there's time for that to happen.

So, while we want this speedy passage and proclamation of the bill, we think it's prudent to wait some time to have it be proclaimed.

**Madam Chairperson:** Is the committee ready for the question?

**An Honourable Member:** Question.

**Madam Chairperson:** Amendment—pass; clause 3 as amended—pass; enacting clause—pass; title—pass. Bill as amended be reported.

### **Bill 209—The Historic Trans-Canada Highway Act**

**Madam Chairperson:** On Bill 209, does the bill's sponsor, the honourable Member for Lac du Bonnet have an opening statement?

**Mr. Gerald Hawranik (Lac du Bonnet):** Yes, Madam Chairperson, just a brief opening statement. I'd like to thank the Minister of Infrastructure (Mr. Lemieux) for supporting this bill, in fact, indeed, the Member for Selkirk (Mr. Dewar) for

seconding it, and all members of the House, of course, for supporting it for passage today.

This bill is an important part of our history in the Lac du Bonnet constituency, indeed, an important part of the history of the province and all of western Manitoba. Highway 44, or what existed prior to PTH 44, was really the first entry point from eastern Canada in the settlement of both Manitoba and goods and services coming through Manitoba, settling Manitoba and settling the rest of western Canada.

I think it's important that we recognize the historical significance of Highway 44, and I know that the minister is going to be proposing a number of amendments which we agree to. Most importantly, we negotiated those amendments, and even though the name of the bill will change somewhat, and it might be my second choice of name, he gave me reasonable reasons why we'd go with the second choice. I would support that, and I've spoken to all the municipalities involved, as well as the different development corporations in our area, and they would support that as well. I think, importantly, too, is he made me aware of the amendments prior to introducing them so that I could get our community's support, and the Member for Selkirk did the same. With that, that's my opening statement.

\* (15:20)

**Madam Chairperson:** We thank the member.

Do any other members wish to make an opening statement on Bill 209?

**Hon. Ron Lemieux (Minister of Infrastructure and Transportation):** Just a brief comment that the MLA for Lac du Bonnet as well as the MLA for Selkirk should be thanked for bringing this forward. I believe that it's important, when good pieces of legislation are brought forward, that government should seriously look at them. We agreed with the MLA for Lac du Bonnet that this would be advisable to move this bill, and we are certainly supportive of it with a name change and a couple of other amendments. Thank you.

**Madam Chairperson:** We thank the minister for those comments.

Clause 1—

**Mr. Lemieux:** Just an amendment. I'd like to move

*THAT Clause 1 of the Bill be amended by striking out, "Trans-Canada Highway" and substituting "Highway No. 1" in the section heading and in the section.*

**Madam Chairperson:** It has been moved by Minister Lemieux—

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense. The motion is in order.

The floor is open for questions.

Seeing no questions, is the committee ready for the question?

**Some Honourable Members:** Question.

**Madam Chairperson:** It has been moved by honourable Minister Lemieux

*THAT Clause 1 of the Bill be amended—*

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense.

Amendment—pass; clause 1 as amended—pass.

Shall clause 2 pass?

**Mr. Lemieux:** I appreciate the co-operation from the MLA for Lac du Bonnet on this item. Number 2 deals with the naming and the location of signs. This is something that is determined by the department with regard to design of signs and location, and often they will seek input as to what a sign would look like. There is a group that is a sign-naming committee. They will be looking at the design as well, and I've explained this to the MLA for Lac du Bonnet, so I would ask that this clause 2 be deleted or we will certainly vote against it.

**Madam Chairperson:** Thank you.

Is the committee ready for the question?

**Some Honourable Members:** Question.

**Madam Chairperson:** Question. Shall clause 2 pass?

**Some Honourable Members:** No.

**Madam Chairperson:** Clause 2 is accordingly defeated.

Shall clause 3 pass?

**Mr. Lemieux:** I'd like to move

*THAT the following be added after Clause 2 of the Bill. It is a reference. It's 2.1—*

**Madam Chairperson:** You have to read it exactly.

**Mr. Lemieux:** It's C.C.S.M. reference, 2.1,

*This act may be referred to as Chapter H66 of the Continuing Consolidation of the Statutes of Manitoba.*

**Madam Chairperson:** It has been moved by honourable Minister Lemieux

*THAT the following be added after Clause 2 of the Bill—*

Dispense?

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense.

Amendment—pass.

Shall clause 3 as amended pass?

**Mr. Lemieux:** I have an amendment. I move

*THAT Clause 3 of the Bill be amended by striking out "on the day it receives royal assent" and substituting "on the day to be fixed by proclamation".*

**Madam Chairperson:** Minister Lemieux, did you say "the" day, or "a" day?

**Mr. Lemieux:** Sorry.

*THAT Clause 3 of the Bill be amended by striking out "on the day it receives royal assent" and substituting "on a day to be fixed by proclamation".*

**Madam Chairperson:** Thank you.

It has been moved by Minister Lemieux,

*THAT Clause 3—*

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense. The amendment is in order.

Questions?

Is the committee ready for the question?

**An Honourable Member:** Question.

**Madam Chairperson:** It has been moved by honourable Minister Lemieux,

*THAT Clause—*

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense.

Amendment—pass; clause 3 as amended—pass; preamble—pass; enacting clause—pass.

Shall the title pass?

**Mr. Lemieux:** I have an amendment with regard to the title.

**Madam Chairperson:** Proceed.

**Mr. Lemieux:** I move,

*THAT the title of the Bill be amended by striking out "Trans-Canada Highway" and substituting "Highway No. 1".*

**Madam Chairperson:** It has been moved by Honourable Minister Lemieux,

*THAT the—*

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense.

The amendment is in order. The floor is open for questions.

Is the committee ready for the question?

**An Honourable Member:** Question.

**Madam Chairperson:** The question before the committee is the amendment moved by Honourable Minister Lemieux,

*THAT the —*

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense.

Amendment—pass; title as amended—pass. Bill as amended be reported.

The hour being 3:27, what is the will of the committee?

**Some Honourable Members:** Committee rise.

**Madam Chairperson:** Committee rise. Thank you very much, committee.

**COMMITTEE ROSE AT: 3:27 p.m.**

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