



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 71

THIRD SESSION, THIRTY-SEVENTH LEGISLATURE

PRAYERS

10:00 O'CLOCK A.M.

The House resumed the Adjourned Debate on the Proposed Motion of Hon. Ms. WOWCHUK:

THAT Bill (No. 11) – The Animal Diseases Amendment Act/Loi modifiant la Loi sur les maladies des animaux, 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. DYCK,

And Messrs. PENNER (Emerson), DERKACH, MAGUIRE and ENNS and Hon. Mr. GERRARD having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly read a Second Time and referred to a Committee of this House.

By leave, Hon. Mr. MACKINTOSH moved:

THAT the House resolve into Committee of the Whole to consider and report of Bill (No. 11) – The Animal Diseases Amendment Act/Loi modifiant la Loi sur les maladies des animaux, for Third Reading.

And the Question being put. It was agreed to.

Bill (No. 11) – The Animal Diseases Amendment Act/Loi modifiant la Loi sur les maladies des animaux, was considered in the Committee of the Whole and reported without amendment and, by leave, was concurred in.

By leave, Hon. Mr. MACKINTOSH moved:

THAT Bill (No. 11) – The Animal Diseases Amendment Act/Loi modifiant la Loi sur les maladies des animaux, be now read a Third Time and passed.

And a debate arising,

And Hon. Messrs. MACKINTOSH and GERRARD and Mr. PENNER (Emerson) having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly read a Third Time and passed.

The Order of the Day being read for consideration of Bill (No. 15) – The Fatal Accidents Amendment Act/Loi modifiant la Loi sur les accidents mortels, as reported from the Standing Committee on Law Amendments:

Mrs. SMITH (Fort Garry) withdrew her Proposed Amendment,

Hon. Mr. MACKINTOSH then moved:

THAT Bill 15 be amended by replacing section 5 with the following:

Transitional

*5 **The Fatal Accidents Act**, as amended by this Act, applies to any action under **The Fatal Accidents Act**, regardless of whether the death occurred before or after the coming into force of this Act.*

And a debate arising,

And Hon. Mr. MACKINTOSH and Mrs. SMITH (Fort Garry) having spoken,

And the Question being put on the amendment. It was agreed to.

Bill (No. 15) – The Fatal Accidents Amendment Act/Loi modifiant la Loi sur les accidents mortels, as reported from the Standing Committee on Law Amendments and subsequently amended, was concurred in.

By leave, Bill (No. 15) – The Fatal Accidents Amendment Act/Loi modifiant la Loi sur les accidents mortels, was read a Third Time and passed.

The following Bills, as reported from the Standing Committee on Law Amendments, were severally concurred in:

(No. 13) – The Medical Laboratory Technologists Act/Loi sur les technologistes de laboratoire médical

(No. 16) – The Class Proceedings Act/Loi sur les recours collectifs

(No. 18) – The Special Survey Amendment Act/Loi modifiant la Loi sur les arpentages spéciaux

(No. 25) – The Hearing Aid Amendment Act/Loi modifiant la Loi sur les appareils auditifs.

Bill (No. 26) – The Occupational Therapists Act/Loi sur les ergothérapeutes, as amended and reported from the Standing Committee on Law Amendments, was concurred in.

Bill (No. 28) – The Registered Dietitians Act/Loi sur les diététistes, as reported from the Standing Committee on Law Amendments, was concurred in.

The following Bills were severally read a Third Time and passed:

(No. 13) – The Medical Laboratory Technologists Act/Loi sur les technologistes de laboratoire médical

(No. 16) – The Class Proceedings Act/Loi sur les recours collectifs

(No. 18) – The Special Survey Amendment Act/Loi modifiant la Loi sur les arpentages spéciaux

(No. 25) – The Hearing Aid Amendment Act/Loi modifiant la Loi sur les appareils auditifs

(No. 26) – The Occupational Therapists Act/Loi sur les ergothérapeutes

(No. 28) – The Registered Dietitians Act/Loi sur les diététistes.

His Honour, Justice Alan R. PHILP, Administrator of the Province of Manitoba, having entered the House at 11:51 a.m., and being seated on the Throne:

Mr. Speaker addressed His Honour in the following words:

Your Honour:

At this sitting, the Legislative Assembly has passed certain Bills that I ask Your Honour to give assent to.

(No. 11) – The Animal Diseases Amendment Act/Loi modifiant la Loi sur les maladies des animaux

(No. 13) – The Medical Laboratory Technologists Act/Loi sur les technologistes de laboratoire médical

(No. 15) – The Fatal Accidents Amendment Act/Loi modifiant la Loi sur les accidents mortels

(No. 16) – The Class Proceedings Act/Loi sur les recours collectifs

(No. 18) – The Special Survey Amendment Act/Loi modifiant la Loi sur les arpentages spéciaux

(No. 25) – The Hearing Aid Amendment Act/Loi modifiant la Loi sur les appareils auditifs

(No. 26) – The Occupational Therapists Act/Loi sur les ergothérapeutes

(No. 28) – The Registered Dietitians Act/Loi sur les diététistes

To these Bills the Royal Assent was announced by the Clerk of the Legislative Assembly as follows:

"In Her Majesty's name, His Honour assents to these Bills."

At 11:53 a.m., His Honour was then pleased to retire.

1:30 O'CLOCK P.M.

The following petitions were presented:

Mr. SCHULER – Legislative Assembly of Manitoba request the Minister of Education to reverse the decision to split the Transcona-Springfield School Division and allow it to remain as a whole or to consider immediately convening the Board of Reference to decide the matter (K. Loewen, B. Loewen, M. Whyte and others)

Mr. MAGUIRE – Legislative Assembly of Manitoba request that the Minister of Transportation and Government Services consider making the completion of the twinning of the Trans Canada Highway between Virden and the Saskatchewan border an immediate fiscal priority for his government and to consider taking whatever steps are necessary to ensure that work begins in the 2002 construction year. (M. Clayton, M. Twigg, B. Clayton and others)

Mr. MARTINDALE, Chairperson of the Standing Committee on Law Amendments, presented its Seventh Report, which was read as follows:

Meetings:

Your Committee met on Tuesday, July 23, 2002 at 6:30 p.m. in Room 255 of the Legislative Building.

Matters Under Consideration:

- **Bill (No. 19)** – The Mines and Minerals Amendment Act/Loi modifiant la Loi sur les mines et les minéraux
- **Bill (No. 22)** – The Public Schools Amendment Act (Francophone School Division Governance Structure)/Loi modifiant la Loi sur les écoles publiques (structure de gestion de la division scolaire de langue française)
- **Bill (No. 32)** – The Fatality Inquiries Amendment Act/Loi modifiant la Loi sur les enquêtes médico-légales
- **Bill (No. 33)** – The Private Vocational Institutions Act/Loi sur les établissements d'enseignement professionnel privés
- **Bill (No. 43)** – The Polar Bear Protection Act/Loi sur la protection des ours polaires
- **Bill (No. 44)** – The Provincial Police Amendment (Aboriginal Policing) Act/Loi modifiant la Loi sur la Sûreté du Manitoba (services de police autochtones)

Membership Resignations / Elections:

Substitutions received prior to commencement of the meeting:

- Mr. GILLESHAMMER for Mrs. DRIEDGER
- Mr. ENNS for Mr. DYCK
- Mrs. STEFANSON for Mr. ROCAN
- Ms. KORZENIOWSKI for Hon. Mr. CHOMIAK
- Mr. NEVAKSHONOFF for Hon. Mr. SMITH (Brandon West)
- Hon. Ms. MIHYCHUK for Hon. Ms. BARRETT
- Hon. Mr. LATHLIN for Mr. JENNISSEN
- Hon. Ms. MCGIFFORD for Ms. KORZENIOWSKI
- Hon. Mr. CALDWELL for Mr. NEVAKSHONOFF

Substitutions made, by leave, during committee proceedings:

- Mr. DERKACH for Mr. GILLESHAMMER

Public Presentations:

Your Committee heard three presentations on Bill (No. 19) – The Mines and Minerals Amendment Act/Loi modifiant la Loi sur les mines et les minéraux from the following individuals and/or organizations:

Grand Chief Francis Flett
Michael Anderson
Ed Huebert

Manitoba Keewatinowi Okimakanak
Private Citizen
Mining Association of Manitoba

Your Committee heard one presentation on Bill (No. 22) – The Public Schools Amendment Act (Francophone School Division Governance Structure)/Loi modifiant la Loi sur les écoles publiques (structure de gestion de la division scolaire de langue française) from the following organization:

Claude Lemoine and Leo Robert D.S.F.M #49

Your Committee heard one presentation on Bill (No. 33) – The Private Vocational Institutions Act/Loi sur les établissements d'enseignement professionnel privés from the following organization:

Ken Penner Midwestern School of Business and Technology and
Robertson College

Your Committee heard six presentations on Bill (No. 44) – The Provincial Police Amendment (Aboriginal Policing) Act/Loi modifiant la Loi sur la Sûreté du Manitoba (services de police autochtones) from the following individuals:

Marjorie Prince	Private Citizen
Diana Traverse	Private Citizen
Edward Pashe	Private Citizen
Sheila James	Private Citizen
Lorraine Elk	Private Citizen
David G. Newman	Private Citizen

Bills Considered but not Reported:

Bill (No. 44) – The Provincial Police Amendment (Aboriginal Policing) Act/Loi modifiant la Loi sur la Sûreté du Manitoba (services de police autochtones)

Your Committee commenced clause by clause consideration of this bill but agreed to defer completion of the consideration to a future meeting of the Committee.

Bills Considered and Reported:

Bill (No. 19) – The Mines and Minerals Amendment Act/Loi modifiant la Loi sur les mines et les minéraux

Your Committee agreed to report this Bill without amendment.

Bill (No. 22) – The Public Schools Amendment Act (Francophone School Division Governance Structure)/Loi modifiant la Loi sur les écoles publiques (structure de gestion de la division scolaire de langue française)

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

THAT the proposed clause 21.38(2)(b), as set out in section 21 of the Bill, be replaced with the following:

(b) elected or appointed as a member of the Legislative Assembly, the Senate or House of Commons of Canada, or the council of a municipality;

(b.1) elected or appointed to the board of another school division or school district; or

THAT section 25 of the Bill be replaced with the following:

Coming into force

25(1) Subject to subsection (2), this Act comes into force on the day it receives royal assent.

25(2) Clause 21.38(2)(b) comes into force on July 1, 2003.

Bill (No. 32) – The Fatality Inquiries Amendment Act/Loi modifiant la Loi sur les enquêtes médico-légales

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

THAT subsection 9(2) of the Bill be amended by striking out "this Act comes into force" and substituting "section 4 of this Act comes into force".

THAT section 10 of the Bill be amended by striking out "this Act comes into force" and substituting "section 6 comes into force".

THAT section 11 of the Bill be replaced with the following:

Coming into force

11(1) This Act, except section 6, comes into force on the day it receives royal assent.

Coming into force: section 6

11(2) Section 6 comes into force on a day fixed by proclamation.

Bill (No. 33) – The Private Vocational Institutions Act/Loi sur les établissements d'enseignement professionnel privés

Your Committee agreed to report this Bill without amendment.

Bill (No. 43) – The Polar Bear Protection Act/Loi sur la protection des ours polaires

Your Committee agreed to report this Bill without amendment.

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

During Oral Questions, Mr. DERKACH rose on a point of order regarding comments allegedly spoken by the Honourable Minister of Aboriginal and Northern Affairs.

And Hon. Mr. ROBINSON, Mr. TWEED and Hon. Mr. MACKINTOSH having spoken to the point of order,

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

Immediately following Oral Questions, Mr. DERKACH rose on a matter of privilege and moved:

THAT this House censure the Minister of Transportation and Government Services for deliberately misleading the Legislative Assembly of Manitoba and that this matter be referred to the Standing Committee on Privileges and Elections for review.

And Hon. Mr. ASHTON, Mr. TWEED and Hon. Mr. MACKINTOSH having spoken.

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

By leave, the House reverted to "Ministerial Statements and Tabling of Reports".

Hon. Mr. LEMIEUX, the Minister of Culture, Heritage and Tourism made a statement regarding the opening of the 2002 North American Indigenous Games,

Mr. HAWRANIK commented on the statement.

Pursuant to Rule 23(1), Messrs. MARTINDALE, PITURA and JENNISSEN, Mrs. DACQUAY and Mr. AGLUGUB made Members' Statements.

By unanimous consent, the sequence for consideration for estimates, as outlined in Sessional Paper No. 124 tabled on April 30, 2002, was further amended in order that the estimates of Health be considered in Room 254 for Thursday, July 25, 2002, only.

By unanimous consent, the sequence for consideration for estimates, as outlined in Sessional Paper No. 124 tabled on April 30, 2002, was further amended in order that the estimates of Education, Training and Youth be considered in Room 255.

By unanimous consent, the sequence for consideration for estimates, as outlined in Sessional Paper No. 124 tabled on April 30, 2002, was further amended in order that the estimates of Industry, Trade and Mines be considered in the Chamber following the estimates of Culture, Heritage and Tourism.

Thursday, July 25, 2002

By unanimous consent, it was agreed that the House would sit from 10:00 a.m. to 12:00 p.m. and from 1:30 p.m. until 4:00 p.m. on Monday, July 29, 2002 with the understanding that Routine Proceedings will take place at 1:30 p.m.

By unanimous consent, it was agreed that if estimates are called, to have two sections of Committee of Supply to meet in Room 254 and in the Chamber for the morning of Monday, July 29, 2002.

By unanimous consent, it was agreed that if estimates are called, to have three sections of Committee of Supply to meet for the afternoon of Monday, July 29, 2002.

By leave, it was agreed that the Standing Committee on Public Accounts would meet at 10:00 a.m., Monday, July 29, 2002, concurrently with the House.

By unanimous consent, it was agreed to have only one section of Committee of Supply to meet in the Chamber to consider the estimates of Health for Tuesday, July 30, 2002, only.

By unanimous consent, it was agreed that the quorum requirements in the House be waived and that any recorded votes arising be deferred on Monday, July 29, 2002 and Tuesday, July 30, 2002.

By leave, it was agreed to waive Private Members' Business for Monday, July 29, 2002 and Tuesday, July 30, 2002.

The House resolving into the Committee of Supply.

And the House continuing in Committee. The Proceedings were interrupted at 5:00 p.m. for Private Members' Business.

Hon. Mr. MARTINDALE moved:

THAT Bill (No. 302) – The Congregation Etz Chayim Amalgamation Act/Loi sur la fusion de la Congrégation Etz Chayim, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Mr. MARTINDALE and Mrs. STEFANSON having spoken,

Thursday, July 25, 2002

And the Question being put. It was agreed to.

The Bill was accordingly read a Second Time and referred to a Committee of this House.

The House then adjourned at 5:15 p.m. until 10:00 a.m. Monday, July 29, 2002.

Hon. George HICKES,
Speaker.