



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 13

FIFTH SESSION, THIRTY-EIGHTH LEGISLATURE

PRAYER

1:30 O'CLOCK P.M.

On motion of Hon. Mr. BJORNSON, Bill (No. 12) – The Public Schools Amendment Act (Regional Vocational Schools)/Loi modifiant la Loi sur les écoles publiques (écoles professionnelles régionales), was read a First Time and had its purposes outlined.

The following petitions were presented and read:

Mrs. ROWAT – Legislative Assembly of Manitoba to request the Provincial Government to consider stopping the removal of these positions from our community (Minnedosa), and to consider utilizing current technology in order to maintain these positions in their existing location. (G. Kartanson, J. Robinson, B. Taylor and others)

Mr. LAMOUREUX – Legislative Assembly of Manitoba to urge the Premier and his NDP Government to cooperate in uncovering the truth in why the Government did not act on what it knew and to consider calling a public inquiry on the Crocus Fund Fiasco. (E. Miranda, N. Miranda, J. Miranda and others)

By leave, Ms. BRICK, Chairperson of the Standing Committee on Social and Economic Development, presented its First Report, which was read as follows:

Meetings:

Your Committee met on Monday, December 4, 2006 at 10:00 a.m. in Room 255 of the Legislative Building.

Matters under Consideration:

- **Bill (No. 2)** – The Employment Standards Code Amendment Act/Loi modifiant le Code des normes d'emploi
- **Bill (No. 4)** – The Consumer Protection Amendment Act (Prepaid Purchase Cards)/Loi modifiant la Loi sur la protection du consommateur (cartes prépayées)
- **Bill (No. 5)** – The Personal Investigations Amendment Act (Identity Protection)/Loi modifiant la Loi sur les enquêtes relatives aux particuliers (protection de l'identité)
- **Bill (No. 6)** – The Registered Retirement Savings Protection Act/Loi sur la protection des régimes enregistrés d'épargne en vue de la retraite

- **Bill (No. 9)** – The Grandparent Access and Other Amendments Act (Child and Family Services Act Amended)/Loi sur le droit de visite des grands-parents et apportant d'autres modifications (modification de la Loi sur les services à l'enfant et à la famille)
- **Bill (No. 38)** – The Housing and Renewal Corporation Amendment Act (Fund for Housing Revitalization)/Loi modifiant la Loi sur la Société d'habitation et de rénovation (fonds destiné à la revitalisation des logements)

Committee Membership:

- Hon. Ms. ALLAN
- Ms. BRICK (*Chairperson*)
- Mr. HAWRANIK
- Ms. KORZENIOWSKI
- Hon. Mr. MACKINTOSH
- Mr. MARTINDALE (*Vice-Chairperson*)
- Mrs. ROWAT
- Mr. SCHULER
- Hon. Mr. SELINGER
- Mr. SWAN
- Mrs. TAILLIEU

Substitutions received during committee proceedings:

- Mr. CALDWELL for Hon. Ms. ALLAN
- Mr. REID for Ms. KORZENIOWSKI

Public Presentations:

Your Committee heard two presentations on **Bill (No. 2)** – The Employment Standards Code Amendment Act/Loi modifiant le Code des normes d'emploi, from the following organizations:

Shannon Martin	Canadian Federation of Independent Business
Darlene Dziewit	Manitoba Federation of Labour

Your Committee heard two presentations on **Bill (No. 4)** – The Consumer Protection Amendment Act (Prepaid Purchase Cards)/Loi modifiant la Loi sur la protection du consommateur (cartes prépayées), from the following organizations:

Deborah Green	Polo Park / Cadillac Fairview
Laura Kwiatkowski	Rogers Communication

Your Committee heard one presentation on **Bill (No. 6)** – The Registered Retirement Savings Protection Act/Loi sur la protection des régimes enregistrés d'épargne en vue de la retraite, from the following organization:

Shannon Martin	Canadian Federation of Independent Business
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Written Submissions:

Your Committee received one written submission on **Bill (No. 2)** – The Employment Standards Code Amendment Act/Loi modifiant le Code des normes d'emploi, from the following organization:

William Gardner
Manitoba Employers Council

Your Committee received two written submissions on **Bill (No. 4)** – The Consumer Protection Amendment Act (Prepaid Purchase Cards)/Loi modifiant la Loi sur la protection du consommateur (cartes prépayées), from the following organization:

Lanny McInnes
Retail Council of Canada
Ed Bachewich
Private Citizen

Your Committee received one written submission on **Bill (No. 5)** – The Personal Investigations Amendment Act (Identity Protection)/Loi modifiant la Loi sur les enquêtes relatives aux particuliers (protection de l'identité), from the following organization:

Joel Heft
Equifax

Your Committee received one written submission on **Bill (No. 9)** – The Grandparent Access and Other Amendments Act (Child and Family Services Act Amended)/Loi sur le droit de visite des grands-parents et apportant d'autres modifications (modification de la Loi sur les services à l'enfant et à la famille), from the following organization:

Eileen Britton
Grandparents Requesting Access & Dignity Society

Bills Considered and Reported:

- **Bill (No. 2)** – The Employment Standards Code Amendment Act/Loi modifiant le Code des normes d'emploi

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 4)** – The Consumer Protection Amendment Act (Prepaid Purchase Cards)/Loi modifiant la Loi sur la protection du consommateur (cartes prépayées)

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 5)** – The Personal Investigations Amendment Act (Identity Protection)/Loi modifiant la Loi sur les enquêtes relatives aux particuliers (protection de l'identité)

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 6)** – The Registered Retirement Savings Protection Act/Loi sur la protection des régimes enregistrés d'épargne en vue de la retraite

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 9)** – The Grandparent Access and Other Amendments Act (Child and Family Services Act Amended)/Loi sur le droit de visite des grands-parents et apportant d'autres modifications (modification de la Loi sur les services à l'enfant et à la famille)

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 38)** – The Housing and Renewal Corporation Amendment Act (Fund for Housing Revitalization)/Loi modifiant la Loi sur la Société d'habitation et de rénovation (fonds destiné à la revitalisation des logements)

Your Committee agreed to report this Bill without amendment.

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

Hon. Mr. CHOMIAK presented:

Annual Report of the Law Enforcement Review Agency for the year ending December 31, 2005.
(Sessional Paper No. 12)

Annual Report of The Manitoba Law Foundation for the fiscal year ending March 31, 2006.
(Sessional Paper No. 13)

Hon. Ms. IRVIN-ROSS presented:

Annual Report of the Healthy Child Manitoba for the fiscal year ending March 31, 2006.
(Sessional Paper No. 14)

During Oral Questions, Mr. Speaker interjected and requested that the word "chicken" spoken by the Honourable Leader of the Official Opposition be withdrawn.

WHEREUPON Mr. MCFADYEN withdrew his remarks.

Pursuant to Rule 26(1), Ms. BRICK, Mrs. TAILLIEU, Messrs. AGLUGUB, MAGUIRE and SANTOS made Members' Statements.

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

THAT Bill (No. 34) – The Public Interest Disclosure (Whistleblower Protection) Act/Loi sur les divulgations faites dans l'intérêt public (protection des divulgateurs d'actes répréhensibles), as amended and reported from the Standing Committee on Social and Economic Development, be concurred in and be now read for a Third Time and passed.

And the debate continuing,

And Messrs. LAMOUREUX and SCHULER, Hon. Mr. GERRARD, Messrs. DERKACH and CUMMINGS having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 41) – The Pharmaceutical Act/Loi sur les pharmacies, as amended and reported from the Standing Committee on Social and Economic Development:

Hon. Mr. GERRARD moved:

THAT Bill 41 be amended in Clause 1(1) in the definition "practitioner" by striking out "or" at the end of clause (a) and adding the following after clause (a):

(a.1) a person licensed to practise medicine, dentistry, veterinary medicine, veterinary surgery or veterinary dentistry in a state of the United States designated in the regulations; or

And a debate arising,

And Hon. Mr. GERRARD having spoken,

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

Hon. Mr. GERRARD then moved:

THAT Bill 41 be amended in Clause 5(5) by striking out "10%" and substituting "5%".

And a debate arising,

And Hon. Mr. GERRARD and Hon. Ms. OSWALD having spoken,

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

Hon. Mr. GERRARD then moved:

THAT Bill 41 be amended by replacing Clause 6(3)(c) with the following:

(c) making practice directions, provided that the directions are approved by a majority of the members of the college

- (i) present and voting at a general meeting or a special general meeting, or
- (ii) voting in a mail vote or other method of voting conducted in accordance with the by-laws.

And a debate arising,

And Hon. Mr. GERRARD having spoken,

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

Hon. Mr. GERRARD then moved:

THAT Bill 41 be amended in Clause 15(3) by striking out "he or she considers advisable" and substituting "imposed by the council".

And a debate arising,

And Hon. Mr. GERRARD having spoken,

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

Hon. Mr. GERRARD then moved:

THAT Bill 41 be amended in Clause 48(2) by striking out "before the day of" and substituting "at least 20 days before".

And a debate arising,

And Hon. Mr. GERRARD having spoken,

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

Hon. Mr. GERRARD then moved:

THAT Bill 41 be amended in Clause 48(3) by striking out "before the day of" and substituting "at least 20 days before".

And a debate arising,

And Hon. Mr. GERRARD having spoken,

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

Hon. Mr. GERRARD then moved:

THAT Bill 41 be amended in Clause 59(1)

(a) in the section heading by striking out "to Court of Appeal"; and

(b) by striking out "Court of Appeal" and substituting "court".

And a debate arising,

And Hon. Mr. GERRARD having spoken,

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

Hon. Mr. GERRARD then moved:

THAT Bill 41 be amended in Clause 60

(a) in the section heading and in clause (c) by striking out "Court" and substituting "court"; and

(b) in the part before clause (a), by striking out "Court of Appeal" and substituting "court".

And a debate arising,

And Hon. Mr. GERRARD having spoken,

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

Hon. Mr. GERRARD then moved:

THAT Bill 41 be amended in Clause 61 by striking out "Court of Appeal" and substituting "court".

And a debate arising,

And Hon. Mr. GERRARD having spoken,

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

Hon. Mr. GERRARD then moved:

THAT Bill 41 be amended in Clause 73(2) by adding the following after clause (a):

(a.1) designating states of the United States for the purpose of the definition "practitioner" in section 1;

And a debate arising,

And Hon. Mr. GERRARD having spoken,

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

Hon. Mr. GERRARD then moved:

THAT Bill 41 be amended by replacing Clause 74 with the following:

Approval of regulations

74 A regulation under subsection 73(1) does not come into force unless it is approved by

- (a) a majority of members of the college
 - (i) present and voting at a general meeting, or
 - (ii) voting in a mail vote or other method of voting conducted in accordance with the by-laws; and
- (b) the Lieutenant Governor in Council.

And a debate arising,

And Hon. Mr. GERRARD and Hon. Ms. OSWALD having spoken,

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

Hon. Mr. GERRARD then moved:

THAT Bill 41 be amended by replacing Clause 76 with the following:

Code of ethics

76(1) The college may, by resolution passed at an annual general meeting, adopt a code of ethics governing the conduct of members, students, interns and owners.

Incorporation by reference

76(2) A code of ethics may incorporate by reference, in whole or in part, any code, standard or other document, and it may incorporate it as amended from time to time.

Amendment or repeal of code of ethics

76(3) After notice is given in accordance with the by-laws, a code of ethics may be amended or repealed by a majority of the members of the college

(a) present and voting at a general meeting or a special general meeting; or

(b) voting in a mail vote or other method of voting conducted in accordance with the by-laws.

And a debate arising,

And Hon. Mr. GERRARD and Hon. Ms. OSWALD having spoken,

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

Hon. Mr. GERRARD then moved:

THAT Bill 41 be amended in Clause 92 by adding "or was acting in a manner that demonstrated gross incompetence, gross mismanagement or gross negligence" after "bad faith".

And a debate arising,

And Hon. Mr. GERRARD having spoken,

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

The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 29) – The Degree Granting Act/Loi sur l'attribution de grades, reported from the Standing Committee on Social and Economic Development:

Hon. Mr. GERRARD moved:

THAT Bill 29 be amended in Clause 9(1) by striking out everything after "comes into force" and substituting "one month after the day it receives royal assent".

And a debate arising,

Hon. Mr. GERRARD and Hon. Ms. MCGIFFORD having spoken,

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

The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 33) – The Northern Affairs Act/Loi sur les affaires du Nord, as amended and reported from the Standing Committee on Social and Economic Development:

Monday, December 4, 2006

Hon. Mr. GERRARD moved:

THAT Bill 33 be amended in Clause 98 by adding "or was acting in a manner that demonstrated gross incompetence, gross mismanagement or gross negligence" after "bad faith".

And a debate arising,

Hon. Messrs. GERRARD and LATHLIN having spoken,

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

Hon. Mr. CHOMIAK moved:

THAT Bill (No. 41) – The Pharmaceutical Act/Loi sur les pharmacies, as amended reported from the Standing Committee on Social and Economic Development, and subsequently amended, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. CHOMIAK, Mrs. DRIEDGER, Mr. LAMOUREUX, Mrs. MITCHELSON Hon. Mr. GERRARD and Hon. Ms. OSWALD 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 4:52 p.m. until 10:00 a.m. Tuesday, December 5, 2006.

Hon. George HICKES,
Speaker.