



**LEGISLATIVE ASSEMBLY OF MANITOBA**

**VOTES AND PROCEEDINGS No. 62**

**THIRD SESSION, THIRTY-NINTH LEGISLATURE**

**PRAYER**

**1:30 O'CLOCK P.M.**

The following petitions were presented and read:

Mr. LAMOUREUX – Legislative Assembly of Manitoba to request that the Premier of Manitoba consider how important it is to have the Seven Oaks Hospital provide full emergency services seven days a week 24 hours a day. (P. Gorun, S. Kasperski, L. Mossop and others)

Mr. BRIESE – Legislative Assembly of Manitoba to urge the Minister of Health to consider working with the Parkland Regional Health Authority to provide a centrally located ambulance and station in the area of Eddystone, Bacon Ridge and Ebb and Flow First Nation. (W. Mousseau, W. Mousseau, G. Eastman and others)

Mrs. DRIEDGER – Legislative Assembly of Manitoba to urge the Minister of Health to consider rethinking her refusal to allow an ophthalmologist to practice in Swan River and to consider working with the community to provide this service without further delay. (L. Oxford, A. Borland, D. Worth and others)

Mr. REID, Chairperson of the Standing Committee on Justice, presented its First Report, which was read as follows:

**Meeting:**

Your Committee met on Thursday, June 18, 2009 at 6:00 p.m. in Room 255 of the Legislative Building:

**Matter under Consideration**

- **Bill (No. 16)** – The Police Services Act/Loi sur les services de police

**Committee Membership**

Committee Membership for the Thursday, June 18, 2009 meeting:

- Ms. BRICK (*Vice-Chair*)
- Hon. Mr. CHOMIAK

- Mr. DEWAR
- Mr. FAURSCHOU
- Mr. GOERTZEN
- Mr. GRAYDON
- Ms. KORZENIOWSKI
- Mrs. MITCHELSON
- Hon. Ms. OSWALD
- Mr. REID (*Chair*)
- Mr. SARAN

### Public Presentations

Your Committee heard the following nine presentations on **Bill (No. 16)** – The Police Services Act/Loi sur les services de police:

Mel Klassen	Association of Manitoba Municipalities
Maurice Butler	Town of Morden
Keith Atkinson	Chief of Police, City of Brandon
Marc Robichaud	Ste. Anne Police Dept.
David M. Sanders	Private Citizen
Tom Simms	Community Education Development Association
Allan Wise & Diane Roussin	Inner City Safety Coalition
David Chartrand	Manitoba Métis Federation
Cyril Keeper	Private Citizen

### Bill Considered and Reported

- **Bill (No. 16)** – The Police Services Act/Loi sur les services de police

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

*THAT Clause 68 of the Bill be amended by renumbering it as clause 68(1) and adding the following as clause 68(2):*

#### **Independent prosecutor from outside Manitoba**

**68(2)** The independent prosecutor appointed under subsection (1) must reside outside of Manitoba

(a) if the information laid against the police officer alleges that the officer caused the death of a person; or

(b) in other prescribed circumstances.

*THAT Clause 87 of the Bill be replaced with the following:*

**Senior officers association**

**87(1)** Despite the definition of "employee" in *The Labour Relations Act*, if at least 50% of the senior officers in a police service belong to an association composed only of senior officers, the senior officers in that police service may bargain separately with their employer through that association.

**Definitions**

**87(2)** The following definitions apply in this section.

**"association"** means an association that has as its objectives the improvement of conditions of service and remuneration of its members. (« association »)

**"senior officer"** means

(a) a police officer with the rank of inspector or higher, but does not include the police chief or a deputy police chief; and

(b) a civilian employed with the police service in a supervisory or confidential capacity. (« cadre supérieur »)

*THAT Clause 106(1)(b) of the Bill be amended by striking out "this Act" and substituting "this section".*

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

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Ms. BRICK, Chairperson of the Standing Committee on Crown Corporations, presented its Fourth Report, which was read as follows:

**Meetings:**

Your Committee met on the following occasions in the Legislative Building:

- November 7, 2007 (1<sup>st</sup> Session – 39<sup>th</sup> Legislature)
- August 28, 2008 (2<sup>nd</sup> Session – 39<sup>th</sup> Legislature)
- June 25, 2009

**Matters under Consideration**

- Annual Report of the Manitoba Public Insurance Corporation for the fiscal year ending February 28, 2006
- Annual Report of the Manitoba Public Insurance Corporation for the fiscal year ending February 28, 2007
- Annual Report of the Manitoba Public Insurance Corporation for the fiscal year ending February 29, 2008

### Committee Membership

Committee Membership for the November 7, 2007 meeting:

- Hon. Mr. CHOMIAK
- Mr. CULLEN
- Mr. DERKACH
- Mr. GRAYDON
- Mr. JHA (*Vice-Chairperson*)
- Ms. KORZENIOWSKI
- Mr. MAGUIRE
- Ms. MARCELINO
- Mr. MARTINDALE (*Chairperson*)
- Mr. NEVAKSHONOFF
- Mr. SWAN

Committee Membership for the August 28, 2008 meeting:

- Ms. BRICK (*Chairperson*)
- Hon. Mr. CHOMIAK
- Mr. CULLEN
- Mr. DEWAR
- Mr. FAURSCHOU
- Mr. GRAYDON
- Ms. HOWARD (*Vice-Chairperson*)
- Ms. KORZENIOWSKI
- Mr. REID
- Hon. Mr. SWAN
- Mrs. TAILLIEU

Committee Membership for the June 25, 2009 meeting:

- Mr. ALTEMEYER
- Mr. BOROTSIK
- Ms. BRICK
- Hon. Mr. CHOMIAK
- MR. FAURSCHOU
- Mr. GRAYDON
- Ms. MARCELINO
- Mr. PEDERSON
- Mr. SARAN
- Ms. SELBY
- Hon. Mr. SWAN

Your Committee elected Ms. BRICK as the Chairperson at the June 25, 2009 meeting.

Your Committee elected Ms. MARCELINO as the Vice-Chairperson at the June 25, 2009 meeting.

**Officials Speaking on Record**

Officials speaking on the record at the November 7, 2007 meeting:

- Ms. Marilyn McLaren, President and Chief Executive Officer
- Ms. Shari Decter Hirst, Board Chairperson

Officials speaking on the record at the August 28, 2008 meeting:

- Ms. Marilyn McLaren, President and Chief Executive Officer

Officials speaking on the record at the June 25, 2009 meeting:

- Ms. Marilyn McLaren, President and Chief Executive Officer

**Reports Considered and Passed**

Your Committee considered and passed the following report as presented:

- Annual Report of the Manitoba Public Insurance Corporation for the fiscal year ending February 28, 2006

**Reports Considered but not Passed**

Your Committee considered the following reports but did not pass them:

- Annual Report of the Manitoba Public Insurance Corporation for the fiscal year ending February 28, 2007
- Annual Report of the Manitoba Public Insurance Corporation for the fiscal year ending February 29, 2008

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

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Mr. REID, Chairperson of the Standing Committee on Crown Corporations, presented its Fifth Report, which was read as follows:

**Meetings:**

Your Committee met on the following occasions in the Legislative Building:

- December 12, 2007 (2<sup>nd</sup> Session – 39<sup>th</sup> Legislature)
- March 10, 2008 (2<sup>nd</sup> Session – 39<sup>th</sup> Legislature)
- July 8, 2009

**Matters under Consideration**

- Annual Report of The Workers Compensation Board for the year ending December 31, 2006
- Annual Report of The Workers Compensation Board for the year ending and December 31, 2007
- Annual Report of The Workers Compensation Board for the year ending and December 31, 2008
- Annual Report of the Appeal Commission and Medical Review Panel for the year ending December 31, 2006
- Annual Report of the Appeal Commission and Medical Review Panel for the year ending December 31, 2007

- Annual Report of the Appeal Commission and Medical Review Panel for the year ending December 31, 2008
- Five Year Plan of The Workers Compensation Board for 2006 to 2010
- Five Year Plan of The Workers Compensation Board for 2007 to 2011
- Five Year Plan of The Workers Compensation Board for 2008 to 2012
- Five Year Plan of The Workers Compensation Board for 2009 to 2013

### **Committee Membership**

Committee Membership for the December 12, 2007 meeting:

- Hon. Ms. ALLAN
- Mr. DEWAR
- Mrs. DRIEDGER
- Ms. HOWARD
- Mr. MAGUIRE
- Ms. MARCELINO (*Vice-Chairperson*)
- Mr. MARTINDALE
- Mr. REID (*Chairperson*)
- Mr. SARAN
- Mrs. STEFANSON
- Mrs. TAILLIEU

Committee Membership for the March 10, 2008 meeting:

- Hon. Ms. ALLAN
- Ms. BLADY
- Ms. BRICK
- Mr. CULLEN
- Mr. EICHLER
- Mr. JHA
- Mr. MAGUIRE
- Ms. MARCELINO (*Vice-Chairperson*)
- Mr. REID (*Chairperson*)
- Ms. SELBY
- Mrs. TAILLIEU

Committee Membership for the July 8, 2009 meeting:

- Hon. Ms. ALLAN
  
- Ms. BRICK
- Mr. CULLEN
- Mr. DEWAR
- Mr. FAURSCHOU
- Hon. Ms. IRVIN-ROSS
- Mr. MARTINDALE
- Mrs. MITCHELSON
- Mr. REID

**Monday, September 14, 2009**

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- Hon. Mr. RONDEAU
- Mrs. TAILLIEU

Your Committee elected Mr. REID as the Chairperson.

Your Committee elected Ms. BRICK as the Vice-Chairperson.

**Officials Speaking on Record at the December 12, 2007 meeting:**

- Tom Farrell, Chairperson
- Doug Sexsmith, President & CEO

**Officials Speaking on Record at the March 10, 2008 meeting:**

- Tom Farrell, Chairperson
- Doug Sexsmith, President & CEO

**Officials Speaking on Record at the July 8, 2009 meeting:**

- Doug Sexsmith, President & CEO

**Reports Considered and Passed**

Your Committee considered and passed the following reports as presented:

- Annual Report of The Workers Compensation Board for the year ending December 31, 2006
- Annual Report of the Appeal Commission and Medical Review Panel for the year ending December 31, 2006
- Five Year Plan of The Workers Compensation Board for 2006 to 2010

**Reports Considered but not Passed**

Your Committee considered the following reports but did not pass them:

- Annual Report of The Workers Compensation Board for the year ending and December 31, 2007
- Annual Report of The Workers Compensation Board for the year ending and December 31, 2008
- Annual Report of the Appeal Commission and Medical Review Panel for the year ending December 31, 2007
- Annual Report of the Appeal Commission and Medical Review Panel for the year ending December 31, 2008
- Five Year Plan of The Workers Compensation Board for 2007 to 2011
- Five Year Plan of The Workers Compensation Board for 2008 to 2012
- Five Year Plan of The Workers Compensation Board for 2009 to 2013

**Monday, September 14, 2009**

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

By unanimous consent, it was agreed to have the Sixth Report of the Public Accounts Committee presented in the House later this week.

Mr. Speaker presented:

Report of Amounts Claimed and Paid pursuant to section 4 of the *Members' Salaries, Allowances and Retirement Plans Disclosure Regulation* for the fiscal year ending March 31, 2009.

(Sessional Paper No. 88)

Mr. Speaker informed the House that Ms. Jamie CHALMERS, Ms. Angela ROESLER, Mr. Joey DEARBORN, Mr. Tyler NIKIEL, Ms. Allison FLIGG, Ms. Christine DUROCHER, Ms. Laura BAILEY, Mr. Andrew MCNAUGHTON, Mr. Joseph DARCEL and Ms. Jessica MORRISON-CIUNYK had been appointed Pages for the Third Session of the Thirty-Ninth Legislature.

During Oral Questions, Hon. Mr. GERRARD rose on a Matter of Privilege and moved:

THAT this matter be sent for review to be seen and looked at by a legislative committee.

And Hon. Mr. CHOMIAK and Mr. LAMOUREUX having spoken.

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

Pursuant to Rule 26(1), Ms. BRICK, Mr. MAGUIRE, Ms. SELBY, Messrs. BRIESE and MARTINDALE made Members' Statements.

Prior to Grievances, Hon. Mr. GERRARD 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 widely expected second wave of H1N1 flu this fall and the fact that we may see a dramatic increase in H1N1 cases before the vaccine is available in November.

And Hon. Messrs. GERRARD and MACKINTOSH and Mr. HAWRANIK 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 Member for River Heights 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.

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? If the House is in agreement, the debate lasts for two hours, and as a reminder to members the speaking time limit is 10 minutes and there is no vote on a MUPI.

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

And a debate arising,

And Hon. Ms. OSWALD, Mrs. DRIEDGER, Mr. LAMOUREUX, Hon Ms. IRVIN-ROSS and Mr. HAWRANIK having spoken.

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

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In accordance with Rule 27, Mr. DYCK rose on a Grievance.

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

THAT Bill (No. 26) – The Apprenticeship and Certification Act/Loi sur l'apprentissage et la reconnaissance professionnelle, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Mr. PEDERSEN, Mrs. TAILLIEU and Messrs. FAURSCHOU and MAGUIRE having spoken,

And the Question being put. It was agreed to, on division.

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

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**Monday, September 14, 2009**

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The House then adjourned at 5:00 p.m. until 10:00 a.m., Tuesday, September 15, 2009.

Hon. George HICKES,  
Speaker.