



## LEGISLATIVE ASSEMBLY OF MANITOBA

### VOTES AND PROCEEDINGS No. 56

FIRST SESSION, FORTY-FIRST LEGISLATURE

#### PRAYER

1:30 O'CLOCK P.M.

Mr. WHARTON, Chairperson of the Standing Committee on Private Bills, presented its First Report, which was read as follows:

#### Meetings:

Your Committee met on November 3, 2016 at 6:00 p.m. in Room 254 of the Legislative Building.

#### Matters under Consideration

- **Bill (No. 208)** – The Royal Canadian Mounted Police Day Act/Loi sur la Journée de la Gendarmerie royale du Canada
- **Bill (No. 209)** – The Childhood Cancer Awareness Month Act/Loi sur le Mois de la sensibilisation au cancer chez l'enfant

#### Committee Membership

- Mr. CURRY
- Mr. EWASKO
- Ms. FONTAINE
- Hon. Mr. GERRARD
- Mr. GRAYDON
- Mr. LAGIMODIERE
- Hon. Mr. MICKLEFIELD
- Mr. MARCELINO (Tyndall Park)
- Mr. SARAN
- Mr. TEITSMA
- Mr. WHARTON

Your Committee elected Mr. WHARTON as the Chairperson.

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

#### Public Presentations

Your Committee heard the following presentation on **Bill (No. 208)** – The Royal Canadian Mounted Police Day Act/Loi sur la Journée de la Gendarmerie royale du Canada:

Superintendent Joanne Keeping                      RCMP

Your Committee heard the following four presentations on **Bill (No. 209)** – The Childhood Cancer Awareness Month Act/Loi sur le Mois de la sensibilisation au cancer chez l'enfant:

Denis Foidart	Candlelighters Childhood Cancer Support Group
Jordan Birrell	Team Brody Foundation
Suzanne Suzio	Private Citizen
Abigail Stewart	Private Citizen

### **Bills Considered and Reported**

- **Bill (No. 208)** – The Royal Canadian Mounted Police Day Act/Loi sur la Journée de la Gendarmerie royale du Canada

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 209)** – The Childhood Cancer Awareness Month Act/Loi sur le Mois de la sensibilisation au cancer chez l'enfant

Your Committee agreed to report this Bill without amendment.

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

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Mr. SMOOK, Chairperson of the Standing Committee on Social and Economic Development, presented its Second Report, which was read as follows:

### **Meetings:**

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

- October 27, 2016
- November 1, 2016
- November 3, 2016

### **Matters under Consideration**

- **Bill (No. 7)** – The Labour Relations Amendment Act/Loi modifiant la Loi sur les relations du travail

### **Committee Membership**

Committee Membership for the October 27, 2016 meeting:

- Mr. ALLUM
- Hon. Mr. CULLEN

- Mr. LAGASSÉ
- Ms. LAMOUREUX
- Mr. LINDSEY
- Ms. MARCELINO (Logan)
- Mr. PIWNIUK
- Mr. REYES
- Mr. SMITH
- Mr. SMOOK (*Chairperson*)
- Mr. YAKIMOSKI

Your Committee elected Mr. SMITH as the Vice-Chairperson at the October 27, 2017 meeting

Committee Membership for the November 1, 2016 meeting:

- Mr. ALLUM
- Hon. Mr. CULLEN
- Mr. JOHNSTON
- Mr. LAGASSÉ
- Ms. LAMOUREUX
- Mr. LINDSEY
- Mr. MARCELINO (Tyndall Park)
- Mr. REYES
- Mr. SMITH (*Vice-Chairperson*)
- Mr. SMOOK (*Chairperson*)
- Mr. YAKIMOSKI

Substitutions received during committee proceedings at the November 1, 2016 meeting:

- Mr. HELWER for Mr. LAGASSÉ

Committee Membership for the November 3, 2016 meeting:

- Mr. ALLUM
- Hon. Mr. CULLEN
- Hon. Mr. EICHLER
- Mr. JOHNSTON
- Ms. KLASSEN
- Mr. LAGASSÉ
- Mr. LINDSEY
- Ms. MARCELINO (Logan)
- Mr. SMITH (*Vice-Chairperson*)
- Mr. SMOOK (*Chairperson*)
- Mr. YAKIMOSKI

### **Public Presentations**

Your Committee heard the following 45 presentations on **Bill (No. 7) – The Labour Relations Amendment Act/Loi modifiant la Loi sur les relations du travail**:

**October 27, 2016 meeting**

1. Kevin Rebeck  
Manitoba Federation of Labour
2. Michelle Gawronsky  
MGEU – Manitoba Government and General Employees Union
3. Trevor Yuriy  
Operating Engineers of Manitoba, Local 987
4. Sudhir Sandhu  
Manitoba Building Trades
5. Darren Gibson  
Private Citizen
6. Bernie Wood  
Private Citizen
7. Beatrice Bruske  
United Food and Commercial Workers
8. Kim Ferris  
Private Citizen
9. Mike Howden  
Private Citizen
10. Lynne Fernandez  
The Canadian Centre for Policy Alternatives
11. Ken Stuart  
UNIFOR
12. Paul Lussier  
Private Citizen
13. Loren Remillard  
Winnipeg Chamber of Commerce
14. Charlotte Cameron  
Private Citizen
15. David Sauer  
Private Citizen
16. Jeff Traeger  
Private Citizen
17. Tim Cashion  
Private Citizen
18. John Godard  
Private Citizen
19. Rabia Syed  
Private Citizen
20. Mary Boudreau  
Private Citizen

**November 1, 2016 meeting**

21. Drew Caldwell  
Private Citizen
22. Jeff Skinner  
IBEW Local 2085
23. Michael Barkman  
Canadian Federation of Students Manitoba
24. Geoff Bergen  
Private Citizen
25. J.P. Petit  
Private Citizen
26. Marianne Hladun  
Public Service Alliance of Canada
27. Christine Parag  
Workers United Canada Council
28. Breigh Kusmack  
Private Citizen
29. Greg McFarlane  
Private Citizen
30. Michelle McHale  
Private Citizen
31. William Gardner  
Manitoba Employers Council
32. Chris Rigaux  
Private Citizen
33. Marty Dolin  
Private Citizen
34. Jonathan Alward  
Canadian Federation of Independent Business
35. Serina Pottinger  
Private Citizen

**November 3, 2016 meeting**

36. Wayne Chacun  
Private Citizen
37. Kelly Moist  
CUPE Manitoba
38. Paul Moist  
Private Citizen
39. Brianne Goertzen  
Private Citizen
40. Elizabeth Carlyle  
Private Citizen
41. Paul McKie  
Private Citizen
42. Lee McLeod  
Private Citizen

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| 43. | Gord Delbridge | CUPE Local 500  |
| 44. | Jerry Storie   | Private Citizen |
| 45. | Matt McLean    | Private Citizen |

### Written Submissions

Your Committee received the following four written submissions on **Bill (No. 7)** – The Labour Relations Amendment Act/Loi modifiant la Loi sur les relations du travail:

Tony Sproule	United Steelworkers (USW)
Zach Fleisher	Private Citizen
Daryl Barnett	American Income Life
Cindy Murdoch	Canadian Labour Congress

### Bill Considered and Reported

- **Bill (No. 7)** – The Labour Relations Amendment Act/Loi modifiant la Loi sur les relations du travail

Your Committee agreed to report this Bill without amendment.

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

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Pursuant to Rule 27(1), Messrs. BINDLE, SELINGER and TEITSMA, Ms. LATHLIN and Mr. LAGIMODIERE made Members' Statements.

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The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 8) – The Protecting Children (Information Sharing) Act/Loi sur la protection des enfants (communication de renseignements), as amended and reported from the Standing Committee on Legislative Affairs:

Ms. FONTAINE moved:

*THAT Bill 8 be amended in Clause 1 in the definition "supported child" by striking out clause (c).*

And a debate arising,

And Ms. FONTAINE, Hon. Messrs. FIELDING and GERRARD and Ms. LATHLIN having spoken,

And the Question being put on the amendment. It was negatived, on the following division:

**YEA**

ALLUM  
ALTEMEYER  
CHIEF  
FONTAINE  
GERRARD  
KINEW  
KLASSEN  
LAMOUREUX  
LATHLIN

LINDSEY  
MALOWAY  
MARCELINO (Logan)  
MARCELINO (Tyndall Park)  
SARAN  
SELINGER  
SWAN  
WIEBE ..... 17

**NAY**

BINDLE  
COX  
CURRY  
FIELDING  
FLETCHER  
GRAYDON  
GUILLEMARD  
HELWER  
ISLEIFSON  
JOHNSON  
JOHNSTON  
LAGASSÉ  
LAGIMODIERE  
MAYER  
MICHALESKI

MICKLEFIELD  
MORLEY-LECOMTE  
NESBITT  
PEDERSEN  
PIWNIUK  
REYES  
SCHULER  
SMITH  
SMOOK  
SQUIRES  
TEITSMA  
WHARTON  
WISHART  
WOWCHUK  
YAKIMOSKI..... 30

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Ms. FONTAINE then moved:

*THAT Bill 8 be amended by adding the following after Clause 6 and before the centred heading that follows it:*

**COMPLAINTS**

**Meaning of "exempt provider"**

**6.1(1)** In this section, "**exempt provider**" means a service provider who is not subject to *The Freedom of Information and Protection of Privacy Act* or *The Personal Health Information Act*.

**Complaint re disclosure by exempt provider**

**6.1(2)** A person who believes that his or her personal information or personal health information has been disclosed by an exempt provider contrary to this Act may make a complaint to the Ombudsman.

**Receiving and dealing with complaints**

**6.1(3)** The Ombudsman must receive and deal with a complaint made under subsection (2) in the same manner that he or she would receive and deal with a complaint made under subsection 59(3) of *The Freedom of Information and Protection of Privacy Act*.

**Application 6.1(4)** Part 5 of *The Freedom of Information and Protection of Privacy Act* applies in respect of the complaint under this section, and for that purpose,

(a) the person making the complaint is deemed to be the complainant, and has all the rights and is subject to all the obligations of a complainant;

(b) the exempt provider is deemed to be a public body within the meaning of that Act, and has all the rights and is subject to all the obligations of a public body; and

(c) the Ombudsman may designate in writing an individual as the head of the exempt provider, and a designated individual has all the rights and is subject to all the obligations of a head of a public body.

**Rights exercised on behalf of child**

**6.1(5)** For certainty, the rights of a supported child under this section may be exercised by the child's parent or guardian.

**Annual reporting on complaints received**

**6.2(1)** In respect of information disclosed or alleged to have been disclosed under this Act, the Ombudsman must make an annual report to the Legislative Assembly on the number and kinds of complaints received and investigations conducted under

(a) section 6.1, concerning exempt providers;

(b) *The Freedom of Information and Protection of Privacy Act*, concerning public bodies; and

(c) *The Personal Health Information Act*, concerning trustees.

**Report may be combined**

**6.2(2)** A report required under this section may be combined with the Ombudsman's annual report under section 58 of *The Freedom of Information and Protection of Privacy Act*.

And a debate arising,

And Ms. FONTAINE and Hon. Messrs. FIELDING and GERRARD having spoken,

And the Question being put on the amendment. It was negatived, on the following division:

YEA

ALLUM  
ALTEMEYER  
CHIEF  
FONTAINE  
GERRARD  
KLASSEN  
LATHLIN

LINDSEY  
MALOWAY  
MARCELINO (Logan)  
MARCELINO (Tyndall Park)  
SELINGER  
SWAN  
WIEBE ..... 14

NAY

BINDLE  
CLARKE  
COX  
CURRY  
FIELDING  
GRAYDON  
GUILLEMARD  
HELWER  
ISLEIFSON  
JOHNSON  
JOHNSTON  
LAGASSÉ  
LAGIMODIERE  
MAYER  
MICHALESKI

MICKLEFIELD  
MORLEY-LECOMTE  
NESBITT  
PEDERSEN  
PIWNIUK  
REYES  
SCHULER  
SMITH  
SMOOK  
SQUIRES  
TEITSMA  
WHARTON  
WISHART  
WOWCHUK  
YAKIMOSKI ..... 30

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Ms. FONTAINE then moved:

*THAT Bill 8 be amended by adding the following after Clause 16 and before the centred heading that follows it:*

REVIEW

**Review of this Act16.1(1)** Within five years after this Act comes into force, the Children's Advocate and the Ombudsman, acting jointly, must undertake a comprehensive review of this Act that includes public representations.

**Report**

**16.1(2)** Within six months after the review is undertaken or within any longer period that the Legislative Assembly allows, the Children's Advocate and the Ombudsman must submit a report on the review to the Assembly.

And a debate arising,

And Ms. FONTAINE and Hon. Messrs. FIELDING and GERRARD having spoken,

And the Question being put on the amendment. It was negatived, on the following division:

**YEA**

ALLUM	MALOWAY
CHIEF	MARCELINO (Logan)
FONTAINE	MARCELINO (Tyndall Park)
GERRARD	SARAN
KINEW	SELINGER
KLASSEN	SWAN
LATHLIN	WIEBE ..... 15
LINDSEY	

**NAY**

BINDLE	MICHALESKI
CLARKE	MICKLEFIELD
COX	MORLEY-LECOMTE
CURRY	NESBITT
FIELDING	PEDERSEN
FLETCHER	PIWNIUK
GRAYDON	REYES
GUILLEMARD	SMITH
HELWER	SMOOK
ISLEIFSON	SQUIRES
JOHNSON	TEITSMA
JOHNSTON	WHARTON
LAGASSÉ	WISHART
LAGIMODIERE	WOWCHUK
MAYER	YAKIMOSKI ..... 30

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Hon. Mr. FIELDING then moved:

*THAT Bill 8 be amended by adding the following after Clause 8 and before the centred heading that follows it:*

**REVIEW**

**Review**

**8.1** Within five years after this Act comes into force, the minister responsible for the administration of this Act must undertake a comprehensive review of it and must, within one year after the review is undertaken or within such further time as the Legislative Assembly may allow, submit a report on the review to the Assembly.

And a debate arising,

And Hon. Messrs. FIELDING and GERRARD having spoken,

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

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By leave, Hon. Mr. GERRARD then moved:

*THAT Bill 8 be amended in Clause 3*

*(a) in subsection (3), by striking out "by the regulations" and substituting "by subsections (4) and (5) and the regulations"; and*

*(b) by adding the following after subsection (3):*

**Family entitled to copy of information**

**3(4)** The parent or guardian and a child who is 12 years of age or older are entitled to examine and receive a copy of any recorded information disclosed under subsection (1).

**Comments must be considered**

**3(5)** A service provider or trustee

(a) must give the parent, guardian or child who has received information under subsection (4) an opportunity to provide their comments about that information to the service provider or trustee; and

(b) must consider those comments.

And a debate arising,

And Hon. Messrs. GERRARD and FIELDING, Ms. FONTAINE and Ms. KLASSEN having spoken,

And the Question being put on the amendment. It was negatived, on the following division:

**YEA**

ALLUM	LINDSEY
ALTEMEYER	MALOWAY
CHIEF	MARCELINO (Logan)
FONTAINE	MARCELINO (Tyndall Park)
GERRARD	SARAN
KINEW	SELINGER
KLASSEN	SWAN
LATHLIN	WIEBE ..... 16

NAY

BINDLE	MICHALESKI
CLARKE	MICKLEFIELD
COX	MORLEY-LECOMTE
CURRY	NESBITT
FIELDING	PEDERSEN
FLETCHER	PIWNIUK
GRAYDON	REYES
GUILLEMARD	SMITH
HELWER	SMOOK
ISLEIFSON	SQUIRES
JOHNSON	TEITSMA
JOHNSTON	WHARTON
LAGASSÉ	WISHART
LAGIMODIERE	WOWCHUK
MAYER	YAKIMOSKI..... 30

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Hon. Mr. FIELDING moved:

THAT Bill (No. 8) – The Protecting Children (Information Sharing) Act/Loi sur la protection des enfants (communication de renseignements), as amended and reported from the Standing Committee on Legislative Affairs, and subsequently amended, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. FIELDING having spoken,

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

**YEA**

ALLUM	LINDSEY
ALTEMEYER	MALOWAY
BINDLE	MARCELINO (Tyndall Park)
CHIEF	MARTIN
CLARKE	MAYER
COX	MICHALESKI
CURRY	MICKLEFIELD
EICHLER	MORLEY-LECOMTE
EWASKO	NESBITT
FIELDING	PALLISTER
FONTAINE	PEDERSEN
FRIESEN	REYES
GERRARD	SARAN
GOERTZEN	SCHULER
GRAYDON	SELINGER
GUILLEMARD	SMITH
HELWER	SMOOK
ISLEIFSON	SQUIRES
JOHNSON	STEFANSON
JOHNSTON	SWAN
KINEW	TEITSMA
KLASSEN	WHARTON
LAGASSÉ	WIEBE
LAGIMODIERE	WISHART
LAMOUREUX	WOWCHUK
LATHLIN	YAKIMOSKI..... 52

**NAY**

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

The House then adjourned at 5:54 p.m. until 10:00 a.m. Tuesday, November 8, 2016.

Hon. Myrna DRIEDGER,  
Speaker.