



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 52

THIRD SESSION, THIRTY-NINTH LEGISLATURE

PRAYER

1:30 O'CLOCK P.M.

The following petitions were presented and read:

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. (J. Richards, T. Erlendson, K. Johnson and others)

Mrs. MITCHELSON – Legislative Assembly of Manitoba to request that the Attorney General consider refunding all monies collected from photo radar tickets given to motorists driving the regular posted speed limit in construction zones where no workers were present. (D. Clement, C. Abrahams, J. Phillips and others)

Mrs. DRIEDGER – Legislative Assembly of Manitoba to urge the Minister of Health to consider working with the Interlake Regional Health Authority to provide midwifery services to women in this health region. (T. Loewen, J. Dueck, R. Plett and others)

Mr. DYCK – Legislative Assembly of Manitoba to urge the Minister of Health to ensure that patients who are awaiting placement in a personal care home are not moved to distant communities and to consider working with the RHA and the community to speed construction and expansion of long term care facilities in the region. (L. Peters, J. Kolesar, L. Maxwell and others)

Mr. SCHULER – Legislative Assembly of Manitoba to request that the Minister of Transportation consider the immediate installation of traffic signals at the intersection of PTH #15 and Highway #206 in Dugald and to recognize the value of the lives and well-being of the students and citizens of Manitoba. (R. Bodnaruk, H. Smith, L. Smith and others)

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. (C. Santiago, N. Joaquin, D. Cawkling and others)

Mrs. TAILLIEU –Legislative Assembly of Manitoba to request the Minister of Infrastructure and Transportation consider meeting as soon as possible with his federal counterparts to finalize the cost-sharing arrangements needed to move the twinning of the Trans Canada Highway forward in order to ensure that the federal monies available for this important project do not lapse and consider making the completion of the dividing of the Trans Canada Highway in Headingley in 2009 an urgent Provincial Government priority. (B. Leullier, J. Ammeter, R. Leullier and others)

Mr. EICHLER – Legislative Assembly of Manitoba to request that the Attorney General consider refunding all monies collected from photo radar tickets given to motorists driving the regular posted speed limit in construction zones where no workers were present. (R. Cheuk, G. Advent, G. Shalai and others)

Ms. BRAUN, Chairperson of the Standing Committee on Legislative Affairs, presented its Second Report, which was read as follows:

Meeting

Your Committee met on Tuesday, June 2, 2009 at 6:00 p.m. in Room 255 of the Legislative Building.

Matters under Consideration

- **Bill (No. 3)** – The Forest Amendment Act/Loi modifiant la Loi sur les forêts
- **Bill (No. 17)** – The Workers Compensation Amendment Act/Loi modifiant la Loi sur les accidents du travail
- **Bill (No. 21)** – The Labour Mobility Act/Loi sur la mobilité de la main-d'œuvre
- **Bill (No. 23)** – The Buildings and Mobile Homes Amendment Act/Loi modifiant la Loi sur les bâtiments et les maisons mobiles

Committee Membership

Committee Membership for the Tuesday, June 2, 2009 meeting:

- Hon. Ms. ALLAN
- Mr. ALTEMEYER
- Ms. BRAUN
- Mr. NEVAKSHONOFF (*Vice-Chairperson*)
- Mr. PEDERSEN
- Mr. SCHULER
- Mrs. STEFANSON
- Mr. SARAN
- Hon. Mr. STRUTHERS
- Hon. Mr. SWAN
- Mrs. TAILLIEU

Your Committee elected Ms. BRAUN as the Chairperson.

Public Presentations

Your Committee heard the following thirteen presentations on **Bill (No. 3)** – The Forest Amendment Act/Loi modifiant la Loi sur les forêts:

Ward Perchuk	Spruce Products Ltd.
Wade Cable	Louisiana Pacific Canada Ltd.
Doug Hunt	Tolko Industries Ltd.
Grant Kurian	Grant Kurian Trucking Ltd.
Roberta Kurian	Seer Logging Inc.
Marvin Hovorka	J. Hovorka and Sons Ltd.
Scott Spicer, CAO	R.M. of Whitemouth
Mary Granskou	Canadian Boreal Initiative
Gaile Whelan-Enns	Manitoba Wild Lands
Andy Pelletier	RM of Reynolds
Andrew McCuaig	Tembec
Ron Thiessen	The Canadian Parks and Wilderness Society
Eric Reder	Wilderness Committee

Your Committee heard the following four presentations on **Bill (No. 17)** – The Workers Compensation Amendment Act/Loi modifiant la Loi sur les accidents du travail:

Jim Budde	Private Citizen
Alex Forrest	United Firefighters of Winnipeg
Gordon Hudson	Private Citizen
Kimberly Buchanan	Private Citizen

Your Committee heard the following one presentation on **Bill (No. 21)** – The Labour Mobility Act/Loi sur la mobilité de la main-d'œuvre:

John Doyle	Manitoba Federation of Labour
------------	-------------------------------

Written Submissions

Your Committee received the following two written submissions on **Bill (No. 3)** – The Forest Amendment Act/Loi modifiant la Loi sur les forêts:

Matthew Heide	Private Citizen
Doug Dobrowloski	Association of Manitoba Municipalities

Bill Considered and Reported

- **Bill (No. 3)** – The Forest Amendment Act/Loi modifiant la Loi sur les forêts

Your Committee agreed to report this Bill, without amendment:

- **Bill (No. 17)** – The Workers Compensation Amendment Act/Loi modifiant la Loi sur les accidents du travail

Your Committee agreed to report this Bill, without amendment:

- **Bill (No. 21)** – The Labour Mobility Act/Loi sur la mobilité de la main-d'œuvre

Your Committee agreed to report this Bill, without amendment:

- **Bill (No. 23)** – The Buildings and Mobile Homes Amendment Act/Loi modifiant la Loi sur les bâtiments et les maisons mobiles

Your Committee agreed to report this Bill, without amendment:

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

Ms. HOWARD, Chairperson of the Standing Committee on Human Resources, presented its First Report, which was read as follows:

Meetings

Your Committee met on the following occasions in room 254 of the Legislative Building:

- June 1, 2009
- June 2, 2009

Matters under Consideration

- **Bill (No. 11)** – The Highway Traffic Amendment and Manitoba Public Insurance Corporation Amendment Act/Loi modifiant le Code de la route et la Loi sur la Société d'assurance publique du Manitoba
- **Bill (No. 13)** – The Medical Amendment Act/Loi modifiant la Loi médicale
- **Bill (No. 15)** – The Victims' Bill of Rights Amendment Act/Loi modifiant la Déclaration des droits des victimes
- **Bill (No. 18)** – The Regulated Health Professions Act/Loi sur les professions de la santé réglementées

Committee Membership

Committee Membership for the June 1, 2009 meeting:

- Ms. BRICK
- Mr. CALDWELL
- Hon. Mr. RONDEAU
- Mrs. DRIEDGER
- Mr. DYCK
- Mr. GOERTZEN
- Ms. HOWARD
- Ms. KORZENIOWSKI
- Mr. MARTINDALE
- Mrs. MITCHELSON
- Hon. Ms. OSWALD

Your Committee elected Ms. HOWARD as the Chairperson at the June 1, 2009 meeting.

Your Committee elected Ms. BRICK as the Vice-Chairperson at the June 1, 2009 meeting.

Committee Membership for the June 2, 2009 meeting:

- Hon. Mr. BLAIKIE
- Mr. BRIESE
- Hon. Mr. CHOMIAK
- Mr. CULLEN
- Ms. DERKACH
- Mrs. DRIEDGER
- Ms. HOWARD (*Chairperson*)
- Mr. JENNISSEN
- Ms. KORZENIOWSKI
- Hon. Ms. OSWALD
- Mr. WHITEHEAD

Your Committee elected Hon. Ms. KORZENIOWSKI as the Vice-Chairperson at the June 2, 2009 meeting.

Public Presentations

Your Committee heard the following presentation on **Bill (No. 13)** – The Medical Amendment Act/Loi modifiant la Loi médicale:

Dr. William D.B. Pope

College of Physicians and Surgeons of Manitoba

Your Committee heard the following 42 presentations on **Bill (No. 18)** – The Regulated Health Professions Act/Loi sur les professions de la santé réglementées:

1. Bonnie Coombs	Private Citizen
2. Pat Chevrier	Private Citizen
3. Eric Alper	Manitoba Association of School Psychologists Inc.
4. Dr. William D.B. Pope	College of Physicians and Surgeons of Manitoba
5. Kathy Doerksen	College of Registered Nurses of Manitoba
6. Dr. Sandy Mutchmore	Manitoba Dental Association
7. George Fraser	Massage Therapy Association of Manitoba
8. Randall Stephanchew	Manitoba Pharmaceutical Association
9. Kyle Macnair	Canadian Society of Hospital Pharmacists
10. Scott Ransome	Manitoba Society of Pharmacists
11. Troy Harwood-Jones	Manitoba International Pharmacists Association
12. Gayle Romanetz	Private Citizen
13. Colleen Metge	Faculty of Pharmacy, University of Manitoba
14. Tim Pattern	Private Citizen
15. Sandi Mowat	Private Citizen
16. Laurie Thompson	Manitoba Institute for Patient Safety
17. Annette Osted	College of Registered Psychiatric Nurses of Manitoba
18. Laureen Lipinski	Private Citizen
19. Colette Raymond on behalf of Kevin Hall	Private Citizen
20. Penny Murray	Private Citizen
21. Heather Milan	Private Citizen
22. Nicholas Honcharik	Private Citizen
23. Scott McFeetors	Private Citizen
24. Greg Harochaw	Private Citizen
25. Gerald Clement & Greg Stewart	Manitoba Chiropractors' Association
26. Bill Eamer	Private Citizen
27. Brian Head	Private Citizen
28. Don Nazeravich	Private Citizen
29. Colette Raymond	Private Citizen
30. Danica Lister	Private Citizen
31. Verna Holgate	College of Licensed Practical Nurses of Manitoba
32. David Wayne Rivers	Priority Inc.
33. Doug Penner	Private Citizen
34. Elmer Kuber	Private Citizen
35. Mark Scott	Private Citizen
36. Brent Penner	Private Citizen
37. Curtis Unfried	Private Citizen
38. Mel Baxter	Private Citizen
39. Barbara Sproll	Private Citizen
40. Pat Trozzo	Private Citizen
41. Jeff Uhl	Private Citizen
42. Professor Blake Taylor	Private Citizen

Written Submissions

Your Committee received the following two written submissions on **Bill (No. 18)** – The Regulated Health Professions Act/Loi sur les professions de la santé réglementées:

Andrea Belanger
John Gray

Vision Council of Canada
Canadian Medical Protective Association

Bills Considered and Reported

- **Bill (No. 11)** – The Highway Traffic Amendment and Manitoba Public Insurance Corporation Amendment Act/Loi modifiant le Code de la route et la Loi sur la Société d'assurance publique du Manitoba

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

THAT the following be added after Clause 3(b)(iii) of the Bill:

(iv) in clause (a.2), by striking out "subclause (a)(vii) or (viii)" and substituting "any of subclauses (a)(vii) to (viii.2)".

THAT Clause 4 of the Bill be replaced with the following:

4(1) Subsection 279.1(1.1) is amended

(a) by striking out "253(a) or (b)" and substituting "253(1)(a) or (b)"; and

(b) by striking out "or subsection 254(5) or 255(2) or (3)" and substituting ", subsection 254(5) or any of subsections 255(2) to (3.2)".

4(2) Subsection 279.1(1.2) is amended

(a) by replacing clause (a) with the following:

(a) a conviction for an offence referred to in any of the following provisions of the definition "Category B offence" in subsection 264(1):

(i) subclauses (a)(vii) to (viii.2), or

(ii) clauses (a.1) to (a.3);

(b) by replacing subclause (b)(i) with the following:

(i) an offence referred to in subclause (a)(iii), (iv) or (v) or clause (a.1) of the definition "Category A offence" in subsection 264(1),

(i.1) an offence referred to in any of the following provisions of the definition "Category B offence" in that subsection:

(A) subclauses (a)(vii) to (viii.2), or

(B) clauses (a.1) to (a.3), or

- **Bill (No. 13)** – The Medical Amendment Act/Loi modifiant la Loi médicale

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 15)** – The Victims' Bill of Rights Amendment Act/Loi modifiant la Déclaration des droits des victimes

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 18)** – The Regulated Health Professions Act/Loi sur les professions de la santé réglementées

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

THAT Clause 28(1)(g) of the Bill be replaced with the following:

(g) information about each disciplinary proceeding in which a finding under subsection 124(2) or clause 131(1)(b) has been made against the member, including

(i) the nature of the finding,

(ii) the nature of any order made under section 126, 127 or 131, and

(iii) any terms, limits or conditions of the order;

THAT Clause 28(2)(f) of the Bill be replaced with the following:

(f) information about each disciplinary proceeding in which a finding under subsection 124(2) or clause 131(1)(b) has been made against the associate member, including

(i) the nature of the finding,

(ii) the nature of any order made under section 126, 127 or 131, and

(iii) any terms, limits or conditions of the order;

THAT Clauses 28(3)(b) and (c) of the Bill be replaced with the following:

(b) the information described in clause (1)(g) or (2)(f) relating to a disciplinary proceeding completed within the current calendar year or the 10 previous calendar years;

THAT the following be added after Clause 28(3) of the Bill:

Information not to be available on the Internet

28(4) Information that is available to the public under subsection (3) and that relates to an ailment, emotional disturbance or addiction that a member is suffering from, or has suffered from, must not be made available to the public on the Internet.

THAT Clause 78(3) of the Bill be amended in the heading and in the Clause by striking out "and Dental Assistants".

THAT Clause 98(3) of the Bill be amended by striking out "the council considers necessary to assist the investigator" and substituting "the investigator considers necessary to assist him or her".

THAT Clause 99(1) of the Bill be amended in the part after clause (f) by adding "or, if it is necessary to protect the public from exposure to serious risk, on the direction of the chair of that committee" at the end.

THAT Clause 101(2) of the Bill be amended by striking out "written submissions about the findings in the report" and substituting "a written submission under subsection 102(2)".

THAT Clause 104(2) of the Bill be replaced with the following:

Censure may be made publicly available

104(2) Subject to subsection (2.1), the complaints investigation committee may make available to the public the name of an investigated member who has been censured and a description of the circumstances that led to the censure.

Censure relates to ailment, addiction, etc.

104(2.1) If, in agreeing to accept a censure, the investigated member admits to suffering from an ailment, emotional disturbance or addiction that impairs his or her ability to practise the regulated health profession, the complaints investigation committee

(a) must not make any information about the investigated member or the censure available under subsection (2); and

(b) may inform an employer, person or entity referred to in section 133 of the censure and provide a description of the circumstances that led to it.

THAT Clause 105(3) of the Bill be replaced with the following:

Voluntary surrender may be made publicly available

105(3) Subject to subsection (4), the complaints investigation committee may make available to the public the name of the investigated member, the fact that the member has voluntarily surrendered his or her registration or certificate of practice and a description of the circumstances that led to the voluntary surrender.

Voluntary surrender relates to ailment, addiction, etc.

105(4) If, in agreeing to voluntarily surrender his or her registration or certificate of practice, the investigated member admits to suffering from an ailment, emotional disturbance or addiction that impairs his or her ability to practise the regulated health profession, the complaints investigation committee

(a) must not make any information about the investigated member or the voluntary surrender available under subsection (3); and

(b) must inform an employer, person or entity referred to in section 133 of the voluntary surrender and provide a description of the circumstances that led to it.

THAT Clause 129(1) of the Bill be amended by striking out "Subject to subsection (2)" and substituting "Subject to subsections (2) and (3)".

THAT the following be added after Clause 129(2) of the Bill:

If ailment, emotional disturbance or addiction impairs member's ability to practise

129(3) If a finding has been made under clause 124(2)(g), the college, when making information available to the public under subsection (1), must not make available to the public

(a) the name of the investigated member; or

(b) any personal health information about the investigated member;

unless the college is satisfied that the public interest in making the information available to the public substantially outweighs the privacy interests of the investigated member. In this subsection, "**personal health information**" means personal health information as defined in *The Personal Health Information Act*.

THAT the following be added after Clause 129 of the Bill but before the centred heading:

Appeal of decision under subsection 129(3)

129.1(1) If the college intends to make information available to the public under subsection 129(3), the college

(a) must give notice of its intention to the investigated member, and advise the investigated member of his or her right to appeal the decision as set out in this section; and

(b) must not make any information described in clause 129(3)(a) or (b) available to the public under subsection 129(1) until the time period described in subsection (2) has lapsed, or, if an appeal has been filed, the investigated member's appeal is exhausted.

Notice of appeal

129.1(2) An investigated member may appeal a decision by filing, within 10 days after receiving notice from the college under clause (1)(a), a notice of appeal with the court.

Copy of notice must be given to the college

129.1(3) The investigated member must, without delay, give a copy of the notice of appeal to the college, and the college is a party to the appeal.

Decision of the court

129.1(4) After hearing an appeal under this section, the court may confirm, reverse or vary the college's decision to make the information available to the public.

Court to protect privacy

129.1(5) On an appeal, the court must take reasonable precautions to protect the investigated member's privacy, including his or her identity, which may include receiving representations ex parte, conducting hearings in private and examining records in private.

THAT Clause 189(1)(d) of the Bill be replaced with the following:

(d) information about each disciplinary proceeding in which a finding under subsection 124(2) or clause 131(1)(b) has been made against the owner, including

- (i) the nature of the finding,
- (ii) the nature of any order made under section 126, 127 or 131, and
- (iii) any terms, limits or conditions of the order; and

THAT Clauses 189(2)(b) and (c) of the Bill be replaced with the following:

(b) the information described in clause (1)(d) relating to a disciplinary proceeding completed within the current calendar year or the 10 previous calendar years;

THAT the following be added after Clause 189(2) of the Bill:

Information not to be available on the Internet

189(3) Information that is available to the public under subsection (2) and that relates to an ailment, emotional disturbance or addiction that an owner is suffering from, or has suffered from, must not be made available to the public on the Internet.

THAT Clause 207(16) of the Bill be replaced with the following:

207(16) *Subsections 105(3) and (4) are to be read as follows:*

Voluntary surrender may be made publicly available

105(3) Subject to subsection (4), the complaints investigation committee may make available to the public the name of the investigated member, the fact that the investigated member has voluntarily surrendered his or her registration, certificate of practice or pharmacy licence, as the case may be, and a description of the circumstances that led to the voluntary surrender.

Voluntary surrender relates to ailment, addiction, etc.

105(4) If an investigated member, in agreeing to voluntarily surrender his or her registration, certificate of practice or pharmacy licence, as the case may be, admits to suffering from an ailment, emotional disturbance or addiction that impairs his or her ability to practise the regulated health profession or operate a pharmacy, the complaints investigation committee

(a) must not make any information about the investigated member or voluntary surrender available under subsection (3); and

(b) must inform an employer, person or entity referred to in section 133 or 133.1 of the voluntary surrender and provide a description of the circumstances that led to it.

THAT Clause 220(1)(ee) of the Bill be amended by striking out "and Dental Assistants".

THAT Clause 221(3) of the Bill be amended in the heading and in the part before clause (a) by striking out "and Dental Assistants".

THAT the proposed Item 15, as set out in Clause 233 of the Bill, be amended by striking out "and Dental Assistants".

THAT the proposed definition "practising dentist" in the English version, as set out in Clause 237(2)(c) of the Bill, be amended by striking out "and Dental Assistants".

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

Hon. Mr. SELINGER presented:

Annual Report of the Crown Corporations Council for the year ending December 31, 2008.
(Sessional Paper No. 81)

Annual Report of the Supplementary Loans and Guarantee Authority for the fiscal year ending March 31, 2009.
(Sessional Paper No. 82)

Pursuant to Rule 26(1), Mrs. TAILLIEU, Ms. BLADY, Messrs. DYCK and NEVAKSHONOFF and Hon. Mr. GERRARD made Members' Statements.

In accordance with Rule 27, Mrs. DRIEDGER rose on a Grievance.

In accordance with Rule 31(9), the Opposition House Leader announced that the 80th Anniversary of Women as "Persons" Resolution will be considered next Thursday, June 11, 2009.

Hon. Mr. CHOMIAK moved:

THAT Bill (No. 36) – The Manitoba Public Insurance Corporation Amendment Act (Enhanced Compensation for Catastrophic Injuries)/Loi modifiant la Loi sur la Société d'assurance publique du Manitoba (majoration de l'indemnisation en cas de lésions catastrophiques), be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. CHOMIAK having spoken,

The debate was, on motion of Mr. DYCK, adjourned.

Hon. Mr. ASHTON moved:

THAT Bill (No. 35) – The Municipal Conflict of Interest and Campaign Financing Act (Various Acts Amended)/Loi sur les conflits d'intérêts au sein des municipalités et le financement des campagnes électorales municipales (modification de diverses dispositions législatives), be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. ASHTON having spoken,

The debate was, on motion of Mrs. MITCHELSON, adjourned.

By Leave, Hon. Mr. CHOMIAK moved:

THAT Bill (No. 3) – The Forest Amendment Act/Loi modifiant la Loi sur les forêts, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read a Third Time and passed.

And a debate arising

And Mr. PEDERSEN, Hon. Mr. GERRARD and Mr. FAURSCOU having spoken,

And the Question being put. It was agreed to.

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

By Leave, Hon. Mr. CHOMIAK moved:

THAT Bill (No. 17) – The Workers Compensation Amendment Act/Loi modifiant la Loi sur les accidents du travail, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read a Third Time and passed.

And a debate arising

And Hon. Mr. CHOMIAK, Mrs. TAILLIEU, Messrs. SCHULER and LAMOUREUX having spoken,

And the Question being put. It was agreed to.

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

By Leave, Hon. Mr. CHOMIAK moved:

THAT Bill (No. 21) – The Labour Mobility Act/Loi sur la mobilité de la main-d'œuvre, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read a Third Time and passed.

And a debate arising

And Hon. Mr. CHOMIAK, Messrs. PEDERSEN and LAMOUREUX having spoken,

And the Question being put. It was agreed to.

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

By Leave, Hon. Mr. CHOMIAK moved:

THAT Bill (No. 23) – The Buildings and Mobile Homes Amendment Act/Loi modifiant la Loi sur les bâtiments et les maisons mobiles, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read a Third Time and passed.

Wednesday, June 3, 2009

And a debate arising

And Hon. Mr. CHOMIAK, Mrs. TAILLIEU and Mr. EICHLER having spoken,

And the Question being put. It was agreed to.

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

Hon. Mr. CHOMIAK moved:

THAT Bill (No. 2) – The Animal Care Amendment Act/Loi modifiant la Loi sur le soin des animaux, as amended and reported from the Standing Committee on Agriculture and Food, be concurred in and be now read a Third Time and passed.

And a debate arising

And Hon. Mr. CHOMIAK, Mr. EICHLER, Hon. Mr. GERRARD and Mrs. ROWAT 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 4:56 p.m. until 10:00 a.m., Thursday, June 4, 2009.

Hon. George HICKES,
Speaker