



**LEGISLATIVE ASSEMBLY OF MANITOBA**

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**VOTES AND PROCEEDINGS No. 60**

**FIFTH SESSION, THIRTY-NINTH LEGISLATURE**

**PRAYER**

**10:00 O'CLOCK A.M.**

By leave, it was agreed for the House to deal with Second Reading of Bills (Nos. 220, 217, 205, 204, 222, 300 and 301).

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The House resumed the Interrupted Debate on the Proposed Motion of Mr. GOERTZEN:

THAT Bill (No. 220) – The Justice for Victims of Child Pornography Act/Loi sur l'indemnisation des victimes de pornographie juvénile, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Hon. Ms. HOWARD 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.

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The House resumed the Interrupted Debate on the Proposed Motion of Ms. BLADY:

THAT Bill (No. 217) – The Residential Tenancies Amendment Act (Expanded Grounds for Early Termination)/Loi modifiant la Loi sur la location à usage d'habitation (nouveaux motifs de résiliation par anticipation), 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. MAGUIRE,

And Mrs. TAILLIEU 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.

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The House resumed the Interrupted Debate on the Proposed Motion of Mrs. DRIEDGER:

THAT Bill (No. 205) – The Regional Health Authorities Amendment Act (Mammography Accreditation)/Loi modifiant la Loi sur les offices régionaux de la santé (homologation des mammographes), 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. MARTINDALE,

And Mrs. DRIEDGER 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.

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The House resumed the Interrupted Debate on the Proposed Motion of Ms. BRAUN:

THAT Bill (No. 204) – The Consumer Rights Day Act/Loi sur la journée des Droits du consommateur, 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. SCHULER,

And Mrs. TAILLIEU and Ms. BRAUN 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.

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Mrs. DRIEDGER moved:

THAT Bill (No. 222) – The Sexual Assault Awareness Month Act/Loi sur le Mois de la sensibilisation aux agressions sexuelles, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Mrs. DRIEDGER, Ms. BLADY, Mrs. ROWAT, Hon. Ms. HOWARD 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.

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Ms. BRICK moved:

THAT Bill (No. 300) – The Winnipeg Foundation Amendment Act/Loi modifiant la Loi sur la fondation dénommée « The Winnipeg Foundation », be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Ms. BRICK, Mr. GOERTZEN 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.

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Mr. MARTINDALE moved:

THAT Bill (No. 301) – The Providence College and Theological Seminary Incorporation Amendment Act/Loi modifiant la Loi constituant en corporation le « Providence College and Theological Seminary », be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Mr. MARTINDALE, Mr. GOERTZEN 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.

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In accordance with Rule 31(9), the Opposition House Leader announced that the Apology for Per-Vote Subsidy Resolution will be considered next Thursday, June 16, 2011.

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Mr. PEDERSEN moved:

Resolution No. 17: Government Failure to Address Violent Crime

WHEREAS Manitoba's violent crime victimization rate is the highest in Canada at 175 per 1,000 Manitobans, up by 53 per cent since 1999; and

WHEREAS since 2000, Manitoba has been the murder capital of Canada every year except for three, when the province ranked second; and

WHEREAS since 2001, Manitoba has led the nation or been in the top three in gang-related murders; and

**Thursday, June 9, 2011**

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WHEREAS Winnipeg is once again the violent crime capital of Canada and Winnipeg Police Services statistics show that violent crime was up 14 per cent in 2009; and

WHEREAS according to Statistics Canada violent crime among youth climbed 10% from 1999 to 2009.

THEREFORE BE IT RESOLVED that the Legislative Assembly urge the Provincial Government to acknowledge its failure to keep its election promise to make communities safer by tackling the causes of violent crime and ensuring immediate consequences for gang violence and home invasions.

And a debate arising,

And Mr. PEDERSEN, Hon. Mr. SWAN, Messrs. DERKACH and WIEBE and Hon. Mr. GERRARD having spoken,

And Mr. MARTINDALE speaking at 12:00 p.m. The debate was allowed to remain in his name.

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

The following petitions were presented and read:

Mr. BRIESE – Legislative Assembly of Manitoba to request the Minister of Infrastructure and Transportation to consider the importance of reducing the speed limit on PTH 5 to 80 km/hour in the vicinity of the Town of Ste. Rose from the west side of the Turtle River bridge to the south side of the access to the Ste. Rose Auction Mart to help better protect motorist safety. (R. Delaurier, R. LaBelle, F. I. Catheway and others)

Mr. MAGUIRE – Legislative Assembly of Manitoba to urge the Provincial Government to consider reconstructing the entire Oak Lake dam and dike system, to consider a compensation program that supports the costs home owners at Oak Lake beach have endured due to this spring's flooding and to request the Provincial Government to consider creating a task force comprised of government officials and local persons to examine future flood protection strategies for the area and how to address them. (B. Karnes, D. Pangman, C. Corbett and others)

Mr. GOERTZEN – Legislative Assembly of Manitoba to request the Minister of Justice to consider ensuring that all court orders for car thieves are vigorously monitored and enforced and to consider ensuring all breaches of court orders on car thieves are reported to police and vigorously prosecuted. (M. Litinsky, R. Klassen, J. Busch and others)

Mr. PEDERSEN – Legislative Assembly of Manitoba to urge the Provincial Government to build the Bipole III transmission line on the shorter and more reliable east side of Lake Winnipeg, in order to save each Manitoba family of four \$11,748. (G. Young, L. Mueller, D. Malloy and others)

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

**Meetings:**

Your Committee met on June 8, 2011.

**Matters under Consideration**

- **Bill (No. 17)** – The Cooperatives Amendment Act/Loi modifiant la Loi sur les coopératives
- **Bill (No. 30)** – The Change of Name Amendment Act/Loi modifiant la Loi sur le changement de nom
- **Bill (No. 35)** – The Consumer Protection Amendment Act (Cell Phone Contracts)/Loi modifiant la Loi sur la protection du consommateur (contrats de téléphonie cellulaire)
- **Bill (No. 36)** – The Adult Abuse Registry Act and Amendments to The Vulnerable Persons Living with a Mental Disability Act/Loi sur le registre des mauvais traitements infligés aux adultes et modifications concernant la Loi sur les personnes vulnérables ayant une déficience mentale
- **Bill (No. 39)** – The Grieving Families Protection Act (Various Acts Amended)/Loi sur la protection des familles en deuil (modification de diverses dispositions législatives)
- **Bill (No. 40)** – The Condominium Act and Amendments Respecting Condominium Conversions (Various Acts Amended)/Loi sur les condominiums et modifications législatives en matière de conversion en condominium
- **Bill (No. 41)** – The Liquor Control Amendment Act/Loi modifiant la Loi sur la réglementation des alcools
- **Bill (No. 43)** – The Real Property Amendment Act/Loi modifiant la Loi sur les biens réels

**Committee Membership**

- Mr. BOROTSIK
- Mr. CALDWELL
- Hon. Mr. CHOMIAK
- Ms. KORZENIOWSKI
- Hon. Mr. MACKINTOSH
- Mrs. MITCHELSON
- Ms. MCGIFFORD
- Mr. PEDERSEN
- Mr. REID
- Mr. SCHULER
- Mr. WIEBE

Your Committee elected Mr. REID as the Chairperson.

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

**Public Presentations**

Your Committee heard the following three presentations on **Bill (No. 17)** – The Cooperatives Amendment Act/Loi modifiant la Loi sur les coopératives:

Vera Goussaert	Manitoba Cooperative Association
Danny Gendron	CDEM
Russ Rothney	Neechi Foods Co-Op Ltd.

Your Committee heard the following two presentations on **Bill (No. 35)** – The Consumer Protection Amendment Act (Cell Phone Contracts)/Loi modifiant la Loi sur la protection du consommateur (contrats de téléphonie cellulaire):

Kelvin Shepherd	MTS Allstream
Gloria Desorcy	Consumers Association of Canada - Manitoba Branch

Your Committee heard the following two presentations on **Bill (No. 40)** – The Condominium Act and Amendments Respecting Condominium Conversions (Various Acts Amended)/Loi sur les condominiums et modifications législatives en matière de conversion en condominium:

Mel Boisvert and Peter Squire (by leave)	Winnipeg Realtors
John Petrinka	Private Citizen

Your Committee heard the following seven presentations on **Bill (No. 41)** – The Liquor Control Amendment Act/Loi modifiant la Loi sur la réglementation des alcools:

Lanny McInnes	Retail Council of Canada
Scott Jocelyn	Manitoba Restaurant & Food Services Association
Mo Razik	Independent Specialty Wine Stores of Manitoba
Dwayne Marling	Canadian Restaurant and Food Services Association
Jim Baker	Manitoba Hotel Association
Marty Gold	Private Citizen
Fred Curry	Private Citizen

Your Committee heard the following presentation on **Bill (No. 43)** – The Real Property Amendment Act/Loi modifiant la Loi sur les biens réels:

Wendy Rinella and Steven Offer (by leave) Title Insurance Industry Association of Canada

### Written Submissions

Your Committee received four written submissions on **Bill (No. 35)** – The Consumer Protection Amendment Act (Cell Phone Contracts)/Loi modifiant la Loi sur la protection du consommateur (contrats de téléphonie cellulaire), from:

Bernard Lord	Canadian Wireless Telecommunications Association
Vanessa Brazil	Globalive Wireless Management Corp. ("WIND")
Derek Hay	Private Citizen
Kenneth G. Engelhart	Rogers Communication Partnership ("ROGERS")

**Bills Considered and Reported**

- **Bill (No. 17)** – The Cooperatives Amendment Act/Loi modifiant la Loi sur les coopératives

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 30)** – The Change of Name Amendment Act/Loi modifiant la Loi sur le changement de nom

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 35)** – The Consumer Protection Amendment Act (Cell Phone Contracts)/Loi modifiant la Loi sur la protection du consommateur (contrats de téléphonie cellulaire)

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 36)** – The Adult Abuse Registry Act and Amendments to The Vulnerable Persons Living with a Mental Disability Act/Loi sur le registre des mauvais traitements infligés aux adultes et modifications concernant la Loi sur les personnes vulnérables ayant une déficience mentale

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 39)** – The Grieving Families Protection Act (Various Acts Amended)/Loi sur la protection des familles en deuil (modification de diverses dispositions législatives)

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 40)** – The Condominium Act and Amendments Respecting Condominium Conversions (Various Acts Amended)/Loi sur les condominiums et modifications législatives en matière de conversion en condominium

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

*THAT Clause 185(3)(b) of Schedule A of the Bill be amended by adding ", to the extent that the coverage is available at a reasonable cost" after "costs of construction".*

- **Bill (No. 41)** – The Liquor Control Amendment Act/Loi modifiant la Loi sur la réglementation des alcools

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

*THAT the Bill be amended by adding the following after Clause 18:*

*18.1(1) Subsection 96.1(1) is amended by striking out everything before "may conduct" and substituting "If the commission becomes aware of concerns about security at a licensed premises, it".*

18.1(2) Subsection 96.1(2) is amended by adding ", such as metal detectors, surveillance cameras or devices that scan or verify the identification provided by patrons," after "security equipment".

18.1(3) The following is added after subsection 96.1(2):

**Privacy**

**96.1(2.1)** When requiring a licensee to make changes to operations under subsection (2), the commission must have regard to privacy and it may require the licensee to take specified steps to protect the privacy of patrons and employees.

- **Bill (No. 43)** – The Real Property Amendment Act/Loi modifiant la Loi sur les biens réels

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

*THAT the proposed subsection 72(2), as set out in Clause 17 of the Bill, be amended by repealing clause (b) of the definition "transfer".*

*THAT Clause 17 of the Bill be amended by adding the following after the proposed subsection 72.5(3):*

Other witnesses

72.5(3.1) In addition to the witnesses referred to in subsections (1) to (3), the district registrar may accept a transfer for registration that is witnessed by a person in a class of persons designated in the regulations.

*THAT the proposed subsection 72.5(4), as set out in Clause 17 of the Bill, be amended by striking out "(3)" and substituting "(3.1)".*

*THAT the proposed clause 72.7(2)(c), as set out in Clause 17 of the Bill, be amended by adding "or another designated person on behalf of the financial institution".*

*THAT the proposed subsection 72.7(3), as set out in Clause 17 of the Bill, be amended in the English version by adding the following after clause (a):*

(a.1) subsection 72.5(3.1) (other witnesses);

*THAT Clause 44 of the Bill be amended by adding the following after the proposed clause 195(b.4):*

(b.5) for the purpose of subsection 72.5(3.1), designating classes of persons as witnesses;

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

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**Thursday, June 9, 2011**

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Hon. Mr. ASHTON, the Minister responsible for Emergency Measures, made a statement regarding the status of flooding in Manitoba.

Mr. BRIESE and, by leave, Hon. Mr. GERRARD commented on the statement.

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Pursuant to Rule 26(1), Hon. Ms. MARCELINO, Mrs. ROWAT, Ms. KORZENIOWSKI, Mr. GOERTZEN and Hon. Ms. OSWALD made Members' Statements.

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Hon. Mr. CHOMIAK moved:

THAT Bill (No. 50) – The Thompson Nickel Belt Sustainability Act/Loi sur la viabilité de la ceinture nickélique de Thompson, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. CHOMIAK, Mr. BOROTSIK 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.

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Hon. Mr. CHOMIAK presented:

Message from His Honour, the Administrator recommending the disposition of public revenue for Bill (No. 50).

(Sessional Paper No. 82)

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

THAT Bill (No. 44) – The Civil Service Superannuation and Related Amendments Act/Loi sur la pension de la fonction publique et modifications connexes, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

The debate was allowed, by leave, to remain in the name of Mrs. STEFANSON.

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

THAT Bill (No. 51) – The Budget Implementation and Tax Statutes Amendment Act, 2011/Loi d'exécution du budget de 2011 et modifiant diverses dispositions législatives en matière de fiscalité, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

The debate was allowed, by leave, to remain in the name of Mrs. STEFANSON.

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

THAT Bill (No. 27) – The Manitoba Ukrainian Canadian Heritage Day Act/Loi sur le Jour du patrimoine ukrainien-canadien au Manitoba, 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. SCHULER,

And Hon. Mr. STRUTHERS, Mr. DERKACH 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.

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

THAT Bill (No. 46) – The Save Lake Winnipeg Act/Loi sur la protection du lac Winnipeg, 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 Mrs. TAILLIEU,

And Mr. MAGUIRE having spoken,

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

**YEA**

ALLAN	JENNISSEN
ALTEMEYER	KORZENIOWSKI
ASHTON	MACKINTOSH
BJORNSON	MAGUIRE
BLADY	MARCELINO
BLAIKIE	MARTINDALE
BRAUN	MCFADYEN
BRICK	MCGIFFORD
BRIESE	MELNICK
CALDWELL	MITCHELSON
CHOMIAK	OSWALD
CULLEN	PEDERSEN
DERKACH	REID
DEWAR	RONDEAU
DRIEDGER	ROWAT
DYCK	SARAN
EICHLER	SCHULER
FAURSCHOU	SELBY
GERRARD	SELINGER
GOERTZEN	STRUTHERS
GRAYDON	SWAN
HOWARD	TAILLIEU
IRVIN-ROSS	WIEBE ..... 46

**NAY**

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

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The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 31) – The Manitoba Public Insurance Corporation Amendment Act/Loi modifiant la Loi sur la Société d'assurance publique du Manitoba, reported from the Standing Committee on Justice:

Mrs. TAILLIEU moved:

*THAT Bill 31 be amended in Clause 3 by adding the following after the proposed subsection 161.1(2):*

**Compensation may be withheld**

**161.1(2.1)** If, in relation to an accident, a person is charged with an offence referred to in subsection (3), the corporation must, until the disposition of the charge, withhold payment of compensation under this Part to the person.

**Entitlement to interest**

**161.1(2.2)** When a compensation payment has been withheld under subsection (2.1) and the person is ultimately not convicted of the offence or of another offence referred to in subsection (3) in relation to the accident, the corporation must pay the person interest on the unpaid portion of the compensation payable to the person. The interest rate to be paid is the prejudgment rate of interest determined under section 79 of *The Court of Queen's Bench Act*, computed from the day on which the person was entitled to the payment.

And a debate arising,

And Mrs. TAILLIEU and Hon. Messrs. SWAN and GERRARD having spoken,

And Mr. GOERTZEN speaking at 5:00 p.m. The debate was allowed to remain in his name.

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The House then adjourned at 5:00 p.m. until 1:30 p.m. Monday, June 13, 2011.

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Hon. George HICKES,  
Speaker.