

Fifth Session - Thirty-Eighth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Legislative Affairs

Chairperson
Mr. Daryl Reid
Constituency of Transcona

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS

Tuesday, December 5, 2006

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Daryl Reid (Transcona)

VICE-CHAIRPERSON – Mr. Tom Nevakshonoff (Interlake)

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Messrs. Chomiak, Robinson

Messrs. Derkach, Dewar, Goertzen, Jennissen,
 Ms. Korzeniowski, Messrs. Nevakshonoff, Reid,
 Mrs. Rowat, Mr. Schuler

APPEARING:

Hon. Jon Gerrard, MLA for River Heights

WITNESSES:

Bill 28–The Manitoba Museum Amendment Act

Ms. Claudette LeClerc, Manitoba Museum

Bill 214–The Good Samaritan Protection Act

Ms. Leah Ross, Private citizen

Ms. Eileen Jones, Heart and Stroke Foundation
 of Manitoba

MATTERS UNDER CONSIDERATION:

Bill 28–The Manitoba Museum Amendment Act

Bill 39–The Court of Queen's Bench Small
 Claims Practices Amendment Act

Bill 214–The Good Samaritan Protection Act

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Mr. Chairperson: Good evening, everyone. Will the Standing Committee on Legislative Affairs please come to order.

Our first item of business is the election of a Vice-Chair. Are there any nominations?

Mr. Gregory Dewar (Selkirk): I nominate Mr. Nevakshonoff, MLA for Interlake.

Mr. Chairperson: Mr. Nevakshonoff has been nominated. Are there any further nominations? Mr.

Nevakshonoff has been elected as Vice-Chairperson of this committee.

This meeting has been called to consider the following bills: Bill 28, The Manitoba Museum Amendment Act; Bill 39, The Court of Queen's Bench Small Claims Practices Amendment Act; and Bill 214, The Good Samaritan Protection Act.

This evening we have three presenters registered to speak, and the presenters' names—Mr. Derkach?

Mr. Leonard Derkach (Russell): I just want it noted for the committee that, in fact, this afternoon, Bill 8, which is The Public Accounts Committee Meeting Dates Act, did pass second reading, and I'm a little disappointed that this bill is not before this committee to consider because, according to the Premier (Mr. Doer), this was an important piece of legislation that he wanted to see move in order to establish Public Accounts Committee meetings.

So I'm a little disappointed we're not dealing with this legislation this evening.

Hon. Dave Chomiak (Minister of Justice and Attorney General): Yes, Mr. Chair, I wonder if we can, by leave, have that bill come to this committee.

Hon. Jon Gerrard (River Heights): I would be only concerned that there has been no notice to the public, and there's been obviously no opportunity for anybody to present. So to try and do this at this time without having anybody having an opportunity to come forward—it would seem to me that it would be very important, for example, to have the Auditor General come forward because the Auditor General has talked a lot about the Public Accounts Committee.

Mr. Kelvin Goertzen (Steinbach): Maybe I can seek your counsel, Mr. Chairperson, but I understand that this would have to be a decision made in the House. I think that the Government House Leader's opportunity would have been in the House, and he failed to take that opportunity.

Mr. Chairperson: We thank all members of the committee for their advice. It's my understanding that matters before this committee have to be referred from the Chamber, from the House itself,

and therefore the matters are the only ones that we have before us this evening. So, if there's any further discussion, this would have to be something that would occur between the House leaders themselves.

To resume our comments here with respect to the bills that have been announced: Bill 214, we have the names of Leah Ross, private citizen, and Eileen Jones of the Heart and Stroke Foundation of Manitoba. For Bill 28, we have Claudette LeClerc, Manitoba Museum. These are the presenters who we have registered to speak here this evening.

If there are any additional presenters here in the audience this evening, please see a member of the committee room staff at the back of the room here, and we'll be adding your names to the list.

Do the members of the committee wish to indicate how late we wish to sit this evening?

An Honourable Member: As long as it takes.

Mr. Chairperson: As long as it takes. Is that agreed? *[Agreed]*

Thank you, to members of the committee.

This is information for the presenters who are here with us this evening. Welcome. While written versions of your presentations are not required, if you are going to accompany your presentation with written materials, we ask that you provide 20 copies. If you need help with photocopying, we have staff here who will assist you in that regard. Just let the officer at the back of the committee room know, and we'll make the efforts to undertake that photocopying for you.

As well, I would like to inform the presenters that, in accordance with our rules, a time limit of 10 minutes has been allotted for presentations, with another five minutes allowed for questions from committee members that are here this evening.

Also, in accordance with our rules, if a presenter is not in attendance when their name is called, they will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called for a second time, their name will be struck from the list.

Finally, the proceedings of our meetings are recorded and, in order to provide a verbatim transcript, the gentleman behind me here turns on and off the microphones for presenters who are here with us this evening. I have to recognize you as a presenter by name first to allow your microphone to

be turned on. So I ask for your indulgence in that regard. Thank you for your patience.

I'll ask the committee members in what order they wish to proceed with the bills this evening.

An Honourable Member: As listed.

Mr. Chairperson: As listed. Thank you.

Bill 28—The Manitoba Museum Amendment Act

Mr. Chairperson: We'll then proceed with Bill 28, The Manitoba Museum Amendment Act.

The first presenter we have registered to speak this evening is Claudette LeClerc. Please come forward. Good evening.

Ms. Claudette LeClerc (Manitoba Museum): Good evening.

Mr. Chairperson: Do you have copies of your presentation this evening?

Ms. LeClerc: I do, Mr. Chairman. Thank you.

Mr. Chairperson: Thank you. We'll wait for it to be circulated, and then I'll give you the signal to proceed.

Good evening, Ms. LeClerc. You may proceed when you're ready.

Ms. LeClerc: Thank you, Mr. Chairman. On behalf of the Manitoba Museum board and its chair, John McFerran, who joins me here this evening, I want to thank you for this opportunity to speak with the Standing Committee on Legislative Affairs, further to our request requesting a reduction and flexibility to the size of our board of governors.

Currently, The Museum Act states that the corporation shall be administered by a board of 20 members, 10 of whom are appointed through Order-in-Council and 10 who are elected through our membership.

As you may already be aware, in 2003, and we're proud to say the Manitoba Museum was the first organization to enter into the partnership with Arts Stabilization Manitoba, and, resulting from the recommendations of that organizational assessment, there was a recommendation that the board consider reducing its size in an effort to be more streamlined and effective.

Our board discussed this recommendation at length and agreed to request that the Province of Manitoba change The Museum Act to allow for a smaller and more flexible board size, comprised of

12, 14, or 16 governors, and agreed that the number of appointed and elected members remain as it does now at a 50-50 ratio. These changes will assist the museum to better address issues on transition, succession planning and priority skill requirements, while enabling us to achieve meaningful engagement of our board volunteers.

The museum has, indeed, consulted with Minister Robinson and his departmental staff over the last two years to prepare the final amendments to the act that you have before you this evening. We have further consulted with our museum membership at our annual general meeting this past June, and they support these changes as well.

I'd be now happy to answer any questions that you may have, as well as my board chair, John McFerran.

Mr. Chairperson: Thank you, Ms. LeClerc, for your comments here this evening. Does the minister have comments or questions?

Hon. Eric Robinson (Minister of Culture, Heritage and Tourism): No, I don't, thanks.

Hon. Jon Gerrard (River Heights): I just want to say this looks to me like it's a positive step forward, and I would ask how things are coming for the planning and other changes that you expect at the museum which we have a lot of pride in and believe very strongly in in Manitoba.

* (18:10)

Ms. LeClerc: Well, this was one of a number of special initiatives resulting from a new strategic plan that is setting our sights out for three to five years. We're looking at major renewal. There's been a lot of change and new developments at the Manitoba Museum. Thank you for noticing. We are planning on embarking on a number of other positive changes for the museum.

Strong governance is very important for us to be able to enable and move forward with our strategic plan, and this is very much representative of our board's commitment to strong governance. Thank you.

Mr. Kelvin Goertzen (Steinbach): Thank you very much for your presentation. I want to thank you on behalf of representatives of my party for the good work that you do on behalf of the museum.

Just a question: I understand this bill came forward in May or early June of this year. I know

that at that time there was some discussion about moving bills quickly towards the end of the session, which would have been in early June, yet in your presentation I noticed that you consulted with the museum membership on June 22.

So am I to understand that this bill might have passed before museum membership would receive consultation had it gone forward in the earlier session?

Ms. LeClerc: It was brought forward to the membership to ensure that at that stage we were receiving approval at the first opportunity of consulting with our membership. So there was consultation at that membership meeting with full disclosure and caveat that any change to The Museum Act and the museum by-laws was dependent upon decision at the Legislature.

Mr. Robinson: I'd like to also add my voice in thanking Ms. LeClerc for a wonderful presentation. I just want to add for the committee's information that the museum is Manitoba's largest heritage centre, unique in North America in its combined human and natural history themes, multi-dimensional interpretation, science, astronomy, education and community programs. It also continues to be a leading paid tourist attraction in the province and is the only attraction to secure the Michelin Green Guide's three-star rating. I believe that Ms. LeClerc has covered this as well.

Changes to this act will enable the museum to reduce the size of its board and provide the board with more flexibility from time to time to meet the changing needs of the organization and also the changing times.

In addition, if I may add, Mr. Chairperson, the amendment will further reduce the number of appointed members. The museum intends that one-half of the members be appointed, the other half be elected, so given that 50-50 ratio there could be six, seven or eight appointed members. Other amendments modernize the provisions about the board's authority to make by-laws.

So I just wanted to add those comments and at the same time thank Claudette for being here this evening.

Ms. LeClerc: Thank you, Minister.

Mr. Chairperson: Thank you, Ms. LeClerc. Thank you for your presentation this evening.

Are there any additional presenters on Bill 28, The Manitoba Museum Amendment Act? Seeing no further public presentations on this bill, that will conclude presentations on Bill 28.

**Bill 39—The Court of Queen's Bench
Small Claims Practices Amendment Act**

Mr. Chairperson: Are there any individuals in the audience here this evening that may wish to make a presentation to Bill 39, The Court of Queen's Bench Small Claims Practices Amendment Act?

Seeing no one is here to make a presentation to Bill 39, that will conclude public presentations on Bill 39.

Bill 214—The Good Samaritan Protection Act

Mr. Chairperson: We will now proceed with Bill 214, The Good Samaritan Protection Act. We have first Leah Ross, private citizen.

Please come forward. Do you have a written presentation?

Ms. Leah Ross (Private Citizen): Nothing written, no, I don't. I have some scrambled notes that I wrote in the car on the way here.

Mr. Chairperson: That's fine.

Ms. Ross: There was a riot in my brain at the time. The confusion was scandalous.

Mr. Chairperson: Please proceed when you're ready then.

Ms. Ross: Thank you. Good evening. My name is Leah Ross and it is a pleasure for me to be here to address Bill 214, The Good Samaritan Protection Act.

I hope you don't have an assumption that committee minutes and committee meetings are unimportant at all, because such an assumption would be presumptuous. I believe committee is the time that is vital to the legislative process. It does allow stakeholders to give their opinion and their inputs, and to do so we do require adequate and fair notice. I wouldn't be here today had I not been informed by a friend that this bill was at committee today.

The Good Samaritan bill may seem innocuous in its appearance, but make no mistake, it is relevant to our civil legal system, and it reveals a lot about the machinery and the politics involved in passing bills in our Legislature. Even having read Dr. Jon

Gerrard's on-line blog, I know that this bill is supported by others who could not be here tonight.

This bill, or a form of it, exists in nine provinces in Canada and 50 states in the U.S., including the District of Columbia. It sometimes goes under other names. In Alberta, it's the Emergency Medical Aid Act; in Nova Scotia, it's the Volunteer Services Act; in P.E.I., the Medical Act; in B.C., the medical amendment act. In most provinces, it's called something to do with the Good Samaritan act.

I recall clearly and vividly sitting in a first-year law class at the University of Manitoba and hearing about this unique bill that exists all over North America, but it didn't yet exist in Manitoba, and I wondered why. My father and brother are both general practitioners in Winnipeg, and my mom is a nurse, and many times throughout their lives while they weren't practising, but they were on the street, either at bus stops, perhaps in an auditorium, in the Polo Park Shopping Centre, they would run across someone that was needing some type of emergency assistance. I remember attending a graduation at the University of Winnipeg where a man had a heart attack and required my father's assistance. I remember door-knocking in an election, and a woman came to the door and she said, I can't help you, there's something wrong with my husband, and my father went in and assisted him, with his consent. Also, watching a motor vehicle crash that happened late at night, a man on a motorcycle swerved off the road, and he needed assistance by a bystander. And even a woman who fainted at a mall, at Polo Park, and she needed some help too. From giving blood earlier in the day, I suppose she was faint.

This bill not only protects medical professionals who are even among you in the Legislature, like Myrna Driedger and Jon Gerrard, these medical professionals who extend a helping hand while they're not working, while they're as lay people or bystanders, but it protects every Manitoban who lends a hand from being sued with a very high threshold in the law of gross negligence. That means that a lay person such as myself, who might know respiratory breathing or the Heimlich manoeuvre, could assist someone.

This bill encourages people to assist strangers in need of first aid and assistance. It reduces or eliminates any fear that they may have that, if they assist someone, they will suffer possible legal repercussions. Under our current common law, if you or I were to assist someone in an emergency, we

could be held liable if we attempted to provide some form of relief and we extended or inflicted an injury and, in doing so, we were negligent. This Good Samaritan bill doesn't grant full immunity; it's not full coverage, but it is partial immunity from liability by providing that rescuers will only be held accountable for injuries or fatalities that they have caused through the standard under the bill's gross negligence.

Without this bill, which currently hasn't passed, had I on the way in from Carman today swerved off the road and hit a ditch, and perhaps Mavis Taillieu was driving in from Headingley, she saw me, and she got out of the car and gave me a helping hand, hypothetically, and she, perhaps, didn't support my head quite right and it caused some form of damage, or perhaps I couldn't heal in a close enough time, then I could have a chance maybe to sue her. The standard in our civil law, the burden of proof is 51 percent or a balance of probabilities. It's different from the criminal law standard, which is beyond a reasonable doubt. So, basically, if I had a case to sue her under this weak threshold that we currently have, Mr. Schuler, your friend wouldn't be able to afford those fancy glasses anymore.

* (18:20)

Now, I watched with great interest and curiosity as this bill was originally introduced by Dr. Gerrard I believe last fall, and three weeks after the first reading by Dr. Gerrard, an NDP member introduced a strikingly similar bill. As a budding lawyer, I wondered whether anybody in the Assembly had bothered to compare the bills closely, so I printed out both bills and I compared them with the other bills across Canada. This bill is actually quite similar to the bills that exist across Canada. The striking part is that it is very strikingly similar to Jon Gerrard's bill that he had introduced three weeks prior to the first reading of this bill.

There's, frankly, no significant difference in the pith and substance of the bills. What I mean by pith and substance—that's maybe a legal term thrown around—I mean the brass tacks, the crux of the bills. If you read them, you might even find that most of the sections are identical and verbatim, and I'm not just talking about the coming-into-force date.

I have to say there is one clarifying provision in this bill that wasn't in Jon Gerrard's bill. Dr. Gerrard's bill had said that the bill applies to everyone, and this bill says it applies to everyone; however, that includes ski patrol workers, other

individuals. So I really wondered whether this was a case of monkey see and monkey do. Nonetheless, I am happy to stand here in support of Jon Gerrard's initiative, which I suppose was subsequently usurped by the NDP and presented as their own unique idea.

I also have to commend Dr. Gerrard and all of our opposition members for tolerating this kind of nonsense. I truly think it's nonsense. I believe the NDP, to copy a bill, has wasted our Legislative Counsel's time and, flowing from that, taxpayers' money.

Those are my submissions. Are there any questions?

Mr. Chairperson: Thank you very much for your presentation, Ms. Ross. Are there any questions of the presenter?

Mr. Ron Schuler (Springfield): Thank you very much, Leah. Your father, Dr. Rick Ross, is, of course, just an outstanding individual and, obviously, you share his passion. He has done a lot of great things for this province and has taken some, frankly, courageous stands in some of his practices and is to be commended for it. Obviously, you have the same passion because you drove all the way in from Carman to make this presentation. You're to be congratulated for that.

I would like to echo your comments that I think it's great that we have this bill in front of us in a very bipartisan approach. If you notice, the galleries are packed full. If you look at the tables behind you, they're absolutely packed full with media wanting to cover how the legislators in this province get together and do things on a bipartisan approach. If we were scratching each other's eyes out and throwing things at each other, we would be guaranteed front-page coverage in tomorrow's paper, but, alas, that's not the case.

This is one of those very positive moments in the Legislature where we've come together and we agree on this. I know you focussed quite a bit on when professionals stop to help. It's also when people like ourselves stop to help and I think that's important.

We certainly appreciate your coming and making your presentation.

Hon. Jon Gerrard (River Heights): Thank you for making the effort to come in. I think that we all agree that this is an important bill and we hope to get it passed by Christmas. Thank you.

Mr. Kelvin Goertzen (Steinbach): Thank you, Ms. Ross, for your comments. Particularly, you ventured into comments regarding the legislative process more generally than this piece of legislation. I think for those of us on the committee that it's instructive to hear from young Manitobans regarding that.

Do you fear or is there a concern perhaps—I know you have some understanding of the legislative process, probably better than many Manitobans—that private members' business or hours more generally might be diminished if we continue on a path where it's difficult to get private members' bills passed as opposed to having the government subsume that legislation? Do you think that there's a risk in devaluing members generally in their ability to bring forward private members' business?

Ms. Ross: I really don't think this is a matter of devaluing private members' business whatsoever. I think it's more an issue of whose name is on the paper when a bill comes out, frankly. It's all about media attention when it comes down to it, and I know from reading the sessions for the last I don't know how many years—I've been reading your debates and committee meetings for ages now. I know that private members' bills—last year, Dr. Gerrard introduced a slew of private members' bills that weren't passed.

It doesn't really hamper private members from doing these initiatives. Perhaps it creates some frustration, but I don't think you ever stop just because the party in power won't lend a bending ear. A good politician will continue to introduce these bills despite the frustrations imposed on them.

Mr. Chairperson: Any further questions of the presenter? Seeing none, thank you very much, Ms. Ross, for your presentations here. *[interjection]*

Ms. Bonnie Korzeniowski (St. James): Yes, I just wanted to thank you, as well, for taking the time to come out. It's always heartening to see young people, particularly, take an interest or passion, whatever their opinions might be, and I applaud you for taking the time to come this far. Again, I had earlier thanked everyone at this table for their co-operation and, particularly, Dr. Gerrard. I appreciated his input and co-operation as well. So, again, thank you for taking that time.

Ms. Ross: I want to thank you also. I hope that more of your fellow NDP caucus members or whatnot will look at some of the private members' bills introduced

by opposition parties and perhaps introduce them as well, or support them. I think it is a great thing.

Not every idea that comes up from the opposition is worth pooh-poohing, which perhaps you might do. I think there have been some exceptional bills introduced by the Conservative and Liberal parties in the past years that have just been ignored. So kudos to you for listening to this bill and presenting it.

Mr. Chairperson: Thank you, Ms. Ross.

The next presenter we have this evening is Eileen Jones. Eileen Jones is present? Good evening. You have a copy of your presentation? We will just take a few moments to circulate it before we proceed.

Good evening, Ms. Jones. You may proceed when you are ready.

Ms. Eileen Jones (Heart and Stroke Foundation of Manitoba): Thank you very much, and thank you for this opportunity of allowing me to speak. My name is Eileen Jones, as you have heard. I am here representing the Heart and Stroke Foundation of Manitoba. I am the resuscitation manager. As well, with me tonight is Debbie Brown, our chief executive officer, as well as Jackie Zalnasky, director of health promotion, both for the Heart and Stroke Foundation.

The Heart and Stroke Foundation commends the provincial government and all parties for taking a leadership role in introducing Bill 214, The Good Samaritan Act, which will be a part of an effective strategy to protect anyone who voluntarily administers medical services, first aid, CPR, and who may use an automated external defibrillator in good faith. In the event that there is an overseeing physician, The Good Samaritan Act can be seen to protect from liability those positions of AED programs and trained responders who use the automated external defibrillators or AEDs.

I have listed in your handouts a background in support of The Good Samaritan Act. It's a summarization of all that has taken place in the last year or so, and I'll allow you to go ahead and read that at your own discretion.

Heart disease and stroke represents the leading cause of death in Manitoba. It is estimated that every year in Manitoba there are approximately 2,000 heart attacks. Of interest, over 80 percent of those heart attacks occur in homes.

Heart disease and stroke impose a devastating economic burden to Manitobans. Cardiovascular disease is responsible for a large percentage of health care costs in Manitoba. Between 35,000 and 45,000 Canadians suffer from cardiac arrest every year. Moreover, fewer than 5 percent of those people that suffer cardiac arrest outside of hospital survive. These victims need immediate and timely treatment in order to increase their likelihood of survival. Canadians do not have to die from cardiac arrest.

*(18:30)

Research shows that the odds of survival from cardiac arrest increases by four times if CPR is performed immediately and in conjunction with defibrillation. The survival rates could be even higher if more people use CPR and know how to respond to an emergency. Combined with immediate CPR, defibrillation within three minutes can save 50 percent to 74 percent of people who have a cardiac arrest. I'll repeat that amount. From 5 percent, we can increase those numbers to 50 percent to 74 percent.

In our recent CPR training day, involving more than 300 Manitobans, one of the concerns that was brought forward by more than one participant, several from all the sites that we held sessions, the fear of being sued for attempting CPR and defibrillation was brought forward repeatedly. The Good Samaritan Act is an opportunity for people to save lives because you're eliminating the obstacle.

By standards, CPR and early first-responder defibrillation have been significantly associated with increased survival rates for people in cardiac arrest. Other provinces, including British Columbia, Alberta, Ontario, Québec, Newfoundland and Labrador, P.E.I., Nova Scotia, all have Good Samaritan acts in place. Saskatchewan has an emergency medical aid act, which is similar to The Good Samaritan Act and now, with Royal Assent, Manitoba can be added to that list.

The Heart and Stroke Foundation of Canada is the leading and trusted voice in cardiovascular issues in Canada and in Manitoba. It has received substantial support and trust from the Canadian and Manitoba public over the years for high calibre programs that it delivers and for its leadership in areas of resuscitation and emergency cardiac care.

I'll add one more little piece to this. Part of our CPR training, as of this year, to the new guidelines and standards, and this is not written down on my papers, the new guidelines now incorporate the use

of AEDs as part of the CPR protocol. The public needs access to these AEDs in order to use them, and the only way that they will have access is if we have a Good Samaritan act in place that will protect them so that they're not afraid of lawsuits, which they are concerned about because it has happened to our American neighbours. Thankfully, in Manitoba we have always been open-minded and big-hearted, and people have not been sued, but times are changing. We need to move forward in order for Canada to catch up to the rest of the world. In Manitoba, we want to be leaders.

I am going to summarize by saying thank you for this opportunity to submit this brief and for all the government parties to participate in the interest of improving the chance of survival of victims of emergencies in Manitoba. Does anyone have any questions?

Mr. Chairperson: Thank you, Ms. Jones, for your presentation this evening.

Mr. Goertzen: Thank you very much for your presentation and the good work of The Heart and Stroke Foundation, and you touched on it in your last comments. I have a friend of mine who is with the Winnipeg Paramedic Association. He's often talked to me about public access to defibrillators and talks about a burden.

I've been to the airport now in Calgary and there's a lot of defibrillators there in public access, and he indicated to me that this would be helpful in terms of getting that program up and running, but is there anything else that needs to be done in terms of ensuring more public access defibrillators are available? Is that purely a function of the private entities that own or public entities that own the buildings to ensure that there's access to defibrillators?

Ms. Jones: That's pretty much a four-pronged question, and thank you for that. AEDs are something that is very close to my heart. As an emergency nurse, I saw a lot of people die needlessly who could have been saved if they had had access to an AED and if people weren't afraid to do CPR. So it's a very important and pertinent question, and I thank you for that.

What we do see happening is AED programs are stalled in Manitoba right now. We do have people asking about them and looking into the programs, and the biggest obstacle is not having a Good Samaritan act in place. We need that because people are afraid of what the repercussions are.

The second part of that is that people are looking for medical direction, a doctor to take charge of each program because, right now, without a Good Samaritan act, the only way to get liability insurance and the only way to be protected is to have a doctor oversee the program and sign off on every event, that is, every emergency that an AED is used. So it is a great, big, huge stumbling block. Once we have a Good Samaritan act in place, I am going to trust the governments to continue working together so wonderfully—it is a good thing to see—and to see that the Good Samaritan act will incorporate, when you get down to the fine details, will incorporate and protect all parties involved in getting the AED programs up and running and, hopefully, eliminate the need to have physicians in charge of the programs.

Mr. Schuler: Thank you, Eileen, for coming out and speaking out to committee, and I would like to thank Debbie Brown and Jackie Zalnasky for coming. Thank you very much.

I am sure there were many things you could have done this evening. Instead, you decided to come to committee and make a presentation and, while we are on it, we certainly appreciate what your organization does, The Heart and Stroke Foundation of Manitoba. I said when I walked in that I hope I don't have to have a lot to do with you, but should that time ever come, I know that I am in good hands. You have an incredible reputation in the city and in the province, and we appreciate your efforts.

This bill is a bipartisan bill. It probably has been a long time in coming, and it, I think, is something very important. I had a young individual working for me who was very adamant that this should come forward and, in fact, we were pre-empted on it. It's interesting all three parties about the same time had legislation being drafted. We ended up not presenting ours because there were two bills already in front of this House. So I think you get the message from the Manitoba Legislature that, on the bipartisan basis, we certainly think now is the time to be doing this. It's the right thing and, barring anything catastrophic, it looks like it will go through yet this session.

Ms. Jones: Thank you for your very fine comments. I am looking forward to seeing it going through as well. Thank you.

Mr. Gerrard: Thank you very much for coming here and presenting. Clearly, it's an important area for all of us. I would just be interested in a couple of

comments from you, based on your experience with the automatic external defibrillators. The concern about liability, I suspect, is real because, even though they can do a tremendous amount of benefit, there is a potential for adverse events as well, and maybe you can just talk briefly about that.

And, second, we are here in the provincial Legislature. We need to know, what's your recommendation about how broadly automatic external defibrillators should be available? Where should they be located, if they've got to be three minutes from individuals who may have heart attacks? What is your best advice in your area?

* (18:40)

Ms. Jones: Once again, thank you. First of all, I'll touch on the safety of AEDs. AEDs are probably safer than any Fisher Price toy you will ever give your child. It is virtually almost impossible to get hurt using an AED if you follow the directions, which are as clear as anything and have been designed in terms that a child of six years old could understand, on purpose. This is a really advanced technology. You cannot get hurt if you follow the directions and you apply the AED pads exactly as it tells you, and it's almost foolproof.

There are pictures, and it talks you through it and, if it's not on correctly, it will prompt you and tell you. Then it will not deliver a shock unless there is no pulse detected. So it actually can read and tell you what the underlying rhythm is and whether a shock is advised.

Then it warns you to stand clear. That's the only potential for getting hurt, is if somebody should inadvertently step in and try to touch the patient at the time that you're giving a shock. That incident has not, outside the hospital—I've seen it happen once in the hospital actually, but outside the hospital that has not happened to date in Canada. So the chances of injury are extremely low. As far as transfer of function, it is one of the lowest-risk transfer of functions out there.

Your second question was to do with how many AEDs and how accessible they need to be, a very good question. If CPR is started immediately and is continued until the AED is there, you do have minutes to play with. You have time, but we're talking minutes as opposed to the longer you wait the less chance of keeping a sustainable rhythm. That means enough of a rhythm from the heart to be able to shock it back into a working rhythm. So you have

some time but not a lot, and your chances of getting a rhythm back using the shock diminishes by 10 percent to 20 percent for every minute that there is a delay in that shock. So the chances of survival decrease really rapidly. So the more accessible they are, the better.

In most places in the States they're now available hanging on walls in the mall because they feel, and it's been shown by studies, that they are that safe, that anybody could walk by, take it down and use it to save a life and be comfortable and competent in using it appropriately. The only catch with that is that CPR is needed. It goes together and that's why our CPR programs have incorporated AEDs into the whole process. My next goal with that is to get at least one in 10 Manitobans trained in CPR, but that's my job.

Does that answer your question?

Mr. Chairperson: Thank you, Ms. Jones.

Ms. Korzeniowski: I just want to thank you so much, not just for being here tonight with your presentation but for all the information and guidance while this bill was being formed. I very much appreciate it. I know the tremendous work you do and I do know you save lives.

I guess one thing I'd just like to point out with this bill—who knows, it could be helpful in your pursuit—is that in this age when technology can reach people before actual bodies can reach them, the whole concept of covering people, providing advice, I think that's where the cell phone comes in, which could probably be perceived as a technological piece of equipment, that people who have the expertise are able to provide advice to someone with a cell phone who maybe has stopped and are able to guide them through, much like 911.

So I have every confidence that you are going to be able to achieve your goals. This bill is long overdue, and I'm just thrilled for it to be able to go through. Again, I thank my colleagues for allowing it to happen tonight and I wish you luck in your pursuits.

Ms. Jones: Added to that information, just to share, most people have seen all of the research because you are all very well versed in this topic, but in case anyone has not seen the rest of the research that went into the last three years or four years of hard work, I have provided some extra pamphlets here so there is extra information there for your reading enjoyment. It's not light reading but enjoy.

And thank you, Bonnie. It has been a pleasure to help you, and if I can help you in any other way I'll be happy to do so. Thank you for your time.

Mr. Chairperson: Thank you very much for your presentation and for your brochures. We'll circulate them to committee members. Thank you for your time.

Ms. Jones: Thank you.

Mr. Chairperson: Are there any additional presenters from the public for Bill 214, The Good Samaritan Protection Act? Seeing no further public presentations, that will conclude the public presentation component for Bill 214, and I believe that concludes public presentations.

Which order does the committee wish to indicate, the same order for clause-by-clause consideration of the bills proceeding with Bill 28 first? *[Agreed]*

Bill 28—The Manitoba Museum Amendment Act

Mr. Chairperson: We'll now proceed with clause-by-clause consideration of Bill 28. Does the minister responsible for Bill 28 have an opening statement?

Hon. Eric Robinson (Minister of Culture, Heritage and Tourism): Mr. Chair, I believe that it was very well addressed by our presenter tonight from the Manitoba Museum, and I do thank her. I think she was very thorough in describing the amendments proposed, and I'll just allow the committee to commence with the dialogue. Thank you.

Mr. Chairperson: We thank the honourable minister. Does the critic for the official opposition have an opening statement?

Mrs. Leanne Rowat (Minnedosa): I want to thank the one presenter that we had tonight. I know that the bill came forward rather quickly and came before committee without very much notice. So I do appreciate the efforts made by the Manitoba Museum board, and I believe that her comments talking about strong governance and how the changes in the legislation will address issues to ensure strong governance were accepted and appreciated and supported.

So I look forward to the bill moving through to third reading.

Mr. Chairperson: Thank you, Mrs. Rowat.

We'll now proceed with clause by clause.

Clauses 1 through 4—pass; clauses 5 and 6—pass; clause 7—pass; enacting clause—pass; title—pass. Bill be reported.

Thank you to members of the committee.

**Bill 39—The Court of Queen's Bench
Small Claims Practices Amendment Act**

Mr. Chairperson: We'll now proceed with clause-by-clause consideration of Bill 39, The Court of Queen's Bench Small Claims Practices Amendment Act.

Does the minister responsible for Bill 39 have an opening statement?

Hon. Dave Chomiak (Minister of Justice and Attorney General): No, Mr. Chairperson, thank you.

Mr. Chairperson: We thank the honourable minister. Does the critic responsible?

Mr. Kelvin Goertzen (Steinbach): Thank you very much, Mr. Chairperson. I'm not surprised that the minister didn't want to put comments on the record. I know this is a bill that he inherited from his predecessor. In fact it still bears his predecessor's name on it.

I would certainly say to the minister why I think this piece of legislation is a valuable first step. There could be other steps taken in terms of the limit, and we've had that discussion in the House already. I would recommend to him that he go beyond this particular court and look at the—and I use the word often but I would say a "crisis" within our court system here in Manitoba when it comes to the backlog and we've certainly heard concerns and discussions regarding prosecutions in this province and the difficulty that prosecutors are having in Manitoba.

It is not enough to simply look at the small claims court, which is an important court, although on the hierarchy of courts it's not the one that generates the most attention or probably needs the most pressing consideration in terms of reform.

I would certainly recommend that this minister do what his predecessor didn't and ensure that we have a court system, in particular a provincial court system in Manitoba that can deal with cases in a way that's relatively quick and that provides solutions and remedies to families and victims in a way that's respectful of those families and victims. Thank you very much.

Mr. Chairperson: We thank the member for the opening statement. We'll now proceed with clause by clause.

Clauses 1 through 3—pass; clauses 4 through 7—pass; enacting clause—pass; title—pass. Bill be reported.

Thank you to members of the committee.

* (18:50)

Bill 214—The Good Samaritan Protection Act

Mr. Chairperson: We'll now proceed with Bill 214, The Good Samaritan Protection Act. Does the member sponsoring the bill have an opening statement?

Ms. Bonnie Korzeniowski (St. James): Oh, just a few words. Again, I just find it incredibly heartwarming to know, and reassuring to know, that we can all pull together for the sake of all Manitobans in terms of their protection and their best interests, so thank you once again.

I also just want to make a comment on the fact that—and it's interesting, that's why we're on different sides of the table—how things, words are left up to interpretation and that we will agree to disagree, but I do appreciate the member, Mr. Gerrard. Thank you once again for co-operating. I do believe the bills are very, very similar.

I would point out again that we do have two differences in terms of scope. The advice, as I mentioned earlier, that I do believe is an important part of helping is the people that are wanting it to go further, take it further.

So, on that, it is about time, way beyond time, and, again, thank you.

Mr. Chairperson: I thank the member for the opening statement. Does any other member of the committee have an opening statement?

Mr. Ron Schuler (Springfield): Once again, I think it would be one of those times when it would be great if the gallery was full of members of the media to see that actually Question Period isn't what the Manitoba Legislature is necessarily all about. Although it is a very important part of what we do here, it is not the only part, and there are many pieces of legislation that do pass through this Legislature on a bipartisan basis. In fact, this bill is moved and seconded by two individuals from different parties.

We also would like to commend all of those involved with having brought it forward, those that came forward and spoke to the legislation. It is an important piece of legislation and probably protects us as laypeople more than it does professionals because they would still know better what needs to be done, but there are times when we as individuals come across a situation where we see something and we act in what we think is the best interest of those individuals, and it probably is. We are protected for that, and that's why it's called The Good Samaritan Protection Act. We certainly look forward to seeing it going back to the House, receiving speedy passage, and receiving Royal Assent.

Mr. Chairperson: Thank you, Mr. Schuler. Any other comments from members of the committee? Seeing none, we'll proceed then with clause-by-clause consideration of this bill.

Of course, during consideration of the bill, the enacting clause and the title are postponed until all other clauses have been considered in their proper order.

Clause 1—pass; Shall clause 2 pass?

Mr. Kelvin Goertzen (Steinbach): I think I have a question regarding the exception. I certainly understand the rationale on the exception for somebody who's employed expressly for the purpose

of providing aid. In regard to section 2(b) which states, "or does so with a view to gain," could the member more clearly describe what that would refer to? Perhaps she can give an example of somebody who is not a professional but doing so with a view to gain would be.

Ms. Korzeniowski: Yes. It's in the case where someone agrees to do something but with the expectation of if you do this for me in whatever form, like a box of doughnuts for my kids.

Mr. Goertzen: Is it a quid pro quo arrangement? That's what you're suggesting?

Ms. Korzeniowski: Yes.

Mr. Chairperson: Any further questions on clause 2?

Seeing none, clause 2—pass; clause 3—pass; clause 4—pass; clause 5—pass; enacting clause—pass; title—pass. Bill be reported.

Thank you very much, members of the committee. I believe that concludes the business of the committee. What is the will of the committee?

Some Honourable Members: Committee rise.

Mr. Chairperson: Committee rise. The time being 6:55 p.m., thank you to the committee members.

COMMITTEE ROSE AT: 6:55 p.m.

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