

Second Session - Thirty-Ninth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Social and Economic Development

Chairperson
Ms. Erna Braun
Constituency of Rossmere

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Ninth Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON SOCIAL AND ECONOMIC DEVELOPMENT

Friday, June 6, 2008

TIME – 10 a.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Ms. Erna Braun (Rossmere)

VICE-CHAIRPERSON – Mr. Doug Martindale (Burrows)

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Mses. Allan, Irvin-Ross, Oswald, Hon. Messrs. Robinson, Swan.

Ms. Braun, Messrs. Cullen, Graydon, Maguire, Martindale, Mrs. Taillieu

Substitutions:

Mr. Derkach for Mrs. Taillieu
 Mrs. Taillieu for Mr. Cullen at 10:44 a.m.

APPEARING:

Mrs. Bonnie Mitchelson, MLA for River East
 Mr. Leonard Derkach, MLA for Russell
 Hon. Gord Mackintosh, MLA for St. Johns
 Mr. Stuart Briese, MLA for Ste. Rose
 Hon. Christine Melnick, MLA for Riel
 Mr. Blaine Pedersen, MLA for Carman

WRITTEN SUBMISSIONS:

Bill 13–The Highway Traffic Amendment Act (Damage to Infrastructure)

Mr. Ron Bell, Association of Manitoba Municipalities

MATTERS UNDER CONSIDERATION:

Bill 13–The Highway Traffic Amendment Act (Damage to Infrastructure)

Bill 16–The Child Care Safety Charter (Community Child Care Standards Act Amended)

Bill 19–The Liquor Control Amendment Act

Bill 21–The Advisory Council on Workforce Development Act

Bill 22–The Worker Recruitment and Protection Act

Bill 23–The International Labour Cooperation Agreements Implementation Act

Bill 27–The Shellmouth Dam and Other Water Control Works Management and Compensation Act (Water Resources Administration Act Amended)

Bill 31–The Freedom of Information and Protection of Privacy Amendment Act

Bill 32–The Personal Health Information Amendment Act

Bill 33–The Salvation Army Grace General Hospital Incorporation Amendment Act

Bill 34–The Child and Family Services Amendment and Child and Family Services Authorities Amendment Act (Safety of Children)

Bill 36–The Municipal Assessment Amendment Act

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Madam Chairperson: Good morning. Will the Standing Committee on Social and Economic Development please come to order.

Committee Substitution

Madam Chairperson: I would like to make the following membership substitutions, effective immediately, for the Standing Committee on Social and Economic Development.

For this morning, Mr. Derkach will be in for Mrs. Taillieu. Thank you.

* * *

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

Hon. Kerri Irvin-Ross (Minister of Healthy Living): I nominate Mr. Martindale.

Madam Chairperson: Mr. Martindale has been nominated as Vice-Chair. Are there any other nominations?

Seeing none, hearing no other nominations, Mr. Martindale is elected Vice-Chairperson. Thank you.

This meeting has been called to consider the following bills: Bill 13, The Highway Traffic Amendment Act (Damage to Infrastructure); Bill 16, The Child Care Safety Charter (Community Child Care Standards Act Amended); Bill 19, The Liquor Control Amendment Act; Bill 21, The Advisory Council on Workforce Development Act; Bill 22, The Worker Recruitment and Protection Act; Bill 23, The International Labour Cooperation Agreements Implementation Act; Bill 27, The Shellmouth Dam and Other Water Control Works Management and Compensation Act (Water Resources Administration Act Amended); Bill 31, The Freedom of Information and Protection of Privacy Amendment Act; Bill 32, The Personal Health Information Amendment Act; Bill 33, The Salvation Army Grace General Hospital Incorporation Amendment Act; Bill 34, The Child and Family Services Amendment and Child and Family Services Authorities Amendment Act (Safety of Children); Bill 36, The Municipal Assessment Amendment Act.

Hon. Theresa Oswald (Minister of Health): I hope I'm not out of order in the proceedings here, but I believe there's been some discussion among colleagues about proposing that we move our proceedings of Bill 31 to go first today. I wondered if there was will in the committee—did I say 34? [*interjection*]-31. See, I was trying to get my own through again. What I clearly meant to say, Madam Chairperson, was 34, The Child and Family Services Amendment and Child and Family Services Authorities Amendment Act (Safety of Children).

I wonder if you could test to see if there's a will to do that one first.

Mrs. Bonnie Mitchelson (River East): I think there is agreement to move on that pretty quickly, if we can. The only issue is that our critic is in the other committee room and someone has just gone to get him, so we may need a minute or two to get him here. Then we're prepared to start with Bill 34.

Madam Chairperson: There seems to be agreement that we will deal with Bill 34 first. Is there agreement? [*Agreed*]

How do you wish to proceed with the remaining bills?

Hon. Nancy Allan (Minister of Labour and Immigration): In order.

Madam Chairperson: Is it the will of the committee to proceed, then, following Bill 34, in numerical order?

Hon. Andrew Swan (Minister of Competitiveness, Training and Trade): I will admit I have the Polish Ambassador that wants to come and see me at 10:30, so, if indeed my bills happen to be coming up from 10:30 to about 10:45, I hope there will be some flexibility to move my bills further down the list.

Madam Chairperson: Is it the will of the committee that should the Honourable Mr. Swan need to leave to meet a delegation that there is some flexibility with his bills?

Mr. Leonard Derkach (Russell): I'm wondering whether it wouldn't be in order then to allow Mr. Swan to meet his commitment to deal with his bills immediately after Bill 34.

Madam Chairperson: Is there agreement to deal with Mr. Swan's bills following Bill 34? [*Agreed*]

Also, we have a written submission on Bill 13 from Ron Bell, president of the Association of Manitoba Municipalities. It has been received and distributed to the committee members. Does the committee agree to have this document appear in the *Hansard* transcript of this meeting? [*Agreed*]

How long does the committee wish to sit today?

Ms. Irvin-Ross: Until the bills are passed.

Madam Chairperson: Thank you. We will sit until the conclusion of all the bills.

Mr. Derkach: I guess that there's an assumption that we will be able to complete all the bills. In the event that we run into an issue through the process, I'm wondering whether we can revisit this, say, at noon, or at some point of the day.

Madam Chairperson: Is it the will of the committee to revisit this at 12 noon? [*Agreed*]

During the consideration of a bill, the table of contents, the preamble, the enacting clause and the title are postponed until all other clauses have been considered in their proper order.

Also, if there is agreement from the committee for the longer bills, I will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed? [*Agreed*]

We will now proceed to clause-by-clause consideration of the bill.

**Bill 34—The Child and Family Services
Amendment and Child and Family Services
Authorities Amendment Act (Safety of Children)**

Madam Chairperson: We will proceed with Bill 34.

Does the minister responsible for Bill 34 have an opening statement?

* (10:10)

Hon. Gord Mackintosh (Minister of Family Services and Housing): I'm pleased to be at this stage now. I'd just like to advise the committee that there have been discussions with the opposition critic on some further changes that the critic will outline that, in our view, strengthen or clarify accountability mechanisms. We've come to some arrangement on that. I think really that comprises my remarks. I understand that there's some last minute typing going on.

Madam Chairperson: We thank the minister.

Does the critic for the official opposition have an opening statement?

Mr. Stuart Briese (Ste. Rose): Madam Chair, yes, this is a piece of legislation that we will support and we've called for for some time, I think even before I was in the House, just to strengthen the protection of children.

We do have a couple of amendments to the bill, as the minister has stated. We've reached some agreement on the amendments and we're ready to proceed with this, as long as the typing catches up to us. Thank you very much.

Madam Chairperson: Okay, we'll begin the clause by clause for Bill 34.

Shall clause 1 pass?

Mr. Briese: I'd like to move an amendment to the bill

THAT the following be added after Clause 1(5) of the Bill:

1(6) The following is added after clause 4(1)(l):

(1.1) communicate to authorities the primary importance of a child's safety and security in the provision of child and family services and monitor the oversight provided by authorities of agencies in this regard;

Madam Chairperson: It has been moved by Mr. Briese

THAT the following be added after Clause 1(5) of the Bill—

An Honourable Member: Dispense.

Madam Chairperson: Dispense.

Amendment—pass.

Clause 1 as amended—pass.

Shall clauses 2 and 3 pass?

Mr. Briese: Madam Chair, I'd like to move an amendment to clause 2

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

2(3) The following is added after clause 24(e):

(f) communications to authorities the primary—communicating to the authorities the primary importance of a child's safety and security in the provision of child and family services and monitoring of the oversight provided by authorities of agencies in this regard.

Thank you.

Madam Chairperson: It has been moved by Mr. Briese

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

2(3) That the following is added after clause 24(e):

(f) communicating to authorities the primary importance of a child's safety and security in the provision of child and family services and monitoring the oversight provided by authorities of agencies in this regard.

The amendment is in order.

* (10:20)

Mrs. Bonnie Mitchelson (River East): I was reading the amendment as my colleague was reading it into the record and there may have been a discrepancy in one word. I'm just wondering if *Hansard* could take the amendment as written and ensure—and I don't know if this is in order or not—that it is reflected in *Hansard* copy so that the amendment is exactly the same as what was read into the record.

Madam Chairperson: Is there agreement that the amendment as printed be recorded in *Hansard*?
[Agreed]

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

2(3) *The following is added after clause 24(e):*

(f) communicating to authorities the primary importance of a child's safety and security in the provision of child and family services and monitoring the oversight provided by authorities of agencies in this regard.

Amendment—pass.

Clause 2 as amended—pass; clause 3—pass; enacting clause—pass; title—pass. Bill as amended be reported.

Bill 19—The Liquor Control Amendment Act

Madam Chairperson: We are going to Bill 19. Okay, we shall commence with Bill 19.

Does the minister responsible for Bill 19 have an opening statement?

Hon. Andrew Swan (Minister charged with the administration of The Liquor Control Act): Bill 19, The Liquor Control Amendment Act, will, we believe, improve safety in licensed premises by giving the Manitoba Liquor Control Commission some more remedies and some more flexibility in dealing with licensed establishments. The bill will also modernize a number of provisions which we think will give a little bit more flexibility and, hopefully generate a bit more revenue for some of our rural licensed premises.

Madam Chairperson: We thank the minister.

Does the critic from the official opposition have an opening statement?

Mr. Cliff Graydon (Emerson): I really don't have too much to say. We agree with a lot of the principles in here, and if there are any amendments we'll bring them in at the report stage.

Madam Chairperson: We thank the member.

Clauses 1 through 4—pass; clauses 5 and 6—pass; clauses 7 and 8—pass; clauses 9 and 10—pass; clauses 11 through 15—pass; clauses 16 and 17—pass; clauses 18 and 19—pass; clauses 20 through 22—pass; clause 23—pass; clauses 24 through 27—pass; clauses 28 through 31—pass; enacting clause—pass; title—pass. Bill be reported.

Bill 21—The Advisory Council on Workforce Development Act

Madam Chairperson: We are now going to deal with Bill 21.

Does the minister responsible for Bill 21 have an opening statement?

Hon. Andrew Swan (Minister of Competitiveness, Training and Trade): I think wherever somebody sits in the political spectrum, we can all agree that a shortage of skilled labour in Manitoba is a real concern, and it provides some opportunities for Manitobans. This bill will establish an advisory council, comprised of business, of labour organizations, of employees to provide information and advice to the minister about work force trends and about initiatives, policies and strategies for developing Manitoba's work force.

Madam Chairperson: We thank the minister.

Does the critic from the official opposition have an opening statement?

Seeing none, we are on to the clause by clause.

Clauses 1 and 2—pass; clauses 3 through 5—pass; clauses 6 through 11—pass; table of contents—pass; enacting clause—pass; title—pass. Bill be reported.

Thank you.

Bill 13—The Highway Traffic Amendment Act (Damage to Infrastructure)

Madam Chairperson: We will deal with Bill 13.

Does the minister responsible for Bill 13 have an opening statement?

Hon. Christine Melnick (Minister of Water Stewardship): No. Thank you very much, Madam Chair.

Madam Chairperson: Thank you.

Does the critic from the official opposition have an opening statement?

Mr. Larry Maguire (Arthur-Virden): Not much. No, we want to proceed with this bill. There's a couple of amendments that I'll have for it as well to try and clarify it and simplify it a little bit. But we'll proceed.

* (10:30)

Madam Chairperson: We thank the member.

Shall clauses 1 and 2 pass?

Mr. Maguire: Clause 2, I have an amendment that I'd like to put forward.

Madam Chairperson: One moment, please.

Clause 1—pass.

Mr. Maguire: Madam Chairperson, I'd like to propose an amendment to Bill 13. I so move,

THAT the proposed subsection 189.1(1), as set out in Clause 2 of the Bill, be replaced with the following:

Offence re damage to highway

189.1(1) If a highway is damaged by a vehicle or by the load on a vehicle the driver of the vehicle is guilty of an offence if

(a) the load that caused the damage is higher or wider than the maximum height or width allowed under this act or the regulations, or

(b) the driver did not comply with the conditions of a permit that had been issued under section 87 in respect of the vehicle or load.

Madam Chairperson: It has been moved by Mr. Maguire

THAT the proposed subsection 189.1(1), as set out in Clause 2 of the Bill, shall be replaced with the following:

Offence re damage to highway

18—

An Honourable Member: Dispense.

Madam Chairperson: Dispense.

The motion is in order. The floor is open for questions.

Is the committee ready for the question?

An Honourable Member: No.

Ms. Melnick: We won't be able to accept that amendment as it removes the onus of responsibility from all others and makes the driver solely responsible.

Mr. Maguire: Madam Chairperson, that was the purpose of the amendment. So we'll proceed.

Madam Chairperson: Is the committee ready for the question?

Some Honourable Members: Question.

Madam Chairperson: The question before the committee is as follows: Moved by Mr. Maguire

THAT the proposed subsection 189.1(1), as set out in Clause 2 of the Bill, be replaced with the following:

Offence re damage to highway

189.1(1) If a highway is damaged by a vehicle—

Some Honourable Members: Dispense.

Madam Chairperson: Dispense.

Shall the amendment pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Madam Chairperson: All those in favour of the amendment, please say yea.

Some Honourable Members: Yea.

Madam Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Madam Chairperson: In my opinion, the Nays have it.

The amendment is accordingly defeated.

Some Honourable Members: On division.

Madam Chairperson: On division.

* * *

Madam Chairperson: Shall clause 2 pass?

Mr. Maguire: I have another amendment for clause 2. I would propose the amendment to Bill 13, The Highway Traffic Amendment Act (Damage to Infrastructure), and I move,

THAT Clause 2 of the Bill be amended by repealing the proposed section 189.1(2).

Madam Chairperson: The motion is in order. The floor is open—sorry. It has been moved by Mr. Maguire

THAT Clause 2—

Some Honourable Members: Dispense.

Madam Chairperson: Dispense.

The motion is in order. The floor is open for questions.

Ms. Melnick: We need to have consistency with The Highway Traffic Act. Certainly, 189.1(2) makes that

happen, so we'll have to say no to this amendment as well.

Madam Chairperson: Is the committee ready for the question?

An Honourable Member: Question.

Madam Chairperson: The question before the committee is as follows: Moved by Mr. Maguire

THAT Clause—

An Honourable Member: Dispense.

Madam Chairperson: Dispense.

Shall the amendment pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Madam Chairperson: All those in favour of the amendment, please say yea.

Some Honourable Members: Yea.

Madam Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Madam Chairperson: In my opinion, the Nays have it. The amendment is accordingly defeated.

Some Honourable Members: On division.

Madam Chairperson: On division.

* * *

Madam Chairperson: Shall clause 2 pass?

Mr. Maguire: No, I have one more amendment. I move

THAT Clause 2 of the Bill be amended by adding the following after the proposed subsection 189.1(3):

Training requirement for drivers

189.1(4) In addition to imposing a fine under subsection (3), the judge or justice may order a driver convicted of an offence under subsection (1) to complete a driver training course.

Now, that's a good one.

Madam Chairperson: It has been moved by Mr. Maguire

THAT Clause 2 of the Bill be amended by adding the following after the proposed subsection—

Some Honourable Members: Dispense.

Madam Chairperson: Dispense.

The motion is in order. The floor is open for questions.

Mr. Maguire: Yes, I would just add—[interjection] We've got some people that can't read, Madam Chair, and while the minister is conferring, I'll just say that there are fines involved in this one that I was at one point thinking we should amend because it looked like a cash grab from the minister, but this bill has been put in place, and we have concerns with it in regard to the fact that the minister has spoken in second reading on this bill about how people will receive—how they will actually be able to go after the persons that have caused the damage under this bill.

There are actually five now, with the amendments not passing, five different people to be convicted of the same thing and we just feel that that's a concern. So we felt that this was a—if the driver needs to have some training or a course, that this would be a good way to remind them that they need to be more cognizant and more aware of what's happening in the future. So it was an addition to what is already there, didn't seem to be spelled out, but the concern that I had with the minister's comment is that there is nothing in this bill that allows them to—and it's not a concern. The concern I have is with the minister's statement where he said that they'd perhaps be able to go after these people for the paying for the actual physical damage of it.

We don't believe they need this bill to do that. If they feel that there's enough damage done and enough guilt on the onus of the driver, or the owner in this case now, they have procedures through the courts to already be able to go ahead and claim those costs, but the bill has nothing in it like that. I think that's why we had the presentation from the Association of Manitoba Municipalities that talks about going after the owners and that sort of thing for actual costs of damage to a structure.

I just want to put that on the record, Madam Chair, because I think it's important that there seems to be a part two in this that's not included in this bill. That's why we'll be bringing that up with the minister probably in report stage and third reading. But we think it's a good thing to add the driver training program.

Ms. Melnick: Just to inform the committee, the bill in front of us is phase one. The second phase will deal with education, testing, training, et cetera, and that's where the essence of the change that the member has brought forward will be covered.

Just a few more comments. The intention is not to go after anyone in an individual way. Insurance is generally covered under vehicle insurance, so that's been the norm for quite some time. Also, when we talk about training, et cetera, the registrar can already impose training when there has been concern with the driver. We think that the registrar with the experience and their own training will be in a good position to determine that training.

* (10:40)

To go back to phase 2, the development of further training, education, public education, et cetera, we are going to be working with the Manitoba Trucking Association. So there will be a lot of consultation with them as to what is the best way to go about the training, what is the best way to communicate it, and what is the best way to deal with truckers on these issues.

So, again, we're going to have to say no to the suggested amendment.

Madam Chairperson: Is the committee ready for the question?

An Honourable Member: Question.

Madam Chairperson: The question before the committee is as follows: Moved by Mr. Maguire

THAT Clause 2 of the Bill be amended by adding—

An Honourable Member: Dispense.

Madam Chairperson: Dispense.

Shall the amendment pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Madam Chairperson: All those in favour of the amendment, please say yea.

Some Honourable Members: Yea.

Madam Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Madam Chairperson: In my opinion, the Nays have it.

The amendment is accordingly defeated.

* * *

Madam Chairperson: Shall clause 2 pass?

Some Honourable Members: No.

An Honourable Member: Yes, if that's ours.

An Honourable Member: Pass.

Madam Chairperson: All those in favour of clause 2?

Some Honourable Members: Pass.

Madam Chairperson: Clause 2 is accordingly passed.

Clause 3—pass; enacting clause—pass; title—pass. Bill be reported.

Committee Substitution

Madam Chairperson: I would like to make the following membership substitutions effective immediately for the Standing Committee on Social and Economic Development: Mavis Taillieu for Bonnie Mitchelson.

I would like to make a correction regarding the membership. I would like to make the following membership substitution effective immediately for the Standing Committee on Social and Economic Development: Mrs. Taillieu for Mr. Cullen.

Bill 16—The Child Care Safety Charter (Community Child Care Standards Act Amended)

Madam Chairperson: We will now deal with Bill 16.

Does the minister for Bill 16 have an opening statement?

Hon. Gord Mackintosh (Minister of Family Services and Housing): No.

Madam Chairperson: Does the critic from the official opposition have an opening statement?

An Honourable Member: Proceed. Go ahead.

Madam Chairperson: Thank you.

Clauses 1 and 2—pass; clauses 3 and 4—pass; enacting clause—pass; title—pass. Bill be reported.

Mr. Leonard Derkach (Russell): Madam Chair, our critic is over in the other committee. If I could perhaps ask that this bill be set aside for a few minutes so that I could consult with him and have him come in, because I do know that he has some amendments. I don't know whether he wants to proceed with them at this point or whether he wants to proceed with them in—

An Honourable Member: It's too late.

Mr. Derkach: I know.

An Honourable Member: We did pass the bill.

Mr. Derkach: That's why I'm asking leave of the committee to be able to delay this until I've had a chance to talk with him. I just need to consult with him to make sure.

Madam Chairperson: Is it the will of the committee to give leave for the critic to come and respond? *[Agreed]* Thank you.

Mr. Derkach: Madam Chair, I thank the members of the committee for allowing leave to consult with the critic. Although he does have amendments, he is prepared to deal with those amendments at report stage rather than at this stage.

Madam Chairperson: Thank you. For the record, then, the bill has been agreed to be reported. Thank you.

Bill 22—The Worker Recruitment and Protection Act

Madam Chairperson: We will now proceed to Bill 22.

Does the minister responsible for Bill 22 have an opening statement?

Hon. Nancy Allan (Minister of Labour and Immigration): Yes, I'd just like to take this opportunity to thank all of the stakeholders that we consulted in regard to The Worker Recruitment and Protection Act. Their feedback that we received helped shape this legislation that we are so excited about.

I'd like to thank Liz Crawford for her advocacy on human trafficking, and particularly Erin Selby, as well, the MLA for Southdale, and a former international model who helped us with the consultation process.

This legislation is going to change the Canadian landscape in regard to how vulnerable workers are

treated, particularly young people in the modelling industry and temporary foreign workers.

I'd like to thank the staff who worked on this legislation so hard: Dave Dyson from the Employment Standards Branch, and Ben Rempel, the assistant deputy minister of Immigration. It was incredible collaboration in my department, and we're very excited to have the opportunity to pass this legislation on to the Legislature for third reading.

* (10:50)

Madam Chairperson: We thank the minister.

Does the critic from the official opposition have an opening statement?

Mrs. Mavis Taillieu (Morris): Yes, thank you, Madam Chair.

Bill 22, yes, we will support this bill. In principle, we believe that there are some significant, good things in the bill.

We do, though, want to bring a couple of amendments that we will do in the House in report stage. So I think that those are just small pieces that we'd like to propose that might be looked at as strengthening the bill. Thanks.

Madam Chairperson: We thank the member.

Clause 1—pass; clause 2—pass; clauses 3 and 4—pass; clauses 5 and 6—pass; clauses 7 through 9—pass; clause 10—pass; clause 11—pass; clauses 12 and 13—pass; clauses 14 and 15—pass; clause 16—pass; clauses 17 through 19—pass; clause 20—pass; clauses 21 through 23—pass; clauses 24 and 25—pass; clauses 26 through 28—pass; clause 29—pass; clauses 30 through 33—pass; table of contents—pass; enacting clause—pass; title—pass. Bill be reported.

Bill 23—The International Labour Cooperation Agreements Implementation Act

Madam Chairperson: We will now proceed with Bill 23.

Does the minister responsible for Bill 23 have an opening statement?

Hon. Nancy Allan (Minister of Labour and Immigration): We're pleased to pass this legislation.

We were approached by the federal Minister of Labour, the Honourable Jean-Pierre Blackburn, to pass a bill that would provide a mechanism for the government of Manitoba to approve international labour co-operation agreements to improve minimum

standards in international countries, particularly Chile and Costa Rica. So we're very pleased to bring this legislation forward.

Madam Chairperson: We thank the minister.

Does the critic from the official opposition have an opening statement?

Mrs. Mavis Taillieu (Morris): Yes, thank you, Madam Chair.

We will support this bill.

Madam Chairperson: We thank the member.

Clauses 1 and 2—pass; clauses 3 through 5—pass; clauses 6 and 7—pass; clauses 8 and 9—pass; clauses 10 and 11—pass; table of contents—pass; enacting clause—pass; title—pass. Bill be reported.

Bill 27—The Shellmouth Dam and Other Water Control Works Management and Compensation Act (Water Resources Administration Act Amended)

Madam Chairperson: We will proceed with Bill 27.

Does the minister responsible for Bill 27 have an opening statement?

Hon. Christine Melnick (Minister of Water Stewardship): No, thank you, Madam Chairperson.

Madam Chairperson: Does the critic from the official opposition have an opening statement?

An Honourable Member: No.

Madam Chairperson: No? Thank you.

We shall move on to the clauses.

Clauses 1 and 2—pass; clause 3—pass.

Shall clause 4 pass?

Mr. Leonard Derkach (Russell): Madam Chair, I do have a small amendment but an important one. This amendment, actually—well, before I talk to it, I'll move it. I move

THAT the proposed clause 12.4(3)(b), as set out in Clause 4 of the Bill, be amended by striking out "30 days" and substituting "60 days".

Motion presented.

Madam Chairperson: The motion is in order. The floor is open for questions.

Ms. Melnick: This clause is consistent with The Red River Floodway Act, and The Red River Floodway

Act was, of course, the first act. We're wanting to maintain consistency between pieces of legislation and the big sister act, if you will, to the Shellmouth act is Red River Floodway. So you will see throughout this act, a lot of clauses that are consistent with The Red River Floodway Act, this certainly being one of them.

Mr. Derkach: I can appreciate that the minister would like to have a consistent approach between the two river systems, however, this is an issue of people who apply for an appeal. One of the arguments, and I think they were made by the people who were attending here, is that the two valleys are extremely different in their composition.

The Red River Valley is one that is a low sloping valley whereas the Assiniboine Valley is very steep. Because of the old oxbows that are in the valley, sometimes it is difficult to know whether, in fact, the impact is such, within that small period of time, that an appeal is warranted. The producers in that area asked whether or not, because of the geographic configuration of the valley and the valley floor, whether there could be, in fact, consideration for allowing an appeal to go beyond the 30 days. Because it's difficult sometimes to, I guess, decide whether or not an appeal is warranted because sometimes the water hasn't gone off in those areas and there are other circumstances that indeed impact on it.

I would appeal to this committee to allow for the 60 days. I don't think it's going to impact negatively on what happens in the Red River Valley. I do think that it would allow for some flexibility, given the nature of the valley in the Assiniboine.

* (11:00)

Ms. Melnick: Recognizing that there may be special circumstances, I'll just read the 12.4(3)(b): Application for leave to appeal must be made within 30 days after the date of the decision sought to be appealed, or within such further time as the judge may under special circumstances allow.

So I think we've covered off again maintaining our consistency with The Red River Floodway Act and allowing for special circumstances, some of which may be as the Member for Russell (Mr. Derkach) has just outlined.

Madam Chairperson: Is the committee ready for the question?

Some Honourable Members: Question.

Madam Chairperson: The question before the committee is as follows: Moved by Mr. Derkach

THAT the proposed clause 12.4(3)(b), as set out in Clause 4 of the Bill, be amended by striking out "30 days" and substituting "60 days".

Shall the amendment pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Madam Chairperson: All those in favour of the amendment, please say yea.

Some Honourable Members: Yea.

Madam Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Madam Chairperson: In my opinion, the Nays have it. The amendment is accordingly defeated.

* * *

Mr. Derkach: Madam Chair, we have no further amendments to this bill at this time, but I would like to indicate that we will reserve the option to have amendments at report stage.

Mr. Larry Maguire (Arthur-Virden): Madam Chair, just a question of the minister. The only one of the—you know, I see in the explanatory notes—and I just can't find the exact clause there right now; I looked at it before—that the minister has indicated, and she did in the briefing that we had, that she's going to have an advisory committee to advise her. It says here: may also be established to provide the minister with advice about water control works and that the minister may approve operating guidelines for any water control work after public consultation.

She indicated in our briefing, and with these comments in the explanatory note, that there will be an advisory committee to—the advisory committee says may also be established—but I felt from that meeting that she was going to have an advisory committee meeting, and I just wanted to ask for the record if she had given thought to the Assiniboine Valley Producers having a representative on that group.

Ms. Melnick: Yes, we have been working closely with AVP on this and, in fact, there already exists an

advisory committee around Shellmouth, around the guidelines of operation, et cetera, so what we're doing here is taking that somewhat informal group and putting it into law. So the answer is absolutely, and it already exists.

Mr. Maguire: You're not going to use the whole Assiniboine Valley Producers group as it exists today. I mean, from your answer I take that's what you are going to do.

Ms. Melnick: Well, we'll be continuing to consult with them and they will determine membership on the advisory committee. They already have membership, and so it'll be up to them as to who they'd like to see representing them.

Mr. Maguire: I know they have had input on this. They've been very, very patient and they've put some very good, sound presentations forward on how to deal with their damage from artificial flooding in their terms. So, the minister's indicating then, if she could clarify, that they will be included in any new group in the future as well.

Ms. Melnick: Yes.

Madam Chairperson: Thank you.

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

Bill 31—The Freedom of Information and Protection of Privacy Amendment Act

Madam Chairperson: We will now proceed with Bill 31.

Does the minister responsible for Bill 31 have an opening statement?

Hon. Eric Robinson (Minister of Culture, Heritage, Tourism and Sport): Very briefly, I know that we spoke about this bill in greater detail previously. The three important elements of the bill that comes before this committee is the creation of a new privacy adjudicator, a new independent office of the Manitoba Legislature; changing the period that Cabinet documents remain sealed from 30 to 20 years; and legislation that requires ministerial expenses be tabled on-line, which is occurring now.

So, in essence, those are the highlights of the bill that this committee's considering.

Madam Chairperson: Thank you.

Does the critic from the official opposition have an opening statement?

Mrs. Mavis Taillieu (Morris): Yes, I do want to just speak about this bill just for a moment. Bill 31, as it is currently written, we cannot support, although we do want to recognize the work that has been done by the staff on this issue. But we feel that there are amendments that we could bring that would strengthen the bill.

I want to thank the government for holding this bill to the fall so that we can have some further discussions on it, and I look forward to having discussions with the minister on this because I think he's been co-operative in this.

The things that we want to just discuss about the bill, I think it's really quite an important bill because I think access and privacy is something that is becoming increasingly important to Canadians and Manitobans, access to information, public information, and the right to privacy which is more and more becoming compromised with technological advances that we see. So I think there's a lot to be examined in this bill.

The idea of creating a privacy adjudicator I don't believe goes far enough because the adjudicator would only be called at the call of the Ombudsman. I think that in other jurisdictions the role of the privacy commissioner goes well beyond the mandate that we have here in Manitoba to educate the public and to be an advocate for access and privacy issues.

I want to say that the closure period for Cabinet documents being reduced from 30 to 20 years is a good first step, although we think that it probably should be reduced to 10 years.

We do want to clarify: Some information that public bodies receive from First Nations authorities is given the same protection from release as information received from other governments. I think that there needs to be some clarification in the wording there.

Public bodies given discretion to disregard frequent access to information termed vexatious or systematic, I believe that we need to look at some definitions there in terms of what is vexatious and systematic.

The government being obliged to release a summary of the minister's yearly statements, yearly expenses on-line I think is also a good first step.

The requirement to remove the public director, I believe that that could be somewhat confusing to the public as stated also by the Ombudsman.

Then in the protection of privacy portion where public bodies are permitted to use and disclose personal information for the purpose of delivering integrated services, again we do not know what integrated services mean. Certainly, we know that there are ways to share information through integrated systems which show efficiencies for the government and for the public, but I think there's another balance on the other side that needs to be nailed down, and that is the protection of private information as it flows across services.

*(11:10)

As well, the idea of amassing large databanks, mega-data banks, certainly has become an issue in the public over the last several years, and there have been many, many articles in many newspapers about breaches of data, where data has flowed into the hands of the wrong people, and this can result in issues of identity fraud and identity theft. Certainly, when you have large data bases, those become the bigger targets because there's more information.

So I think we will be bringing some substantive amendments next fall to this piece of legislation. As I said, I'd like to consult more with the minister on that. I know that he did hear the presenters at the committee, and they did bring a number of suggestions forward, and a number have suggested amendments. They did express a number of concerns. In fact, Brian Bowman who spoke, as we all know by now, is a renowned privacy lawyer not only in Manitoba but in Canada, and his message was quite clear at the committee, that he's quite disappointed in the fact that we do not have a privacy commissioner. In fact, that portion aside, he felt that the protection of privacy clause in this bill was actually—in his words, he called it dangerous because it's just not clearly defined and spelled out here.

What we will be proposing in the fall is a duty-to-notify clause. This clause is absent from this legislation and, as was pointed out also by Mr. Bowman, it is something that other privacy commissioners across Canada are looking at. Specifically, Jennifer Stoddart, who is the privacy commissioner for Canada, is looking at this clause. That duty-to-notify clause really simply says that, should data be lost or there be a breach of information within a data base, people whose information has been compromised would be notified in a reasonable manner or as would be reasonably possible and necessary to do that.

So I just want to make that point here, that a duty-to-notify clause would definitely strengthen this bill, and perhaps the minister and his staff might even take the opportunity to look at that over the summer and see if that's something that they would agree might strengthen the legislation.

So, Madam Chair, with those comments, again as the bill is written, even though I know that there's been a lot of work done on this bill—and I appreciate the staff for that—I certainly think that we cannot support it as it is, and we will look forward to bringing some substantive amendments in the fall. I do look forward to more discussions with the minister on this bill. Thank you.

Madam Chairperson: Clauses 1 and 2—pass; clause 3—pass; clauses 4 through 7—pass.

Shall clauses 8—

Mrs. Taillieu: I'm sorry, Madam Chair, you were just going a little too fast for me. Could we revert to clauses 5 and 6, please, and 7.

Madam Chairperson: Is there leave of the committee to return to clauses 5 through 7? *[Agreed]*

Mrs. Taillieu: Yes, we do not support clauses 5, 6, 7, 8—I think that's as far as you got.

Madam Chairperson: I had gone clauses 4 through 7.

Mrs. Taillieu: Clauses 4 through 7, yes. We'd have to say no.

Madam Chairperson: Clause 4—pass.

Shall clauses 5 through 7 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Madam Chairperson: All those in favour, say yea.

Some Honourable Members: Yea.

Madam Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Some Honourable Members: On division.

* * *

Madam Chairperson: Clauses 5 through 7 are accordingly passed, on division.

Shall clauses 8 through 11 pass?

An Honourable Member: No.

Some Honourable Members: Pass.

Voice Vote

Madam Chairperson: All those in favour, say yea.

Some Honourable Members: Yea.

Madam Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Madam Chairperson: In my estimation, the Yeas have it.

An Honourable Member: On division.

* * *

Madam Chairperson: Clauses 8 through 11 are accordingly passed, on division.

Shall clauses 12 through 16 pass?

Some Honourable Members: Pass.

Mrs. Taillieu: No. Could we just break those clauses down between 12 and 16, please?

Madam Chairperson: Yes.

Shall clause 12 pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Voice Vote

Madam Chairperson: All those in favour, say yea.

Some Honourable Members: Yea.

Madam Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Madam Chairperson: In my opinion, the Yeas have it.

Some Honourable Members: On division.

* * *

Madam Chairperson: Clause 12 is accordingly passed, on division.

Clause 13—pass; clause 14—pass; clause 15—pass.

Shall clause 16 pass?

An Honourable Member: No.

Some Honourable Members: Pass.

Voice Vote

Madam Chairperson: All those in favour, say yea.

Some Honourable Members: Yea.

Madam Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Madam Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

* * *

Madam Chairperson: Clause 16 is accordingly passed, on division.

Clause 17—pass; clauses 18 and 19—pass.

Shall clauses 20 through 23 pass?

Some Honourable Members: Pass.

Mrs. Taillieu: No. Could we break those ones down too, please?

Madam Chairperson: Yes.

Clause 20—pass; clause 21—pass; clause 22—pass.

Shall clause 23 pass?

An Honourable Member: No.

An Honourable Member: Pass.

Voice Vote

Madam Chairperson: All those in favour, say yea.

Some Honourable Members: Yea.

Madam Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Madam Chairperson: In my opinion, the Yeas have it.

Some Honourable Members: On division.

* * *

Madam Chairperson: The amendment is—pardon me, clause 22 is accordingly passed, on division.

Pardon me, clause 23 is accordingly passed, on division.

Clauses 24 and 25—pass.

Shall clause 26 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Madam Chairperson: All those in favour, say yea.

Some Honourable Members: Yea.

Madam Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Madam Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

* * *

Madam Chairperson: Clause 26 is accordingly passed, on division.

Shall clauses 27 and 28 pass?

Mrs. Taillieu: Madam Chair, could we break those down, please?

Madam Chairperson: Yes.

Shall clause 27 pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Voice Vote

Madam Chairperson: All those in favour, please say yea.

Some Honourable Members: Yea.

Madam Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Madam Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

* * *

Madam Chairperson: Clause 27 is accordingly passed, on division.

Clause 28—pass.

Mrs. Taillieu, shall I break up the others as well, clauses 29 through 31?

Mrs. Taillieu: Yes.

Madam Chairperson: Clause 29—pass; clause 30—pass.

Shall clause 31 pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Voice Vote

Madam Chairperson: All those in favour, say yea.

Some Honourable Members: Yea.

Madam Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Madam Chairperson: In my opinion, the Yeas have it.

* * *

Madam Chairperson: Clause 31 shall pass, is accordingly passed—

Some Honourable Members: On division.

Madam Chairperson: —on division.

Clauses 32 through 38—pass; clauses 39 through 41—pass; clauses 42 and 43—pass; enacting clause—pass; title—pass. Bill be reported.

* (11:20)

Mrs. Bonnie Mitchelson (River East): Can we revert back to the bill being reported, please?

Some Honourable Members: With leave.

Madam Chairperson: Does the committee give leave to return to the bill being reported?

An Honourable Member: Okay.

Mrs. Mitchelson: We're going to say no to that.

Madam Chairperson: Shall the bill be reported?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

Madam Chairperson: All those in favour, say yea.

Some Honourable Members: Yea.

Madam Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Madam Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

* * *

Madam Chairperson: Bill be reported, on division.

Bill 32—The Personal Health Information Amendment Act

Madam Chairperson: Our next bill that we will be dealing with is Bill 32.

Does the minister responsible for Bill 32 have an opening statement?

Hon. Theresa Oswald (Minister of Health): Yes, thank you, Madam Chair. Briefly, I just want to acknowledge the many people whose hearts and minds have been involved in contributing to the amendments to this bill.

There have, of course, been extensive public consultations—90 submissions made for public hearings and ad hoc and formal discussions with staff and with my office, in working to strengthen this bill.

Within the context of our own office, I want to pay tribute, not just on this subject but on many, to Leg Counsel who worked so hard on this. Heather MacLaren serves as a personal hero for legislation with public health information.

The work that's gone on really has enabled a shift in culture in health care, to move away from fear to partnership where patients and families truly are working towards being partners in care, while ensuring, of course, the sanctity of one's most private issues—those concerning their health.

Very often, this privacy needs to be protected, particularly when it's connected to one's safety. Oftentimes, this is related to women. So we have an obligation to tread most carefully as we strike the right balance between patient partnership and the protection of privacy.

That being said, I'm very pleased to move on with our discussion of moving this bill and strengthening it together.

Madam Chairperson: We thank the minister.

Does the critic from the official opposition have an opening statement?

Mrs. Bonnie Mitchelson (River East): I'm just putting a few comments on the record for our critic for Health and would like to indicate that this is one of the bills that there's agreement on to be held over until the fall. We welcome that additional time. This is a very significant piece of legislation, dealing with people's privacy and health information. It does give

us the ability to consult with experts over the summer months.

We'd like to, at this point in time, reserve the right—we're prepared to let it pass through to report stage, but do want to reserve the right to make significant amendments, if we deem it's required after extensive consultation. I'm glad that we have the opportunity for a little more time on this one.

Madam Chairperson: We thank the member.

Clauses 1 through 3—pass.

Shall clauses 4 through 6 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Ms. Oswald: We propose to make an amendment at this point that's coming, certainly, from the voices of people intimately connected to this. Although there were consultations early on, wherein passionate advocates were proposing the legislation to be written as—in fact, it is written with the 72-hour limit at clause 6—we have been able to work together to improve this and have been able to see it functioning in the system in a way that will be very positive. So we want to submit this amendment.

Madam Chairperson: We will deal with an amendment with clause 6, but

Clauses 4 and 5—pass.

If you would care to move your amendment.

Ms. Oswald: Very good, then. I would like to propose the following amendment: I move

THAT the proposed clause 6(1), as set out in Clause 6(1) of the Bill, be replaced with the following:

Trustee to respond promptly

6(1) A trustee shall respond to a request as promptly as required in the circumstances but not later than

(a) 24 hours after receiving it, if the trustee is a hospital and the information is about health care currently being provided to an in-patient;

(b) 72 hours after receiving it, if the information is about the health care of the trustee currently providing to a person who is not a hospital in-patient; and

(c) 30 days after receiving it in any other case, unless the request is transferred to another trustee under section 8.

Information provided in 24 hours

6(1.1) In the circumstance mentioned in clause 1(a) (hospital patient), the trustee is required only to make the information available for examination and need not, despite section 7, provide a copy or an explanation.

Madam Chairperson: It has been moved by the Honourable Ms. Oswald

THAT the proposed clause 6—

Some Honourable Members: Dispense.

Madam Chairperson: Dispense.

The motion is in order. The floor is open for questions.

Is the committee ready for the question?

Mr. Leonard Derkach (Russell): I'd like to ask the minister, this is a fairly important section to family members or, in this case, a trustee. My question is whether or not this same section or a similar section would apply in the case of a family.

Ms. Oswald: Yes, indeed, there is a companion amendment coming to address that.

Madam Chairperson: The question before the committee is as follows: Moved by the Honourable Ms. Oswald

THAT the proposed clause 6(1), as set out in Clause 6(1) of the Bill, be replaced with the following:—

Some Honourable Members: Dispense.

Madam Chairperson: Dispense. Thank you.

THAT the proposed clause 6(1), as set out in Clause 6(1) of the Bill, be replaced with the following:

Trustee to respond promptly

6(1) A trustee shall respond to a request as promptly as required in the circumstances but not later than

(a) 24 hours after receiving it, if the trustee is a hospital and the information is about health care currently being provided to an in-patient;

(b) 72 hours after receiving it, if the information is about health care the trustee is currently providing to a person who is not a hospital in-patient; and

(c) 30 days after receiving it in any other case, unless the request is transferred to another trustee under section 8.

Information provided in 24 hours

6(1.1) *In the circumstance mentioned in clause 1(a) (hospital patient), the trustee is required only to make the information available for examination and need not, despite section 7, provide a copy or an explanation.*

Amendment—pass.

Clause 6 as amended—pass; clauses 7 through 10—pass; clauses 11 through 13—pass.

Shall clauses 14 and 15 pass?

Ms. Oswald: Yes, Madam Chair, in section 14, this is the companion amendment about which we just spoke, and we would like to make an amendment there. Therefore, I move

THAT the proposed clause 23(1.1), as set out in Clause 14(2) of the Bill, be replaced with the following:

Timely disclosure to family

23(1.1) When an immediate family member, or someone else with whom the patient or resident is known to have a close personal relationship, asks a trustee to disclose information under subsection (1), the trustee must disclose the information as soon as reasonably possible but not later than

(a) 24 hours after the request is made, if the trustee is a hospital and the information is about health care currently being provided to an in-patient; or

(b) 72 hours after the request is made, in any other case;

as long as the requirements of subsection (1) are met.

Madam Chairperson: Thank you. The motion is in order. The floor's open for—oh, it has been moved by the Honourable Ms. Oswald—

An Honourable Member: Dispense.

Madam Chairperson: Dispense. Thank you.

The motion is in order. The floor is open for questions.

* (11:30)

Mr. Derkach: This is a question regarding definition, and could the minister provide the definition for trustee?

Ms. Oswald: Yes, a trustee by definition means a health professional, health-care facility, public body

or health services agency that collects or maintains personal health information.

Madam Chairperson: Clause 14 as amended—pass.

Shall clause 15 pass?

Ms. Oswald: This is the second-last of the amendments I intend to make and can say that the last one will be a companion amendment to this.

Certainly within the context of all of the public submissions that were done and the public meetings on the issue of fundraising, in all of those discussions, it did not come to light until the other night that a particular situation like, for example, the Society for Manitobans with Disabilities, who are quite a unique entity in so providing services and having a foundation, were not captured in the way that the legislation was written. Many sets of eyes were on this, but we did discover that, and of course we know nobody in the Legislature would wish to exclude or unduly inhibit in any way persons with disabilities. We would like to make this amendment for that reason.

Therefore, I move

THAT the proposed section 23.2, as set out in Clause 15 of the Bill, be replaced with the following:

Disclosure for fundraising

23.2(1) If a trustee is

(a) a hospital or personal care home; or

(b) a health care facility or health services agency designated in the regulations for the purposes of this section;

it may disclose to a charitable fundraising foundation with which it is affiliated the name and mailing address of an individual who has been a patient of the hospital, who is or has been a resident of the personal care home, or who is receiving or has received services from the facility or agency.

Conditions

23.2(2) The trustee may make a disclosure under subsection (1) only if

(a) the trustee has notified the individual in writing that the trustee might disclose personal health information about the individual to a charitable fundraising foundation, or has posted a notice to that effect where it is likely to come to the individual's attention;

(b) the notice is in a form that the individual can reasonably be expected to understand;

(c) the individual has been given a reasonable opportunity to object to the disclosure and has not done so; and

(d) the trustee and the foundation comply with any additional requirements specified in the regulations.

Madam Chairperson: It has been moved by the Honourable Ms. Oswald

THAT proposed section—

An Honourable Member: Dispense.

Madam Chairperson: Dispense. Thank you.

THAT the proposed section 23.2, as set out in Clause 15 of the Bill, be replaced with the following:

Disclosure for fundraising

23.2(1) If a trustee is

(a) a hospital or personal care home; or

(b) a health care facility or health services agency designated in the regulations for the purpose of this section;

it may disclose to a charitable fundraising foundation with which it is affiliated the name and mailing address of an individual who has been a patient of the hospital, who is or has been a resident of the personal care home, or who is receiving or has received services from the facility or agency.

Conditions

23.2(2) The trustee may make a disclosure under subsection (1) only if

(a) the trustee has notified the individual in writing that the trustee might disclose personal health information about the individual to a charitable fundraising foundation, or has posted a notice to that effect where it is likely to come to the individual's attention;

(b) the notice is in a form that the individual can reasonably be expected to understand;

(c) the individual has been given a reasonable opportunity to object to the disclosure and has not done so; and

(d) the trustee and the foundation comply with any additional requirements specified in the regulations.

The motion is in order. The floor is open for questions.

Is the committee, then, ready for the question?

Some Honourable Members: Question.

Madam Chairperson: The question before the committee is as follows: Moved by the Honourable Ms. Oswald—

Some Honourable Members: Dispense.

Madam Chairperson: Dispense. Thank you.

Amendment—pass.

Clause 15 as amended—pass.

Mr. Derkach: Madam Chairperson, I really don't know what section this question would pertain to, but we've gone through some of these sections, and I'm just not even sure if it belongs in the bill. But I do have a question. I'm going to ask it.

Right now, a chaplain or a minister or a priest—it's been told to me, this is third-hand information, so I don't have any personal information on this—if a chaplain or a priest or a clergy person comes into a hospital and asks for information on who may be in the hospital of his parishioners or his faith, apparently that kind of information up until this point, has not been available to the clergy.

So, if the minister understands what I'm asking, if she could perhaps clarify that for me.

Ms. Oswald: We do believe that amendments that are being made to this bill do address the concerns of clergy that have been raised, and we believe that exists in section 15, Disclosure to religious organization, and, really, in the same way as the foundation amendments. I believe that this is going to be addressed and captured and ensure that those people who wish to have spiritual care and those people wishing to provide it will have a more smooth access as they have been enjoying currently.

Mr. Derkach: I think that's fairly clear, and I thank the minister for that.

Madam Chairperson: Clause 16—pass; clause 17—pass; clauses 18 through 21—pass; clauses 22 and 23—pass; clauses 24 through 26—pass; clauses 27 and 28—pass.

Shall clauses 29 through 31 pass?

Ms. Oswald: We need to make an amendment here as well. It's the companion amendment that I spoke of to the last amendment concerning foundations and the issue I raised about the Society for Manitobans with Disabilities, as an example.

Therefore, I move

THAT the proposed clause 66(1)(i.1), as set out in Clause 29(c) of the Bill, be replaced with the following:

(i.1) for the purpose of section 23.2 (charitable fundraising),

(i) designating health care facilities and health services agencies, and

(ii) specifying additional requirements under clause (2)(d);

Motion presented.

Madam Chairperson: The motion is in order. The floor is open for questions.

Mr. Derkach: I need a little bit of clarification on where this actually fits. I'm having a little trouble. It's on the last page, I know.

Ms. Oswald: Just for clarification, the member is correct. It's on page 20, and I'm advised that this is going to help you. It concerns regulation-making power that relates to the fundraising issue, as mentioned.

Mr. Derkach: The health-care facilities and health-care service agencies that will be designated as charitable fundraising organizations would then be designated in the regulation.

Ms. Oswald: That is correct.

Mr. Derkach: If an agency or an organization wishes to have their name included in the regulation, is there an application process for that, or are we just talking about existing service agencies that are on the list today?

Ms. Oswald: I can let the member know that, certainly, this provision or amendment will not open up the flow of information to anyone, per se.

In the case that I cited, like the Society for Manitobans with Disabilities, they weren't captured in a health-care facility, per se. They are an organization that does have a unique situation where they do provide service and, indeed, also do have a foundation, yet, wouldn't qualify under the other definition.

While it will not be a broad anything-goes kind of list to which people can apply, we will certainly on a case-by-case basis, within that service-providing, foundation-existing context, take into consideration those that wish to be considered.

Madam Chairperson: Is the committee ready for the question?

Some Honourable Members: Question.

Madam Chairperson: The question before the committee is as follows: Moved by the Honourable Ms. Oswald

THAT the proposed clause 66–

* (11:40)

Some Honourable Members: Dispense.

Madam Chairperson: Dispense.

Amendment–pass.

Clause 29 as amended–pass; clauses 30 and 31–pass; enacting clause–pass.

Shall the title pass?

Ms. Oswald: Apparently, I need to make an amendment here on the title. I actually always joke about this and look at me now. Okay.

So I therefore move

THAT the title is amended by adding "(2)" at the end.

Motion presented.

Madam Chairperson: The motion is in order. The floor is open for questions.

Is the committee ready for the question?

Some Honourable Members: Question.

Madam Chairperson: The question before the committee is as follows: Moved by the Honourable Ms. Oswald

THAT the title is amended by adding "(2)" at the end.

Amendment–pass.

Title as amended–pass. Bill as amended be reported.

Thank you.

Mr. Derkach: Madam Chair, in accordance with the sessional orders, this bill, then, will be referred to the House in the fall sitting. Is that correct?

Madam Chairperson: As my understanding is, yes, it is.

Bill 33–The Salvation Army Grace General Hospital Incorporation Amendment Act

Madam Chairperson: We will commence with Bill 33.

Does the minister responsible for Bill 33 have an opening statement?

Hon. Theresa Oswald (Minister of Health): No, thank you, Madam Chair. We can proceed.

Madam Chairperson: Does the critic from the official opposition have an opening statement? No. Thank you.

Clauses 1 through 4—pass; clauses 5 through 9—pass; preamble—pass; enacting clause—pass; title—pass. Bill be reported.

Thank you very much.

Bill 36—The Municipal Assessment Amendment Act

Madam Chairperson: We shall now proceed with Bill 36.

Does the minister responsible for Bill 36 have an opening statement?

Hon. Andrew Swan (Minister of Competitiveness, Training and Trade): Yes, thank you, Madam Chairperson.

First, I'm attending on behalf of Minister Ashton today.

These amendments will pave the way for property assessments to take place every two years to better reflect current real estate market values. We believe when assessments are more up to date the property tax system is more equitable and results in all property owners paying their reasonable share of taxes.

I can advise the committee this move has been requested and, of course, is supported by the City of Winnipeg and it brings Manitoba in line with other provinces.

Other proposed amendments include changes to improve the assessment system. Property owners will benefit from amendments that streamline the property assessment appeal process, make the appeal process more accessible to property owners and enable assessment disputes to be resolved more quickly.

Madam Chairperson: We thank the minister.

Does the critic from the official opposition have an opening statement?

Mr. Blaine Pedersen (Carman): Thank you, Madam Chair. I don't have an opening statement per

se, but I have a couple questions and if I could raise those questions as we get to each clause.

Madam Chairperson: Thank you.

Clauses 1 and 2—pass.

Mr. Pedersen: Oh, I'm sorry, Madam Chair, we were having a little conference here.

In section 2—[interjection]

Madam Chairperson: Do we have leave to return to clause 2? [Agreed]

Mr. Pedersen: In section 2, the question is just why is the reference date left to regulation by the Lieutenant-Governor-in-Council and not enshrined in the legislation?

Mr. Swan: I thank Mr. Pedersen for the question. The rationale for keeping the reference in the regulations allows the flexibility to make further changes as the assessment process becomes more efficient. We know that with improved technology and better assessment methods, certainly the City of Winnipeg and the other municipalities in Manitoba are moving as best as they can toward more frequent assessment to ensure that the assessments are as close to property values as can be.

In consultation with the various municipalities and the City, there was some discussion that there could be further improvements which could at some point result in assessments actually changing each year. We'd prefer that there be the flexibility to change that by regulation than to have to bring a further bill back before the Legislature.

Madam Chairperson: Clause 2—pass.

Shall clauses 3 through 6 pass?

Mr. Pedersen: I have a question on section 6(1), or under section 6. The question is, why is April 1 used as a reference date? Alternatively, why not use December 31 as a reference date because the majority of households and businesses are on a calendar year, and that would eliminate some of the confusion in—it would more closely align to year-ends of businesses and households.

Mr. Swan: I understand that the April 1 reference date would apply to all property, not only commercial property. I'm told the April 1 date would enable the capturing of data from the sales of farms and residences. Most sales take place in the spring. Staff assure me that an April 1 reference year

wouldn't create additional work for commercial property owners.

I can also point out that British Columbia, Alberta and Québec, for their own reasons, all use July 1 as the reference date.

Mr. Pedersen: If you could just repeat that last—about July 1. I didn't quite catch what you said. Thank you.

Mr. Swan: Just to clarify that there other provinces that don't use January 1 as the date. British Columbia, Alberta and Québec all use July 1 as their reference date.

Madam Chairperson: Clauses 3 through 6—pass; clauses 7 and 8—pass.

Shall clause 9 pass?

Mr. Swan: I move

THAT Clause 9 of the Bill be amended

(a) in the proposed subclause 15.1(3)(b), by striking out "property" and substituting "matter or matters agreed to"; and

(b) by replacing the proposed subsection 15.1(7) with the following:

Amendment and correction process saved

15.1(7) Nothing in this section affects the power to amend or correct

(a) an assessment roll under section 13 or 14; or

(b) a tax roll under section 300 or 326 of *The Municipal Act* or section 340 or 341 of *The City of Winnipeg Charter*.

* (11:50)

Madam Chairperson: It has been moved

THAT Clause 9 of the Bill be amended—

An Honourable Member: Dispense.

Madam Chairperson: Dispense.

The motion is in order. The floor is open for questions.

Mr. Swan: I'll just put on the record. I know that on the record and off the record lawyers have been

taking a real beating over the past couple of weeks, and I can tell the committee that this amendment came out from the presentation of David Sanders, who is indeed a lawyer, who has just clarified a term which will encourage assessors and owners to be able to resolve their matters without having to go formally before a board of revision. I just want to put on the record that, indeed, from time to time, lawyers can add value to the legislative process.

Madam Chairperson: Thank you. No further questions?

Is the committee ready for the question?

Some Honourable Members: Question.

Madam Chairperson: The question before the committee is as follows:

THAT Clause 9 of the Bill be amended

(a) in the proposed subclause 15.1(3)—

An Honourable Member: Dispense.

Madam Chairperson: Dispense.

Amendment—pass.

Clause 9 as amended—pass; clause 10—pass.

Shall clauses 11 through 14 pass?

Mr. Pedersen: I have a question on section 13—or clause 13. What we're looking for here is confirmation that the intent of section 13 is that appeals by an authorized agent, that that is indeed the intention of this clause, that an authorized agent can actually make an application for a revision. It's not clearly spelled out in there, and we would just like confirmation that that is indeed the intention.

Mr. Swan: Mr. Pedersen is correct. The amendment is intended to clarify that agents can make assessment appeals on behalf of property owners, which is something we think needed to be clarified.

Madam Chairperson: Clauses 11 through 14—pass; clauses 15 through 18—pass; clauses 19 and 20—pass; enacting clause—pass; title—pass. Bill as amended be reported.

Madam Chairperson: The time being 11:53, what is the will of the committee?

Some Honourable Members: Committee rise.

Madam Chairperson: Committee rise.

COMMITTEE ROSE AT: 11:53 a.m.

**WRITTEN SUBMISSIONS PRESENTED
BUT NOT READ**

Re: Bill 13

The AMM is pleased to provide support for Bill 13, The Highway Traffic Amendment Act (Damage to Infrastructure). Infrastructure is one of the most pressing needs in Manitoba and is increasingly becoming a financial burden for communities. As such, the AMM supports Bill 13 and its efforts to recover the costs as a result of damage.

Municipalities across Canada are struggling as a result of years of infrastructure neglect by all orders of government. Recently the Federation of Canadian Municipalities hired Professor Saeed Mirza from McGill University's Department of Civil Engineering and Applied Mechanics to get a handle on the state of municipal infrastructure in Canada. Professor Mirza was able to encapsulate the current state of affairs in his report "Danger Ahead: The Coming Collapse of Canadians' Municipal Infrastructure," which, among other things, quantifies the current municipal infrastructure deficit. The report indicates that a \$123-billion deficit existing on current

infrastructure, with a \$115-billion deficit for what is needed for the future. What is perhaps most alarming about the findings of the report is the rate at which the deficit is growing, having doubled in the past five years.

While Bill 13 does not provide the funding necessary to deal with the growing municipal infrastructure deficit, it does provide new tools to prevent municipalities from having to pay to fix damaged infrastructure caused by vehicles or vehicle loads. The new tools will allow municipalities to recover costs, which will at least prevent such instances from adding to the growing infrastructure deficit. In many smaller communities, the cost of replacing a structure such as a bridge would have a major impact on their municipal budget. Bill 13 will allow these communities to recover the replacement costs from those responsible.

The AMM is pleased to see Bill 13 before this committee and looks forward to it passing in the House.

Ron Bell
President, Association of Manitoba Municipalities

The Legislative Assembly of Manitoba Debates and Proceedings
are also available on the Internet at the following address:

<http://www.gov.mb.ca/legislature/hansard/index.html>