



**LEGISLATIVE ASSEMBLY OF MANITOBA**

**VOTES AND PROCEEDINGS No. 32**

**SECOND SESSION, THIRTY-NINTH LEGISLATURE**

**PRAYER**

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

Hon. Mr. GERRARD moved:

THAT Bill (No. 220) – The Right to Timely Access to Quality Health Care Act/Loi sur le droit à l'accès à des soins de santé de qualité dans des délais raisonnables, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Messrs. GERRARD and CHOMIAK, Mr. CULLEN, Hon. Mr. RONDEAU, Mr. LAMOUREUX and Ms. MARCELINO having spoken,

And Ms. KORZENIOWSKI speaking at 11:00 a.m. The debate was allowed to remain in her name.

Ms. HOWARD moved:

Resolution No. 5: Condemnation of Holocaust Denial

WHEREAS January 27 has been designated by the United Nations as the annual International Day of Commemoration in Memory of Victims of the Holocaust; and

WHEREAS on January 28, 2007, 103 sponsor states, including Canada, supported United Nations resolution 60/7 condemning the denial of the Holocaust; and

WHEREAS the remembrance of the Holocaust is critical to prevent further acts of genocide; and

WHEREAS efforts to deny the Holocaust ignore the historical fact of those terrible events and increases the risk they will be repeated; and

WHEREAS all people and states have a vital stake in a world free of genocide; and

WHEREAS Manitobans defend human rights and are passionately committed to the principles of diversity and multiculturalism.

**Tuesday, April 29, 2008**

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THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba make public, through the affirmation of its support for UN resolution 60/7, that it rejects and condemns without reservation any denial of the Holocaust as a historical event, either in full or in part, or any activities to this end, wherever and whenever they may occur.

And a debate arising,

And Ms. HOWARD, Mrs. ROWAT, Hon. Ms. MELNICK, Mrs. STEFANSON, Ms. BLADY, Hon. Mr. GERRARD, Mr. SARAN and Mrs. DRIEDGER having spoken,

And the Question being put. It was agreed to, unanimously.

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

The following Bills were severally read a First Time and had their purposes outlined:

(No. 16) – The Child Care Safety Charter (Community Child Care Standards Act Amended)/Charte sur la sécurité des enfants en garderie (modification de la Loi sur la garde d'enfants)  
(Hon. Mr. MACKINTOSH)

(No. 33) – The Salvation Army Grace General Hospital Incorporation Amendment Act/Loi modifiant la Loi constituant en corporation « The Salvation Army Grace General Hospital »  
(Hon. Mr. CHOMIAK for Hon. Ms. OSWALD)

(No. 34) – The Child and Family Services Amendment and Child and Family Services Authorities Amendment Act (Safety of Children)/Loi modifiant la Loi sur les services à l'enfant et à la famille et la Loi sur les régies de services à l'enfant et à la famille (sécurité des enfants)  
(Hon. Mr. MACKINTOSH)

(No. 35) – The Statutes Correction and Minor Amendments Act, 2008/Loi corrective de 2008  
(Hon. Mr. CHOMIAK)

(No. 208) – The Crown Appointment Review Act (Various Acts Amended)/Loi sur l'examen des nominations au sein des sociétés d'état (modification de diverses lois)  
(Hon. Mr. GERRARD)

(No. 229) – The Manitoba Public Insurance Corporation Amendment Act (Elimination of Benefits for Auto Thieves)/Loi modifiant la Loi sur la Société d'assurance publique du Manitoba (non-admissibilité aux prestations — voleurs d'automobiles)  
(Mr. HAWRANIK)

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The following petitions were presented and read:

Mrs. STEFANSON – Legislative Assembly of Manitoba to request the Minister of Water Stewardship to consider placing a moratorium on the harvesting of any species of fish on Lake Dauphin and its tributaries for the period April 1<sup>st</sup> to May 15<sup>th</sup> annually and to consider doing regular studies of fish stocks on Lake Dauphin to help gauge the health of the fishery and to consider determining any steps needed to protect or to enhance those stocks. (L. Magnet, L. Magnet, I. Brunel and others)

Mr. CULLEN – Legislative Assembly of Manitoba to request the Minister responsible for the administration of the Liquor Control Act to consider working with MLCC to find alternate means of addressing rising administrative costs; and to consider working with MLCC to revise the decision to implement a significant annual license fee increase; and to consider ensuring that the unique challenges faced by small businesses are better taken into account in the future. (A. Gilling, B. Cianflone, S. Stroud and others)

Mr. DYCK – Legislative Assembly of Manitoba to request the Minister of Health to strongly consider giving priority for funding to develop and staff a new 100 bed long-term-care facility so that clients are not exposed to unsafe conditions and so that Boundary Trails Health Centre beds remain available for acute care patients instead of waiting placement clients. (C. Friesen, H. Fast, R. Thompson and others)

Hon. Mr. GERRARD – Legislative Assembly of Manitoba to urge all Members of the Legislative Assembly to consider supporting Bill 200 – The Waste Reduction and Prevention Amendment Act presented by the Honourable Member for River Heights which will ban single use check out bags in Manitoba. (W. Norton, D. Clyde, J. Nicholson and others)

Mr. LAMOUREUX – Legislative Assembly of Manitoba to urge the Premier and his NDP Government to cooperate in uncovering the truth in why the Government did not act on what it knew and to consider calling a public inquiry on the Crocus Fund Fiasco. (R. Allan, B. Hosea, A. Dinos and others)

Mr. MAGUIRE – Legislative Assembly of Manitoba to request the Minister of Health to consider taking serious action to fill the nursing vacancies at personal care homes in the Town of Virden and to consider reopening the beds that have been closed as a result of this nursing shortage and to consider prioritizing the needs of those seniors that have been moved out of their community by committing to move those individuals back into Virden as soon as beds become available. (M. R. Cassidy, B. Cassidy, B. Mytopher and others)

Mr. DERKACH – Legislative Assembly of Manitoba to request the Minister of Water Stewardship to consider placing a moratorium on the harvesting of any species of fish on Lake Dauphin and its tributaries for the period April 1<sup>st</sup> to May 15<sup>th</sup> annually and to consider doing regular studies of fish stocks on Lake Dauphin to help gauge the health of the fishery and to consider determining any steps needed to protect or to enhance those stocks. (R. Moore, D. Dunfield, J. Therrien and others)

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Ms. BRAUN, Chairperson of the Standing Committee on Social and Economic Development, presented its First Report, which was read as follows:

**Meetings:**

Your Committee met on Monday, April 28, 2008 at 7:00 p.m. in Room 255 of the Legislative Building.

**Matters under Consideration**

- **Bill (No. 8)** – The Phosphorus Reduction Act (Water Protection Act Amended)/Loi sur la réduction du phosphore (modification de la Loi sur la protection des eaux)
- **Bill (No. 9)** – The Protection for Persons in Care Amendment Act/Loi modifiant la Loi sur la protection des personnes recevant des soins
- **Bill (No. 11)** – The Optometry Amendment Act/Loi modifiant la Loi sur l'optométrie
- **Bill (No. 12)** – The Securities Transfer Act/Loi sur le transfert des valeurs mobilières
- **Bill (No. 18)** – The Testing of Bodily Fluids and Disclosure Act/Loi sur l'analyse de fluides corporels et la communication des résultats d'analyse

**Committee Membership**

- Ms. BRAUN (*Chairperson*)
- Mr. CULLEN
- Mrs. DRIEDGER
- Mr. FAURSCHOU
- Mr. GOERTZEN
- Ms. KORZENIOWSKI (*Vice-Chairperson*)
- Hon. Ms. MELNICK
- Mr. NEVAKSHONOFF
- Hon. Ms. OSWALD
- Ms. SELBY
- Hon. Mr. SELINGER

**Public Presentations**

Your Committee heard three presentations on **Bill (No. 8)** – The Phosphorus Reduction Act (Water Protection Act Amended)/Loi sur la réduction du phosphore (modification de la Loi sur la protection des eaux), from:

Darren Praznik	Canadian Cosmetic Toiletry and Fragrance Association
James Beddome	Private Citizen
Paul Walsh	Private Citizen

Your Committee heard one presentation on **Bill (No. 11)** – The Optometry Amendment Act/Loi modifiant la Loi sur l'optométrie, from:

David Cochrane	Manitoba Association of Optometrists
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Your Committee heard five presentations on **Bill (No. 18)** – The Testing of Bodily Fluids and Disclosure Act/Loi sur l'analyse de fluides corporels et la communication des résultats d'analyse, from:

Jodi Possia	Paramedic Association of Manitoba
Alex Forrest	United Firefighters of Winnipeg
Mike Sutherland	President, The Winnipeg Police Association
Keith Atkinson	Manitoba Association of Chiefs of Police
Ken Mandzuik	Manitoba Association for Rights and Liberties

### **Written Submissions**

Your Committee received one written submission on **Bill (No. 18)** – The Testing of Bodily Fluids and Disclosure Act/Loi sur l'analyse de fluides corporels et la communication des résultats d'analyse, from:

Richard Elliott	Executive Director, Canadian HIV/AIDS Legal Network
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### **Bills Considered and Reported**

- **Bill (No. 8)** – The Phosphorus Reduction Act (Water Protection Act Amended)/Loi sur la réduction du phosphore (modification de la Loi sur la protection des eaux)

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 9)** – The Protection for Persons in Care Amendment Act/Loi modifiant la Loi sur la protection des personnes recevant des soins

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 11)** – The Optometry Amendment Act/Loi modifiant la Loi sur l'optométrie

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 12)** – The Securities Transfer Act/Loi sur le transfert des valeurs mobilières

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

*THAT Clause 139 of the Bill be replaced with the following:*

#### **Coming into force**

**139** This Act comes into force on the day it receives royal assent.

- **Bill (No. 18)** – The Testing of Bodily Fluids and Disclosure Act/Loi sur l'analyse de fluides corporels et la communication des résultats d'analyse

Your Committee agreed to report this Bill without amendment.

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

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Mr. REID, Chairperson of the Standing Committee on Justice, presented its First Report, which was read as follows:

**Meetings:**

Your Committee met on Monday, April 28, 2008 at 7:00 p.m. in Room 254 of the Legislative Building.

**Matters under Consideration**

- **Bill (No. 3)** – The Highway Traffic Amendment Act/Loi modifiant le Code de la route
- **Bill (No. 4)** – The Provincial Court Amendment Act (Family Mediators and Evaluators)/Loi modifiant la Loi sur la Cour provinciale (médiateurs et enquêteurs familiaux)
- **Bill (No. 5)** – The Witness Security Act/Loi sur la sécurité des témoins
- **Bill (No. 7)** – The Child and Family Services Amendment Act (Child Pornography Reporting)/Loi modifiant la Loi sur les services à l'enfant et à la famille (obligation de signaler la pornographie juvénile)
- **Bill (No. 20)** – The Gunshot and Stab Wounds Mandatory Reporting Act/Loi sur la déclaration obligatoire des blessures par balle et par arme blanche

**Committee Membership**

- Mr. BRIESE
- Mr. CALDWELL
- Hon. Mr. CHOMIAK
- Mr. EICHLER
- Mr. HAWRANIK
- Mr. MAGUIRE
- Ms. MARCELINO (*Vice-Chair*)
- Mr. REID
- Mr. SARAN
- Hon. Mr. SWAN
- Hon. Ms. WOWCHUK

Your Committee elected Mr. REID as the Chairperson.

Substitutions received during committee proceedings:

- Mr. DYCK for Mr. MAGUIRE

**Public Presentations**

Your Committee heard the following three presentations on **Bill (No. 7)** – The Child and Family Services Amendment Act (Child Pornography Reporting)/Loi modifiant la Loi sur les services à l'enfant et à la famille (obligation de signaler la pornographie juvénile):

Garry Boyachek  
Edward Lipsett  
Lianna McDonald & Signy Arnason

Private Citizen  
Manitoba Association for Rights & Liberties  
The Canadian Centre for Child Protection

**Bills Considered and Reported**

- **Bill (No. 3)** – The Highway Traffic Amendment Act/Loi modifiant le Code de la route

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 4)** – The Provincial Court Amendment Act (Family Mediators and Evaluators)/Loi modifiant la Loi sur la Cour provinciale (médiateurs et enquêteurs familiaux)

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 5)** – The Witness Security Act/Loi sur la sécurité des témoins

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 7)** – The Child and Family Services Amendment Act (Child Pornography Reporting)/Loi modifiant la Loi sur les services à l'enfant et à la famille (obligation de signaler la pornographie juvénile)

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

*THAT the proposed definition "child pornography", as set out in Clause 2 of the Bill, be amended*

*(a) in clause (b), by striking out "or visual representation" and substituting ", visual representation or audio recording"; and*

*(b) by striking out "or" at the end of subclause (a)(ii) and adding the following after clause (b):*

*(c) any written material whose dominant characteristic is the description, for a sexual purpose, of sexual activity with a child that would be an offence under the *Criminal Code* (Canada), or*

*(d) any audio recording that has as its dominant characteristic the description, presentation or representation, for a sexual purpose, of sexual activity with a child that would be an offence under the *Criminal Code* (Canada);*

*THAT the proposed subsection 18(1.0.1), as set out in Clause 4(1) of the Bill, be amended by striking out "or material" and substituting ", material or recording".*

*THAT the proposed clause 18.1(2)(b), as set out in Clause 5(1) of the Bill, be amended by striking out "or material" and substituting ", material or recording".*

*THAT the proposed subsection 18.7(1), as set out in Clause 8 of the Bill, be amended by striking out "or material" and substituting ", material or recording".*

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- **Bill (No. 20)** – The Gunshot and Stab Wounds Mandatory Reporting Act/Loi sur la déclaration obligatoire des blessures par balle et par arme blanche

Your Committee agreed to report this Bill without amendment.

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

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Hon. Ms. MELNICK presented:

Supplementary Information for Legislative Review 2008-2009 – Departmental Expenditure Estimates – Water Stewardship.

(Sessional Paper No. 23)

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Hon. Mr. STRUTHERS presented:

Five Year Report on the Status of Wildlife for the period ending March 31, 2007.

(Sessional Paper No. 24)

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During Oral Questions, Mr. Speaker interjected and requested that the words "what a twisted mind" spoken by the Honourable Member for River Heights be withdrawn.

WHEREUPON Hon. Mr. GERRARD withdrew his remarks.

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Pursuant to Rule 26(1), Mrs. ROWAT, Messrs. NEVAKSHONOFF, BRIESE, JENNISSON and GRAYDON made Members' Statements.

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In accordance with Rule 31(8), the Government House Leader announced that the 2008 World Conference on Breast Cancer Resolution will be considered next Tuesday, May 6, 2008.

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The House resolving into Committee of Supply.

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The House then adjourned at 5:02 p.m. until 1:30 p.m. Wednesday, April 30, 2008.

Hon. George HICKES,  
Speaker.