



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 42

THIRD SESSION, THIRTY-EIGHTH LEGISLATURE

PRAYERS

10:00 O'CLOCK A.M.

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

THAT Bill (No. 201) – The Legislative Assembly Amendment Act/Loi modifiant la Loi sur l'Assemblée législative, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Mr. SWAN having spoken.

The debate was allowed, by leave, to remain in the name of Mr. DYCK.

The House resumed the Adjourned Debate on the Proposed Motion of Mrs. MITCHELSON:

THAT Bill (No. 203) – The Manitoba Public Insurance Corporation Amendment Act/Loi modifiant la Loi sur la Société d'assurance publique du Manitoba, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Messrs. MALOWAY, REIMER and FAURCHOU having spoken,

The debate was allowed, by leave, to remain in the name of Mr. SCHELLENBERG.

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

THAT Bill (No. 207) – The Medical Amendment Act/Loi modifiant la Loi médicale, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Mr. EICHLER speaking at 11:00 a.m. The debate was allowed to remain in his name and, by leave, in the name of Ms. KORZENIOWSKI.

Mr. MARTINDALE moved:

Resolution No. 4: Redress of Canadian Wartime and Immigration Measures

WHEREAS many Canadians were affected by Canadian wartime and immigration measures; and

WHEREAS Ukrainians, Italians and Germans were interned in camps during the First and Second World Wars as the result of the War Measures Act enacted in 1914; and

WHEREAS Chinese immigrants were subject to a poll tax as high as \$500 between the years 1884 – 1923, after which the Canadian Government passed the Immigration Act which effectively excluded all Chinese immigration to Canada until after the Second World War; and

WHEREAS from 1907 to 1914 a series of restrictive measures, such as the ‘continuous journey’ legislation of 1908, were imposed on immigration from south Asian and India countries (mainly Sikhs), which effectively brought immigration from those regions to an abrupt end; and

WHEREAS during the Second World War, 711 Jewish refugees from the holocaust were interned under suspicion for being spies and 900 Jewish refugees from Nazi Germany aboard the liner St. Louis were denied entry into Canada on June 9, 1939.

THEREFORE BE IT RESOLVED that the Manitoba Legislature commend the Federal Government for allocating \$25 million over the next three years in the February 2005 budget for commemorative and educational initiatives meant to highlight the painful aspects of Canada’s history; and

BE IT FURTHER RESOLVED that the Manitoba Legislature urge the Federal Government to continue negotiations with the affected communities to resolve their individual grievances and enable these communities to properly commemorate those tragic events and to ensure they will be understood and remembered by all Canadians.

And a debate arising,

And Messrs. MARTINDALE and DERKACH, Hon. Mr. ASHTON, Messrs. EICHLER and MAGUIRE, Ms. BRICK and Mr. LAMOUREUX having spoken,

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

1:30 O'CLOCK P.M.

The following petitions were presented and read:

Mr. SCHULER – Legislative Assembly of Manitoba to request the Provincial Government to consider providing East St. Paul with local ambulance service which would service both East and West St. Paul and to consider improving the way that ambulance service is supplied to all Manitoba's by utilizing technologies such as GPS in conjunction with a Medical Transportation Co-ordination Center (MTCC) which will ensure that patients receive the nearest ambulance in the least amount of time and to consider ensuring that appropriate funding is provided to maintain superior response times and sustainable services. (S. Grism, S. Grism, A. Grism and others)

Mr. LAMOUREUX – Legislative Assembly of Manitoba to request the Legislative Assembly of Manitoba to consider recognizing the need to sit for a minimum of 80 days in any given calendar year. (B. Bhutani, K. Bhutani, R. Bhutani and others)

Mrs. ROWAT – Legislative Assembly of Manitoba to request the Minister of Transportation and Government Services to consider upgrading PR #355 from the western edge of the RM of Minto to PR #270 (including the hill out of the Minnedosa valley) and to request the Premier of Manitoba to consider supporting the said initiative to ensure the safety of our Manitobans and all Canadians who travel along Manitoba Highways. (M. Davies, R. Kingdon, B. Hudon and others)

Mr. GOERTZEN – Legislative Assembly of Manitoba to request the Premier of Manitoba to consider covering the cost of insulin pumps that are prescribed by an Endocrinologist or Medical Doctor under the Manitoba Health Insurance Plan. (H. Berg, R. Friesen, E. Brandt and others)

Mr. Speaker presented:

Commissioner's Report to the Legislative Assembly of Manitoba for MLA Pay dated May 5, 2005.

(Sessional Paper No. 76)

Hon. Mr. STRUTHERS presented:

Annual Report of the Clean Environment Commission for the fiscal year ending March 31, 2004.

(Sessional Paper No. 77)

Hon. Ms. ALLAN, the Minister responsible for Multiculturalism made a statement regarding today, May 5, 2005, being Holocaust Remembrance Day,

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

Prior to Oral Questions, Mr. DERKACH rose on a Matter of Privilege and moved:

THAT this Matter of Privilege be referred to the Committee of Legislative Affairs for consideration of disciplinary action respecting the Minister of Education, the Member for Gimili.

And Hon. Messrs. MACKINTOSH and GERRARD having spoken.

WHEREUPON Mr. Speaker informed the House he would take the matter under advisement.

During Oral Questions, Mr. Speaker interjected and requested that the word "ridiculous" spoken by the Honourable Member for Lac du Bonnet be withdrawn.

WHEREUPON Mr. HAWRANIK withdrew his remarks.

Pursuant to Rule 26(1), Ms. BRICK, Mrs. DRIEDGER, Ms. IRVIN-ROSS, Messrs. GOERTZEN and AGLUGUB made Members' Statements.

By unanimous consent, the sequence for consideration of estimates, as outlined in Sessional Paper No. 37 tabled on March 17, 2005, was further amended in order that the estimates of Intergovernmental Affairs and Trade be considered in Room 255 prior to Aboriginal and Northern Affairs.

By unanimous consent, the sequence for consideration of estimates, as outlined in Sessional Paper No. 37 tabled on March 17, 2005, was further amended in order that the estimates of Conservation be considered in Room 255 following Aboriginal and Northern Affairs.

By leave, the Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 22) – The Water Protection Act/Loi sur la protection des eaux, reported from the Standing Committee on Social and Economic Development, the House resumed the Adjourned Debate on the Proposed Amendment of Hon. Mr. ASHTON:

THAT Bill 22 be amended in Clause 1(1) by adding the following:

"commercial operation" includes, without limitation, an agricultural operation.
(« exploitation commerciale »)

"director" means a person designated under section 2.1 as a director of water protection.
(« directeur »)

And the debate continuing on the amendment,

By leave, Hon. Mr. ASHTON moved a sub-amendment as follows:

THAT the amendment to Clause 1(1) of the Bill be amended by striking out the definition "commercial operation".

And the debate arising on the sub-amendment,

And Hon. Mr. ASHTON, Mr. PENNER, Messrs FAURSCHOU, DYCK and LAMOUREUX having spoken,

And the Question being put on the sub-amendment. It was agreed to.

By leave, during the debate, it was agreed to set aside the Business of the House in order for the House to resolve into Committee of Supply. The section of Supply sitting in the Chamber having risen in order to permit Mr. Speaker to resume the Chair.

By leave, the Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 22) – The Water Protection Act/Loi sur la protection des eaux, reported from the Standing Committee on Social and Economic Development, the House resumed the Adjourned Debate on the Proposed Amendment of Hon. Mr. ASHTON:

THAT Bill 22 be amended by adding the following after Clause 33 as part of Part 4:

Transitional orders re commercial operations

33.1(1) A regulation made under Part 2 other than section 7, or under any of clauses 33(1)(a) to (d), may provide that an owner or operator of a commercial operation affected by the regulation may apply to a director for an order

- (a) specifying a transitional plan by which the applicant may, over a specified period, come into compliance with the regulation; and
- (b) exempting the applicant from the application of all or part of the regulation for that period, or any part of it.

Requirements of regulation

33.1(2) Where a regulation provides the right to apply for an order as described in subsection (1), the regulation must also provide

- (a) that a director may issue an order only if he or she is satisfied that
 - (i) the applicant will suffer serious economic hardship unless an order is issued, and
 - (ii) issuing an order will not result in activities that

(A) present or may present an unacceptable risk of significant harm to water or an aquatic ecosystem, or

(B) place a drinking water source or public health at risk;

(b) that an order may be subject to terms and conditions;

(c) a process for appealing, to the minister,

(i) a director's decision whether to issue an order; and

(ii) a provision, term or condition of an order; and

(d) a process for varying an order, on the application of the government or the person subject to the order, if there has been a change in circumstances.

And the debate continuing on the amendment,

By leave, Hon. Mr. ASHTON moved a sub-amendment as follows:

THAT the amendment that adds section 33.1 to the Bill be amended in subsection 33.1(1)

(a) in the section heading by striking out "commercial" and substituting "existing"; and

(b) in the part before clause 33.1(1)(a), by adding "or agricultural" after "commercial".

And the debate arising on the sub-amendment,

And Hon. Mr. ASHTON and Mr. PENNER having spoken,

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

By leave, the Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 22) – The Water Protection Act/Loi sur la protection des eaux, reported from the Standing Committee on Social and Economic Development, the House resumed the Adjourned Debate on the Proposed Amendment of Hon. Mr. ASHTON:

THAT Bill 22 be amended by adding the following after Clause 32:

PUBLIC REGISTRY

Public registry

32.1 The minister must maintain a public registry, which may be in electronic form, containing a copy of each of the following:

(a) a draft of each proposed regulation or amendment to a regulation under this Act;

(b) every declaration, order or regulation made under section 7 (serious water shortages);

(c) every order respecting a commercial operation made under a regulation described in section 33.1;

(d) each watershed management plan approved by the minister under Part 3;

(e) such other information as the minister may from time to time direct.

And the debate continuing on the amendment,

By leave, Hon. Mr. ASHTON moved a sub-amendment as follows:

THAT the amendment that adds section 32.1 to the Bill be amended in clause 32.1(c) by adding "or agricultural" after "commercial".

And the debate arising on the sub-amendment,

And Hon. Mr. ASHTON, Messrs. PENNER and DERKACH having spoken,

And the Question being put on the sub-amendment. It was agreed to.

By leave, the Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 22) – The Water Protection Act/Loi sur la protection des eaux, reported from the Standing Committee on Social and Economic Development, the House resumed the Adjourned Debate on the Proposed Amendment of Hon. Mr. ASHTON:

THAT Bill 22 be amended by adding the following after Clause 8 as part of Part 2:

Compensation where allocation cancelled or reduced

8.1(1) Where the effect of any action taken or regulation or order made under subsection 7(2) is to

(a) cancel or reduce the allocation of water at any point or place to a person holding a licence under *The Water Rights Act*; and

(b) allocate or increase the allocation of water at that point or place to another person who does not hold a licence, or whose licence is, relative to the licence referred to in clause (a), lower in precedence under section 8 (precedence of licences) of *The Water Rights Act*;

the person whose allocation is cancelled or reduced is entitled to receive from, and shall be paid by the other person, compensation for any loss or damage resulting from the cancellation or reduction.

No compensation in certain circumstances

8.1(2) Despite subsection (1), no compensation is payable where the action is taken, or the regulation or order is made, for a purpose relating to public health or the provision of drinking water. The determination of the purpose of the action, regulation or order is to be made by the minister.

Agreement respecting compensation

8.1(3) Within 60 days after action is taken or an order or regulation is made that has the effect described in subsection (1), the persons described in that subsection may make an agreement setting out

(a) the amount of compensation payable and the terms of payment; and

(b) the undertaking of one person to pay that compensation, on those terms, to the other person.

Arbitration

8.1(4) Where an agreement under subsection (3) is not made, the amount of compensation and the terms of payment must be determined in accordance with *The Arbitration Act*.

And the debate continuing on the amendment,

By leave, Mr. PENNER moved a sub-amendment as follows:

THAT the amendment adding Clause 8.1 to Bill 22 be amended in the proposed Clause 8.1(2) by striking out "minister" and substituting "Lieutenant Governor in Council".

And the debate arising on the sub-amendment,

And Messrs. PENNER and LAMOUREUX having spoken,

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

By leave, the Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 22) – The Water Protection Act/Loi sur la protection des eaux, reported from the Standing Committee on Social and Economic Development, the House resumed the Adjourned Debate on the Proposed Amendment of Hon. Mr. GERRARD:

THAT Bill 22 be amended in Clause 21(1) by adding the following at the end:

At least one of the five must be an active farmer who is representative of agricultural practices in Manitoba.

And the debate continuing on the amendment,

By leave, Mr. PENNER moved a sub-amendment as follows:

THAT the amendment to Clause 21(1) of Bill 22 be amended by adding "and at least one must be a representative of the Association of Manitoba Municipalities" at the end.

And the debate arising on the sub-amendment,

Thursday, May 5, 2005

And Mr. PENNER having spoken,

And Hon. Mr. ASHTON speaking at 5:30 p.m. The debate was allowed to remain in his name.

The House then adjourned at 5:31 p.m. until 1:30 p.m. Monday, May 9, 2005.

Hon. George HICKES,
Speaker.