



**LEGISLATIVE ASSEMBLY OF MANITOBA**

**VOTES AND PROCEEDINGS No. 10**

**THIRD SESSION, FORTIETH LEGISLATURE**

**PRAYER**

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

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

(No. 10) – The Fires Prevention and Emergency Response Amendment Act/Loi modifiant la Loi sur la prévention des incendies et les interventions d'urgence

(Hon. Ms. BRAUN)

(No. 208) – The Drivers and Vehicles Amendment Act (Support Our Troops Licence Plates)/Loi modifiant la Loi sur les conducteurs et les véhicules (plaques d'immatriculation « Appuyons nos troupes »)

(Mr. EICHLER)

The following petitions were presented and read:

Mr. EICHLER – Legislative Assembly of Manitoba to urge the Provincial Government to not raise the PST without holding a provincial referendum. (D. Leduchowski, H. Strick, R. Cook and others)

Mr. WISHART – Legislative Assembly of Manitoba to acknowledge that the increase in the PST will significantly encourage cross border shopping and put additional strain on the retail sector, especially for those businesses located close to Manitoba's provincial borders and to urge the Provincial Government to reverse its PST increase to ensure Manitoba consumers can shop affordably in Manitoba and support local businesses. (D. Froom, J. Letkeman, J. Siemens and others)

Mr. GRAYDON – Legislative Assembly of Manitoba to acknowledge that the increase in the PST will significantly encourage cross border shopping and put additional strain on the retail sector, especially for those businesses located close to Manitoba's provincial borders and to urge the Provincial Government to reverse its PST increase to ensure Manitoba consumers can shop affordably in Manitoba and support local businesses. (M. Maynard, F. Gagne, E. Racine and others)

Mr. BRIESE – Legislative Assembly of Manitoba to urge that the Provincial Government restore the services provided to the affected communities until the Provincial Government conducts public consultations and provides an alternative solution that maintains or increases the level of service provided in the local area. (M. Whelpton, H. Swanson, J. Turner-Cox and others)

Pursuant to Rule 26(1), Mr. SMOOK Ms. WIGHT, Mrs. STEFANSON and Messrs. WHITEHEAD and MARCELINO (Tyndall Park) made Members' Statements.

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The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 17) – The Consumer Protection Amendment and Business Practices Amendment Act (Motor Vehicle Advertising and Information Disclosure and Other Amendments)/Loi modifiant la Loi sur la protection du consommateur et la Loi sur les pratiques commerciales (publicité et communication de renseignements visant les véhicules automobiles et autres modifications), as amended and reported from the Standing Committee on Human Resources:

Mr. CULLEN moved:

*THAT Bill 17 be amended in Clause 2*

*(a) in the proposed clause 231(2)(b), by striking out "subsections (3) and (4)" and substituting "subsection (3)";*

*(b) in the proposed subsection 231(3), by striking out "Subject to subsection (4), if an advertisement" and substituting "If an advertisement";*

*(c) by striking out the proposed subsection 231(4); and*

*(d) in the proposed subsection 231(5), by striking out "subsections (2) to (4)" and substituting "subsections (2) and (3)".*

And a debate arising,

Mr. CULLEN and Hon. Mr. LEMIEUX having spoken,

And the Question being put on the amendment. It was negatived, on division.

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The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 35) – The Consumer Protection Amendment Act (Compliance and Enforcement Measures)/Loi modifiant la Loi sur la protection du consommateur (observation et exécution), reported from the Standing Committee on Human Resources:

Mr. CULLEN moved:

*THAT Bill 35 be amended in Clause 15 by adding the following after the proposed subsection 135.2(2):*

**When inspections may be conducted**

**135.2(2.1)** An inspection may be conducted

(a) at any reasonable time, in the case of a payday lender, direct seller, credit grantor or any other prescribed person; and

(b) only after a specific complaint has been received, in the case of any other person.

And a debate arising,

Mr. CULLEN and Hon. Mr. LEMIEUX having spoken,

And the Question being put on the amendment. It was negatived, on division.

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The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 19) – The Waste Reduction and Prevention Amendment and Environment Amendment Act/Loi modifiant la Loi sur la réduction du volume et de la production des déchets et la Loi sur l'environnement, reported from the Standing Committee on Social and Economic Development:

Mr. BRIESE moved:

*THAT Bill 19 be amended by striking out Clause 2.*

And a debate arising,

Mr. BRIESE having spoken,

And the Question being put on the amendment. It was negatived.

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Mr. BRIESE then moved:

*THAT Bill 19 be amended by striking out Clause 4.*

And a debate arising,

Mr. BRIESE and Hon. Mr. MACKINTOSH having spoken,

And the Question being put on the amendment. It was negatived, on division.

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The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 24) – The Endangered Species Amendment Act (Ecosystem Protection and Miscellaneous Amendments)/Loi modifiant la Loi sur les espèces en voie de disparition (protection des écosystèmes et diverses modifications), reported from the Standing Committee on Social and Economic Development:

Hon. Mr. MACKINTOSH moved:

*THAT Bill 24 be amended in Clause 18 by adding the following after the proposed section 12.4 and before the proposed Part III.2:*

**Public notice of proposed regulations**

**12.4.1(1)** At least 90 days before a regulation is made under section 12.3 or 12.4, the minister must give public notice that a copy of the proposed regulation is available for review on the department's website

(a) by publishing a notice in a newspaper having general circulation in the vicinity of the ecosystem preservation zone or the proposed ecosystem preservation zone; and

(b) in any other manner he or she considers appropriate.

**Submissions**

**12.4.1(2)** Within 60 days after public notice is given under subsection (1), any person may make a written submission to the minister.

And a debate arising,

Hon. Mr. MACKINTOSH and Mr. BRIESE having spoken,

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

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The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 30) – The Forest Health Protection Amendment Act (Heritage Trees)/Loi modifiant la loi sur la protection de la santé des forêts (arbres remarquables), reported from the Standing Committee on Social and Economic Development:

Hon. Mr. MACKINTOSH moved:

*THAT Bill 30 be amended in Clause 2 by adding the following after the proposed subsection 26.3(4):*

**Nomination process for trees on private land**

**26.3(4.1)** If a nominated tree is located on private land

(a) the owner of the land must be given a copy of the nomination;

(b) the owner of the land must be given an opportunity to make a written submission to the heritage tree review committee before the committee makes its recommendation on the nomination;

(c) any submission made by the owner of the land must accompany the heritage tree review committee's recommendation to the minister; and

(d) the minister must have regard to the owner's submission when deciding whether to designate the tree as a heritage tree.

And a debate arising,

Hon. Mr. MACKINTOSH and Mr. BRIESE having spoken,

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

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The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 44) – The International Education Act/Loi sur l'éducation internationale, reported from the Standing Committee on Human Resources:

Hon. Mr. ALLUM moved:

*THAT Bill 44 be amended by renumbering Clause 20 as Clause 20(1) and adding the following as Clause 20(2):*

**Exception**

**20(2)** Despite subsection (1), a designated education provider is not required to publish the name of a particular recruiter if the director is satisfied, on application by the provider, that publishing the recruiter's name could reasonably threaten the safety of an international student.

And a debate arising,

Hon. Mr. ALLUM and Mr. BRIESE having spoken,

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

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Hon. Mr. ALLUM then moved:

*THAT Bill 44 be amended by adding the following after Clause 43(4):*

**Duty to adopt security safeguards**

**43(5)** The minister and the director must protect all information, including individual international student information, collected under this Act by adopting reasonable administrative, technical and physical safeguards that ensure the confidentiality, security, accuracy and integrity of the information.

**Safeguards for sensitive information**

**43(6)** In determining the reasonableness of security safeguards adopted under subsection (5), the degree of sensitivity of the information to be protected must be taken into account.

And a debate arising,

Hon. Mr. ALLUM, Messrs. BRIESE and CULLEN and Mrs. STEFANSON having spoken,

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

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The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 27) – The Highway Traffic Amendment Act (Charter Bus Service)/Loi modifiant le Code de la route (services d'autobus nolisés), reported from the Standing Committee on Human Resources:

Hon. Mr. ASHTON moved:

*THAT Bill 27 be amended by replacing Clause 12 with the following:*

*Coming into force*

*12 This Act comes into force on a day to be fixed by proclamation.*

And a debate arising,

Hon. Mr. ASHTON having spoken,

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

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Mr. EICHLER then moved:

*THAT Bill 27 be amended by adding the following after Clause 4:*

*4.1 The following is added after section 290:*

**Restrictions on non-resident charter bus operators**

**290.0.1(1)** Despite anything in this Part, if the transport board issues a certificate for the operation of a public service vehicle bus to an applicant who is not resident in Manitoba, the transport board must prescribe as a condition of the certificate that the applicant is not entitled to operate a charter trip that begins and ends in Manitoba.

**Meaning of resident in Manitoba**

**290.0.1(2)** For the purpose of this section, an applicant for a certificate is resident in Manitoba if

- (a) the applicant is an individual who ordinarily resides in Manitoba;
- (b) the public service vehicle buses to be operated under the certificate are registered in Manitoba and have Manitoba licence plates;
- (c) the applicant is incorporated under *The Corporations Act*;
- (d) the applicant's head office is located in Manitoba; or
- (e) the applicant is a corporation liable to pay tax in Manitoba in accordance with section 3(2) of *The Income Tax Act*.

And a debate arising,

Mr. EICHLER having spoken,

The debate was, on motion of Hon. Mr. SWAN, adjourned.

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The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 41) – The Highway Traffic Amendment Act (Enhanced Safety Regulation of Heavy Motor Vehicles)/Loi modifiant le Code de la route (sécurité accrue liée aux véhicules automobiles lourds), as amended and reported from the Standing Committee on Human Resources:

Hon. Mr. ASHTON moved:

*THAT Bill 41 be amended in Clause 2, as amended at Committee,*

*(a) by striking out clause (b) of the proposed definition "commercial truck";*

*(b) by replacing clause (a) of the proposed definition "limited-use commercial truck" with the following:*

(a) that

(i) is operated within 30 km of the place of business of the truck's registered owner if the place of business is outside an urban municipality,

(ii) is operated in or within 30 km of the urban municipality in which the place of business of the truck's registered owner is located if the place of business is in an urban municipality other than Winnipeg,

(iii) is operated in or within 20 km of Winnipeg if the place of business of the truck's registered owner is in Winnipeg,

(iv) is used for transporting gravel, sand or other material for use in highway construction or maintenance, or

(v) is designated as a limited-use commercial truck by regulation, and

*(c) by replacing clause (a) of the proposed definition "limited-use public service vehicle" with the following:*

(a) that

(i) is operated within 30 km of the place of business of the truck's registered owner if the place of business is outside an urban municipality,

(ii) is operated in or within 30 km of the urban municipality in which the place of business of the truck's registered owner is located if the place of business is in an urban municipality other than Winnipeg,

(iii) is operated in or within 20 km of Winnipeg if the place of business of the truck's registered owner is in Winnipeg,

(iv) is used for transporting gravel, sand or other material for use in highway construction or maintenance, or

(v) is designated as a limited-use public service vehicle by regulation, and

And a debate arising,

Hon. Mr. ASHTON and Mr. EICHLER having spoken,

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

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The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 42) – The Highway Traffic Amendment Act (Enhancing Passenger Safety)/Loi modifiant le Code de la route (sécurité accrue des passagers), reported from the Standing Committee on Human Resources:

Mr. EICHLER moved:

*THAT Bill 42 be amended in Clause 2 by adding the following after the proposed subsection 146(3):*

**Exceptions**

**146(3.1)** Subsections (1), (2) and (3) do not apply to

(a) a trailer that is being towed, or a vehicle that is being driven, in a parade;

(b) a farm truck that is being used to transport farm workers from a farmyard to a field, from a field to another field, or from a field to a farmyard; or

(c) a vehicle that is being used to transport firefighters or emergency medical responders who are responding to a fire or other emergency.

And a debate arising,

Mr. EICHLER having spoken,

The debate was, on motion of Hon. Mr. SWAN, adjourned.

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The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 8) – The Provincial Court Amendment Act/Loi modifiant la Loi sur la Cour provinciale, reported from the Standing Committee on Justice:



Mr. HELWER moved:

*THAT Bill 8 be amended in Clause 2 by renumbering the proposed section 26.5 as subsection 26.5(1), and adding the following after it:*

**Notice to person who submitted document**

**26.5(2)** Upon accepting a transfer of data by electronic means under subsection (1), the court must send notice that the electronic document has been filed to the person who submitted the document — or his or her representative — by means of a notice to that effect sent to the person or representative at his or her most recent e-mail or mailing address as contained in the court's records.

And a debate arising,

Mr. HELWER and Hon. Mr. SWAN having spoken,

And the Question being put on the amendment. It was negatived, on division.

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The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 16) – The Department of Justice Amendment Act/Loi modifiant la Loi sur le ministère de la Justice, reported from the Standing Committee on Justice:

Mr. HELWER moved:

*THAT Bill 16 be amended in Clause 3 by striking out "may make regulations" in the part of the proposed subsection 15.1(4) before clause (a), and substituting "must, within 30 days after the coming into force of this section, make regulations".*

And a debate arising,

Mr. HELWER and Hon. Mr. SWAN having spoken,

And the Question being put on the amendment. It was negatived, on division.

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The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 25) – The Statutory Publications Modernization Act/Loi sur la modernisation du mode de diffusion des publications officielles, reported from the Standing Committee on Justice:

Mr. HELWER moved:

*THAT Bill 25 be amended in Clauses 5(3) and 16(3) by striking out "may prepare and sell or distribute" and substituting "must prepare for sale and distribution".*

And a debate arising,

Mr. HELWER and Hon. Mr. SWAN having spoken,

And the Question being put on the amendment. It was negatived, on division.

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Mr. HELWER then moved:

*THAT Bill 25 be amended in Clause 6(1) in the part before clause (a), by adding ", without altering the legal effect of the original Act," after "the legislative counsel may".*

And a debate arising,

Mr. HELWER and Hon. Mr. SWAN having spoken,

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

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Mr. HELWER then moved:

*THAT Bill 25 be amended in Clause 17(1) in the part before clause (a), by adding ", without altering the legal effect of the regulation," after "the registrar may".*

And a debate arising,

Mr. HELWER and Hon. Mr. SWAN having spoken,

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

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Mr. HELWER then moved:

*THAT Bill 25 be amended by adding the following after Clause 23(5):*

**Prior consolidated versions of Acts**

**23(6)** When a consolidated Act is updated or repealed, the legislative counsel must ensure that the previous or repealed version of the Act continues to be published on the Manitoba laws website.

And a debate arising,

Mr. HELWER and Hon. Mr. SWAN having spoken,

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

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The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 36) – The Public Guardian and Trustee Act/Loi sur le tuteur et curateur public, reported from the Standing Committee on Justice:

Mr. HELWER moved:

*THAT Bill 36 be amended in Clause 7(2)*

*(a) in clause (a), by striking out "120 days" and substituting "180 days"; and*

*(b) in clause (b), by striking out "30 days" and substituting "60 days".*

And a debate arising,

Mr. HELWER and Hon. Mr. SWAN having spoken,

And the Question being put on the amendment. It was negatived, on division.

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Hon. Mr. GERRARD then moved:

*THAT Bill 36 be amended by adding the following after Clause 4 as part of Part 2:*

**Best interests**

**4.1(1)** The paramount consideration of the Public Guardian and Trustee, when acting on behalf of an individual, is to act in the best interests of that individual. The best interests are to include, but not be limited to, financial, social and health interests.

**Additional matters that must be considered**

**4.1(2)** In addition to the paramount consideration set out in subsection (1), additional matters that the Public Guardian and Trustee must always consider include:

1. When determining whether to act on behalf of an individual, the Public Guardian and Trustee is to ensure that there is no family member or close friend, who is concerned with the best interests of the individual, who is willing and able to act.
2. When acting on behalf of an individual, the Public Guardian and Trustee is to consider the best interests of the individual's family and work in partnership with family members who are willing, but not able, to act on the individual's behalf.

And a debate arising,

Hon. Messrs. GERRARD and SWAN having spoken,

And the Question being put on the amendment. It was negatived, on division.

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Hon. Mr. GERRARD then moved:

*THAT Bill 36 be amended by adding the following after Clause 21 as part of Part 3:*

**Mediator to be appointed**

**21.1** Where a dispute arises between the Public Guardian and Trustee and

(a) one or more family members of an individual for whom the Public Guardian and Trustee is acting; or

(b) one or more close friends of an individual for whom the Public Guardian and Trustee is acting, where that close friend is looking out for the interests of the individual in the absence of a family member willing and able to do so;

the minister must, upon the request of one or more of those family members or close friends, appoint a mediator — through the provincial Family Conciliation Services office — to assist in resolving the dispute. Within 30 days after being appointed, or such longer period as the minister may allow, the mediator must provide the minister with a written report containing his or her recommendations for resolving the dispute.

And a debate arising,

Hon. Mr. GERRARD having spoken,

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

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The House then adjourned at 5:00 p.m. until 10:00 a.m. Tuesday, November 26, 2013.

Hon. Daryl REID,  
Speaker.