



Third Session - Thirty-Seventh Legislature

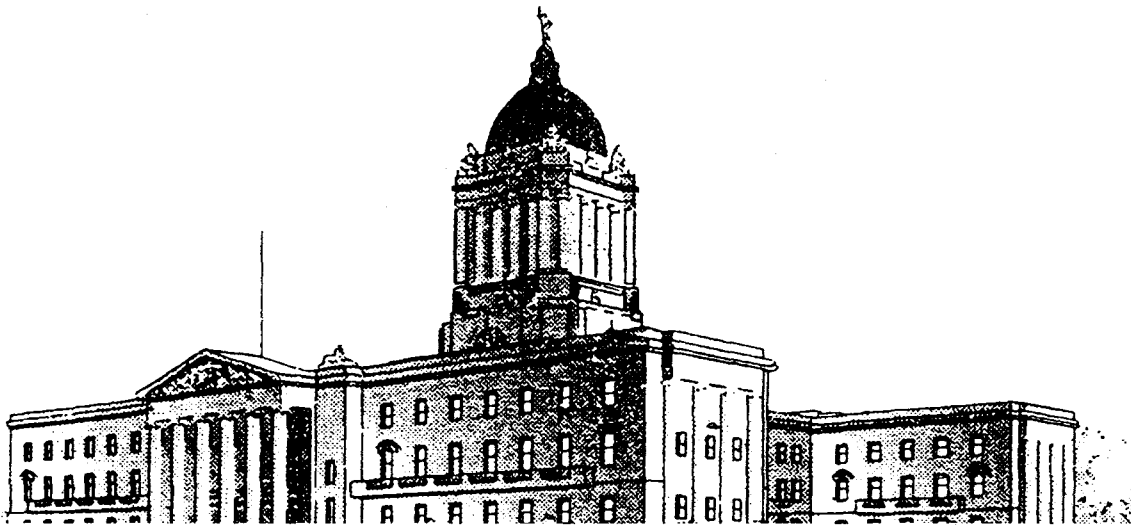
of the

**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS**

**Official Report  
(Hansard)**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Seventh Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
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ALLAN, Nancy	St. Vital	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
ASPER, Linda	Riel	N.D.P.
BARRETT, Becky, Hon.	Inkster	N.D.P.
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CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
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MITCHELSON, Bonnie	River East	P.C.
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REIMER, Jack	Southdale	P.C.
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ROCAN, Denis	Carman	P.C.
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SCHULER, Ron	Springfield	P.C.
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STEFANSON, Heather	Tuxedo	P.C.
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TWEED, Mervin	Turtle Mountain	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

## LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, July 25, 2002

The House met at 10 a.m.

### PRAYERS

### ORDERS OF THE DAY

### GOVERNMENT BUSINESS

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, would you please call debate on second readings, Bill 11?

### DEBATE ON SECOND READINGS

#### Bill 11—The Animal Diseases Amendment Act

**Mr. Speaker:** Resumed debate, Bill 11, The Animal Diseases Amendment Act, standing in the name of the honourable Member for Pembina (Mr. Dyck).

Is it the will of the House for the bill to remain standing in the name of the honorable Member for Pembina?

**An Honourable Member:** No.

**Mr. Speaker:** No.

**Mr. Jack Penner (Emerson):** Mr. Speaker, I rise today to speak on The Animal Diseases Amendment Act, which we think on this side of the House is a significant step forward to ensure that diseases such as foot and mouth disease, chronic wasting disease, tuberculosis and all other significant communicable diseases can in fact be dealt with on a provincial basis to ensure that the regional containment or even smaller containment can be done in an appropriate time, in an appropriate manner, to ensure that we can very quickly deal with diseases such as the current TB outbreak in the province of Manitoba.

We have taken a significant look at this act. We believe that the director of animal diseases

has done a credible job in drafting a bill that we believe will give the Province the authority to effectively deal with, when occasions occur, to quickly bring to a conclusion an outbreak of a disease.

Mr. Speaker, I note specifically several sections under this act that I believe have been lacking. We believe that the changes that are being made and the amendments that are being made in this act are significant enough to ensure that actions could be taken immediately by those authorities and that people in this province be given authority to move significantly in the containment of diseases.

I refer specifically to section 4, where it says: "*The following is added after subsection 2(3):* **Reportable diseases 2(4)** If the disease has been designated as a reportable disease under the regulations, the veterinarian or inspector shall, in addition to sending a notice under subsection (2) or (3), notify the director of the suspected disease by the fastest available means of communication."

I think therein lies one of the problems that we have had up till now. Up till now, the true authority has been vested very often in other expertise areas, and we have had some doubt as to how and when we could effectively deal with measures that could be acted upon and acted upon quickly to control the disease.

The other section, section 2(5), where it indicates: "The director and any person acting under his or her direction may, for the purpose of disease control, management or prevention or the protection of animal or human health, share or disclose any information that is reported or that they discover about a reportable disease or a suspected occurrence of a reportable disease." These are significant changes. "The information shared or disclosed may include personal information, as defined in *The Freedom of Information and Protection of Privacy Act*, about

persons who report occurrences or suspected occurrences"—and I think that is the important wording, "suspected occurrences"—"of reportable diseases or who may have been exposed to such diseases." I think this is a forward-thinking bill.

Then it goes on to talk about the persons to whom information may be disclosed in section 2(6), information that is described, and it says: "(a) the Government of Canada or a municipal, provincial or foreign government, or an agency of such a government or the Government of Manitoba, or a person or body, whose duties and interests include (i) protecting the public health, (ii) monitoring or reporting on the safety of agricultural inputs, food, livestock or livestock products, or (iii) monitoring or reporting on the biological, chemical and physical integrity of agricultural inputs, food, livestock or livestock products; (b) a marketing board or agency; (c) persons who may be exposed to the reportable disease; and (d) any other person, if the director considers it to be in the public interest."

I want to deal with some other aspects of this bill that I think are important, but I think it is important to note for all members of this Legislature that over the last two years or a year and a half, the Province of Manitoba has been involved with a small group of legislators from Minnesota, North Dakota and South Dakota, and, in conjunction, have had significant debates about this very issue, about how we deal with internationally, even nationally or jurisdictionally or even in a very small area to confine and control diseases without impeding the free movement of those livestock numbers, and in the case of the TB outbreak now, without impeding upon other jurisdictions or other areas of a province or other areas of a state within a regional area and to not cause undue disruption of trade impacts or the industry as a whole.

I think that is important here, and I think that is why this clause is so significant, the clause which deals with persons to whom information may be disclosed.

I think it is important that we communicate with each other almost immediately when we find an outbreak and, I think, had that been done in the United Kingdom, when the foot and mouth disease outbreak was first detected and

the pertinent people, the scientific people, would have been brought in, I wonder if they could not have averted the catastrophe.

This bill actually makes it law to communicate. This does not encourage or discuss. This says you must. I think that is why it is so important. That is what we discussed in the international forum in Fargo. We passed there a resolution, which all the jurisdictions agreed to, that we would write letters as legislators or groups of legislators to the various federal jurisdictions and all the other jurisdictions that would be affected by these kinds of decisions. We would strongly recommend to our federal jurisdictions that they enact legislation such as was being proposed.

I think this bill and the importance of dealing with this bill expeditiously points the way and will lead the discussion and bring us to a conclusion, Mr. Speaker, that will help us in a major way eradicate such diseases as tuberculosis immediately.

Far too many times, we are sitting in this Chamber, Mr. Speaker, or departments, or people within departments, saying this is federal jurisdiction. This is provincial jurisdiction. We keep pointing fingers at each other. We keep accusing each other or blaming each other without taking any action. This bill will finally give the authority where it belongs, that is, in the province of Manitoba so that our minister and our Premier (Mr. Doer) can take action immediately, give the legislative authority to the director, which would immediately allow him or her to take action. We believe this is extremely important. That is why we are so supportive of this bill.

I do not know how much time I have left to make remarks, but I would suspect that there are a number of areas that I would like to deal with in this act. *[interjection]* I understand that I have about 30 minutes left, so I will judge myself accordingly.

\* (10:10)

The other part of the act, where orders can be given, I think this strengthens the act: "Where the director has reasonable and probable grounds

to suspect that a vector is or may be carrying a disease-causing agent, the director may, in the public interest and at the expense of the owner"—and I think this is so important in this debate on tuberculosis in the Riding Mountain National Park—where the owner may, pardon me, I will start all over again. "Where the director has reasonable and probable grounds to suspect that a vector is or may be carrying a disease-causing agent, the director may, in the public interest and at the expense of the owner, make any order in respect of it that may be made in respect of an animal under subsection (1)." That clearly would direct the expenditure of the confinement procedure to be carried by the owner.

In respect to the Riding Mountain National Park, I would suspect that this would mean the federal government would have to bear any cost for the eradication, the elimination or the confinement of the disease in the park. I note that the Manitoba Cattle Producers Association has, time and time again, said that we should seek out those pockets that we know, that we have scientific evidence for, that are prevalent in the Riding Mountain National Park area in our elk herd and, as has been proven, in our white-tailed deer herd, that we should work towards the elimination of the disease in those pockets. We should then make every effort to confine the wildlife herd within the park, to ensure that there will not be movement into our domestic herd and therefore contaminating our domestic herd. We believe this bill gives the Province the authority to take action that would immediately cause action to be taken by the relative authorities to move towards the eradication. The section 3(3), which talks about the examination, observation, disposal of fomites, which are the carriers, again, only reinforces that.

Section 6, clause 3.1(1) is very specific. This one gives the authority to the provincial director. It says: "The director may, in the public interest, order that a place described in clause (a) or (b)"—which I will read—"be quarantined or that a larger area including the place be quarantined, if he or she has reasonable and probable grounds to suspect that (a) the place contains or has contained an animal that has a disease; or (b) the place contains or has contained a vector or fomite." I think, clearly, you could not describe any better Riding Mountain National Park. The

area that contains the disease, which we well know, it does not only contain animals, but it contains, we believe, disease-carrying mechanisms such as what is described as fomites and/or vectors. We know that there needs to be significant action taken.

We believe that the Province could, this way, in fact, legally order the federal government to confine the herd immediately, could take steps to eradicate the disease in that herd, as we do in our domestic herds, by seeking out the diseased animals, removing them, as we do in domestic herds. When we find a diseased animal in any domestic herd, whether that be 10 cows or 100 cows, we walk in immediately and destroy the herd and be done with it. That does not mean we have to destroy the whole wildlife herd in the Riding Mountain National Park. That means we seek out those areas where the disease is contained, confine it there, eradicate the disease and then move on and demonstrate to the rest of the world that Manitoba is truly a disease-free area, as we all want it to be.

I congratulate the Government for bringing this piece of legislation forward. I think it is timely. It is needed. That is why we are so in favour of moving this piece of legislation forward expeditiously. We would welcome, today, movement through this Legislature, into committee and out of committee stage, and into Royal Assent, if that is the will of the House. I believe that our members on this side would certainly agree with that kind of a procedure today.

We hope that Manitoba, through this process, can be restored to a disease-free status and that our cattle producers will again be able to enjoy, without intervention, a true free-market system to anywhere that they would choose to market their animals throughout the world.

We believe that we have some of the best quality. We know we have the best quality. We know we have a quantity that can service a market worldwide. We know that our dairy herds are respected as being some of the finest dairy herds in the world. We know that our beef industry is respected for having bred and initiated a process where we now raise the best quality beef anywhere in the world. Canadian

Angus beef, I think, can be bought in restaurants all over the world. It is revered to be some of the best steak in the world.

I would suggest that we try and do everything in our power to immediately restore the confidence of the consumer, governments all across this world, and indeed our best customer, North America. We need to be able to convince our American friends that we are willing to take every action at our disposal, that we are willing to pass legislation that will ensure that we have the authority to confine, control, and eliminate if and when necessary. We believe that we must be better at doing these kinds of things than anybody else in the world is and that we should be a shining example to the rest of the world to try and demonstrate to them that we are indeed serious about our agricultural sector, about our diversification.

Much has been said about my support for the elimination of the Crow rate. I have always said only one thing. Much has been accredited to my comments which are not quite correct, but so be it. We all know that interpretation sometimes in the sense of this forum and this Legislature can be used to draw attention to certain words. However, I will say this. Had we never had the Crow rate, had we never had equalized freight rates across this nation, western Canada would be a different western Canada. The development that would have occurred here would have been immense. However, we chose to use freight rates and the subsidization of freight rates to the railways, not to the farmers. We never subsidized the farmers. We subsidized the railways to haul grain into eastern Canada so that eastern Canada could benefit from the job-creation initiatives that our products were used to drive.

The milling industry is one area. The sugar industry is another area. The livestock processing was virtually all diverted to eastern Canada because it was cheaper to ship feed under subsidies to eastern Canada and to ship livestock into those, and the feeding of the livestock in eastern Canada. What did we do? We exported all our young people. The young people followed the grain. They followed the livestock. They jumped on the train and became part of the exports of the raw commodities that we were exporting. They became part of the raw commodity. That was unfortunate.

\* (10:20)

We had a great pool of expertise. We have great universities. We have great education facilities. We have developed the expertise here. Once we have developed it, we encouraged it to leave, because we encouraged it via an indirect route of export subsidy that was far, far greater than just exporting grain.

So I say to you, Mr. Speaker, that what we need to do, what we need to do in this province today is take a step forward and recognize one thing. I want to make one other comment. That is, when much has been said about the hog industry over the last few years by the detractors, we have talked a lot about organic farming and the organic food that we can produce. Well, it was always assumed by the farm community that in order to raise a good organic grain you had to provide good fertility. The best organic fertility is livestock waste. Without question, it has become, and still is in my view, the best fertilizer that you could apply to land that would be deemed organic.

Yet now we have those same people that were proponents of organic agriculture being the detractors in the expansion of the livestock industry, which can lead towards drawing the complete circle of organic production.

But I think we need to start focussing, Mr. Speaker, in that sense. If we use true natural products to derive and put on the shelf true natural products, we will have achieved what many of those people that were proponents of the organic food production system and cycle have been proposing.

I am not suggesting that we should drive into agriculture entirely in that direction, but it is a tool that can be used to satisfy those consumers' needs that want to be assured that they can in fact buy organically produced foods.

I find it interesting, Mr. Speaker, that there is a fellow in the southeast part of the province who lives in an area where there is significant hog production who is not a hog producer. His name is Bobby Krentz. He is a cattle producer. He raises better than 5000 head of cattle. He used to use chemically produced soil nutrients. Today he has gone away from chemically produced soil nutrients virtually entirely. He now

uses natural product to fertilize his field and his hay pasture.

The proof is in the pudding. It is a proven fact that he can now raise more pounds of beef on an acre of grass than he ever has before using natural nutrient fertilizers. The natural nutrient that he is using is hog manure. It is being applied scientifically. It is injected in such a manner that it is not causing difficulties with run-off and all those kinds of things that have been broadly, erroneously, I think, spread, rumours which have been spread.

What I find most interesting is tests that have been done on Mr. Krentz's farm by the Department of Agriculture. The scientists have done significant tests on organically applied nutrients versus commercially produced nutrients. It is interesting to note that so far tests would show that the organically applied nutrients have less of a residue at the end of the season, leave less of a residue than others do.

That simply means that the natural plant will pick up natural nutrients better out of this soil and utilize it better than they do other products. I think that should be of interest to all of us and should be an indication that if and when we use livestock production, if we produce livestock in a sound, meaningful manner from an economic standpoint as well as an ethical standpoint and taking into consideration proper environmental application, I think we can see an expansion that will employ young people, that will keep our young people in Manitoba, that will encourage the further utilization of our universities to educate these young people, that they become good managers, that they become good operators and that they become good, sound solid citizens.

So today I stand in support of Bill 11, and today I would encourage immediate passage of Bill 11, because today it is important that we note that we do have a disease problem in this province that needs to be dealt with expeditiously, and we need to leave the impression with foreign buyers, foreign industries and foreign consumers that we will do everything in our power if and when disease strikes us to eliminate and eradicate those diseases immediately and we will do it expeditiously.

So I know I have a few other colleagues that would like to put a few comments on the record.

So, with having said that, I would endorse in its entirety Bill 11 and recommend it to move into committee and then into Royal Assent.

**Mr. Leonard Derkach (Russell):** I am pleased to rise today to put some comments on the record with respect to Bill 11. Mr. Speaker, I come from an area that has the direct impact of tuberculosis and has felt the direct impact of tuberculosis on the producers in that area. Many of our livestock producers in the western side of the province pasture or house their animals along the Riding Mountain National Park. Of course, the Riding Mountain National Park runs from about Neepawa right through to almost the border, and so there is certainly a significant amount of land on the south side of Riding Mountain which is conducive to livestock production, and an area which when we talked about diversification of the ag industries, that area picked it up very quickly and started to develop the livestock industry in that region.

Mr. Speaker, when the threat of having us zoned as a tuberculosis province came about, this raised some real concerns with producers in that region because, through the work that has been done by the Manitoba Cattle Producers Association and others, it appears that we want to zone a smaller part of the province which would in essence mean that Riding Mountain National Park area. We have asked the Minister of Agriculture (Ms. Wowchuk) what steps she is taking to ensure that producers are protected in all of this, because it is not the producers' fault that we have an outbreak of tuberculosis in the province.

If you look at the origins of tuberculosis as we know it, it seems to come from the wild elk that are found in the Riding Mountain National Park. Now if in fact those animals do carry the disease and are carriers of that disease, then I think there is a responsibility of governments, both federal and provincial, to address the issue and to ensure that those animals are either contained in the area or that the herds are cleaned up to the extent that the disease is eliminated.

There is a reluctance by both provincial and federal officials to do that. I have spoken to some Conservation people and people who work for the federal government as well, and I am told

that, first of all, once the animal leaves the park, it is no longer a federal responsibility. It becomes provincial responsibility. I speak to the Conservation people within the province, and they tell me, well, we do not want to put a fence around the national park because we depend quite heavily on the revenues that come from hunting. Revenues from hunting and tourism are very important to the province.

\* (10:30)

Well, what about the producer? Where is he left, Mr. Speaker, in all of this? It is not his fault or her fault that we have an infected herd in the Riding Mountain National Park, but yet we are expecting the producers, who are trying to make a living off the land, to carry the burden, to shoulder the burden and the responsibility for testing their herds, for making sure that their herds are clean, and nobody seems to come up to the plate from either the provincial or federal government to help these producers.

Mr. Speaker, I do not think we have really seriously thought about the solutions that could be found to this disease. All we are trying to do is hand it off to the producer to pay the costs and then assure the recipients of these either breeding stock or commercial stock to be clean.

This bill talks about the quarantine of areas if a disease is found in the province of Manitoba, and an area may be quarantined because there is a particular disease found in that area. So, Mr. Speaker, this bill really, I guess, causes the responsibility for action to be in the House of the provincial government here and quite rightly so in the areas of livestock production in our province.

So, I guess, if we pass this bill through today, we would be asking the Minister of Agriculture (Ms. Wowchuk) to take a more active role in ensuring that the area that is causing the problem for tuberculosis in our province is zoned properly and then action is taken to ensure that the disease within that area is not only contained in that area but is going to be eliminated from that area. It is the responsibility of this Government then to take specific and direct action as it relates to this problem.

Some of the producers who live along the Riding Mountain have approached us and have

told us that they are really concerned about what this is going to do, not only to their herds, but it is also having an impact on the value of the land in that area. I might relate one incident, Mr. Speaker, where a ranching family from Alberta bought seven quarter-sections of land along the Riding Mountain just this spring. They moved their herd into the area because of the dryness in Alberta. Then, after they found out about the threat of tuberculosis in the area, they loaded up their cattle, and they moved them back to Alberta. Now they are moving feed from Manitoba into Alberta because of the fear of what tuberculosis impact is going to have on their herds.

So, Mr. Speaker, I think we have a problem before us. I think it is a problem that this Government has to deal with. We are certainly prepared to work with the Minister of Agriculture to address the issue. One of the solutions or probable solutions that has come forward is that we fence, we completely fence, ask the federal government to completely fence the Riding Mountain National Park, and someone will say, well, what cost is that going to have.

**An Honourable Member:** How much would that cost?

**Mr. Derkach:** How much would that cost? Well, you would be surprised how little it would cost to fence the Riding Mountain National Park as compared to the impact of the disease, the impact the disease is having on the producers and the cattle in our province.

**An Honourable Member:** At least \$2 million.

**Mr. Derkach:** Yes, the fence would cost about \$2 million. Now, if you compare that to what is being lost today by producers, this is not a big cost, Mr. Speaker. The federal government can quickly move to actually fence the Riding Mountain National Park, and we should be moving in that direction if that, in fact, is going to help to solve the problem.

*Mr. Conrad Santos, Deputy Speaker, in the Chair*

Now, Mr. Deputy Speaker, that may not be a practical solution, but indeed it is one that should be considered.



There is another solution, and that is to eliminate the herd. The infected herd should be eliminated. Now, other jurisdictions have done this. They have cleaned up the herds to the point where their province then is considered to be a tuberculosis-free province.

How long are we going to wait before we address the real issues of the situation? We are grasping at straws if we are trying to simply keep the disease out of the herds of cattle by testing and by eliminating the cattle herds when, in fact, the source of the problem is in the wild animals that are found in the Riding Mountain National Park.

So, Mr. Deputy Speaker, along with my colleague the Member for Emerson (Mr. Jack Penner), I am pleased to support this legislation and to see its speedy passage through the House. Thank you.

**Mr. Larry Maguire (Arthur-Virden):** Mr. Deputy Speaker, it is my pleasure, as well, to put a few words, comments on the record in regard to Bill 11, The Animal Diseases Amendment Act.

This bill, as it points out, is a bill that will allow the director of Veterinary Services the opportunity to have some more powers in regard to quarantining and dealing with diseased animals in the province of Manitoba. My colleague from Emerson, the critic for Agriculture, and the Member for Russell (Mr. Derkach) have spoken very clearly to this bill.

I, too, will be supporting this bill, Mr. Deputy Speaker, as the critic for Agriculture in our caucus because this bill does provide for some of the concerns of those of us who have had the opportunity to speak with the three neighbouring states to the south, North Dakota, South Dakota and Minnesota, that have had the opportunity of dealing with these issues in regard to what happens if there is an outbreak of particular diseases in our region and outside our region, our region being the three states and the province of Manitoba that I have mentioned.

It would be of great concern to all of us, of course, if that outbreak occurred within our jurisdictions and particularly to those of us within Manitoba. We are already seeing a situation

where tuberculosis is present within some of the boundaries of the Riding Mountain region in Manitoba, and, Mr. Deputy Speaker, we do not need a situation where this gets any further out of hand, if it was to.

Through this bill, we see that it gives the Government some powers to further quarantine areas where these diseases would occur, if they occurred, and it also clarifies, adds a little bit more discretion to the word "diseases" because it clarifies a little bit more as to what is meant by that particular term.

Mr. Deputy Speaker, it is a move that will allow our director of Veterinary Services to take more control of the situation before it gets out of hand. These are people who have been to Britain first-hand and have taken a look at some of the concerns that happened over there around particular diseases. I would say that we can learn a great deal from their experience in those areas as well as the discussions that have gone on between our neighbouring states, other provinces as well, and our own Department of Agriculture here in the province of Manitoba.

Mr. Deputy Speaker, I am not going to go on at great length. My colleagues have covered most of this bill, but there is a point that I would like to make around the issues of warrants to enter dwelling places. This bill is written properly in regard to the fact that an inspector may not enter a dwelling place except with the consent of the occupant or under the authority of the warrant, unlike Bill 23 and Bill 2 that this Government has brought forward that just allows them to holus-bolus go in and seize all of your records, I guess in the case of Bill 23 to make sure that you are complying with a licence to spread manure.

\* (10:40)

I think that is quite a bit of overkill in relation to that particular section. This bill, as it is written, Bill 11, still allows the directors, the persons working for that director the opportunity to go in and quarantine areas, to come on property if they have a proper warrant, to move in those jurisdictions where they would still have to have the authority to be able to make those decisions. I think this particular section, 6.1(1), Warrant to enter a dwelling place, is written

properly in this act and would be a good move if the ministers responsible would put those in the other bills and make the wording according to the way this one is in Bill 11.

I will close by saying once again that I am in favour of seeing this bill move forward. I believe that the government of Manitoba needs to have the ability to act in some of these areas and that perhaps the minister will direct her officials to move further in regard to making decisions themselves as well as lobbying harder with the federal government to take into consideration some of the concerns that are presently before our livestock industry here in the province of Manitoba. With that, I will close by saying that I would continue to support and I would urge the Government to move this bill through as quickly as they possibly could.

**Mr. Harry Enns (Lakeside):** Just a few comments along with the excellent comments made by my colleague the Member for Emerson, the members for Russell and Arthur-Virden. Also this bill gives us an opportunity to demonstrate that the Opposition does not always oppose. When a good measure comes forward, we are quick to embrace it, quick to support it.

I just wanted to add a few comments. I make these comments as a former Minister of Agriculture. All too often the Minister of Agriculture has little control about the affairs in agriculture. We cannot, even though we sometimes unfairly put that responsibility on whether it is the federal ministers or the provincial ministers, but, with all fairness, we cannot control the international price of wheat. We cannot control the international price of oils. We compete with all kinds of oils; we think, of course, of our Canola oil as being the premium vegetable oil. But the truth of the matter is, provincial ministers of agriculture, what they can do is be as supportive of their agriculture within their jurisdiction, but they do not have these powers to impact on the commodity prices that are dictated by the markets of the world.

In this particular instance, that is why we are so quick to support this bill. This bill is empowering the provincial minister to more effectively battle disease. What regrettably has fallen upon us is a serious disease problem. I simply

want to add my voice to those of my colleagues that we will be supporting this Government, this Minister of Agriculture, in every possible way for her to move aggressively to stamp out this disease.

The livestock industry, in this case the beef industry, is one of our bright spots for thousands of producers. We have more producers involved in the beef industry than virtually any other industry, more than in hogs, certainly more than in poultry or in dairy. We have upwards of 10-12 000 Manitoba producers whose livelihood depends on beef. It is being seriously undermined and threatened now by this outbreak of TB in the Riding Mountain Park.

Without any further ado, we simply want to put on the record that it is our intention to quickly pass this bill, but we do so with a clear message to the Minister of Agriculture (Ms. Wowchuk) that she has our full support in aggressively moving forward and taking on those measures, some of the measures which are contained in this bill and are strengthened, to stamp out the incidence of TB in the Riding Mountain Park.

*Mr. Speaker in the Chair*

You know, Mr. Speaker, it was my memory that goes back some 47, 48 years when I first got into the cattle business. That was just at the end of a successful two-, three-decade-long campaign to stamp out tuberculosis in our cattle herds in Manitoba. It was an effective campaign, waged by federal and provincial authorities that systematically sought out those areas where the disease cropped up in our domestic herd and with some ruthlessness, I might say, the affected herds were wiped out. They were cleaned up.

The farmers were put under a strict regime. They had to clean up the whole farm site, clean out the manure, clean out the barns, disinfect, but tuberculosis was conquered in that way. It is a tribute to the co-operation of the producers of the past. I am talking about the years late forties, fifties, stretching even into the early sixties before this was fully accomplished. Much the same can be said for the disease of brucellosis, which is another disease that is of significance to the cattle industry. I can recall, you know, my

own herd having to undergo some of the testing that was still taking place in the early sixties to wipe out that disease, brucellosis.

So, Mr. Speaker, those efforts and I might add, the considerable amount of public money that was expended on making Manitoba disease free as far as TB and brucellosis were concerned, they are in jeopardy at this moment, all that hard effort on the part of the individual producers, and it cost individual producers in those years. There were some compensation programs in place, as there still are, but they never fully repaid the loss of an entire herd as it sometimes was the case back in those years.

All of that massive effort was in the long run worthwhile because it gave us the TB-free, brucellosis-free status that is so important to the free movement of beef cattle, you know, to different parts of the country and most importantly, to our neighbours to the south. All that effort is in jeopardy with a situation that we have allowed to develop, regrettably, in one of our national parks, the Riding Mountain Park, where we now have clearly demonstrated where the diseased animals are coming from and how they are in danger of passing it on to our cattle herds. That is why our trading partner, the U.S., has taken the action that they have done.

Well, Mr. Speaker, I am hoping that the comments made this morning on this bill, the demonstration of support that the Official Opposition is giving to our current Minister of Agriculture (Ms. Wowchuk) and this Government—she has our full support and we encourage her to move aggressively, aggressively to contain the disease and to eradicate it. Thank you, Mr. Speaker.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I rise to talk to Bill 11, The Animal Diseases Amendment Act. I support this legislation. Indeed, I suspect that my vocal comments on pushing the minister to be much more rigorous in handling foot and mouth disease and tuberculosis may have been one of the reasons that she has come forward with legislation to enable her to do a better job in looking at diseases and make sure that things are handled a little better than they have been.

I think that it is worthwhile putting a couple of words on the record first about tuberculosis,

which is a very current area of interest because of the recent designation of Manitoba as a tuberculosis zone by the United States. The significance of this, both immediate and potential in the future, can be major for our cattle producers. Fortunately, the immediate decisions may affect primarily breeding stock exported to the United States, but, certainly, any time that cattle from Manitoba are identified as having tuberculosis, it puts a bad name on Manitoba and Manitoba cattle. The implications are not favourable for us. We clearly need to be able to get the tuberculosis under control and indeed to eliminate it from Manitoba.

\* (10:50)

This bill provides some measures which may be important in assisting that. I would suggest to the minister that it is important in implementing this bill, not only that it be done well from the point of view of being able to reach the end target, which is to eliminate tuberculosis from Manitoba, but also that there does need to be careful attention to the implementation for the protection of privacy and the rights of individuals. So the implementation clearly needs to be done both effectively from the point of view of tuberculosis and well from the point of view of how individual instances and cases and farms and farmers are dealt with.

The circumstances with tuberculosis have the potential to cause all sorts of extra costs and difficulties for cattle producers in Manitoba. I raised the concerns about the recent outbreak and increase in cases in tuberculosis well over a year ago, I think it was June 5 and 6, in this Legislature, of 2001. The action should have been taken quickly and forcefully at that time, and there have been delays. We are now over a year later, but at least we can be thankful that some action is being taken, but passing a bill in the Legislature is only one step. Effective control and elimination of tuberculosis is the objective, and that is the objective that needs to be carried through at this juncture.

I have not only had a chance to talk to a number of cattle producers and members of the Manitoba Cattle Producers Association, but I have had a chance to go out and visit a feedlot north of Brandon to have a first-hand discussion

of this circumstance, the tuberculosis, the potential implications for producers and for feedlot owners. They are clearly major for the cattle industry, the producers, the feedlot owners and indeed for processing should at one point we be back into the processing business in a major way in this province.

So, clearly, those things which need to be done at a provincial level, like looking after the tuberculosis, are those things which we need to make sure are done very, very well. It is not good enough, as the minister has sometimes said, that this is just a federal responsibility and we are kind of part-time players. That is not a good enough position to take.

The presentation of this bill is just one acknowledgment of the fact that there is not only a provincial role but a very important provincial role in ending the tuberculosis in cattle in Manitoba and eliminating this disease from the province of Manitoba.

The decisions which are to come, whether in fact we have the capacity and the ability to designate a zone around Riding Mountain National Park so not all Manitoba cattle producers are affected, are important ones. This bill will provide some of the tools to enable us to say in Manitoba that we have effectively got control of a zone where there is, at the moment, some tuberculosis, in order to protect the rest of the cattle producers.

The implementation of these measures so that they are done in a fair way, so that we provide the right sort of framework so that cattle producers are ready to come forward when they have animals, and not to hide information, these elements are very, very important in our ability to eradicate tuberculosis from Manitoba.

The steps that now need to be taken once we can pass this bill, which hopefully will be soon, are numerous to make sure that the tuberculosis outbreak is not just brought under control but that we indeed manage to eliminate tuberculosis from the province.

There are, of course, both federal and provincial issues that surround the tuberculosis in the wildlife in Riding Mountain National Park. I

think that it should be possible, with goodwill on the part of individuals involved, to work together in a co-operative fashion to eliminate tuberculosis. There are clearly some areas which are not so easy, in terms of doing this, in wildlife in the national park. But I believe with modern technology, tools and with a substantive effort on the part of all that we can find creative ways to do this. And it is now up to the minister to afford that effort and to find those creative approaches to a solution which is needed not just for the cattle industry, but indeed we need to think about the better health of the wildlife in Riding Mountain National Park, which should also be a goal for all of us.

The relevance of this legislation is not just for tuberculosis. This is important legislation to deal with conditions like foot and mouth disease which has devastated the cattle industry in the United Kingdom and in a number of other countries. It is very important that we have a strategy for being on top of foot and mouth disease should this disease come to anywhere in North America. As we heard a year or so ago from the delegation from South Dakota, South Dakota has a very clear plan and, indeed, a set of plans, so that South Dakota can deal with what they would do if indeed there was a case of foot and mouth disease somewhere else in North America to protect South Dakota. They would differentiate between some distance away from South Dakota, nearby South Dakota, in terms of the extent of measures that would be taken and needed to protect South Dakota.

We need to have the same sort of approach here in Manitoba. The measures in this bill will provide some enhanced capacity to track animals, to make sure that, indeed, we can move forward Manitoba's ability to protect all livestock producers in this province because in the case of foot and mouth disease, it is not just cattle, it is pigs, hogs and sheep, in particular, as well as cattle, which are susceptible and which are at risk.

Measures in this legislation would also provide enhanced capacity to deal with foot and mouth disease should it occur anywhere within Manitoba. I think it is important that the minister take the step to have a clearly defined foot and mouth strategy, a plan, stepwise, to deal with

this condition should it ever come to anywhere in North America or to Manitoba.

\* (11:00)

Though this is clearly a co-operative effort with the Canadian Food Inspection Agency and the federal government, there is a very important role here for the Province of Manitoba to make sure not only that the legislation is in place but also to make sure that the plans and the strategy for Manitoba is in place; for instance, just as we are talking now about trying to have the capacity to have a zone near Riding Mountain, so that not all cattle producers and not all cattle in Manitoba will be affected. So it would be very important in the case of foot and mouth disease to be able to put a provincial zone in place, so that we would not be devastated as a result of a case of foot and mouth disease, for example, in Saskatchewan to the extent that we would not be able to export any of our livestock and so on.

So it is quite important in the case of foot and mouth disease that we be able to designate zones and that, at the minimum, those zones should not just be a western Canada zone, but they should be able to be designated as a provincial zone. Hopefully, we can even move, should this occur and as we are trying to do with tuberculosis, to have a zone which is within a province if this sort of unfortunate event ever occurred with a case of foot and mouth disease in Manitoba.

Clearly, this means a combination of legislation and the capacity to follow through in an appropriate and thorough way so that we can ensure jurisdictions to which we are exporting our products—the United States is an example—that we are really on top of circumstances with diseases within our province.

The conditions and the climate in which we exist today in an international trade perspective are such that the ways that we have operated in the past are no longer sufficient, that indeed we need the kinds of monitoring, the ability to ensure that diseases and so on are handled well not only to protect ourselves but to protect people to whom we are exporting or shipping, whether it be live animals or processed meats.

So, clearly, in today's world the measures which are operating here are the sorts of measures which are important to be able to make those steps forward in protecting the food chain, in protecting our industry, and in making sure that we decrease the risk to livestock producers, the risks to cattle, the risks to citizens from consuming these products.

Mr. Speaker, the bovine tuberculosis many years ago was a problem in milk—[interjection]—right, and humans, as the member from Lakeside has just indicated, and I raised this issue. Unfortunately, the likelihood of problems with people, particularly as we are operating at the moment, is, as I understand it, minimal to virtually zero. But, clearly, from looking at the food chain from a variety of diseases that we may deal with, not just tuberculosis and foot and mouth disease, that protecting the food chain for people must be one of the important reasons and one of the important goals of the efforts that we are undertaking and of measures such as this bill, The Animal Diseases Amendment Act.

There is, over the last number of years, considerable growth in the hog and the beef industry, and indeed the sheep industry in Manitoba, and it is important that things are handled responsibly, that people in Manitoba know that as we approach the increase in livestock numbers in this province that we are on top of issues like disease and disease management, disease control, disease elimination. It is also, of course, important that we are on top of environmental and other issues, and these are critical limiting factors in the ability of producers to continue to produce their product for us to have a viable livestock industry. So we need to recognize the importance of doing things well in all aspects of how we handle the livestock industry, and this is one of those steps which is important in that direction.

So, Mr. Speaker, I speak in support of this bill. I believe indeed this bill has all-party support, and I think that is a positive step as we move forward to discuss and I expect to pass this legislation.

**Mr. Speaker:** Is the House ready for the question?

**An Honourable Member:** Question.

**Mr. Speaker:** The question before the House is Bill 11, The Animal Diseases Amendment Act.

Is it the pleasure of the House to adopt the motion? [*Agreed*]

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, would you canvass the House to determine if there is leave to have the matter dealt with in the Committee of the Whole?

**Mr. Speaker:** Is there leave of the House for the matter to be dealt with at Committee of the Whole? [*Agreed*]

**Mr. Mackintosh:** Mr. Speaker, I move, seconded by the Minister of Conservation (Mr. Lathlin), that the House resolve into Committee of the Whole to consider and report on Bill 11, The Animal Diseases Amendment Act, for third reading.

*Motion agreed to.*

## COMMITTEE OF THE WHOLE

### Bill 11—The Animal Diseases Amendment Act

**The Acting Chairperson (Mr. Harry Schellenberg):** Good morning. Will the Committee of the Whole please come to order. This morning we will be considering Bill 11, The Animal Diseases Amendment Act. Does the acting minister responsible for Bill 11 have an opening statement?

\* (11:10)

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** No.

**The Acting Chairperson (Mr. Harry Schellenberg):** We thank the minister. Does the critic from the Official Opposition have an opening statement?

**Mr. Jack Penner (Emerson):** Mr. Speaker, just a few final comments on this bill. I believe that this bill is an indication of what is needed in the province currently. I would commend the department for the drafting of this bill. I think this bill is well done and could be used as an example as to how to craft legislation in such a manner that it can be acceptable in a significantly broad base.

The one area that I want to make note of is the reference to the entry into a residence and the requirement of a search warrant, of a warrant before entry into a residence. I think there could be consistency drafted into all the bills that would reflect what is being reflected here. I commend whoever drafted this bill for drafting it the way it was done.

Secondly, I think it is important to note that this will finally give the director of the department the authority to deal with the matter expeditiously if and when it occurs. In light of what has happened in United Kingdom and foot and mouth disease there, I think it is important that we all support this legislation at this time.

**The Acting Chairperson (Mr. Harry Schellenberg):** We thank the member.

**Hon. Jon Gerrard (River Heights):** I would ask for leave just to—

**The Acting Chairperson (Mr. Harry Schellenberg):** Does the member have leave? [*Agreed*]

**Mr. Gerrard:** Mr. Chair, I just want to make a few comments on this bill as we go through the line-by-line and page-by-page. Rather than comment on particular sections, I would put my comments on at the front. I would say that the important aspects of this bill, which deal with animal movements, and appear to be, from a perspective of today, well-crafted in order to be able to help the province and producers deal responsibly with control of animal movements should this be necessary because of disease processes.

I would suggest that, when this is implemented, it will be very important to have planning well ahead of time to make sure that there is not a lot of chaos and confusion at the time that measures are implemented. But the laying out of the legislation appears to be reasonable from the ability to look at, control, monitor and keep track of animal movements. This is an area that I have asked for attention to before and clearly is an important area.

The need for a search warrant is also important because it is vital that we have the ability for people to have their homes and their businesses protected, and that there be rights for individuals. I think, once again, that these processes

should allow the province to deal rapidly with circumstances that may arise. So, rather than commenting on original points, I would make my comments now that I am ready to proceed with and approve clause by clause.

**The Acting Chairperson (Mr. Harry Schellenberg):** During consideration of the bill, 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, the Chair 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*]

Clauses 1 and 2—pass; clause 3—pass; clause 4—pass; clause 5—pass; clause 6—pass; clause 7(1)—pass; clause 7(2)—pass; clauses 8 to 9(3)—pass; clauses 10 and 11—pass; clauses 12 and 13—pass; clause 14—pass; clause 15—pass; enacting clause—pass; title—pass. Bill be reported.

**Mr. Chairperson:** Committee rise. Call in the Speaker.

## IN SESSION

### Committee Report

**The Acting Chairperson (Mr. Harry Schellenberg):** Mr. Speaker, the Committee of the Whole has considered Bill 11 and reports the same without amendment.

I move, seconded by the Member for Interlake (Mr. Nevakshonoff), that the report of the committee be received.

*Motion agreed to.*

\* \* \*

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, would you canvass the House to see if there is need to proceed to report stage and the third reading of Bill 11?

**Mr. Speaker:** Is it the will of the House to move to report stage on Bill 11? [*Agreed*]

\* (11:20)

## REPORT STAGE

### Bill 11—The Animal Diseases Amendment Act

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, I move, seconded by the Minister of Transportation and Government Services (Mr. Ashton), that Bill 11, The Animal Diseases Amendment Act, as reported from the Committee of the Whole, be concurred in.

*Motion agreed to.*

## THIRD READINGS

### Bill 11—The Animal Diseases Amendment Act

**Hon. Gord Mackintosh (Government House Leader):** I move, seconded by the Minister of Transportation and Government Services (Mr. Ashton), that Bill 11, The Animal Diseases Amendment Act, be now read for a third time and passed.

**Mr. Speaker:** Is there leave for third reading of Bill 11? [*Agreed*]

*Motion presented.*

**An Honourable Member:** Mr. Speaker, I wanted to put a few words on the record.

**Mr. Speaker:** We will revert back to third reading of Bill 11. [*Agreed*]

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I just want to say briefly that it is nice to see that, when we have recognition of a tuberculosis outbreak, we have co-operation in the House to be able to move this kind of measure forward quickly.

I would just pay my compliments to all members who are here today to be able to move this quickly. Thank you.

**Mr. Speaker:** Is the House ready for the question?

**Mr. Jack Penner (Emerson):** I would just like to endorse what the honourable Member for River Heights (Mr. Gerrard) has just said. I believe that there is a clear demonstration here that, when there is a need and there is a will, there is tremendous co-operation in this Chamber. I think we have seen this time and time again.

Very often the semantics that go on during Question Period and the posturing that goes on to gain that 10-second clip, it is quite evident here that that is not required when the true business of the House needs to be done in an expeditious manner. I think we have seen here a willingness and co-operation that we have seen many times in this House.

So I congratulate all members of this House to move this way.

**Mr. Speaker:** Is the House ready for the question?

**An Honourable Member:** Question.

**Mr. Speaker:** The question before the House is third reading, Bill 11, The Animal Diseases Amendment Act.

Is it the pleasure of the House to adopt the motion? [*Agreed*]

#### House Business

**Mr. Mackintosh:** Mr. Speaker, just to advise the House, it is my understanding that Royal Assent will take place on legislation at approximately 11:50 this morning.

Mr. Speaker, would you please call report stage of bills in the following order: 15, 13 and then the rest of the bills in the order they appear on the Order Paper.

**Mr. Speaker:** It has been advised that Royal Assent will take place at approximately 11:50 this morning.

#### REPORT STAGE

##### Bill 15 – The Fatal Accidents Amendment Act

**Mr. Speaker:** Now we will move to report stage on Bill 15, The Fatal Accidents Amendment Act, Amendment, standing in the name of the honourable Member for Fort Garry.

**Mrs. Joy Smith (Fort Garry):** During committee, I had brought forth an amendment to The Fatal Accidents Amendment Act, and this Bill 15, I recommended, be amended by replacing section 5 with the following:

#### *Transition*

*5(1) The Fatal Accidents Act as it read immediately before the coming into force of this Act applies to an action*

*(a) in respect of a deceased who dies before this act comes into force; and*

*(b) in which judgment has been rendered.*

#### *Transition—outstanding actions*

*5(2) The Fatal Accidents Act as amended by this Act applies to an action in respect to the deceased who dies*

*(a) on or after the day this Act comes into force; or*

*(b) before this Act comes into force, if an action in respect to the deceased has been or may be brought, but judgment has not yet been rendered in respect of such an action.*

Mr. Speaker, having said this, in collaboration and encouraging members opposite to adopt this amendment act because of the court case especially centred around Jack McLaughlin, it was necessary to have this amendment put into the act. I am pleased to say today I can withdraw this amendment at this time to address this problem.

**Mr. Speaker:** The amendment has been withdrawn by the honourable Member for Fort Garry.

Now an amendment by the honourable Attorney General.

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** Mr. Speaker, I move, seconded by the Member for Fort Garry (Mrs. Smith),

*THAT Bill 15 be amended by replacing section 5 with the following:*

#### *Transitional*

*5 The Fatal Accidents Act,*

*as amended by this Act, applies to an action under The Fatal Accidents Act, regardless of whether the death occurred before or after the coming into force of this Act.*

#### *Motion presented.*

**Mr. Mackintosh:** Mr. Speaker, I am pleased to address this bill at report stage and in particular



present this amendment. There was some significant discussion in committee triggered by the presentation of Mr. Jack McLaughlin, who is a survivor of a heinous criminal act in this province, a survivor of the death of his son. What I said at committee, and I will reiterate now, is that when we hear the voices of victims of crime, it is very important that they be heard and be listened to. Mr. McLaughlin had urged that there be a reconsideration of the transitional aspect of the bill, the reconsideration of when the bill will actually affect Manitobans.

Mr. Speaker, that was an issue that had been canvassed between my office and Legislative Counsel before the bill was introduced. I know that the advice of counsel and the approach, for example, in Alberta was to apply the act only to deaths that occurred after the coming into force of the legislation. The lens that was used to determine that approach was, of course, first of all, a test of fairness, but it was also an approach that looked to see how would two cases coming from the same wrongful act be treated. There was a concern, and, of course, the concern does continue nonetheless, that it is possible that two cases under The Fatal Accidents Act arising from the same wrongful act could be treated very differently if there was a provision, a transitional provision different than what was in the bill that went to committee.

In other words, if this legislation is given Royal Assent at noon today, if one case from a wrongful act was settled yesterday and the other case was still outstanding, there certainly would be, and I appreciate this, a feeling of some injustice for the victims in the settled case. That was a concern.

As a result of the presentation by Mr. McLaughlin, I think I can say the Member for Fort Garry (Mrs. Smith), the opposition Justice critic, put an exclamation mark on that presentation and presented an amendment at committee to look at a different transitional provision. I commend the member opposite for that intervention and for that advocacy. There was an undertaking that I would go back to the department to see if there is any fairer way to have this legislation applied.

\* (11:30)

They worked hard on this. Excellent counsel in Civil Legal Services and in the department

consulted with each other on this. They offered another option aside from the approach in Alberta and that which is in the bill as presented to committee. I would characterize it as a different lens. It is one that I find very attractive. If a civil case was decided today in Manitoba to increase the common-law award of damages under The Fatal Accidents Act, which a court is entitled to do, and indeed it was the Manitoba Court of Appeal decision under The Fatal Accidents Act which led to this bill and the Law Reform Commission's report, but if the court today gave a ruling increasing the damages from \$10,000 to \$30,000, that decision would apply to any outstanding case immediately, without regard to when the death occurred.

We ask ourselves why is it not fair that the legislation simply apply to all cases outstanding today. The legislation clearly would not apply to cases that had just recently been settled. I understand that there could be some frustrations, but I think this is fairer because it applies to more Manitobans, more victims than the earlier version. It also listens to the voice of victims.

We recognize that most of the actions under the act are cases of negligence, but this act does serve as an appendage to the criminal justice system, in a way. The balancing of interests here favours this amendment. I am particularly pleased that it appears that this legislation will come into force today. I think that this is very positive. I want to say that I know the earlier lens and discussions in committee revolved around the issue of retroactivity. It appears that this is not a matter of retroactivity at all when you really stand back and look at it. This is a matter of looking ahead from today.

This transitional amendment would mean essentially it has the same effect as if a court of appeal had made a binding decision which increased the damage awards available under The Fatal Accidents Act. All courts would apply that new law.

We do recognize certain shortcomings as expressed at committee with different ways of approaching it. I think this is very good. I think it is an example of members of the House hearing from the public, hearing from important voices and working together to strengthen a bill. I thank the Member for Fort Garry (Mrs. Smith),

and I thank Mr. McLaughlin in particular. I am just very pleased that we are today looking at a stronger bill.

**Mrs. Smith:** Mr. Speaker, I would like to take a few minutes to put some comments on the record regarding Bill 15. I want to commend the Justice Minister and members opposite for agreeing at committee that night to take a look, a second look, at some of the questions that were very legitimate, particularly to questions regarding the amendment that is a very important amendment that was set forward to cover off clearly a case that had strong reverberations throughout the province of Manitoba.

Mr. Speaker, just to review, in Fort Garry, Mr. McLaughlin's son was literally beaten to death, and he became a victim. The McLaughlin family became a victim of a horrendous crime. Having said that, many different things happen to families when this occurs. This particular family has gone through coping with this senseless violent act and has been impacted in a major way along the way, having to deal with the death of a son.

At Law Amendments, when Bill 15 came into play, clearly it was a bill members on this side of the House supported. It was a very good piece of legislation. The only comment members on our side of the House and, as Justice critic that I myself had, was in relation to this amendment. I do have to commend again, to say that the Minister of Justice and members opposite picked up the torch, stood firm and did examine the whole situation.

I have to commend again members opposite and thank the Attorney General for taking the time to come back and acknowledge the fact that this amendment was needed in the bill. I want to thank the support that had to be there at the committee level, at the caucus level. This is the way government should work. So we took it out of the political realm and into the realm of doing exactly what politics is supposed to do and lawmakers are supposed to do, to put bills forward, Mr. Speaker, for the good of the people in the province of Manitoba.

So I thank you. It was a pleasure to work with members opposite on this bill.

**Mr. Speaker:** Is the House ready for the question?

**An Honourable Member:** Question.

**Mr. Speaker:** The question before the House is the amendment to Bill 15, The Fatal Accidents Amendment Act.

Is it the pleasure of the House to adopt the amendment? [*Agreed*]

I will move to main motion Bill 15, The Fatal Accidents Amendment Act.

**Mr. Mackintosh:** Mr. Speaker, I move, seconded by the Member for Fort Garry (Mrs. Smith), that Bill 15, The Fatal Accidents Amendment Act, as reported from the Standing Committee on Law Amendments and subsequently amended, be concurred in.

*Motion agreed to.*

\* \* \*

**Mr. Mackintosh:** Mr. Speaker, given the passage of report stage on 15, would you canvass the House before proceeding with the list to move Bill 15 for a third reading?

**Mr. Speaker:** Is there leave to move Bill 15 for a third reading? [*Agreed*]

### THIRD READINGS

#### Bill 15—The Fatal Accidents Amendment Act

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** Mr. Speaker, I move, seconded by the Minister of Transportation and Government Services (Mr. Ashton), that Bill 15, The Fatal Accidents Amendment Act, be now read for a third time and passed.

*Motion agreed to.*

\* (11:40)

### REPORT STAGE

#### Bill 13—The Medical Laboratory Technologists Act

**Hon. Gord Mackintosh (Government House Leader):** I move, seconded by the Minister of

Transportation and Government Services (Mr. Ashton), that Bill 13, The Medical Laboratory Technologists Act, as reported from the Standing Committee on Law Amendments, be concurred in.

*Motion agreed to.*

**Bill 16—The Class Proceedings Act**

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** I move, seconded by the Minister of Transportation and Government Services (Mr. Ashton), that Bill 16, The Class Proceedings Act, as reported from the Standing Committee on Law Amendments, be concurred in.

*Motion agreed to.*

**Bill 18—The Special Survey Amendment Act**

**Hon. Gord Mackintosh (Government House Leader):** I move, seconded by the Minister of Transportation and Government Services (Mr. Ashton), that Bill 18, The Special Survey Amendment Act, as reported from the Standing Committee on Law Amendments, be concurred in.

*Motion agreed to.*

**Bill 25—The Hearing Aid Amendment Act**

**Hon. Gord Mackintosh (Government House Leader):** I move, seconded by the Minister of Transportation and Government Services (Mr. Ashton), that Bill 25, The Hearing Aid Amendment Act, as reported from the Standing Committee on Law Amendments, be concurred in.

*Motion agreed to.*

**Bill 26—The Occupational Therapists Act**

**Hon. Gord Mackintosh (Government House Leader):** I move, seconded by the Minister of Transportation and Government Services (Mr. Ashton), that Bill 26, The Occupational Therapists Act, as amended and reported from the Standing Committee on Law Amendments, be concurred in.

*Motion agreed to.*

**Bill 28—The Registered Dietitians Act**

**Hon. Gord Mackintosh (Government House Leader):** I move, seconded by the Minister of Transportation and Government Services (Mr. Ashton), that Bill 28, The Registered Dietitians Act, as amended and reported from the Standing Committee on Law Amendments, be concurred in.

*Motion agreed to.*

\* \* \*

**Mr. Mackintosh:** Would you please canvass the House to determine if there is leave to now move to third reading of the bills just given report stage approval?

**Mr. Speaker:** Is there leave for bills to move into third reading that have just been agreed to? *[Agreed]*

**THIRD READINGS**

**Bill 13—The Medical Laboratory Technologists Act**

**Hon. Gord Mackintosh (Government House Leader):** I move, seconded by the Minister of Transportation and Government Services (Mr. Ashton), that Bill 13, The Medical Laboratory Technologists Act, be now read for a third time and passed.

*Motion agreed to.*

**Bill 16—The Class Proceedings Act**

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** I move, seconded by the Minister of Transportation and Government Services (Mr. Ashton), that Bill 16, The Class Proceedings Act, be now read for a third time and passed.

*Motion agreed to.*

**Bill 18—The Special Survey Amendment Act**

**Hon. Gord Mackintosh (Government House Leader):** I move, seconded by the Minister of

Transportation and Government Services (Mr. Ashton), that Bill 18, The Special Survey Amendment Act, be now read for a third time and passed.

*Motion agreed to.*

**Bill 25—The Hearing Aid  
Amendment Act**

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, I move, seconded by the Minister of Transportation and Government Services (Mr. Ashton), that Bill 25, The Hearing Aid Amendment Act, be now read for a third time and passed.

*Motion agreed to.*

**Bill 26—The Occupational  
Therapists Act**

**Hon. Gord Mackintosh (Government House Leader):** I move, seconded by the Minister of Transportation and Government Services (Mr. Ashton), that Bill 26, The Occupational Therapists Act, be now read for a third time and passed.

*Motion agreed to.*

**Bill 28—The Registered Dietitians Act**

**Hon. Gord Mackintosh (Government House Leader):** I move, seconded by the Minister of Transportation and Government Services (Mr. Ashton), that Bill 28, The Registered Dietitians Act, be now read for a third time and passed.

*Motion agreed to.*

\* \* \*

**Mr. Mackintosh:** Mr. Speaker, it is my understanding that the paperwork is being concluded and the Lieutenant-Governor will be arriving in about five minutes, the Administrator.

**Mr. Speaker:** For advisement of the House, the Administrator will be arriving in about five minutes.

**ROYAL ASSENT**

*His Honour Peter Liba, Lieutenant-Governor of the Province of Manitoba, having entered the*

*House and being seated on the Throne, Mr. Speaker addressed His Honour the Lieutenant-Governor in the following words:*

**Mr. Speaker:** Your Honour, this sitting of the Legislative Assembly has passed certain bills, which I would ask your Honour to give assent to.

\* (11:50)

**Madam Clerk (Patricia Chaychuk):**

Bill 11—The Animal Diseases Amendment Act; Loi modifiant la Loi sur les maladies des animaux

Bill 13—The Medical Laboratory Technologists Act; Loi sur les technologistes de laboratoire médical

Bill 15—The Fatal Accidents Amendment Act; Loi modifiant la Loi sur les accidents mortels

Bill 16—The Class Proceedings Act; Loi sur les recours collectifs

Bill 18—The Special Survey Amendment Act; Loi modifiant la Loi sur les arpentages spéciaux

Bill 25—The Hearing Aid Amendment Act; Loi modifiant la Loi sur les appareils auditifs

Bill 26—The Occupational Therapists Act; Loi sur les ergothérapeutes

Bill 28—The Registered Dietitians Act; Loi sur les diététistes

In Her Majesty's name, His Honour assents to these bills.

*His Honour was then pleased to retire.*

**Mr. Mackintosh:** Is it the will to call it twelve o'clock?

**Mr. Speaker:** Is it the will of the House to call it twelve o'clock? [*Agreed*]

The hour being 12 p.m., we will now recess and reconvene at 1:30 p.m.

# LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, July 25, 2002

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