

**Fourth Session - Fortieth Legislature**  
**of the**  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
**on**  
**Social and Economic Development**

*Chairperson*  
*Mr. Bidhu Jha*  
*Constituency of Radisson*

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Fortieth Legislature**

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

**Monday, September 14, 2015**

**TIME – 6 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Mr. Bidhu Jha (Radisson)**

**VICE-CHAIRPERSON – Ms. Theresa Oswald  
(Seine River)**

**ATTENDANCE – 11 QUORUM – 6**

*Members of the Committee present:*

*Hon. Messrs. Chomiak, Lemieux, Mackintosh*

*Messrs. Ewasko, Goertzen, Helwer, Jha,  
Ms. Oswald, Messrs. Pedersen, Struthers, Swan*

**PUBLIC PRESENTERS:**

*Bill 4–The Farm and Food Awareness Act*

*Mr. James Battershill, Keystone Agricultural  
Producers*

*Bill 32–The Noxious Weeds Amendment Act*

*Mr. James Battershill, Keystone Agricultural  
Producers*

*Bill 19–The Legal Profession Amendment Act*

*Mr. David Grant, private citizen*

*Bill 23–The Boxing Amendment Act*

*Mr. Bill Tibbs, Manitoba Combative Sports  
Commission*

**WRITTEN SUBMISSIONS:**

*Bill 32–The Noxious Weeds Amendment Act*

*Joe Masi, Association of Manitoba  
Municipalities*

*Kent Shewfelt, Manitoba Weed Supervisors  
Association*

**MATTERS UNDER CONSIDERATION:**

*Bill 4–The Farm and Food Awareness Act*

*Bill 15–The Foreign Cultural Objects Immunity  
from Seizure Amendment Act*

*Bill 19–The Legal Profession Amendment Act*

*Bill 23–The Boxing Amendment Act*

*Bill 28–The Personal Property Security  
Amendment Act*

*Bill 32–The Noxious Weeds Amendment Act*

*Bill 34–The Safer Roads Act (Drivers and  
Vehicles Act and Highway Traffic Act Amended)*

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**Madam Vice-Chairperson:** Good evening, everyone. Will the Standing Committee on Social and Economic Development please come to order.

Before the committee can proceed with the business before it, it must elect a new Chairperson. Are there any nominations for this position?

**Mr. Andrew Swan (Minto):** I nominate Mr. Jha.

**Madam Vice-Chairperson:** Thank you very much. Mr. Jha has been nominated. Are there any other nominations?

Hearing no other nominations, Mr. Jha, will you please take the Chair.

*Mr. Chairperson in the Chair*

**Mr. Chairperson:** Thank you very much.

The meeting has been called to consider the following bills: Bill 4, The Farm and Food Awareness Act; Bill 15, The Foreign Cultural Objects Immunity from Seizure Amendment Act; Bill 19, The Legal Profession Amendment Act; Bill 23, The Boxing Amendment Act; Bill 28, The Personal Property Security Amendment Act; Bill 32, The Noxious Weeds Amendment Act; Bill 34, The Safer Roads Act. How late does the committee–*[interjection]* Yes, let me clarify the Bill 34 is (The Drivers and Vehicles Act and Highway Traffic Act Amended).

How late does the committee wish to sit?

**Mr. Kelvin Goertzen (Steinbach):** Mr. Chairperson, until the work of the committee is complete.

**Mr. Chairperson:** Is that agreed? *[Agreed]*

We have a number of presenters registered to speak tonight, as noted on the list of the presenters before you. I'd like to note that we have James Battershill listed as a presenter to Bill 4 and to

Bill 32. Does the committee agree to have Mr. Battershill make both the presentations when his name is called? *[Agreed]*

Written submissions from the following persons have been received and distributed to committee members: Joe Masi, Association of Manitoba Municipalities, on Bill 32; Kent Shewfelt, Manitoba Weed Supervisors Association, on Bill 32.

Does the committee agree to receive these documents and have them appear in the Hansard transcript of this meeting? *[Agreed]*

I, too—I'd like to inform the committee that we have with us tonight two of the new pages for 2015-2016: Anika Nelson, this is her first committee; and Hilary Ransom, her second committee.

Stand up. Thank you. Welcome to the Assembly.

Before we proceed with presentations, we do have a number of other items and points of information to consider. First of all, if there is anyone else in the audience who would like to make a presentation this evening, please register with the staff at the entrance. Also, for the information for all presenters, while written versions of presentations are not required, if you're going to accompany your presentation with written materials, we ask you provide 20 copies. And, if you need help for photocopying, please speak with our staff.

As in accordance with our rules, the time limit of 10 minutes have been allotted for presenters with another five minutes allotted for questions from committee members. If a presenter is not in the attendance, their name will be called and will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called the second time, they will be removed from the presenter list.

Prior to proceeding with public presentations, I'd like to advise members of the public regarding the process for speaking in committee. The proceedings of our meetings are recorded in order to provide verbatim transcripts. Each time someone wishes to speak, whether it is an MLA or a presenter, I would have to say the person's name; this is the signal for the Hansard recorder to turn the mics on and off. And I request you to raise your hand if you wish to speak here, from the committee or outside.

Thank you for your patience. We will now proceed with the public presentations.

#### **Bill 4—The Farm and Food Awareness Act**

**Mr. Chairperson:** So the first name here is James Battershill.

Mr. Battershill, do you have any written material, sir?

**Mr. James Battershill (Keystone Agricultural Producers):** I do.

**Mr. Chairperson:** Could you distribute that?

**Mr. Battershill:** Absolutely.

Mr. Chair, if it pleases the committee, I'd like to start with Bill 4, The Farm and Food Awareness Act.

Good evening, honourable members of the Legislative Assembly, ladies and gentlemen. My name is James Battershill. I'm the general manager of Keystone Agriculture Producers, commonly known as KAP. On behalf of KAP, I would like to share our organization's position with respect to Bill 4, The Farm and Food Awareness Act. KAP is Manitoba's general farm policy organization, and our mandate is to represent and promote the interests of thousands of agricultural producers in Manitoba. Our membership consists entirely of Manitoba farmers and commodity associations from across Manitoba. They are the ones who set our organization's policy through a grassroots governance structure.

Times have changed. Demographic shifts and the urbanization of society has left fewer and fewer Manitobans with a direct connection to the farm. A single generation ago, it was far more likely that if you didn't grow up on a farm yourself, you spent time visiting a family member's farm over the summer. This lack of real, tangible connection to agriculture has left a large gap in people's knowledge and awareness of how their food is produced, a gap which is often filled with myths and misconceptions.

We at KAP see it as our responsibility to partner with government and other industry stakeholders, just as it's described in section 5(1)(d) of this act, to fill this knowledge gap by participating in initiatives such as Ag in the City, Ag in the Classroom and Open Farm Day. And we are committed to supporting farm and food awareness week, which is proclaimed through this act in an effort to further this goal.

\* (18:10)

While it is becoming more infrequent for individuals to have a connection to a farm, everyone is still connected to agriculture as consumers of

the food farmers produce. This provides us, as agricultural stakeholders, with an opportunity to connect with Manitobans at large. Retailers have introduced a host of labelling initiatives and marketing initiatives to try and earn a premium from consumers by differentiating their food purchases. Of these, studies have shown that the label of local is by far the most effective at encouraging people to purchase. According to a business development Canada study, about half of Manitobans seek out locally grown and raised food and are willing to pay a premium for that food. Now, half may sound good, but it actually puts us in—tied for last place with Saskatchewan in Canada for that metric. More than three quarters of people using that same valuation in Quebec and the Atlantic provinces seek out locally produced food.

Now, section 5 of The Farm and Food and Awareness Act refers to establishment of goals, and I would offer that this be the first one set: that Manitoba should be leading the country in consumers who seek out locally produced food because they understand the care taken to produce it and the value of the contribution that farmers make to this province. To achieve this goal the government of Manitoba should commit to continuing to support the Manitoba program, an initiative that has been developed to help consumers identify Manitoba foods in the marketplace. Buy Manitoba has already been proven to be very successful at increasing the purchases of Manitoba-grown and processed foods.

Further to setting goals, section 5(3) of the act says that the minister will consult with organizations that have an interest in a potential goal and that this is an important consideration. We would argue that the prospective targets will only be achieved through government committing to work with the entire value chain, including farmers, processors, distributors to ensure that an effective strategic plan to encourage local food consumption is—can be developed.

We do also applaud the minister for proclaiming Agriculture Awareness Day and committing to highlight agriculture's contribution to the Manitoba economy. We argue that no other industry has played a larger role in the economic success of this province than primary agriculture. One only needs to look at the buildings that make up our skyline: the Richardson Centre, Paterson Global Foods Institute, the Canada grain commission building, the Cargill Building, the Grain Exchange building, and we begin to see how agriculture truly has shaped and driven

and defined our provincial economy both in rural and urban areas.

While agriculture is central to the economic history of Manitoba, our future success will also depend on our ability to ensure that farmers thrive. Jeff Rubin, the retired chief economist for CIBC World Markets, argues in his book, *The Carbon Bubble*, that the Canadian prairies with our natural advantages in land and water resources are poised to be the economic engine not just for the provincial economy, but for the entire country as growing populations and overall wealth drive the demand for the food that we produce. KAP believes that through strategic public and private investments that Manitoba truly can become a global agricultural superpower.

I would like to take a moment now to let you know of an event that's held every year that brings together government and industry to create awareness and understanding about agriculture in Manitoba, just as this act attempts to do. KAP will be hosting our 11th annual Farmer Appreciation Day this November right here at the Leg. in the Golden Boy dining room, and this is a great event for elected officials and farmers alike as it provides an informal setting for collaboration and conversation about issues and goals just like the ones that this act seeks to define, and I hope to see all of you there.

Thank you for your time today, and we look forward to hearing more as this act moves through the Legislature.

**Mr. Chairperson:** Thank you for your presentation.

Do members of the committee have questions for the presenter?

**Mr. Blaine Pedersen (Midland):** Thank you, James, for coming tonight and presenting on this bill.

One of the points that you made in your presentation was that KAP believes through strategic public and private investments that Manitoba truly can become a global agriculture superpower. Do you have any examples of what those public and private investments would be? *[interjection]*

**Mr. Chairperson:** Yes, kindly be recognized before—yes, Mr. Battershill.

**Mr. Battershill:** It's interesting that you ask that question. I had the opportunity, actually, just last week, to go visit the president of one of our sister organizations in Alberta. He farms in the area of Enchant, Alberta, and his—he's got about a 2,400-acre

farm and it's entirely irrigated. They had an inch of rain the entire year, and in July and August he had his irrigation going nearly 90 per cent of the days. It's a massive investment in that type of infrastructure, which makes sense because it would be nearly impossible to gain any sort of value out of agriculture, out of crop production in that region without that irrigation investment. But the reality was that his average yields across the board, not principally because of heat unit increases but because of the use of irrigation, was upwards of 30 bushels an acre higher than what provincial averages are like here.

The massive amount of infrastructure investment that that takes and the operating cost doesn't mean we can transplant that solution to Manitoba to increase our crop production, but we really do believe that there are strategic technological investments that we can be making, whether it's the adoption of better data analysis technology or tile drainage, for example. We think that there's lots of opportunities where we can really grow the existing provincial ag sector and farm cash receipts.

**Hon. Gord Mackintosh (Acting Minister of Agriculture, Food and Rural Development):** Well, just on behalf of the minister, I thank you, James and KAP, for presenting. And I can just assure you, of course, that the consultations will be as robust in the future as it has been in the past as we move towards the targets and the goals here set out in the act.

**Mr. Chairperson:** Any more?

**Hon. Dave Chomiak (Minister of Mineral Resources):** Yes, thank you for the presentation. I—the mention of Jeff Rubin's book, I—caught my interest because not only—I mean, it's a very profound prediction that he's making, but it is interesting that, as you suggest, what he has talked about us being the breadbasket for the entire world. It's also premised on an infrastructure and preparing for significant climate change, à la your comments about irrigation in Alberta, and the fact the Palliser Triangle connects with—you know, the growing features of the Canadian prairies probably will change significantly over the next several decades. So I'd—any comments or further on that? *[interjection]*

**Mr. Chairperson:** Mr. Battleshill, yes?

**Mr. Battleshill:** Thank you. The approach that we're taking to the challenge before us, and we think that just as Jeff Rubin highlights in the book, is that it's—weather variability is going to be the biggest

challenge. We think that longer growing seasons will obviously create some opportunities for longer season varieties and crops, but we look at existing statistics. And since 1965, you look at our losses as a province through crop insurance to drought and to excess moisture, and they're nearly even. It was funny; when I was explaining to some of my colleagues on why I was going to investigate irrigation in Alberta, they sort of chuckled because we've had excess moisture for so many years in a row in Manitoba, but some of my more seasoned executive members are always quick to remind us that the drought years are often the worst years because the impact of them is so widespread.

So, really, the approach that we're taking, and what we would recommend to government, is that investment in research and development should really be focused not only in the hard infrastructure but in research and development on how we can really be innovators and build resiliency against sort of weather variation as it gets more extreme.

**Mr. Chairperson:** Now, there's no more questions on this bill.

#### Bill 32—The Noxious Weeds Amendment Act

**Mr. Chairperson:** As previously agreed, I'd like to call Mr. Battershill to present again on Bill 32.

**Mr. James Battershill (Keystone Agricultural Producers):** And good evening, honourable members of the Legislative Assembly again.

On behalf of KAP, I'm pleased to be here today to share our organization's position with respect to Bill 32, The Noxious Weeds Amendment Act.

Noxious weeds present a serious challenge for both crop and livestock producers. We are pleased to see legislation brought forward that we expect will protect agricultural land from invasive weeds. Farmers in Manitoba currently spend approximately \$150 million every year on crop protection products, and that's just herbicide to safeguard their crops and pastures from invasive weeds that can potentially reduce yields, be harmful to soil quality and be unsafe for cattle, sheep and other livestock.

\* (18:20)

The proposed amendments are a move in the right direction towards better control and potential eradication of some noxious weeds.

KAP agrees with replacing the legislative weed schedule with three tiers as determined by the minister to make it easier for new species of noxious weeds to be listed and dealt with accordingly. We recognize that there are differences in risk associated with the different types of weeds and the proposed system allows for a regional approach to weed destruction and control.

It is crucial that noxious weeds found in areas where they pose a serious threat to agricultural production are given the tier 1 classification and are addressed with urgency. KAP recommends that the minister appoint an advisory panel with representatives from KAP, the Manitoba Weed Supervisors Association, AMM, and the departments of Agriculture, Food and Rural Development, and Conservation and Water Stewardship to make recommendations on where each species of invasive weeds should be categorized.

KAP further encourages the minister to continue to list common weeds such as dandelions as requiring control. Many of these common weeds can spread very rapidly from urban areas and surrounding agricultural areas to surrounding agricultural land requiring farmers to control them and adding unnecessary expense.

We would like to take note of section 5, the prohibition on moving certain items, and acknowledge that it will impact farmers. The practices described, including cleaning of farm implements prior to any movement, is consistent with field biosecurity programming that KAP and many other industry partners, including the MCGA—Manitoba Canola Growers, are encouraging farmers to adopt.

Awareness and education are critical to increasing the adoption of biosecurity protocols and the government should continue to take this approach of preventing the spread of noxious weeds. Farmers must be informed if there are cases of noxious weeds on their land and they must be made aware of how effectively—how to effectively deal with the removal of weeds from farm implements.

There are a number of ways the proposed amendments will reinforce the importance of controlling noxious weeds, including section 14(6) which allows the minister to take whatever actions are considered necessary to destroy or control noxious weeds, and section 14.1 which outlines when a municipal council is guilty of an offence under the act.

Now, having robust and meaningful power emphasizes how critical it is that all levels of government and all stakeholders, including farmers, use constant vigilance when working in the—in areas where noxious weeds are present. That said, governments should obviously use restraint and exercise these powers when absolutely—only when absolutely necessary.

In that same vein, KAP supports the monetary increases for penalties for non-compliance as per section 36.1 and, again, sees this as an affirmation of the importance of this act. It is essential that government has the tools necessary to enforce the regulations and that farmers and landowners work to be in compliance for the benefit of all agricultural land in the province.

Refusal of a landowner to comply should not be taken lightly and the proposed increase in penalties demonstrates that.

As the impact of climate change becomes more evident, the variety of weed species and the frequency of contaminations are also likely to increase. By making legislative changes that clarify the responsibility of farmers, landowners and municipalities to control noxious weeds, we hope that better and more flexible weed control programs will be developed to the benefit of Manitoba farmers.

Thank you for your time today, and we look forward to continuing to work with the government on this issue.

**Mr. Chairperson:** Thank you, Mr. Battershill.

**Hon. Gord Mackintosh (Acting Minister of Agriculture, Food and Rural Development):** Well, thanks very much for your engagement in the development of the legislation, and I know that will go forward.

I wanted to express my appreciation for your insights into the importance of—the growing importance of biosecurity, but I also have to admit that I didn't have the climate change resilience lens on when I read the legislation, but I think that's a really valuable point. I understand now there's even a—there's an invasive species, actually, that's come here. It's called mile-a-minute, so I think it tells us something about how challenging—increasingly challenging the issue of noxious weeds and invasive species will be as we go forward.

So thanks very much, James.

**Mr. Blaine Pedersen (Midland):** Thank you, James, for your presentation.

In here you mentioned in section 5 about prohibition on moving certain items, and in your presentation it talks about cleaning farm implements. Does this section—in your interpretation does it also include construction equipment or any kind of vehicles or is it specifically only to farm implements?

**Mr. Battershill:** In our reading of the legislation, we believe that when it was originally drafted, obviously being a very different time, that the principal focus was farm implements, but given some of the language in the legislation, we believe that the minister would likely have the discretion to extend that to any equipment, which, given the situation this year, maybe not so much as compared to previous years when we had a lot more oil and gas equipment moving in from other jurisdictions, like Alberta where they had certain plant diseases that we were very concerned about, we think that extending that to all equipment that's really operating in rural areas is important.

**Mr. Chairperson:** Any more questions?

Thank you very much for your presentation.

#### **Bill 19—The Legal Profession Amendment Act**

**Mr. Chairperson:** Now, we have other presenters; on Bill 19, David Grant.

Mr. Grant, do you have any written material for distribution?

**Mr. David Grant (Private Citizen):** I do not.

**Mr. Chairperson:** Okay, then proceed with your presentation, kindly.

**Mr. Grant:** As I speak—I wrote this thing right after the bill went for first—or for second reading, so it's a little out of date, but as I speak, I'm reminded of how futile speaking to bills here really is, unless they're just congratulatory.

When I spoke here in 2013, it was to Bill 2. I presented three engineering solutions to reduce the dangers that highway traffic presents to those working near it. All were based on a careful analysis of the dangers and the actual situations. I've spent decades analyzing workplace risks as a professional engineer. My ideas on Bill 2 led to more than 10 minutes of questions, sort of cool. Minister Braun walked over to me afterward saying she would incorporate all these ideas in her bill. She said I'd be

invited to her office to see her to discuss this. I cannot imagine a more positive reaction one could receive from this committee.

Unfortunately, none of these ever happened. Bill 2 is written, I suspect it was an MFL document a few months before that, almost the same wording. But I'm not sure why that happened. It could be because, you know, this close to the end of the passing of the bill, it's just too late to make any changes. Any changes means a ton of extra revision work, and maybe that's why. It could be that there was influence not to mess with somebody's pet bill, but whatever, we, at this stage, I have no way of knowing. But it does cause me to worry that this process is not doing all it could to protect Manitobans, and I would like to suggest that people, not this committee necessarily, consider technical input to bills at a much earlier stage. I'm thinking after first reading is time for somebody to say, technically, this would make it better. The time for congratulations is at this stage, and that's Bill 2 in 2013; everybody else was there to congratulate the bill and the minister.

But there are—there's a downside to this. Right around the time this got—that Bill 19 got its second reading, there was a crash in BC. A tow truck doing its work; a bus driver, half-asleep, slams into the tow truck. Lots of carnage, lots of people injured, and my thought is if we had introduced the—one of my ideas was a buzz strip. If you put a buzz strip before a stop sign, people are less likely to blow through it. If you put a buzz strip temporarily before the tow truck guy, or before other roadside operations, it tends to wake people up. In Manitoba we had a 18-wheeler on a highway, it ran into a tow—a fire truck. Fire truck, bright lights, bright red, how could you run into it? Well, you need some waking up.

And, anyway, by not introducing this buzz strip thing, that carnage happened. The bill itself brought in—again, we're picking on somebody else's bill—but it brought in 24-7 reductions in speed for construction and fines but no engineering controls. So, once again, we have left Manitoba roadside workers unprotected from sleepy drivers, dozy drivers, whatever, and I would still like that to be revisited. I did say this same comment to Ms. Braun last week and I would like to see it done.

\* (18:30)

But I would like this group to give second thought to allowing technical input from the public. I did try talking to Ms. Braun, you know, afterwards



and didn't get anywhere. But that's certainly an area I would like to see improved—and why won't this go? See, if this was paper, you could flip the next page—anyway, not entirely. I've been doing this for almost 30 years with a laptop.

Anyway, I guess, the one issue I have with Bill 19—well, there's two. One is that if you complain about the behaviour of a professional, the professional regulatory acts—like the architects, lawyers, et cetera, medical act—have processes where you can complain about a lawyer, doctor, architect or engineer, and, unfortunately, if the complainant doesn't know the name of the professional, the complaint can't be launched. There are employers in Manitoba who will refuse to release the name of that employee. So you can have a lawyer doing abusive things in court or an engineer doing bad things, and if the employer won't release the name, all you know is the work. You know the job done, and if you have no way of finding that out, these people figure things out pretty fast so anybody working in that position would know that they're immune from regulatory control.

So I would like to suggest one idea is that if somebody knows the work—this case, defending this side—that could be enough to enter a complaint to the law society. That's, you know, one significant improvement, I think.

The other is that if the person complaining is not infinitely competent, if they get any technical thing wrong, my experience is—and I've been involved in this process from the inside—that the complaint's thrown out. If somebody gets the date wrong or the first name of the accused wrong, it's thrown out.

And I was talking to the head of the architects' association last week, and she pointed out that their association has actually become consumer-friendly. If you complain about an architect and you get the name right and the work is not the only thing he's done wrong, they will look at that complaint item and everything else relevant that he's done. And if they see, wow, he's above board, they throw it out. If they say, oh, well, this one—can't really say that—but over here he really screwed up, they will take action. They have a 30 day—a 90-day suspension of one of their members right now that resulted from a oh-look-over-here after a complaint.

I would like to see Bill 19 amended to allow that, as well, where the complaint isn't specific enough or has a typo in it, let's not throw it out. Let's remember that regulating of professionals is a

consumer affair. It's a consumer purpose: protect the public. And if things are thrown out on technicalities, I contend that that doesn't protect the public as it should.

And I think this is not too much of a reach to do approximately what the MAA lady does, and says they do, and to require all the regulated professions to be more consumer friendly, unprofessional-complaint-friendly, and pursue them, not throw them out for technicalities. And also allow them where they describe the work and not the name.

So those are my suggestions. As I say, it's—I know it's too late, but next time you talk about these regulated professions, let's keep those ideas in place. And I would also hope that those who are in Cabinet right now would see the merit in doing this sort of thing and advocate it at the Cabinet table, these kinds of consumer changes.

Thank you very much.

**Mr. Chairperson:** Thank you, Mr. Grant.

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** Well, thanks, Mr. Grant, for coming down here. I want to assure you that if anyone has ideas on legislation at any time, the minister's office should always be contacted. And pass that information on, we're always keen to get it right. So, you know, often people think of legislation as being confined just to the, you know, first, second and third reading, but there's usually a very lengthy development process there that does require the input of people from various perspectives.

The issue you raise about, you know, concern that some complaints would get thrown out for a technicality, I'll address that with the law society. It's my understanding that they will work to make sure that the matter complained of is looked at and is not—they don't turn a blind eye if there is a mistake, for example, in the date and so on. But I'll address that with the law society, and if that's not their practice, then we'll see how that can be addressed. But I think it's a very valid concern. Certainly, technicalities should never get in the way of consumer protection, which is the overriding goal of the legislation.

**Mr. Grant:** Hi. Yes, thank you very much, Minister.

In the case of a bill—I won't say which one because I would get in trouble with the organization. But, in the case of a bill upon which I presented last week, when I first learned that there was an amendment coming, I tried, I guess, a dozen times to

email and phone the minister. I had met the minister socially last winter but didn't talk business of the bill, thinking I'd get through, and I was thwarted, I would say, with when you actually talk to a person and there's no return call.

So I'm aware of the process and we'd like to see it work all the time. And I did talk to Mr. Selinger's office when the minister wouldn't respond, and they were very earnest and helpful except you can't twist the arm of somebody who's—and it wasn't the minister in that case. It was the special assistant who was doing the hiding.

But thank you very much for taking that matter.

**Mr. Kelvin Goertzen (Steinbach):** Thank you, Mr. Grant, for your presentation here this evening.

A couple things, certainly on the issue of how bills come to this committee and how the public is able to engage with this process, this is a unique process. I think we're one of two provinces in Canada that allows the public to make presentations. But I agree that it's not a perfect process and one that needs to be reviewed. And we have reviewed it recently together with the Government House Leader (Mr. Chomiak) and the leader of the Liberal Party and took exactly that into consideration.

And it's difficult sometimes for when the public comes forward here in a forum like this and makes suggestions to bills. There might be a tacit resistance to making those changes because it's difficult to do that in the context of one evening and you don't always have the appropriate advice from a department or other individuals who are affected.

So we are moving to a system, I think, in the fall or next year where we will separate the public presentations from the process of going line by line through bills to ensure that there's more time between those processes, and we're looking to move towards that after the fall. So that is something that's been discussed more recently.

And I take your point to heart. I was going to make the same point the minister made on these bills being—or that cases being thrown out at the law society on a technicality. I have not heard of that specifically the way you have raised it, but I will, I suppose, then, follow up with the minister's follow-ups so that we don't have a bunch of people phoning the law society on the same issue. But it's important that you raised that because that would not be an acceptable practice and I don't think that that's

the spirit or the intention of what the society is trying to achieve.

So thank you for your presentation.

**Mr. Grant:** Yes, thank you very much, Kelvin.

I do not—I want to be on the record, as I am—I've never said the law society has ever thrown anything out. I am just saying that the way some of the legislation reads, it has fairly exacting requirements, you know, for complaints. And I'm not sure how loose and all-inclusive they are in their initial screening process. The unnamed group that does regulation has thrown things out because this thing looks okay even if that thing done by the same person doesn't.

So I just wanted to make that—you know, I would like the rules to actually describe what you're saying and—but I definitely don't want to be picking on the law society.

Thank you.

**Mr. Chairperson:** Thank you, Mr. Grant.

### **Bill 23—The Boxing Amendment Act**

**Mr. Chairperson:** Now, I would like to call on Bill Tibbs on Bill 23.

Yes, Mr. Tibbs, do you have any written material for distribution?

**Mr. Bill Tibbs (Manitoba Combative Sports Commission):** No, I don't.

**Mr. Chairperson:** Okay. Kindly go ahead with your presentation.

**Mr. Tibbs:** Good evening. My name is Bill Tibbs, and I'm here today representing the Manitoba Combative Sports Commission, formerly known as the Manitoba Boxing Commission.

The Manitoba Combative Sports Commission works to ensure that sanctioned combative sports events in Manitoba are conducted according to The Boxing Act and regulations, and in accordance with section 83 of the Canadian Criminal Code.

\* (18:40)

A little background on the current commission: The MCSC is overseen by the chair that includes myself along with the commissioners Anita Lesage and John McDonald, head physician Dr. Ed Pilat, along with over 20 contract officials and, since September of 2004, an executive director from the Manitoba Sport Secretariat, which has filled the role

of providing technical and administrative support to the commission.

The main purpose of the Manitoba Combative Sports Commission is to regulate, govern and control professional combative sporting events and contests within the province of Manitoba. This includes licensing and the supervision of promoters, boxers, kick-boxers, mixed martial arts fighters, seconds, ring officials, managers and matchmakers.

Professional combative sports events that are not sanctioned by the commission are the responsibility of the local police authorities. The commission communicates with law enforcement officials regarding unsanctioned events that are in breach of section 83 of the Criminal Code and will continue to do so if and when these events are brought to the commission's attention.

Safety is the primary concern of the commission. There's been a major focus in recent years in all sporting events regarding head injuries, including concussions. This is something that is and has been a major focus for the commission. While it's well known that combative sports have an inherent level of risk, it's the role and the duty of the commission to ensure all regulations, safety measures and industry standards are applied in its role of sanctioning and licensing participants. This includes receiving full medicals and up-to-date medicals for blood tests, eye exams, physicals and commission doctors conducting pre- and post-competition medicals; having trained staff, including doctors and ambulance, at all events; ensuring all competitors have passed and provided all documentation supporting their ability to compete; along with applying medical suspensions and rest periods for competition after events.

The commission works to ensure reasonable competitive matchups. It is vital that competitors have a minimum standard of trained skill in competing and the commission's role is to ensure that competitors are not overly matched that would put competitors in unnecessary risk.

The commission's role is to also provide training opportunities to qualified officials in every function and role that is required to regulate an event. In Manitoba, we have regular training and have, in the list of appointed officials, referees, judges and trained timekeepers, scorekeepers and dressing room supervisors.

We are supportive of these changes. While they may not look significant on paper, they are

important to those who regulate these combative sports under this legislation. These changes create the most up-to-date language that is understood from jurisdiction to jurisdiction across the country. The combative sports continue to evolve and the ability to regulate with clarity is vital. We fully support and thank the Minister responsible for Sport for bringing these changes forward.

Thank you and have a good evening.

**Mr. Chairperson:** Thank you, Mr. Tibbs.

**Hon. Ron Lemieux (Minister of Tourism, Culture, Heritage, Sport and Consumer Protection):** Yes, thank you very much, Mr. Tibbs. Thanks, Bill, for coming out tonight.

And just to further what others have said this evening is that I understood that we're the only province in Canada that allows people to come forward on bills to speak for 10 minutes in length if they wish, and I think the process, even though not perfect, is certainly exemplary in the sense that it gives people the opportunity to speak, whether they're in favour of a bill, against a bill or wish to make amendments.

So I just want to say thank you for taking the time on a beautiful summer evening—fall evening in Manitoba for giving your points of view. Thank you. *[interjection]*

**Mr. Chairperson:** Yes, kindly be recognized.

Yes, thank you, Mr. Tibbs.

Any more questions?

Thank you for your presentation.

That concludes the list of presenters I have before me. Are there any other persons in attendance who wish to make a presentation?

Seeing none, before we conclude with tonight's presentations, it's my understanding that there's a will to continue with public presentations and clause-by-clause considerations of Bill 19, The Legal Profession Amendment Act, at a future meeting.

Is this agreed to? *[Agreed]*

\*\*\*

**Mr. Chairperson:** In what order does the committee wish to proceed with clause-by-clause considerations of these bills?

**Mr. Kelvin Goertzen (Steinbach):** As listed on the meeting notice.

**Mr. Chairperson:** Agreed? [*Agreed*]

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

Also, if there is agreement from the committee, the Chair will call clauses in blocks and confirm to pages with the understanding that we will stop at any particular clause or clauses where members may have comments, questions, amendments to propose.

Is that agreed? [*Agreed*]

**Bill 4—The Farm and Food Awareness Act**  
(*Continued*)

**Mr. Chairperson:** Now, we will now proceed clause-by-clause considerations for Bill 4.

Does the minister responsible for Bill 4 have an opening statement?

**Hon. Gord Mackintosh (Acting Minister of Agriculture, Food and Rural Development):** No.

**Mr. Chairperson:** Thank you, Minister.

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

**Mr. Kelvin Goertzen (Steinbach):** No.

**Mr. Chairperson:** Thank you.

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

**Bill 15—The Foreign Cultural Objects Immunity from Seizure Amendment Act**

**Mr. Chairperson:** Now, we are going to Bill 15.

Does the minister responsible for Bill 15 have an opening statement?

**Hon. Ron Lemieux (Minister of Tourism, Culture, Heritage, Sport and Consumer Protection):** I do not.

**Mr. Chairperson:** Thank you, Mr. Minister.

Does the critic for the official opposition have an opening statement on this bill?

**Mr. Kelvin Goertzen (Steinbach):** No.

**Mr. Chairperson:** Thank you. So we now go by clause by clause.

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

Thank you.

**Bill 23—The Boxing Amendment Act**  
(*Continued*)

**Mr. Chairperson:** Bill 23. Does the minister responsible for Bill 23 have an opening statement?

**An Honourable Member:** No.

**Mr. Chairperson:** Thank you, Mr. Minister. [*interjection*] We thank the minister.

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

**Mr. Kelvin Goertzen (Steinbach):** No.

**Mr. Chairperson:** We thank you all.

Clauses 1 through 5—pass; clauses 6 through 10—pass; clauses 11 through 14—pass; clauses 15 through 17—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 28—The Personal Property Security Amendment Act**

**Mr. Chairperson:** Now, Bill 28. Does the minister responsible for Bill 28 have an opening statement?

**Hon. Ron Lemieux (Minister of Tourism, Culture, Heritage, Sport and Consumer Protection):** I do not.

**Mr. Chairperson:** Thank you, Mr. Minister.

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

**Mr. Kelvin Goertzen (Steinbach):** No.

**Mr. Chairperson:** We thank you all.

Clauses 1 and 2—pass; clauses 3 through 7—pass; clause 8—pass; enacting clause—pass; title—pass. Bill be reported.

\* (18:50)

**Bill 32—The Noxious Weeds Amendment Act**  
(*Continued*)

**Mr. Chairperson:** We're talking about Bill 32 now.

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

**Hon. Gord Mackintosh (Acting Minister of Agriculture, Food and Rural Development):** No.

**Mr. Chairperson:** Thank you, Mr. Minister.

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

**Mr. Blaine Pedersen (Midland):** No.

**Mr. Chairperson:** Thank you.

Now we go clause by clause.

Clauses 1 and 2—pass; clause 3—pass; clause 4—pass; clause 5—pass; clauses 6 through 8—pass; clause 10—pass.

Shall clauses 11 through—*[interjection]* Sorry, I missed.

Clause 9—pass; clause 10—pass; clauses 11 through 13—pass; clause 14—pass; clause 15—pass; clause 16—pass; clause 17—pass; clauses 18 through 20—pass; clauses 21 through 24—pass; clauses 25 and 26—pass; clauses 27 through 29—pass; clauses 30 through 33—pass; clauses 34 through 36—pass; clauses 37 through 39—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 34—The Safer Roads Act (Drivers and Vehicles Act and Highway Traffic Act Amended)**

**Mr. Chairperson:** Now we are talking about Bill 34.

Does the minister responsible for Bill 34 have an opening statement? Kindly go ahead, Mr. Minister.

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** Just some brief thank yous, actually. I want to thank, from the department, the effort led by Mr. Greening, and from MPI led by Mr. Ward Keith, a great collaborative effort.

As well, I want to thank the tremendous efforts, ongoing efforts, but, as well, their advice on this bill—I'm speaking, of course, of MADD Canada, both the local chapter and Mr. Andrew Murie at their headquarters. As well, CAA.

And I also want to just end by thanking the co-operation of law enforcement on this one. We're trying something different with the protection of children, and they've been very co-operative, and we're assured that this legislation is going to work for safer roads in Manitoba.

**Mr. Chairperson:** Thank you, Mr. Minister.

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

**Mr. Kelvin Goertzen (Steinbach):** I thank the minister for his comments. There's several portions to this bill, and we are in broad agreement with the intention of all aspects of it.

Certainly, a portion of the bill, I think, came forward as a partial response to an incident that happened, a tragic incident that happened in Winnipeg in April of 2012, where Kendall Wiebe was killed. And I know that government—it's right for a government to look to respond to situations where they see that there are gaps in legislation. And it's right for a government to respond when there are things that they believe can make a tragedy—not change, because that damage has already been done, but to prevent one from happening again.

I'm not certain that this—the pieces of the bill that deal with that portion of it would necessarily change an awful lot in terms of the reporting of charged offences to the appropriate authorities. I'm not sure that in the particular situation that was discussed that that would have changed that outcome. I think there are still legitimate questions in the public and questions that I look forward to raising probably more directly with MPI when that comes to committee. And so I know there's staff here related to MPI who will be aware of that.

When it comes to drivers who have a repeated history of dangerous driving—I don't mean the specific charge of dangerous driving but the general term of dangerous driving. I recognize that there is a driver improvement and control unit that does have people who are referred to it. I recognize also that that takes some measures, but in terms of when does an individual hit a bar, per se, where their licence is suspended or revoked as a result of repeated offences and are there specific criteria in place to ensure that that happens? I note that in the case of Kendall Wiebe the judge specifically said that the individual who was charged and ultimately, I think—believe, plead guilty, wasn't fit to drive prior to the incident and yet still had their licence, I believe.

So there are legitimate questions about when an individual loses their right—and it's always important to remember that driving is a right, sorry, a privilege, not a right—and when they lose that privilege and whether or not there is specific criteria and whether or not those criteria are being enforced and whether or not those criteria are appropriate.

So I agree with the general intention of what the minister's trying to do in this case. I have questions about whether or not it will actually achieve the intention that he's speaking towards, and I look forward to asking some of the more specific questions as it relates to the suspension or revocation of driver's licence when it come to MPI committee, I believe, later this month.

Thank you.

**Mr. Chairperson:** Thank you, Mr. Goertzen.

Now we go clause by clause.

Clauses 1 and 2—pass; clauses 3 and 4—pass; clause 5—pass; clauses 6 and 7—pass; clauses 8 and 9—pass; clause 10—pass; enacting clause—pass; title—pass. Bill be reported.

That concludes tonight's business. I'd like to remind members to leave behind the copy of Bill 19 so it can be used at a future meeting.

Now, the hour being 6:59, what's the will of the committee?

**Some Honourable Members:** Rise.

**Mr. Chairperson:** Committee rise. Thank you very much.

**COMMITTEE ROSE AT: 6:57 p.m.**

#### WRITTEN SUBMISSIONS

Re: Bill 32

To Whom it May Concern,

On behalf of the Association of Manitoba Municipalities (AMM), I am writing to provide some comments on the proposed amendments to The Noxious Weeds Act.

In addition, I would like to thank Manitoba Agriculture, Food and Rural Development for holding consultative meetings with the AMM Executive and staff in the lead up to the introduction of Bill 32, and for sharing the common goal of reviewing and modernizing The Noxious Weeds Act.

While the AMM supports amendments that enhance coordination and allow municipalities to recoup costs of controlling noxious weeds, we understand that this Act is also an important regulatory tool available to help municipalities comply with other pieces of legislation, namely the Non-Essential Pesticide Use Regulation under The Environment Act. Ensuring regulatory consistency and compatibility between

these pieces of legislation is of the utmost importance.

Naturally, the spread of noxious weeds is an area of shared concern of municipalities and the Province of Manitoba. Therefore, the AMM strongly encourages the provincial government to consult with municipalities and the Manitoba Weeds Supervisors Association (MWSA) when subsequently developing the Act's regulations. Moreover, in accordance with the MWSA's position, the AMM supports the idea of expanding the area to destroy tier 2 noxious weeds to 10 acres as well as increasing the area to control tier 2 noxious weeds to 10 acres or more.

The AMM appreciates the opportunity to provide these comments.

Sincerely,  
Joe Masi  
Executive Director

Re: Bill 32

Dear Committee members,

The Manitoba Weed Supervisors Association would like to offer their support and encouragement for the efforts of the Province to update and enhance the Noxious Weeds Act with Bill 32. With revisions the Act will be more practical and enforceable, while also modernizing the terminology and making provisions for swift action to deal with new and/or growing weed problems across the Province.

For the benefit of members of the committee who may not have dealt with our association in the past, we would like to address our role and interest in this legislation. The Manitoba Weed Supervisors Association is made up of, and represents, Weed Supervisors (as defined in the Noxious Weeds Act) and Weed Inspectors from various municipalities and weed districts across the Province. While membership in our association is voluntary, we do represent a major portion of agro-Manitoba. Our members are the individuals charged with interpreting and enforcing the Noxious Weeds Act within our various jurisdictions. We recently celebrated the 50th Anniversary of our Association.

Our members are responsible for implementing weed control programs within their respective jurisdictions. As well as maintaining weed control on public properties (eg. Municipal rights-of-way, urban

boulevards, parks, etc.), we often carry out weed control and other vegetation management control programs under contract or through enforcement activities on Provincial rights-of-way, railways, etc. We also work with land-owners to develop control strategies on private property, especially for new or problem weed species such as knapweed and leafy spurge. If necessary, Weed Supervisors are authorized to regulate weed control under the Noxious Weeds Act.

We work closely with Manitoba Agriculture, Food & Rural Development to promote educated and environmentally responsible weed control while considering economic and environmental thresholds in weed control decisions. Most of our members also work closely with Manitoba Infrastructure & Transportation to assist with weed control efforts on their rights-of-way and properties. We also have a close working relationship with Manitoba Conservation & Water Stewardship. In our experience, we find that municipalities that do not belong to our association also turn to us for guidance on enforcement issues under the Noxious Weeds Act because of our experience in working within this legislation.

The Manitoba Weed Supervisors supports the process to amend the Noxious Weeds Act. At the same time, there are some areas of serious concern that we would like to address.

For instance, the "...responsibility to destroy or control noxious weeds, a person must..." clause raises some questions. While it may be dealt with under the Municipal Act, or other Provincial statutes, we do need some assurance that the "person" identified in Section 3(1) is identified as the person responsible for the control and management of the specific property. Whether it be owner or occupant, it needs also apply to a firm or corporation and to a government or railway company.

Additionally, we have a concern with the 5 acre limit for Tier 2 weeds that are not prevalent or established in a specific area. There are instances where we need the option to "destroy" instead of "control" a weed. This restriction will, under certain circumstances, limit the regulatory actions on new, highly invasive weed problems. An area greater than 5 acres can become infested prior to identification. It can also be the result of rapid spread after identification but before the weed can be destroyed. In our members' experience there are instances where it is imperative to have the option to "destroy" versus "control"

(as defined in the Act) such weeds. For example, scentless chamomile has been introduced to areas greater than 20 acres on rights-of-way as an impurity in seed, gravel or soil used for reconstruction. We have also dealt with similar issues related to farm situations, where new weeds have been introduced as contaminants in hay, seed, and equipment.

The 5 acre limitation on "destroy" versus "control" should be increased to at least 20 acres with a provision to exceed this limitation in special circumstances where weeds are not prevalent or established in a localized area. This could be a Provincial Authorization similar to the permission to exceed the "Limitation on amount collected" for regulatory work (Section 27(3)).

While we commend the elimination of extraneous wording in Section 8, we do see a need to add crop residue to the clauses retained to ensure that weeds will not be spread to other properties in any manner as a result of cropping and management changes in the future.

Please consider that in accordance with Section 28 of the current Noxious Weeds Act, a written notice of a Special Levy must be issued and served on the owner or occupant by March 1st. In order to meet this timeline the process must be initiated in January. We recommend that proclamation not be delayed so as to interfere with this process.

We realize that many issues will be dealt with in the regulations to accompany this legislation. To this point, we hope that we would be consulted during the preparation of these regulations.

We want to go on record as supporting the increase on "Limitation on amount collected" (Section 27(3)), prior to Ministerial approval being required, from the current 500 dollars to the suggested 1500 dollars. This amount seems reasonable relative to current costs, and the process for approvals for an amount beyond that limitation is straight forward and can be handled without undue delay in our experience.

The list of weeds to be included in the Noxious Weeds Act regulations in each tier was available in the public consultations held in 2013. This list omitted several weeds that we feel should be included in Manitoba's Noxious Weeds Act. Orange hawkweed is a concern in other provinces and is not confirmed to be in Manitoba, qualifying it as a Tier 1 weed. While we realize that there may be opposition to weeds such as milkweed and dandelion's presence as Tier 3 weeds under the Noxious Weeds Act

Amendments, they can be weeds of economic importance and should remain on the list of weeds. We would also like to offer the distribution maps prepared by the Manitoba Invasive Species Council for a few specific weeds to demonstrate the need for subjective reasoning in placing some weeds into different categories by region.

In Summary, while we support amending the Noxious Weeds Act to address practical control efforts related to the threat and prevalence of noxious weed species, these are the points with which we have concerns:

- Clarity on the interpretation of "person". (Section 3(1)).

- Limitations on treating Tier 2 weeds as Tier 1 species in specific circumstances. (Section 3(1))
- The inclusion of crop residues in Section 8.
- Practical timeline regarding Bill 32 coming into effect.

We thank you for your consideration of our position and comments regarding this legislation.

Sincerely,  
Kent Shewfelt  
Manitoba Weed Supervisors Association



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

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