



**LEGISLATIVE ASSEMBLY OF MANITOBA**

**VOTES AND PROCEEDINGS No. 73**

**THIRD SESSION, THIRTY-NINTH LEGISLATURE**

**PRAYER**

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

By leave, it was agreed for the House to deal with Second Reading of Bill (No. 229).

Mr. GRAYDON moved:

THAT Bill (No. 229) – The Manitoba Public Insurance Corporation Amendment Act (Justice for Victims of Serious Automobile Accidents)/Loi modifiant la Loi sur la Société d'assurance publique du Manitoba (justice pour les victimes d'accidents d'automobile graves), be now read a Second Time and be referred to a Committee of this House.

WHEREUPON Mr. Speaker made the following ruling:

The next item before the House is Bill 229—The Manitoba Public Insurance Corporation Amendment Act (Justice for Victims of Serious Automobile Accidents). As some Members may be aware, there is some duplication in subject matter between this Bill, and Bill 36 – The Manitoba Public Insurance Corporation Amendment Act (Enhanced Compensation for Catastrophic Injuries) a bill which has recently gone through second reading stage and committee stage.

There are certain provisions in Beauchesne, as well as Manitoba rules and practices which come into play when there are two Bills in the same session that have similar content and intent. Beauchesne citation 624(3) provides that: There is no rule or custom which restrains the presentation of two or more bills relating to the same subject and containing similar provisions. But if a decision of the House has been taken on one such bill, for example, if the Bill has been given or refused second reading, the other is not proceeded with if it contains substantially the same provisions and such a bill could not have been introduced on a motion for leave. But if a bill is withdrawn, after having made progress, another bill with the same objects may be proceeded with.

Our rule 41 states “No Member shall revive a debate already concluded during the session or anticipate a matter appointed for consideration of which notice has been given.”

In addition, there are five rulings from Speaker Rocan from 1990, which indicate that it is procedurally improper to proceed with a Bill on the Order Paper if a Bill with similar subject matter and intent has already been dealt with by the House. As Speaker, I have made two similar rulings, on June 2, 2005 and on November 24, 2005.

I am raising this, because of apparent similarities between Bill 229, and Bill 36, which has completed second reading in the House, and has also completed committee stage and is now listed for Report Stage. In addition, consultation has been undertaken with the Clerk's Office and with the Legislative Counsel Office to further verify whether the Bills have similar content, and it was determined that yes, the bills do have similar content, particularly regarding sections pertaining to reimbursement when injury is catastrophic, and with regard to limitation on regulations. Therefore, it is procedurally improper to permit debate on Bill 229.

The Honourable Member for Emerson has two courses of action open to him. Bill 229 can remain on the Order Paper, and not be proceeded with further. Alternatively, he may seek the unanimous consent of the House to withdraw it.

By leave, it was agreed for the House to proceed with Second Reading of Bill (No. 229).

And a debate arising,

And Messrs. GRAYDON, REID and MAGUIRE, Hon. Mr. BJRONSON and Mr. PEDERSEN having spoken,

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

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In accordance with Rule 31(9), the Opposition House Leader announced that The Protection of Lake Winnipeg Resolution will be considered next Thursday, October 8, 2009.

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Mr. FAURSCHOU moved:

Resolution No. 23: Recognizing the Benefits of Traditional Chinese Medicine

WHEREAS the benefits of Traditional Chinese Medicine treatments include improved physical and mental health; and

WHEREAS Traditional Chinese Medicine is commonly practiced in many of the world's leading health care systems, including France, Italy, and Switzerland; and

WHEREAS Traditional Chinese Medicine is a regulated health profession in the provinces of British Columbia and Ontario, where the expertise of trained Traditional Chinese Medicine practitioners is recognized; and

WHEREAS in Manitoba, neither the benefits of Traditional Chinese Medicine nor the expertise of its trained practitioners are recognized by the health care system; and

WHEREAS some third-party health insurance plans cover some aspects of Traditional Chinese Medicine, but patients unable to afford this additional coverage must pay the full cost of TCM therapies out-of-pocket.

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THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Provincial Government to recognize the benefits of Traditional Chinese Medicine to one's physical and mental health; and

BE IT FURTHER RESOLVED that the Legislative Assembly of Manitoba urge the Provincial Government to consider making the necessary legislative changes to make Traditional Chinese Medicine a tax-deductible medical expense.

And a debate arising,

And Mr. FAURSCHOU, Hon. Ms. IRVIN-ROSS, Mr. MAGUIRE, Hon. Mr. RONDEAU, Mr. LAMOUREUX and Ms. HOWARD having spoken,

And Mr. JENNISSON speaking at 12:00 p.m. The debate was allowed to remain in his name.

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

The following petitions were presented and read:

Mr. DYCK – Legislative Assembly of Manitoba to urge the Minister of Health to ensure that patients who are awaiting placement in a personal care home are not moved to distant communities and to consider working with the RHA and the community to speed construction and expansion of long term care facilities in the region. (S. O. Pfahl, V. Reid, R. Reid and others)

Mr. LAMOUREUX – Legislative Assembly of Manitoba to request the Premier of Manitoba to consider the important role that community police offices can play in making our communities safer. (L. Goulet, G. Newbury, R. Roskosz and others)

Mr. SCHULER – Legislative Assembly of Manitoba to request that the Minister of Transportation consider the immediate twinning of the PTH #15 Floodway Bridge for the safety of the citizens of Manitoba. (J. Ireland, W. Ireland, K. Vogel and others)

Mr. BRIESE – Legislative Assembly of Manitoba to urge the Minister of Health to consider prioritizing the needs of these communities by ensuring they have access to a family doctor and to consider promptly increasing the use of nurse practitioners in these communities in order to improve access to quality health care. (C. Luke, D. Letain, V. Stoneman and others)

Mrs. STEFANSON – Legislative Assembly of Manitoba to request the Minister of Conservation to consider acknowledging that more timely action should have been taken to address the shortcomings with the lagoons in the Whiteshell Provincial Park in order to protect the environment and to consider immediately developing short and long-term strategies to address the shortcomings with lagoons in the Whiteshell Provincial Park and to consider implementing them as soon as possible. (J. Ilg, G. Foster, V. Abella and others)

Mrs. MITCHELSON – Legislative Assembly of Manitoba to urge the Minister of Health to consider working with the Interlake Regional Health Authority to provide midwifery services to women in this health region. (D. Shills, L. Johnson, P. Rohl and others)

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Hon. Ms. WOWCHUK presented:

Annual Report of the Department of Agriculture, Food and Rural Initiatives for the fiscal year ending March 31, 2009.

(Sessional Paper No. 120)

Annual Report of the Manitoba Agricultural Services Corporation for the fiscal year ending March 31, 2009.

(Sessional Paper No. 121)

Annual Report of the Food Development Centre for the fiscal year ending March 31, 2009.

(Sessional Paper No. 122)

Annual Report of The Co-operative Loans and Loans Guarantee Board for the fiscal year ending March 31, 2009.

(Sessional Paper No. 123)

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Pursuant to Rule 26(1), Ms. MARCELINO, Mrs. ROWAT, Ms. BRICK, Mr. FAURSCHOU and Ms. SELBY made Members' Statements.

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The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 8) – The Civil Service Superannuation Amendment Act (Enhanced Manitoba Hydro Employee Benefits and Other Amendments)/Loi modifiant la Loi sur la pension de la fonction publique (prestations améliorées à l'intention des employés d'Hydro-Manitoba et autres modifications), reported from the Standing Committee on Legislative Affairs:

Mr. BOROTSIK moved:

*THAT Bill 8 be amended in Clause 7 by striking out "on the recommendation of its actuary." in the proposed subsection 33(10.1) and substituting "on the basis of an actuarial report that includes*

(a) details as to the status of the superannuation adjustment account, including a statement as to what portion of the transferred \$145,000,000. remains available for future indexing; and

(b) the actuary's recommendation as to the manner in which that available portion should be used for future indexing."

And a debate arising,

And Mr. BOROTSIK and Hon. Ms. WOWCHUK having spoken,

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

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The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 35) – The Municipal Conflict of Interest and Campaign Financing Act (Various Acts Amended)/Loi sur les conflits d'intérêts au sein des municipalités et le financement des campagnes électorales municipales (modification de diverses dispositions législatives), reported from the Standing Committee on Legislative Affairs:

Hon. Mr. LEMIEUX moved:

*THAT Bill 35 be amended in Clause 7*

*(a) by adding the following after the proposed subsection 93.6(1):*

**Application to Flin Flon**

**93.6(1.1)** Despite subsection (1), an individual who is normally resident in the boundary area defined in *The Flin Flon Extension of Boundaries Act*, S.M. 1989-90, c.73, may make a contribution to a registered candidate in an election in the City of Flin Flon.

*(b) by striking out the part after clause (b) in the proposed subsection 93.16(1) and substituting the following:*

the chief administrative officer must provide a written report of the failure to council at its next meeting, and the candidate must not sit on council until the chief administrative officer reports to council that the candidate's statement has been filed.

And Hon. Mr. LEMIEUX and Mr. MAGUIRE having spoken,

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

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Mr. BRIESE then moved:

*THAT Bill 35 be amended in Clause 1 by replacing the proposed subsection 13(2) with the following:*

**Application**

**13(2)** Subsection (1) does not apply in respect of a statement filed before the day of the general election held in October 2010.

And Mr. BRIESE, Hon. Mr. LEMIEUX, Messrs. DERKACH, BOROTSIK and MAGUIRE having spoken,

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

**YEA**

BOROTSIK	LAMOUREUX
BRIESE	MAGUIRE
CULLEN	MCFADYEN
DERKACH	MITCHELSON
DYCK	PEDERSEN
EICHLER	ROWAT
GERRARD	STEFANSON
GOERTZEN	TAILLIEU ..... 17
GRAYDON	

**NAY**

ALLAN	MARCELINO
ALTEMEYER	MARTINDALE
BLADY	MCGIFFORD
BLAIKIE	MELNICK
BJORNSON	NEVAKSHONOFF
BRAUN	REID
BRICK	ROBINSON
CALDWELL	RONDEAU
CHOMIAK	SARAN
DEWAR	SELBY
HOWARD	STRUTHERS
IRVIN-ROSS	SWAN
LEMIEUX	WHITEHEAD
MACKINTOSH	WOWCHUK..... 28

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By leave, Mr. BRIESE then withdrew his second Proposed Amendment.

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Hon. Mr. CHOMIAK moved:

THAT Bill (No. 37) – The Public Schools Amendment Act (Limited At Large Elections of Trustees)/Loi modifiant la Loi sur les écoles publiques (modalités d'élection des commissaires dans des circonstances limitées), reported from the Standing Committee on Legislative Affairs, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Messrs. CHOMIAK and BJORNSON and Mr. GOERTZEN having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

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The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 36) – The Manitoba Public Insurance Corporation Amendment Act (Enhanced Compensation for Catastrophic Injuries)/Loi modifiant la Loi sur la Société d'assurance publique du Manitoba (majoration de l'indemnisation en cas de lésions catastrophiques), reported from the Standing Committee on Legislative Affairs:

Mr. GRAYDON moved:

*THAT Bill 36 be amended in Clause 11, in the part after clause (b) in the proposed subsection 131(2), by striking out "shall be increased by a maximum of \$800. per month" and substituting "shall be increased to an amount that reimburses the victim for all personal home assistance expenses, including attendant care, in any residence of the victim or elsewhere, to enable the victim to function and contribute to society or the labour market".*

And Mr. GRAYDON and Hon. Mr. CHOMIAK having spoken,

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

**YEA**

BRIESE  
CULLEN  
DERKACH  
DYCK  
EICHLER  
FAURSCHOU  
GOERTZEN

GRAYDON  
MAGUIRE  
MCFADYEN  
MITCHELSON  
PEDERSEN  
ROWAT  
TAILLIEU ..... 14

NAY

ALLAN	MACKINTOSH
ALTEMEYER	MARCELINO
BLADY	MARTINDALE
BLAIKIE	MCGIFFORD
BJORNSON	MELNICK
BRAUN	NEVAKSHONOFF
BRICK	REID
CALDWELL	ROBINSON
CHOMIAK	RONDEAU
DEWAR	SARAN
GERRARD	SELBY
HOWARD	STRUTHERS
IRVIN-ROSS	SWAN
LAMOUREUX	WHITEHEAD
LEMIEUX	WOWCHUK..... 30

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Mr. GRAYDON then moved:

*THAT Bill 36 be amended in Clause 11 by adding the following after the proposed subsection 131(2):*

**Limitation on regulations**

**131(3)** A regulation referred to in clause (2)(b) must not

(a) limit the personal home assistance expenses to only those expenses that relate to a victim's personal care or performance of essential activities of everyday life; or

(b) set a monetary limit as to the personal home assistance expenses that the corporation shall reimburse to a victim.

And Mr. GRAYDON, Hon. Mr. CHOMIAK and Messrs. DERKACH and FAURSCHOU having spoken,

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

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Mr. GRAYDON then moved:

*THAT Bill 36 be amended in Clause 14 by adding the following after the proposed subsection 137.1(3):*

**Time limit for notifying victim**

**137.1(3.1)** The corporation must notify the victim, in writing, within 14 days after receiving the victim's request for the corporation's consent to the payment of expenses under this section.



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And Mr. GRAYDON, Hon. Mr. CHOMIAK, Messrs. FAURSCHOU, LAMOUREUX and MAGUIRE having spoken,

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

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The House then adjourned at 5:00 p.m. until 1:30 p.m., Monday, October 5, 2009.

Hon. George HICKES,  
Speaker.