



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 80

SECOND SESSION, FORTY-FIRST LEGISLATURE

PRAYER

10:00 O'CLOCK A.M.

By leave, it was agreed for the House to deal with the Private Members' Resolution sponsored by the Honourable Member for Burrows from 10:00 a.m. to 10:45 a.m.

Ms. LAMOUREUX moved:

Resolution No. 27: Immigration

WHEREAS immigration has enabled Manitoba's population to grow and as a direct result all Manitobans are better off as a whole; and

WHEREAS the Provincial Nominee Program is the sole reason for the high number of immigrants coming to the province; and

WHEREAS Manitobans wanting to see family members immigrate to the province has become the driving force behind the success of the program; and

WHEREAS since Jean Chretien and Gary Filmon agreed to the program in the late 1990s, so many things have changed and the program is critically important to the province.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Provincial Government to consider having an all party committee conduct public hearings on the Manitoba Provincial Nominee Program and provide to the Legislature a series of recommendations on the future direction that should be taken with respect to the program.

And a debate arising,

And Ms. LAMOUREUX having spoken,

And Messrs. REYES, WIEBE, SMITH (Southdale) and CURRY having questioned the Member,

And the debate continuing,

And Messrs. REYES and SMITH (Southdale) and Ms. MARCELINO (Logan) having spoken,

The debate was allowed to remain open.

Ms. KLASSEN moved:

THAT Bill (No. 209) – The Mental Health Amendment and Personal Health Information Amendment Act/Loi modifiant la Loi sur la santé mentale et la Loi sur les renseignements médicaux personnels, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Ms. KLASSEN having spoken,

And Mrs. GUILLEMARD having questioned the Member,

And the debate continuing,

And Mrs. GUILLEMARD, Ms. FONTAINE and Mr. MICKLEFIELD having spoken,

And the Question being put. It was negatived.

Hon. Mr. FLETCHER moved:

Resolution No. 28: Conflict of Interest Legislation in Manitoba is woefully inadequate and must be overhauled

WHEREAS the Conflict of Interest Act in Manitoba has not been changed or updated in 30 years, with the exception of the addition of a Conflict of Interest Commissioner; and

WHEREAS conflict of interest legislation is largely intended to assist elected representatives by providing an objective understanding against which they gauge their actions, and to satisfy themselves and the public that they are acting appropriately; and

WHEREAS Manitobans need an update to the long overdue system of conflict of interest rules that will greatly enhance the public confidence but not compromise the privacy interests of elected provincial representatives; and

WHEREAS broader disclosure, which is required in the 21st century, must include all personal and private interests and be extended beyond financial measurements; and

WHEREAS the investments markets, federal and provincial taxes, and ease of investing through electronic methods has changed dramatically and quite significantly in the last few years; and

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WHEREAS MLAs currently do not have to disclose their penny stock holdings, stock holdings, ETFs, bond holdings or property owned outside of Manitoba; and

WHEREAS the federal guidelines are far more comprehensive than those in Manitoba and the Federal Finance Minister has recently been accused of conflict of interest surrounding property outside of Canada and family trusts; and

WHEREAS individuals who are hired as exempt staff or constituency assistants for Ministers and MLAs using taxpayer funds often also serve as members of the Board of Directors of political parties, organizations, or fundraising activities, thus creating a potential conflict of interest based on those competing roles; and

WHEREAS it is in everyone's interest to strengthen the conflict of interest legislation with the philosophy "trust and verify".

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba be urged to update the conflict of interest legislation to include better definitions of immediate family, all investment vehicles, property, trusts, corporations in Canada or liquid assets that are traded anywhere in the world by employing the legislation introduced by the Member of Assiniboia on Conflict of Interest as a possible framework for new and much needed made in Manitoba Conflict of Interest legislation which also includes disclosure and appropriate political activities for those who work for or with MLAs or Cabinet Ministers.

And a debate arising,

And Hon. Mr. FLETCHER having spoken,

And Messrs. MARTIN, SWAN, GRAYDON, MARCELINO (Tyndall Park) and LAGIMODIERE having questioned the Member,

And the debate continuing,

And Messrs. MARTIN and SWAN having spoken,

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

During the debate, Mrs. GUILLEMARD rose on a point of order regarding the comments allegedly spoken by the Honourable Member for St. Johns.

And Ms. FONTAINE having spoken to the point of order,

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

1:30 O'CLOCK P.M.

Mrs. GUILLEMARD, Chairperson of the Standing Committee on Legislative Affairs, presented its Eleventh Report, which was read as follows:

Meetings:

Your Committee met on November 6, 2017 at 6:00 p.m. in Room 255 of the Legislative Building.

Matters under Consideration

- **Bill (No. 34)** – The Medical Assistance in Dying (Protection for Health Professionals and Others) Act/Loi sur l'aide médicale à mourir (protection des professionnels de la santé et autres)

Committee Membership

- Mr. ALLUM
- Ms. FONTAINE
- Hon. Mr. GOERTZEN
- Mrs. GUILLEMARD (*Chairperson*)
- Ms. KLASSEN
- Mr. MICHALESKI
- Mr. NESBITT
- Mr. PIWNIUK
- Hon. Ms. SQUIRES
- Mr. SWAN
- Mr. TEITSMA

Your Committee elected Mr. NESBITT as the Vice-Chairperson

Substitutions received during committee proceedings:

- Mr. ISLEIFSON for Mr. MICHALESKI

Non-Committee Members Speaking on Record

- Mr. MICKLEFIELD

Public Presentations

Your Committee heard the following 17 presentations on **Bill (No. 34)** – The Medical Assistance in Dying (Protection for Health Professionals and Others) Act/Loi sur l'aide médicale à mourir (protection des professionnels de la santé et autres):

Cory Ruf
Larry Worthen
Mark Kristjanson
Dr. Randy Goossen

Dying with Dignity Canada
Coalition for Health Care and Conscience
Private Citizen
Private Citizen

Dr. Alewyn Vorster	College of Physicians and Surgeons of Manitoba
Dr. Frank Ewert	Private Citizen
Beverly Rutherford	Private Citizen
Barbara MacKalski	Private Citizen
Kristin Harris	Private Citizen
Mary Shariff	Private Citizen
Albert Chudley	Private Citizen
Anthony Nakazato	Private Citizen
Valerie Wadehul	Private Citizen
Dr. Ann McKenzie	Private Citizen
Patti Fitzmaurice	Roman Catholic Archdiocese of Winnipeg – Archdiocese of St. Boniface
Dr. Donald Peters	Private Citizen
Julie Turenne-Maynard	Catholic Health Association of Manitoba

Written Submissions

Your Committee received the following two written submissions on **Bill (No. 34)** – The Medical Assistance in Dying (Protection for Health Professionals and Others) Act/Loi sur l'aide médicale à mourir (protection des professionnels de la santé et autres):

Jennifer Savoie	Private Citizen
Jayson Barkman	Private Citizen

Bill Considered and Reported

- **Bill (No. 34)** – The Medical Assistance in Dying (Protection for Health Professionals and Others) Act/Loi sur l'aide médicale à mourir (protection des professionnels de la santé et autres)

Your Committee agreed to report this Bill without amendment

On motion Mrs. GUILLEMARD, the Report of the Committee was received.

Hon. Mrs. COX presented:

Annual Report of the Manitoba Arts Council for the fiscal year ending March 31, 2017.
(Sessional Paper No. 89)

Hon. Mrs. COX, the Minister of Sport, Culture and Heritage, made a statement regarding Veterans Week.

Mr. SWAN and, by leave, Ms. LAMOUREUX commented on the statement.

Pursuant to Rule 27(1), Messrs. LAGIMODIERE, ALLUM and HELWER, Ms. LAMOUREUX and Mr. NESBITT made Members' Statements.

The following petitions were presented and read:

Mr. ALLUM – Legislative Assembly of Manitoba to urge the Provincial Government to withdraw its plan to repeal the annual operating grant for municipal transit agencies and remove section 88(8) of Bill 36, The Budget Implementation and Statutes Amendment Act, 2017. (J. Colson, N. Howe, J. Odusanga and others)

Mr. MALOWAY – Legislative Assembly of Manitoba to urge the Provincial Government to withdraw its plans to deregulate the taxi industry including withdrawing Bill 30.

Ms. LATHLIN – Legislative Assembly of Manitoba to urge the Provincial Government to recognize the absolute necessity of maintaining and improving the Northern Patient Transportation Program by continuing to respect Northern Patient Transfer agreements and funding these services in accordance with the needs of northern Manitobans.

Mr. SELINGER – Legislative Assembly of Manitoba to urge the Provincial Government to immediately reverse these cuts which hurt families and seniors' care, weaken healthcare services and drive healthcare workers out of the province and to instead invest in the Provincial Government healthcare system in order to protect and improve patient care. (D. Hassar, W. Camère, G. Flood and others)

Mr. MARCELINO (Tyndall Park) – Legislative Assembly of Manitoba to urge the Provincial Government to reverse the decision to close Concordia Hospital's emergency room so that families and seniors in northeast Winnipeg and the surrounding areas have timely access to quality health care services.

Mr. LINDSEY – Legislative Assembly of Manitoba to urge the Provincial Government to recognize the absolute necessity of maintaining and improving the Northern Patient Transportation Program by continuing to respect Northern Patient Transfer agreements and funding these services in accordance with the needs of northern Manitobans.

Mr. SWAN – Legislative Assembly of Manitoba to urge the Provincial Government to reverse the decision to close Concordia Hospital's emergency room so that families and seniors in northeast Winnipeg and the surrounding areas have timely access to quality health care services.

Mr. WIEBE – Legislative Assembly of Manitoba to urge the Provincial Government to reverse the decision to close Concordia Hospital's emergency room so that families and seniors in northeast Winnipeg and the surrounding areas have timely access to quality health care services.

The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 30) – The Local Vehicles for Hire Act/Loi sur la gestion locale des véhicules avec chauffeur, reported from the Standing Committee on Social and Economic Development:

Mr. MALOWAY moved:

THAT Bill 30 be amended by adding the following after Clause 3(3):

By-law must include safety standards

3(4) A vehicle-for-hire by-law must provide mandatory safety standards that include

- (a) a requirement for a vehicle for hire to be equipped with
 - (i) a shield that protects the driver from physical attacks while the driver is seated in the driver's seat,
 - (ii) a camera that is able to capture the face of each passenger in the vehicle and provide an audio recording of the interior of the vehicle,
 - (iii) a strobe light on top of the vehicle that can be used to signal an emergency or distress situation to persons outside the vehicle, and
 - (iv) a panic button that enables the driver to send an electronic emergency or distress signal;
- (b) a requirement for a vehicle for hire to undergo a mechanical inspection by an automotive service technician certified under the *The Apprenticeship and Certification Act* at least twice a year;
- (c) a requirement that, before being allowed to drive a vehicle for hire, a person must
 - (i) pass a criminal record check and a child abuse registry check, and
 - (ii) undergo at least 35 hours of training, in a form approved by the applicable municipality, that includes components on
 - (A) driver and passenger safety,
 - (B) conflict de-escalation,
 - (C) geographic knowledge about the area in which the driver intends to operate a vehicle for hire,
 - (D) disability awareness resource training (DART),
 - (E) cultural sensitivity, and
 - (F) English language skills;

(d) a requirement that after completing the requirements under clause (c), a driver must pass a criminal record check and child abuse registry check every two years;

(e) a requirement that, while operating a vehicle for hire, the driver at all times

(i) hold a valid driver's licence of a prescribed class, and

(ii) display photo identification on the dashboard of the vehicle that allows a passenger in the vehicle to easily determine the name of the driver;

(f) a regulatory mechanism for passengers to make complaints and for those complaints to be investigated; and

(g) any other requirements that the applicable council considers necessary to protect the drivers and passengers of vehicles for hire.

Meaning of criminal record check and child abuse registry check

3(5) The following definitions apply in subsection (4).

"**child abuse registry check**" means a record about a person from the child abuse registry obtained under *The Child and Family Services Act*. (« relevé des mauvais traitements »)

"**criminal record check**" means a record obtained from a law enforcement agency about a person stating whether or not the person has any conviction or has any outstanding charge awaiting court disposition under any federal or provincial enactment. (« relevé des antécédents judiciaires »)

Regulations

3(6) The Lieutenant Governor in Council may make regulations respecting the class of driver's licence required to be held by the driver of a vehicle for hire.

And a debate arising,

And Mr. MALOWAY, Hon. Messrs. WHARTON and GERRARD, Mr. SARAN, Hon. Mr. FLETCHER, Ms. MARCELINO (Logan) and Messrs. MARCELINO (Tyndall Park) and WIEBE having spoken,

In accordance with sub-rules 2(19) and 2(21), the debate was interrupted to put the Report Stage Amendment Questions on Designated Bill (No. 30).

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

YEA

ALLUM
ALTEMEYER
FONTAINE
GERRARD
KINEW
KLASSEN
LAMOUREUX
LATHLIN
LINDSEY

MALOWAY
MARCELINO (Logan)
MARCELINO (Tyndall Park)
SARAN
SELINGER
SMITH (Point Douglas)
SWAN
WIEBE 17

NAY

BINDLE
CLARKE
COX
CULLEN
CURRY
EICHLER
EWASKO
FIELDING
FLETCHER
FRIESEN
GOERTZEN
GRAYDON
GUILLEMARD
HELWER
ISLEIFSON
JOHNSON
JOHNSTON
LAGASSÉ
LAGIMODIERE

MARTIN
MAYER
MICHALESKI
MICKLEFIELD
MORLEY-LECOMTE
NESBITT
PALLISTER
PEDERSEN
PIWNIUK
REYES
SMITH (Southdale)
SMOOK
SQUIRES
STEFANSON
TEITSMA
WHARTON
WISHART
WOWCHUK
YAKIMOSKI 38

Mr. MALOWAY then moved:

THAT Bill 30 be amended by replacing Clauses 10(3) to (5) with the following:

Government to establish compensation commission

10(3) *The government must*

*(a) establish a commission to deliberate and advise the government on what compensation should be payable — as a result of this Act — to the holders of licences issued by the Taxicab Board under **The Taxicab Act**; and*

(b) establish terms of reference for the commission which must, at a minimum, include a requirement for the commission to consider the applicability and impact of the following issues in respect of the holders of licences issued by the Taxicab Board under **The Taxicab Act**:

(i) regulatory taking,

(ii) expropriation,

(iii) loss of profits,

(iv) loss of goodwill.

And a debate arising,

And Mr. MALOWAY having spoken,

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

YEA

ALLUM
ALTEMEYER
FONTAINE
KINEW
KLASSEN
LAMOUREUX
LATHLIN
LINDSEY

MALOWAY
MARCELINO (Logan)
MARCELINO (Tyndall Park)
SARAN
SELINGER
SMITH (Point Douglas)
SWAN
WIEBE 16

NAY

BINDLE	MARTIN
CLARKE	MAYER
COX	MICHALESKI
CULLEN	MICKLEFIELD
CURRY	MORLEY-LECOMTE
EICHLER	NESBITT
EWASKO	PALLISTER
FIELDING	PEDERSEN
FLETCHER	PIWNIUK
FRIESEN	REYES
GOERTZEN	SMITH (Southdale)
GRAYDON	SMOOK
GUILLEMARD	SQUIRES
HELWER	STEFANSON
ISLEIFSON	TEITSMA
JOHNSON	WHARTON
JOHNSTON	WISHART
LAGASSÉ	WOWCHUK
LAGIMODIERE	YAKIMOSKI 38

Mr. MALOWAY then moved:

THAT Bill 30 be amended by striking out Clauses 10(3) to (5).

And a debate arising,

And Mr. MALOWAY having spoken,

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

YEA

ALLUM	MALOWAY
ALTEMEYER	MARCELINO (Logan)
FONTAINE	MARCELINO (Tyndall Park)
GERRARD	SARAN
KINEW	SELINGER
KLASSEN	SMITH (Point Douglas)
LAMOUREUX	SWAN
LATHLIN	WIEBE 17
LINDSEY	

NAY

BINDLE	MARTIN
CLARKE	MAYER
COX	MICHALESKI
CULLEN	MICKLEFIELD
CURRY	MORLEY-LECOMTE
EICHLER	NESBITT
EWASKO	PALLISTER
FIELDING	PEDERSEN
FLETCHER	PIWNIUK
FRIESEN	REYES
GOERTZEN	SMITH (Southdale)
GRAYDON	SMOOK
GUILLEMARD	SQUIRES
HELWER	STEFANSON
ISLEIFSON	TEITSMAN
JOHNSON	WHARTON
JOHNSTON	WISHART
LAGASSÉ	WOWCHUK
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The House then adjourned at 5:00 p.m. until 1:30 p.m. Wednesday, November 8, 2017.

Hon. Myrna DRIEDGER,
Speaker.