



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 9

FIRST SESSION, THIRTY-NINTH LEGISLATURE

PRAYER

10:00 O'CLOCK A.M.

Mr. Speaker made a statement to the House regarding the election of Mr. BOROTSIK as Member for the Constituency of Brandon West and welcomed him to the House.

Mr. Speaker presented:

Certificate of Election respecting Mr. BOROTSIK, the newly elected Member for Brandon West.
(Sessional Paper No. 20)

Mr. Speaker made a statement to the House regarding the election of Mrs. MITCHELSON as Member for the Constituency of River East and welcomed her to the House.

Mr. Speaker presented:

Certificate of Election respecting Mrs. MITCHELSON, the newly elected Member for River East.
(Sessional Paper No. 21)

In accordance with Rule 31(9), the Opposition House Leader announced that the Crocus Investment Fund Scandal Resolution will be considered on Thursday, September 27, 2007.

Hon. Mr. GERRARD moved:

THAT Bill (No. 200) – The Health Services Amendment and Health Services Insurance Amendment Act/Loi modifiant la Loi sur les services de santé et la Loi sur l'assurance-maladie, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. GERRARD, Ms. HOWARD, Mr. LAMOUREUX and Ms. BRICK having spoken,

The debate was, on motion of Mr. DEWAR, adjourned.

Mr. LAMOUREUX moved:

THAT Bill (No. 201) – The Liquor Control Amendment Act (Fetal Alcohol Spectrum Disorder Prevention)/Loi modifiant la Loi sur la réglementation des alcools (prévention de l'ensemble des troubles causés par l'alcoolisation fœtale), be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Mr. LAMOUREUX, Hon. Ms. IRVIN-ROSS and Hon. Mr. GERRARD having spoken,

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

Mr. SWAN moved:

Resolution No. 1: Youth Criminal Justice Act – Sentencing and Bail Provisions

WHEREAS the Youth Criminal Justice Act (YCJA) came into force in 2003; and

WHEREAS since coming into force, a number of provinces, including Manitoba, have raised concerns about provisions within the YCJA; and

WHEREAS some of the most serious concerns relate to bail and sentencing provisions within the YCJA; and

WHEREAS courts across Canada have held that the YCJA does not permit deterrence to be an objective of sentencing; and

WHEREAS a youth cannot be incarcerated unless they have failed to comply with more than one non-custodial sentence, even though the non-custodial sentence could be for multiple counts of auto theft or other crime; and

WHEREAS a youth cannot be incarcerated for a first offence which is non-violent, even though it may involve multiple counts of auto theft; and

WHEREAS under the YCJA, bail cannot be denied where there is no ability to order custody and custody cannot be ordered for a first offence which is classified as non-violent; and

WHEREAS the offence of auto theft is treated as a non-violent offence within the YCJA and the Criminal Code; and

WHEREAS the federal Minister of Justice has acknowledged that changes need to be made to the YCJA and has indicated that deterrence should be a factor in sentencing.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba recommend that the Youth Criminal Justice Act (YCJA) be amended to incorporate deterrence as a sentencing principle; and

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BE IT FURTHER RESOLVED that the Legislative Assembly of Manitoba recommend that the YCJA be amended so that youth can be incarcerated for non-violent offences after failing to comply with a single non-custodial sentence; and

BE IT FURTHER RESOLVED that the Legislative Assembly of Manitoba recommend that the Criminal Code of Canada be amended to create a stand-alone indictable offence of motor vehicle theft, to be classified as a violent offence; and

BE IT FURTHER RESOLVED that the Legislative Assembly of Manitoba recommends that the YCJA be amended to permit the detention of repeat offenders and those in breach of undertakings, and by limiting the presumption to bail.

And a debate arising,

And Messrs. SWAN and HAWRANIK, Ms. BLADY, Hon. Mr. GERRARD, Messrs. MARTINDALE and FAURSCHOU having spoken,

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

In accordance with Rule 31(8), the Government House Leader announced that the Kyoto Support Resolution will be considered next Tuesday, October 2, 2007.

1:30 O'CLOCK P.M.

On motion of Hon. Ms. ALLAN, Bill (No. 16) – The Statutory Holidays Act (Various Acts Amended)/Loi sur les jours fériés (modification de diverses dispositions législatives), was read a First Time and had its purposes outlined.

The following petitions were presented and read:

Mr. CULLEN – Legislative Assembly of Manitoba to urge the Minister for Infrastructure and Transportation to consider implementing a speed zone on Provincial Trunk Highway #2 adjacent to the Village of Glenboro. (G. Neale, D. Robidoux, J. Nelson and others)

Mrs. ROWAT – Legislative Assembly of Manitoba to urge the Minister of Infrastructure and Transportation to act on this situation by considering the construction of a 4-lane highway that would bypass around the Village of Forrest. (L. Link, G. Link, L. Hamilton and others)

Mrs. TAILLIEU – Legislative Assembly of Manitoba to urge the Minister charged with the administration of The Liquor Control Act to consider allowing the owners of Headingley Foods to sell alcohol at their store, thereby supporting small business and the prosperity of rural communities in Manitoba. (S. Ammeter, D. Wright, S. Spicer and others)

Mr. DERKACH, Chairperson of the Standing Committee on Public Accounts, presented its First Report, which was read as follows:

Meetings:

Your Committee met on the following occasions:

- September 7, 2004
- September 8, 2004
- November 25, 2004
- November 28, 2005
- December 6, 2006
- December 14, 2006
- February, 22, 2007
- August 15, 2007

All meetings were held in Room 255 of the Legislative Building.

Matters under Consideration at the August 15, 2007 meeting

- Auditor General's Report – Investigation of Hydra House Ltd. and A Review of the Related Department of Family Services and Housing Financial Accountability Framework dated June 2004
- Auditor General's Report – Follow-up on Previously Issued Recommendations on Business Planning and Performance Measurement Report dated December 2003
- Auditor General's Report – An Examination of RHA Governance in Manitoba dated January, 2003
- Auditor General's Report – Environmental Audits – Review of the Province of Manitoba's Management of Contaminated Sites and the Protection of Well Water Quality in Manitoba dated November 2005

Committee Membership

Committee Membership for the September 7, 2004 meeting:

- Mr. AGLUGUB
- Hon. Mr. GERRARD
- Ms. IRVIN-ROSS
- Mr. LOEWEN
- Mr. MALOWAY (*Vice-Chairperson*)
- Mr. MARTINDALE
- Mrs. MITCHELSON
- Ms. OSWALD
- Mr. REIMER (*Chairperson*)
- Hon. Mr. SELINGER
- Mrs. TAILLIEU

Committee Membership for the September 8, 2004 meeting:

- Mr. AGLUGUB
- Hon. Mr. GERRARD
- Ms. IRVIN-ROSS
- Mr. LOEWEN

- Mr. MALOWAY (*Vice-Chairperson*)
- Mr. MARTINDALE
- Mrs. MITCHELSON
- Ms. OSWALD
- Mr. REIMER (*Chairperson*)
- Hon. Mr. SELINGER
- Mrs. TAILLIEU

Substitutions received during committee proceedings at the September 8, 2004 meeting:

- Mrs. ROWAT for Mrs. MITCHELSON

Committee Membership for the November 25, 2004 meeting:

- Mr. AGLUGUB
- Ms. BRICK
- Mr. CUMMINGS
- Hon. Mr. GERRARD
- Ms. IRVIN-ROSS
- Mr. LOEWEN
- Mr. MALOWAY (*Vice-Chairperson*)
- Mr. MARTINDALE
- Mr. REIMER (*Chairperson*)
- Mr. SWAN
- Mrs. TAILLIEU

Committee Membership for the November 28, 2005 meeting:

- Mr. CALDWELL
- Mr. CUMMINGS
- Mr. HAWRANIK
- Mr. MAGUIRE
- Mr. MALOWAY (*Vice-Chairperson*)
- Mr. MARTINDALE
- Mr. NEVAKSHONOFF
- Mr. REIMER (*Chairperson*)
- Mr. SANTOS
- Hon. Mr. SELINGER

Committee Membership for the December 6, 2006 meeting:

- Mr. AGLUGUB
- Mr. CUMMINGS
- Mr. DERKACH
- Hon. Mr. GERRARD
- Mr. HAWRANIK
- Mr. MALOWAY (*Vice-Chairperson*)
- Mr. MARTINDALE
- Mr. SANTOS
- Mr. SCHULER

- Hon. Mr. SELINGER
- Mr. SWAN

Your Committee elected Mr. DERKACH as the Chairperson at the December 6, 2006 meeting.

Committee Membership for the December 14, 2006 meeting:

- Mr. AGLUGUB
- Mr. CUMMINGS
- Mr. DERKACH (*Chairperson*)
- Mr. HAWRANIK
- Mr. LAMOUREUX
- Mr. MALOWAY (*Vice-Chairperson*)
- Mr. MARTINDALE
- Mr. SANTOS
- Mr. SCHULER
- Hon. Mr. SELINGER
- Mr. SWAN

Committee Membership for the February 22, 2007 meeting:

- Mr. AGLUGUB
- Mr. DERKACH (*Chairperson*)
- Mr. FAURSCHOU
- Mr. HAWRANIK
- Mr. LAMOUREUX
- Mr. MAGUIRE
- Mr. MALOWAY (*Vice-Chairperson*)
- Mr. MARTINDALE
- Mr. SANTOS
- Hon. Mr. SELINGER
- Mr. SWAN

Committee Membership for the August 15, 2007 meeting:

- Mr. DERKACH
- Mrs. DRIEDGER
- Mr. FAURSCHOU
- Ms. HOWARD
- Ms. KORZENIOWSKI
- Mr. LAMOUREUX
- Mr. MAGUIRE
- Mr. MALOWAY
- Mr. MARTINDALE
- Hon. Mr. SELINGER
- Mr. SWAN

Your Committee elected Mr. DERKACH as the Chairperson at the August 15, 2007 meeting.

Your Committee elected Mr. MALOWAY as the Vice-Chairperson at the August 15, 2007 meeting.

Motions

Your Committee agreed to the following motions at the November 25, 2004 meeting:

- *THAT the Public Accounts Committee call forward Bonnie Mitchelson, Member for River East, and the Minister of Health to respond to questions on the issue of Hydra House.*
- *THAT this Committee adjourn, with the agreement that at the next meeting of the Public Accounts Committee, Mrs. Mitchelson continue to answer questions regarding the Auditor General's report on Hydra House Ltd.*

Your Committee agreed to the following motion at the December 6, 2006 meeting:

- *That the Public Accounts Committee deal with the Auditor General's Report – Examination of the Crocus Investment Fund until 8:15 p.m. and at that time deal with the Environmental Audit until 9:00 p.m., and that the Committee also meet until 9:30 p.m. to consider the Crocus Report, following the review of the Province of Manitoba's management of contaminated sites which will conclude at 9:00 p.m. at the latest.*

Your Committee agreed to the following motions at the February 22, 2007 meeting:

- *That the letter tabled by the member for Lac du Bonnet be added to the agenda and dealt with not later than 6:45 p.m. tonight.*
- *That this committee request that the Auditor General, in accordance with her discretion under section 16(1) of the Auditor General Act, consider an examination and audit into the "Spirited Energy" campaign.*

Officials Speaking on Record

Officials speaking on the record at the September 7, 2004 meeting:

- Mr. Jon Singleton, Auditor General
- Ms. Bonnie Lysyk, Deputy Auditor General and Chief Operating Officer

Officials speaking on the record at the September 8, 2004 meeting:

- Mr. Jon Singleton, Auditor General
- Ms. Bonnie Lysyk, Deputy Auditor General and Chief Operating Officer

Officials speaking on the record at the November 25, 2004 meeting:

- Mr. Jon Singleton, Auditor General
- Ms. Bonnie Lysyk, Deputy Auditor General and Chief Operating Officer
- Mrs. MITCHELSON

Officials speaking on the record at the December 6, 2006 meeting:

- Carol Bellringer, Auditor General
- Bonnie Lysyk, Deputy Auditor General and C.O.O.
- Hon. Mr. STRUTHERS
- Don Cook, Deputy Minister of Conservation

Officials speaking on the record at the December 14, 2006 meeting:

- Hon. Mr. RONDEAU
- Hon. Ms. MELNICK

Officials speaking on the record at the February, 22, 2007 meeting:

- Hon. Ms. MELNICK
- Carol Bellringer, Auditor General

Officials speaking on the record at the August 15, 2007 meeting:

- Martin Billinkoff, Deputy Minister of Family Services and Housing
- Carol Bellringer, Auditor General
- Hon. Mr. MACKINTOSH
- Hon. Ms. OSWALD
- Heather Reichert, Acting Deputy Minister of Health
- Don Norquay, Acting Deputy Minister of Water Stewardship

Reports Considered and Passed

At the August 15, 2007 meeting your Committee considered and passed the following reports as presented:

- Auditor General's Report – Investigation of Hydra House Ltd. and A Review of the Related Department of Family Services and Housing Financial Accountability Framework dated June 2004
- Auditor General's Report – Follow-up on Previously Issued Recommendations on Business Planning and Performance Measurement Report dated December 2003
- Auditor General's Report – Environmental Audits – Review of the Province of Manitoba's Management of Contaminated Sites and the Protection of Well Water Quality in Manitoba dated November 2005

Reports Considered but not Passed

At the August 15, 2007 meeting your Committee considered the following report but did not pass it:

- Auditor General's Report – An Examination of RHA Governance in Manitoba dated January, 2003

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On motion of Mr. DERKACH, the Report of the Committee was received.

Hon. Ms. WOWCHUK presented:

Supplementary Information for Legislative Review 2007-2008 – Departmental Expenditure Estimates – Agriculture, Food and Rural Initiatives.
(Sessional Paper No. 22)

Hon. Mr. STRUTHERS presented:

Supplementary Information for Legislative Review 2007-2008 – Departmental Expenditure Estimates – Manitoba Conservation.
(Sessional Paper No. 23)

Supplementary Information for Legislative Review 2007-2008 – Departmental Expenditure Estimates – Sustainable Development Innovations Fund.
(Sessional Paper No. 24)

Hon. Mr. BJORNSON presented:

Supplementary Information for Legislative Review 2007-2008 – Departmental Expenditure Estimates – Education, Citizenship and Youth.
(Sessional Paper No. 25)

Hon. Mr. CHOMIAK presented:

Supplementary Information for Legislative Review 2007-2008 – Departmental Expenditure Estimates – Manitoba Justice.
(Sessional Paper No. 26)

Hon. Mr. DOER, the First Minister, made a statement to acknowledge the loss of two Canadian soldiers, Private Lane Watkins and Captain Jeff Francis, who served their country with honour and distinction in Afghanistan.

Mr. MCFADYEN and, by leave, Hon. Mr. GERRARD commented on the statement.

By leave, the House reverted to "Tabling of Reports".

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Hon. Mr. CHOMIAK presented:

Sequence for consideration of the Estimates by the Committee of Supply, both in the Chamber and outside the Chamber.

(Sessional Paper No. 27)

Mr. Speaker then informed the House that Ms. Angela CUNG, Ms. Karen POWER, Mr. DJ LEVY, Ms. Laura DUTFIELD, Ms. Stacy MCPHEE, Ms. Jennifer AHO, Ms. Autumn BEARDY, Mr. Abd Al MAGEED SALEM had been appointed Pages for the First Session of the Thirty-Ninth Legislature.

Pursuant to Rule 26(1), Mr. MCFADYEN, Ms. BLADY, Mr. BOROTSIK, Ms. BRICK and Mrs. ROWAT made Members' Statements.

Following Members' Statements, Hon. Mr. GERRARD rose on a Matter of Urgent Public Importance and moved:

THAT in accordance with Rule 36(1), the ordinary business of the House be set aside to discuss a Matter of Urgent Public Importance, namely, the continued escalation in Manitoba of violent crimes against Women, and in particular, the unsolved homicides of at least 19 sex trade workers in the past 25 years.

By leave, it was agreed to proceed with the debate.

And Hon. Messrs. GERRARD and CHOMIAK, Mrs. TAILLIEU, Hon. Ms. ALLAN, Mr. LAMOUREUX and Mrs. ROWAT having spoken.

The debate was terminated.

In accordance with Rule 27, Mr. LAMOUREUX rose on a Grievance.

The House resolving into Committee of Supply.

The House then adjourned at 6:01 p.m. until 1:30 p.m. Wednesday, September 26, 2007.

Hon. George HICKES,
Speaker.