

**Fifth Session - Thirty-Ninth Legislature**  
**of the**  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
**on**  
**Private Bills**

*Chairperson*  
*Mr. Gregory Dewar*  
*Constituency of Selkirk*

**Vol. LXIII No. 1 - 6 p.m., Tuesday, June 14, 2011**

ISSN 0713-9489

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Ninth Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
ALLAN, Nancy, Hon.	St. Vital	N.D.P.
ALTEMEYER, Rob	Wolseley	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
BJORNSON, Peter, Hon.	Gimli	N.D.P.
BLADY, Sharon	Kirkfield Park	N.D.P.
BLAIKIE, Bill, Hon.	Elmwood	N.D.P.
BOROTSIK, Rick	Brandon West	P.C.
BRAUN, Erna	Rossmere	N.D.P.
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GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin	Steinbach	P.C.
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HOWARD, Jennifer, Hon.	Fort Rouge	N.D.P.
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MARTINDALE, Doug	Burrows	N.D.P.
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NEVAKSHONOFF, Tom	Interlake	N.D.P.
OSWALD, Theresa, Hon.	Seine River	N.D.P.
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<i>Vacant</i>	Inkster	
<i>Vacant</i>	Lac du Bonnet	

**LEGISLATIVE ASSEMBLY OF MANITOBA  
THE STANDING COMMITTEE ON PRIVATE BILLS**

**Tuesday, June 14, 2011**

**TIME – 6 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Mr. Gregory Dewar (Selkirk)**

**VICE-CHAIRPERSON – Mr. Mohinder Saran  
(The Maples)**

**ATTENDANCE – 11 QUORUM – 6**

*Members of the Committee present:*

*Hon. Mr. Swan*

*Mses. Blady, Braun, Brick, Mr. Dewar, Mrs.  
Driedger, Messrs. Goertzen, Martindale,  
Pedersen, Saran, Schuler*

**APPEARING:**

*Hon. Jon Gerrard, MLA for River Heights*

*Hon. Theresa Oswald, MLA for Seine River*

*Mr. Jake Harms, Legislative Counsel and  
Assistant Deputy Minister of Justice*

**PUBLIC PRESENTERS:**

*Bill 301–The Providence College and  
Theological Seminary Incorporation Amendment  
Act*

*Mr. Gus Kunkel, Providence College and  
Seminary*

*Bill 217–The Residential Tenancies Amendment  
Act (Expanded Grounds for Early Termination)*

*Ms. Heather Collins, Department of National  
Defence*

*Bill 204–The Consumer Rights Day Act*

*Ms. Gloria Desorcy, Consumers' Association of  
Canada–Manitoba Branch*

**WRITTEN SUBMISSIONS:**

*Bill 217–The Residential Tenancies Amendment  
Act (Expanded Grounds for Early Termination)*

*Kim Storeshaw, Nor'West Co-op Community  
Health*

**MATTERS UNDER CONSIDERATION:**

*Bill 204–The Consumer Rights Day Act*

*Bill 205–The Regional Health Authorities  
Amendment Act (Mammography Accreditation)*

*Bill 217–The Residential Tenancies Amendment  
Act (Expanded Grounds for Early Termination)*

*Bill 220–The Justice for Victims of Child  
Pornography Act*

*Bill 222–The Sexual Assault Awareness Month  
Act*

*Bill 300–The Winnipeg Foundation Amendment  
Act*

*Bill 301–The Providence College and  
Theological Seminary Incorporation Amendment  
Act*

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**Mr. Deputy Clerk (Rick Yarish):** Good evening. Will the Standing Committee on Private Bills please come to order.

Your first item of business is the election of a Chairperson. Are there nominations for this position?

**Hon. Andrew Swan (Minister of Justice and Attorney General):** I would nominate Mr. Dewar.

**Mr. Deputy Clerk:** Mr. Dewar has been nominated. Are there further nominations?

Seeing none, Mr. Dewar, will you please take the Chair.

**Mr. Chairperson:** Our next order of business is the election of a Vice-Chairperson. Are there any nominations?

**Mr. Swan:** I'm pleased to nominate Mr. Saran.

**Mr. Chairperson:** Mr. Saran has been nominated. Are there any other nominations?

Hearing no other nominations, Mr. Saran is elected Vice-Chairperson.

This meeting has been called to consider the following bills: Bill 204, The Consumer Rights Day Act; Bill 205, The Regional Health Authorities Amendment Act (Mammography Accreditation); Bill 217, The Residential Tenancies Amendment Act (Expanded Grounds for Early Termination); Bill 220,

The Justice for Victims of Child Pornography Act; Bill 222, The Sexual Assault Awareness Month Act; Bill 300, The Winnipeg Foundation Amendment Act; Bill 301, The Providence College and Theological Seminary Incorporation Amendment Act.

How late does the committee wish to sit tonight?

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

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

As you'll see from the list, we have a small number of presenters registered to speak this evening, one of whom is out-of-town presenter. In what order does the committee wish to hear the presentations?

**Mr. Doug Martindale (Burrows):** I think we should follow our normal procedure and hear out-of-town presenters first.

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

A written submission on Bill 217, from Kim Storeshaw, from NorWest Co-op Community Health has been received and distributed to committee members. Is it the will of the committee to include this submission in the *Hansard* transcript of this meeting? *[Agreed]*

Before we proceed with proceedings, is there anyone in the audience who would like to make a presentation this evening? Please register with the staff at the entrance of the room.

As well, I'd like to inform presenters that in accordance with our rules, a time limit of 10 minutes has been allocated for presenters—or for, excuse me, for presentations, with another five minutes allowed for questions from committee members.

Finally, the proceedings of our meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it is an MLA or presenter, I first have to say the person's name. This is a signal for the *Hansard* recorder to turn the mikes on and off.

We will now proceed with public presentations.

### **Bill 301—The Providence College and Theological Seminary Incorporation Amendment Act**

**Mr. Chairperson:** I call on Gus Kunkel from the Providence College and Seminary.

Mr. Kunkel, do you have any written materials for distribution to the committee?

**Mr. Gus Kunkel (Providence College and Seminary):** I do not.

**Mr. Chairperson:** Then please proceed with your presentation.

**Mr. Kunkel:** My purpose here this evening is to express appreciation for those individuals that have facilitated Bill 301. Those include honourable—sorry—Mr. Martindale, who is the presenter of this bill in parliament, and I thank you very much for the way in which you have assisted us and for the very articulate presentation which you had for us in the presentation of this bill.

I also wish to thank Mr. Kelvin Goertzen for speaking to the bill, as well as Mr. Jon Gerrard, who addressed the Assembly at that time.

Earlier, this bill was facilitated by Mr. Sid Rogers, who is part of the Council on Post-Secondary Education. They were the individuals who authorized the term "university" to be added to the name of Providence College and Seminary.

I would like to thank Mr. Peter Bjornson, who was in many ways a part of that, and also Ms. Diane McGifford because she actually approved the addition of the name.

A second part of the bill is a change on our investment policy. This was requested by our auditors, and it is a very standard addition to the bill.

That is my presentation. Thank you.

**Mr. Chairperson:** Thank you, Mr. Kunkel. Are there any questions for the presenter?

**Mr. Kelvin Goertzen (Steinbach):** Only, Mr. Kunkel, I want to thank you for coming here this evening and for the great work you do at Providence. Many members, not only myself, are aware of the reputation of Providence, both here in Manitoba, nationally and internationally, and growing so.

And I know that you'll have some time left with Providence to continue to shape its direction, but we want to thank you for the work that you've done there and the benefit that it's been for the province, and your students are making an impact around the world. And I don't know if there's much more of a legacy a person can leave than to be a part of having

that impact reach out, not just in our province, in our country and our land, but really around the world.

So thank you for the work that you've done. I know you've had some recent hirings. I'm sure you'll be pleased with those hirings in the days ahead, Mr. Kunkel, and if you aren't pleased, just let me know. I'm only a phone call away, and I'll come and do my best to straighten it out.

**Mr. Kunkel:** I have every anticipation that the student affirmations from the hiring to which you refer are going to be the most positive of all of the ones we've received. Thank you very much.

**Mr. Chairperson:** Any other questions for the presenter? Hearing none, thank you, Mr. Kunkel.

#### **Bill 204—The Consumer Rights Day Act**

**Mr. Chairperson:** Our next presenter is Gloria Desorcy, on the consumer—excuse me—from the Consumers' Association of Canada, Manitoba Branch, on Bill 204.

Gloria Desorcy? She'll be dropped to the bottom of the list.

#### **Bill 217—The Residential Tenancies Amendment Act (Expanded Grounds for Early Termination)**

**Mr. Chairperson:** On Bill 217, we have Major Helen—Heather Collins, Department of National Defence.

Good evening, do you have a—

I'll call up Ms. Blady to the table.

Would you have any written presentation for the committee?

**Ms. Heather Collins (Department of National Defence):** No, I do not.

**Mr. Chairperson:** Then you can proceed then. Thank you.

**Ms. Collins:** First of all, at 17 Wing, we would like to thank the Province for sponsoring and considering this amendment. We applaud the initiative that's trying to correct an important aspect of one of the most serious problems that confront the Canadian Forces in Winnipeg, and that's the ability to secure a safe and affordable housing within a structure that meets our mobility needs of the Canadian Forces. The Canadian Forces is undergoing a profound demographic change right now to a much younger workforce. This workforce is often challenged to financially afford the means to enter into the real

estate market. This and other factors often are increasingly forcing our personnel into the private rental market. In the past, they have had difficulties when the demands of the service have required their rapid departures from the city, and again this is happening more and more increasingly.

\* (18:10)

Our main concern with the bill, as it was initially introduced, is to ensure that it adequately reflects the subsections of the Canadian Forces in accordance with the National Defence Act. So, in subsection No. 1, we have concern over the wording of the divisions of the Canadian Forces. It's somewhat implied that the reserve force is separate from the Canadian Forces, whereas the Canadian Forces is formed of three separate forces: the regular force, the reserve force and special forces.

We're also concerned that the bill should also include and cover members of foreign militaries that are here working with and assigned to the Canadian Forces for either duties or courses. We have a frequent and large number of those personnel that are here from countries all over the world. So we would see that they should be included in the wording of section 1 as well. I think, with clarification of the wording of who falls under the auspices of the Canadian Forces, it would simplify the wording of the further two sections that refer to military service.

The other primary observation that we have is, when dealing with locations for postings, it refers to a limit of 100 kilometres. Frequently, personnel are posted from CFB Winnipeg out to Portage la Prairie. That station is only 85 kilometres away; therefore, it would mean that in theory we could expect people to have to commute between Winnipeg and Portage la Prairie, which is not a feasible or safe consideration. So we would ask that it be considered that that kilometre range be reduced to 50 kilometres. That would apply in both sections 2 and sections 3.

Those two things, clearing up the wording of the divisions of the Canadian Forces and the reconsideration of the boundaries, would address the concerns that we have for this bill. And, in closing, the Wing Commander has asked me to say that, when it regards to the reserve force, there would need to be a wording that says for a reserve force member who is on, or proceeding on, full-time service. Manitoba celebrates the—a lot of legislation that supports reservists who are leaving civilian employment and are taking postings and

deployments. So it would be important that that wording was there because that would allow somebody, for example, who is a schoolteacher or a labourer who is deploying out of country or anywhere else in the country to have the benefit of the protection of this bill.

**Mr. Chairperson:** Thank you, Major Collins. Any questions?

**Ms. Sharon Blady (Kirkfield Park):** Thank you, Major Collins. It's a pleasure to have you come down tonight. It's been wonderful working with the folks at 17 Wing on this, and I thank you for the comments that you've made tonight regarding the oversights that—one of which involves my failure to convert between kilometres and miles appropriately. So my apologies for that. That will be addressed.

And I do also appreciate what you have brought forward regarding the unique situation that we have here in Winnipeg regarding members who serve from foreign services, and I was wondering if you could explain to those present here tonight the unique role that Winnipeg has and why it is important that we include those who are seconded into—to work with Canadian Forces.

**Floor Comment:** Certainly.

**Mr. Chairperson:** Excuse me, Major Collins. I need to recognize you first.

**Ms. Collins:** The largest number of military forces are probably the Americans that are coming up and working at the NORAD headquarters jointly with us. But Winnipeg has become a centre of excellence for air force training, so we have a large number of schools that train a wide variety of air force trades from air control operators, pilots, et cetera. So we actually have a lot of countries right in-house right now. We have people from Singapore. We have people from Qatar. We have people from France, Germany. So there's a very large number of countries that come over, and they contract with the Canadian Forces to train their militaries.

Those courses are not short-term courses. Most of those courses are in excess of a year, so these aren't sort of two-week or three-week courses. These are long-term courses that have people coming from around the world. Generally, those militaries are not bringing families if they're on courses. They may or they may not be bringing families if they're coming up to work at NORAD headquarters. If they're working up with the NORAD headquarters out of

here, they're usually posted here for three to five years. So there's actually quite a large number of different countries that are represented that would benefit from being included under that auspices.

**Mr. Chairperson:** Any other questions for the presenter?

**Ms. Blady:** I again would just like to thank you, Major Collins, and please extend my greetings and my respects to the new Wing Commander. It's been a pleasure, again, over the years working with 17 Wing; and coming from a family that has included military personnel and reservists and having grown up in the area, 17 Wing has always added a really great sense of community to our larger area. And so I appreciate the work that we've been able to do together on this legislation and the amendments to it. Thank you.

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

#### **Bill 204—The Consumer Rights Day Act** *(Continued)*

**Mr. Chairperson:** We'll have to call once again for Gloria Desorcy. Oh, here you are. Great.

Thank you for coming. Do you have written presentations?

**Ms. Gloria Desorcy (Consumers' Association of Canada – Manitoba Branch):** No, I don't.

**Mr. Chairperson:** You can proceed then.

**Ms. Desorcy:** I'll just catch my breath.

On behalf of the Manitoba Branch of the Consumers' Association, I'd just like to thank you for this opportunity to offer some comments on a consumer protection—sorry, on a Consumer Rights Day and why we might need a Consumer Rights Day.

For someone like myself, who spends a lot of time trying to raise awareness amongst consumers, industry, business, government, media of consumer issues and consumer rights, I can tell you that sometimes that can be hard slogging. We all have experience as consumers. We all know a lot about what it means to be consumers based on that experience. Sometimes we may or may not know what the protections are that are available for us. You'd be surprised how many consumers I talk with still believe that you—a store must give you your money back, when you take stuff to the store, or don't know that, when you purchase something

online with your credit card, your credit card might offer you some more protections.

So there is some knowledge of that amongst consumers and some consumers are not aware. But consumer rights, as we see them, as the Consumers' Association, go beyond that. When we have an opportunity to participate in consultation, as consumers, when we have an opportunity of a voice in the marketplace, what are we asking for? What are we entitled to? What's fair? What's reasonable? What's balanced? Those are the questions that knowing about your consumer rights can help consumers answer.

And so, if I had to say why is it important to have a consumers' rights day, my first penultimate reason would be to raise awareness: yes, amongst business and industry; yes, in the media; but, definitely, amongst consumers, to raise awareness amongst consumers of what their rights are and what responsibilities go with those rights. We can't take responsibility to exercise our rights if we don't know what they are. And this is an opportunity to promote, to educate, to inform.

And so, on behalf of the Manitoba Branch of the Consumers' Association of Canada, I urge you to pass this bill. I think this is—we think that this will be excellent for Manitobans and excellent for consumers in this province. Thank you.

**Mr. Chairperson:** Thank you. Any questions from committee members?

**Ms. Erna Braun (Rossmere):** Thank you, Gloria, for coming this evening. As a home economist, I know, and as a home ec teacher, the importance of your organization and the information and support that you've provided to educators in the area of consumer awareness. So thank you very much for coming this evening.

**Ms. Desorcy:** Thank you.

**Mr. Chairperson:** Well, thank you for your presentation.

That concludes our list of presenters. Is there anyone in attendance who wishes to make a presentation on these bills?

Seeing none, in what order does the committee wish to proceed with clause-by-clause consideration of these bills?

**Mr. Doug Martindale (Burrows):** I have a suggestion. Since there's only three bills with

presenters, I would recommend that we do those bills first and then the others as listed on the Order Paper.

**Mr. Chairperson:** Is that agreed? *[Agreed]* Doing first of all, Bill 204, The Consumer Rights Day Act.

During the consideration of a bill, the preambles, the table of contents, the enacting clauses and the titles are postponed until all other clauses have been considered in their proper order.

\* (18:20)

Also, if there's an agreement from the committee, I will call clauses in blocks that conform to pages, with the understanding that we'll stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed? *[Agreed]*

Then we'll start with—proceed with clause-by-clause consideration of these bills.

For the committee's reference on April the 20th, 2011, by leave of the House, sponsorship of Bill 204, The Consumer Rights Day Act was transferred to Ms. Braun from the Honourable Ms. Selby. Does the sponsor for Bill 204, Ms. Braun, have an opening statement?

**Ms. Erna Braun (Rossmere):** Thank you for this opportunity to put a few words on record. I must begin by complimenting my colleague from Southdale who first envisioned this bill, as she worked with the Minister of Family Services and Consumer Affairs (Mr. Mackintosh) and helped shape Let's Make A Better Deal, Manitoba's plan for it's stronger consumer protection.

We are all consumers, and our government's action to strengthen consumer protection is a commitment to a healthy marketplace and to each and every citizen of Manitoba. By recognizing March 15th as Consumer Rights Day, it will highlight for us how important it is to understand what our rights are, and to remind us to be vigilant as we enter the marketplace.

This day can also provide the opportunity for staging events and informational campaigns to further our understanding of consumer rights. Let's Make a Better Deal is certainly the underpinning of Consumer Rights Day Act. It's the government's commitment for stronger consumer protection.

So, thank you, again, to the member from Southdale for introducing this bill and giving

me the chance to highlight the importance of being well-informed consumers.

**Mr. Chairperson:** We thank the member. Does any other member wish to make an opening statement on Bill 204?

**Mr. Kelvin Goertzen (Steinbach):** Just briefly, members of the Progressive Conservative Party support this legislation. We hope that it will be useful in protecting consumer's rights, and we look forward to its quick passage and implementation.

**Mr. Chairperson:** Clauses 1 through 3—pass; preamble—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 217—The Residential Tenancies Amendment Act (Expanded Grounds for Early Termination)**

**Mr. Chairperson:** Would Ms. Blady join us at the head of the table please? Does the bill sponsor, Ms. Blady, have an opening statement?

**Ms. Sharon Blady (Kirkfield Park):** Yes, I would like to begin by saying that the work on this bill has come from a number of places, and that I appreciate the community support that has come with this in the consultation process and the situations that brought the need for this legislation to light.

The letter that you have before you, the submission from Kim Storeshaw, is one of many people that I've had the privilege of working with in the community that deal with domestic violence prevention. And, as a domestic abuse survivor, I was fortunate enough to not have to flee where I lived but, at the same time, I know others who have not been so fortunate. And I know how important this legislation will be in their lives, and will also be with—be for those folks that work in the front lines, in women's shelters and other organizations that support women who are victimized.

And so it was very important on that level, and being familiar with those circumstances. I'd also like to thank, again, the military folks that we've been able to work with, specifically, Major Collins, for the insight that she has been able to provide, and the legal perspective, from a military perspective. I think we had—it was noted by some members opposite regarding—there's been the comments made that it—the fact that we come from two different cultures, and sometimes in the same way that folks don't often understand the culture that we have in the building, sometimes those of us that are not directly in the

military are not often familiar with the nuances and the subtleties of military culture.

And, again, as someone that has come from a family with military experience, I should have been a little bit more aware of some of those subtleties, and the definitions, because the work that is done by those in the military is exemplary, and my brother was a reservist himself. And so the need to address the concerns of reservists, I guess, hadn't crossed my mind personally because he was still living in my mother's basement when he got deployed. So—but I would again like to thank the military for their work and then also as well to thank those within the seniors and disabilities community that again we had a lot of work to do in terms of addressing the health concerns that people face, and a specific case that I knew of someone who was literally trapped in her apartment for six months.

So I appreciate the fact that this legislation has been allowed to come forward to this stage, and I look forward to it, you know, passing at third reading and going on to royal assent. I do believe that it will make a great difference in a number of people's lives in this province by recognizing either those who serve, acknowledging those that are going through a tough time in their life, be it health or in a domestic situation, and with that, I would just like to thank my colleagues and other honourable members of this Legislature for the support that they have given this bill to this point.

**Mr. Chairperson:** We thank the member. Does any other members wish to make an opening statement?

**Mr. Blaine Pedersen (Carman):** I just want to say that the Progressive Conservative Party will support this bill. We look forward to its speedy passage. It addresses some issues that the member has outlined, and I understand there will be some amendments brought forward to address the issues that the military has brought forward. So we look forward to having those amendments brought in to clean up the language and look to its speedy passage. Thank you.

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

Clause 1—pass.

Shall clause 2 pass?

**Ms. Blady:** I move

*THAT Clause 2 of the Bill be amended*

*(a) by replacing the proposed section 92.1 with the following:*



**Interpretation: Canadian Forces member or member of the armed forces of another country**

**92.1(1)** For the purposes of this section, a person is

- (a) a Canadian Forces member if he or she is a member of
  - (i) the regular or a special force of the Canadian Forces, or
  - (ii) the reserve force of the Canadian Forces on or proceeding on full-time training or service or on active service; and
- (b) a member of the armed forces of a country other than Canada if he or she is
  - (i) assigned to military duties with the Canadian Forces, or
  - (ii) attending a training course in Manitoba provided by the Canadian Forces.

**Termination re Canadian Forces members and members of the armed forces of another country**

**92.1(2)** A tenant of a rental unit may terminate the tenancy by giving notice in accordance with subsection (3) if the tenant is

- (a) a Canadian Forces member as described in clause (1)(a) who is posted to a location that is at least 50 kilometres from the rental unit after the tenancy agreement is entered into;
- (b) a member of the armed forces of a country other than Canada as described in clause (1)(b) who has ceased to be assigned to military duties with the Canadian Forces or whose training course has ended; or
- (c) a person who resides with a member described in clauses (a) or (b), if
  - (i) the person is the spouse or common-law partner of the member, and
  - (ii) the member is named as an occupant in the tenancy agreement.

**Notice and certificate from official required**

**92.1(3)** To terminate a tenancy under subsection (2), the tenant must give the landlord

- (a) a notice of termination that is not less than the prescribed period of notice; and

(b) a certificate in the form approved by the director from an official with the Canadian Forces confirming that the tenant or the spouse or common-law partner of the tenant, as the case may be, is

- (i) a Canadian Forces member as described in clause (1)(a) who has been posted to a location that is at least 50 kilometres from the tenant's rental unit; or
- (ii) a member of the armed forces of a country other than Canada as described in clause (1)(b) who has ceased to be assigned to military duties with the Canadian Forces or whose training course has ended.

(b) in the English version, by replacing the proposed clause 92.7(a) with the following:

- (a) section 92.1 (termination re Canadian Forces members and members of the armed forces of another country);

\* (18:30)

**Mr. Chairperson:** It has been moved by Ms. Blady, *THAT*—

**Some Honourable Members:** Dispense.

**Mr. Chairperson:** Dispense. The amendment is in order. The floor is open for questions.

Is the committee ready for the question?

**Some Honourable Members:** Question.

**Mr. Chairperson:** Amendment—pass; clause 2 as amended—pass; clauses 3 and 4—pass; clause 5—pass.

Shall clause 6 pass?

**Ms. Blady:** Yes, I move

*THAT Clause 6 of the Bill be replaced with the following:*

*Coming into force: royal assent*

*6(1) Subject to subsection (2), this Act comes into force on the day it receives royal assent.*

*Coming into force: proclamation*

*6(2) The following provisions of **The Residential Tenancies Act** come into force on a day to be fixed by proclamation:*

- (a) section 92.1 and clause 92.7(a), as enacted by section 2 of this Act;

*(b) clause 194(1)(j.5), as enacted by section 5 of this Act.*

**Mr. Chairperson:** It has been moved by Ms. Blady THAT—dispense?

**Some Honourable Members:** Dispense.

**Mr. Chairperson:** Dispense. The amendment is in order. The floor is open for questions.

**Mr. Pedersen:** This last amendment, there is some regulations to be written for this. Just wondering when the regulations will be written.

**Ms. Blady:** Yes, that's actually something that is being dealt with right now with the Residential Tenancies branch to address this period of notice, and so it's again—it has to do with being fair to the landlords and ensuring that proper notification is given.

**Mr. Pedersen:** It's a simple question. When was it going—when was the regulations going to come into force?

**Ms. Blady:** It is being worked on at present and we are trying to determine that at present in consultation with landlords.

**Mr. Chairperson:** Is the committee ready for the question?

**An Honourable Member:** Question.

**Mr. Chairperson:** Amendment—pass; clause 6 as amended—pass; enacting clause—pass; title—pass.

Shall the bill be reported? Oops.

Shall the bill be reported—as amended be reported? *[Agreed]*

**Some Honourable Members:** Agreed.

**Mr. Chairperson:** Agreed. The bill shall be reported as amended.

### **Bill 301—The Providence College and Theological Seminary Incorporation Amendment Act**

**Mr. Chairperson:** Bill 301. In accordance with rule 158(1) on Bill 301, we shall first hear a report from Mr. Jake Harms, Legislative Counsel.

**Mr. Jake Harms (Legislative Counsel and Assistant Deputy Minister of Justice):** As required by subrule 158(1) of the rules of the House, I now report that I have examined Bill 301, The Providence College and Theological Seminary Incorporation Amendment Act, and have not noted any exceptional

powers sought or any other provision of the bill requiring special consideration.

**Mr. Chairperson:** We thank the Legislative Counsel for that report.

Mr. Martindale? Does the bill's sponsor, Mr. Martindale, have an opening statement?

**Mr. Doug Martindale (Burrows):** Yes, I do. I will be brief.

I want to express my gratitude to Providence College, especially Dr. Kunkel, and also the former minister of Advanced Education, Diane McGifford, for asking me to be responsible for piloting this bill through the Legislature. It gave me the opportunity to know Gus Kunkel, President of Providence College, to have a tour of the college and, best of all, I was asked to teach a course there on the subject of politics and religion. And for those of you who missed the speeches on second reading, the member for Steinbach said that if I leaned too far in one direction, he would make sure that I was leaned back in the other direction. He might have been referring to left and right with that; we'll let it be.

I also want to thank Legislative Counsel. I worked with Christina Wasyliw, who was very pleasant to work with.

In conclusion, I know how important this bill is to Providence, and I was happy to be a part of it, and I look forward to royal assent and proclamation of the—which will be the Providence University College and Theological Seminary

**Mr. Chairperson:** We thank the member. Does any other member wish to make an opening statement on Bill 301?

**Mr. Kelvin Goertzen (Steinbach):** Yes, just reiterate some of the comments, and I do want to seriously put on the record that I appreciate the member for Burrows bringing this bill forward on behalf of the Providence University College and Theological Seminary—I'm starting early in getting used to that—but I do appreciate the member for Burrows. We've—of course, we're adversaries in the House sometimes but friends outside of the House, and I commend him not only on the bill, but I wish him well in his work at the college, and I know that he'll be an asset to the college and that this bill will be an asset to them as they continue on their work in bringing more students into it.

**Mr. Chairperson:** We thank you—oh, Dr. Gerrard.

**Hon. Jon Gerrard (River Heights):** Just want to say to the member from Burrows that we respect your contribution in the Legislature and wish you very well at Providence College and thank you for taking on the task of sponsoring this bill and good luck moving forward.

**Mr. Chairperson:** Clauses 1 through 4—pass; clauses 5 and 6—pass; clauses 7 and 8—pass; preamble—pass; enacting clause—pass; title—pass. Bill be reported.

I understand the sponsor has a motion.

**Mr. Martindale:** Mr. Chairperson, I move

THAT this committee recommends that the fees paid with respect to Bill 301, The Providence College and Theological Seminary Incorporation Amendment Act; Loi modifiant la Loi constituant en corporation le « Providence College and Theological Seminary », be refunded, less the cost of printing.

**Mr. Chairperson:** It's been moved by Mr. Martindale—

**An Honourable Member:** Dispense.

**Mr. Chairperson:** Dispense. The motion is in order. The floor is open for questions.

**An Honourable Member:** Question.

**Mr. Chairperson:** Shall the motion pass? [*Agreed*]

**Bill 205—The Regional Health Authorities Amendment Act (Mammography Accreditation)**

**Mr. Chairperson:** Mrs. Driedger, will you join us at the head of the table, please, for Bill 205?

Does the bill's sponsor, Mrs. Driedger, have an opening statement?

**Mrs. Myrna Driedger (Charleswood):** Just a couple of comments. I just want to extend my gratitude to the Minister of Health's office and to her staff for the support in helping to move this bill forward with the amendments that have been proposed and to indicate that it's nice to see a piece of legislation that goes through with support from all sides and to see legislation that is going to, in fact, benefit women in Manitoba.

\* (18:40)

**Mr. Chairperson:** Well, we thank the member. Does any other member wish to make an opening statement on Bill 205?

Hearing none, shall clauses 1 through 5 pass—1 through 3, sorry?

Clause 1—pass.

Shall clause 2 pass?

**Mrs. Driedger:** We have an amendment to—I move

*THAT the proposed section 28.1, as set out in Clause 2 of the Bill, be amended by striking out "must ensure that a mammography unit is not used in its health region unless "and substituting", health corporation or health care organization must ensure that a mammography unit is not used in any facility owned or operated by the regional health authority, health corporation or health care organization unless".*

**Mr. Chairperson:** It has been moved by Mrs. Driedger

*THAT—*

**An Honourable Member:** Dispense.

**Mr. Chairperson:** Thank you. The amendment is in order. The floor is open for questions.

Is the committee ready for the question?

**Some Honourable Members:** Question.

**Mr. Chairperson:** Amendment—pass; clause 2 as amended—pass; clause 3—pass.

Shall clause 4 pass?

**Mrs. Driedger:** I move

*THAT Clause 4 of the Bill be replaced with the following:*

*Coming into force*

*4 This Act comes into force on March 31, 2012.*

**Mr. Chairperson:** It's been moved by Mrs. Driedger

*THAT—*

**Some Honourable Members:** Dispense.

**Mr. Chairperson:** Thank you. The amendment is in order. The floor is open for questions.

**Hon. Theresa Oswald (Minister of Health):** I just want to take this opportunity, before wrapping up these proceedings, to commend the member for her initiative on this bill. I believe all members of the Legislature, in the names of their grandmothers and aunts and wives and moms and so forth, would view this to be a very important step forward, and I do congratulate her for her efforts.

**Mr. Chairperson:** Amendment—pass; clause 4 as amended—pass; enacting clause—pass; title—pass. Bill as amended be reported.

**Bill 220—The Justice for Victims of Child Pornography Act**

**Mr. Chairperson:** Mr. Goertzen, will you join us at the head of the table please.

Does the bill's sponsor, Mr. Goertzen, have an opening statement?

**Mr. Kelvin Goertzen (Steinbach):** I do. I want to thank members of this committee and the entire Legislature for allowing the bill to reach the stage that it's at here this evening.

This bill was first introduced in 2008. At that time, the government members, while they didn't allow the bill to move forward, I think that they all spoke in favour of the principle of the bill, and I appreciated that at the time. However, I was adamant that this bill move forward and be passed, and I'm glad that it's taking another step towards that tonight.

I want to acknowledge that the genesis of this bill came from a discussion that I had several years ago with Roz Prober, from Beyond Borders. Almost every member of this committee will be familiar with Roz Prober and her work. She's out of the country tonight doing work to protect children. But I've appreciated her past comments of support regarding the bill. And I've had an opportunity more recently to speak to her about it, and she also offered her support at that time.

The bill allows the government to take civil action on behalf of the unknown victims of child pornography. In fact, that represents most of the victims of child pornography as they often are unable to be identified and are never identified. It allows for a fund to be set up to offset the cost of fighting child pornography and to allow the funds to be distributed to those who are in the business of fighting child pornography. And there's many good organizations, including Beyond Borders, and certainly our police forces, who do that each and every day.

I know that the government has some proposed amendments. I appreciate the Attorney General in sharing those amendments with me. I think that they help to strengthen the bill. While I think that the bill stands on its own merits, I always believe that things can be improved. I don't believe that anybody has a monopoly on good ideas, and the amendments that the Attorney General brought to my attention and

that we discussed earlier today, I think, are good amendments and that will improve the bill and its operations in the future.

So I want to thank, again, the members of the Legislature for allowing it to move to this stage. I look forward to moving back into the House and, ultimately, being approved so that it can go to work in protecting children in the province of Manitoba.

**Mr. Chairperson:** We thank the member. Does any other member wish to make an opening statement on Bill 200?

**Hon. Andrew Swan (Minister of Justice and Attorney General):** Yes, thank you. I want to thank the member for Steinbach for bringing this bill forward. I think anything we can do as legislators to try and protect children—it's a very positive thing. I think we can be very proud of steps that this Legislature has taken in the past number of years to do our best to protect children. I think we can all be proud that the Canadian Centre for Child Protection is headquartered right here in Winnipeg, Manitoba.

I'm very pleased that our government has helped that organization to get Cybertip.ca off the ground. That effort now is working hard to make sure that the child pornography is taken down wherever it appears. It's led to arrests and it's actually led to children being saved from situations where they've been exploited.

Manitoba has been at the cutting edge of legislation to protect, as much as possible, children from being subjected to child pornography. Back in 2009 this Legislature enacted first-of-its-kind legislation to make the reporting of child pornography mandatory, including measures to make sure that informants' identities kept confidential.

The police have to advise an employer when an employee has access to children in the workplace is charged with a related offence, and very tough penalties for violating the provisions of the act, including a maximum fine of \$50,000 and/or imprisonment of up to 24 months.

We think by moving ahead tonight we can make the legislative structure in Manitoba even that much tougher. I will be proposing three amendments that we think will strengthen the bill, and, we hope, make sure that it withstands the test of time.

So, as the member for Steinbach has said, we've had some discussions about that. I'll be pleased to put

forward these amendments, and we look forward to getting the bill passed.

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

Clause 1—pass;

Shall clause 2 pass?

**Mr. Swan:** I move

*THAT Clause 2 of the Bill be replaced with the following:*

**Application on behalf of victim**

**2** If a resident of Manitoba was involved in conduct that would constitute a child pornography offence—whether or not he or she has been convicted of the offence—the minister may apply to the court for an order requiring the person to pay damages for injuries and other losses suffered by a child who is depicted in the child pornography in question, whether or not that child has been identified.

**Mr. Chairperson:** It's been moved by the Honourable Mr. Swan

*THAT*—dispense.

The amendment is in order; the floor is open for questions.

\* (18:50)

**Mr. Swan:** Just by way of explanation, Mr. Chairperson, we've had great success in this province with some civil answers where unlawful activity takes place, and we think it could be stronger. Instead of having to wait for a criminal conviction, which in some cases that may not happen, we believe it is stronger that there be a claim possible if, on a balance of probabilities, somebody has committed the act that gives rise to a child pornography offence.

There are two examples that I can put on the record very quickly. One is where, for some reason, a case doesn't lead to a successful conviction. For example, if a search warrant is to be deemed inappropriate and inadmissible and somebody doesn't meet the reasonable doubt test of being convicted, yet, there can still be a good case made on a balance of probabilities, we want to make sure that a claim is available against that person.

A second example would be where someone who is accused and charged with child pornography dies. If somebody dies, of course, they can't be convicted afterwards. This change would allow the Province to go after that person's estate and use it for

the fund and, ultimately, for the victims of child pornography.

**Mr. Goertzen:** I thank the minister for his comments. I support the amendment. I think that it does a couple of things in addition to what the minister indicated.

First of all, I think it makes it a more general application, which I think is important for a variety of different reasons. It doesn't rely specifically on the criminal conviction, and the general application can have positive implications when a law is being looked at and being tested in the future. So I think that that is an important change. We've seen this kind of application under Civil Remedies Act, and it's been—it's worked well.

Certainly, we still have the criminal conviction if one is entered as a proof of an offence, and that helps to establish evidence in a case. So that is still there if, in fact, there is a criminal conviction. But I think that the amendment is a good one in the sense that it adds to the generality of the bill and doesn't rely specifically on a conviction because, I agree, there will be some cases where the offence can be proven on a civil judgment of standard of balance of probabilities, as opposed to a criminal standard.

**Mr. Chairperson:** Is the committee ready for the question?

**Some Honourable Members:** Question.

**Mr. Chairperson:** Amendment—pass.

Clause 2 as amended—pass;

Shall clauses 3 through 6 pass?

**Mr. Swan:** Yes. Perhaps we can move to clauses 3 and 4 first.

**Mr. Chairperson:** Shall clauses 3 and 4 and 5 pass? Clauses 3 through 5—pass.

Shall Clause 6 pass?

**Mr. Swan:** I move

*THAT the following be added after Clause 5 of the Bill:*

**Limitation of Actions Act**

**5.1** Despite *The Limitation of Actions Act*, no limitation period applies with respect to bringing an application under section 2.

**Mr. Chairperson:** It has been moved by Mr. Swan

*THAT—*

**An Honourable Member:** Dispense.

**Mr. Chairperson:** Dispense. The amendment is in order. The floor is open for questions.

**Mr. Swan:** Mr. Chairperson, just by way of background, The Limitation of Actions Act is a provincial law that limits when claims can be brought. It's a—the bill is—was introduced in the House is silent on that issue so it would be unclear whether claims could be brought after two years.

We think in this case this is a serious issue and, if someone, especially a young person, becomes aware at any time that there are pornographic images out in the internet or in the public, they should be able to come forward and bring their claim.

So we think this, again, strengthens Bill 220, and I'm hoping we can make this amendment.

**Mr. Goertzen:** Yes, and further to those conversations that I had with the minister this afternoon, we support the amendment. As he mentions, the bill does not put a limitation on action in the bill itself. It was never the intention that there would be a limitation of a period of action, and that's why it doesn't speak to it in the bill. However, I think that adding clarity is—certainly, there's nothing wrong with adding clarity, and so making it clear that no other act that governs in Manitoba should put a limitation on action under this bill, I think, is a good move, and we look forward to the amendment passed.

**Mr. Chairperson:** Is the committee ready for the question?

**An Honourable Member:** Question.

**Mr. Chairperson:** Amendment—pass;

I shall move to clause 6.

Clause 6—pass.

Shall clauses 7 through 9 pass? The Honourable Mr. Swan.

**Mr. Swan:** I move

*THAT Clause 8(2)—*

**Mr. Chairperson:** Excuse me. Clause 7—pass.

Shall 8 pass? The Honourable Mr. Swan.

**Mr. Swan:** I move

*THAT Clause 8(2)(a) of the Bill be amended by striking out "who is" and substituting "who is known or is".*

**Mr. Chairperson:** It has been moved by the honourable Mr. Swan

*THAT—the amendment—*

**An Honourable Member:** Dispense?

**Some Honourable Members:** Dispense.

**Mr. Chairperson:** The amendment is in order. The floor is open for questions.

**Mr. Swan:** And, again, just a way of background, in addition to the changes we've made to clause 2 of the bill, this will provide that an action can be brought on behalf of somebody who is identified in child pornography or someone who is not identified in the child pornography. Certainly, if somebody's identity becomes known, you know, that would help in prosecuting or moving ahead with the claim. We just want to make it stronger by providing that anyone who is a victim of child pornography is someone for whom the Province of Manitoba can take on an action, hopefully be successful in a civil action and have the funds available to be used, first of all, to support victims, second of all, to support other programs or groups working to combat child pornography. As well, law enforcement agencies that we know do very, very important work to take on and deal with very, very difficult cases involving exploitation of young people.

**Mr. Goertzen:** I appreciate the minister's comments.

I think that the amendment brings clarity to the fact that payments from the fund should be made available for individuals who are the victim of child pornography and who are known. Indicated in my earlier comments, that many, if not all, are not—many, not most of the victims of child pornography are often unknown and are never known. But we want to ensure that if somebody does become known or is known at the time that the action is taken, that the funds would be made available to them, of course, because it is about ensuring the victims get compensation for the crimes that were committed against them. So this brings clarity to that, and clarity, in legislation, is a good thing.

**Mr. Chairperson:** Is the committee ready for the question?

**An Honourable Member:** Question.

**Mr. Chairperson:** Amendment—pass; clause 8 as amended—pass; clause 9—pass; clauses 10 and 11—pass; table of contents—pass; enacting clause—pass.

Shall the title pass?

**Mrs. Myrna Driedger (Charleswood):** I just want to say a couple of things on this bill and commend the member for bringing it forward and for the minister for bringing forward the amendments. I think anything we could do to address this issue is critically important.

When I was working with Child Find Manitoba many, many years ago, we were one of the first organizations that started to really get out there and look at child pornography. And I'll tell you, it was a real eye opener. And I was really honoured in those days to work very closely with Roz Prober and to be called a children's advocate alongside her. And I am so proud of her and what she's accomplished as she's moved forward to take this issue on in such a big way and to make happen what she did make happen. She's certainly taken an issue that a lot of people many, many years ago didn't even want to touch.

\* (19:00)

I can recall going into a Child Find seminar where we had police officers teaching us about child pornography, and it's just something that is absolutely horrifying and hard to imagine.

So I really want to commend anything that we can do and then what has been done here tonight in bringing this legislation here and making this world a—hopefully, a bit safer for children.

**Mr. Chairperson:** Thank you, Mrs. Driedger.

Title—pass. Bill be reported as amended.

#### **Bill 222—The Sexual Assault Awareness Month Act**

**Mr. Chairperson:** Deal with 222. Mrs. Driedger, could you join us up here, please? Thank you.

Does the bill sponsor, Mrs. Driedger, have an opening statement?

**Mrs. Myrna Driedger (Charleswood):** I think I've probably said most things that I had to say in second reading, but I would just want to put on the record that this bill is dedicated to a childhood friend of mine, and I'll leave it at that.

**Mr. Chairperson:** We thank the member. Does—any other members that want to make an opening statement on Bill 222?

Seeing none, clause 1 and 2—pass; clause 3—pass; preamble—pass; enacting clause—pass; title pass; Bill be reported.

#### **Bill 300—The Winnipeg Foundation Amendment Act**

**Mr. Chairperson:** Order. In accordance with rule 158(1) on Bill 300, we will first hear a report from Mr. Jake Harms, Legislative Counsel.

**Mr. Jake Harms (Legislative Counsel and Assistant Deputy Minister of Justice):** As required by sub rule 158(1) of the rules of the House, I now report that I have examined Bill 300, The Winnipeg Foundation Amendment Act, and have not noted any exceptional powers sought or any other provision of the bill requiring special consideration.

**Mr. Chairperson:** We thank the Legislative Counsel for that report.

Ms. Brick, will you join us up here, please?

Does the bill sponsor, Ms. Brick, have an opening statement?

**Ms. Marilyn Brick (St. Norbert):** I do, and this will probably be the last committee I will get to speak at.

This bill proposes to increase the number of Manitoba residents on the board of directors of the Winnipeg Foundation from the current maximum of 12 to a maximum of 17. I wanted to say I very much enjoyed working with the staff at The Winnipeg Foundation and the staff from the law office of the Legislative Assembly.

I had the opportunity in 2004 to introduce The Winnipeg Foundation Act, and that was the very first bill that I introduced as a member of the Legislative Assembly. And I think it's appropriate and very fitting that this is the last bill that I will introduce here in the Legislative Assembly.

It's been a really great pleasure to be able to work with the Winnipeg Foundation. Many of us know the great work that they do in terms of working with charitable foundations and how amazingly professional and how supportive they are of community endeavours. So I just wanted to congratulate them on all the great work that they do. They provide a variety of services to 47 other community foundations across Manitoba.

So, with that, I wanted to just say it's been a pleasure to be able to be an MLA here and to be able to support this bill here.

**Mr. Chairperson:** Thank you, Ms. Brick. Does any other members wish to make an opening statement on Bill 300?

**Mr. Kelvin Goertzen (Steinbach):** I thank the member for St. Norbert for bringing forth this bill. We started the day together, actually, in Steinbach at the Manitoba Society of Seniors 55 Plus Games, and we ended tonight at committee on this bill. That is the life of an MLA; many duties and many things to attend to, and I want to commend you on this bill. Anything we can do to help the Winnipeg Foundation and the 80-or-so years, I think, that they've been doing work is something we want to support. And, if this is indeed the last bill that you bring forward, and the odds are it probably will be, given the number of days that are likely left in this session, then it's a fitting tribute, I agree with you on your comments, and we look forward to its speedy passage.

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

Clause 1 through 3—pass; preamble—pass; enacting clause—pass; title—pass. Bill be reported.

I understand the sponsor has a motion.

**Ms. Brick:** I move that this committee recommends that the fees paid with respect to Bill 300, The Winnipeg Foundation Amendment Act, be refunded, less the cost of printing.

**Mr. Chairperson:** Thank you. It's been moved by Ms. Brick that—

**An Honourable Member:** Dispense.

**Mr. Chairperson:** Dispense. The motion is in order. The floor is open for questions.

Is the committee ready for the question?

**Some Honourable Members:** Question.

**Mr. Chairperson:** Shall the motion pass?

**Some Honourable Members:** Pass.

**Mr. Chairperson:** The motion is accordingly passed.

The hour being 7:06, what is the wish of the committee?

**Some Honourable Members:** Committee rise.

**Mr. Chairperson:** Committee rise.

**COMMITTEE ROSE AT:** 7:06 p.m.

#### **WRITTEN SUBMISSIONS PRESENTED BUT NOT READ**

Re: Bill 217

I am writing in regards to Bill 217 and the positive implications it will have for abused women in Manitoba.

It is all too often that we see women who forced to stay in abusive relationships or suffer the financial hardships associated with breaking a lease in order to flee.

Other implications can include women who obtain Protection Orders where their abusive partner must vacate the premises. These women are then providing for themselves and their children on limited one income family funds with a lease designed for a two income family. Being stuck in a lease that far exceeds one's income can be extremely difficult for these women and their children. Often these women are forced to apply for Employment and Income Assistance. Their rent far exceeds monies provided by the program for rent. These women have no choice but to access monies set aside for groceries and living expenses in order to address their rental needs. The option of being able to move by breaking one's lease will allow for healthier families in Manitoba. This legislation will certainly benefit abused women in these situations.

Once again, Manitoba is the forerunner in implementing legislation designed to providing for reinforcing our safety net. This legislation is exciting for those of us who work the front lines in

Manitoba as it is one more step towards providing the most comprehensive services in Canada.

Kim Storeshaw,  
Director, Family Violence Programs,  
NorWest Co-op Community Health



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/index.html>**