

Wednesday, June 24, 1998



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 70

FOURTH SESSION, THIRTY-SIXTH LEGISLATURE

PRAYERS

1:30 O'CLOCK P.M.

The following petition was presented:

Mr. MARTINDALE - Premier to consider permitting communities to hold plebiscites on VLTs, reducing gambling advertising and increasing funding for treatment of problem gamblers (C. Milan, D. Chorney, S. Andersen and others)

The following petitions were read and received:

Mr. SANTOS - Minister of Health to put an end to the centralization and privatization of Winnipeg hospital food services (S. J. Thomas, S. Turbovsky, D. Fredette and others)

Mr. MALOWAY - Minister of Health to put an end to the centralization and privatization of Winnipeg hospital food services (K. Bagnall, P. Sangalang, J. Guevara and others)

Mr. DEWAR - Minister of Health to put an end to the centralization and privatization of Winnipeg hospital food services (M. Arnott, K. Pickell, L. Brezowski and others)

Mr. MARTINDALE - Premier to consider permitting communities to hold plebiscites on VLTs, reducing gambling advertising and increasing funding for treatment of problem gamblers, (R.A. Cuthbert, L. Chambers and K. Craig)

Mr. PENNER, Chairperson of the Standing Committee on Law Amendments, presented its Fifth Report, which was read as follows:

Your Committee met on Friday, June 19, 1998 at 9:30 a.m. in Room 255 of the Legislative Building, and Monday, June 22, 1998 at 10:00 a.m. in Room 255 and Monday, June 22, 1998 at 7:30 p.m. in Room 255 to consider Bills referred.

At the Friday, June 19, 1998 meeting at 9:30 a.m., Mr. TWEED was elected as Vice-Chairperson. At the Monday, June 22, 1998 meeting at 7:30 p.m., Mr. TWEED was elected as Vice-Chairperson.

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On Monday, June 22, 1998, Bill (No. 47) was transferred from Economic Development to your Committee for clause by clause consideration.

Your Committee heard representation on Bills as follows:

Bill (No. 30) - The Pharmaceutical Amendment Act; Loi modifiant la Loi sur les pharmacies

Stuart Wilcox

Manitoba Pharmaceutical Association

Bill (No. 31) - The Regulated Health Professions Statutes Amendment Act; Loi modifiant diverses lois sur les professions de la santé réglementées

David M. Sanders

Private Citizen

Bill (No. 35) - The Mental Health and Consequential Amendments Act; Loi sur la santé mentale et modifications corrélatives

Ken Melnyk

Private Citizen

Carlyn Mackey

Families Advocating Timely and Appropriate Care and Treatment for Serious Mental Disorders

Dorothy Weldon

Private Citizen

Connie Krohn

Private Citizen

Colleen Cawood

Private Citizen

Theresa Wayne

Private Citizen

Maureen Koblun

Private Citizen

Susan Olson

Private Citizen

Patricia McInnis

Private Citizen

Mary Ann Haddad

Private Citizen

Joan Joyce Podolas

Private Citizen

Bruce Waldie

Private Citizen

Bill Martin, on behalf of

Joan Thorogood

Private Citizen

Beverley Goodwin

Private Citizen

Louise Smendziuk

Private Citizen

Katherine Davis

Private Citizen

Beverley Hawkins

Private Citizen

Victor M. Dyck

Private Citizen

Yude Henteleff, Q.C.

Private Citizen

Horst Peters

Private Citizen

Horst Peters, on behalf of

Chris Summerville

Manitoba Schizophrenia Society

Bill Ashdown

Society for Depression and Manic Depression of Manitoba

Uwe Osterwald

Private Citizen

Harry Wolbert

Private Citizen

Ruth McCutcheon

Private Citizen

Gordon Nicholson

Private Citizen

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Bill Martin	Canadian Mental Health Association Manitoba Division, Inc.
Rod Lauder	Canadian Mental Health Association - Winnipeg Division
Lucie Pearase	Private Citizen
Murray & Ellen Waldie	Private Citizen
Mark Waldie	Private Citizen

Bill (No. 57) - The Regional Health Authorities Amendment Act; Loi modifiant la Loi sur les offices régionaux de la santé

Gervin Greasley The Arbitration and Mediation Institute of Manitoba

Written submission

Bill (No. 35) - The Mental Health and Consequential Amendments Act; Loi sur la santé mentale et modifications corrélatives

Phyllis Wayne	Private Citizen
Darlene Dreilich	Community Coalition on Mental Health
Barbara Gommerman	Private Citizen
Marion Josie Palamar	Private Citizen
Dyla McGregor	Private Citizen
Yvonne Bloomer	Canadian Mental Health Association - Thompson Region
Kris Cummings	Private Citizen
Armand Manaigre	Private Citizen
Mabel Osborne	Private Citizen
Gerald M. Henry	Private Citizen
Bernice Henry	Private Citizen
Lillian Keam	Private Citizen
Angela Blacksmith	Private Citizen
James G. MacInnis	Private Citizen
Walter Labanowich	Private Citizen
Leonard Crait	Private Citizen

Your Committee also has considered:

Bill (No.11) - The Treasury Branches Repeal Act; Loi abrogeant la Loi sur les caisses d'épargne

And has agreed to report the same without amendment, on division.

Your Committee also has considered:

Bill (No. 13) - The Prescription Drugs Cost Assistance Amendment Act; Loi modifiant la Loi sur l'aide à l'achat de médicaments sur ordonnance

Bill (No. 30) - The Pharmaceutical Amendment Act; Loi modifiant la Loi sur les pharmacies

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Bill (No. 31) - The Regulated Health Professions Statutes Amendment Act; Loi modifiant diverses lois sur les professions de la santé réglementées

Bill (No. 47) - The Brandon University Act; Loi sur l'Université de Brandon

Bill (No. 52) - The Health Services Insurance Amendment Act; Loi modifiant la Loi sur l'assurance-maladie

and has agreed to report the same without amendment.

Your Committee has also considered:

Bill (No. 20) - The Medical Amendment Act; Loi modifiant la Loi médicale

and has agreed to report the same with the following amendment:

MOTION:

THAT the proposed section 63, as set out in section 7 of the Bill, be amended as follows:

- (a) by renumbering it as subsection 63(1);
- (b) by striking out clause (c) and substituting the following:
 - (c) to a body that governs the practice of a health profession pursuant to an Act of the Legislature, or to The Manitoba Veterinary Medical Association established under The Veterinary Medical Act, to the extent the information is required for that body to carry out its mandate under the Act;
- (c) by adding the following as subsection 63(2):

Offence

63(2) A person who contravenes subsection (1) is guilty of an offence and is liable, on summary conviction, to a fine of not more than \$50,000.

Your Committee has also considered:

Bill (No. 34) - The Public Schools Amendment Act; Loi modifiant la Loi sur les écoles publiques

and has agreed to report the same with the following amendment:

MOTION:

THAT section 7 of the Bill be struck out.

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Your Committee has also considered:

Bill (No. 35) - The Mental Health and Consequential Amendments Act; Loi sur la santé mentale et modifications corrélatives

and has agreed to report the same with the following amendments:

MOTION:

THAT section 27 be amended

(a) in subsection (5), by striking out everything after “the physician shall” and substituting “file with the medical director a statement of his or her opinion, with reasons, that the patient has regained the competence to make treatment decisions.”;

(b) by adding the following after subsection (5):

Notice

27(6) On receiving a statement under subsection (5), the medical director shall, if satisfied that the physician's opinion is supported by the reasons given, cancel the certificate and notify the patient and the person authorized to make treatment decisions on the patient's behalf under subsection 28(1) of the cancellation.

(c) by renumbering subsection (6) as subsection (7).; and

MOTION:

THAT subsection 28(7) be struck out and the following substituted:

Reasonable inquiries

28(7) If a physician acting on a treatment decision makes reasonable inquiries within a 72-hour period for persons entitled to make the decision, that physician is not liable for failure to request the decision from the person entitled to make the decision on the patient's behalf.; and

MOTION:

THAT the following is added after subsection 35(5):

No fee

35(6) No fee shall be charged in connection with a request for a correction made under this section.; and

MOTION:

THAT section 43 be amended

- (a) by renumbering it as subsection 43(1);
- (b) by striking out everything after “the physician shall” and substituting “file with the medical doctor a statement of his or her opinion, with reasons, that the patient has regained the competence to manage his or her property.”; and
- (c) by adding the following as subsection 43(2):

Notice

43(2) On receiving a statement under subsection (1), the medical doctor shall, if satisfied that the physician’s opinion is supported by the reasons given, cancel the certificate and notify the patient, the patient’s nearest relative and the Public Trustee of the cancellation.; and

MOTION:

THAT the following be added after subsection 46(3):

Patient to be informed

46(3.1) The patient’s attending psychiatrist shall inform the patient of his or her right to have a representative involved in the development of a treatment plan under clause (3)(a).; and

MOTION:

THAT clause 46(4)(d) be struck out and the following substituted:

- (d) the treatment or care and supervision described in the leave certificate exist in the community and can and will be provided in the community.; and

MOTION:

THAT subsection 47(1) be amended by striking out everything after “psychiatrist shall” and substituting the following:

- (a) review the patient’s condition to determine if the criteria set out in clauses 46(4)(a) and (b) continue to be met; or
- (b) review the requirements for treatment or care and supervision contained in the leave certificate.; and

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MOTION:

THAT subsection 47(2) be amended by adding "in writing" after "notify the patient".; and

MOTION:

THAT the following be added after subsection 47(2):

If requirements need amendment

47(3) If the psychiatrist determines that the requirements of the leave certificate should be amended, he or she shall amend the certificate and notify the patient, in writing, and the persons referred to in subsection 46(7) of the amendment.; and

MOTION:

THAT subsection 115(2) be struck out and the following substituted:

Authority of medical director

115(2) The medical director of a facility has responsibility for the provision and direction of psychiatric services for that facility, and may

- (a) admit and detain mentally disordered persons for examination and treatment in the facility;
- (b) consult with any medical and other experts that he or she considers advisable concerning patients in the facility;
- (c) unless otherwise directed by the director, refuse to admit or detain any person as a voluntary patient;
- (d) delegate to any suitably qualified person any of the medical director's powers, duties or functions under this Act.; and

MOTION:

THAT section 125(1)(g) is amended by adding "accuracy," before "retention".

Your Committee has also considered:

Bill (No. 53) - The Apprenticeship and Trades Qualifications Act; Loi sur l'apprentissage et la qualification professionnelle

and has agreed to report the same with the following amendments:

MOTION:

THAT section 9 be amended by adding “, or for a trade or group of related trades that the board proposes to designate,” after “group of designated trades”.; and

MOTION:

THAT section 16 be struck out and the following substituted:

Apprenticeship agreements

16 A person who wishes to obtain a certificate of qualification in a designated trade, and an employer who undertakes to employ the person as an apprentice to learn the trade, shall enter into an apprenticeship agreement.; and

MOTION:

THAT subsection 17(1) be amended by striking out “may” and substituting “shall, in accordance with the regulations,”; and

MOTION:

THAT clause 19(2)(c) be amended by adding “and is in compliance with the regulations” after “the trade”.; and

MOTION:

THAT section 24 be amended

- (a) in clause (e), by striking out “or renewed”;
- (b) by striking out clause (f);
- (c) by adding the following after clause (h):
 - (h.1) for the purpose of a compulsory certification trade,
 - (i) respecting the terms and conditions under which persons are authorized to practise in the trade, including, but not limited to, minimum hours of work in the trade and upgrading requirements,
 - (ii) governing periods of time for which authorizations to practise are valid, and
 - (iii) governing the circumstances under which the director may suspend or cancel the right to practise in the trade;.

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Your Committee has also considered:

Bill (No. 57) - The Regional Health Authorities Amendment Act; Loi modifiant la Loi sur les offices régionaux de la santé

and has agreed, on division, to report the same with the following amendment:

MOTION:

THAT section 2 of the Bill be amended by adding the following after the proposed subsection 44.4(2):

Limitation

44.4(3) A resolution of the minister relating to health services to be provided by or through a health corporation that is owned or operated by a religious organization must not be inconsistent with the fundamental religious principles of the religion or faith to which that health corporation adheres.

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

By leave, Mr. PENNER, Chairperson of the Standing Committee on Law Amendments, presented its Sixth Report, which we read as follows:

Your Committee met on Tuesday, June 23, 1998 at 6:00 p.m. in Room 255 of the Legislative Building to consider Bills referred.

Your Committee has considered:

Bill (No. 2) - The Elections Amendment Act; Loi modifiant la Loi électorale

and has agreed to report the same, on division, with the following amendment:

MOTION:

THAT section 52 of the Bill be amended as follows:

(a) in subsection (1), by striking out clauses (a) and (b); and

(b) in the proposed subsection 73(8), as set out in subsection (3),

(i) by striking out "and logo" in the section heading, and

(ii) by striking out everything after "under The Elections Finances Act as at the close of nominations".

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

Mr. SVEINSON, Acting Chairperson of the Committee of Supply reported progress having been made on June 23, 1998. Report was received and the Committee of Supply obtained leave to sit again.

Hon. Mr. STEFANSON presented:

Return under Section 52.27 (1) and (2) of the Legislative Assembly Act - March 31, 1998.
(Sessional Paper No. 212)

Pursuant to Rule 20 (1), Messrs. McALPINE, SANTOS, FAURSCHOU, Ms. BARRETT, and Mr. ASHTON made Members' Statements.

In accordance with Rule 21, Mr. KOWALSKI rose on a Grievance and moved:

THAT the Privileges and Elections Committee be directed to meet this week and that the Chief Returning Officer for the Province of Manitoba be requested to attend the Committee Meeting and be available to answer questions and report on the investigation of the allegation of the financing of the 1995 Provincial Election Campaign of Mr. Sutherland,

WHEREUPON Madam Speaker ruled that the Honourable Member for The Maples was not permitted to introduce the motion. A grievance was an opportunity to speak on a subject matter only.

On motion of Mr. HELWER:

ORDERED that the composition of the Standing Committee on Law Amendments be amended as follows:

June 24, 1998 at 3:00 p.m.:
Hon. Mr. TOEWS for Mr. LAURENDEAU,
Hon. Mr. RADCLIFFE for Hon. Mr. McCRAE,
Mr. ROCAN for Mr. McALPINE.

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The House resumed the Adjourned Debate on the Proposed Motion of Hon. Mr. TOEWS:

THAT Bill (No. 46) - The Correctional Services Act; Loi sur les services correctionnels, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Mr. MACKINTOSH having spoken,

And the Question being put,

It was agreed to.

The Bill was accordingly read a Second Time and referred to a Committee of this House.

By leave, it was agreed to waive Private Members' Business for today, June 24, 1998 only.

By leave, it was agreed that the Standing Committee on Law Amendments would meet at 3:00 p.m., Thursday, June 25, 1998, concurrently with the House.

Madam Speaker having left the Chair and the House resolving itself into a Committee to consider of the Supply to be granted to her Majesty;

And the House continuing in Committee.

The House then adjourned at 6:00 p.m. until 10:00 a.m. tomorrow.

Hon. Louise Dacquay,
Speaker.