



**LEGISLATIVE ASSEMBLY OF MANITOBA**

**VOTES AND PROCEEDINGS No. 26**

**THIRD SESSION, FORTY-SECOND LEGISLATURE**

**PRAYER**

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

By unanimous consent, the House agreed to the following arrangements for Private Members' Business on Thursday, December 3, 2020:

- To consider all remaining stages of Bills 208, 218 and 301.
- To allow the Opposition House Leader to call Bill 208 this morning, despite Rule 23(6) and the fact that this Bill is from the Government caucus.
- To send the same three Bills to the Committee of the Whole at 10:30 a.m., and have them reported back to the House immediately.

By leave, the House resumed the debate on the Proposed Motion of Mr. JOHNSON:

THAT Bill (No. 208) – The Wildlife Amendment Act (Protecting Property from Water and Wildlife Damage)/Loi modifiant la Loi sur la conservation de la faune (protection des biens contre les dommages causés par les eaux et la faune), be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Mr. BUSHIE 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 the Whole.

The House resumed the debate on the Proposed Motion of Ms. FONTAINE:

THAT Bill (No. 301) – The Winnipeg Humane Society Foundation Incorporation Amendment Act/Loi modifiant la Loi constituant en corporation « The Winnipeg Humane Society Foundation », be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And leave having been denied to have the matter remain in the name of Mr. LAGIMODIERE,

And Hon. Messrs. GOERTZEN and GERRARD 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 the Whole.

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MLA ASAGWARA moved:

THAT Bill (No. 218) – The Somali Heritage Week Act/Loi sur la Semaine du patrimoine somalien, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And MLA ASAGWARA having spoken,

And Messrs. MARTIN and MICKLEFIELD having questioned the Member,

And the debate continuing,

And Mr. MARTIN and Ms. LAMOUREUX 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 the Whole.

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By leave, the House resolving into Committee of the Whole to consider Bills 208, 218 and 301.

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Bill (No. 208) – The Wildlife Amendment Act (Protecting Property from Water and Wildlife Damage)/Loi modifiant la Loi sur la conservation de la faune (protection des biens contre les dommages causés par les eaux et la faune), was considered in the Committee of the Whole and reported without amendment.

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Bill (No. 218) – The Somali Heritage Week Act/Loi sur la Semaine du patrimoine somalien, was considered in the Committee of the Whole and reported without amendment.

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Bill (No. 301) – The Winnipeg Humane Society Foundation Incorporation Amendment Act/Loi modifiant la Loi constituant en corporation « The Winnipeg Humane Society Foundation », was considered in the Committee of the Whole and reported without amendment and with the following motion:

*THAT this Committee recommends that the fees paid with respect to Bill (No. 301) – The Winnipeg Humane Society Foundation Incorporation Amendment Act/Loi modifiant la Loi constituant en corporation « The Winnipeg Humane Society Foundation », be refunded, less the cost of printing.*

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By leave, Hon. Mr. GOERTZEN moved:

THAT the fees paid with respect to Bill (No. 300) – The United Church of Canada Amendment Act/Loi modifiant la Loi sur l'Église-unie du Canada, be refunded, less the cost of printing.

And the Question being put. It was agreed to.

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Ms. ADAMS moved:

Resolution No. 9: Call on the Provincial Government to Support Manitobans on Employment Income Assistance

WHEREAS the COVID-19 pandemic has disproportionately affected people living in poverty, particularly Manitoba's homeless population; and

WHEREAS people living in poverty and homeless people are disproportionately people of colour, Indigenous, single parents, women, trans and non-binary people, and people with disabilities; and;

WHEREAS the Provincial Government has an obligation to ensure that all Manitobans have access to housing and can live free of poverty; and

WHEREAS minimum wage rates have stagnated and are significantly less than the \$15.53 living wage determined by Make Poverty History; and

WHEREAS Employment Income Assistance (EIA) rates are woefully inadequate for the 73,000 Manitobans who depend on them as they provide an annual income that is only 53% of meeting the poverty line as determined by Statistics Canada; and

WHEREAS this Provincial Government has taken action that has actively worsened poverty in Manitoba particularly by clawing back Employment and Income Assistance for people who received the Canada Emergency Response Benefit (CERB) and its replacement, the Canada Recovery Benefit (CRB); and

WHEREAS many benefit recipients were unaware of the claw back and have had their EIA benefits held back or cut off; and

WHEREAS the Federal Government was clear that CERB was intended to build upon provincial income support programs so that people would be better off; and

WHEREAS British Columbia, Yukon, and Northwest Territories exempted CERB from social assistance claw backs; and

WHEREAS many people on EIA rely on organizations to access things like food, telephone, internet, and laundry facilities whose services have been reduced or closed altogether due to the pandemic; and

WHEREAS pre-pandemic poverty in Manitoba was above the national average with 274,910 people, 21% of Manitobans, living in poverty.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Provincial Government to fully exempt CERB, CRB and other federal COVID-19 recovery measures from EIA claw backs, ensure EIA benefits are not interrupted or cut off during the remainder of the COVID-19 pandemic and work towards a livable income for all Manitobans.

And a debate arising,

And Ms. ADAMS having spoken,

And Ms. MORLEY-LECOMTE, Hon. Mr. GERRARD, Mrs. SMITH (Point Douglas), Messrs. JOHNSTON, EWASKO and MARTIN having questioned the Member,

And the debate continuing,

And Ms. MORLEY-LECOMTE, Mrs. SMITH (Point Douglas), Mr. JOHNSTON and Hon. Mr. GERRARD having spoken,

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

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

The following Bill was read a First Time and had its purposes outlined:

(No. 220) – The Transportation Infrastructure Amendment Act/Loi modifiant la Loi sur les infrastructures de transport

(Mr. LINDSEY)

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By leave, Hon. Mrs. GUILLEMARD, the Minister of Conservation and Climate, made a statement regarding a Wildlife Enforcement Update.

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

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Pursuant to Rule 27(1), Messrs. MARTIN, WIEBE, NESBITT and BUSHIE and Ms. LAMOUREUX made Members' Statements.

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Following Oral Questions, Madam Speaker made the following ruling:

On March 17, 2020, the Honourable Member from St. Vital raised a Matter of Privilege regarding the Government's use of omnibus legislation and how that has obstructed Members' ability to do their jobs. The Member concluded by moving: "*THAT this matter be referred to a committee of the Legislature.*" The Honourable Government House Leader and the Honourable Member for River Heights also spoke to the Matter of Privilege, before the Deputy Speaker took the matter under advisement. I thank all Honourable Members for their advice to the Chair.

As Members know, two conditions must be met in order to establish a *prima facie* case of privilege. First, was the issue raised at the earliest opportunity, and second, has sufficient evidence been provided to demonstrate that the privileges of the House have been breached.

The Honourable Member argued for a broad interpretation of the timeliness condition, referencing the need for contextual analysis in a holistic sense. Upon review, I am unconvinced by his argument and accordingly I am ruling that the test of timeliness was not met.

Regarding the second issue, as Members know, a matter concerning the methods by which the House proceeds in the conduct of business is a matter of order, not privilege. Joseph Maingot in the second edition of *Parliamentary Privilege in Canada* states on page 14 that "allegations of breach of privilege by a Member in the House... that amount to complaints about procedures and practices in the House are by their very nature matters of order."

With the greatest of respect then, I rule that the matter raised does not fulfill the criteria of a *prima facie* case of privilege.

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The following petitions were presented and read to the Legislative Assembly of Manitoba:

Hon. Mr. GERRARD – To urge the Provincial Government to undertake a combined review of the Vivian Sand Facility processing plant and the mining/extraction portion of the operation as a Class 3 development with a review by Manitoba's Clean Environment Commission to include the public hearings and participant funding; and to halt all activity at the mine and plant until the Clean Environment Commission's review is completed and the project proposal has been thoroughly evaluated.

Ms. LAMOUREUX – To urge the Provincial Government to provide financing for upgrades to the cochlear implant covered under Medicare, or provide funding assistance through the Cochlear Implant Speech Processor Replacement Program, to assist with the replacement costs associated with a device upgrade.

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By unanimous consent, it was agreed to further amend the Sessional Order passed by the House on October 7, 2020, and amended on November 19, 2020, by replacing in the first paragraph, "December 3, 2020" with "June 1, 2021".

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By unanimous consent, it was agreed for the House to not see the clock today until:

- The question is put on Concurrence and Third Reading of Bills 7, 9, 42, 208, 218, 300 and 301.
- Royal Assent is granted to all Bills that pass Concurrence and Third Reading today, as well as Bills 4 and 211.

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By unanimous consent, it was agreed:

- To allow a motion to be moved today, without notice, for the refund of fees related to Bill 301.
- For the Standing Committee on Social & Economic Development scheduled to meet at 6:00 p.m. tonight, to not begin until the House has risen, in the event that the House sits past 5:00 p.m.

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By leave, Hon. Mr. GOERTZEN moved:

THAT the fees paid with respect to Bill (No. 301) – The Winnipeg Humane Society Foundation Incorporation Amendment Act/Loi modifiant la Loi constituant en corporation « The Winnipeg Humane Society Foundation », be refunded, less the cost of printing.

And the Question being put. It was agreed to.

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Hon. Ms. SQUIRES moved:

THAT Bill (No. 7) – The Planning Amendment Act/Loi modifiant la Loi sur l'aménagement du territoire, reported from the Standing Committee on Social and Economic Development, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Hon. Ms. SQUIRES, Mr. WIEBE and Hon. Mr. GERRARD having spoken,

And the Question being put. It was agreed to.

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

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Hon. Mr. CULLEN moved:

THAT Bill (No. 9) – The Opioid Damages and Health Care Costs Recovery Act/Loi sur le recouvrement du montant des dommages-intérêts et du coût des soins de santé imputables aux opioïdes, reported from the Standing Committee on Justice, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Hon. Mr. CULLEN, Ms. FONTAINE and Hon. Mr. GERRARD having spoken,

And the Question being put. It was agreed to.

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

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The House resumed the debate on the Proposed Motion of Hon. Mr. CULLEN:

THAT Bill (No. 42) – The Remote Witnessing and Commissioning Act (Various Acts Amended)/Loi sur l'attestation à distance (modification de diverses lois), reported from the Standing Committee on Social and Economic Development, be concurred in and be now read for a Third Time and passed.

And the debate continuing,

And leave having been denied to have the matter remain in the name of Mrs. SMITH (Point Douglas),

And the Question being put. It was agreed to.

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

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Mr. JOHNSON moved:

THAT Bill (No. 208) – The Wildlife Amendment Act (Protecting Property from Water and Wildlife Damage)/Loi modifiant la Loi sur la conservation de la faune (protection des biens contre les dommages causés par les eaux et la faune), reported from the Committee of the Whole, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Messrs. JOHNSON and BRAR and Hon. Mr. GERRARD having spoken,

And the Question being put. It was agreed to.

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

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Mr. NESBITT moved:

THAT Bill (No. 300) – The United Church of Canada Amendment Act/Loi modifiant la Loi sur l'Église-unie du Canada, reported from the Standing Committee on Social and Economic Development, be concurred in and be now read for a Third Time and passed.

And a debate arising,

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And Mr. NESBITT, Ms. NAYLOR and Hon. Mr. GERRARD having spoken,

And the Question being put. It was agreed to.

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

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MLA ASAGWARA moved:

THAT BILL (No. 218) – The Somali Heritage Week Act/Loi sur la Semaine du patrimoine somalien, reported from the Committee of the Whole, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And MLA ASAGWARA and Ms. LAMOUREUX having spoken,

And the Question being put. It was agreed to.

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

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Ms. FONTAINE moved:

THAT Bill (No. 301) – The Winnipeg Humane Society Foundation Incorporation Amendment Act/Loi modifiant la Loi constituant en corporation « The Winnipeg Humane Society Foundation », reported from the Committee of the Whole, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Ms. FONTAINE, Hon. Messrs. GERRARD and GOERTZEN having spoken,

And the Question being put. It was agreed to.

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

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Her Honour, Janice FILMON, Lieutenant Governor of the Province of Manitoba, having entered the House at 4:38 p.m., and being seated on the Throne:

Madam Speaker addressed Her Honour in the following words:

Your Honour,

At this sitting, the Legislative Assembly has passed certain Bills that I ask Your Honour to give assent to.

(No. 4) – The Retail Business Hours of Operation Act (Various Acts Amended or Repealed)/Loi sur les heures d'ouverture des commerces de détail (modification ou abrogation de diverses lois)



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(No. 7) – The Planning Amendment Act/Loi modifiant la Loi sur l'aménagement du territoire

(No. 9) – The Opioid Damages and Health Care Costs Recovery Act/Loi sur le recouvrement du montant des dommages-intérêts et du coût des soins de santé imputables aux opioïdes

(No. 42) – The Remote Witnessing and Commissioning Act (Various Acts Amended)/Loi sur l'attestation à distance (modification de diverses lois)

(No. 208) – The Wildlife Amendment Act (Protecting Property from Water and Wildlife Damage)/Loi modifiant la Loi sur la conservation de la faune (protection des biens contre les dommages causés par les eaux et la faune)

(No. 211) – The Employment Standards Code Amendment Act (Unpaid Leave for Reservists)/Loi modifiant le Code des normes d'emploi (congé non payé à l'intention des réservistes)

(No. 218) – The Somali Heritage Week Act/Loi sur la Semaine du patrimoine somalien

(No. 300) – The United Church of Canada Amendment Act/Loi modifiant la Loi sur l'Église-unie du Canada

(No. 301) – The Winnipeg Humane Society Foundation Incorporation Amendment Act/Loi modifiant la Loi constituant en corporation « The Winnipeg Humane Society Foundation »

To these Bills the Royal Assent was announced by the Clerk of the Legislative Assembly as follows:

"In Her Majesty's name, Her Honour assents to these Bills"

At 4:44 p.m., Her Honour was then pleased to retire.

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The House then adjourned at 4:46 p.m. until 1:30 p.m. Wednesday, March 3, 2021.

Hon. Myrna DRIEDGER,  
Speaker.