



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 59

THIRD SESSION, FORTY-SECOND LEGISLATURE

PRAYER

1:30 O'CLOCK P.M.

The Clerk formally advised the Assembly that the Speaker was unavoidably absent and called upon the Deputy Speaker to take the Chair pursuant to the Statutes. The Deputy Speaker took the Chair at 1:30 p.m.

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

(No. 230) – The Labour Relations Amendment Act (2)/Loi n° 2 modifiant la Loi sur les relations du travail

(Ms. MORLEY-LECOMTE)

Hon. Mr. FIELDING presented:

Annual Report of the Appeal Commission and Medical Review Panel of The Workers Compensation Board for the year ending December 31, 2020.

(Sessional Paper No. 91)

Report on Fidelity Bonds according to section 20 of *The Public Officers Act* dated May 10, 2021.

(Sessional Paper No. 92)

Annual Report of The Workers Compensation Board for the year ending December 31, 2020 including the 2021-2025 Five Year Plan.

(Sessional Paper No. 93)

Hon. Mrs. COX, the Minister of Sport, Culture and Heritage, made a statement recognizing Asian Heritage Month.

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

Pursuant to Rule 27(1), Hon. Mr. HELWER, Messrs. BUSHIE, WISHART, MALOWAY and JOHNSTON made Members' Statements.

Following Oral Questions, the Deputy Speaker made the following ruling:

Following the Prayer on Monday, April 26, 2021, the Honourable Official Opposition House Leader raised a Matter of Privilege regarding the Main Estimates Supplements tabled by the various Ministers as part of the preparation for the Estimates process. The Honourable Official Opposition House Leader alleged that inadequate information was provided that does not contain any detailed financial or relevant program information, making it difficult for Members to provide scrutiny of Government expenditures.

The Honourable Official Opposition Leader concluded by moving “*THAT this House order the Government to immediately provide a supplement to the Main Estimates of Expenditure for each Government Department to the Legislature, containing the information about the operations of the Department, Government entity or program required by Treasury Board, including expenditure and staffing summaries by program area and appropriation combined with a five-year historical comparison of departmental spending and staffing.*”

The Honourable Government House Leader and the Honourable Member for River Heights also contributed advice to the Chair. I then took the matter under advisement in order to consult the procedural authorities.

I thank all Honourable Members for their advice to the Chair on this matter.

In order for a matter to be ruled in order as a *prima facie* case of privilege, Members must demonstrate both that the issue has been raised at the earliest opportunity, and that sufficient evidence was provided to support the Member’s claim that their privileges, or the privileges of the House were breached.

The Honourable Official Opposition House Leader advised that the matter was raised at the earliest opportunity given that the Main Estimates Supplements had been tabled on the previous Thursday, and that it was necessary to review the Supplements and compare them to Supplements from previous years. Therefore, the Honourable Official Opposition House Leader contended that in raising the issue on April 26, it was raised at the earliest opportunity.

After hearing this explanation, I am satisfied that the issue was raised at the earliest opportunity.

Regarding the second aspect of sufficient evidence, while I understand the concerns raised regarding the quantity and quality of information provided, the Presiding Officer is constrained by the requirements of section 31 of The Financial Administration Act. This section reads “The Minister who is charged by the Lieutenant Governor in Council with the administration of a Government Department or who is identified by Treasury Board as being responsible for a Government entity or program shall table a supplement to the main estimates of expenditure in the Legislature at the time, in the form and containing the information about the operations of the department, government entity or program required by Treasury Board.”

The Main Estimates Supplements were tabled in a timely manner. In addition, there is legislative authority for Treasury Board to determine the content of the Main Estimates Supplementary documents. Given this, there is no scope for the Presiding Officer to find that a *prima facie* case of privilege has been established.

Though Treasury Board has the legal right to determine the content of the Main Estimates Supplementary information books, it appears there was no consultation or advance notice that the content would be changing. There may be valid reasons as to why these changes occurred, however it is not the role of the Presiding Officer to be the arbiter of those changes. In hindsight, it would have been a courtesy for Treasury Board or the Government to have provided advance notice to Members of the changes.

Prior to Petitions, Ms. FONTAINE rose on a Matter of Privilege alleging that the Government's failure to table the report required by statute under *The Fatalities Inquiries Act* impeded her ability to perform her duties as an MLA and moved:

THAT the House censure the Minister and this Government for their failure to respect the laws of this province and to put forward information to this Assembly required by statute and to require the Government to publish all reports of the Chief Medical Examiner by no later than May 15, 2021.

And Hon. Messrs. GOERTZEN and GERRARD having spoken.

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

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

MLA ASAGWARA – To urge the Minister of Health and Seniors Care to open a genuine four bed Epilepsy Unit, similar to the one recently opened in Saskatchewan, at the Health Sciences Centre with modern equipment and adequate epilepsy neurosurgeons, neurologists, nurses, clerks and technicians; and to formally establish an Epilepsy Program to ensure that all epilepsy staff can deliver care to patients in a coordinated fashion.

Mr. BUSHIE – To urge the Minister of Health and Seniors Care to open a genuine four bed Epilepsy Unit, similar to the one recently opened in Saskatchewan, at the Health Sciences Centre with modern equipment and adequate epilepsy neurosurgeons, neurologists, nurses, clerks and technicians; and to formally establish an Epilepsy Program to ensure that all epilepsy staff can deliver care to patients in a coordinated fashion.

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.

Mr. MALOWAY – To urge the Provincial Government to immediately contact all home and property owners in Manitoba with lead water pipes connecting to the City watermain line, and provide full financial support to them for lead water pipe replacement so their access to clean water is assured and exposure to lead and its health risks are eliminated.

The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 45) – The Public Schools Amendment and Manitoba Teachers' Society Amendment Act/Loi modifiant la Loi sur les écoles publiques et la Loi sur l'Association des enseignants du Manitoba, reported from the Standing Committee on Social and Economic Development:

Ms. LAMOUREUX moved:

THAT Bill 45 be amended by striking out Clause 17.

And a debate arising,

And Ms. LAMOUREUX having spoken,

And the Question being put on the amendment. It was negatived.

Ms. LAMOUREUX then moved:

THAT Bill 45 be amended by replacing Clause 30 with the following:

Coming into force

30 This Act comes into force on July 1, 2022.

And a debate arising,

And Ms. LAMOUREUX having spoken,

And the Question being put on the amendment. It was negatived.

The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 26) – The Human Rights Code Amendment Act/Loi modifiant le Code des droits de la personne, reported from the Standing Committee on Justice:

Hon. Mr. GERRARD moved:

THAT Bill 26 be amended in Clause 23(2) by striking out "must not exceed \$25,000 and" in the proposed subsection 43(2.1).

And a debate arising,

And Hon. Messrs. GERRARD and FRIESEN having spoken,

And the Question being put on the amendment. It was negatived.

The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 46) – The Court Practice and Administration Act (Various Acts Amended)/Loi sur la pratique et l'administration des tribunaux (modification de diverses dispositions législatives), reported from the Standing Committee on Justice:

Hon. Mr. GERRARD moved:

THAT Bill 46 be amended by replacing Clause 23 with the following:

23 *The following is added after section 3:*

Accommodating persons with a disability

3.1(1) If a person otherwise eligible to serve as a juror has a disability, the court has a duty to reasonably accommodate the person's needs in a manner that enables them to properly discharge the duties of a juror.

Ineligibility if disability cannot be accommodated

3.1(2) If the person's needs cannot reasonably be accommodated in a manner that enables them to properly discharge the duties of a juror, the person is not eligible to serve as a juror.

And a debate arising,

And Hon. Messrs. GERRARD and FRIESEN having spoken,

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

The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 51) – The Limitations Act/Loi sur les délais de prescription, reported from the Standing Committee on Justice:

Hon. Mr. GERRARD moved:

THAT Bill 51 be amended in Clause 18(1)(g), by adding ", environmental" after "educational" wherever it occurs.

And a debate arising,

And Hon. Messrs. GERRARD and FRIESEN having spoken,

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

Hon. Mr. GERRARD then moved:

THAT Bill 51 be amended in Clause 18(1), by adding the following as clause (h):

(h) a claim brought by a member of the public relating to damage to the environment.

And a debate arising,

And Hon. Messrs. GERRARD and FRIESEN having spoken,

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

Hon. Mr. FRIESEN moved:

THAT Bill 51 be amended by renumbering Clause 24 as Clause 24(1) and adding the following as Clause 24(2):

Exception re ultimate limitation period

24(2) Despite subsection (1), the ultimate limitation period may not be extended by agreement.

And a debate arising,

And Hon. Messrs. FRIESEN and GERRARD having spoken,

And the Question being put on the amendment. It was agreed to.

The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 53) – The Municipal Statutes Amendment Act (2)/Loi n° 2 modifiant diverses lois en matière de droit municipal, reported from the Standing Committee on Social and Economic Development:

Hon. Mr. GERRARD moved:

THAT Bill 53 be amended in Clause 7

*(a) in the proposed subsection 420(1) of **The Municipal Act**, by striking out "and" at the end of clause (a), adding "and" at the end of clause (b) and adding the following after clause (b):*

(c) establish and maintain a notification list, for residents to register with the municipal office to receive notice by e-mail or other method of electronic communication, and provide such notice to registered residents at least once during the 14-day period set out in clause (a).

*(b) in the proposed subsection 420(3) of **The Municipal Act**, by striking out "and" at the end of clause (a), adding "and" at the end of clause (b) and adding the following after clause (b):*

(c) establish and maintain a notification list, for residents to register with the municipal office to receive notice by e-mail or other method of electronic communication, and provide such notice to registered residents at least once during the 14-day period set out in clause (a).

And a debate arising,

And Hon. Mr. GERRARD having spoken,

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

Hon. Mr. GERRARD then moved:

*THAT Bill 53 be amended in Clause 24 by adding the following at the end of the proposed subsection 113(1) of **The City of Winnipeg Charter**:*

In addition, the city must establish and maintain a notification list, for citizens to register with the city to receive notice by e-mail or other method of electronic communication, and provide such notice to registered citizens at least once during the 14-day period set out in clause (a).

And a debate arising,

And Hon. Mr. GERRARD having spoken,

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

Mr. WIEBE moved:

THAT Bill 53 be amended

(a) in Clause 7(1), by striking out "one" in the part of the proposed clause 420(1)(b) before subclause (i) and substituting "both"; and

(b) in Clause 7(3), by striking out "one" in the part of the proposed clause 420(3)(b) before subclause (i) and substituting "both".

And a debate arising,

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

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

The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 37) – The Planning Amendment and City of Winnipeg Charter Amendment Act/Loi modifiant la Loi sur l'aménagement du territoire et la Charte de la ville de Winnipeg, as amended and reported from the Standing Committee on Social and Economic Development:

Mr. LAMONT moved:

THAT Bill 37 be amended in Clause 19 by striking out "60 days" in the proposed subsection 77.1(6) and substituting "15 days".

And a debate arising,

And Mr. LAMONT having spoken,

And the Question being put on the amendment. It was negatived.

Mr. LAMONT then moved:

THAT Bill 37 be amended in Clause 39 by striking out "60 days" in the proposed subsection 151.0.3(8) and substituting "15 days".

And a debate arising,

And Mr. LAMONT having spoken,

And the Question being put on the amendment. It was negatived.

Mr. LAMONT then moved:

THAT Bill 37 be amended in Clause 77

(a) in the proposed subsection 282.1(1), in the part before clause (a), by adding "on a ground set out in subsection (1.1)" at the end;

(b) by adding the following after the proposed subsection 282.1(1):

Grounds of appeal

282.1(1.1) An appeal under this section may be made only on one or more of the following grounds:

(a) the refusal, rejection or decision misinterpreted or misapplied a zoning by-law, regional zoning by-law, secondary plan by-law or development plan by-law;

(b) the refusal, rejection or decision is inconsistent with a secondary plan, regional plan or the provincial land use policies;

(c) the refusal, rejection or decision was not made within the time required under this Act.

(c) in the proposed subsection 282.1(4), by adding the following after clause (b):

(b.1) the grounds for the appeal;

(d) by adding the following after the proposed subsection 282.1(4):

Non-compliant notice of appeal

282.1(4.1) The Municipal Board must not receive an appeal if the notice of appeal does not meet the requirements of subsection (4).

(e) in the proposed subsection 282.1(5), in the part before clause (a), by striking out "an appeal" and substituting "a notice of appeal that meets the requirements of subsection (4)".

And a debate arising,

And Mr. LAMONT having spoken,

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

Mr. LAMONT then moved:

THAT Bill 37 be amended in Clause 77 by adding the following after the proposed subsection 282.1(7):

Limitation on Municipal Board's discretion

282.1(7.1) In making a decision in accordance with subsection (7), The Municipal Board

(a) is bound by any secondary plan or regional plan that is in effect;

(b) must ensure that the decision conforms to the land uses, intensity of use and density of development set out in any applicable zoning by-law;

(c) must ensure that the decision is consistent with the provincial land use policies;

(d) must not grant to the appellant any special privilege that is inconsistent with restrictions that apply to the neighbouring properties; and

(e) must not commit the municipality in which the property is located to any expenditure in support of any development.

And a debate arising,

And Mr. LAMONT having spoken,

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

Mr. LAMONT then moved:

THAT Bill 37 be amended in Clause 77 by striking out "60 days" in the proposed subsection 282.1(9) and substituting "15 days".

And a debate arising,

And Mr. LAMONT having spoken,

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

Mr. WIEBE moved:

*THAT Bill 37 be amended in Clause 3 by striking out "and the City of Selkirk" in the proposed clause 8(2)(a) of **The Planning Act**.*

And a debate arising,

And Messrs. WIEBE and LAMONT having spoken,

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

Monday, May 10, 2021

Mr. WIEBE then moved:

*THAT Bill 37 be amended in Clause 82 by striking out "the City of Selkirk," in the proposed amendment to Clause 40.3(1)(b) of **The Environment Act**.*

And a debate arising,

And Mr. WIEBE having spoken,

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

The House then adjourned at 4:53 p.m. until 10:00 a.m. Tuesday, May 11, 2021.

Doyle PIWNIUK,
Deputy Speaker.