



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 8

FOURTH SESSION, FORTY-SECOND LEGISLATURE

PRAYER AND LAND ACKNOWLEDGEMENT

10:00 O'CLOCK A.M.

Mr. KINEW moved:

THAT Bill (No. 202) – The Louis Riel Act/Loi sur Louis Riel, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Mr. KINEW having spoken,

And Mr. MARTIN, Ms. FONTAINE, Messrs. LAMONT and TEITSMA having questioned the Member,

And the debate continuing,

And Mr. MARTIN having spoken,

And Mr. TEITSMA speaking at 10:30 a.m. The debate was allowed to remain in their name.

Mr. BUSHIE moved:

THAT Bill (No. 200) – The Orange Shirt Day Statutory Holiday Act (Various Acts Amended)/Loi désignant la Journée du chandail orange à titre de jour férié (modification de diverses lois), be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Mr. BUSHIE having spoken,

And Mr. TEITSMA, Mrs. SMITH (Point Douglas), Ms. LAMOUREUX and Mr. MARTIN having questioned the Member,

And the debate continuing,

And Mr. TEITSMA speaking at 11:00 a.m. The debate was allowed to remain in their name.

MLA ASAGWARA moved:

Resolution No. 1: Calling Upon the Provincial Government to Immediately Launch an Inquiry into Manitoba's Pandemic Response

WHEREAS Manitoba had some of the worst pandemic outcomes in the country and some of the highest mortality rates among the provinces; and

WHEREAS the Provincial Government made cuts to healthcare before the pandemic by slashing operating funding, firing nurses, cutting ICU beds, closing emergency rooms and clinics and privatizing air ambulance transport; and

WHEREAS frontline healthcare workers were previously sounding the alarm about unsafe staffing levels, burnout and patient safety, the situation became further exacerbated during the pandemic leading to dangerous staffing ratios in the healthcare system; and

WHEREAS fifty-seven ICU patients were sent to other provinces during the third wave as the ICU system was overwhelmed despite claims by the Provincial Government that the province had adequate ICU capacity; and

WHEREAS hundreds of seniors died during the second wave, with many suffering from neglect and isolation; and

WHEREAS the surgery and diagnostic backlog due to challenges posed by the pandemic has grown to over 136,000 people, delaying detection and treatment of illnesses and forcing thousands to live in pain and discomfort; and

WHEREAS businesses were openly critical of the Provincial Government's supports as many closed, while others took on high levels of debt; and

WHEREAS the Provincial Government failed to implement a comprehensive paid sick leave program or release workplace transmission information to keep Manitobans safe and healthy; and

WHEREAS Manitobans are owed the right to examine the failures of the Provincial Government's response during the pandemic through an independent expert-led inquiry to learn from the mistakes and to make recommendations for the future of Manitoba's healthcare system.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Provincial Government to immediately launch an independent, expert-led inquiry into Manitoba's pandemic response.

And a debate arising,

And MLA ASAGWARA having spoken,

Thursday, December 2, 2021

And Mr. SMITH (Lagimodière), Ms. NAYLOR, Hon. Mr. GERRARD, Messrs. PEDERSEN, ISLEIFSON and NESBITT having questioned the Member,

And the debate continuing,

And Mr. SMITH (Lagimodière), Ms. NAYLOR and Mr. PEDERSEN having spoken,

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

1:30 O'CLOCK P.M.

The following Bills were read a First Time and had their purposes outlined:

(No. 9) – The Scrap Metal Act/Loi sur la ferraille

(Hon. Mr. FRIESEN)

(No. 214) – The Consumer Protection Amendment Act (Right to Repair)/Loi modifiant la Loi sur la protection du consommateur (droit de réparer les produits électroniques)

(Mr. MALOWAY)

(No. 215) – The Scrap Metal Recyclers Act/Loi sur les récupérateurs de ferraille

(Mr. MALOWAY)

(No. 216) – The Consumer Protection Amendment and Farm Machinery and Equipment Amendment Act (Right to Repair — Vehicles and Other Equipment)/Loi modifiant la Loi sur la protection du consommateur et la Loi sur les machines et le matériel agricoles (droit de réparer des véhicules et d'autre matériel)

(Mr. MALOWAY)

(No. 208) – The Teachers' Pensions Amendment Act/Loi modifiant la Loi sur la pension de retraite des enseignants

(Ms. LAMOUREUX)

Mr. PIWNIUK, Chairperson of the Standing Committee on Social and Economic Development, presented its First Report, which was read as follows:

Meetings

Your Committee met on December 1, 2021 at 6:00 p.m. in Room 255 of the Legislative Building.

Matters under Consideration

- **Bill (No. 6)** – The Workers Compensation Amendment Act/Loi modifiant la Loi sur les accidents du travail

Committee Membership

As per the Sessional Order passed by the House on October 7, 2020, amended on November 19, 2020, December 3, 2020, May 18, 2021 and further amended on December 1, 2021, Rule 83(2) was waived for the December 1, 2021 meeting, reducing the membership to six Members (4 Government and 2 Official Opposition).

- Hon. Mr. EICHLER
- Hon. Mr. FIELDING
- Mr. LINDSEY
- Mr. PIWNIUK
- Mr. WIEBE
- Mr. WISHART

Your Committee elected Mr. PIWNIUK as the Chairperson.

Your Committee elected Mr. WISHART as the Vice-Chairperson.

Non-Committee Members Speaking on Record

- Hon. Mr. GERRARD

Public Presentations

Your Committee heard the following presentation on **Bill (No. 6)** – The Workers Compensation Amendment Act/Loi modifiant la Loi sur les accidents du travail:

Alex Forrest

Canadian Trustee for the International Association of Firefighters

Bills Considered and Reported

- **Bill (No. 6)** – The Workers Compensation Amendment Act/Loi modifiant la Loi sur les accidents du travail

Your Committee agreed to report this Bill without amendment.

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

Pursuant to Rule 27(1), Hon. Mr. LAGIMODIERE, Messrs. KINEW, TEITSMA, MOSES and LAMONT made Members' Statements.

Following Oral Questions, Madam Speaker made the following rulings:

After the prayer on November 24, 2021 the Honourable Official Opposition House Leader raised a Matter of Privilege regarding the circumstances surrounding the provision of the text of the Speech from the Throne to the media prior to the speech being read in the House. The Member concluded her remarks by moving: “To immediately empower an all party committee of this House to investigate the breach of this privilege and to make recommendations to the House of how to avoid this situation from taking place again.”

The Honourable Government House Leader and the Member for River Heights both spoke to this Matter before I took it under advisement to consult the procedural authorities.

As Members know, two conditions must be satisfied in order for a Matter raised to be ruled in order as a *prima facie* case of privilege:

1. Was the issue raised at the earliest available opportunity; and
2. Was sufficient evidence provided to support the Member’s claim that their privileges, or the privileges of the House, were breached?

On the issue of timeliness, the Honourable Official Opposition House Leader indicated that this was her first opportunity to present the matter in the House as she needed to review the text of the speech once it was shared with Members, and she needed to conduct research on the matter. On this point I would agree with the Member and I would therefore rule that she did meet the test of timeliness.

On the question of whether the matter raised breached the Member’s privileges, there are a few important points to consider.

The Member indicated in her submission that “the text of motions, bills and other matters for this House must be presented to the House itself first”. She went on to reference the third edition of *House of Commons Procedure and Practice* which “cite the example of legislation or motions being provided to media prior to being presented in the House as a paradigmatic example of a breach of privilege.”

I would note here that the Member did not provide a page number for this reference, which made it a little challenging to follow up on. I would ask all Members to be sure to include a page number in the future for such references.

The Honourable Official Opposition House Leader further stated that “The Throne Speech is a confidence motion and one of the most important motions considered by this House.”

On these points I would like to clarify something for the Honourable Official Opposition House Leader. The Speech from the Throne is in fact not a confidence motion. The speech is not a motion at all, it is an address to the Legislature by the Head of State. The Motion for the Address in Reply to the Speech from the Throne is a confidence motion, and is indeed one of the most important motions considered by this House, but the speech itself is none of those things. There is a crucial distinction between the two, and it is important to clarify this for the record.

Turning to the House of Commons, a ruling delivered on October 23, 2007 by Speaker Milliken provides useful insights on the Matter of Privilege raised by the Honourable Official Opposition House Leader. In the Ottawa example, a question of privilege had been raised because copies of the Speech from the Throne had been made available to the media prior to its reading by the Governor General. In his ruling, Speaker Milliken noted that the secrecy usually associated with the release of important documents like the Speech from the Throne and budgets was a convention of Parliament and not a Matter of Privilege. He further stated that:

The Chair can find no procedural authority for the claim that the premature disclosure of the Speech from the Throne constitutes a breach of the privileges of the Members of this House. In reference to the secrecy of the budget, House of Commons Procedure and Practice states at page 753: "Speakers of the Canadian House have maintained that secrecy is a matter of parliamentary convention, rather than one of privilege." I would suggest to the House that the same is true with regard to Throne Speeches.

Accordingly, Speaker Milliken concluded that there had been no breach of privilege in that case.

Finally, I would note that this is not the first time this kind of issue has been raised in this House. On June 13, 2007 Speaker Hickeys ruled from this Chair on a Point of Order dealing with whether or not it was proper procedure to circulate the Throne Speech before it has been read completely, as that had apparently occurred in that situation. Speaker Hickeys ruled that "there are no formal rules and practices of the House that dictate when the government is free to release the Throne Speech." He further stated that "there is no rule or practice that the Speaker could be enforcing in this instance."

In consideration of all these factors then I rule that the Honourable Official Opposition House Leader has not established a *prima facie* case of privilege.

* * *

Following the Prayer on Thursday, November 25, 2021, the Honourable Member for St. Boniface raised a Matter of Privilege contending that legislation that had yet to be introduced and distributed in the Legislature was made public prior to MLAs having the opportunity to review the legislation. He tabled a screenshot of a since deleted post from the President of the United Fire Fighters of Winnipeg sharing a post about the Premier announcing expansion of presumptive legislation as well as a list of cancers that were to be included as a result of the upcoming legislation. The Honourable Member concluded his remarks by moving "*THAT as a result of this serious breach of privilege, this issue be immediately referred to an all-party committee of this House.*"

The Honourable Government House Leader also offered contributions to the Chair, and noted that it is a common occurrence for governments to signal that legislation is coming. He also added that the specific text of the legislation was not included in the materials tabled by the Honourable Member for St. Boniface.

I took the matter under advisement in order to consult the procedural authorities.

There are two conditions that must be satisfied in order for a Matter raised to be ruled in order as a *prima facie* case of Privilege – was the issue raised at the earliest opportunity, and was sufficient evidence provided to support the Member’s claim that their privileges or the privileges of the House were breached?

On the first issue of whether the issue was raised at the earliest opportunity, the Honourable Member indicated he was raising the issue at the earliest opportunity, and I take the Honourable Member at his word.

On the second issue, whether sufficient evidence was provided, this is somewhat problematic, as the Honourable Member did not indicate what privileges of the House or of individual Members were breached.

It is also a common undertaking for Ministers and for Private Members to consult with interested groups and parties when considering bringing legislation forward. I would note that it is a very common question that is asked during the Second Reading question periods held on legislation brought forward by Government and by Private Members – whom did you consult with before you brought the Bill forward? It would be prudent for a sponsoring Minister or Member to engage in consultations ahead of time, otherwise there could be a risk of bringing forward flawed legislation in the absence of discussing potential new laws or changes to existing laws with persons who might be impacted by those potential laws.

Although it is unfortunate that an impacted group did put out a comment on social media, this is not an action that is controlled or directed by government as it was not a social media post issued by government. In the future, it may be wise for MLAs and Ministers bringing in legislation to ask those with whom they consult to refrain from social media comment, at least until the legislation is introduced in the House, as an issue of courtesy.

The material posted on line did not disclose the specific text of the proposed legislation. Had it done so, it would be a more concerning issue for the Speaker to consider.

I therefore rule that a *prima facie* case of a breach of parliamentary privilege has not been presented.

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

Mr. MALOWAY – To urge the new Premier to financially assist the City of Winnipeg on building this three-lane bridge in each direction to maintain this vital link between northeast Winnipeg, Transcona and the downtown; to urge the Provincial Government to recommend that the City of Winnipeg keep the old bridge fully open to traffic while the new bridge is under construction; and to consider the feasibility of keeping the old bridge open for active transportation in the future.

Mr. WIEBE – To urge the Minister of Infrastructure to leave residents access to the Perimeter Highway at least every two miles along its length, especially at intersections such as Sturgeon Road which are vital to local businesses; and to listen to the needs and the opinions of the local residents and business owners who took the time to complete the Perimeter Safety Survey, while working with engineers and the technicians to ensure their concerns are addressed.

Ms. FONTAINE – To urge the Provincial Government to immediately ensure effective and safe access to abortion services for individuals regardless of where they reside in Manitoba and to ensure that buffer zones are immediately legislated.

Ms. LATHLIN – To urge the Minister of Infrastructure to complete an assessment of PR 224 and implement the appropriate repairs using public funds as quickly as possible.

MLA MARCELINO – To urge the Provincial Government to take action to reduce people’s exposure to lead in Winnipeg and to implement the recommendations proposed by the Provincial Government’s independent review, including the creation of an action plan for the Weston neighbourhood, developing a lead awareness, communications and outreach program, requisitioning a more in-depth study and a creating a tracking program for those tested for blood lead levels so that medical professionals can follow up with them.

By leave, the Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 3) – The Family Maintenance Amendment Act/Loi modifiant la Loi sur l'obligation alimentaire, reported from the Standing Committee on Justice:

Hon. Mr. GERRARD moved:

THAT Bill 3 be amended in Clause 3 by adding the following at the end of the proposed subsection 18(2):

but not to include, in respect of a child who was conceived by way of assisted reproduction,

(a) the donor, if they had no intention at the time of the child's conception to be a parent of the child; or

(b) a person related to such a donor.

And a debate arising,

And Hon. Mr. GERRARD having spoken,

And the Question being put. It was negatived.

Hon. Mr. GERRARD then moved:

THAT Bill 3 be amended in Clause 3 in the proposed subsection 24.2(5) by replacing everything before clause (a) with the following:

Effect of surrogacy agreement

24.2(5) In an application under this section, a surrogacy agreement is not binding on the parties to the agreement but the agreement may be used as evidence of

And a debate arising,

And Hon. Mr. GERRARD having spoken,

And the Question being put. It was negatived.

Hon. Mr. FRIESEN moved:

THAT Bill (No. 3) – The Family Maintenance Amendment Act/Loi modifiant la Loi sur l'obligation alimentaire, 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. FRIESEN, Ms. FONTAINE, Hon. Mr. GERRARD, MLA ASAGWARA and Mr. MOSES having spoken,

And the Question being put. It was agreed to.

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

By leave, Hon. Mr. GOERTZEN moved:

THAT effective no later than December 15, 2021, all current and future Members of the Legislative Assembly must be fully vaccinated against COVID-19 to enter the Legislative Assembly Chamber, Committee Rooms and all other rooms under the jurisdiction of the Legislative Assembly within the Manitoba Legislative Building, including MLA and caucus offices, with this requirement to be reviewed before the completion of the 4th session of the 42nd Legislature.

And a debate arising,

And Hon. Mr. GOERTZEN having spoken,

And the Question being put. It was agreed to.

As previously agreed to on November 30, 2021, the House proceeded to the Concurrence and Third Reading of Bill (No. 6) – The Workers Compensation Amendment Act/Loi modifiant la Loi sur les accidents du travail.

Hon. Mr. GOERTZEN moved:

THAT Bill (No. 6) – The Workers Compensation Amendment Act/Loi modifiant la Loi sur les accidents du travail, 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. Mr. GOERTZEN, Mr. LINDSEY, MLA MARCELINO, Hon. Mr. GERRARD and Mr. WIEBE having spoken,

And the Question being put. It was agreed to.

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

His Honour, Chief Justice Richard Chartier, Administrator of the Province of Manitoba, having entered the House at 4:50 p.m., and being seated on the Throne:

Madam Speaker addressed His 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. 3) – The Family Maintenance Amendment Act/Loi modifiant la Loi sur l'obligation alimentaire

(No. 6) – The Workers Compensation Amendment Act/Loi modifiant la Loi sur les accidents du travail

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

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

At 4:52 p.m., His Honour was then pleased to retire.

Thursday, December 2, 2021

Hon. Mr. FRIESEN moved:

THAT Bill (No. 7) – The Police Services Amendment Act (Enhancing Independent Investigation Unit Operations)/Loi modifiant la Loi sur les services de police (amélioration du fonctionnement de l'unité d'enquête indépendante), be now read a Second Time and be referred to a Committee of this House.

(Recommended by Her Honour, the Lieutenant Governor)

And a debate arising,

And Hon. Mr. FRIESEN speaking at 5:00 p.m. The debate was allowed to remain in their name.

Hon. Mr. FRIESEN presented:

Message from Her Honour, the Lieutenant Governor recommending the disposition of public revenue for Bill (No. 7).

(Sessional Paper No. 5)

The House then adjourned at 5:00 p.m. until 1:30 p.m. Wednesday, March 2, 2022.

Hon. Myrna DRIEDGER,
Speaker.