



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 20

THIRD SESSION, FORTY-SECOND LEGISLATURE

PRAYER

10:00 O'CLOCK A.M.

Mr. LAMONT moved:

THAT Bill (No. 200) – The Scrap Metal Sales Accountability Act/Loi sur l'obligation redditionnelle en matière de vente de ferraille, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Mr. LAMONT having spoken,

And Ms. FONTAINE, Messrs. NESBITT and MALOWAY, Hon. Mr. GERRARD, Messrs. WOWCHUK and LAGIMODIERE having questioned the Member,

And the debate continuing,

And Hon. Mr. CULLEN, Messrs. MALOWAY, NESBITT and SALA having spoken,

In accordance with sub-rule 24(2), the debate was interrupted to put the Second Reading Question on Selected Bill (No. 200).

And the Question being put. It was negatived.

In accordance with Rule 33(7), the Government House Leader announced that the Private Member's Resolution titled "The Importance of Small Businesses in Manitoba" will be considered on the next Tuesday of Private Members' Business.

Mr. LAMONT moved:

Resolution No. 6: Call for an Inquiry into the Provincial Government's COVID-19 Second Wave Response

WHEREAS there has been a dramatic increase in COVID-19 infections in Manitoba during the second wave of the pandemic to the extent that Manitoba quickly rose from one of the lowest to having the highest number of active cases per capita of all provinces; and

WHEREAS the resurgence in cases is worse because the Provincial Government's wishful thinking left it unprepared for the pandemic, resulting in very long wait times for COVID-19 tests, people waiting for up to seven days to get results and up to several days to have contact tracing which together led to greater uncontrolled and undetected community spread of COVID-19; and

WHEREAS the Provincial Government's failure to properly act led to an increase in personal care homes COVID-19 infections by not immediately implementing a rapid response team and instituting full testing of all staff and residents when the first COVID-19 case was detected in a home; and

WHEREAS in August, the Provincial Government ignored the calls for investment in infection control and better staffing to prepare seniors' homes for a second wave, and failed to heed reports and recommendations from outbreaks in Ontario, Quebec and Nova Scotia and as a result put the health and safety of residents and staff at risk; and

WHEREAS the Provincial Government failed to act to address reports of poor care at the Parkview Place personal care home going back years including a March 2020 report detailing concerns with the state of repair of the facility. Its cleanliness and sanitation practices included issues with cockroaches, dirty toilets and grease laden dirt in the kitchen. In October, the Provincial Government ignored evidence that The Maples personal care home was understaffed and continued to insist there were adequate staff present even as residents were dying; and

WHEREAS the Provincial Government's own accounts show that its support for business is among the worst in Canada as its failure to take basic steps to control outbreaks has led to further shutdowns and businesses have had to close or reduce their capacity without receiving any financial government assistance causing businesses and workers to choose between getting sick or going broke; and

WHEREAS the Provincial Government has been saying one thing and doing another by calling for fundamentals, while encouraging activity that spreads the virus by urging people to go back to work and shop and it has also failed to address the inequities in the services provided to Indigenous peoples which resulted in them experiencing COVID-19 at disproportionate rates; and

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Provincial Government to call a Public Inquiry into its failure to adequately prepare the province for the second wave of the pandemic, specifically into the outbreaks at personal care homes, jails, and in First Nation communities.

And a debate arising,

And Mr. LAMONT having spoken,

And Mr. ISLEIFSON, Ms. FONTAINE, Messrs. MARTIN and MICHALESKI and Hon. Mr. GERRARD having questioned the Member,

And the debate continuing,

And Mr. ISLEIFSON, Ms. FONTAINE, Mr. MARTIN and Ms. NAYLOR having spoken,

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

1:30 O'CLOCK P.M.

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

Meetings

Your Committee met on November 23, 2020 at 5:30 p.m. in Room 255 of the Legislative Building.

Matters under Consideration

- **Bill (No. 42)** – The Remote Witnessing and Commissioning Act (Various Acts Amended)/Loi sur l'attestation à distance (modification de diverses lois)
- **Bill (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)
- **Bill (No. 300)** – The United Church of Canada Amendment Act/Loi Modifiant la Loi sur l'Église-unie du Canada

Committee Membership

- Hon. Mr. CULLEN
- Ms. FONTAINE
- Mr. MICKLEFIELD (*Chairperson*)
- Mr. NESBITT (*Vice-Chairperson*)
- Mr. REYES
- Mr. WIEBE

Your Committee elected Mr. MICKLEFIELD as the Chairperson.

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

As per the Sessional Order passed by the House on October 7, 2020, Rule 83(2) was waived for the November 23, 2020 meeting, reducing the membership to six Members (4 Government and 2 Official Opposition).

Substitution

- Mr. LINDSEY for Ms. FONTAINE

Officials Speaking on the Record

- Glenn Joynt, Law Officer

Bills Considered and Reported

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

Your Committee agreed to report this Bill without amendment.

- **Bill (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)

Your Committee agreed to report this Bill, without amendment.

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

Your Committee agreed to report this Bill, without amendment.

Motions

Your Committee agreed to the following motion:

THAT this Committee recommends 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.

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

Pursuant to Rule 27(1), Ms. GORDON, Mrs. SMITH (Point Douglas), Messrs. MICKLEFIELD and BRAR and Hon. Mr. GERRARD made Members' Statements.

Following Oral Questions, Madam Speaker made the following ruling:

On March 16, 2020 the Honourable Member for Union Station raised a Matter of Privilege regarding the Government's delay in issuing Manitoba Health Cards to newcomers and the Government's failure to answer questions on the issue. The Member argued that because of the actions of Government members, they were impeding from doing their job for their constituents. The Member concluded their remarks by moving: "*THAT this issue be taken under consideration by an all-party committee.*"

The Honourable Member for River Heights also spoke to the Matter of Privilege before the Deputy Speaker took it under advisement, and I thank all Honourable Members for their advice to the Chair on this matter.

As the House should know, in order 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 also provide sufficient evidence that the privileges of the House have been breached.

Regarding timeliness, the Honourable Member for Union Station did not really address this issue. They simply stated that they have taken some time to review the Government's comments with regard to these delays and that the issue of Covid-19 made the matter urgent. I would like to remind all Honourable Members that it is the duty of the member raising the matter to fulfill this important requirement. Bosc and Gagnon *House of Commons Procedure and Practice – 3rd edition* on page 145 states that “the Member must satisfy the Speaker that they are bringing the matter to the attention of the House as soon as practical after becoming aware of the situation.” It is therefore not sufficient to express an opinion that this is the earliest opportunity. Members have to be precise in explaining why this is the earliest opportunity, providing accurate contextual reasons, such as needing to wait to see words in Hansard, for the Speaker to take this into consideration. The Member stated that they needed to consult with constituents and they heard lots of concerns about the Covid-19 pandemic, but gave no context on how that affected raising the matter at this point in time. Therefore, I must find that the test of earliest available opportunity has not been met.

Regarding the second condition, the Member argued that by failing to give accurate information on delays in issuing Manitoba Health Cards, the Government interfered with their ability to serve their constituents and all Manitobans. They stated that because Members of the opposition have been provided misleading information, this constitutes a *prima facie* case of privilege.

As Joseph Maingot advises in the second edition of *Parliamentary Privilege in Canada* on page 241 “to allege that a member has misled the House is a matter of order rather than privilege.” In addition, previous Manitoba Speakers including Speakers Walding, Phillips, Rocan, Dacquay, Hickes, and Reid have all ruled that in order to prove allegations that a Member deliberately misled the House, it is necessary to prove that there was clear intent to mislead by knowingly making statements that would mislead.

As explained by Speaker Hickes in a 2011 ruling, a burden of proof exists that goes beyond speculation or conjecture but involves providing absolute proof, including a statement of intent by the Member involved that the stated goal is to intentionally mislead the House, as it is possible Members may have inadvertently misled the House by unknowingly putting incorrect information on the record.

In 2007, Speaker Hickes also ruled that providing information showing the facts are at variance is not the same as providing proof of intent to mislead. As well, Speaker Dacquay ruled that without a Member admitting in the House that they had stated the goal of misleading the House when putting remarks on the record, it is virtually impossible to prove that a member had deliberately intended to mislead the House.

I also understand that constituents' concerns are very important to all Members. We represent people and it is a duty of any Member to bring the voice of their constituents in this Chamber. However, I would like to remind all Members of this House that parliamentary privilege concerns itself only with the parliamentary role of a Member and not with a Member's relationship with their constituents. In a 1980 ruling that can be found on page 119 of Bosc and Gagnon, Speaker Sauvé stated: "While I am only too aware of the multiple responsibilities, duties and also the work the member has to do relating to his constituency, as Speaker I am required to consider only those matters which affect the member's parliamentary work. That is to say, whatever duty a member has to his constituents, before a valid question of privilege arises in respect of any alleged interference, such interference must relate to the member's parliamentary duties. In other words, just as a member is protected from anything he does while taking part in a proceeding in Parliament, so too must interference relate to the member's role in the context of parliamentary work."

Therefore, based on the procedural authorities and the rulings of previous Manitoba Speakers, and with the greatest of respect, I rule that the *prima facie* case of privilege has not been established in this case.

Prior to Petitions, the House reverted to "Introduction of Bills".

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

(No. 213) – The Reporting of Supports for Child Survivors of Sexual Assault Act (Trained Health Professionals and Evidence Collection Kits)/Loi sur la présentation de rapports concernant les mesures de soutien destinées aux enfants survivants d'agression sexuelle (professionnels de la santé formés et troussees médicocéales)

(Ms. LATHLIN)

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

Mr. ALTOMARE – To urge the Provincial Government to halt its proposed closure of CancerCare sites at the Concordia Hospital and Seven Oaks General Hospital, while guaranteeing access to high-quality outpatient cancer services in northeast and northwest Winnipeg.

MLA ASAGWARA – To urge the Minister of Justice to immediately reverse the decision to close the DCC and proceed with the previous plan to build a new correctional and healing centre with an expanded courthouse in Dauphin.

Mr. BRAR – To urge the Minister of Justice to immediately reverse the decision to close the DCC and proceed with the previous plan to build a new correctional and healing centre with an expanded courthouse in Dauphin.

Mr. BUSHIE – To urge the Minister of Justice to immediately reverse the decision to close the DCC and proceed with the previous plan to build a new correctional and healing centre with an expanded courthouse in Dauphin.

Hon. Mr. GERRARD – 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.

Ms. LAMOUREUX – 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. LINDSEY – To urge the Minister of Justice to immediately reverse the decision to close the DCC and proceed with the previous plan to build a new correctional and healing centre with an expanded courthouse in Dauphin.

Mr. MALOWAY – To urge the Minister of Justice to immediately reverse the decision to close the DCC and proceed with the previous plan to build a new correctional and healing centre with an expanded courthouse in Dauphin.

Ms. MARCELINO – To urge the Minister of Justice to immediately reverse the decision to close the DCC and proceed with the previous plan to build a new correctional and healing centre with an expanded courthouse in Dauphin.

Mr. MOSES – To urge the Minister of Justice to immediately reverse the decision to close the DCC and proceed with the previous plan to build a new correctional and healing centre with an expanded courthouse in Dauphin.

Ms. NAYLOR – To urge the Minister of Justice to immediately reverse the decision to close the DCC and proceed with the previous plan to build a new correctional and healing centre with an expanded courthouse in Dauphin.

Mr. SANDHU – To urge the Minister of Justice to immediately reverse the decision to close the DCC and proceed with the previous plan to build a new correctional and healing centre with an expanded courthouse in Dauphin.

Mrs. SMITH (Point Douglas) – To urge the Minister of Justice to immediately reverse the decision to close the DCC and proceed with the previous plan to build a new correctional and healing centre with an expanded courthouse in Dauphin.

Mr. WASYLIW – To urge the Minister of Justice to immediately reverse the decision to close the DCC and proceed with the previous plan to build a new correctional and healing centre with an expanded courthouse in Dauphin.

Mr. WIEBE – To urge the Provincial Government to halt its proposed closure of CancerCare sites at the Concordia Hospital and Seven Oaks General Hospital, while guaranteeing access to high-quality outpatient cancer services in northeast and northwest Winnipeg.

Tuesday, November 24, 2020

Hon. Ms. SQUIRES moved:

THAT Bill (No. 7) – The Planning Amendment Act/Loi modifiant la Loi sur l'aménagement du territoire, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Ms. SQUIRES having spoken,

And Mr. WIEBE, Hon. Mr. GERRARD and Mr. LAMONT having questioned the Minister,

And the debate continuing,

And Messrs. WIEBE, MARTIN and ALTOMARE, Hon. Mr. GERRARD, Messrs. MOSES, KINEW and BRAR 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.

The House then adjourned at 4:43 p.m. until 1:30 p.m. Wednesday, November 25, 2020.

Hon. Myrna DRIEDGER,
Speaker.