

Third Session – Forty-Second Legislature
of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS
Official Report
(Hansard)

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MANITOBA LEGISLATIVE ASSEMBLY
Forty-Second Legislature

Member	Constituency	Political Affiliation
ADAMS, Danielle	Thompson	NDP
ALTOMARE, Nello	Transcona	NDP
ASAGWARA, Uzoma	Union Station	NDP
BRAR, Diljeet	Burrows	NDP
BUSHIE, Ian	Keewatinook	NDP
CLARKE, Eileen, Hon.	Agassiz	PC
COX, Cathy, Hon.	Kildonan-River East	PC
CULLEN, Cliff, Hon.	Spruce Woods	PC
DRIEDGER, Myrna, Hon.	Roblin	PC
EICHLER, Ralph, Hon.	Lakeside	PC
EWASKO, Wayne	Lac du Bonnet	PC
FIELDING, Scott, Hon.	Kirkfield Park	PC
FONTAINE, Nahanni	St. Johns	NDP
FRIESEN, Cameron, Hon.	Morden-Winkler	PC
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin, Hon.	Steinbach	PC
GORDON, Audrey	Southdale	PC
GUENTER, Josh	Borderland	PC
GUILLEMARD, Sarah, Hon.	Fort Richmond	PC
HELWER, Reg, Hon.	Brandon West	PC
ISLEIFSON, Len	Brandon East	PC
JOHNSON, Derek	Interlake-Gimli	PC
JOHNSTON, Scott	Assiniboia	PC
KINEW, Wab	Fort Rouge	NDP
LAGASSÉ, Bob	Dawson Trail	PC
LAGIMODIERE, Alan	Selkirk	PC
LAMONT, Dougald	St. Boniface	Lib.
LAMOUREUX, Cindy	Tyndall Park	Lib.
LATHLIN, Amanda	The Pas-Kameesak	NDP
LINDSEY, Tom	Flin Flon	NDP
MALOWAY, Jim	Elmwood	NDP
MARCELINO, Malaya	Notre Dame	NDP
MARTIN, Shannon	McPhillips	PC
MICHALESKI, Brad	Dauphin	PC
MICKLEFIELD, Andrew	Rossmere	PC
MORLEY-LECOMTE, Janice	Seine River	PC
MOSES, Jamie	St. Vital	NDP
NAYLOR, Lisa	Woleseley	NDP
NESBITT, Greg	Riding Mountain	PC
PALLISTER, Brian, Hon.	Fort Whyte	PC
PEDERSEN, Blaine, Hon.	Midland	PC
PIWNIUK, Doyle	Turtle Mountain	PC
REYES, Jon	Waverley	PC
SALA, Adrien	St. James	NDP
SANDHU, Mintu	The Maples	NDP
SCHULER, Ron, Hon.	Springfield-Ritchot	PC
SMITH, Andrew	Lagimodière	PC
SMITH, Bernadette	Point Douglas	NDP
SMOOK, Dennis	La Vérendrye	PC
SQUIRES, Rochelle, Hon.	Riel	PC
STEFANSON, Heather, Hon.	Tuxedo	PC
TEITSMA, James	Radisson	PC
WASYLIW, Mark	Fort Garry	NDP
WHARTON, Jeff, Hon.	Red River North	PC
WIEBE, Matt	Concordia	NDP
WISHART, Ian	Portage la Prairie	PC
WOWCHUK, Rick	Swan River	PC

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, November 30, 2020

The House met at 1:30 p.m.

Madam Speaker: O Eternal and Almighty God, from Whom all power and wisdom come, we are assembled here before Thee to frame such laws as may tend to the welfare and prosperity of our province. Grant, O merciful God, we pray Thee, that we may desire only that which is in accordance with Thy will, that we may seek it with wisdom and know it with certainty and accomplish it perfectly for the glory and honour of Thy name and for the welfare of all our people. Amen.

Please be seated. Good afternoon, everybody.

ROUTINE PROCEEDINGS

Madam Speaker: Introduction of bills?

COMMITTEE REPORTS

**Standing Committee on Social
and Economic Development
Second Report**

Mr. Andrew Micklefield (Chairperson): Madam Speaker, I wish to present the second report of the Standing Committee on Social and Economic Development.

Clerk (Ms. Patricia Chaychuk): Your Standing Committee on Social and Economic Development presents the following—

An Honourable Member: Dispense.

Your Standing Committee on Social and Economic Development presents the following as its Second Report.

Meetings

Your Committee met on November 26, 2020 at 6:00 p.m. in Room 255 of the Legislative Building.

Matters under Consideration

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

Committee Membership

- *Hon. Mr. FIELDING*
- *Mr. ISLEIFSON (Vice-Chairperson)*
- *Mr. LINDSEY*
- *Mr. MICKLEFIELD (Chairperson)*
- *Hon. Ms. SQUIRES*
- *Mr. WIEBE*

Your Committee elected Mr. ISLEIFSON 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 26, 2020 meeting, reducing the membership to six Members (4 Government and 2 Official Opposition).

Public Presentations

*Your Committee heard the following five presentations on **Bill (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)**

Anna Rothney, Executive Director, Manitoba Federation of Labour

Romeo Ignacio, Amalgamated Transit Union, Local 1505

John Graham, Retail Council of Canada

Loren Remillard, Winnipeg Chamber of Commerce

Jonathan Alward, Canadian Federation of Independent Business

*Your Committee heard the following three presentations on **Bill (No. 7)** – *The Planning Amendment Act/Loi modifiant la Loi sur l'aménagement du territoire**

Bill Courtice, Reeve, R.M. of Cornwallis

Ross Farley, Reeve, R.M. of Elton

Ryan Nickel, City of Brandon

Written Submissions

*Your Committee agreed to include in Hansard the following written submission on **Bill (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)**

Denys Volkov, Association of Manitoba Municipalities

*Your Committee agreed to include in Hansard the following two written submissions on **Bill (No. 7)** – The Planning Amendment Act/Loi modifiant la Loi sur l'aménagement du territoire*

Rick Chrest, Mayor, City of Brandon

Jeff Fawcett, Brandon & Area Planning District

Bills Considered and Reported

- **Bill (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)*

Your Committee agreed to report this Bill without amendment.

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

Your Committee agreed to report this Bill without amendment.

Mr. Micklefield: I move, seconded by the honourable member for Lagimodière (Mr. Smith), that the report of the committee be received.

Motion agreed to.

Madam Speaker: Tabling of reports? Ministerial statements?

MEMBERS' STATEMENTS

Christmas Wishes

Hon. Kelvin Goertzen (Minister of Education): In less than a month, it is Christmas.

Christmas has not been cancelled—that is beyond the power of any government. Christmas has come through war. It's come through famine and even through pandemics, and it will come again.

But it will be a different Christmas than most of us have experienced in our lifetime. There will be considerably more stress and more anxiety. There will be government orders. We may not get all the services that we want or be able to gather in large groups of people. And for all, myself included, that hurts. It's disappointing. It may even make us angry.

But can anything good come from this most unusual Christmas?

Perhaps we can draw some inspiration from the Christmas 2,000 years ago—the very first Christmas.

Joseph and Mary were expecting a child, but they were under a government order. They were ordered to travel to Bethlehem by the Roman emperor to participate in a census.

When they got there, the services that they had hoped for were not available. They were unable to get a room in the inn. And so Joseph and Mary, no doubt filled with stress and anxiety, gave birth to their son, Jesus, in a manger, surrounded not by close family, but by animals.

Madam Speaker, 2,000 years ago, a young couple expecting a baby were filled with stress and anxiety. They were following a government decree, they found themselves unable to get accommodation and they were away from much of their family. Not much of a Christmas, but from that came the birth of their son, Jesus, and it literally changed the world.

Madam Speaker, we all hope for a wonderful Christmas, but Christmas itself is hope. It is the hope that gives peace to the sick and comfort to the lonely.

May I use this opportunity to wish every Manitoban and member of this Assembly, regardless of their faith or beliefs, hope, peace and joy for these days and for all days. Madam Speaker, I hope it's not too early, too soon to, from my wife Kim and my son Malachi, wish you a Merry Christmas.

Rose Foulkes

Mr. Adrien Sala (St. James): I am honoured to acknowledge the contributions of Rose Foulkes to our community of St. James through her years of work with the Deer Lodge Community Club.

Rose has been involved with the club for over nine years. She started as soccer coach and convenor, then vice-president, and five years ago she was appointed president of the club. She can be found everywhere at all times, from the boardroom to the soccer fields, where I've witnessed her taking team photos when the club was in a pinch. In short, Rose is a major contributor to the incredible quality of life we enjoy in our community.

Rose and her colleagues have completed many projects over the years at the Deer Lodge Community Club. Some of these include installing new lighting and flooring, as well as adding additional stove and hood fans throughout the facility. They've also renovated bathrooms and the boardroom as well as an unused storage room, which was transformed into a playroom for children.

Over the years, Rose has worked extensively with the Deer Lodge board of directors to increase the frequency and diversity of programming in the centre to increase engagement with the community.

Rose enjoys organizing and running community club events in St. James, including semi-annual craft sales, monthly family movie nights, and holiday events such as Halloween Howl and Breakfast with Santa, which kids look forward to every single year.

The Deer Lodge Community Club is not a new facility but, due to the efforts of Rose and others at the club, we will see this community space alive for generations to come.

I want to congratulate Rose for her remarkable contributions to the club over the years, and I ask all members to join me in thanking her for her hard work and contributions to the community of St. James.

Thank you.

Charitable Donations and Volunteering

Mr. Dennis Smook (La Vérendrye): COVID-19 continues to create major disruptions not only here in Manitoba, but across Canada and around the world. Record numbers of cases are putting a strain on our health-care system, but are also affecting the lives of many Manitobans.

Madam Speaker, private members' statements are typically where we honour someone that has accomplished something special, went above and beyond in the field of volunteering or went out of their way to help someone. Today there were a couple of people or organizations from La Vérendrye that would have qualified to be mentioned in a private member's statement, but because of what COVID-19 is doing to our province, there are thousands of Manitobans and hundreds of organizations that have gone above and beyond in their efforts to help fellow Manitobans and deserve to be thanked for all that they do.

Manitoba has always led the way when it comes to charitable donations and volunteering, and I would ask Manitobans to keep this tradition alive. Especially now, coming into the holiday season, there are many organizations that at this time of the year are needing more help, but because of COVID-19 are not being able to reach their goals.

Madam Speaker I would ask fellow Manitobans to do what they can to help others and together we will get through this pandemic.

Thank you, Madam Speaker.

William "Bill" Blaikie

Mr. Nello Altomare (Transcona): Madam Speaker, I rise today to honour a great Canadian, Manitoban and fellow life-long citizen of Transcona: the honourable William Alexander Blaikie, better known as Bill.

On Friday, November 27th, 2020, Bill Blaikie was made an officer in the Order of Canada. Bill is a retired United Church minister who graduated from the University of Winnipeg in 1973 with a BA in religious studies and philosophy, and then in 1977, with a master of divinity degree from Emmanuel College from Toronto School of Theology.

Bill was elected to Parliament in 1979, and re-elected eight times. He sat across from eight different prime ministers and retired from federal politics in 2008 as the dean of the House. He served most notably as NDP Health critic during the fight for the Canada Health Care Act, NDP trade critic, House leader, parliamentary leader, and Deputy Speaker of the House of Commons. He has the record of being the longest continuously serving CCF or NDP MP in Canadian political history.

* (13:40)

Bill was a friend and political understudy of Canadian Social Gospel political icons Tommy Douglas and Stanley Knowles and officiated their respective funerals in 1986 and 1997.

In 2003, he was sworn in as a member of the Queen's Privy Council. In 2007, he was voted Parliamentarian of the Year and received Solidarity Award, by the National Union of Provincial Government Employees. In 2013, Bill was awarded the Distinguished Service Award by the Canadian Association of Former Parliamentarians. He has been awarded honorary doctorates by Victoria University in Toronto and the University of Winnipeg.

From 2009 to 2011, he was the MLA for Elmwood and Manitoba's minister of Conservation. In 2012, he received the Prairie Crocus Award—

Madam Speaker: The honourable member's time has expired.

Mr. Altomare: May I have leave?

Madam Speaker: Is there leave to allow the member to complete his statement?

Some Honourable Members: Leave.

Madam Speaker: Leave has been granted.

Mr. Altomare: So, as I said: from Nature Manitoba for creating five new provincial parks in one year while he was minister of Conservation.

Bill's political memoir, the Blaikie Report: An Insider's Look at Faith and Politics, says it all about Bill, a person dedicated to his faith and how faith shapes politics.

Madam Speaker, please join me in honouring a humble prairie preacher, a wizard of the highland pipes, William Alexander Blaikie, an Officer of the Order of Canada.

Thank you.

Filipino Community in Manitoba

Mr. Jon Reyes (Waverley): Last week, our PC government was the first provincial government to proclaim and recognize the upcoming year, 2021, the quincentennial commemorations of the Philippines in Manitoba.

The migration of immigrants from the Philippines to Manitoba is a relatively recent phenomenon, only occurring through the last 60 years. But the 'recency' of this movement does not convey its strength. Right here in Winnipeg, one out of 10 people is Filipino, and Tagalog is Winnipeg's second-most-spoken language. Internationally, Winnipeg known—is known as the hub for Filipinos, due to its propensity of established community-supported networks. These include the Filipino Seniors Group, the Philippine-Canadian Centre of Manitoba, the Winnipeg chapter of the Order of the Knights of Rizal, the Manitoba Filipino Business Council, to name a few, Madam Speaker.

In fact, Manitoba hosts the largest number of Filipino community organizations, even accounting for our province's smaller overall population. Indeed, since the turn of the century, one fifth of all Filipino immigrants from the Philippines—to rural Manitoba, helping these communities thrive. Our agriculture industry has been hugely supported by Filipino immigrants, and we shouldn't forget how much they contribute to our provincial breadbasket.

I am very proud to be a part of a province that actively welcomes all Filipino immigrants. Nearly three quarters of incoming Filipinos are supported through our Manitoba Provincial Nominee Program, a successful program that a PC government had created back in 1998.

As one of our only Filipino MLAs in this Legislature, I am also proud that I was a spearhead of our government's proclamation to designate June as

Filipino Heritage Month last year. Traditionally, the anniversary of the Philippines' independence is celebrated here in June with a giant street festival and other festivities. While these weren't able to take place this past summer, I know that we will be celebrating this year's upcoming quincentennial anniversary in spirit, however we can.

Thank you again to our Province and to my colleague, the Minister of Sport, Culture and Heritage (Mrs. Cox), for this proclamation of the 500th anniversary of the Philippines and recognition of this significant milestone.

Mabuhay.

ORAL QUESTIONS

COVID-19 Vaccine Distribution Plan

Mr. Wab Kinew (Leader of the Official Opposition): Madam Speaker, Manitobans are looking for this Premier (Mr. Pallister) to come up with a solid plan to distribute the COVID-19 vaccine to everyone in the province. It's on the top of everyone's minds these days.

But we know the Premier doesn't have such a plan, nor does he plan to prepare one. He said so in the Premier's meeting last week. He wants zero responsibility for distributing the COVID vaccine. In fact, he begged our Prime Minister to do all the heavy lifting so that the Premier wouldn't have to do any work on this topic whatsoever. That shows a lack of leadership by the Premier and his Cabinet when it comes to the COVID response.

Doesn't the Premier think the COVID vaccine is important enough for him to be involved with?

Hon. Cameron Friesen (Minister of Health, Seniors and Active Living): Madam Speaker, vaccine planning is at the focus—at the centre—of this government's plans as it continues to provide leadership during this global pandemic.

But we are all clear in Canada that it is up to the federal government to decide the who, the what and the when. The who and the what and the when are questions that only the federal government can answer.

We remain fully engaged with our counterparts in the federal government, saying that this is the time in order to—for the federal government to cover that ground. When it comes to the where and how, we will be ready.

Madam Speaker: The honourable Leader of the Official Opposition, on a supplementary question.

Mr. Kinew: Well, they're clearly not ready, Madam Speaker, and the fact that the Premier (Mr. Pallister) can't respond to a simple question, I think, says it all. And the fact that he's not on the vaccine committee of Cabinet either also speaks volumes about his lack of engagement about what is probably one of the more crucial steps to making out-making it out of the pandemic.

The fact that he would beg the federal government to do all the heavy lifting, the fact that he doesn't want the government of Manitoba to be right there on the front lines, to be there setting up vaccine distribution centres and to ensure that everyone who needs it can get that vaccine once it's available, well, I think that's really shameful.

Manitobans want to see leadership. They want someone in this Cabinet to step up and do the right thing on behalf of province instead of party—just this one time, Madam Speaker.

Is the Premier going to take the lead personally in rolling out the COVID vaccine in Manitoba?

Mr. Friesen: So, the Leader of the Opposition is making it clear that he does not actually understand how this works, that the federal government is signing contracts and procuring vaccine from international pharmaceutical companies and then, on the basis of those agreements, vaccine will enter the jurisdiction.

And that is why I say, Madam Speaker, that it is up to the federal government to decide when it comes to the who, what and the when. Only the federal government can answer these questions.

To the member's question, though, all Manitobans should know that on the other side of the equation, this government is preparing, getting ready, demonstrating that it is leading and will be ready for when—for how and where to deliver this vaccine.

The other questions can clearly only be answered by the federal government, and we need those answers now.

Madam Speaker: The honourable Leader of the Official Opposition, on a final supplementary.

Mr. Kinew: Madam Speaker, what the Minister of Health makes clear that he doesn't know is he doesn't actually know what his Premier said to the other premiers and the Prime Minister last week.

The Premier begged the Prime Minister, he 'breg'—he begged Justin Trudeau to ask—he asked him on bended knee, will you please take care of all five of those W's for us? Will you do the who, the what—*[interjection]*

Madam Speaker: Order.

Mr. Kinew: —the where, the when and even that W that we actually spell with an H—the how? The Premier asked the Prime Minister to take care of all those steps.

It seems that there's a lack of communication within the Cabinet.

After we've seen this government bungle so many parts of the pandemic response, how can we have any confidence that they're going to get it right with the vaccine, especially when the Premier doesn't want any part of that show?

Mr. Friesen: Madam Speaker, the Opposition Leader is just far off on some kind of a side trail. Let's bring him back to centre.

Nothing could be further from the truth. Our Premier has advocated strongly for the federal government to fulfill its role to tell Canadians where is vaccine coming from; how should it be stored; when is it coming into our jurisdictions; in what batches will it come here; what are the requirements for storage. What would that member say about a vaccine that needed to be stored at 80 below zero?

Madam Speaker, there are important questions that only the federal government can answer. But let me reassure that when it comes to the where and the how, we will be ready. Now it's up to the federal government to say what are they doing to get vaccine to the Canadians who need the vaccine.

Madam Speaker: The honourable Leader of the Official Opposition, on a new question.

Education System During Pandemic Plan for the Holiday Break

Mr. Wab Kinew (Leader of the Official Opposition): Well, I think we're all concerned that they've screwed up everything else so far, that they have zero confidence—Manitobans have zero confidence that they're going to get this thing right.

The Minister of Health was even saying that it's just going to be like a regular flu vaccine clinic. I think we know that we need a stronger response, that the

stakes are just that high when it comes to the COVID vaccine.

* (13:50)

But all weekend I've been receiving emails and calls from parents and child-care-facility directors and educators who were worried about what is going to happen in just three weeks. There's only three weeks before the winter break, and yet people are still wondering. They're listening to rumors and hearsay.

What they're lacking, when it comes to a plan for the holidays, is clear direction from the government. Nobody understands or knows where this government is heading with the education plan.

Can the government please stand in their place and tell Manitobans today what to expect for this holiday break?

Hon. Kelvin Goertzen (Minister of Education): Well, Madam Speaker, we know that our educators—not just teachers but, of course, EAs and bus drivers and janitors—have been working extremely hard in our school system.

It's one of the reasons why transmission has been relatively low, despite higher numbers of COVID-19 in the community, Madam Speaker. There's only been, at this point, six outbreaks in schools. It's more than we would like, but we know that they've done a very good job of ensuring that outbreaks have been minimalized.

We also know that there is a need to have a break, Madam Speaker, that there is a need for the system to have some relief when it comes to personnel and when it comes to COVID-19, and we'll have more to say about that this week.

Madam Speaker: The honourable Leader of the Official Opposition, on a supplementary question.

Mr. Kinew: Madam Speaker, there's only three weeks before the break. My concern is that they're going to make this announcement at the last minute, with no support, just like they've done every other school or early-childhood education announcement through the pandemic thus far.

The minister talks about EAs. Yes, Madam Speaker, they want to know because this minister, this Premier (Mr. Pallister), this Cabinet laid off 8,000 EAs and bus drivers during the first wave. And you know what will happen if there is an extended holiday break? Unless this government steps up with targeted supports, those EAs will be laid off again in

January, the time of year when all of us have more bills to pay than usual.

These are the types of planning scenarios that the people of Manitoba—that the teachers, that the parents, that the daycare directors—need to have answers to today.

Will the minister stand in his place and tell us what his government is going to do with the holiday break right now?

Mr. Goertzen: Well, Madam Speaker, the Leader of the Official Opposition spent his first question talking about rumours and innuendo and he spent his second question spreading rumours and innuendo. So much falsehood.

Madam Speaker, this government, this Cabinet, this Premier have already approved \$9.1 million for additional staff in this school year. We expect that there'll be \$68 million more spent on additional staff throughout the school year to respond to the challenges of the pandemic.

We know that there is additional resources that need to be applied. There's been \$45 million already spent when it comes to different supplies, sanitation, janitorial support. We are ensuring that the resources are available.

I already answered the member's question, Madam Speaker. There'll be more information when it comes to what the Christmas break will look like and remote learning around that so that our students can continue to get the education, but do it in a safe way.

Madam Speaker: The honourable Leader of the Official Opposition, on a final supplementary.

Manitoba Hydro Rates Request to Cancel Increase

Mr. Wab Kinew (Leader of the Official Opposition): Well, Madam Speaker, it's a sign of a tired government that all that they can lean on is spending more and more and more with no new ideas—

Some Honourable Members: Oh, oh.

Mr. Kinew: —no new ideas whatsoever—and no ability to do the right thing on the people of Manitoba's behalf.

They know the accusation is true. That's why they howl in their seats now to—

Some Honourable Members: Oh, oh.

Madam Speaker: Order.

Mr. Kinew: –defend themselves against them.

Some Honourable Members: Oh, oh.

Madam Speaker: Order.

Mr. Kinew: Another hardship that this government is putting on the backs of the people of Manitoba tomorrow, Madam Speaker, is the higher Manitoba Hydro rates that they ordered without even having a public hearing, without even going to the Public Utilities Board. They gave a holiday present to everybody of the people of Manitoba. Here it is: a more expensive Manitoba Hydro bill.

There's still time. Will the government go through all the stages of legislation today to cancel their Hydro rate increase and give people a real holiday gift: a cheaper Manitoba Hydro bill this December?

Hon. Scott Fielding (Minister of Finance): Well, Madam Speaker, never in Manitoba's history has an opposition party 'filibusted' during a 100-year pandemic, and that's completely on the Leader of the Opposition.

We're not going to make those mistakes. We've got legislation before this House. We want to make life more affordable. *[interjection]*

Madam Speaker: Order.

Mr. Fielding: We've put in more than \$700 million of supports for Manitobans in terms of tax relief—*[interjection]*

Madam Speaker: Order.

Mr. Fielding: Our process—what we're trying to do is make life more affordable for Manitobans. We put over \$700 million in tax relief. That's in stark contrast, Madam Speaker, to the NDP that jacked up taxes on all Manitobans.

CancerCare Services at Concordia Hospital Request to Retain Outpatient Services

Mr. Nello Altomare (Transcona): Manitobans know how important it is to get the health care they need close to home, yet the minister doesn't seem to agree, since he continues to close down front-line health-care centres one after another during the pandemic.

Not only is the IV clinic closing at Transcona ACCESS today, the Concordia CancerCare clinic is sadly closing its doors as well. This decision is only going to add stress and elevate the risk for those who

are already vulnerable by forcing many to travel further for the care they need.

Speaking from experience, when receiving treatment for cancer, patients feel safer, feel better receiving this care in a facility that is close to home.

Will the minister reverse the closure of Concordia CancerCare?

Hon. Cameron Friesen (Minister of Health, Seniors and Active Living): We all continue to wish the member for Transcona well as he makes his way through his journey of cancer. We know that friends and family are standing around him. Our best regards go to him.

The member should know that the workforce that he speaks of is a workforce that has a special capability, special expertise, and they've been marshalled to help provide services at this time during a pandemic in personal-care homes. We are very proud that this team is stepping up to provide care in our personal-care homes as part of that front-line rapid response team.

Madam Speaker: The honourable member for Transcona, on a supplementary question.

Mr. Altomare: Manitobans are speaking up and saying that the consolidation of health care is not working for them. I know first-hand how this closure will personally impact the nurses who work so hard there, as well as the patients that rely on this centre.

Cancer patients and health-care professionals are trying to tell this government that closing these clinics is a bad decision. If this government is not listening to them, who are they listening to?

Will the minister pay heed to the expertise of CancerCare nurses and keep these clinics open?

Mr. Friesen: Madam Speaker, I don't know that the member is aware to the extent to which his comments and argument is diverging from that of his colleagues.

His colleagues have been asking for updates about how this government is responding to outbreaks at 28 personal-care homes in Winnipeg. And we have been responding by sending experts with a rapid—*[interjection]*

Madam Speaker: Order.

Mr. Friesen: –response team—*[interjection]*

Madam Speaker: Order.

Mr. Friesen: –with the Red Cross responding and sending people to that site to—[*interjection*]

Madam Speaker, I just can't—the member wants to answer that question, let her. Let her.

Madam Speaker: I would ask for members' co-operation, please.

I think when members stand up and want to make a statement, they want to be heard, and that applies to everybody in the House. So you can't have it both ways. When somebody is asking a question, they should be heard, and when somebody's answering a question, they should be heard in a respectful, civil manner.

And I think that's what democracy is more about. It's not about yelling across the way. And I'm going to ask all members, before I have to start identifying who they are, I'm going to ask for co-operation, please.

This is a serious issue—pandemic and cancer and health care—and I would ask for everybody's co-operation, please. Yelling across isn't going to make any situation better, it's just going to actually impede people in here from doing their job properly.

So I'm going to give the minister 20 more seconds to finish his response.

Mr. Friesen: These members have asked questions about how our government is responding to the personal-care-home outbreaks, and we are responding, sending resources. And part of those resources are coming from those community IV teams. And we are proud to have them as part of that response that is going into personal-care homes and saving lives.

Let that member be clear: Is he saying we shouldn't be doing this?

* (14:00)

Madam Speaker: The honourable member for Transcona, on a final supplementary.

Mr. Altomare: I'll be quite clear: the problem with cuts is that once you've cut everybody out of the system, it's hard to actually replenish and then buttress when we're moving forward during a pandemic.

So I'll ask again. First, we lost the emergency department, cancer clinic and now the Transcona IV due to this short-sighted planning. These cuts undermine community-based delivery of services that are essential, not extemporaneous. Everyone in Manitoba, including the folks living in northeast Winnipeg,

deserve to have care close to home and proper planning; it's time for the minister to realize this.

Will the minister commit today to a more nuanced plan that responds to the needs of citizens during the pandemic?

Mr. Friesen: Madam Speaker, that is exactly what we are doing, is focusing resources to help our citizens during a global pandemic.

This is a temporary redeployment of workforce to help on the front lines on personal-care homes. As soon as this is stabilized, then the service goes back to normal.

But there's more, Madam Speaker. The content I'm sharing today formed part of the technical confidential briefing that the NDP had one week ago. If they want to check for the answer, why don't they go back and review the tape that they leaked to CBC?

Laid-Off City of Winnipeg Employees Assistance with Pandemic Response

Mr. Matt Wiebe (Concordia): Madam Speaker, last week the mayor of Winnipeg and the Minister of Municipal Relations had a public spat about the very serious issue of hundreds of City of Winnipeg employees who are about to lose their job and the Province's failure in stepping up to make sure that they're redeployed for the COVID fight.

It seems that the minister was completely out of the loop and, according to the mayor, the minister isn't having the dialogue you would expect with her own government officials. That is concerning in the middle of a pandemic.

I ask the minister why has she so badly fumbled this relationship with the City of Winnipeg and its leadership, and will she hire these workers once again?

Hon. Rochelle Squires (Minister of Municipal Relations): So, I thank the member opposite for the question because it gives me an opportunity to stand up and talk about some of the things that we've done for the City of Winnipeg during this pandemic.

Even though the City's fiscal position is relatively good in comparison to the Province's, we've still flowed a—\$315 million in unconditional operating to the City of Winnipeg as well as for their capital. We've also given them \$72 million in federal restart money, in addition to \$132 million through the Manitoba Restart Program.

This is money—this is a collaborative relationship that the Province has with the City of Winnipeg, and we'll continue to do that throughout the pandemic and well into the future.

Madam Speaker: The honourable member for Concordia, on a supplementary question.

Mr. Wiebe: Well, Madam Speaker, this relationship is far from collaborative when the mayor recognizes that the minister responsible hasn't even been briefed on these important issues in her own file.

Hundreds of City of Winnipeg workers—
[interjection]

Madam Speaker: Order.

Mr. Wiebe: —are being laid off today. They could be redeployed in the COVID fight. The Pallister government keeps saying all hands on deck. Well, here's your chance to prove it. Madam Speaker, let them stand up and rehire these workers.

Again, I ask the minister how could she let discussions with the City of Winnipeg go so far off the rails, and most importantly, will she rehire these workers today?

Ms. Squires: I recognize that the member's aware that there's an opening on Broadway, and while he hones up the skills to apply for that job, I'd like to assure him that we currently have a very collaborative—
[interjection]

Madam Speaker: Order.

Ms. Squires: —relationship with the City of Winnipeg and, as I'd stated publicly and to the Civil Service Commission last week, that if there's an opportunity for the Province to collaborate and to accommodate these workers from the City of Winnipeg, we certainly will and we're looking at all options and avenues right now.

Madam Speaker: The honourable—[interjection]
Order.

The honourable member for Concordia, on a final supplementary.

Mr. Wiebe: Well, Madam Speaker, there really are only two explanations for the minister's actions so far during the pandemic: either she's been following in lockstep behind this Premier (Mr. Pallister) when she encouraged layoffs and freezes in the municipalities, or she thinks this is a good idea herself.

Time is short now because the City of Winnipeg workers are being laid off today, and the minister's

leadership in this matter matters. It matters that she is occupied with a public dispute instead of the fate of these workers. I encourage her to get on team Manitoba and look at how these workers can be rehired.

I ask the minister: Will she do the right thing, put aside her public spat with the mayor and do what's necessary to ensure that these workers are redeployed in a way that best serves our purposes with regards to COVID?

Ms. Squires: So there, again, Madam Speaker, I know that the member opposite is aware of that opening on Broadway and is honing up his skills as we speak. But he might have a lot of explaining to do when he tries to justify his position, his party's position, that municipal leaders are nothing but 'hiling'—howling coyotes.

But as I had said earlier, our government is working very collaboratively with the City to ensure that we can accommodate wherever we can in the best possible manner. And as I'd said last week, it takes more than a day to accommodate something of this magnitude.

So, we're working on it, and our Civil Service Commission is doing everything that they possibly they can, as they have done throughout this entire pandemic, when it comes to redeploying workforces and guaranteeing job protection.

Eviction Notices During Pandemic Request for Extension of Protections

Mr. Adrien Sala (St. James): The first of the month is tomorrow, and unfortunately too many Manitobans will be unable to make rent. The COVID-19 recession has cost thousands of Manitobans their livelihood, and it's putting more Manitobans at risk of homelessness just in time for winter.

The Pallister government could do much more, including an extension of eviction protections, to ensure we aren't putting Manitobans on the streets in the middle of a pandemic.

Will the Pallister government take action to ensure hundreds of additional people don't end up on the streets?

Hon. Scott Fielding (Minister of Finance): Our government was one of the first governments to put a rent freeze—an eviction freeze in. In fact, we lasted longer than other provinces like Saskatchewan and BC and places like Ontario. We think the supports are in place.

Madam Speaker, our government has invested close to \$2.3 billion—a lot—towards individuals to make sure individuals are supported during this pandemic.

We're not done yet, Madam Speaker, and we're going to be supporting businesses and individuals as we move forward to make sure all Manitobans are protected.

Madam Speaker: The honourable member for St. James, on a supplementary question.

Mr. Sala: The Pallister government lifted the eviction moratorium that the minister is bragging about on October 1st. Through freedom of information, which I now table, we found that 78 households were given an eviction order in just the first 30 days that the moratorium was lifted. No doubt that number has grown much larger, given the closures and shutdowns in the second wave of this pandemic.

Many people have lost their jobs and we're looking at many, many more evictions over the winter months. This government's failure to act is putting Manitoban families at risk.

Will the Pallister government take action so we aren't pushing Manitobans onto the streets in the middle of a pandemic?

Mr. Fielding: Our supports for individuals during the COVID period has been second to none. That's backed up by the Parliamentary Budget Office that talks about our supports for individuals and businesses.

Our government will continue to support people as best we can. Our programs to support individuals have been broad-based. Let's look at the Risk Recognition Program: almost 80,000 individuals—80,000 individuals—almost 12 per cent of our workforce were supported with close to \$1,300 to support.

We think those supports are important. We're going to continue those supports, Madam Speaker, for now until we're through the pandemic.

Madam Speaker: The honourable member for St. James, on a final supplementary.

Mr. Sala: Rent control is broken in this province.

As I've previously told this House, 100 per cent of rent increase requests to RTB are being approved. We all have constituents who've told us about large rental increases, many of which are beyond 30 per cent. These rent increases are coming due, and now that the moratorium on evictions has been

removed, hundreds of Manitobans now risk losing their residences.

The Pallister government could be doing so much more to address the affordability challenge being faced by Manitobans right now, but they're not listening.

Will the Premier (Mr. Pallister) take action now to stop these exorbitant rent increases to ensure we aren't pushing more Manitobans onto the streets in the middle of a pandemic?

* (14:10)

Mr. Fielding: Again, our support for Manitobans is second to none amongst most provinces—all provinces—in Manitoba.

We know what the NDP did in government. In fact, the last six years of their government, they had over 2,079 rent increase applications above guidelines—over 2,079 rent applications. That only isn't there, Madam Speaker. That's members of their own caucus that were part of the rent commission that made the determination. That's the member from Fort Garry.

That member needs to talk to the Leader of the Opposition, call a caucus meeting and find out why the member for Fort Garry (Mr. Wasyliv) made those bad decisions for Manitobans.

Health-Care Services Physician-Government Relations

MLA Uzoma Asagwara (Union Station): Madam Speaker, this summer the minister's bullheaded approach to Manitoba's physicians led to the resignation of many neurologists at Health Sciences Centre and an unacceptable level of vacancies amongst those who deal in critical ailments such as stroke, seizure and spinal cord injuries.

It absolutely should never have come to this. At a time—at this time, the minister said the vacancies would be filled, yet months later—into the fall—neurology still had a 36 per cent vacancy rate, and I'll table these documents obtained through FIPPA that show this. Madam Speaker, 36 per cent—that's completely unacceptable.

Why is the minister driving core health services into the ground?

Hon. Cameron Friesen (Minister of Health, Seniors and Active Living): Well, Madam Speaker, I feel like I was just called a name in this House by another member, so I'm going to reflect on that a little

while longer. But while I reflect, I'll use the opportunity to indicate to all colleagues that, as of today, 92 of 105 COVID shelters have been delivered to the personal-care homes and are being activated so that visitors can visit with their loved ones and not have to forgo those visits during a global pandemic.

Madam Speaker: The honourable member for Union Station, on a supplementary question.

MLA Asagwara: Madam Speaker, the minister and KPMG think they know what's best for a medical system over the objections of our own Manitoba doctors.

The minister won't listen to concerns. He allows professional disagreements to fester to the point where whole units quit their jobs and, for those who are trying to lead the province through this COVID disaster, the minister questions their motivations and accuses them of attempting to cause chaos in our health-care system.

Now, of course, we know the motivation of doctors is to save lives and they want the best for all patients, Madam Speaker.

So why is it that the minister continues to just drive over the concerns of our front-line physicians?

Mr. Friesen: I was waiting for an apology. Haven't received one yet, but it may be still forthcoming.

So what we can tell them is this—*[interjection]*

Madam Speaker: Order.

Mr. Friesen: —that doctors were very, very pleased, only a number of weeks ago, when we entered our third tranche of virtual tariffs, which is allowing thousands and thousands of patients to be seen remotely by their doctor in order to be safe during COVID-19—that also allows those doctors to be remunerated for those interactions with their patients.

That kind of thing, getting that done, that takes co-operation; it takes collaboration. We have that in place with the doctors.

Madam Speaker: The honourable member for Union Station, on a final supplementary.

MLA Asagwara: Madam Speaker, it is so typical for this minister to actually stand here today and ask for an apology when he's continued to refuse to apologize to over 200 doctors in our medical system.

Madam Speaker, pushing out doctors, leaving a 36 per cent vacancy rate in neurology for months is unacceptable. Undermining—basically telling off ICU

docs, questioning their motivations and saying, we got this—totally unacceptable.

This has been the approach of this minister and this government for years, driving right over the objections of our front-line physicians. They don't listen to front-line voices and they allow concerns to fester to the point of whole medical teams quitting in protest.

Why must our front-line physicians bear the brunt of this minister and his government's cuts and complete incompetence?

Mr. Friesen: More name-calling from the member, but that won't do anything to improve conditions in here.

Madam Speaker, the facts are these: if the member had been along—around longer, they would understand that when it came to neurology in this province it's been for years and years that there have been challenges to retain workforce there.

We are focused—*[interjection]*—but we are—*[interjection]*

Madam Speaker: Order.

Mr. Friesen: —but that's why we are focused at building neurology and other areas in Manitoba, to make sure that those patients and doctors are there providing that good care and receiving that good care for years and years from now.

Madam Speaker, we're proud of the investments that we have made in COVID-19 and in health care—\$650 million more than the NDP ever spent on health care.

Pandemic Management School Closure Inquiry

Mr. Dougald Lamont (St. Boniface): The government doesn't know where about half of community transmission of COVID is taking place, but there are over 600 individual confirmed cases of COVID-19 in schools.

We've been contacted by many teachers and people who work in schools across Manitoba who've said it may take a week to 10 days to be contacted by public health. Some are hearing that students in their class tested positive, but they hear it from parents, not public health. And parents routinely get letters 10, 12 or 14 days after there was an exposure at school.

In the spring, when cases were a fraction of what they were today, there was one major difference: schools were closed.

If we are really going to drive down cases, why isn't closing schools an option?

Hon. Kelvin Goertzen (Minister of Education): Madam Speaker, there is only one doctor in that member's caucus, and it's not the member who asked the question.

We rely on the medical advice of public health. They were instrumental in putting together a plan during the summer to reduce transmission in schools. And even though COVID cases have gone up, of course, significantly since the summer, the transmission rates have remained low in schools.

As I said in response to an earlier question, there have been six schools that have had a declared outbreak, which means that there was two cases or more that were linked together from the school. Six is more than we would like, but it is evidence—as backed up by Dr. Roussin—that transmission is low in the schools.

Madam Speaker: The honourable member for St. Boniface, on a supplementary question.

Seniors on Fixed Incomes Increase in Drug Prices

Mr. Dougald Lamont (St. Boniface): A couple of years ago, this government cancelled the special drugs program, with the result that hundreds of people with cystic fibrosis, diabetes—including seniors—were saddled with hundreds of thousands of dollars in higher drug costs.

This government also handed a contract for rural PCHs that used to be handled by local pharmacies and gave it to MediSystem based out of Ontario.

I table a letter showing drug distribution at Riverview and Deer Lodge has been outsourced to MediSystem and that, because of a Manitoba Health change, some seniors and their families are now facing additional costs of \$150 a month more, or \$1,800 more a year, for their medications.

Can the Minister of Health explain why, once again, his government is hiking drug costs for seniors on fixed incomes, and will they immediately put a stop to it?

Hon. Cameron Friesen (Minister of Health, Seniors and Active Living): Well, not true, Madam Speaker, because this government took the action

during the COVID-19 response to make sure that that pharmacy charge wasn't being increased during this epidemic.

On the subject of the issue that the member raises, well, that member understands that we have a Pharmacare program in Manitoba, and so two programs were harmonized to make sure that everyone was getting the same fair treatment.

But on the subject of harmony, it's now been almost two weeks since that member—or one of those members—leaked a confidential audio and video tape of information they received from senior leaders during the pandemic. Now would be a good time for that member to make the harmonious step of taking authority—taking responsibility and saying sorry to all the members of this House.

Vivian Sand Project Timeline for Reviews

Hon. Jon Gerrard (River Heights): Madam Speaker, a sand mine and plant are proposed at Vivian, just west of Anola. As this material I table shows, in their most recent reply to public comments on the plant, many of the questions are answered by CanWhite Sands with a note saying the answer will have to wait for the environmental assessment proposal for the mine.

I ask the minister: When will the review of the mine start, and is it the government's intention that the plant won't proceed until the mine review is also completed because of the many unanswered questions from the plant review which now depend on the environmental assessment of the mine?

Hon. Sarah Guillemard (Minister of Conservation and Climate): I thank the member for the question.

Madam Speaker, our government has some of the most strict environmental processes to follow for any companies that wish to invest in our province, and we will continue to uphold that strict process and make sure that our environment is cared for and our economics are grown.

* (14:20)

Thank you.

Lawsuit Against Opioid Manufacturers Legislation Enabling Manitoba Participation

Mr. Andrew Smith (Lagimodière): Madam Speaker, the opioid epidemic has become a growing problem all across our province, affecting individuals, families and communities.

Our government has recently reintroduced legislation that would enable the Province to join a class action lawsuit against opioid manufacturers.

Can the Minister of Justice please update the House on this very important piece of legislation?

Hon. Cliff Cullen (Minister of Justice and Attorney General): I appreciate the question from the member.

Our government introduced Bill 9, The Opioid Damages and Health Care Costs Recovery Act, in the spring of 2020, and reintroduced it this past month. This bill would allow the Province to join the class action lawsuit launched by British Columbia in 2018 in an effort to recuperate costs to our health-care system from the opioid epidemic.

It is time for Manitoba to join in holding these companies to account for the impact of their dangerous products in Manitoba. This bill is another step in our government's commitment to addressing mental health and addictions challenges in Manitoba, and we will continue to provide the supports and services needed to protect all Manitobans.

Thank you.

Climate and Green Plan Fund Inquiry into Total Monies Spent

Ms. Lisa Naylor (Wolseley): Madam Speaker, two weeks ago I revealed that the Pallister government had allocated only 9 per cent of the federal Low Carbon Economy Fund three years after the fund was announced. It turns out that it's not just federal money the Pallister government is sitting on.

Through freedom of information, we have found that the province's own carbon fund, the Climate and Green Plan implementation fund, has been badly underspent by nearly two-thirds in each of the last two fiscal years.

I ask the minister, why is she not taking climate action seriously?

Hon. Sarah Guillemard (Minister of Conservation and Climate): I'm again quite baffled by the member's line of questioning in this respect.

I really was anticipating today she would be sharing how she was going to apologize for her party's 17 years of ignorance when it came to climate action and anything that would even resemble a plan to reduce emissions, Madam Speaker. So I will take no lessons from the member opposite.

Madam Speaker: Order.

The honourable member for Wolseley, on a supplementary question.

Ms. Naylor: In the fiscal year 2018-2019, the Pallister government budgeted \$5.9 million through the Climate and Green Plan implementation fund. They spent only \$2.3 million.

Again, last year—in fiscal year 2019-2020—the Pallister government budgeted \$6.4 million to be used from the fund, but spent only 2.2. I will table this document.

That's millions of dollars every year that the Pallister government allows to go unspent. No matter if it is federal or provincial funds, this minister and this government is just not taking climate action seriously. It's 2020. It is this government's responsibility—no prior government's responsibility—and this minister stands in the way of action on climate change.

Why does this continue—

Madam Speaker: The member's time has expired.

Mrs. Guillemard: I will say that our government will be fully expending the monies that we have in agreement with the federal government to address climate change.

And, Madam Speaker, I also would like to remind the member that there's plenty of reading, in addition to our Climate and Green Plan report that we have submitted. She can also go back to the report written by the Office of the Auditor General of 2017.

Just a little thing to put on—they noted that the department was aware in 2009 that 2008 targets would not be met. Did—they didn't update their plan until December of 2015—four months before the next election. If that member wants to be taken seriously on climate action, she should speak to her own colleagues, previous and current.

Madam Speaker: The time for oral questions has expired.

Speaker's Ruling

Madam Speaker: And I have a ruling for the House.

Near the end of the sitting day on March 16th, 2020, the honourable member for Point Douglas (Mrs. Smith) rose in the House alleging a matter of privilege regarding the government's failure to proclaim and institute certain provisions of The Advocate for Children and Youth Act, which had previously received royal assent. In continuing her comments on

March 17th, 2020, the honourable member alleged that this failure has impeded her ability to do her job as an MLA. The honourable member concluded her comments by moving, and I quote: "that this matter be moved to an all-party committee for consideration."

The honourable Government House Leader (Mr. Goertzen) and the honourable member for River Heights (Mr. Gerrard) also offered advice to the Chair. The Deputy Speaker then took the matter under advisement in order to consult the procedural authorities.

I thank all honourable members for their contributions to the matter of privilege. In raising privilege, members must satisfy two conditions in order for the matter to be ruled in order as a prima facie case. It needs to be demonstrated that the issue was raised at the earliest opportunity and that sufficient evidence has been provided to demonstrate that the privileges of the House have been breached in order for the matter to be put to the House.

The honourable member for Point Douglas (Mrs. Smith) suggested that the criteria for determining the earliest opportunity should be interpreted in a, and I quote, holistic or contextual manner, end quote, and cannot simply mean the next moment in time in which a member has ability to speak, end quote. The procedural authorities disagree with the member's contention. Bosc and Gagnon advise on page 145 of the 3rd edition of House of Commons Procedure and Practice that, and I quote: "the matter of privilege to be raised in the House must have recently occurred and must call for the immediate action of the House." End quote. Therefore, the member must satisfy the Speaker that the matter's being brought to the House as soon as practicable after becoming aware of the situation. I ask members to keep this in mind when assessing the aspect of timeliness in the future as I'm not satisfied the condition was met in this case.

Regarding the second issue of whether a prima facie case was demonstrated, the issue raised does not qualify as a breach of the privileges of the House. Potential impacts of legislation on the general public do not breach the privileges of the House, as parliamentary privilege does not apply to the general public. In addition, disagreements by members with proposed or existing legislation does not fulfill the criteria of a breach of privilege; rather, it is an issue of a difference of opinion and beliefs.

In regards to the member's comments that she could not fulfill her role as a legislator to help her

constituents, Maingot further advises, on page 224 of the 2nd edition Parliamentary Privilege in Canada, then, and I quote: "Parliamentary privilege is concerned with the special rights of members, not in their capacity as ministers or as party leaders, whips or parliamentary secretaries, but strictly in their capacity as members in their parliamentary work." End quote.

Therefore, the honourable member for Point Douglas cannot claim the protection of parliamentary privilege for the performance of her duties as a critic, but only as an MLA. All of the above references from Joseph Maingot are support by rulings from myself as well from Speakers Rocan, Dacquay and Hickey.

The member has not demonstrated any obstruction or impediment regarding the function of the House nor the discharge of her duty. Given that members have been able to ask questions in oral questions, raise grievances, make member statements and participate in debate and in committee meetings, it is difficult to agree with the suggestion that the member was impeded for—from performing her parliamentary duty.

I must therefore rule, with the greatest of respect, that the matter raised does not fulfill the criteria of a prima facie case of privilege.

PETITIONS

CancerCare Closures at Concordia and Seven Oaks Hospitals

Madam Speaker: The honourable member for Transcona.

The honourable member for Transcona, on a petition?

Mr. Nello Altomare (Transcona): Yes, Madam Speaker. I'm just unmuting my mic. Okay, here we go.

I wish to present the following petition to the Legislative Assembly.

* (14:30)

The background to this petition is as follows:

(1) On September 4, 2020, the provincial government announced that CancerCare outpatient services will be cut at the Concordia Hospital and Seven Oaks hospital, effective December 2020.

(2) Closing two CancerCare sites in Winnipeg will mean a third of existing sites are lost, with increased burdens placed on outpatient cancer services at the Health Sciences Centre and St. Boniface Hospital.

(3) The cut of these outpatient services has provoked concerns from health-care workers and CancerCare nurses alike, who have stressed to the provincial government that the cut is contrary to what CancerCare Manitoba's goals of patient care are and would most certainly increase the burden for the people they are trying to help.

(4) CancerCare nurses have also noted that this decision has more to do with saving money rather than what is in the best interest of patients. This is further highlighted by a 2019 consulting contract bid, which shows that this cut has been made purely in the interest of fiscal performance and will not improve the quality of patient care.

(5) Patients who do not have access to a vehicle or reliable transportation will be hit the hardest by this cut, with the burden falling largely on seniors and Manitobans on low incomes.

(6) Cuts within the WRHA, including the provincial government's closure of the Concordia emergency room, Seven Oaks emergency room, have already compromised health-care access close to home for residents of northeast and northwest Winnipeg.

(7) The deterioration of health care within the WRHA has meant increased wait times, compromised patient care, worsened health-care outcomes. This cut will only continue to deteriorate the quality of care for patients, while forcing more demands onto health-care workers.

Therefore, we petition the Legislative Assembly of Manitoba as follows:

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.

This petition is signed by Minjano Karavasic [*phonetic*], Pat Sarna and Morgan Turney, as well as many more Manitobans.

Madam Speaker: In accordance with our rule 133(6), when petitions are read they are deemed to be received by the House.

Dauphin Correctional Centre

MLA Uzoma Asagwara (Union Station): I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

(1) The provincial government plans to close the Dauphin Correctional Centre, DCC, in May 2020.

(2) The DCC is one of the largest employers in Dauphin, providing the community with good, family-supporting jobs.

(3) Approximately 80 families will be directly affected by the closure, which will also impact the local economy.

(4) As of January 27, 2020, Manitoba's justice system was already more than 250 inmates over capacity.

We petition the Legislative Assembly of Manitoba as follows:

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

This has been signed by Mandy Thompson, Russell Boychuk, Paul Pratt [*phonetic*] and many Manitobans.

Personal-Care Homes—Pandemic Response

Hon. Jon Gerrard (River Heights): I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

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.

(2) The resurgence in cases is worse because the provincial government was not prepared for the pandemic, resulting in very long wait times for COVID-19 tests and people waiting for up to seven days to get results.

(3) The seven-day delay for test results led to a further delay in contact tracing which, in turn, led to greater uncontrolled and undetected community spread of COVID-19.

(4) Cases are spreading in personal-care homes because the provincial government did not adequately prepare to prevent and address personal-care homes' COVID-19 infections.

(5) The provincial government did not institute full testing of all staff and residents in a personal-care

home when the first COVID-19 case was detected in a home.

(6) When, in May and June, Manitoba Liberals' repeated calls for a rapid response team for seniors homes to prepare for a second wave, the provincial government ignored the idea and brushed it aside.

(7) In August, the provincial government ignored the calls for investment in infection control and better staffing to prepare seniors homes for a second wave, putting the health and safety of residents and staff 'alive' at risk.

(8) The provincial government failed to act to address reports of poor care at the Parkview Place personal-care home, 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.

(9) The Minister of Health, Seniors and Active Living has been undermining public health fundamentals by downplaying the need for masks, which are known to prevent the spread of contagion.

(10) The provincial government's wishful thinking and failure to get ready for the second wave of the pandemic has imposed tremendous costs and hardship across Manitoba, including schools and businesses. The provincial government's 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.

(11) The provincial government's own accounts show that support for business is among the worst in Canada. Businesses continue to face bankruptcy and operating risks because the provincial government refused to step up with financial support or PPE so that they could continue to safely operate. Businesses and workers alike have been forced to choose between getting sick or going broke.

The provincial government has been saying one thing and doing another: calling for fundamentals while urging people to go back to work, shop and encouraging behaviour that increases the spread of COVID-19.

(13) When the Minister of Health, Seniors and Active Living was asked about preventing deaths at personal-care homes, he responded these deaths were unavoidable. Dr. Nathan Stall, who specializes in geriatrics and internal medicine at a Toronto

hospital, called the notion that deaths are unavoidable, ageist, and urged the minister to reconsider outbreaks, like the one in Winnipeg's Parkview Place, are avoidable tragedies, as we have seen in other jurisdictions such as in Singapore.

We petition the Legislative Assembly of Manitoba as follows:

(1) To urge the provincial government to call a public inquiry into the mishandling of the second wave of the pandemic and into the outbreak at Parkview Place personal-care home.

(2) To urge the provincial government to replace the current Minister of Health, Seniors and Active Living as a result of his failure to support personal-care homes and his failure to adequately prepare the province for the second wave of the pandemic.

Signed by Holly Beddome, Eric Sigurdson, Jazmine Moffett-Steinke and many, many other Manitobans.

Dauphin Correctional Centre

Mr. Diljeet Brar (Burrows): I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

The provincial government plans to close the Dauphin Correctional Centre, DCC, in May 2020.

The DCC is one of the largest employers in Dauphin, providing the community with good, family-supporting jobs.

Approximately 80 families will be directly affected by the closure, which will also impact the local economy.

As of January 27, 2020, Manitoba's justice system was already more than 250 inmates overcapacity.

We petition the Legislative Assembly of Manitoba as follows:

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.

This has been signed by many, many Manitobans.

* (14:40)

Cochlear Implant Program

Ms. Cindy Lamoureux (Tyndall Park): I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

People who suffer hearing loss due to aging, illness, employment or accident not only lose the ability to communicate effectively with friends, relatives or colleagues; they can also experience unemployment, social isolation and struggles with mental health.

A cochlear implant is a life-changing electronic device that allows deaf people to receive and process sounds and speech, and also can partially restore hearing in people who have severe hearing loss and who do not benefit from conventional hearing aids. A processor behind the ear captures and processes sound signals which are transmitted to a receiver implanted into the skull that relays the information to the inner ear.

The technology has been available since 1989 through the Central Speech and Hearing Clinic, founded in Winnipeg, Manitoba. The Surgical Hearing Implant Program began implanting patients in the fall of 2011 and marked completion of 250 cochlear implant surgeries in Manitoba in the summer of 2018. The program has implanted about 60 devices since the summer of 2018, as it is only able to implant about 40 to 45 devices per year.

There are no upfront costs to Manitoba residents who proceed with cochlear implant surgery, as Manitoba Health covers the surgical procedure, internal implant and the first external sound processor. Newfoundland and Manitoba have the highest estimated implantation costs of all provinces.

Alberta has one of the best programs with Alberta aids for daily living, and their cost share means the patient pays only approximately \$500 out of pocket. Assistive Devices Program in Ontario covers 75 per cent of the cost, up to a maximum amount of \$5,444, for a cochlear implant replacement speech processor. The BC Adult Cochlear Implant Program offers subsidies, replacements to aging sound processors through the Sound Processor Replacement Program. This provincially funded program is available to those cochlear implant recipients whose sound processors have reached six to seven years old.

The cochlear implant is a lifelong commitment. However, as technology changes over time, parts and

software become no longer functional or available. Cost of upgrading a cochlear implant in Manitoba of approximately \$11,000 is much more expensive than in other provinces, as adult patients are responsible for the upgrade of the costs of their sound processor.

In Manitoba, pediatric patients are eligible for funding assistance through the Cochlear Implant Speech Processor Replacement Program, which provides up to 80 per cent of the replacement costs associated with a device upgrade.

It is unreasonable that this technology is inaccessible to many citizens of Manitoba who must choose between hearing and deafness due to financial constraints because the costs of maintaining the equipment are prohibitive for low-income earners or those on fixed incomes, such as old age pension or Employment and Income Assistance.

We petition the Legislative Assembly of Manitoba as follows:

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.

This petition has been signed by many Manitobans.

Dauphin Correctional Centre

Mr. Tom Lindsey (Flin Flon): I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

(1) The provincial government plans to close the Dauphin Correctional Centre, DCC, in May 2020.

(2) The DCC is one of the largest employers in Dauphin, providing the community with good, family-supporting jobs.

(3) Approximately 80 families will be directly affected by the closure, which will also impact the local economy.

(4) As of January 27, 2020, Manitoba's justice system was already more than 250 inmates over-capacity.

We petition the Legislative Assembly of Manitoba as follows:

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.

And this petition, Madam Speaker, has been signed by Jeff Zeiler, George Chartrand, Sara Carmichael and so many other Manitobans.

CancerCare Closures at Concordia and Seven Oaks Hospitals

Mr. Jim Maloway (Elmwood): I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

(1) On September 4th, 2020, the provincial government announced that CancerCare outpatient services will be cut at the Concordia Hospital and Seven Oaks General Hospital, effective December 2020.

(2) Closing two CancerCare sites in Winnipeg will mean a third of existing sites are lost, with increased burdens placed on outpatient cancer services at the Health Sciences Centre and St. Boniface Hospital.

(3) The cut of these outpatient services has provoked concerns from health-care workers and CancerCare nurses alike, who have stressed to the provincial government that the cut is contrary to what CCMB's goals of patient care are and would most certainly increase the burden for the people they're trying to help.

(4) CancerCare nurses have also noted that this decision has more to do with saving money, rather than what is in the best interest of the patients. This is further highlighted by a 2019 consulting contract bid, which shows that this cut has been made purely in the interest of fiscal performance that will not improve the quality of patient care.

(5) Patients who do not have access to a vehicle or reliable transportation will be hit the hardest by this cut, with the burden of following-falling largely on seniors and Manitobans on low incomes.

(6) Cuts within the Winnipeg Regional Health Authority, including the provincial government's closure of the Concordia emergency room and Seven Oaks emergency room, have already compromised health-care access close to home for residents of northeast and northwest Winnipeg.

(7) The deterioration of health care within the Winnipeg Regional Health Authority has meant increased wait times, compromised patient care and worsened health outcomes. This cut will only continue to deteriorate the quality of care for patients, while forcing more demands onto health-care workers.

We petition the Legislative Assembly of Manitoba as follows:

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

And this petition has been signed by many, many Manitobans.

Madam Speaker: The honourable member for Notre Dame (Ms. Marcelino)?

Dauphin Correctional Centre

Mr. Jamie Moses (St. Vital): I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

(1) The provincial government plans to close the Dauphin Correctional Centre, DCC, in May 2020.

(2) The DCC is one of the largest employers in Dauphin, providing the community with good, family-supporting jobs.

(3) Approximately 80 families will be directly affected by the closure, which will also impact the local economy.

(4) As of January 27, 2020, Manitoba's justice system was already more than 250 inmates over-capacity.

We petition the Legislative Assembly of Manitoba as follows:

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.

This petition has been signed by many Manitobans.

* (14:50)

Ms. Lisa Naylor (Wolseley): I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

The provincial government plans to close the Dauphin Correctional Centre, DCC, in May 2020.

The DCC is one of the largest employees–employers in Dauphin, providing the community with good, family-supporting jobs.

Approximately 80 families will be directly affected by the closure, which will also impact the local economy.

As of January 27th, 2020, Manitoba's justice system was already more than 250 inmates over-capacity.

We petition the Legislative Assembly of Manitoba as follows:

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.

This has been signed by many Manitobans.

Mr. Adrien Sala (St. James): I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

(1) The provincial government plans to close the Dauphin Correctional Centre in May 2020.

(2) The Dauphin Correctional Centre is one of the largest employers in Dauphin, providing the community with good, family-supporting jobs.

(3) Approximately 80 families will be directly affected by the closure, which will also impact the local economy.

(4) As of January 27th, 2020, Manitoba's justice system was already more 250 inmates overcapacity.

We petition the Legislative Assembly of Manitoba as follows:

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

This petition has been signed by Wilma Foster, Loamy Moy and Joscelyn Brezden.

Mr. Mintu Sandhu (The Maples): I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

(1) The provincial government plans to close the Dauphin Correctional Centre, DCC, in May 2020.

(2) The DCC is one of the largest employers in Dauphin, providing the community with good, family-supporting jobs.

(3) Approximately 80 families will be directly affected by the closure, which will also impact the local economy.

(4) As of January 27, 2020, Manitoba's justice system was already more than 250 inmates over-capacity.

We petition the Legislative Assembly of Manitoba as follows:

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.

This has been signed by many Manitobans.

Mr. Mark Wasyliw (Fort Garry): I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

(1) The provincial government plans to close the Dauphin Correctional Centre, DCC, in May of 2020.

(2) The DCC is one of the largest employers in Dauphin, providing the community with good, family-supporting jobs.

(3) Approximately 80 families will be directly affected by the closure, which will also impact the local economy.

(4) As of January 27, 2020, Manitoba's justice system was already more than 250 inmates over-capacity.

We petition the Legislative Assembly of Manitoba as follows:

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.

And this has been signed by many Manitobans.

**CancerCare Closures at Concordia
and Seven Oaks Hospitals**

Mr. Matt Wiebe (Concordia): I wish to present the following petition to the Legislative Assembly of Manitoba.

And the background to this petition is as follows:

(1) On September 4th, 2020, the provincial government announced that CancerCare outpatient services will be cut at the Concordia Hospital and Seven Oaks General Hospital, effective December 2020.

(2) Closing two CancerCare sites in Winnipeg will mean a third of existing sites are lost, with increased burdens placed on outpatient cancer services at the Health Sciences Centre and at St. Boniface Hospital.

(3) The cut of these outpatient services has provoked concerns from health-care workers and CancerCare nurses alike, who have stressed to the provincial government that the cut is, quote, contrary to what the CCMB's goals of patient care are and would most certainly increase the burden for the people they are trying to help.

(4) CancerCare nurses have also noted that, quote, this decision has more to do with saving money, rather than what is in the best interest of patients, end quote. This is further highlighted by a 2019 consulting contract bid, which shows that this cut has been made purely in the interest of, quote, fiscal performance, and will not improve the quality of patient care.

(5) Patients who do not have access to a vehicle or reliable transportation will be hit hardest by the cut, with the burden falling largely on seniors and Manitobans with low incomes.

(6) Cuts within the Winnipeg Regional Health Authority, including the provincial government's closure of the Concordia emergency room and Seven Oaks emergency room, have already compromised health-care access close to home for residents of northeast and northwest Winnipeg.

(7) The deterioration of health care within the Winnipeg Regional Health Authority has meant increased wait times, compromised patient care and worsened health outcomes. This cut will only continue to deteriorate the quality of care for patients, while forcing more demands onto health-care workers.

We petition the Legislative Assembly of Manitoba as follows:

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.

And this petition, Madam Speaker, is signed by many Manitobans.

Madam Speaker: Grievances?

ORDERS OF THE DAY

GOVERNMENT BUSINESS

House Business

Hon. Kelvin Goertzen (Government House Leader): Madam Speaker, I would like to call a standing committee for tonight.

I'm asking leave of the House if there's leave to call the committee for 5:30 p.m. instead of the regularly scheduled 6 p.m. start time?

Madam Speaker: Is there leave of the House to call a committee hearing tonight for 5:30 instead of 6?
[Agreed]

Mr. Goertzen: Madam Speaker, I thank members of the House for that.

I'd like to announce that the Standing Committee on Justice will meet on Monday, November 30th, 2020 at 5:30 to consider the following: Bill 9, The Opioid Damages and Health Care Costs Recovery Act.

Madam Speaker: It has been announced that the Standing Committee on Justice will meet on Monday, November 30th, 2020 at 5:30 p.m. to consider the following: Bill 9, The Opioid Damages and Health Care Costs Recovery Act.

* * *

Mr. Goertzen: For this afternoon, could you please call for third reading of Bill 42, The Remote Witnessing and Commissioning Act (Various Acts Amended); following that, second reading of Bill 24, The Legal Profession Amendment Act.

Madam Speaker: It has been announced that the House will consider concurrence and third reading of Bill 42 this afternoon, to be followed by second reading of Bill 24.

CONCURRENCE AND THIRD READINGS

Bill 42—The Remote Witnessing and Commissioning Act (Various Acts Amended)

Madam Speaker: I will therefore call concurrence and third reading of Bill 42, The Remote Witnessing and Commissioning Act (Various Acts Amended).

*(15:00)

Hon. Cliff Cullen (Minister of Justice and Attorney General): I move, seconded by the Minister of Education (Mr. Goertzen), that Bill 42, The Remote Witnessing and Commissioning Act, reported from the Standing Committee on Social and Economic Development, be concurred in and be now read for a third time and passed.

Madam Speaker: It has been moved by the honourable Minister of Justice, seconded by the honourable Minister of Education, that Bill 42, The Remote Witnessing and Commissioning Act (Various Acts Amended), reported from the Standing Committee on Social and Economic Development, be concurred in and be now read for a third time and passed.

Mr. Cullen: It's indeed a pleasure to rise today and provide third reading comments to Bill 42, The Remote Witnessing and Commissioning Act.

This bill is another step in our government's commitment to modernizing our justice system by allowing documents such as wills, powers of attorney and transfers of land, witnesses or commission through the use of video or other technology.

In the midst of the ongoing pandemic, it has never been more important to ensure that Manitobans are able to do things from home. This bill does just that. And we know that even after the pandemic ends, these changes increase access to justice by reducing the need to travel for services for those Manitobans living in rural and remote areas.

I look forward to this passage of this bill, Madam Speaker, so that we can continue delivering on our commitment to increase access to justice and to keep Manitobans safe.

Thank you very much, Madam Speaker.

Ms. Nahanni Fontaine (St. Johns): For—aren't we doing questions? [*interjection*] There's no questions. Okay.

Well, I'm pleased to get up today and put a couple of words on the record in respect of Bill 42, The Remote Witnessing and Commissioning Act (Various Acts Amended).

Mr. Doyle Pivniuk, Deputy Speaker, in the Chair

Madam Speaker, Bill 42 enables the use of video conferencing or similar technology when commissioning an oath or affirmation, or witnessing a will, power of 'attorney,' land titles document and health-care directives.

Deputy Speaker, the—Bill 42 also amends The Manitoba Evidence Act, The Health Care Directives Act, The Homesteads Act, The Powers of Attorney Act, The Real Property Act, The Wills Act and consequential amendments are made to other—two other acts.

So we know, Deputy Speaker, that under The Emergency Measures Act, remote witnessing and commissioning has been allowed because we are in the midst of a global pandemic. And it's certainly recognized on this side of the House that we would have to execute normal legal responsibilities in a different way, and so, right now, obviously, that falls under the parameters of The Emergency Measures Act.

And this bill would then make those provisions law and permanent. And we know that BC and Saskatchewan and Ontario have done similar, and certainly we know that it is a move that is supported by various legal communities and certainly, I would suggest, communities in the North and rural areas that require technological advances to witnessing and commissioning various documents.

I think that it's important to understand that because of COVID-19, it has pushed us in a different way of doing business, and I think that that's a good thing, and I think that it's a good thing that we're going to have this on the law—in law and on the books.

What I will do is I'm going to share a little bit in the 27 minutes that I have of debate here—riveting debate this afternoon—I'm going to go through what Ontario has done, because we know that Ontario, effective August 1st, 2020, legislated and permits the practice of remote commissioning. And so I have a document from the Law Society of Ontario that kind of lays out then how it manifests itself in Ontario.

So there's a couple of issues. One of the issues is—that all jurisdictions are kind of grappling with is making sure that there is a definitive confirmation of

the folks who are signing documents on behalf of the folks that are actually—the commissioners that are actually witnessing these signings and that there's potential for some things maybe not to go right, and so there's a couple of things that laid out.

So in Ontario, the remote commissioners have—they've set out regulations and they're strongly encouraging that lawyers and paralegals comply with the conditions that are set out in regulation to Ontario's commissioning legislation.

And so we know that nothing in the Ontario commissioning legislation or its regulation obliges a receiving party to accept a document that has been commissioned remotely and we know that lawyers and paralegals should determine if the receiving party is able and willing to accept remotely commissioned documents prior to engaging in such a practice.

I think that this is very important to legislation in encompassing regulations to ensure that there is the ability that if people feel that it is not safe, that they do not have to accept those documents. It's not a sure thing. And I think that's a testament to, then, the need to ensure that there are safeguards that everybody who is signing is actually who they say they are and that the commissioners actually do witness the actual signing within this new kind of technological virtual apparatus.

And so I think that Ontario, they've put in their regulations some safeguards that they don't—like I said, you don't have to accept a document that's been commissioned virtually or remotely. The Law Society of Ontario also recommends that lawyers and paralegals consider adopting the additional risk mitigation strategies that they've identified, and I'll get into some of that in a bit.

And remote commissioning, I think everybody understands, is a new practice and certainly it will evolve as we go along. Like, we're in the midst of this new way of doing business and, you know, it will evolve and we have to ensure that we're adaptable to ensuring that there's safeguards to be able to do that work. And I think it's important that as Bill 42 finds its way, you know, within the system and in law in Manitoba that the minister is always fully aware of any shifts or changes that we need to undertake to ensure that it is a robust system for remote witnessing and commissioning.

So the—Ontario's bill is the Commissioners for Taking Affidavits Act. Commissioners for taking affidavits are entitled to administer oaths and take

affidavits and statutory declarations. These are typically important documents that have evidentiary value in court and confirm accuracy for government offices.

Again, the commissioner is responsible for verifying the 'desponent's' identity, administering an oath, witnessing the 'desponent's' signature, satisfying him or herself or themselves as to the genuineness of the desponent's signature, and executing the document by signing which in a manner the oath or a declaration was administered, Deputy Speaker, as well as the date on which the—and the date on which it occurred and the location where the document was executed. So lots of things go into witnessing and commissioning a virtual document.

* (15:10)

Remote commissioning, Deputy Speaker, is the— an authentication and signature process for taking affidavits and statutory declarations that use audio-visual technology, similar to what we have here in the Manitoba Legislature where we have all of our colleagues sitting virtually and allows them to participate in the House, again, which is in response to COVID-19.

I know that we had to think of different ways to ensure that all of our members would be able to participate in executing their responsibilities as MLAs, and I think that everybody is eternally grateful to our clerks who have put in a system that works so, so well, including in all of our standing committees and Estimates, like we saw.

It's just been—it—no, it's been great. There's been a little bit of hiccups, but besides that, if you think about that only, like, eight months ago none of us knew how to operate like that. We were—we only knew how to operate physically within the building and now eight months later, you know, everybody—how many Zoom calls do we do a week?

And so it is quite extraordinary, you know, as I look up to see all of our colleagues who are participating virtually and the, you know, that it is a—it's technology that has allowed us to do so. It would've been nice to get in on some of the Zoom things that we could've maybe made a little bit of money before this, but I think Zoom is—the owner of Zoom is, like, a billionaire now. So, good for that individual, I suppose.

At any rate, Mr. Deputy Speaker, so we know that we're, you know, all of this, you know, remote witnessing and commissioning can only occur

because of the audio-visual technology that we have and here, of course, in this room it is Zoom. And so, again, when we go back to what the Ontario law society has put forward, you know, so therefore it's not conducted in the physical presence of a commissioner, and so they provide some examples.

An example of remote commissioning is a lawyer or a paralegal who meets with a client via video-conferencing system and directs the client to sign the relevant legal document that is visible to the lawyer or the paralegal through video. So I think that that's really key and really important that the paralegal or the commissioner or the lawyer has to be able to see the individual actually physically signing the document. And so I'm sure that there's a little bit of manoeuvring in doing that as well.

The client—and this is just the process for participating virtually in signing documents, in case folks don't know—but the client then returns the original executed document to the lawyer or paralegal who, upon receipt, signs the document as the witness to the client's signature. So that's key.

As we know, when we sign documents, more often than not there's a witness line that has to sign, and usually the person's right there when you sign it, and in this case they're not, but they did witness it. And so when they get the document back, they're able to just sign that, in fact, they were witness and they did see that signature being executed.

Another example that I think is important to put on the record is a client or—and a lawyer or paralegal who can log in to the same platform to view and electronically sign the same document simultaneously despite being in different locations.

So there's a variety of different ways that remote witnessing and commissioning can work, and I think that the Ontario law society is mapping out the ways that those work. So they've also mapped out, you know—and we haven't had the ability to see that from—yet, and I'm sure that there will be, but, you know, the conditions for remote commissioning, and so it's been laid out, and these are the conditions in which remote witnessing and commissioning can occur and are considered valid.

And so, you know, they have to be able to see and hear and communicate in real time. So I think that's really important and key. The commissioning must take place by an electronic method of communication in which the commissioner and the despondent can see, hear and communicate with each other in real

time throughout the whole transaction. So that is a key condition.

Another one, No. 2, is the ability to confirm the 'desponent's' identity. So the commissioner must confirm the identity of the desponent. And how that would be in practice is that the individual has to be able to show a government-issued ID. And so that's important that they're going to be able to, you know, hold up that government ID and confirm that, in fact, they are who they say they are.

Also, the commissioner must use a modified version of the jurat that indicates commissioning was administered in accordance with the regulation and the location of the commissioner at—and the 'desponent' at the time of commissioning. So, to record where everybody was at and the time in which it occurred is also another condition in remote or virtual commissioning and witnessing.

A fourth—and this is key. I think that this is really important and I know that we've heard some analysis on this, you know, not only in Manitoba, but across the board, and that is to ensure that the 'desponent' understands what they're signing, right?

I think that any time we have to sign lawyers' documents, at the best of times—I mean I can think of, you know, when you, you know, sell your house or you buy a new house, that paperwork is huge and, you know, it's important to read all of those documents to ensure you understand fully, or as much as you can, what you're signing.

And so, certainly, this is no different in remote witnessing or remote commissioning. And so the commissioner must take reasonable precautions in the execution of the person's duties, including ensuring that the desponent understands what is being signed. And so, certainly, the lawyer or the paralegal would spend some time—I hope would spend some time—going through what the document is and how, you know, what's laid out in the document, then manifest itself actually in real time, in real life, in the lives of the 'desponent.'

I would imagine that sometimes that would take time, and I think that's time worthwhile, and I think it's time that in the context of remote/virtual witnessing and commissioning is time that certainly needs to be taken, because you wouldn't want somebody who—to sign something first and foremost that they don't understand. And then you wouldn't want somebody, you know, to come back later and say, well, I didn't understand what I was signing.

I think for everybody's safety and to protect everybody's rights, you know, paralegals and lawyers have to spend that time, even, you know, even within the confines of virtual remote to make sure that the despondent understands what they're signing.

And then, certainly, the fifth condition for remote commissioning and witnessing is for the commissioner to keep a record of the transaction. And I think that that would be certainly just basic understanding that I have to record everything that occurred in this electronic virtual remote session for commissioning and witnessing. So it's important to ensure that they have all of those five conditions that then satisfy the safeguards and satisfy the need to be able to ensure that everybody understands what's going on.

The Law Society of Ontario laid out some risks and juxtaposed it with some practice tips for individuals that I think is important to put on the record here. And so, certainly there is a risk; I think we would be naive to think there wouldn't be a risk if there was a fraud or identity theft.

* (15:20)

And so, where in-person meetings between the commissioner and the client are reduced or eliminated, unfortunately there are greater risks for fraud and identity theft. And so it's important that lawyers and paralegals do everything within their means to ensure that, like I said earlier, the individual who is signing these documents is, in fact, you know, Jane Smith or whoever it may be, and so has to, you know, do their due diligence that that is, in fact, the person that is before them and signing these documents, and that they are responsible for witnessing.

The other piece that are some potential risks are undue influence. And so with remote or virtual commissioning, I think that we could argue and we could put on the record that there is a greater risk that undue influence can go undetected.

And you can imagine, like, even if I look at my colleagues right now—I mean, everybody's in their offices, but, like, I don't know if there are people around, or, you know, saying, hey, say this, or do this. I mean, I doubt it, because of course we're all working right now, but you don't know if the individual who is participating and having to sign these documents, whether or not somebody is, you know, just outside of screen view and saying, you know, you better sign this, or else—or, you know, or don't sign it. We don't

know, right? We can't put—we don't necessarily one hundred per cent know if that's happening or not happening, and so the commissioner may not be able to sufficiently assess whether there is any off-screen influences or other persons coercing the 'despondent.'

So I think that that's really important to be aware of and put in safeguards as much as possible, particularly when we're talking about, you know, when there are incidences of, you know, domestic violence and you're signing a divorce, or whatever it may be. I think that we have to put protective measures in there to ensure that folks who are, you know, abused are not being forced to do something that they don't want to do.

And that's just one example. I'm sure there's a lot of different examples—selling businesses, or selling houses—whatever it may be, we need to ensure that there are safeguards that nobody is being coerced to do and do what they're signing.

And so the other risk that has been laid out in respect of remote witnessing and commissioning is—it's a reduced level in client service. Certainly, I think any of us that has to go to a lawyer, depending on what it is, you know, there's a sense of—we put so much trust into a lawyer. We—I mean, some of us, if you get divorced, you know, your lawyer knows so much intimate details, and there's a level of trust. You have to be able to trust this person that they are operating on your best behalf.

And so, if you actually never get to meet your lawyer, let's say—let's say that now this—these measures are in place, and now people will operate remotely and virtually as a matter of practice, and you don't get to meet your lawyer, I think there is an inherent, you know, potentially distrust, or is this individual doing, you know, what they say they're going to do, or are they doing what they're supposed to be doing on my best behalf? And so, I think we have to be cognizant of that as well.

And certainly, then, there's just some of the logistics, right? We know there's a risk that a person could be left without copies of the documents once they've been executed remotely. So we've got to ensure that, in that parameter of client service, that folks get the documents that they signed.

And then, again, whether or not an individual feels that they have the opportunity to ask all of the questions that they had and—or even just, like I said earlier, clarifying the documents that they're signing. So I think that that's a potential risk that has to be

mitigated and certainly has to be fully aware when we're kind of operating within this new realm.

And then, you know, I said it earlier that we're pretty blessed in this Chamber that we've only had a couple of hiccups since we came back and—in October, and there's only been a couple of hiccups, but that's also a risk to remote and virtual witnessing and commissioning, because, you know, particularly for some northern folks I know that, even on our side of the room, some of our northern folks, the cell or the Internet service hasn't been always the greatest and there's a couple of folks that have frozen. And it is what it is. It's just the nature of it, unfortunately. But that's no different than if you are meeting virtually remotely to sign documents. And so we know that sometimes the quality and network connections are not always there and can have an impact, and like I said, we've seen it here where we've had to go back to some members to do their members' statements because the screen froze or their Internet service wasn't good. It is what it is; it's just the nature of technology, right?

And then, I think that the other piece—and I know that when, you know, everything was starting to go remotely, there were concerns with Zoom about the ability to, like, manipulate it and crash it in the sense—I think that there were some early, early, early on, if you guys remember this, I think back in March or something, maybe February, somewhere along those lines—there were people that were breaking into Zoom, into meetings and putting pornography up there, and so luckily Zoom had, you know, fixed those glitches. We haven't had any issues, so that's been really good; but certainly, like, live-streaming and audio could, you know, in theory, also be manipulated and affected while individuals are doing their remote learning. And then what that would do is that it would be very difficult for lawyers or commissioners or paralegals, then, to have the confidence that what just occurred, what they witnessed, in fact, is what we witnessed, because we just—you know, you don't know if there's some glitches or hiccups in the technology.

So I think that those are some good—I, you know, laying out the risks and the—oh, yes, and the conditions for remote and virtual commissioning. And so, you know, as we said previously in the House here, you know, we support Bill 42. I think that it would be naive to think that as technology grows and as the infrastructure—now that, you know, we've seen the infrastructure is available to participate virtually and remotely, it would be naive to think that that in

some way, then, can't actually help the justice system within Manitoba. We know that there are backlogs—everybody knows that—particularly when we're looking at northern and rural justice or the execution of justice in the North and rural areas. And so I think that it is a good start for having Bill 42, making this a legitimate law in Manitoba.

But certainly it is, you know, just the tip of the iceberg that needs to be undertaken in respect to the justice system and a complete overhaul to ensure that, you know, folks that are rural and northern have access to expedited justice, that they have access to fair, equitable and robust justice. And by that I mean, you know, we know that, you know, even before the pandemic, there is a backlog in even just bail applications.

* (15:30)

So somebody coming before the court, if you're in the North and you've been charged and you're in the custody of the RCMP and you're in a cell, just the ability to get to apply for bail, in many cases, were just unacceptable. I know that there was many cases, and I'm sure that folks in the Chamber would know or should know that, you know, some folks stayed in a cell for, you know, over a week, trying to just get access to bail.

So I think that as we put these measures in place, as the infrastructure for remote and virtual justice, if you want to call it—I mean, we're talking about witnessing and commissioning but, you know, overall, I would hope that the consequence of that is that folks, Manitoban citizens who normally don't have access to expedited and fair justice have an ability to actually get that. And this is one of those first steps.

I encourage the minister to look at how this technology can be used in a way that will serve Manitobans and that will ensure that, you know, contrary to the way that it exists right now, that truly everybody is equitable before the law, they're equitable in accessing the justice system, they're equitable when they come before the justice system, to be dealt with in a timely, reasonable manner, and this is perhaps one of the first steps in doing that.

So I look forward to further debate today by my colleagues, and, Deputy Speaker, miigwech.

Ms. Malaya Marcelino (Notre Dame): I'm happy to put my second round of comments on Bill 42. I've actually had the opportunity to speak to some lawyers who have been using remote conferencing—

sorry, remote witnessing and commissioning over these past months since the spring, and I'd like to be able to include their comments regarding what they feel are the pros and cons to this new technology and ability to serve clients in this way.

So we know that Bill 42, The Remote Witnessing and Commissioning Act—the purpose of this bill is to enable the use of video conferencing or similar technology when commissioning an oath or affirmation, or when witnessing a will, power of attorney, land titles document or a health-care directive.

The following acts are amended: The Manitoba Evidence Act—and from the lawyers I spoke to, that was the main barrier really, that needed addressing from Bill 41, that they really couldn't get around The Manitoba Evidence Act. The other acts amended are The Health Care Directives Act, The Homesteads Act, The Powers of Attorney Act, The Real Property Act, The Wills Act and consequential amendments will be made to two other acts.

So, as background, remote witnessing and commissioning have been allowed under the Province during the state of emergency, due to the COVID-19 pandemic, and this was an order that came into effect on May 13th, 2020, but the provisions of Bill 42 would make those orders from May 13, 2020, permanent. To date, BC and Saskatchewan have also done this.

We know it's a move that seems to be supported by legal communities, but there are some concerns that maybe a more acceptable position is to allow video conferencing only if face-to-face meetings are not possible. The concerns that have been raised to me is that there should be more defined instances and more defined safeguards in place. Other lawyers have maintained that this bill should have a provision for a terminal point that will invalidate it, for instance, once public health restrictions are lifted.

And the concerns that were raised by lawyers are due to opportunities for abuse, technology hacking, fraudulent behaviour like identity fraud, the sophisticated creation of fake IDs, fake documents, fake signings, or signings when a person is under undue influence or duress by someone else in the room.

Some of these same concerns are addressed by the Law Society of Manitoba—to its members—in some suggestions as to the best practices for its members using video conferencing, so you get the gist of, like, the concerns that the Law Society themselves would

have, based on what they're saying are the best practices.

So, the Law Society has included information on best practices for using video conferencing in providing legal advice, and that includes when using video conferencing for the provision of legal advice or services, the lawyer should record the proceeding, if possible; confirm the client's consent to proceed in this manner; ask that all individuals in the remote location introduce themselves; ensure that there is no one else at the remote location who may be improperly influencing the client; make sure that audio and video feeds are stable and that you can see all parties and hear all parties; and, where identification is produced to support verification of identity, ensure that a copy of the document is sent to you in advance of the online meeting and that, when it is produced, that the entire document is visible and legible.

Other best practices that lawyers are encouraged to do include determining how to provide the client with copies of the document that have been executed remotely. They're to confirm the client's understanding about the documents that they are executing and provide adequate opportunity for them to ask questions during the video conference. For instance, if lawyers are reviewing a specific clause, they should initial the clause or they could initial each page to confirm that you have reviewed the document with them.

Lawyers are also asked to maintain detailed records, including the date, start and end time, the method of communication, the identity of all present and the minutes of the contents of that meeting. They're to confirm advice, discussions and or decisions in writing to the client immediately, or shortly after the virtual meeting, and they're to be sure to preserve the recording of the proceeding.

Some best practices for using video conferencing for providing independent legal advice is, you know, to acknowledge that this providing of the independent legal advice is more complicated, especially if a signed waiver is required. And it goes without saying that there is a need for independent legal advice to be clearly explained. And we know, through technology that we've been using through Zoom, that sometimes communication does suffer due to this new type of communication that we have, you know, other than just being in the rooms like we normally are together.

* (15:40)

If lawyers are to provide independent legal advice, they need to take extra precautions to determine again that they—that the clients are alone and not being compelled in any way. And again, guidelines to ensure that the detailed notes of questions asked and advice provided should be made.

Again, Mr. Deputy Speaker, these suggestions by the Law Society of Manitoba on best practices clearly indicate the need for carefulness, for caution to account for possible fraud and improper influence on a client.

Bill 42 as it stands does not sufficiently take into account that remote witnessing should only be done if face-to-face contact is not possible. And Bill 42 as it stands does not include rigorous safeguards that are necessary to limit fraudulent and intimidating behaviour. This bill leaves a lot to further work on regulations and on further consultations with stakeholders.

I do have concerns with the necessity of this bill once emergency restrictions are no longer needed. Pandemic times are abnormal times. That's what one lawyer has told me, that remote witnessing and commissioning will be prone to abuse if allowed to last—

Mr. Deputy Speaker: There's must be a problem with the technology.

If—the honourable member for Notre Dame, if you can resume.

Ms. Marcelino: Okay. Thank you, Mr. Deputy Speaker. I'll just read that last paragraph. Is that what you missed, do you think?

Mr. Deputy Speaker: Sure. Yes, we missed the last paragraph.

Ms. Marcelino: Okay.

So, the suggestions by the Law Society of Manitoba on best practices clearly indicate the need for carefulness, for caution to account for fraud and improper influence on a client.

Bill 42 as it stands does not sufficiently take into account that remote witnessing should only be done if face-to-face contact is not possible. Bill 42 as it stands does not include rigorous safeguards that are necessary to limit fraudulent and intimidating behaviour. This bill leaves a lot to further work on regulations and on further consultations with stakeholders.

I do have concerns with the necessity of this bill once emergency restrictions are no longer needed. As a lawyer said to me in an interview, he believes that pandemic times are abnormal times and that remote witnessing and commissioning will be prone to abuse if allowed to last longer than the pandemic, because technology can also be used to abuse the integrity of the system that has been in place for many years.

Like I mentioned earlier, I reached out to a handful of lawyers who have been using this remote witnessing option since May. I reached out to them to get their take on how remote witnessing and commissioning works and what it's meant for their practice and for the clients that they serve. I asked them for their opinion on the necessity to keep these remote witnessing provisions permanent.

So, these lawyers that I interviewed used remote witnessing to help with updating clients' wills, updating or creating health directives and power of attorney documents, and they also used remote witnessing and commissioning for real estate transactions. All the lawyers that I spoke to agreed that this has been extremely useful during the pandemic, but, in general, these lawyers expressed unease with putting these provisions on a permanent basis, that Bill 41 would be enacting. And they expressed unease for a variety of reasons.

One lawyer said that the idea of remote witnessing makes sense, but that she doesn't use it if she can help it. The lawyer described that they felt comfortable using remote witnessing for real estate transactions, but not for sensitive cases involving wills and health directives and especially for clients that they've never met before.

They said that as a solo practitioner, it's also been extra work for them to go through all the extra verification steps that remote witnessing entails; they said that it was pretty hard to be certain that they were making the correct identifications when they'd never met the person before. And, as well, she wasn't certain that she could verify that the client was not with anyone else in the room, and that that person wasn't being unduly influenced.

According to this lawyer, it also took extra steps to verify signatures. In normal pre-pandemic times, when they would take on clients to help update special power of attorney documents, they would just let their new client know that they would need to send their documents and various required identification ahead of time, and it would only take them 10 to 15 minutes

to review those documents and ID and then go from there.

So this particular lawyer, this solo practitioner, advised that Bill 42 should have a terminal point, or that other legislation in the future might be needed to repeal or invalidate the remote witnessing and commissioning provisions in Bill 42. And their reasons for this need to repeal these provisions included the—that remote witnessing can be subject to abuse, especially for sophisticated, fraudulent behaviour due to the creation of fake IDs and documents and fake signing.

An additional lawyer I spoke to regarding Bill 42 discussed how COVID has made them do business differently. This lawyer described that their work is counted as an essential service and so, even in code red, they were allowed to visit patients/clients in the hospital because there were no specific public-health guidelines that prohibited them from visiting their clients in the hospital. However, even though they were allowed in the hospital to see their clients, this lawyer admitted that it didn't mean that they were comfortable visiting the clients in the hospital.

This lawyer explained that they're a single parent and that this was what held them back from visiting their client, knowing that they could be risking their life and their family's life by visiting their client in a hospital during a pandemic. In that case, this lawyer said that remote witnessing was usable, but again, this lawyer suggested that the law should put some limitations once COVID-19 restrictions are lifted, since the purpose of remote witnessing was to address COVID and specifically amendments to the evidence act. So this lawyer said that once everything returns back to normal, there should be a law enacted to invalidate the provisions of Bill 42.

*(15:50)

Another lawyer I asked to weigh in on Bill 42 commented, and I quote: Authenticating a document this way was probably triggered by the pandemic, where face-to-face meetings are not possible. This is a practical solution. Right now there are no specific guidelines—oops, sorry. And then he went on to say that: But the question is whether there should be considered in the exigency of the situation or if this should only be an alternative to face-to-face, which may be subject to abuse if there are no safeguards in place.

He went on to say that maybe an acceptable position is to allow video conferencing if face-to-face

is not possible—and that it's important to define instances and safeguards in place—or if there is no practical, expedient and safe alternative to current—to the current face-to-face requirements.

So again, like, from that lawyer's comments, it seems that video witnessing and commissioning is almost like an avenue of last resort for these lawyers because of the inherent dangers that they see and possibly the lack of safeguard measures for those dangers.

Another lawyer that I interviewed commented that, quote: Usually personal appearance is the only way to confirm the identity of the affiant or maker or principal grantor. For as long as a hard copy of the signed document is kept and furnished, when required, it should be okay. But we have to show, too, in a recorded video or other means, that the signature was affixed by a person whose mental capacity is okay, and that might not be so clear-cut to do. The purpose of a witness in any document is to confirm the existence of consent/will as being voluntary and not coerced. Again, hard to do if it's not face-to-face. End quote.

When I asked if this bill should be repealed or have a terminal point once health—once public health restrictions are lifted, the lawyer replied, yes—sorry—quote: Yes. Pandemic times are abnormal times. Remote witnessing provisions might be prone to abuse if allowed to last longer than the pandemic. Technology can be abused. End quote.

So the consensus from these lawyers that I interviewed is that business as usual has been upended due to COVID-19, and so remote witnessing and commissioning has been necessary and is necessary—continues to be necessary. We are still in code red. But there are sufficient concerns due to fraud and abuse and also the ability of smaller firms or of sole proprietorships to properly execute affidavits and ensure proper identification, verification and validate signing authority.

So, based on this limited research that I was enabled to embark on in preparation for this Bill 42 debate, my position on Bill 42 is that, because—this public health emergency that we are currently in necessitates the amendment measures introduced in this bill. However, once the public health emergency is over, this bill will need to be repealed. Or, better yet, this bill should have an automatic provision built into it that addresses a terminal point to invalidate it once COVID-19 has passed and once public health authorities no longer limit gathering restrictions, and

once it's safe to meet clients again face-to-face and that lawyers and clients both feel comfortable doing so again.

So, we know that remote witnessing and commissioning being allowed under the state of emergency has helped people obtain important documents during the pandemic, such as wills, powers of attorney, health-care directives, without having to have a physical witness or commissioner present.

Since COVID-19 arrived in Manitoba, more people have been seeking out these documents and need to acquire them in a safe manner. Manitobans and their families are worried about their health and well-being more so now, at a time when we see unprecedented numbers in a province in code red.

And while we support facilitating Manitobans' access to important documentation, it is important to highlight that this very government that is bringing forward this legislation is one that has made the legal system less accessible and less equitable, especially to northern Manitobans.

It's a government that has continued to dismiss the law. They legislated a 2.9 per cent rate increase without legally going to the PUB. They retroactively legislated away the rights of Indigenous children and families to bring legal action while cases proceed in front of the courts.

They continue to interfere in collective bargaining and they keep trying to pass unconditional legislation. And this isn't a government that values the legal system and the practices within it. It's a government that will consistently interfere in the legal system to push along their austerity agenda at the cost of Manitobans.

So, we know that on this government's watch, the administration of justice in northern Manitoba has become increasingly dysfunctional. The Manitoba Court of Queen's Bench has found that there are serious systemic problems, especially with the northernmost bail court in Thompson. That's from a Winnipeg Free Press article on November 15th, 2019. From 2017 to 2019, there are 166 less people working in Manitoba Justice, and that list includes people in court operations, judicial services, prosecution services and sheriff services.

As a result, prosecutors have called the amount of cases they are dealing with a crushing workload, and that the provincial court in Thompson hasn't been fully staffed in years.

Every aspect of our courts has seen a decline in staff over the last three years under this Premier (Mr. Pallister), and on a per capita basis, the Thompson court office deals with around 14 times more cases than the provincial court in Winnipeg.

The inability to pay \$750 cash bail in the North during COVID-19 due to community lockdowns left an individual to be flown from Norway House to Winnipeg to spend seven days at the Remand Centre, among other inmates who were deemed to show possible signs of COVID, and this cost the Province \$8,790.

So, justices, prosecutors and defence lawyers have all sounded the alarm on the state of justice in northern Manitoba. Prosecutors rules that long waits for bail hearings are unconstitutional, and Crown attorneys have provided written testimony highlighting that they have seen thousands of people denied the right to timely bail. And even though thousands of people have been denied their right to timely bail in Manitoba, yet the Pallister government doesn't even track the average wait time for bail hearings. And this lack of data makes it clear that folks who interact with the justice system in the North are not a priority of this government.

* (16:00)

Of course, remote witnessing and commissioning, according to my colleagues, should assist in dealing with some of these access to lawyers from—that—to the dealing with these wait times and dealing with access issues to lawyers. But there still remains, like, issues about communication barriers, making sure that, you know, testimony and independent legal advice is being understood and communicated properly, and that this wouldn't be subject to folks, you know, with bad intentions getting their hands on this technology or being able to hack into the technology.

So, face-to-face has been and always will be the better option, and we just need to put more resources into the North for the justice system there so that clients and lawyers can meet face-to-face instead of through remote witnessing.

We know that in the North people are held for weeks without a bail hearing, only to have charges dropped. And Justice Chris Martin has said that this practice is the rule rather than the exception and has called the northern bail system, quote, dysfunctional, unquote, from—that's from the Winnipeg Free Press on January 8th, 2020.

Mr. Deputy Speaker: The honourable member's time is up.

Hon. Jon Gerrard (River Heights): Mr. Deputy Speaker, a few comments on this bill, following those that have already been spoken.

First of all, I remember early in the pandemic, very early, I got a call from a lawyer about the challenges of getting legal documents signed during the pandemic, and he was eager to have a change made so that it would be possible to do virtually. Fortunately, that change was made and he was much satisfied with having the change made. And now here we are looking at extending the ability to have legal matters in many cases dealt with virtually, documents signed virtually, and so on.

I mentioned it on second reading that the ordinary procedure when you introduce a pilot program, as this was during the pandemic, is to have a thorough report on that pilot program: how it's operating, the good things, the advantages and the disadvantages and the problems that have arisen. I have asked the Minister of Justice (Mr. Cullen) to table such a report. He has not done so. And so I must draw the conclusion that no such report exists, which is actually a very sad state of affairs, because, as the MLA for Notre Dame has outlined very carefully, there are major concerns with this process and with the handling of documents on a virtual basis. And we should have had that report before us, as lawmakers, in order to make a good and better judgment about proceeding and about the details of this legislation and whether it should have a sunset clause and so on.

That being said, there certainly is the potential, in a number of circumstances, to get justice which is quicker while being fairer in part because it is quicker. This may apply to some northern justice issues, where the ease of handling things in a virtual environment will obviate the necessity for people having to fly hundreds of miles in order to get documents signed and put into place and enacted.

This needs to be counteracted with measures which will very carefully ensure the security, the validity, the—protect from fraud and other potential problems.

And so it would have been, I suggest to the Minister of Justice, wise to have had that report so that these matters could be looked at very carefully. We can look at where there are major advantages in continuing this process but also look at the issue of

how we prevent fraud and problems arising so that it proceeds in a fair and just and accurate way.

There may be some issues, as my colleague from St. Boniface has pointed about—pointed out, where virtual approaches to justice, as, for example with child witnesses, may have advantages. This bill really deals with, primarily, documents and signatures, so it may not necessarily deal with that issue.

What is clear is that in order to get fair justice, we need to have—and with this virtual approach, we need to have better Internet access throughout Manitoba and particularly in the North, because if you don't have really good Internet access, the problems of the potential misidentification of individuals, the problems of having individuals present and exerting undue influence, can be much greater.

So I believe that the government should be doing a lot more. The governments of the last 30 years should have done more in Manitoba, in terms of ensuring the high-quality broadband Internet access that's needed for good visualization of people is in place.

The question of whether this type of approval on signatures for documents should be in place for any circumstances or only if an in-person visit is not possible, I think, is a good one. Hopefully it will be addressed in the regulations, and that the regulations will have adequate consultation and input from people around Manitoba.

Having this remote system of justice is, of course, not a panacea, because there are circumstances where, even with the option for remote justice, it—there may be barriers. I give you an example I was faced with recently: a woman of sound mind in a personal-care home wanted to get access to a lawyer and have some documents signed, and all was well up until the point where the personal-care home interfered and said that, no, you can't have access to a lawyer. That's not justice; that's putting a barrier where it shouldn't be.

Madam Speaker in the Chair

So, in spite of the fact that it was and would be possible for the lawyer and her client to be able to look after these matters remotely, there were still, in this case, barriers which have not yet been overcome.

* (16:10)

I want to talk for a moment about the issue of bail hearings. There is the potential, as many have noted, to improve the system that we have. Under the NDP there was a very long and carefully written report,

I think its title was something like, set up to fail, referring to the justice system and being extremely critical of the bail system as it was run at that juncture. In the years now that we have had a Conservative government, we continue to hear major problems with the bail system, and particularly, in northern Manitoba, has it been outlined so carefully and so well by the MLA for Notre Dame.

So there must be improvement in the bail system because some of the abuses of the current system have been very problematic and this is something which needs to change, and regardless of whether we have this bill or we don't have this bill, the bail system and changes and improvements to the bail system need to proceed.

Our view in the Manitoba Liberal Party is that, at least for now, we need to continue having the ability to do these virtual legal matters and documents, and so we will be supporting this legislation, but we believe it needs to be watched very carefully. We believe the Minister of Justice (Mr. Cullen) should still produce a report on how things have worked and we believe that there should be a very careful look at this as the pandemic winds down to make sure that we don't continue with a system which may have some real problems as well as having major benefits.

So, with those comments, I look forward to this matter proceeding and going on and the bill being, in due course, passed and become law.

Thank you.

Mr. Jamie Moses (St. Vital): Thanks for the opportunity to speak on Bill 42 this afternoon. And this bill regarding remote witnessing and commissioning and the changes in the act, the various acts that will be amended as well, consider the changes that would need to go and conduct this type of business remotely, using digital platforms.

And having thought about some of the impact that that has had on many folks over and around our province over the last several months, and as highlighted as well by the member from St. Johns, that I did want to also just begin my remarks this afternoon by thanking the Speaker and the clerks and staff for the tremendous amount of work that they've done over the last several weeks and months to prepare this Legislature as we transitioned into a remote workspace.

It's not—I don't think that anyone in the Chamber has, you know, has avoided noticing the difference with which we're all working now and I think it's due

in large part—the credit of that is due in large part—to the hard work of yourself, Madam Speaker, and the clerks and the staff who have researched and found solutions for transitioning our House to being both in-person physical and remote distanced, and for continuing being able to allow us to continue the important work that we're all doing here on behalf of all Manitobans. So I just wanted to give you and staff a quick shout-out and say thank you for that hard work.

And I've no doubt that, as we continue to evolve over the next years and months, that the technology will change, adapt and continue to—maintenance and upgrades and so on will be required to maintain, you know, relevance and, you know, that we all have an updated experience as we continue to operate this Legislature remotely.

And so I'm looking forward to seeing the changes that we—from where we are in 2020, and looking back in several years to see what and how our Legislature operates in the future.

In regards specifically to Bill 42, we know that that use of videoconferencing and other technologies like that, when it comes to commissioning an oath or an affirmation, or in witnessing a will, a power of attorney, a land title or, you know, health-care directive, those types of things, are now going to be enabled in this bill through the use of videoconferencing and technologies like that.

We know that there are several acts that are—will be amended as part of that process, in addition to the two consequential amendments made to other acts. We know that The Wills Act will be amended. The Real Property Act. Manitoba evict—evidence act. The Health Care Directives Act. The Homesteads Act. The Powers of Attorney Act.

And those are the variety, and just to show the scope with which this Bill 42 will impact a whole host of acts and the larger legal community and a whole variety of Manitobans, when they are in process of receiving those services through a legal representative, when they're dealing with these types of issues.

And the message that I think I want to spend my time talking about this afternoon centres around the idea that we know technology is advancing. We know that technology is a useful part of our daily lives, as evidenced by this conversation today that I'm having non-physically with the rest of you.

But we have to be cognizant of the full impacts that using these technologies will have on all

Manitobans. So that's why we are cautious when it comes to not just using videoconferencing and other technologies as a part of a short-term, temporary solution during a global pandemic, COVID-19, rather than a permanent solution for ongoing business in our justice system throughout Manitoba.

It is very important to understand the difference between those two, having one as a temporary and one as a new normal, and then really understanding the impacts that it would have both on the legal profession and on users, clients who might have unintended consequences of this significant change.

We know when it comes to specifically dealing with the COVID-19 pandemic in Manitoba, that people have been seeking out new ways—safe ways—to go about their business and accomplishing their goals, whether that's, you know, getting documentation safely without physical interaction, or getting legal advice, or other conversations.

We know Manitobans are seeking safe ways to go about these interactions. We know that all Manitobans are doing their best to slow the spread of COVID-19. Families are worried about these types of things, and so it's essentially prudent that we all take the necessary steps to delay the spread, especially since—that we are in a code red here.

While we facilitate these safety precautions, and while this bill will allow—could allow safer interactions, it is very important that we understand that there are certain risks. And I'm speaking specifically on the technical side of videoconferencing and their solutions.

* (16:20)

Now, it does say videoconferencing or other technologies, and it—you know, could it be reminded that there are a variety of technologies that could service individuals when it comes to getting legal services.

But are all these technologies that could do video conferencing safe or appropriate technologies to actually do that? And does this bill provide safeguards or even suggest appropriate platforms for conducting video conferencing? You know, we all know some of the common ones that are being used today such as Zoom, one's through Microsoft Teams and other popular platforms—but, you know, people view interactions through WhatsApp, and, you know, people go on live chats on social media platforms, whether it's Facebook, Twitter, whether it's Instagram or, you know, Twitch, TikTok. I mean, these are all

ways that people can video themselves; communicate with others.

Are they all appropriate for these type of interactions as they're being described in Bill 42? And I don't think necessarily they all are. And whether a platform may be, you know, private one-on-one, as you may see on a platform such as WhatsApp or Skype, for example, and just as using those as strictly examples, are they completely secure technology-wise? Are they vulnerable to hacking? Are they going to have susceptibility to security issues, or the ability to record the conversations, either intentionally so that they can be preserved as evidence or for future reference, or either unwittingly to ensure that—to make sure that all parties are on board.

And I bring these up, these situations up—such as hacking, because as we change our legal system, I think rightfully so, to advance—to use the technological advancements that we have in our society, we also must be very cognizant of the impacts that these technologies have. You know, I think, too, some conversations that I've had with other folks who've gone through marriage breakdown and when splitting up they've had conversations on—regards to—with their lawyer in regards to the details of their marriage breakdown and very serious and personal issues, and if that's a private conversation, well, I would certainly hate for that to be hacked by an unknown third party and have that conversation, the details of that conversation, brought to light, you know, without the parties having agreed to make those—that information public. I think that's a very consequential concern that should be taken seriously when it comes to Bill 42.

And besides the—you know, you might think, oh, what are the chances that my conversation on Zoom gets hacked, you know. It's very low, low risk, you might think, right? But we all know that, you know, for—different conversations have, you know, a Zoom password or code that you put in. It only takes a few—couple kids to, you know, kind of goof around and put in a random number and happen to get on a call, and who knows if that call is going to be something that's vitally and critically as important as a legal conversation with another—with a legal representative or a very important case that might have very sensitive information.

So it is important to consider the ramifications of having strictly digital conversations in our legal—for our legal proceedings.

Furthermore, I did want to also bring up the security around recordings, and it has been suggested

as some possible best practices when it comes to having videoconferencing and use of digital technologies, is to keep a copy of that interaction—that digital interaction—on file for safekeeping for future reference, or to use in other legal proceedings down the line. Now that could be a very good, a very wise step that could be taken, but that doesn't come without its risks as well.

That recording, while it might be saved and kept perhaps at a lawyer's or commissioner's office, for example, what's to say that that file—that digital file, that digital recording of that interaction—won't get stolen, won't be susceptible to third-party tampering and, in other words, once it is stored digitally, what safeguards does that individual, that client, have that that is going to be kept with the utmost secure system and not stolen or illegally copied and transmitted or sent to other parties without their knowledge?

We're relying quite a bit on the trust of parties who may be recording these interactions to safeguard them as well. And so, I want to also bring up that there might be a heightened liability on individuals who—or corporations, companies who are storing these recordings to ensure that they have the ability to safeguard them, and that they have liability if anything untoward happened to these digital files.

And it's very important to make sure that those sorts of thought processes happen when it comes to Bill 42 by the ministers, whether it's through amendment to this bill, or whether it's through further regulation when it comes to implementing the Bill 42, that all parties are being properly protected in that regard.

The minister did also mention that this bill seeks to increase the access to justice and that by providing video conferencing, it would increase individuals' ability to participate in the justice system so that they can have a level—a more level playing field. And I do understand the minister's attempt to create a more level playing field in our justice system. It's a good goal to have for anyone responsible and interested in our justice system. But I do question whether further steps could be taken to increase access in our justice system by this minister, and I'm speaking toward making sure that more individuals have access to Internet services so that they can take advantage of video conferencing technologies across the province.

You know, Bill 42 aims to allow individuals to use video conferencing and technology services to proceed with their, you know, commissioners of oath or affirmations or witnessing wills and so on. But do

these people all have access to high-speed Internet in the first place to even use video conferencing services? And so, if the minister is really looking to ensure there is an—a just access to our Justice Department, why doesn't the minister also work to increase high-speed access to the Internet right across our province?

You know, I've had great conversations with some of our northern MLAs, the MLA for Thompson and Keewatinook, and they've communicated the struggle that many, many of their individuals in their communities—in their remote communities in Manitoba—have when it comes to accessing and getting high-speed Internet. Many times it's not just because of lack of funds or financial ability to get—to pay for high-speed Internet, it's simply the fact that it doesn't exist, that service is not being provided by Internet service providers, that the speed required to conduct business of a high level that may be required for video conferencing simply isn't available in many communities in northern Manitoba.

* (16:30)

And that's not just exclusive to northern Manitoba; it's across many regions remotely in our province, but not just remote regions. I'll say that I've spoken with people in my own riding, in St. Vital, right here in Winnipeg, that struggle to afford high-speed Internet.

As things change throughout our world in the last seven, eight, nine months, we know that there's an economic crisis as well. And for many people, affording high-speed Internet is not always the No. 1 priority for them. There are much higher things on their list when it comes to supporting their families.

And so, I appreciate the minister's ability to recognize the importance of videoconferencing when it comes to increasing access to justice, but if the minister is serious about increasing videoconferencing in our province, for justice and legal reasons, the minister would also include a broad-braced plan and approach to ensure that high-speed Internet is available to every individual across Manitoba.

And I suggest that a plan like that would not only enhance and increase the access to our justice system, but furthermore, it would enhance and increase our access to education. And I suggest that it would also enhance and increase our access to economic opportunities.

And I think that's—you know, there are many ministers who should be keen and seeing the Justice Minister's attempts on Bill 42. And I suggest that the Minister of Education (Mr. Goertzen) should be pushing for widespread high-speed Internet access across our province, so that students could get access to education as they need—educational services, as needed.

And I suggest that the Minister of Finance (Mr. Fielding) and the Minister of Economic Development and Training (Mr. Eichler) should be keen on seeing high-speed Internet access right across our province to grow our economy, and ensure that businesses have opportunities to sell a product remotely, the same way we're concerned about access to justice. And if we're—have that same level of concern with education, we should be promoting a high-speed Internet.

And if we have that same level of concern for business, we should be promoting high-speed Internet for all these areas.

And this type of approach would service children in K-to-12 education, individuals who are seeking post-secondary education, small businesses that are trying to set up a website and attract business remotely; that are trying to set up, perhaps, an online system to order and deliver, whether it be, you know, needed supplies or food, or other essential goods and services.

These are all essential to Manitobans and would all benefit from high-speed Internet access across our province, including videoconferencing as suggested in Bill 42.

And so I put to many ministers that that approach would be—would benefit their own departments, including the Justice Department as described in this bill.

Earlier, the Minister of Justice (Mr. Cullen) also mentioned that one of the benefits of Bill 42 would be to reduce travel that would be needed to have in-person meetings for such things as, you know, legal services such as wills, witnessing wills, a power of attorney, land title documents or health-care initiatives.

And reducing travel is important, and it would be an impact that Bill 42 would have. But I can't help think about the reduction of travel without also thinking about why there are many travel concerns around our province.

You know, first of all, if I look at travel between many RMs and many cities in our province, you know, for example, the bus—the Greyhound bus line that is no longer operational, it makes it more difficult to travel for these—as you travel to many RMs and remote communities, it is more and more difficult for people to get around.

In addition to difficulty travelling through a bus service, a public transit service, which—not just within a city, for example within the city of Winnipeg, but also within communities and city to city, should be enhanced as a part of the making access to justice better for Manitobans, if they are seeking in-person visits.

And I think that it—that tools such as video conferencing, as suggested in Bill 42, shouldn't excuse the government for not taking the appropriate steps to better support public transportation. And, as I've just briefly mentioned, public transportation within the city of Winnipeg has had a massive decrease in recent months and years, as a result of the decisions made by this government.

And we know that a reduction in public transportation plays an impact on many people getting around for a variety of reasons, whether it's for work, for school, for social visits or for getting to legal appointments and accessing parts of our justice system.

And for the minister to say that, you know, this bill is really going to increase access to justice, that it helps to reduce travel time for folks—yes, those are true but do they do the best job that they could? And I suggest that further investment into our public transportation system would do wonders to increasing access to justice and many—so many services.

And so I put to you that increasing some of those public transportation resources for municipalities and for cities to use to increase, you know, transit routes or other methods of transportation, would do as—would do wonders to increase access to justice, as well as, as I mentioned, the high-speed Internet. And these two investments, as I've mentioned, don't just go to help the Justice Department but it goes to help many, many areas, widespread impact—widespread positive impact—across our province.

And so I would urge the Minister of Justice and the Minister of Finance, the Minister of Education and the Minister of Economic Development and Training to look at these suggestions as ways to make—as the

ways to really, you know, get two birds with one stone, as they say.

You know, you can help out education and our economy and, frankly, our people accessing public health and accessing our justice system in so many ways by ensuring that there is high-speed Internet access across our province and ensuring there are proper investments in our public transportation system.

And I think that is—quite easily shows the type of positive impact that those investments can make and in—quite frankly, if those investments were made, it would actually enhance Bill 42 as something that would truly make justice more accessible for individuals—for all individuals—in our province.

And as been mentioned by many other members—a few of the members that have spoken before me, I do want to just highlight some of the best practices that could be used for ensuring that these interactions and video conferencing are done safely.

And so I will highlight a few in the few minutes that I have remaining, in terms of best practices that can be done before a video conferencing call, during a video conferencing call and then following, after, to summarize and conclude and make sure that that—*it* was a full and whole interaction.

* (16:40)

So before a video conferencing meeting suggest—starts, begins, I would suggest that some of the best practices that take place are that—ensure that your clients send copies of their identification to ensure that they are the individual who will be signing into that meeting; that they have those copies well in advance, it is sent to their lawyer and to all parties so they ensure that they are going to be available there; that they choose a secure app—a platform—for their video conference that is agreed upon, that is safe and that all parties agree is something that they feel appropriate for the type of interaction that they're going to be having.

Another consideration is that they attempt as best possible to conduct all business as part of one session, one interrupted—uninterrupted session, video-conferencing session. You know, there can be challenges, I understand, and we face them as part of this Legislature where there is technological interruptions, and we all understand that, but I think when it comes to swearing an affidavit or signing a legal document, having one uninterrupted session may be one of the best practices that can be used in terms of delivering

on this suggestion and this Bill 42. And, of course, ensuring that any documentation is used—is signed and in hand before the meeting begins. Of course, during the meeting, you'd want to ensure that, you know, the same idea is shown so you can verify who that individual is during that meeting and compare it to the one that was provided before the meeting so everyone is on the same page.

You may also consider having, you know, best efforts to ensure that, you know, confidentiality is observed during that meeting. You—we don't know who is going to be around off camera, behind the computer screen or phone screen. We want to take our best-effort steps to ensure that that confidentiality is 'objerbed' during a private, important meeting.

And, in addition, we ought to make sure that as documents are signed, that they are being witnessed properly and that we do that properly during the meeting and, if possible, sent right out during the meeting or immediately after. And following the meeting, of course, we want to make sure that those signed documents are sent out right away, that lawyers have those legal documents, that they're being provided them so they can file them and they can ensure that it's being done all with the best interests of clients and Manitobans at heart.

And so I recommend again, just to summarize my thoughts here: Those are just some recommendations on ensuring that these video conferences are done safely before, during and after the conversation with the clients, that the minister should seriously consider a high-speed Internet access across our province as well as a comprehensive investment in public transportation.

Thank you, Madam Speaker.

Mrs. Bernadette Smith (Point Douglas): I'm honoured to put some words on the record on Bill 42, a bill I do support. This bill enables the use of video conferencing or similar technology when commissioning an oath or affirmation or when witnessing a will, power of attorney, land titles document or a health-care directive. The following acts will be amended: The Manitoba Evidence Act; The Health Care Directives Act; The Homesteads Act; the powers of attorney act; the real power act—or The Real Property Act; The Wills Act; and consequential amendments are made to two other acts.

This bill, Madam Speaker, is so important that the government is taking steps to make things easier and not harder for Manitobans during a global pandemic.

All of our policies should be aimed at making life easier and not harder in this province, especially during a global pandemic. One way we can accomplish this is by using the power of this House to make sensible, equitable policy solutions that consider the needs of all Manitobans.

Now, I do find it ironic, Madam Speaker, that this government should be interested in doing anything to clarify or improve the function of any part of our legal system. Granted, this bill will do that and will most likely pass with support from all parties; however, if this government is suddenly changing its tune with respect to following the law and making life better for all Manitobans, why is that so short?

This government is all about 'omnibus' bills these days, Madam Speaker, so I have a suggestion. Why not take this bill and 'make' it—make it an 'omnibus' focus on improving the function of Manitoba systems to actually benefit Manitobans. My colleagues and I on this side of the House have a number of suggestions on how this government could better follow the constitution and make life better for Manitobans.

Frankly, it isn't much use reforming our legal system at the top end if this government is laying off the workers that are actually needing—that are actually needed to make it function on the ground level. For example, what if there's unforeseen problems with this new video witnessing?

We know all too well the problems that we've all occurred—that have occurred while we've been video conferencing, and that there have been quite a few glitches in our system that have prevented certain members from finishing their member statements or their questions. So staff—and I want to give a shout-out of course to you, Madam Speaker, for all of your work in ensuring that we could be here working on behalf of Manitobans—you know, all of the clerks as well for making sure that the infrastructure was put in place and, of course, Hansard and our pages that help the Legislature, you know, run daily. This wouldn't be possible without you. So—and Manitobans are super grateful that we are actually working for them at this time in a global pandemic.

So I just wanted to put that out there. We have all that—all those staff to help troubleshoot our issues in the Manitoba Legislature, but what about, you know the staff who have been laid off through the process of this austerity that this government has put Manitoba through?

You know, we've witnessed freezes to participation and we've had to come back to them, which thankfully you've, you know, asked for leave to be able to do so. But would that be possible in a court setting? Would they be remanded, because of loss of the connection?

We've heard people in Norway House, a gentleman had to be flown out to Winnipeg because his \$7,500 fee couldn't be paid so that he can get out on bail, and that cost the government \$8,500 to fly this young man out. And he was held at the Remand Centre with other people, we heard, that were COVID positive.

And these are just some of the issues that we could run into. Keeping people incarcerated for longer periods—and this could just have been a, you know, something that was minor that this person didn't have to be incarcerated, certainly probably not brought to Winnipeg and put in a situation where they were exposed to COVID and cost the government \$8,500.

So, these are things, you know, when we look at the North for instance—and my colleague from Keewatinook, when he spoke on this issue last time, second stage, he outlined all of those issues—the connectivity, the infrastructure that's not in place. So this is equitable for—it's not equitable for all people. It will benefit some but it's not going to benefit all. And certainly—you know, my colleague from St. Vital outlined it brilliantly when he said that this government needs to go further and start looking at ways to ensure that everyone who wants to do video conferencing has the capacity to do so. But many communities don't have the infrastructure to participate in remote witnessing. And, like I said, this bill will benefit some but not all.

As we know, many people have lost their income, have lost their jobs due to pandemic, and many have had to give up their Internet. And we know that many services that supported communities are not able to support in the same way because of COVID. People have had to shut their doors and, you know, offer supports over the phone and through video conferencing. And we know that not everybody's able to access that. So, it's not equitable for all and we need to make sure that these services are available to everybody, and that if anybody wants to participate in remote witnessing, that they can.

* (16:50)

I'm also worried about the government's cuts and layoffs, especially in the North—systems have become

completely dysfunctional, which could affect various functions and have affected various functions of our legal system, including this one. Between 2017 and '19, Madam Speaker, there were 166 people laid off from our justice system. These are perhaps people who would be in the role to support video conferencing, but are now not there. They have been laid off from our justice system; 166 people who are no longer employed in the court operations, judicial services, prosecution services and sheriff services. These are people who would provide support.

So, when I think about remote witnessing, you need to have the staffing in place, and we certainly have seen this during COVID. We just heard, you know, a couple weeks ago that Main Street Project's detox had to close due to staffing shortages. And, you know, they were—they tested positive to COVID, they had to self-isolate. But we're talking about not having enough staff due to this government laying off people, firing them essentially, putting them out of work and, essentially, these could be the people who may not be able to access video conferencing because they don't have a paycheque now to pay for that.

So, you know, I often wonder whether this government thinks long term or whether it's just here in the now, but we need to make sure that, you know, we always talk about the next generation, that, you know, people have jobs and that they're contributing to the economy and that there are people in these positions who can provide these services for remote witnessing.

Suppose that there high—that there are a high number of legal challenges to the legal legitimacy of the commissioning of oaths or affirmations when witnessing a will, power of attorney, land title documents or health-care directives that are conducted over video conferences. It's entirely conceivable that we are living in an age of hyper-advanced video editing software. Now, it is entirely conceivable that one can make the argument in a court that any commissioned oath, affirmations, witnessing of wills, power of attorney or land documents or health-care directives conducted over video conferencing could be deepfaked using video editing. That would mean someone taking my face and putting it on their face and, you know, conceivably acting as if they are me and signing these documents, which essentially may be a will, where there's money involved and, you know, there could—they could be performing an illegal act.

And it is happening today. We see it all over the place. The member from St. Vital talked about, you know, Facebook and Twitter and, you know, all of these other social media sites—even emails, Madam Speaker. We know that emails get hacked. A couple of weeks ago I opened an email, now I'm getting all these spam emails. And sometimes when I open something that I don't know what it is, I'll shut my phone off because I'm afraid that they're going to take over my whole system. And it does happen; there are people who do that for a living, and they could be just waiting for this to pass so that they can do those sorts of things and take advantage of people.

We also talked about, you know, making sure that it is the person in those spaces that are actually, you know, showing an ID that can prove that they are who they are, and that it is a photo ID that's government issued. There is another inequity, Madam Speaker. Not everybody is able to get a government-issued ID. I know many in my own constituency, many homeless folks that struggle with getting an ID.

We have service in my community with the North End Community Renewal Corporation. They actually have mailboxes for folks where folks can go and keep their ID safe because people do scam other people. They steal their identification, they steal their identity, they go and they buy stuff, or they get credit. And, you know, these people are left with thousands of dollars of debt. And this certainly could happen with this videoconferencing.

The member from Notre Dame, you know, did her research. She went and she spoke with lawyers. She interviewed them, and lawyer after lawyer told her the same thing: that this is great in the here and now, but in the long term there are lots of ramifications; that there's things that this government really needs to look at; that it's not just about, you know, making sure that people can get their wills and their documents and, you know, other things through this; but that it's about equity and ensuring that, you know, people from everywhere, whoever wants to access this, has the capacity to do it.

We need a robust legal system, a robust legal system that is properly staffed with competent employees. When introducing new, unprecedented legislation like this, it's only reasonable to expect the unexpected. And if we're going to pass a bill like The Remote Witnessing and Commissioning Act, we need to rehire for the positions in our legal system that this government eliminated.

They eliminated it to save money. Not to make life easier, not to make things simpler, but it's all about the money: money over people.

And this bill can't be about that. This bill has to be about making it accessible and, you know, life easier for Manitobans. And we know that this bill doesn't go far enough to ensure that that's going to happen, Madam Speaker. We can't sacrifice the potential stability and functioning of our justice system just to save a few dollars.

And, you know, prosecutors have called the amount of cases that they're dealing with a crushing workload. The provincial court in Thompson hasn't been fully staffed in years.

Now, Madam Speaker, I would love it if someone could explain to me how a legal system that is this stressed and overworked could possibly take on the stress of a new wave of cases, however legitimate or illegitimate they may be.

Now, allowing for videoconferencing for the witnessing of documents laid out in this bill is probably a good idea though, as I mentioned, unforeseeable problems, you know, may occur. However, continuing on the subject of concerns that Manitobans may have with such legalization that would make notable changes in our legal system, have Manitobans been consulted? Have they been consulted?

We deal with a government that constantly, you know, says that they're consulting Manitobans, consulting business leaders, consulting with the mayor, consulting with the Prime Minister but we hear, time and time again, that this isn't the case.

And Manitobans need to know, you know, and be consulted with whenever legislation is passed in the Manitoba Legislature.

So, you know, when we look at this bill and making sure that everyone has been consulted with that needs to be consulted with, and certainly the Law Society would be, you know, an organization that should be consulted with.

They are on the front lines, you know, representing clients each and every day and actually putting together wills for people and, you know, doing all of this videoconferencing.

And they need to make sure that they're safe as well when we find ourselves in a global pandemic and in the red zone, where we're to stay to our own households and only go out for emergencies—

Madam Speaker: Order, please.

When this matter is again before the House, the honourable member will have 13 minutes remaining.

The hour being 5 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow.

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, November 30, 2020

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