



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 24

THIRD SESSION, FORTY-SECOND LEGISLATURE

PRAYER

10:00 O'CLOCK A.M.

Mr. JOHNSON moved:

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

And a debate arising,

And Mr. JOHNSON having spoken,

And Messrs. BRAR and NESBITT, Hon Mr. GERRARD, Ms. MORLEY-LECOMTE and Mr. LAMONT having questioned the Member,

And the debate continuing,

And Messrs. BRAR, NESBITT and WIEBE and Hon. Mr. GERRARD having spoken,

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

Mr. PIWNIUK moved:

Resolution No. 8: The Importance of Small Business in Manitoba

WHEREAS Manitoba, like the rest of the world, is dealing with the challenges of COVID-19 which has caused a great deal of stress and anxiety for Manitobans, especially those involved with small businesses who are feeling especially hard pressed by the effects of this pandemic; and

WHEREAS the Provincial Government has implemented programs to help Manitobans by creating the AbilitiCBT Digital Therapy program, which has provided 4,000 Manitobans free access to mental health resources; and

WHEREAS the province's small businesses are essential to a prosperous Manitoba and are the backbone of a robust economy; and

WHEREAS these small businesses are the first to step up to support minor sports teams and community events and the Provincial Government is now stepping up to support Manitoba's small businesses by providing almost one billion dollars of support; and

WHEREAS this support comes in the form of programs such as the Bridge Funding which will help small businesses that have been forced to close by initially providing them \$100 million dollars, and another \$100 million dollars in January if the province is still in a state of lockdown; and

WHEREAS another program that the Provincial Government developed is the Wage Subsidy Program which helped small businesses by covering half of the wages of employees they hired or re-hired during this pandemic which will also provide businesses with a cash advance of \$1,500 for each new hire or re-hire. In addition, this program has provided \$82.39 million to 4,794 of Manitoba's businesses and helped covered the wages of 9,318 employees; and

WHEREAS the Provincial Government has adapted to the changing nature of this pandemic by evolving programs after listening to input from the business community. For example, the Gap Protection Program will distribute \$58 million dollars to 9,667 small and medium sized businesses. Although this funding was initially meant as a non-interest-bearing loan, after consulting with the Manitoba Chamber of Commerce, retail councils, and businesses this loan was converted into a grant in order to best serve the needs of Manitoba's small and medium sized businesses.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba recognizes the important benefits that small businesses provide to communities in the province and that they will continue to benefit Manitoba after this pandemic.

And a debate arising,

And Mr. PIWNIUK having spoken,

And Messrs. WASYLIW, WISHART, LAMONT and TEITSMA having questioned the Member,

And the debate continuing,

And Messrs. WASYLIW, WISHART, ALTOMARE, LAMONT and TEITSMA having spoken,

And Mrs. SMITH (Point Douglas) speaking at 12:00 p.m. The debate was allowed to remain in their name.

1:30 O'CLOCK P.M.

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

(No. 219) – The Health Care Accountability and Timely Access Act (The Health Care Act and Amendments to The Health Services Insurance Act)/Loi sur l'accès à des soins de santé dans des délais raisonnables et le principe de l'imputabilité (Loi sur les soins de santé et modification de la Loi sur l'assurance-maladie)

(Hon. Mr. GERRARD)

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

Meetings

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

Matters under Consideration

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

Committee Membership

- Hon. Mr. CULLEN
- Ms. FONTAINE
- Ms. GORDON
- Mr. MICKLEFIELD
- Mrs. SMITH (Point Douglas)
- Hon. Mrs. STEFANSON

Your Committee elected Mr. MICKLEFIELD as the Chairperson.

Your Committee elected Ms. GORDON 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 30, 2020 meeting, reducing the membership to six Members (4 Government and 2 Official Opposition).

Bills Considered and Reported

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

Your Committee agreed to report this Bill without amendment.

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

Madam Speaker presented:

A Proposal to Modify the Voting Process under Section 28.1(1) of *The Elections Act* titled “Vote Anywhere in your Electoral Division on Election Day” dated November 2020.

(Sessional Paper No. 34)

Pursuant to Rule 27(1), Mr. SMITH (Lagimodière), Ms. FONTAINE, Mr. REYES, Mrs. SMITH (Point Douglas) and Hon. Mr. GERRARD made Members' Statements.

Following Oral Questions, Madam Speaker made the following ruling:

On March 17, 2020 the Honourable Member for Concordia raised a Matter of Privilege regarding misstatements by the Government of what is called the strategic infrastructure budget and how that relates to flood mitigation and flood fighting leading into the spring. The Member alleged that the Government’s misstatements have obstructed the Member in his ability to do his job as an MLA and that they constituted misleading information. The Member concluded his remarks by moving “*THAT this matter be referred to a committee of this House.*”

The Honourable Government House Leader and the Honourable Member for Tyndall Park both spoke to the Matter of Privilege before the Deputy Speaker took it under advisement, and I thank all Honourable Members for their advice to the Chair on this matter.

As the House should know, in order to be ruled in order as a *prima facie* case of privilege, Members must demonstrate both that the issue has been raised at the earliest opportunity, and also provide sufficient evidence that the privileges of the House have been breached.

Regarding timeliness, the Honourable Member suggested that this requirement cannot simply mean the next immediate moment in time in which any one Member has the ability to speak in the House. In the Member’s opinion, he should be given the opportunity to study and to consult the various experts on the matter, as the case may be, as well as to review the evidence that has been compiled on the matter at hand, before raising the matter in the House. The procedural authorities give guidance on the matter. Bosc and Gagnon House of Commons Procedure and Practice 3rd edition advises on page 145 that “the matter of privilege to be raised in the House must have recently occurred and must call for the immediate action of the House.” On the same page, Bosc and Gagnon state that “the Member must satisfy the Speaker that he or she is bringing the matter to the attention of the House as soon as practical after becoming aware of the situation.”

It is the duty of the Member raising a Matter of Privilege to give the Speaker an accurate explanation of the contextual reasons to be taken into consideration when undertaking an analysis of timeliness. A general reference to research and consulting with experts does not satisfy the requirement of timeliness. Accordingly, I am ruling that the condition of timeliness was not met in this case.

Regarding the second condition, the Honourable Member stated that the Government gave misleading information about the way strategic infrastructures have been counted and regarding accounting practices. First of all, I would like to remind the House that as Joseph Maingot states on page 241 of Parliamentary Privilege in Canada “To allege that a Member has misled the House is a matter of order not privilege.” In addition, it has been ruled by several Manitoba Speakers that a Member raising such an allegation must provide proof of intent. The rulings of previous Manitoba Speakers have been very clear and consistent. Speakers Walding, Phillips, Rocan, Dacquay, Hickes, and Reid have all ruled that in order to find allegations of deliberately misleading the House as a *prima facie* means proving that the Member purposefully intended to mislead the House by making statements with the knowledge that these statements would mislead.

The burden of proof is placed on the Member to demonstrate this by absolute proof, including a statement of intent to intentionally mislead the House by the Member so accused. Showing that some facts are at variance is not providing proof of intent to mislead. As explained by Speaker Hickes in a 2011 ruling, a burden of proof exists that goes beyond speculation or conjecture but involves providing absolute proof, including a statement of intent by the Member involved that the stated goal is to intentionally mislead the House, as it is possible Members may have inadvertently misled the House by unknowingly putting incorrect information on the record. In 2007, Speaker Hickes also ruled that providing information showing the facts are at variance is not the same as providing proof of intent to mislead.

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

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

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

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

Hon. Mr. GERRARD – 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; and 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.

Mr. BUSHIE – To urge the Provincial Government reverse cuts and closures that negatively impact patients’ ability to access timely, quality health care; and to make real investments in Manitoba’s public health care system that will improve the timeliness and quality of care for patients by increasing the number of beds across the system, and recruiting and retaining an adequate number of nurses and other health professionals to meet Manitoba’s needs.

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

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

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

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

Mr. SALA – To urge the Provincial Government reverse cuts and closures that negatively impact patients’ ability to access timely, quality health care; and to make real investments in Manitoba’s public health care system that will improve the timeliness and quality of care for patients by increasing the number of beds across the system, and recruiting and retaining an adequate number of nurses and other health professionals to meet Manitoba’s needs.

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

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

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

Mr. REYES moved:

THAT Bill (No. 211) – The Employment Standards Code Amendment Act (Unpaid Leave for Reservists)/Loi modifiant le Code des normes d'emploi (congé non payé à l'intention des réservistes), reported from the Standing Committee on Social and Economic Development, be concurred in and be now read a Third Time and passed.

And a debate arising,

Tuesday, December 1, 2020

And Messrs. REYES and LINDSEY, Ms. ADAMS, Hon. Mr. GERRARD, Messrs. SANDHU, MOSES and SALA, Mrs. SMITH (Point Douglas), Ms. MARCELINO, Ms. NAYLOR, Messrs. BRAR, WASYLIW and BUSHIE having spoken,

And the Question being put. It was agreed to.

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

The House then adjourned at 4:59 p.m. until 1:30 p.m. Wednesday, December 2, 2020.

Hon. Myrna DRIEDGER,
Speaker.