



**LEGISLATIVE ASSEMBLY OF MANITOBA**

**VOTES AND PROCEEDINGS No. 5**

**THIRD SESSION, FORTY-SECOND LEGISLATURE**

**PRAYER**

**1:30 O'CLOCK P.M.**

Immediately following the Prayer, Ms. FONTAINE rose on a Matter of Privilege regarding the government's failure to table several reports in contravention of statutory provisions requiring tabling. The Member asserted that the failure to table these reports directly impeded her ability to do her job as an MLA and to hold the government accountable. She concluded her remarks by moving the following motion:

THAT the matter of the failure of this Government to respect the laws of this province and to put forward information to this Assembly required by statute be referred to an all-party committee for immediate consideration.

And Hon. Mr. GOERTZEN having spoken,

WHEREUPON Madam Speaker informed the House she would take the matter under advisement.

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

(No. 5) – The Liquor, Gaming and Cannabis Control Amendment Act (Cannabis Social Responsibility Fee)/Loi modifiant la Loi sur la réglementation des alcools, des jeux et du cannabis (taxe de responsabilité sociale en matière de cannabis)

(Hon. Mr. CULLEN)

(No. 6) – The Liquor, Gaming and Cannabis Control Amendment Act/Loi modifiant la Loi sur la réglementation des alcools, des jeux et du cannabis

(Hon. Mr. CULLEN)

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

(Hon. Ms. SQUIRES)

(No. 8) – The Pension Benefits Amendment Act/Loi modifiant la Loi sur les prestations de pension

(Hon. Mr. FIELDING)

**Wednesday, October 14, 2020**

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(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

(Hon. Mr. CULLEN)

(No. 10) – The Regional Health Authorities Amendment Act (Health System Governance and Accountability)/Loi modifiant la Loi sur les offices régionaux de la santé (gouvernance et obligation redditionnelle au sein du système de santé)

(Hon. Mr. FRIESEN)

(No. 11) – The Workplace Safety and Health Amendment Act/Loi modifiant la Loi sur la sécurité et l'hygiène du travail

(Hon. Mr. FIELDING)

(No. 12) – The Crown Land Dispositions Act (Various Acts Amended)/Loi sur les aliénations de terres domaniales (modification de diverses dispositions législatives)

(Hon. Mr. HELWER)

(No. 13) – The Public Sector Construction Projects (Tendering) Act/Loi sur les projets de construction dans le secteur public (appels d'offres)

(Hon. Mr. SCHULER)

(No. 14) – The Minor Amendments and Corrections Act, 2020/Loi corrective de 2020

(Hon. Mr. GOERTZEN)

(No. 15) – The Manitoba Public Insurance Corporation Amendment Act (Claim Dispute Tribunal)/Loi modifiant la Loi sur la Société d'assurance publique du Manitoba (tribunal de règlement des différends en matière de demandes d'indemnisation)

(Hon. Mr. WHARTON)

(No. 16) – The Labour Relations Amendment Act/Loi modifiant la Loi sur les relations du travail

(Hon. Mr. FIELDING)

(No. 17) – The Drivers and Vehicles Amendment Act/Loi modifiant la Loi sur les conducteurs et les véhicules

(Hon. Mr. SCHULER)

(No. 18) – The Workers Compensation Amendment Act/Loi modifiant la Loi sur les accidents du travail

(Hon. Mr. FIELDING)

(No. 19) – The Minor Amendments and Corrections Act, 2020 (2)/Loi corrective n° 2 de 2020

(Hon. Ms. SQUIRES)

(No. 20) – The Vehicle Technology Testing Act (Various Acts Amended)/Loi sur la mise à l'essai des technologies des véhicules (modification de diverses lois)

(Hon. Mr. SCHULER)

**Wednesday, October 14, 2020**

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(No. 21) – The Conflict of Interest (Members and Ministers) and Related Amendments Act/Loi sur les conflits d'intérêts des députés et des ministres et modifications connexes

(Hon. Mr. CULLEN)

(No. 22) – The Credit Unions and Caisses Populaires Amendment Act/Loi modifiant la Loi sur les caisses populaires et les credit unions

(Hon. Mr. FIELDING)

(No. 23) – The Highway Traffic Amendment Act (Control of Traffic by Flag Persons)/Loi modifiant le Code de la route (contrôle de la circulation par des signaleurs)

(Hon. Mr. SCHULER)

(No. 24) – The Legal Profession Amendment Act/Loi modifiant la Loi sur la profession d'avocat

(Hon. Mr. CULLEN)

(No. 25) – The Municipal Statutes Amendment Act/Loi modifiant diverses lois en matière de droit municipal

(Hon. Ms. SQUIRES)

(No. 26) – The Human Rights Code Amendment Act/Loi modifiant le Code des droits de la personne

(Hon. Mr. CULLEN)

(No. 27) – The Administrative Tribunal Jurisdiction Act/Loi sur la compétence des tribunaux administratifs

(Hon. Mr. CULLEN)

(No. 28) – The Water Resources Administration Amendment Act/Loi modifiant la Loi sur l'aménagement hydraulique

(Hon. Mr. SCHULER)

(No. 29) – The Reducing Red Tape and Improving Services Act, 2020/Loi de 2020 visant la réduction du fardeau administratif et l'amélioration des services

(Hon. Ms. SQUIRES)

(No. 30) – The Consumer Protection Amendment Act/Loi modifiant la Loi sur la protection du consommateur

(Hon. Mr. FIELDING)

(No. 31) – The Horse Racing Regulatory Modernization Act (Liquor, Gaming and Cannabis Control Act and Pari-Mutuel Levy Act Amended)/Loi sur la modernisation de la réglementation des courses de chevaux (modification de la Loi sur la réglementation des alcools, des jeux et du cannabis et de la Loi concernant les prélèvements sur les mises de pari mutuel)

(Hon. Mr. CULLEN)

**Wednesday, October 14, 2020**

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(No. 32) – The Election Financing Amendment and Elections Amendment Act (Government Advertising)/Loi modifiant la Loi sur le financement des élections et la Loi électorale (publicité du gouvernement)

(Hon. Mr. GOERTZEN)

(No. 33) – The Advanced Education Administration Amendment Act/Loi modifiant la Loi sur l'administration de l'enseignement postsecondaire

(Hon. Mr. EICHLER)

(No. 34) – The University College of the North Amendment Act/Loi modifiant la Loi sur le Collège universitaire du Nord

(Hon. Mr. EICHLER)

(No. 35) – The Public Utilities Ratepayer Protection and Regulatory Reform Act (Various Acts Amended)/Loi sur la protection des contribuables et la réforme réglementaire en matière de services publics (modification de diverses dispositions législatives)

(Hon. Mr. FIELDING)

(No. 36) – The Public Health Amendment Act (Food Safety and Other Amendments)/Loi modifiant la Loi sur la santé publique (salubrité des aliments et modifications connexes)

(Hon. Mr. PEDERSEN)

(No. 38) – The Building and Electrical Permitting Improvement Act (Various Acts Amended and Permit Dispute Resolution Act Enacted)/Loi améliorant la délivrance des permis de construction et d'électricité et la résolution des litiges connexes (modification de diverses dispositions législatives et édicition de la Loi sur la résolution des litiges en matière de permis)

(Hon. Ms. SQUIRES)

(No. 200) – The Scrap Metal Sales Accountability Act/Loi sur l'obligation redditionnelle en matière de vente de ferraille

(Mr. LAMONT)

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Madam Speaker presented:

Annual Report of Elections Manitoba for the year ending December 31, 2019 including the conduct of the 42<sup>nd</sup> Provincial General Election dated September 10, 2019.

(Sessional Paper No. 8)

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Pursuant to Rule 27(1), Messrs. WOWCHUK and MOSES, Ms. GORDON, Mrs. SMITH (Point Douglas) and Mr. SMITH (Lagimodière) made Members' Statements.

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Following Oral Questions, Madam Speaker made the following ruling:

On March 11, 2020, the Honourable Member for Flin Flon raised a Matter of Privilege contending that the government was violating his privileges by not calling a meeting of the Standing Committee on Crown Corporations for consideration of the Manitoba Public Insurance Corporation annual reports. He stated that this was “impeding my ability to adequately fulfill my responsibility to my constituents to ensure proper management of their Crown corporations.” At the conclusion of his remarks he moved “THAT this issue be immediately referred to a committee of this House.”

The Honourable Government House Leader and the Honourable Member for River Heights also spoke to the Matter of Privilege, which was then taken under advisement. I thank all Honourable Members for their advice to the Chair.

There are two conditions that must be satisfied in order for the matter raised to be ruled in order as a *prima facie* case of privilege. First, was the issue raised at the earliest opportunity, and second, has sufficient evidence been provided to demonstrate that the privileges of the House have been breached, in order to warrant putting the matter to the House.

On the first issue of timeliness, the Honourable Member did not address that issue nor provide any information that he was raising the issue at the earliest opportunity, therefore I conclude that the issue of timeliness was not met.

Regarding the second issue, I have stated on numerous occasions that a matter concerning the methods by which the House proceeds in the conduct of business is a matter of order, not privilege. Joseph Maingot in the second edition of *Parliamentary Privilege in Canada* states on page 14 that “allegations of breach of privilege by a Member in the House ... that amount to complaints about procedures and practices in the House are by their very nature matters of order.” He also states on page 223 of the same edition “A breach of the Standing Orders or a failure to follow an established practice would invoke a point of order rather than a question of privilege.”

It has also been ruled on numerous times in this House that the opinion of the Speaker cannot be sought about matters arising concerning Committees and that it is not competent for the Speaker to exercise procedural control over Committees. Speaker Rocan made such a ruling in 1989, in 1993 and in 1994. Speaker Hickes also made five rulings, twice in 2004, once in 2005 and twice in 2006.

In regards to the Member’s comments that he could not fulfill his role to his constituents to review matters concerning MPI, Maingot further advises on page 224 of the same edition that “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.”

Therefore, the Honourable Member for Flin Flon cannot claim the protection of parliamentary privilege for the performance of his duties as a Critic but only as an MLA. All of the above references from Joseph Maingot are supported by rulings from myself as well as from Speakers Rocan, Dacquay and Hickes.

Although the Honourable Member for Flin Flon may have a difference of opinion regarding the timing of calling a Crown Corporations meeting, such a concern falls more into a category of a complaint against the government, and not a breach of parliamentary privilege. With the greatest of respect I therefore rule that the matter raised does not fulfill the criteria of a *prima facie* case of privilege.

Finally, I would also encourage Members to exercise caution in the raising of Matters of Privilege. While I would never deny a Member the right to raise privilege in the House, I fear that we are beginning to see the trivialization and devaluation of what parliamentary privilege is claimed to be. As stated on page 220 of Parliamentary Privilege in Canada, in the Canadian House of Commons, “questions of privilege are frequently raised but few are found to be *prima facie* cases. Members have a tendency to use the rubric of privilege to raise what is really a matter of order, or in the words of the Speaker of the House of Commons, a grievance against the Government.”

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The following petition was presented and read to the Legislative Assembly of Manitoba:

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.

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The House resolving into Committee of Supply.

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Mr. PIWNIUK, Chairperson of the Committee of Supply, presented the Report of the Proceedings of the Committee of October 14, 2020 as follows:

#### IN THE COMMITTEE

The following Resolution was adopted:

RESOLVED that a sum not exceeding \$577,000,000 as set forth in Part A (Operating Expenditures) of the Supplementary Estimates, be granted to Her Majesty for the fiscal year ending March 31, 2021.

The Resolution was reported and the Report was received.

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Hon. Mr. GOERTZEN moved:

THAT this House concur in the report of the Committee of Supply respecting concurrence in the resolution respecting the Supplementary Appropriation, 2020 (COVID-19 Response) Bill for the fiscal year ending March 31, 2021.

And the Question being put. It was agreed to.

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Hon. Mr. FIELDING moved:

THAT there be granted to Her Majesty on account of Certain Expenditures of the Public Service for the fiscal year ending March 31, 2021 out of the Consolidated Fund, a sum of up to \$577,000,000 as set out in Part A (Operating Expenditures) of the Supplementary Estimates, laid before the House at the present Session of the Legislature.

And the Question being put. It was agreed to.

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On motion of Hon. Mr. FIELDING, Bill (No. 39) – The Supplementary Appropriation Act, 2020 (COVID-19 Response)/Loi de 2020 portant affectation supplémentaire de crédits (réponse à la COVID-19), was read a First Time and ordered for Second Reading immediately.

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Hon. Mr. FIELDING moved:

THAT Bill (No. 39) – The Supplementary Appropriation Act, 2020 (COVID-19 Response)/Loi de 2020 portant affectation supplémentaire de crédits (réponse à la COVID-19), be now read a Second Time, and be referred to Committee of the Whole.

And a debate arising,

And Hon. Mr. FIELDING having spoken,

And Mr. WASYLIW and Hon. Mr. GERRARD having questioned the Minister,

And the debate continuing,

And the Question being put. It was agreed to.

The Bill was accordingly read a Second Time and referred to the Committee of the Whole.

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The House resolving into Committee of the Whole.

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Bill (No. 39) – The Supplementary Appropriation Act, 2020 (COVID-19 Response)/Loi de 2020 portant affectation supplémentaire de crédits (réponse à la COVID-19), was considered in the Committee of the Whole and reported without amendment.

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On motion of Hon. Mr. FIELDING, Bill (No. 39) – The Supplementary Appropriation Act, 2020 (COVID-19 Response)/Loi de 2020 portant affectation supplémentaire de crédits (réponse à la COVID-19), reported from the Committee of the Whole, was concurred in, read a Third Time and passed.

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By leave, Hon. Mr. GOERTZEN moved:

THAT notwithstanding any Rule or Practice of this House, Bill (No. 43) – The Civil Service Superannuation Amendment Act/Loi modifiant la Loi sur la pension de la fonction publique, be reinstated during the 3<sup>rd</sup> Session of the 42<sup>nd</sup> Legislature at the stage it was at when the 2<sup>nd</sup> Session of the 42<sup>nd</sup> Legislature was prorogued.

And a debate arising,

And the Question being put. It was agreed to.

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By leave, Mr. SMOOK, Chairperson of the Standing Committee on Human Resources, presented its Second Report (Second Session), which was read as follows:

### **Meetings**

Your Committee met on June 16, 2020 at 6:00 p.m. (*2<sup>nd</sup> Session, 42<sup>nd</sup> Legislature*) in Room 255 of the Legislative Building.

### **Matters under Consideration**

- **Bill (No. 43)** – The Civil Service Superannuation Amendment Act/Loi modifiant la Loi sur la pension de la fonction publique

### **Committee Membership**

- Ms. FONTAINE
- Ms. GORDON
- Hon. Mr. HELWER
- Mr. LINDSAY
- Mr. SMOOK
- Hon. Ms. SQUIRES

Your Committee elected Mr. SMOOK as the Chairperson.

Your Committee elected Ms. GORDON as the Vice-Chairperson.

As agreed to by the House on May 27, 2020, Rule 83(2) was waived for the June 16, 2020 meeting, reducing the membership to six Members (4 Government and 2 Official Opposition).

### **Non-Committee Members Speaking on Record**

- Ms. LAMOUREUX



### Written Submissions

- Your Committee agreed to include in Hansard the following two written submissions on **Bill (No. 43)** – The Civil Service Superannuation Amendment Act/Loi modifiant la Loi sur la pension de la fonction publique

Dennis Ellement  
Kim Toews

Ellement Consulting Group  
Private citizen

### Public Presentations

- Your Committee heard the following three presentations on **Bill (No. 43)** – The Civil Service Superannuation Amendment Act/Loi modifiant la Loi sur la pension de la fonction publique

Vince Rody  
Michelle Gawronsky  
Jody Gillis

Private citizen  
President, Manitoba Government and General Employees Union  
The Superannuation and Insurance Liaison Committee

### Bills Considered and Reported

- **Bill (No. 43)** – The Civil Service Superannuation Amendment Act/Loi modifiant la Loi sur la pension de la fonction publique

Your Committee agreed to report this Bill, without amendment.

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

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By leave, Hon. Mr. GOERTZEN moved:

THAT BILL (No. 43) – The Civil Service Superannuation Amendment Act/Loi modifiant la Loi sur la pension de la fonction publique, reported from the Standing Committee on Human Resources, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Hon. Mr. HELWER having spoken,

And the Question being put. It was agreed to.

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

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**Wednesday, October 14, 2020**

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Her Honour, Janice FILMON, Lieutenant Governor of the Province of Manitoba, having entered the House at 4:53 p.m., and being seated on the Throne:

Madam Speaker addressed Her Honour in the following words:

Your Honour:

The Legislative Assembly of Manitoba asks Your Honour to accept the following Bill:

(No. 39) – The Supplementary Appropriation Act, 2020 (COVID-19 Response)/Loi de 2020 portant affectation supplémentaire de crédits (response a la COVID-19)

To this Bill the Royal Assent was announced by the Clerk of the Legislative Assembly in the following words:

“In Her Majesty’s name, the Lieutenant Governor thanks the Legislative Assembly, and assents to this Bill”.

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Madam Speaker addressed Her Honour in the following words:

Your Honour:

At this sitting, the Legislative Assembly has passed a Bill that I ask Your Honour to give assent to.

(No. 43) – The Civil Service Superannuation Amendment Act/Loi modifiant la Loi sur la pension de la fonction publique

To this Bill the Royal Assent was announced by the Clerk of the Legislative Assembly as follows:

“In Her Majesty’s name, Her Honour assents to this Bill.”

At 4:56 p.m., Her Honour was then pleased to retire.

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The House then adjourned at 4:57 p.m. until 1:30 p.m. Thursday, October 15, 2020

Hon. Myrna DRIEDGER,  
Speaker.