



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 22

THIRD SESSION, FORTY-SECOND LEGISLATURE

PRAYER

10:00 O'CLOCK A.M.

Mr. KINEW moved:

THAT Bill (No. 216) – The Public Health Amendment Act (2)/Loi n° 2 modifiant la Loi sur la santé publique, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Mr. KINEW having spoken,

And Messrs. ISLEIFSON, SALA and MICHALESKI, Hon. Mr. GERRARD, Messrs. BRAR and EWASKO having questioned the Member,

And the debate continuing,

And Messrs. ISLEIFSON, SALA and EWASKO and Hon Mr. GERRARD having spoken,

And Mr. MICHALESKI speaking at 10:55 a.m. The debate was allowed to remain in their name.

In accordance with sub-rule 24(1), the debate was interrupted at 10:55 a.m. to put the Second Reading Question on Selected Bill (No. 203).

The House resumed the debate on the Proposed Motion of Mr. SALA:

THAT Bill (No. 203) – The Manitoba Hydro Amendment Act (Referendum Before Privatization of Subsidiary)/Loi modifiant la Loi sur l'Hydro-Manitoba (référendum applicable à la privatisation des filiales), be now read a Second Time and be referred to a Committee of this House.

And the Question being put. It was negatived, on the following division:

YEA

ADAMS	LINDSEY
ALTOMARE	MALOWAY
ASAGWARA	MARCELINO
BRAR	MOSES
BUSHIE	NAYLOR
FONTAINE	SALA
GERRARD	SANDHU
KINEW	SMITH (Point Douglas)
LAMONT	WASYLIW
LAMOUREUX	WIEBE21
LATHLIN	

NAY

COX	MICHALESKI
EICHLER	MICKLEFIELD
EWASKO	MORLEY-LECOMTE
FIELDING	NESBITT
GOERTZEN	PEDERSEN
GORDON	PIWNIUK
GUENTER	REYES
GUILLEMARD	SCHULER
HELWER	SMITH (Lagimodière)
ISLEIFSON	SMOOK
JOHNSON	STEFANSON
JOHNSTON	TEITSMA
LAGASSÉ	WHARTON
LAGIMODIERE	WISHART
MARTIN	WOWCHUK.....30

By leave, it was agreed to allow the sponsor of Private Member's Resolution No. 7 – Recognizing April 17, 2021 as the 500th Anniversary of the Philippines to move an amendment to the resolution after conclusion of their remarks.

Ms. MARCELINO moved:

Resolution No. 7: Recognizing April 17, 2021 as the 500th Anniversary of the Philippines

WHEREAS the year long celebration of the 500th Anniversary of the Philippines will commence on April 17, 2021; and

WHEREAS, as of the 2016 Canadian census, there are nearly 80,000 Manitobans of Filipino descent; and

WHEREAS as the Filipino population is now recognized as Winnipeg's largest ethnic minority and Tagalog is one of the most commonly spoken languages in Manitoba; and

WHEREAS Filipinos first arrived in significant numbers in Manitoba in the 1950s, many arrived as nurses and healthcare workers then later as seamstresses in the garment industry; and

WHEREAS Manitoba's economy benefits from the many Filipino immigrants that continue to come and work in industries in rural and urban communities; and

WHEREAS many Filipinos in Manitoba will celebrate this five hundred year anniversary next year; and

WHEREAS creating days to honour people from different backgrounds, lived experiences, and faiths connects the people in the province as being part of a global community; and

WHEREAS recognizing this anniversary honours the history, continued contributions, and culture of Filipino Manitobans.

THEREFORE, BE IT RESOLVED that the Legislative Assembly of Manitoba recognize April 17, 2021 as the 500th Anniversary of the Philippines to acknowledge the contributions of all Filipinos in Manitoba.

And a debate arising,

And Ms. MARCELINO having spoken,

And by leave, Ms. MARCELINO moved an amendment as follows:

THAT the Resolution be amended:

- (a) *by deleting the title and replacing it with "Recognizing the year 2021 as the 500th Anniversary of the Philippines";*
- (b) *by deleting "April 17, 2021" in the first WHEREAS clause and replacing it with "January 1, 2021"; and*

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(c) by deleting the THEREFORE BE IT RESOLVED clause and replacing it with the following:

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba recognize the year 2021 as the 500th Anniversary of the Philippines to acknowledge the contributions of all Filipinos in Manitoba.

WHEREUPON Mr. Deputy Speaker ruled the amendment in order,

And the debate continuing on the amendment,

And Hon. Mr. PEDERSEN having spoken,

And the Question being put on the amendment. It was agreed to,

And the debate continuing on the main motion (as amended),

And Messrs. REYES and SANDHU, Ms. LAMOUREUX, Messrs. MICKLEFIELD and SMITH (Lagimodière), MLA ASAGWARA and Ms. GORDON having questioned the Member,

And the debate continuing,

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

1:30 O'CLOCK P.M.

By leave, Hon. Ms. COX, the Minister of Sport, Culture and Heritage, made a statement to recognize the 87th anniversary of the Holodomor.

Mr. WASYLIW and, by leave, Mr. LAMONT commented on the statement.

Pursuant to Rule 27(1), Mr. LAGASSÉ, Ms. LATHLIN, Hon. Mr. FIELDING, Mr. MALOWAY and Ms. LAMOUREUX made Members' Statements.

Following Oral Questions, Madam Speaker made the following ruling:

On March 16, 2020 the Honourable Member for Fort Garry raised a Matter of Privilege alleging that the Government intentionally withheld information about the amount paid by the Government and the Winnipeg Regional Health Authority to KPMG for the implementation of their phase 2 review. The Member argued that by preventing him from having access to factual and detailed information, he was denied the ability to perform his duties. The Member concluded his remarks by moving “*THAT the government be condemned for refusing to reveal how much money it is paying KPMG for the second phase of the health-care review and a committee be struck to examine the issues of consultant pay in our province.*”

The Honourable Government House Leader and the Honourable Member for River Heights 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 the criteria for determining the earliest opportunity should be interpreted in a “holistic or contextual matter” to allow for Members to consult the relevant authorities, speak with or study various experts on the matter as well as review the evidence that has been compiled on the matter at hand. 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 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 therefore essential for the Member to give the Speaker an accurate explanation of the contextual reasons to be taken into consideration when undertaking the timeliness analysis. The simple reference to the need to gather correct and accurate information is not enough to reach the threshold required by the procedural authorities to satisfy the Speaker. Accordingly, I am ruling that the condition of timeliness was not met in this case.

Regarding the second condition, the Honourable Member stated that by failing to provide important factual information, the government fundamentally undermined the ability of legislature to have accurate information and that is equivalent to providing misleading information to the House. 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:

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

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

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

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.

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. 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.

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

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

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

Mr. 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.

Following Petitions, Hon. Mr. GERRARD rose on a Matter of Urgent Public Importance and moved:

THAT under rule 38(1), the ordinary business of the House be set aside to discuss a Matter of Urgent Public Importance, namely that the sudden, shocking and inappropriate closure of the Grandview Hospital is depriving people in Grandview and vicinity including the Tootinaowaziibeeng First Nation the ability to get care close to home given by doctors and nurses with whom they are familiar.

And Hon. Messrs. GERRARD and GOERTZEN and MLA ASAGWARA having spoken to the urgency of the motion,

WHEREUPON Madam Speaker ruled as follows:

I thank the Honourable Members for their advice to the Chair on the motion proposed by the Honourable Member for River Heights regarding the Matter of Urgent Public Importance. The 90-minute notice prior to the start of Routine Proceedings required by Rule 38(1) was provided, and I thank the Honourable Member for that.

Under our rules and practices, the subject matter under this rule requiring urgent consideration must be so pressing that the public interest will suffer if the matter is not given immediate attention. There must also be no other reasonable opportunities to raise the matter.

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I have listened very carefully to the arguments put forward. Although access to health care and hospitals, particularly during a pandemic is indeed a serious matter, Members have had other opportunities to raise these matters, including earlier today during Oral Questions, or during Members' Statements or as a Grievance.

Therefore, for the purpose of today's House Business, I do not believe this matter needs another forum for debate, and with the greatest of respect I rule this motion out of order as a Matter of Urgent Public Importance.

In accordance with Rule 33(8), the Opposition House Leader announced that the Private Member's Resolution titled "Call on the Provincial Government to Support Manitobans on Employment Income Assistance" will be considered on the next Thursday of Private Members' Business.

Hon. Mr. EICHLER moved:

THAT Bill (No. 41) – The Fair Registration Practices in Regulated Professions Amendment Act/Loi modifiant la Loi sur les pratiques d'inscription équitables dans les professions réglementées, be now read a Second Time and be referred to a Committee of this House.

(Recommended by Her Honour, the Lieutenant Governor)

And a debate arising,

And Hon. Mr. EICHLER having spoken,

And Mr. MOSES and Ms. LAMOUREUX having questioned the Minister,

And the debate continuing,

And Messrs. MOSES, PIWNIUK and ALTOMARE and Ms. LAMOUREUX having spoken,

And Ms. LATHLIN speaking at 5:00 p.m. The debate was allowed to remain in their name.

Hon. Mr. EICHLER presented:

Message from Her Honour, the Lieutenant Governor recommending the disposition of public revenue for Bill (No. 41).

(Sessional Paper No. 33)

The House then adjourned at 5:00 p.m. until 1:30 p.m. Monday, November 30, 2020.

Hon. Myrna DRIEDGER,
Speaker.