



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 23

THIRD SESSION, FORTY-SECOND LEGISLATURE

PRAYER

1:30 O'CLOCK P.M.

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

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- **Bill (No. 4)** – The Retail Business Hours of Operation Act (Various Acts Amended or Repealed)/Loi sur les heures d'ouverture des commerces de détail (modification ou abrogation de diverses lois)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following five presentations on **Bill (No. 4)** – The Retail Business Hours of Operation Act (Various Acts Amended or Repealed)/Loi sur les heures d'ouverture des commerces de détail (modification ou abrogation de diverses lois)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following written submission on **Bill (No. 4)** – The Retail Business Hours of Operation Act (Various Acts Amended or Repealed)/Loi sur les heures d'ouverture des commerces de détail (modification ou abrogation de diverses lois)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
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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.

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

Pursuant to Rule 27(1), Hon. Mr. GOERTZEN, Messrs. SALA, SMOOK, ALTOMARE and REYES made Members' Statements.

Following Oral Questions, Madam Speaker made the following ruling:

Near the end of the sitting day on March 16, 2020, the Honourable Member for Point Douglas rose in the House alleging a Matter of Privilege regarding the Government's failure to proclaim and institute certain provisions of the *The Advocate for Children and Youth Act*, which had previously received Royal Assent. In continuing her comments on March 17, 2020 the Honourable Member alleged that this failure has impeded her ability to do her job as an MLA. The Honourable Member concluded his comments by moving "*THAT this matter be moved to an all-party committee for consideration.*"

The Honourable Government House Leader and the Honourable Member for River Heights 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 suggested that the criteria for determining the earliest opportunity should be interpreted in a "holistic or contextual matter" and "cannot simply mean the next moment in time in which a Member has ability to speak". The procedural authorities disagree with the Member's contention. Bosc and Gagnon advise on page 145 of the third edition of *House of Commons Procedure and Practice* 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." Therefore the Member must satisfy the Speaker that the matter is 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 am 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, disagreement 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 second edition *Parliamentary Privilege in Canada* 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 from 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 supported by rulings from myself as well as 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 Members' Statements and participate in debate and in Committee meetings, it is difficult to agree with the suggestion that the Member was impeded 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.

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.

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. 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.

Ms. LAMOUREUX – 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.

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 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. 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.

Monday, November 30, 2020

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.

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.

Hon. Mr. CULLEN moved:

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

And Hon. Mr. CULLEN, Ms. FONTAINE, Ms. MARCELINO, Hon. Mr. GERRARD and Mr. MOSES having spoken,

And Mrs. SMITH (Point Douglas) speaking at 5:00 p.m. The debate was allowed to remain in their name.

The House then adjourned at 5:00 p.m. until 10:00 a.m. Tuesday, December 1, 2020.

Hon. Myrna DRIEDGER,
Speaker.