



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 61

FIFTH SESSION, FORTY-SECOND LEGISLATURE

PRAYER AND LAND ACKNOWLEDGEMENT

1:30 O'CLOCK P.M.

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

(No. 246) – The Public Health Amendment Act/Loi modifiant la Loi sur la santé publique
(Hon Mr. GERRARD)

Mr. GUENTER, Chairperson of the Standing Committee on Legislative Affairs, presented its Seventh Report, which was read as follows:

Meetings

Your Committee met on May 25, 2023 at 6:00 p.m. in Room 254 of the Legislative Building.

Matters under Consideration

- **Bill (No. 40)** – The Combative Sports Amendment Act/Loi modifiant la Loi sur les sports de combat
- **Bill (No. 43)** – The Provincial Offences Amendment Act (2)/Loi n° 2 modifiant la Loi sur les infractions provinciales

Committee Membership

- Hon. Mr. GOERTZEN
- Mr. GUENTER
- Hon. Mr. KHAN
- Ms. LATHLIN
- Mr. PEDERSEN
- Mr. REDHEAD

Your Committee elected Mr. GUENTER as the Chairperson.

Your Committee elected Mr. PEDERSEN as the Vice-Chairperson.

Non-Committee Members Speaking on Record

- MLA FONTAINE

Public Presentations

Your Committee heard the following three presentations on **Bill (No. 40)** – The Combative Sports Amendment Act/Loi modifiant la Loi sur les sports de combat:

John McDonald	Manitoba Combative Sports Commission
Rick Lemoine	Manitoba Sport Martial Arts Association
Giuseppe DeNatale	Canadian Fighting Center

Bills Considered and Reported

- **Bill (No. 40)** – The Combative Sports Amendment Act/Loi modifiant la Loi sur les sports de combat

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 43)** – The Provincial Offences Amendment Act (2)/Loi n° 2 modifiant la Loi sur les infractions provinciales

Your Committee agreed to report this Bill without amendment.

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

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

Meetings

Your Committee met on May 25, 2023 at 6:00 p.m. in Room 255 of the Legislative Building.

Matters under Consideration

- **Bill (No. 218)** – An Act Respecting the Title "Associate Judge" (Various Acts Amended)/Loi sur la désignation de juge puîné (modification de diverses lois)
- **Bill (No. 222)** – The Public Schools Amendment Act (Nutrition Programs)/Loi modifiant la Loi sur les écoles publiques (programmes d'alimentation)
- **Bill (No. 230)** – The Municipal Councils and School Boards Elections Amendment Act/Loi modifiant la Loi sur les élections municipales et scolaires
- **Bill (No. 237)** – The Advanced Education Administration Amendment Act/Loi modifiant la Loi sur l'administration de l'enseignement postsecondaire
- **Bill (No. 238)** – The Personal Care Home Accountability Act (Various Acts Amended)/Loi sur la responsabilisation des foyers de soins personnels (modification de diverses lois)

Committee Membership

- Mr. ALTOMARE
- MLA FONTAINE
- Mr. ISLEIFSON
- Mr. MARTIN
- Mr. MICKLEFIELD
- Mr. SCHULER

Your Committee elected Mr. MARTIN as the Chairperson.

Your Committee elected Mr. SCHULER as the Vice-Chairperson.

Substitution received during committee proceedings:

- Hon. Mr. GOERTZEN for Mr. ISLEIFSON
- Mr. ISLEIFSON for Hon. Mr. GOERTZEN
- Hon. Mr. JOHNSTON for Mr. ISLEIFSON

Non-Committee Members Speaking on Record

- Hon. Mr. GERRARD
- Ms. LAMOUREUX
- Mr. MOSES

Public Presentations

Your Committee heard the following two presentations on **Bill (No. 237)** – The Advanced Education Administration Amendment Act/Loi modifiant la Loi sur l'administration de l'enseignement postsecondaire:

Nicholas Greco
Kenton Anderson

Providence University College and Theological Seminary
Private Citizen

Your Committee heard the following three presentations on **Bill (No. 238)** – The Personal Care Home Accountability Act (Various Acts Amended)/Loi sur la responsabilisation des foyers de soins personnels (modification de diverses lois):

Rhonda Nichol
Sheryl King
Patricia Rawsthorne

Private citizen
Private citizen
Private citizen

Written Submissions

Your Committee received the following written submission on **Bill (No. 222)** – The Public Schools Amendment Act (Nutrition Programs)/Loi modifiant la Loi sur les écoles publiques (programmes d'alimentation):

Sandy Nemeth

Manitoba School Boards Association

Your Committee received the following two written submissions on **Bill (No. 230)** – The Municipal Councils and School Boards Elections Amendment Act/Loi modifiant la Loi sur les élections municipales et scolaires:

Sandy Nemeth
Denys Volkov

Manitoba School Boards Association
Association of Manitoba Municipalities

Your Committee received the following written submission on **Bill (No. 238)** – The Personal Care Home Accountability Act (Various Acts Amended)/Loi sur la responsabilisation des foyers de soins personnels (modification de diverses lois):

Diana Rasmussen

Family Advisory Council from Oakview Place

Bills Considered and Reported

- **Bill (No. 218)** – An Act Respecting the Title "Associate Judge" (Various Acts Amended)/Loi sur la désignation de juge puîné (modification de diverses lois)

Your Committee agreed to report this Bill with the following amendment:

THAT Clause 67 of the Bill be replaced with the following:

Coming into force

67 This Act comes into force 120 days after the day it receives royal assent.

- **Bill (No. 222)** – The Public Schools Amendment Act (Nutrition Programs)/Loi modifiant la Loi sur les écoles publiques (programmes d'alimentation)

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 230)** – The Municipal Councils and School Boards Elections Amendment Act/Loi modifiant la Loi sur les élections municipales et scolaires

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 237)** – The Advanced Education Administration Amendment Act/Loi modifiant la Loi sur l'administration de l'enseignement postsecondaire

Your Committee agreed to report this Bill with the following amendment.

THAT Clause 4 of the Bill be replaced with the following:

Coming into force

4 This Act comes into force on a day to be fixed by proclamation.

- **Bill (No. 238)** – The Personal Care Home Accountability Act (Various Acts Amended)/Loi sur la responsabilisation des foyers de soins personnels (modification de diverses lois)

Your Committee agreed to report this Bill with the following amendments.

Your committee voted to defeat Clause 4 of the Bill.
Your committee voted to defeat Clause 5 of the Bill.

THAT the following be added after Part 3 of the Bill:

PART 3.1

CONDITIONAL AMENDMENTS

Conditional amendments

7.1 *If Bill 23, introduced in the Fifth Session of the 42nd Legislature and titled **The Vulnerable Persons Living with a Mental Disability Amendment Act**, receives royal assent,*

(a) the heading for Part 3 is replaced with "THE ADULTS LIVING WITH AN INTELLECTUAL DISABILITY ACT";

(b) section 6 is replaced with the following:

C.C.S.M. c. A6.1 amended

6 ***The Adults Living with an Intellectual Disability Act*** is amended by this Part.

(c) section 7 is amended insofar as it enacts subsection 25.4(1), by striking out "a vulnerable person" and substituting "an adult living with an intellectual disability".

THAT Clause 8 of the Bill be replaced with the following:

Coming into force

8 *This Act comes into force on a day to be fixed by proclamation.*

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

Hon. Mr. KHAN, the Minister of Sport, Culture and Heritage, made a statement regarding the Winnipeg Sea Bears.

MLA ASAGWARA and, by leave, Ms. LAMOUREUX commented on the statement.

Pursuant to Rule 28(1), Mr. PEDERSEN, MLA ASAGWARA and Messrs. MICHALESKI, WASYLIW and MICKLEFIELD made Members' Statements.

Following Oral Questions, Madam Speaker made the following ruling:

Following the Prayer and Land Acknowledgement on April 26, 2023, the Honourable Member for Union Station raised a Matter of Privilege regarding comments made by the Honourable Minister for Education and Early Childhood Learning. The Member referenced the fact that during Oral Questions on April 25, 2023, the Minister stated that the Leader of the Official Opposition “seems to stand in this House on a day to day basis, pretending to be some kind of actor. He's no Adam Beach”.

The Honourable Member for Union Station contended that this was a disrespectful and demeaning remark made with a racial connotation regarding the Leader of the Official Opposition. The Member stated that language like this interferes with and prevents MLAs from doing their jobs, and as a result breaches their privileges as Members of this House.

The Member concluded their remarks by moving:

That the House call on the Minister of Education to apologize immediately and to fully and unconditionally retract his remarks.

The Honourable Minister for Education and Early Childhood Learning spoke to the Matter of Privilege, offering a conditional apology while disputing the Member's allegations. The Honourable Member for River Heights also spoke to the matter before I took it under advisement.

As Members know, there are two conditions that must be satisfied in order for a Matter raised to be ruled in order as a prima facie case of Privilege: was the issue raised at the earliest opportunity, and was sufficient evidence provided to support the Member's claim that their privileges or the privileges of the House were breached?

In their submission on this Matter, the Honourable Member for Union Station indicated that this was their earliest opportunity to raise this Matter in the House and I accept the Member's word on that point. On the second condition of whether the Member provided sufficient evidence to support a *prima facie* case of Privilege, there are several factors to consider.

In raising this Matter the Honourable Member for Union Station shared some salient points about the importance of the privilege of free speech in this House, as well as the limitations of free speech. I would expand on those points by referencing a passage from page 92 of the Third Edition of *House of Commons Procedure and Practice*:

Freedom of speech permits Members to speak freely in the Chamber during a sitting or in committees during meetings while enjoying complete immunity from prosecution or civil liability for any comment they might make. This freedom is essential for the effective working of the House...

In ruling on a question of privilege in 1984, Speaker Bosley affirmed that “the privilege of a Member of Parliament when speaking in the House or in a committee is absolute, and that it would be very difficult to find that any statement made under the cloak of parliamentary privilege constituted a violation of that privilege”.

I am concerned about the comments made by the Honourable Minister for Education and Early Childhood Learning, and I can understand how they caused offence and triggered concerns about racialization. However, I am also mindful of these comments from Speaker Bosley. In my opinion, the Minister's comments were misguided and hurtful, but I do not believe they form the basis of a breach of privilege in this context, and I would therefore rule that a *prima facie* case of privilege was not established in this case

This is not to say at all that I condone the Minister's comments. You have all heard me state in this House that as a group we should be doing better, and in my opinion this was not an example of better behaviour. It is unfortunately ironic that on the very day this Matter was raised I ruled on a previous Matter of Privilege where I affirmed the need for better and more respectful decorum between Members.

Echoing those sentiments, on pages 97 and 98 of the Third Edition of *House of Commons Procedure and Practice* it is noticed that in 1987 Speaker Parent emphasized the need for Members to use great care in exercising their right to speak freely in the House and he said:

Paramount to our political and parliamentary systems is the principle of freedom of speech, a member's right to stand in this House unhindered to speak his or her mind. However when debate in the House centres on sensitive issues, as it often does, I would expect that members would always bear in mind the possible effects of their statements and hence be prudent in their tone and choice of words.

I would urge the Honourable Minister for Education and Early Childhood Learning, and all Members, to bear these sentiments in mind when speaking in this place.

Regarding the issue of comments made in this House that could be considered racist, I would again urge caution and counsel all Members to be respectful in their remarks in debate. We should all be sensitive to the fact that our society's history is crowded with examples of racialized remarks and actions causing great pain and hardship to many, many people. There is absolutely no need for any further such remarks being shared in this Chamber.

Finally, I would like to address the comments made by the Honourable Minister for Education and Early Childhood Learning when he was responding to the Honourable Member for Union Station raising this Matter of Privilege on April 26, 2023. Rather than apologizing unequivocally, the Minister chose to dispute the matter and, in my opinion, he made the situation worse with more insensitive comments. In the future I would encourage Members to make such apologies unequivocally.

Thank you for your attention to this ruling.

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

MLA MARCELINO – To urge the Provincial Government to modify the construction industry minimum wage schedule to implement a 14% increase to the Heat and Frost Insulator trade to reflect a wage of \$34.23 in 2024.

Mr. MALOWAY – To urge the Provincial Government to bring in Consumer Protection legislation directing Manitoba Public Insurance to initiate credits to Manitobans for engraving Vehicle Identification Numbers on their catalytic converters.

By leave, the House agreed to call the following Bills for Concurrence and Third Reading, despite the fact they are not listed on the Order Paper, and to not see the clock until consideration of these Bills, and Bill (No. 204) – The Drivers and Vehicles Amendment Act (Licence Plates for MMIWG2S Awareness)/Loi modifiant la Loi sur les conducteurs et les véhicules (plaques d'immatriculation pour la sensibilisation aux femmes, aux filles et aux personnes bispirituelles autochtones disparues et assassinées) is completed:

- Bill (No. 230) – The Municipal Councils and School Boards Elections Amendment Act/Loi modifiant la Loi sur les élections municipales et scolaires,
- (No. 231) – The Residential Tenancies Amendment Act (2)/Loi n° 2 modifiant la Loi sur la location à usage d'habitation,
- Bill (No. 233) – The Chartered Professionals in Human Resources Act/Loi sur les conseillers en ressources humaines agréés,
- Bill (No. 239) – The Residential Tenancies Amendment Act (Application Fees and Deposits)/Loi modifiant la Loi sur la location à usage d'habitation (frais de demande et dépôts),
- Bill (No. 229) – The Farmers' Markets Week Act (Commemoration of Days, Weeks and Months Act Amended)/Loi sur la Semaine des marchés fermiers (modification de la Loi sur les journées, les semaines et les mois commémoratifs),
- Bill (No. 240) – The Remembrance Day Amendment Act/Loi modifiant la Loi sur le jour du Souvenir,
- Bill (No. 242) – The Police and Peace Officers' Memorial Day Act (Commemoration of Days, Weeks and Months Act Amended)/Loi sur la Journée commémorative des policiers et des agents de la paix (modification de la Loi sur les journées, les semaines et les mois commémoratifs),
- Bill (No. 244) – The Ducks Unlimited Canada Day Act (Commemoration of Days, Weeks and Months Act Amended)/Loi sur la Journée de Canards Illimités Canada (modification de la Loi sur les journées, les semaines et les mois commémoratifs),
- Bill (No. 218) – An Act Respecting the Title "Associate Judge" (Various Acts Amended)/Loi sur la désignation de juge puîné (modification de diverses lois),
- Bill (No. 222) – The Public Schools Amendment Act (Nutrition Programs)/Loi modifiant la Loi sur les écoles publiques (programmes d'alimentation),
- Bill (No. 227) – The Workplace Safety and Health Amendment Act (Access to Washrooms for Delivery Persons)/Loi modifiant la Loi sur la sécurité et l'hygiène du travail (accès aux toilettes lors de livraisons),
- Bill (No. 241) – The Mandatory Training for Provincial Employees (Systemic Racism and Human Rights) Act/Loi sur la formation obligatoire des employés provinciaux (racisme systémique et droits de la personne),
- Bill (No. 238) – The Personal Care Home Accountability Act (Various Acts Amended)/Loi sur la responsabilisation des foyers de soins personnels (modification de diverses lois).

The House resolved into Committee of the Whole.

Bill (No. 204) – The Drivers and Vehicles Amendment Act (Licence Plates for MMIWG2S Awareness)/Loi modifiant la Loi sur les conducteurs et les véhicules (plaques d'immatriculation pour la sensibilisation aux femmes, aux filles et aux personnes bispirituelles autochtones disparues et assassinées), was considered in Committee of the Whole and reported with the following amendment:

THAT Clause 3 of the Bill be amended

(a) in the proposed subsection 60.2(2), by adding "and" at the end of clause (a) and replacing clauses (b) and (c) with the following:

(b) depicts either a red hand or a red dress.

(b) in the proposed subsection 60.2(3), by striking out "or a portion".

Mr. ISLEIFSON moved:

THAT Bill (No. 230) – The Municipal Councils and School Boards Elections Amendment Act/Loi modifiant la Loi sur les élections municipales et scolaires, reported from the Standing Committee on Social and Economic Development, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Mr. ISLEIFSON, Ms. NAYLOR and Hon. Mr. GERRARD having spoken,

And the Question being put. It was agreed to.

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

Mr. MICHALESKI moved:

THAT Bill (No. 231) – The Residential Tenancies Amendment Act (2)/Loi n° 2 modifiant la Loi sur la location à usage d'habitation, reported from the Committee of the Whole, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Messrs. MICHALESKI and SANDHU and Hon. Mr. GERRARD having spoken,

And the Question being put. It was agreed to.

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

Mr. MARTIN moved:

THAT Bill (No. 233) – The Chartered Professionals in Human Resources Act/Loi sur les conseillers en ressources humaines agréés, reported from the Committee of the Whole, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Mr. MARTIN, MLA MARCELINO and Hon. Mr. GERRARD having spoken,

And the Question being put. It was agreed to.

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

Mr. MICKLEFIELD moved:

THAT Bill (No. 235) – The Employment Standards Code Amendment Act/Loi modifiant le Code des normes d'emploi, reported from the Committee of the Whole, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Mr. MICKLEFIELD, Ms. NAYLOR and Hon. Mr. GERRARD having spoken,

And the Question being put. It was agreed to.

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

Mr. MICKLEFIELD moved:

THAT Bill (No. 239) – The Residential Tenancies Amendment Act (Application Fees and Deposits)/Loi modifiant la Loi sur la location à usage d'habitation (frais de demande et dépôts), reported from the Committee of the Whole, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Messrs. MICKLEFIELD and SALA and Hon. Mr. GERRARD having spoken,

And the Question being put. It was agreed to.

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

Mr. WISHART moved:

THAT Bill (No. 229) – The Farmers’ Markets Week Act (Commemoration of Days, Weeks and Months Act Amended)/Loi sur la Semaine des marchés fermiers (modification de la Loi sur les journées, les semaines et les mois commémoratifs), reported from the Committee of the Whole, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Messrs. WISHART and BRAR and Hon. Mr. GERRARD having spoken,

And the Question being put. It was agreed to.

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

Mr. ISLEIFSON moved:

THAT Bill (No. 240) – The Remembrance Day Amendment Act/Loi modifiant la Loi sur le jour du Souvenir, reported from the Committee of the Whole, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Mr. ISLEIFSON, MLA FONTAINE and Hon. Mr. GERRARD having spoken,

And the Question being put. It was agreed to.

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

Mr. ISLEIFSON moved:

THAT Bill (No. 242) – The Police and Peace Officers’ Memorial Day Act (Commemoration of Days, Weeks and Months Act Amended)/Loi sur la Journée commémorative des policiers et des agents de la paix (modification de la Loi sur les journées, les semaines et les mois commémoratifs), reported from the Committee of the Whole, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Mr. ISLEIFSON, MLA FONTAINE and Hon. Mr. GERRARD having spoken,

And the Question being put. It was agreed to.

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

Mr. WOWCHUK moved:

THAT Bill (No. 244) – The Ducks Unlimited Canada Day Act (Commemoration of Days, Weeks and Months Act Amended)/Loi sur la Journée de Canards Illimités Canada (modification de la Loi sur les journées, les semaines et les mois commémoratifs), reported from the Committee of the Whole, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Messrs. WOWCHUK and WIEBE and Hon. Mr. GERRARD having spoken,

And the Question being put. It was agreed to.

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

MLA FONTAINE moved:

THAT Bill (No. 218) – An Act Respecting the Title "Associate Judge" (Various Acts Amended)/Loi sur la désignation de juge puîné (modification de diverses lois), as amended and reported from the Standing Committee on Social and Economic Development, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And MLA FONTAINE and Ms. LAMOUREUX having spoken,

And the Question being put. It was agreed to.

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

Mr. ALTOMARE moved:

THAT Bill (No. 222) – The Public Schools Amendment Act (Nutrition Programs)/Loi modifiant la Loi sur les écoles publiques (programmes d'alimentation), reported from the Standing Committee on Social and Economic Development, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Mr. ALTOMARE and Ms. LAMOUREUX having spoken,

And the Question being put. It was agreed to.

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

Mr. SANDHU moved:

THAT Bill (No. 227) – The Workplace Safety and Health Amendment Act (Access to Washrooms for Delivery Persons)/Loi modifiant la Loi sur la sécurité et l'hygiène du travail (accès aux toilettes lors de livraisons), reported from the Committee of the Whole, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Mr. SANDHU and Ms. LAMOUREUX having spoken,

And the Question being put. It was agreed to.

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

Mr. MOSES moved:

THAT Bill (No. 241) – The Mandatory Training for Provincial Employees (Systemic Racism and Human Rights) Act/Loi sur la formation obligatoire des employés provinciaux (racisme systémique et droits de la personne), reported from the Committee of the Whole, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Mr. MOSES and Ms. LAMOUREUX having spoken,

And the Question being put. It was agreed to.

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

Mrs. SMITH (Point Douglas) moved:

THAT Bill (No. 204) – The Drivers and Vehicles Amendment Act (Licence Plates for MMIWG2S Awareness)/Loi modifiant la Loi sur les conducteurs et les véhicules (plaques d'immatriculation pour la sensibilisation aux femmes, aux filles et aux personnes bispirituelles autochtones disparues et assassinées), as amended and reported from the Committee of the Whole, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Mrs. SMITH (Point Douglas), Ms. LAMOUREUX and Hon. Mr. GOERTZEN having spoken,

And the Question being put. It was agreed to.

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

Monday, May 29, 2023

Hon. Mr. GERRARD moved:

THAT Bill (No. 238) – The Personal Care Home Accountability Act (Various Acts Amended)/Loi sur la responsabilisation des foyers de soins personnels (modification de diverses lois), as amended and reported from the Standing Committee on Social and Economic Development, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Hon. Mr. GERRARD 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 4:41 p.m. until 10:00 a.m. Tuesday, May 30, 2023.

Hon. Myrna DRIEDGER,
Speaker.