



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 10

SECOND SESSION, FORTY-THIRD LEGISLATURE

PRAYER AND LAND ACKNOWLEDGEMENT

10:00 O’CLOCK A.M.

MLA PANKRATZ moved:

THAT Bill (No. 210) – The Indigenous Veterans Day Act (Commemoration of Days, Weeks and Months Act Amended)/Loi sur la Journée des anciens combattants autochtones (modification de la Loi sur les journées, les semaines et les mois commémoratifs), be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And MLA PANKRATZ having spoken,

And Mr. PERCHOTTE, Hon. Min. CABLE, MLA BEREZA, Ms. BYRAM, MLA LOISELLE and Mr. JACKSON having questioned the Member,

And the debate continuing,

And Mr. PERCHOTTE, MLA BEREZA, Ms. BYRAM and MLA CROSS having spoken,

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

MLA COMPTON moved:

Resolution No. 2: Supporting the Provincial Government on 800 New Hip and Knee Surgeries

WHEREAS the previous, failed PC Provincial Government cut health services and closed ERs; and

WHEREAS the previous, failed PC Provincial Government closed beds and fired health care workers; and

WHEREAS the previous, failed PC Provincial Government allowed wait times to rise under its watch; and

WHEREAS the previous, failed PC Provincial Government sent Manitobans out of province for surgeries they deserved to have closer to home; and

Tuesday, December 3, 2024

WHEREAS the previous, failed PC Provincial Government disrespected health-care workers causing them to leave public health care; and

WHEREAS the previous, failed PC Provincial Government cut hours for rural ERs and closed rural EMS stations; and

WHEREAS Manitobans voted for the New Democratic Party to rebuild health care in Manitoba; and

WHEREAS the current Provincial Government has opened 197 beds to help reduce wait-times; and

WHEREAS the current Provincial Government has hired 873 net new health-care workers to staffed integral health services; and

WHEREAS the current Provincial Government is hiring two new surgeons and one anesthesiologist to expand capacity at the Selkirk Regional Health Centre and ease the surgical backlog; and

WHEREAS the current Provincial Government has introduced seven-day-a-week discharge in hospitals so more Manitobans can get the care they need; and

WHEREAS the current Provincial Government is improving access to health services by opening new extended hour clinics during evenings and weekends; and

WHEREAS the current Provincial Government is reopening emergency rooms across the province, including the Carberry ER, the Victoria Hospital ER, and Eriksdale ER.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba be urged to support the Provincial Government in efforts to bring in 800 new hip and knee surgeries to Selkirk Regional Health Centre.

And a debate arising,

And MLA COMPTON having spoken,

And Mrs. COOK, MLA DELA CRUZ, Mr. BALCAEN, MLA BEREZA and Mrs. HIEBERT having questioned the Member,

And the debate continuing,

And Mrs. COOK and Messrs. BALCAEN and SCHULER having spoken,

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

1:30 O’CLOCK P.M.

MLA COMPTON, Chairperson of the Standing Committee on Legislative Affairs, presented its First Report, which was read as follows:

Meetings

Your Committee met on December 2, 2024 at 6:00 p.m. in Room 255 of the Legislative Building.

Matters under Consideration

- Annual Report of Elections Manitoba for the year ending December 31, 2022
- Annual Report of Elections Manitoba for the year ending December 31, 2023
- Elections Manitoba Proposal: Vote Anywhere in Manitoba on Election Day at any Returning Office dated October 2024

Committee Membership

- Mr. BALCAEN
- MLA COMPTON
- MLA CROSS
- Hon. Min. FONTAINE
- Mr. PERCHOTTE
- Hon. Mr. WIEBE

Your Committee elected MLA COMPTON as the Chairperson.

Your Committee elected MLA CROSS as the Vice-Chairperson.

Non-Committee Members Speaking on Record

- Mr. JACKSON

Officials Speaking on Record

- Shipra Verma, Chief Electoral Officer, Elections Manitoba

Motions

Your Committee agreed to the following motion:

- *THAT pursuant to subsections 28.1(4.2) and 28.1(5) of The Elections Act, the Standing Committee on Legislative Affairs approve the proposal to modify the voting process tabled in the House on October 28, 2024, and recommend that the Chief Electoral Officer direct that the voting process be modified for upcoming by-elections and the next general election.*

Reports Considered and Passed

Your Committee considered and passed the following reports as presented:

- Annual Report of Elections Manitoba for the year ending December 31, 2022
- Annual Report of Elections Manitoba for the year ending December 31, 2023

On motion of MLA COMPTON, the Report of the Committee was received.

Hon. Min. FONTAINE, the Minister responsible for Accessibility, made a statement regarding today being International Day of Persons with Disabilities.

Ms. BYRAM commented on the statement.

Pursuant to sub-rule 28(1), Hon. Min. KENNEDY, MLA LAGASSÉ, Hon. Min. SANDHU, Ms. BYRAM and Hon. Min. SCHMIDT made Member's statements.

Following Oral Questions, the Speaker made the following ruling:

Following the delivery of the Speech from the Throne by Her Honour the Lieutenant Governor and the introduction of Bill 1 on November 19, 2024, the Honourable Member for Springfield-Ritchot raised a matter of privilege alleging that he and several of his colleagues have been denied office space in the Legislative Building since September 23, 2024. He further alleged that in limiting access to and removing confidential materials from his office space, his privileges as a Member had been breached. The Member concluded his remarks by moving:

THAT this matter be referred to the Standing Committee on Justice for review.

The Honourable Government House Leader and the Honourable Member for Fort Garry spoke to the matter before I took it under advisement.

As the House knows, for a matter of privilege to be ruled a *prima facie* case, the Member must demonstrate that the issue has been raised at the earliest opportunity while also providing sufficient evidence that the privileges of the House have been breached.

On the condition of timeliness, in his submission the Member alleged that some of the specific incidences he referred to occurred while the House was not sitting in the November break week. Accordingly, he stated that the first day of session was the first available time that he could rise on this matter. Despite the fact that some of the events in question occurred prior to the break week, given that a key event described by the Member occurred when the House was not sitting, I would generally agree with his assessment, and I am therefore ruling that the Member met the test of timeliness.

Regarding the second condition of whether a *prima facie* case was demonstrated, the Member for Springfield-Ritchot made two allegations in his submission:

1. Since September 23, 2024, he and several colleagues had been without office space in this building.

2. On Wednesday, November 13, 2024, documents and files were removed from opposition office spaces and were not returned to the affected MLAs or given to their caucus offices, but instead were moved to another office in the building.

The Member further alleged that “it has been reported that staff from the NDP caucus were present to oversee this removal of confidential files”. The Member also stated that he found it unacceptable that much of the communication about these office moves had not come from “an officer of this House, or” from “an official, but rather from the NDP Caucus Director”. The Member concluded that not having an office space in the building and the alleged breach of confidentiality impacted his “ability to properly participate in this House and to fully and properly represent the citizens of Springfield-Ritchot”.

As the Speaker of this House, I find these allegations concerning. However, there are three problems with the Member’s submission.

First, there is the matter of jurisdiction. In his conclusion, the Member stated that:

“Seeing as this House has sole authority over its own affairs and” that “we have not delegated that authority to the NDP caucus director, I suggest that we send this to the appropriate body to get to the bottom of what went wrong and establish firm rules protecting opposition confidentiality files and the allocation of office space.”

To support this suggestion, the Member cited Bosc and Gagnon on page 59 of the third edition of *House of Commons Procedure and Practice*, which states that “the rights and powers of the House as a collectivity [include] the exclusive right to regulate its own internal affairs (including its debates, proceedings and facilities)”.

It is important to note, however, that Manitoba is one of only three jurisdictions in Canada where the Speaker does not have the authority over the entire Legislative Precinct. Accordingly, the Assembly does not have authority to assign office space in the Legislative Building, nor to delegate that authority. Other than the Chamber, Committee rooms, and Assembly offices, the facilities of the Legislature are under the management of the government of the day. I reference this because the way the Member characterized this arrangement was inaccurate and I believe it is important to clarify this for the House.

Second, there is a problem with the Member’s account of the two House of Commons Speaker’s rulings he referenced. He cited a ruling from 1999, stating that Speaker Parent ruled that picketers preventing MPs from accessing their offices on sitting days was a *prima facie* case of contempt of the House. However, that was not an accurate description of that event or the Speaker’s decision. In reviewing that ruling, I learned that while the matter did relate to picket lines set up by members of the Public Service Alliance of Canada, which blocked access to Parliament Hill and its buildings, the finding of a breach of contempt related specifically to the fact that one of the MPs was assaulted when trying to reach his office.

The Member also cited a 1991 ruling regarding an incident when an independent Member of Parliament had his office and its contents moved without his consent, noting that Speaker Fraser expressed how important it is that legal counsel oversaw the moving of those files and could attest to their security and confidentiality. Again, the Member did not relate the whole story here. In his ruling, Speaker Fraser stated that while the Member might have had a valid complaint, it was an administrative matter and not a question of privilege. Speaker Fraser also noted that there was more to the story than what had been shared by the Member.

Speaker Fraser's last point brings me to the third problem with the Member's submission. The Member spoke at some length about his allegations, but he provided no specific evidence regarding the circumstances he described. For example, stating that it was "reported" that the NDP caucus staff were present when files were moved does not amount to proof of that action. This creates a challenge for me, as your Speaker, in making a determination of facts in this case. If opposition Members' files and documents were actually moved by NDP caucus staff, that could be problematic. However, the Member presented no proof as to who moved the files and documents. Therefore, I find that the Member did not provide sufficient evidence to demonstrate that his privileges have been breached.

Accordingly, while I find this entire situation concerning, from a procedural perspective and considering all the information I have shared with the House, I must rule that the *prima facie* case of privilege was not established in this matter.

I will conclude by noting that while this situation did not meet the test of a valid matter of privilege, it remains a concern. If the caucuses are interested in having a discussion about how office space is allocated in this building, as your Speaker I would be open to participating in such a conversation.

Thank you for your attention to this ruling.

From his decision, Mr. JOHNSON appealed to the House.

And the Question being put, "Shall the ruling of the Chair be sustained?"

It was agreed to, on the following division:

AYE

ASAGWARA	MARCELINO
BLASHKO	MOROZ
BRAR	MOSES
BUSHIE	MOYES
CABLE	NAYLOR
CHEN	OXENHAM
COMPTON	PANKRATZ
CROSS	REDHEAD
DELA CRUZ	SALA
DEVGAN	SANDHU
FONTAINE	SCHMIDT
KENNEDY	SCHOTT
KOSTYSHYN	SIMARD
LOISELLE	WIEBE 28

NAY

BALCAEN	KHAN
BEREZA	KING
BYRAM	NARTH
COOK	NESBITT
EWASKO	PERCHOTTE
GOERTZEN	SCHULER
GUENTER	STONE
HIEBERT	WASYLIW
JACKSON	WHARTON
JOHNSON	WOWCHUK..... 20

Mr. WASYLIW tabled:

Request for Opinion Regarding Compliance of Hon. Mr. KINEW with *The Conflict of Interest (Members and Ministers) Act*, dated December 3, 2024.

(Sessional Paper No. 4)

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

Mr. EWASKO – To urge the Minister of Education and Early Childhood Learning to reverse recent amendments to the Teaching Certificates and Qualifications Regulation that weaken subject-area requirements for teacher certification, and to reinstate teachable majors and minors and early-middle years requirements, which are essential for ensuring teachers have strong knowledge in core subject areas; and to urge the Provincial Government to address teacher shortages through alternative measures that uphold rigorous subject-area standards, which are critical for providing quality education to all Manitoba students.

Mr. WOWCHUK – To urge the Provincial Government to address the much needed rehabilitation of Provincial Road 275 to ensure public safety; provide results of the MTI investigation into the Town and Municipality and provide immediate funding for the repairs of PR 275; and address the drainage issues on PR 275 and create permanent solutions so that flooding can be avoided.

Mr. KHAN – To urge the Provincial Government to lobby the Federal Government to stop the expansion of medical assistance in dying to those for whom mental illness is the sole condition; and to protect Canadians struggling with mental illness by facilitating treatment, recovery, and medical assistance in living, not death.

Mr. WASYLIW – To urge the Provincial Government, including associated service providers, to adopt Marin’s Principle and to comply with Supreme Court of Canada judgments, the Charter of Rights and Freedoms, and the Human Rights Code; to ensure public classroom teachers are fully trained in methods and philosophies explicitly created for children with learning disabilities with no restriction to a single program or product; to commit to funding for private literacy services, (for children at their parent’s discretion), for all who are currently learning-disabled (diagnosed/suspected), with no penalty of discontinued instruction in public school, so they can become functionally literate and gain knowledge and skills like their peers; to commit funding for private counselling so each learning-disabled adult, diagnosed/suspected, has their choice of therapist to help overcome education trauma due to adverse provincial curriculum and policies, for private literacy instruction, at their discretion, to become functionally literate and for access to evidence-aligned senior year classes that were missed so they can graduate with the education they have always had a right to receive; and to provide compensation for harm and loss of income for Manitobans with learning disabilities who remain functionally illiterate (level two) after the age of 18.

MLA BEREZA – To urge the Provincial Government to support the investment and placement of an MRI machine in the Portage Regional Health Facility in Portage la Prairie, Manitoba.

Ms. BYRAM – To urge the Provincial Government to address the conditions of Provincial Trunk Highway 34, making the necessary upgrades to RTAC standard and to resurface the road once the new bridge has been completed.

Mrs. HIEBERT – To urge the Provincial Government to take immediate action and recognize the critical need of this wastewater project for economic growth and environmental stability by committing to advocating and working with the Federal Government to close the gap with additional funding for Morden’s wastewater treatment system; and to ensure all levels of government and regulatory bodies will expedite necessary funding and approvals necessary to advance the Morden wastewater project with no further delay and ensure no hindrance to growth and economic development for Morden and southern Manitoba.

Tuesday, December 3, 2024

Mr. GOERTZEN – To urge the Provincial Government to lobby the Federal Government to stop the expansion of medical assistance in dying to those for whom mental illness is the sole condition; and to protect Canadians struggling with mental illness by facilitating treatment, recovery, and medical assistance in living, not death.

Mr. GUENTER – To urge the Provincial Government to remove the federal carbon tax on home heating bills for all Manitobans to provide them much needed relief.

Mr. JACKSON – To urge the Minister of Education and Early Childhood Learning to reverse recent amendments to the Teaching Certificates and Qualifications Regulation that weaken subject-area requirements for teacher certification, and to reinstate teachable majors and minors and early-middle years requirements, which are essential for ensuring teachers have strong knowledge in core subject areas; and to urge the Provincial Government to address teacher shortages through alternative measures that uphold rigorous subject-area standards, which are critical for providing quality education to all Manitoba students.

Mr. KING – To urge the Minister of Education and Early Childhood Learning to reverse recent amendments to the Teaching Certificates and Qualifications Regulation that weaken subject-area requirements for teacher certification, and to reinstate teachable majors and minors and early-middle years requirements, which are essential for ensuring teachers have strong knowledge in core subject areas; and to urge the Provincial Government to address teacher shortages through alternative measures that uphold rigorous subject-area standards, which are critical for providing quality education to all Manitoba students.

Mrs. STONE – To urge the Provincial Government to remove the federal carbon tax on home heating bills for all Manitobans to provide them much needed relief.

Mr. NARTH – To urge the Minister of Transportation and Infrastructure to prioritize the reconstruction of Provincial Road 210; and to urge the Provincial Government to include the stretch of Provincial Road 210 from Woodridge to Highway 12 in its reconstruction plans.

Mr. BALCAEN – To urge the Provincial Government to immediately put forward a plan to increase breast cancer screening capacity and lower the breast cancer screening age to 40.

Mrs. COOK – To urge the Provincial Government to proceed with the planned renovation and expansion of Phoenix School without further delay.

The House then adjourned at 5:00 p.m. until 1:30 p.m. Wednesday, December 4, 2024.

Hon. Tom LINDSEY,
Speaker.