



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 4

THIRD SESSION, FORTY-SECOND LEGISLATURE

PRAYER

1:30 O'CLOCK P.M.

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

(No. 3) – The Public Service Act/Loi sur la fonction publique

(Hon. Mr. HELWER)

(No. 4) – The Retail Business Hours of Operation Act (Various Acts Amended or Repealed)/Loi sur les heures d'ouverture des commerces de détail (modification ou abrogation de diverses lois)

(Hon. Mr. FIELDING)

(No. 300) – The United Church of Canada Amendment Act/Loi modifiant la Loi sur l'Église-unie du Canada

(Mr. NESBITT)

Hon. Mrs. COX presented:

Annual Report of the Manitoba Arts Council for the fiscal year ending March 31, 2020.

(Sessional Paper No. 6)

Hon. Mr. CULLEN presented:

Annual Report of Legal Aid Manitoba for the fiscal year ending March 31, 2020.

(Sessional Paper No. 7)

Hon. Mrs. COX, the Minister of Status of Women, made a statement regarding International Day of the Girl.

Ms. MARCELINO commented on the statement.

Pursuant to Rule 27(1), Mr. LINDSEY, Ms. NAYLOR, Mr. SMOOK, Ms. LAMOUREUX and Mr. NESBITT made Members' Statements.

Following Oral Questions, Madam Speaker made the following ruling:

On March 11, 2020 the Honourable Member for Concordia raised a Matter of Privilege regarding the government's failure to bring forward their first quarter financial report and how in doing so, the government has impeded the Member's ability to do his job and to hold the government to account. The Member concluded his remarks 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 both spoke to the Matter of Privilege before I 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 for Concordia stated that the phrase "earliest opportunity" should be understood in a reasonable manner and it should take into account the realistic functioning of the Legislature. However, the Member did not explain what it was that prevented him from raising this matter earlier. The first quarter financial report is usually released early in the fall and therefore, the Member had ample time to research this matter and raise it in the House last year. Accordingly, I am ruling that the condition of timeliness was not met in this case.

Regarding the second condition, the Member argued that by failing to issue a first quarter financial report, the government impeded the Member's ability to do his job and to hold the government to account.

On the matter of tabling documents by a Minister, Bosc and Gagnon House of Commons Procedure and Practice – 3rd edition cites a ruling of Speaker Fraser from 1993, which can be found on page 443, citation 106. The Speaker ruled that a prima facie breach of privilege had occurred when the government failed to table a document required by statute in a timely manner. This is a key element of finding a prima facie breach of privilege: a Member raising the issue must identify where in legislation there is a requirement that the specific document be tabled in the House.

When raising this Matter of Privilege, the Honourable Member for Concordia did not indicate any statute requiring the tabling of the first quarter financial report. The Financial Administration Act requires the Minister of Finance to lay a copy of the Public Accounts before the Legislative Assembly. However, there is no mention regarding the number of financial updates required or whether they need to be tabled in the House.

This approach has also been followed by past Manitoba Speakers, as Speaker Hickes ruled on a similar matter in 2004 as follows: “I would like to advise the House that I have checked the procedural authorities, and there is no reference or citation that advises that it is a matter of privilege if a government does not table information when requested to do so, with the exception of items that are required to be tabled by statute.”

I would therefore rule that the Honourable Member does not have a prima facie Matter of Privilege.

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

Mr. WIEBE – 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 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.

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.

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

THAT the following Address be presented to Her Honour the Lieutenant Governor:

We, the Members of the Legislative Assembly of Manitoba, thank your Honour for the gracious speech addressed to us at this Third Session of the Forty-Second Legislature of Manitoba.

And the proposed amendment moved by Mr. KINEW as follows:

THAT the motion be amended by adding at the end the following words:

But this House regrets that the Provincial Government has:

- a) failed to match the commitment Manitobans have shown in fighting the pandemic and recession with an equivalent effort to make things better for families, workers, seniors and business across the province; and

- b) failed to develop or implement a real and comprehensive plan to address the health care and economic needs laid bare by the COVID-19 pandemic and has instead pushed forward on a path of cuts, privatization and attacks on workers; and
- c) further undermined the health care system by refusing to invest in increases to testing capacity, testing sites, supports for patients waiting to obtain a test, and refused to arrange a system for test bookings to alleviate wait times; and
- d) failed—seniors and elders in Manitoba by raising fees on residents of personal care homes during the pandemic, cutting home care services, freezing personal care home supports for years on end, and limiting access and increasing costs for seniors to obtain prescription drugs while shifting the burden of care for this vulnerable group of Manitobans by pushing more responsibilities to families; and
- e) continued to privatize essential parts of the health care system by refusing to invest in public health care and instead providing millions in contracts to for-profit corporations; and
- f) continued to undermine rural health care by moving ahead with their plan to close EMS stations across the province in communities like Grandview and closing ERs and labs in communities like Roblin and Shoal Lake; and
- g) cut Northern health care services such as closing the Flin Flon operating room during the pandemic and moving ahead with the privatization of Lifelight services; and
- h) refused to guarantee that all Federal funding for health care is spent at the bedside rather than on the Provincial Government’s other priorities; and
- i) refused to address the public health crisis by failing to provide long-term investments to community organizations and offer harm reduction initiatives which help Manitobans dealing with mental health and addictions get the help they need and reduce blood borne diseases; and
- j) failed to offer any acknowledgement of the needs of Black, Indigenous or People of Colour (BIPOC) Manitobans in the Throne Speech, and presented no comprehensive plan to help reduce and end poverty, and no real plan for community safety in Manitoba; and
- k) refused to recognize the disproportionate impact the pandemic has had on women in particular and refused to end the funding freeze for childcare centres across Manitoba putting many centres at risk of closing their doors, further harming Manitoba women, children and families; and
- l) diverted needed funds for childcare to high-priced consultants while early childhood educators have gone years without any wage or funding supports from the Provincial Government and continued to push the privatization of early learning and childcare services in the province instead of investing in public, affordable, accessible and high-quality childcare services; and

- m) offered no real or effective programs for small businesses to survive the pandemic, with no programs to help meet rent or cover costs associated with the purchase of PPE as many small businesses face the prospect of closing their doors; and
- n) continued to freeze funding for municipalities, forcing large communities like Winnipeg, Brandon, Thompson, Dauphin, and Selkirk and smaller communities like Gimli and St. Lazare to make difficult decisions on cuts to public services and programming that keep communities safe and welcoming; and
- o) failed again to present any commitments to build new social or affordable housing despite being able to access funds from the Federal Government and made the situation worse by selling government housing units; and
- p) continued to put the long-term success of Manitoba students at risk by pushing ahead with an out of date ‘review’ of the education system, having already eliminated small class sizes, slashed support services, fired education assistants, cut education funding and frozen teachers wages; and
- q) refused to offer a safe back to school plan to address the concerns of teachers, educators, students and parents by ensuring small class sizes, more supports in the classroom, using new and creative spots for classroom learning and failing to ensure federal money earmarked for education actually makes it to the classroom; and
- r) continued to increase tuition for post-secondary education during the pandemic while demanding millions in cuts from provincial colleges and universities after having cut important programs in colleges such as 75 nursing spots at Red River College; and
- s) interfered with Crown Corporations numerous times, most recently by directing Manitoba Hydro to break up and sell off subsidiaries owned by the corporation including Teshmont, Manitoba Hydro International and Manitoba Hydro Telecom; and
- t) failed to offer a plan to actually use the telecommunication assets of Manitoba Hydro to bring broadband to rural and northern Manitoba, instead pushing for these assets to be sold off; and
- u) failed again to listen to Manitoba producers who have overwhelmingly said that their approach to leasing Crown lands will cause irreparable harm to family farms in Manitoba that are already dealing with serious challenges due to climate change while also failing to provide them with insurance supports during a time of need; and
- v) continued to underspend highways infrastructure by hundreds of millions of dollars while also continuing to pursue the selling off of and privatization of infrastructure services; and
- w) cut supports for French language services at the Université de Saint-Boniface, Santé en Français, and translation services, and eliminated the Assistant Deputy Minister for the Bureau de l’éducation française; and

- x) failed to meaningfully consult with Indigenous leaderships for another year regarding the Lake St. Martin outlet channel and other initiatives that affect Indigenous rights and refused to properly recognize the legitimate rights and roles of Indigenous leadership on matters of harvesting and management of resources; and
- y) failed to implement a living wage, offered no supports for health and safety in workplaces, and are pushing ahead with a defence of a wage freeze law that was ruled to be unconstitutional; and
- z) ignored the needs of the northern communities who have lost hundreds of mining jobs by the failure to release any funds devoted to supporting mining communities; and
- aa) failed to take any meaningful action on climate change by continuing to pursue a wasteful challenge to the Federal Government's carbon tax, cutting support to local environmental groups, investing in programs for green jobs or actually make progress on important projects like upgrades to the North End Sewage Treatment Plant; and
- bb) failed to offer any supports to newcomers in the province, especially those newcomer workers who work in agricultural and manufacturing sectors every day.

As a consequence of these and many other failings, the Provincial Government has thereby lost the trust and confidence of the people of Manitoba and this House.

And the proposed sub-amendment moved by Mr. LAMONT as follows:

THAT the motion be amended by adding after clause (bb) the following clauses:

- cc) failed to adequately prepare personal care homes in Manitoba for the second wave of the pandemic, resulting in too many cases and deaths in personal care homes; and
- dd) failed to adequately test some COVID-19 related supplies like masks so that a large amount of money was spent wastefully in paying for substandard personal protective equipment; and
- ee) failed to maintain adequate home care services during the pandemic with the result that some seniors have not been sufficiently supported at home and have had to go into personal care homes where they are at greater risk of getting COVID-19 infections; and
- ff) failed on basic due diligence on the safety of health products, resulting in the purchase of \$1.2-million in hand sanitizer made from fuel ethanol that was a health hazard; and
- gg) failed to provide support for Manitoba businesses, many of whom still face bankruptcy because the Provincial Government will not compensate them for forced closures, and;
- hh) failed to provide supports for workers who have been hardest hit by the pandemic or to provide compensation for self-isolation, and:

- ii) failed to respond to the crisis in Early Learning and Education, choosing to follow a failed model of piecemeal private care instead of a strong public system, where all educators are paid fair wages while being recognized under the Education Department; and
- jj) failed to protect students, families, teachers and staff in the education by forcing a back-to-school plan that was initially unfunded, and refusing to commit to essential safety measures against Covid-19 in the public school system; and
- kk) failed to protect French language rights and services, by not having communications materials or Covid-19 questionnaires in French; and
- ll) failed to adhere to basic principles of justice and morality by introducing bills that usurp the power of the courts by cancelling court cases and voiding legal contracts while depriving plaintiffs of their day in court, and shielding Ministers from responsibility and accountability; and
- mm) failed to follow the basic duty of upholding the law and the constitution, by introducing bills that undermine fundamental constitutional rights, including the right to free speech, freedom of association and collective bargaining; and
- nn) failed to advance reconciliation by refusing to work in partnership with Indigenous communities and instead introducing bills that infringe on constitutional Indigenous rights; and
- oo) failed, again, to articulate any vision for growing Manitoba's economy other than yet another plan to plan; and
- pp) failed to provide access to children with disabilities, including learning disabilities in the K-to-12 education system; and
- qq) failed to achieve the eco-certification of the whitefish fishery on Lake Winnipeg and other lakes in Manitoba in order to enable better markets for Manitoba whitefish, at the same time ensuring the fishery is sustainable; and
- rr) failed to support municipalities in their efforts to represent the will of their citizens by promising to force private sector infrastructure projects which satisfy Progressive Conservative donors; and
- ss) failed to ensure conflict of interest legislation was in place to prevent a former Minister, within months of being defeated in the 2019 election, from being able to get a job with a private company that was recently awarded a very large contract from the Provincial Government to deliver crucial healthcare services to remote and northern Manitobans; and

- tt) failed to ensure that government officials abide by basic conflict of interest rules, allowing them to run side businesses including working on political campaigns that undermine any pretense of being impartial; and
- uu) failed to adequately address the issue of contaminated sites and lead exposure in St. Boniface and Weston in Winnipeg after years of reports which were not disclosed; and
- vv) failed to commit to systematic testing of blood lead levels in children aged one to three years of age in areas where known lead contamination exists from past or present industrial activity, older homes with lead paint and/or lead water pipes; and
- ww) failed to commit to community and employee input and evidence based outcomes for healthcare changes and placing insulin pumps, hearing aids and life-saving drugs and devices under Medicare; and
- xx) failed to commit to implement the Diabetes 360° strategy developed by Diabetes Canada to help treat and prevent further diabetes in the province; and
- yy) failed to present a mental health and addictions strategy to address to the methamphetamine and opioid crises by covering mental healthcare under Medicare to address the needs of vulnerable Manitobans; and
- zz) failed to commit to addressing the urgent need for First Nations housing or developing emergency management protocols for northern and remote communities; and
- aaa) failed to mention the importance of immigration to Manitoba's economic and social fabric, which can be largely attributed to the Provincial Nominee Program; and
- bbb) failed to commit to reversing the decisions to dismantle collaborative healthcare teams and increase senior management positions in health by expanding another bureaucratic arm of the Provincial Government with Shared Health Services; and
- ccc) failed to commit to improving issues relating to independent living, hospice and personal care homes or reversing the decision to raise costs on senior care programs; and
- ddd) failed to commit to raising standards for ethics, integrity and conflict of interest for senior members of the civil service; and
- eee) failed to commit to enhancing the protection of children under the care of Child and Family Services; and

- fff) failed to provide the Manitoba Advocate for Children and Youth with expansive investigative powers needed to properly advocate for children and youth; and
- ggg) failed to implement plans to reduce poverty by replacing Employment and Income Assistance with a jobs and basic income program to help those in greatest need; and
- hhh) failed to commit to ending the extraction of natural resources (mining) in provincial parks; and
- iii) failed to update and implement the “duty-to-consult” framework for Indigenous communities resulting in the delay of major projects such as the Lake Manitoba – Lake St. Martin Flood Outlet Channel Project; and
- jjj) failed to respond adequately to states of emergency declared in Rural Municipalities after significant drought conditions have hindered farmers’ abilities to operate successfully; and
- kkk) failed to address the unacceptably long delays for northern Manitobans to get bail in the criminal justice system; and
- lll) failed to work with the Federal Government on the development of a national pharmacare program to address the high cost of pharmaceuticals, especially for seniors and vulnerable Manitobans; and
- mmm) failed to commit to not dismantling Manitoba's school divisions and keeping community input in education systems; and
- nnn) failed to commit to stop charging Manitoba Hydro exorbitant fees which increases the debt level and prevents the corporation from returning to financial health; and
- ooo) failed to commit to providing fiscal stability to strengthen Provincial Government revenues and develop a credible plan on growth and investment instead of cuts; and
- ppp) failed to commit to spending locally and stop hiring consultants from outside the province; and
- qqq) failed to commit to developing strategies to work with the Federal Government, Métis and First Nations peoples to ensure that all Manitoba First Nation communities have better access to improved nursing stations, health care initiatives such as the NUKA program, clean running water, Internet and phone connectivity, teachers and land and air transportation; and

- rrr) failed to commit to fulfilling the Provincial Government's election promises of raising the personal tax exemption to the national average; fast-tracking the construction of 1,200 personal care home beds; and to work positively and respectfully with Indigenous people and communities on many issues; and
- sss) failed to cooperate with the City of Winnipeg and Rural Municipalities to implement an accelerated process to address sewage discharge into the Assiniboine and Red rivers in order to improve the health of Lake Winnipeg; and
- ttt) failed to commit to ensuring that full fire prevention and community protection plans are in place for all First Nations communities, including firebreaks where needed; and
- uuu) failed to commit to improving the outdated technology systems utilized in Provincial Government departments; and
- vvv) failed to act swiftly to protect the Sandilands aquifer from a mining development which threatens the future quality of the water for Eastern Manitoba, including the Brokenhead River and Lake Winnipeg.

And the debate continuing on the sub-amendment,

And Messrs. ALTOMARE and SMITH (Lagimodière), Mrs. SMITH (Point Douglas), Hon Mr. GERRARD, MLA ASAGWARA, Mr. SALA and Ms. LAMOUREUX having spoken,

And Mr. LINDSEY 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 1:30 p.m. Wednesday, October 14, 2020.

Hon. Myrna DRIEDGER,
Speaker.