

Third Session – Forty-Second Legislature
of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS
Official Report
(Hansard)

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MANITOBA LEGISLATIVE ASSEMBLY
Forty-Second Legislature

Member	Constituency	Political Affiliation
ADAMS, Danielle	Thompson	NDP
ALTOMARE, Nello	Transcona	NDP
ASAGWARA, Uzoma	Union Station	NDP
BRAR, Diljeet	Burrows	NDP
BUSHIE, Ian	Keewatinook	NDP
CLARKE, Eileen, Hon.	Agassiz	PC
COX, Cathy, Hon.	Kildonan-River East	PC
CULLEN, Cliff, Hon.	Spruce Woods	PC
DRIEDGER, Myrna, Hon.	Roblin	PC
EICHLER, Ralph, Hon.	Lakeside	PC
EWASKO, Wayne	Lac du Bonnet	PC
FIELDING, Scott, Hon.	Kirkfield Park	PC
FONTAINE, Nahanni	St. Johns	NDP
FRIESEN, Cameron, Hon.	Morden-Winkler	PC
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin, Hon.	Steinbach	PC
GORDON, Audrey	Southdale	PC
GUENTER, Josh	Borderland	PC
GUILLEMARD, Sarah, Hon.	Fort Richmond	PC
HELWER, Reg, Hon.	Brandon West	PC
ISLEIFSON, Len	Brandon East	PC
JOHNSON, Derek	Interlake-Gimli	PC
JOHNSTON, Scott	Assiniboia	PC
KINEW, Wab	Fort Rouge	NDP
LAGASSÉ, Bob	Dawson Trail	PC
LAGIMODIERE, Alan	Selkirk	PC
LAMONT, Dougald	St. Boniface	Lib.
LAMOUREUX, Cindy	Tyndall Park	Lib.
LATHLIN, Amanda	The Pas-Kameesak	NDP
LINDSEY, Tom	Flin Flon	NDP
MALOWAY, Jim	Elmwood	NDP
MARCELINO, Malaya	Notre Dame	NDP
MARTIN, Shannon	McPhillips	PC
MICHALESKI, Brad	Dauphin	PC
MICKLEFIELD, Andrew	Rossmere	PC
MORLEY-LECOMTE, Janice	Seine River	PC
MOSES, Jamie	St. Vital	NDP
NAYLOR, Lisa	Wolseley	NDP
NESBITT, Greg	Riding Mountain	PC
PALLISTER, Brian, Hon.	Fort Whyte	PC
PEDERSEN, Blaine, Hon.	Midland	PC
PIWNIUK, Doyle	Turtle Mountain	PC
REYES, Jon	Waverley	PC
SALA, Adrien	St. James	NDP
SANDHU, Mintu	The Maples	NDP
SCHULER, Ron, Hon.	Springfield-Ritchot	PC
SMITH, Andrew	Lagimodière	PC
SMITH, Bernadette	Point Douglas	NDP
SMOOK, Dennis	La Vérendrye	PC
SQUIRES, Rochelle, Hon.	Riel	PC
STEFANSON, Heather, Hon.	Tuxedo	PC
TEITSMA, James	Radisson	PC
WASYLIW, Mark	Fort Garry	NDP
WHARTON, Jeff, Hon.	Red River North	PC
WIEBE, Matt	Concordia	NDP
WISHART, Ian	Portage la Prairie	PC
WOWCHUK, Rick	Swan River	PC

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, November 17, 2020

The House met at 1:30 p.m.

Madam Speaker: Good afternoon everybody. Please be seated.

ROUTINE PROCEEDINGS

Madam Speaker: Introduction of bills? Committee reports?

TABLING OF REPORTS

Hon. Sarah Guillemard (Minister of Conservation and Climate): Madam Speaker, I am pleased to table the Manitoba Hydro Demand Side Management Report for 2018 through 2019.

MEMBERS' STATEMENTS

Tuxedo Constituency Acknowledgements

Hon. Heather Stefanson (Minister of Families): I am honoured to rise in the House today to extend a thank-you to all of my constituents and to all Manitobans.

This has been a year like no other in our lifetime. While, the COVID-19 pandemic is impacting our daily routines with changes here at home and around the globe, it is comforting to know that amid the uncertainty there are still moments of strength and hope that showcase the resilience that people share in times like these.

Over the past few months, I have heard from several constituents who have shared very inspiring stories, such as good Samaritans offering help to our seniors and the most vulnerable in our community. I am proud of my constituents and all Manitobans who had made sacrifices in order to make the best of very difficult times and life challenges.

We have all had to adapt. I have witnessed the efforts on a community level, neighbours helping neighbours and extending their support beyond that for the greater good of the province. People helping people, they are reaching out in so many ways.

We all look at the same Manitoba sky, but we all look at it differently. This pandemic is a reflection of that. It affects everyone in a different manner, every

single Manitoban—parents, grandparents, children and young adults.

Thank you to all health-care workers, first responders, and a special mention to all child care-givers, community service workers, CFS support workers and many more critical essential service workers who are helping our fellow Manitobans get through this difficult times.

We are at war with an enemy that does not discriminate. We just acknowledged our veterans on Remembrance Day for their service and sacrifices for our country and for their global impact. Adopting their values and integrity is what is needed to fight this enemy in solidarity.

Madam Speaker, on behalf of my constituents in Tuxedo, I want to extend my heartfelt and sincere thanks for the front-line and essential service workers for going the—

Madam Speaker: The member's time has expired.

Some Honourable Members: Leave.

Madam Speaker: Is there leave to allow the member to complete her statement? *[Agreed]*

Mrs. Stefanson: Thank you, Madam Speaker.

On behalf of my constituents in Tuxedo, I want to extend my heartfelt sincere thanks to all our front-line and essential service workers for going the extra mile to keep Manitobans safe.

In closing, I quote a note that I received from a constituent just the other day, Madam Speaker. She said: Stay positive, test negative. We are all in this together and together we will make it through.

Thank you, Madam Speaker.

Ms. Nahanni Fontaine (Official Opposition House Leader): Can you canvass the House to see if there's leave if we can revert back to introduction of bills, please?

Madam Speaker: Is there a leave of the House to revert back to introduction of bills? *[Agreed]*

INTRODUCTION OF BILLS

Madam Speaker: We will then revert back to introduction of bills.

Bill 210—The Personal Protective Equipment Reporting Act

Mr. Wab Kinew (Leader of the Official Opposition): I move, seconded by the member for Union Station (MLA Asagwara), that Bill 210, The Personal Protective Equipment Reporting Act; Loi sur la production de rapports concernant l'équipement de protection individuelle, be now read a first time.

Motion presented.

Mr. Kinew: I think all of us here in Manitoba want to give a special shout-out and thank-you to all of the health-care heroes out there who go to work every single day on the front lines, as well as all of the other front-line heroes as well. This bill will support their important work by ensuring that the public knows how much protective equipment we have in Manitoba at a given time and also the expiry date for that protective equipment.

Thank you.

Madam Speaker: Is it the pleasure of the House to adopt the motion? Agreed? [*Agreed*]

MEMBERS' STATEMENTS

(Continued)

Madam Speaker: Moving back to members' statements, the honourable Leader of the Official Opposition, on his member's statement.

All-Party Pandemic Committee

Mr. Wab Kinew (Leader of the Official Opposition): Madam Speaker, partisanship should've been the first casualty of COVID-19. I believe Manitoba's pandemic response would've been better served with all of us at the table. We could've had stronger business supports in June, more teachers in classrooms in July, a mask mandate in August, more testing and contact tracing in the summer, takeovers of Parkview and Maples this fall prior to things turning tragic.

Now, these are things we've pushed for. I'm not saying this to claim credit. I much rather would've been wrong and to have more Manitobans alive to this day. I'm just pointing out areas for improvement, asking questions such as why has the MLA for Maples not received a briefing on the outbreak at Maples? Why has the MLA for Union Station not received a

briefing about the situation at Parkview Place? Why have the first-five First Nations MLAs not been asked for their input about the outbreaks on First Nations? And how is it, in a time of unprecedented stress—*[interjection]*

Madam Speaker: Order.

Mr. Kinew: —unprecedented stress in health and education, that MLAs, who come from health and education, have not been asked for their input on the Province's pandemic response?

The only answer that I can come up with is that this government is putting party ahead of province. A strong leader is not satisfied to surround himself with yes-people. A strong leader is not satisfied until they've entertained the opposition voice. At a table where 12 people agree, sometimes it's the 13th person who notices the important detail that the consensus ignores.

Now, I, too, am partisan, but Manitobans—the Manitoban in me demands better, both of myself and of this government. I would say, Madam Speaker, that the time has come to set partisanship aside. Time has come to bring us in, give us regular briefings, give us seats at the decision-making table, and if not that, then at least form an all-party committee so that we can have input into the pandemic response.

Let us do what we all came here to do: serve the people of Manitoba.

Lew Taylor

Mr. Rick Wowchuk (Swan River): Today I would like to honour a gentleman who is the true definition of a lasting legacy, Lew Taylor.

Lew Taylor only knew one way to approach life, and that was with passion and dedication.

Lew arrived in the Swan Valley in 1971 with a bachelor of science in physical education. His career in education would span over 33 years. His dedication to his profession would cultivate the respect of fellow teachers, division administrators and students alike.

His love for the valley drove his volunteerism. Lew looked for every opportunity to draw people, students and events to the valley so they could share in what our community had to offer.

In 1975, Lew brought basketball provincials to the valley for the first time and followed up with rural track and field provincials in 1978. Lew was the first rural representation on Sport Manitoba and worked

hard to bring his brand of inclusion and fairness to the rest of the province.

Upon his retirement, Lew's investment in the community expanded to include more volunteer time with organizations and committees he loved: golf of any kind, including organizing the golf event of the 55-plus Manitoba games in Swan River and friends of the organizer golf fundraiser, to mention a few. Lew was an avid cross-country skier and part of the Swan Valley Trails Committee. Lew travelled to the Northwest Territories to help with the 2006 Canada census.

He was a fierce advocate for youth sports and a role model on how to give back to your community. Lew will be remembered for his strength and tireless commitment to philanthropy through Community Foundation of Swan Valley.

Unfortunately, Lew lost his courageous battle with cancer this past spring. However, Lew, you've left a lasting legacy and will truly be missed by everyone who knew you.

Thank you.

* (13:40)

Colleen McKee

Mr. Tom Lindsey (Flin Flon): Today I rise to pay tribute to one of the brightest lights to have shone in Flin Flon.

Colleen McKee was many things to many people. She was a partner and wife to Kent and a mother to her boys Kyle, Carter and Kane and her daughter Maryn. She was fiercely protective of her family, but once you earned her trust, you were a part of the family too. Colleen was seen as a second mother to many kids in the community who were friends of her kids or part of the Aqua Doves. She spent many hours volunteering with that group. She was devastated when the pool had to close due to structural issues, and I'm sure she was actively involved in finding a way for a new one to take its place.

Colleen was always front and centre when there was a project in Flin Flon such as the homecoming which was so successful due to her and, of course, others. Colleen's life was not always easy as a child of a single parent, but her mom, Lorraine Krokosz, taught her children to work hard and appreciate what they had. Colleen lost a sister in a tragic helicopter crash in 1984, and as devastating as that was to her, it was what helped form who she was to become.

Colleen was always a volunteer in the community, beginning with her church and parent councils. At her children's schools, she decided to run for a trustee position and was successful in 1998. From there, she progressed to a seat on city council in 2006, winning re-election in 2010 and 2014, and she remained on council until the time of her passing.

I first met Colleen when she worked at the WEST Centre helping people become job-ready. I was invited there to talk about health and safety. Colleen was interested in what motivated people to do what they did and this led us to many conversations which helped us get to know each other better. We certainly did not always agree on what was the best path forward, but we always did agree on doing what was best for others and what was best for Flin Flon. Our discussion around politics were always lively, to say the least.

While the family grieves their loss, they can hopefully take some solace in knowing that she made a difference in so many people's lives. The outpouring of support from the community when she was initially diagnosed with cancer to the meal train that was quickly set in motion is the type of thing that Colleen would have been a part of. Her mark on the community will always be there.

Colleen McKee, born July 1st, 1963, lost her battle with cancer on November the 11th, 2020. A bright light in Flin Flon, extinguished too soon.

I'm glad that I got to know her, and I'm thankful that her son Kyle is now part of my family.

Thank you, Madam Speaker.

Madam Speaker: And just to indicate that the member's statement was almost a minute over, but thank you to the honourable Government House Leader (Mr. Goertzen) who did give some indication throughout that we could have leave given so that the member could complete this statement.

Thank you.

Domestic Violence Awareness Month

Ms. Cindy Lamoureux (Tyndall Park): November is Domestic Violence Awareness Month, a time where we should look at going the extra mile in raising the profile and consequences of domestic violence, which is why I'm using this opportunity to push for the legislation that I will be introducing tomorrow.

Last month on October 13th, I personally hand delivered a letter regarding this legislation to the

Department of Justice along with a copy to the Government House Leader so they would have time to consider if they wanted to bring the legislation forward or if they would support the legislation if I brought it forward.

Currently, I have not heard back, so I've made the decision to introduce this important piece of legislation tomorrow.

Madam Speaker, this legislation was first brought forward by Rona Ambrose, the former interim leader of the Conservative Party of Canada. This legislation mandates provincial appointed judges to take a formal course dealing with sexual assault and it proposes that the Criminal Code require judges to provide their reasons for the decisions made in sexual assault proceedings.

Right now, our national government is unanimously passing legislation to ensure that future appointments of federal judges will have to show that they have participated in a program related to an understanding of the myths and stereotypes of sexual assault and the provinces of Ontario and Newfoundland and Labrador have already passed this legislation.

So, Madam Speaker, I'm asking that the members of this Chamber to help ensure that this legislation passes before we break for the year.

Thank you.

ORAL QUESTIONS

Revera Personal-Care Homes Future Operation of Facilities

Mr. Wab Kinew (Leader of the Official Opposition): I rise today as Manitoba faces one of the most severe crises that we've ever seen in our province's history.

Since we last convened in this Chamber, there's been 4,431 more cases of COVID-19. Tragically, there have been 88 more deaths in our province.

Sadly, 39 to-deaths to date are from the shocking situation that has evolved over the last three weeks at the Maples Personal Care Home. We also know that there's been tremendous-tremendously sad and tragic amount of deaths at Revera's other personal-care home at Parkview Place.

Now, a family wrote to me yesterday saying they only found out about the death of their loved one after they checked in on them three days after that person was deceased.

Given everything that we've learned about Revera's terrible failures, how does the Premier justify allowing them to continue operating personal-care homes in Manitoba?

Hon. Brian Pallister (Premier): Well, let me start by offering condolences to all the families and friends affected by the tragic deaths, not only at the Maples centre, but in other areas of the province as well, Madam Speaker, due to COVID, and emphasize the importance of working together to focus on preventing further deaths.

I would also share the member's frustration with respect to the conduct of some of the management staff at that facility he referred to, but remind him that advocating for violence as a response is not acceptable, and I would give him the opportunity to apologize and to withdraw the comments that he made that were most unfortunate in respect of torches and pitchforks in respect of their response.

Madam Speaker, we don't think that that kind of response is appropriate. We think the response the member has spoken to earlier of inter-party co-operation is useful, but advocating violence is not ever the answer. I'd just encourage the member to withdraw his comments in that respect. He should apologize.

Madam Speaker: The honourable Leader of the Official Opposition, on a supplementary question.

Release of Inspection Report

Mr. Kinew: I'd encourage the Premier to do something about the tragedy unfolding at Revera personal-care homes before more people die.

The Premier has the ability to act and to intervene. The Premier has the ability to take over these homes. The Premier has the ability to call in the military to address the staffing situation, and yet he hasn't done any of those things.

Instead, we know that the Winnipeg health authority was in there, under his government's guidance, and they received an inspection report earlier in the same week that there was that event where so many seniors tragically passed away.

What was disclosed in that inspection report? Why has it not been released publicly? How can the Premier come in here today and try to make this a partisan issue when he has enacted so many failing policies that have failed to prevent seniors in Manitoba?

Will he begin to right the ship, beginning by releasing the inspection report now?

Mr. Pallister: Again, Madam Speaker, the member advocated just a couple of minutes ago, for a co-operative approach and then displayed an unco-operative approach in his preamble. We are focused on helping Manitobans. We are hoping that the member opposite and other Manitobans will join in this effort. Most Manitobans have already.

But, again, I say to the member, we've added staff; we've dedicated many additional resources; we have launched an investigation and review; and we continue to take all necessary steps. What he needs to do is not lose his cool here and advocate for violence. Pitchforks and torches is not something that we need people to take up. What we need people to do is take up the action—peaceful action—of working together so we can get through this together as a Manitoba family. I'd encourage the member to withdraw his comments now.

Madam Speaker: The honourable Leader of the Official Opposition, on a final supplementary.

Government Response to COVID Outbreaks

Mr. Kinew: Madam Speaker, when the histories of this period are written, they will record that on this side of the House we demanded action—action at all measures to be able to protect seniors and to keep them alive, and that when this government was called to act to protect the lives of seniors, what did they do? Did they act? No, they did not.

* (13:50)

Instead, the Premier, as their leader, stood up and defended Revera. The Premier stood up and defended Revera, who has lied about the deaths of seniors, who has neglected seniors and who misled this Premier and his Cabinet about the deplorable situation in their care homes.

Yet, did any of these members of Cabinet speak up against this Premier and his mismanagement? No, they did not. They only speak up when they have something to heckle in question period.

When will this government stop defending Revera and take action to protect seniors in Manitoba?

Mr. Pallister: Well, again, Madam Speaker, panic is not a plan. The member appears to be choosing panic.

The fact of the matter is that I have never defended the conduct of the people of Revera, nor have my ministers.

And the fact remains that just a few short weeks ago, people took up torches in Nova Scotia and burned down a lobster-processing facility that was Indigenous owned. In response to Indigenous people standing up and fighting for their rights peacefully, people responded with violence, and now the member advocates the same kind of conduct. He advocates that people take up torches and pitchforks.

Madam Speaker, I don't think that torches and pitchforks are going to help us through this thing, and the member needs to withdraw that comment or he's going to just demonstrate that he doesn't understand that a continuation of the history of violence is hardly the answer now. The answer is to truly work together to fight COVID, not one another.

Madam Speaker: The honourable Leader of the Official Opposition, on a new question.

COVID-19 Financial Assistance Support for Small Business

Mr. Wab Kinew (Leader of the Official Opposition): Well, we know what we get with this government, don't we? We get a Premier who defends Revera as seniors die, and we get a Minister of Health who attacks physicians as they try to save the lives of Manitobans.

You know what would be useful on that side of the House is if there was courage amongst one member of Cabinet to be able to stand up and bring voice to what Manitobans actually want: more help for small businesses, more resources to keep kids safe in the classroom and, of course, yes, an extremely accelerated approach to improving things in our hospitals.

We know that small businesses are suffering as a result of the restrictions. The restrictions are in place for good reason, but what is needed by this government is a stronger response to protect the job creators in our province. What has been announced so far is a drop in the bucket.

When will the Premier come forward with real grants that might actually make a difference for job-creating small businesses right here in the province of Manitoba?

Hon. Brian Pallister (Premier): Madam Speaker, I offered to the Leader of the Opposition the opportunity for his party—and the other opposition members too—to have a briefing to demonstrate the sincerity of my words in respect of getting information available to—making information available on COVID and our responses—to them. The entire

COVID leadership team joined together to offer that briefing.

The member raises, in an earlier comment today, his lack of satisfaction with the briefing. I'm sorry if he was dissatisfied. I'm sorry if his members chose not to ask Dr. Brent Roussin or Lanette Siragusa or others questions in the briefing.

But, Madam Speaker, I can only say to the member we are demonstrating continuously, in a real way, that we are taking this seriously and that we're willing to work in co-operation with other members.

At a time when Manitobans need that and want to see that, Madam Speaker, the member's demonstrating the totally wrong approach in his response to unity at a time when it's needed. He demonstrates panic instead and self-serving behaviour instead. And that's sad, but I expect he do it again in the next preamble.

Madam Speaker: The honourable Leader of the Official Opposition, on a supplementary question.

COVID-19 and Small-Business Assistance Restriction on Sale of Goods for Large Retailers

Mr. Wab Kinew (Leader of the Official Opposition): Madam Speaker, what is completely lacking so far is any help for small businesses in Manitoba. Over the weekend, many folks were rightfully upset when they saw that many big box retailers, multinational corporations for the most part, are allowed to stay open to sell goods that local business owners are not allowed to be open to sell right now in Manitoba.

You have toy stores in the Exchange District who can't be open, and yet, the big multinational toy store is allowed to operate under this Premier's guidance. You have the local clothing retailers who can't open in Osborne Village, and yet you have large international change-chains selling clothing at this time.

Will the Premier act now to ensure that those big box stores cannot sell goods that local retailers are currently prevented from doing and ensure that they all play by the same rules?

Hon. Brian Pallister (Premier): Of course, Madam Speaker, we've been working with the small-business groups and representatives from industry and business, manufacturing as well, throughout this pandemic to develop our strategies, and they've been thankful for that. And we continue to remain very

dedicated to building a strong working relationship with them.

The member likes to jump in front of an initiative that we previously announced we're undertaking. That's fine, go ahead. It's common behaviour, I suppose, but it's not that productive. What will be productive is when we continue to move forward with measures that will demonstrate real support for our small-business community. That's what we're going to be announcing tomorrow, Madam Speaker.

And so I assure the member that the actions of our government will continue to reflect our dedication to our small-business community and the people they employ.

Madam Speaker: The honourable Leader of the Official Opposition, on a final supplementary.

COVID-19 Financial Assistance Small-Business Grants

Mr. Wab Kinew (Leader of the Official Opposition): Madam Speaker, we know that this government has failed to put in place protections to guarantee the lives and the livelihoods of Manitobans.

We know that small-business owners have been hanging on a thread for months, and this government continues to delay action. This government continues to prioritize balancing the budget ahead of what will actually lead to an economic recovery: having small businesses to employ people once this pandemic is over.

What they've announced so far is insufficient. What they announced so far is simply enough to allow the Premier to go into a press conference and talk tough. It's not actually going to make a difference for the business owners out there in the community who have fixed costs and who have bills piling up each and every month.

Will the Premier, as part of this much-touted announcement, come forward with real assistance to help small-business owners, including dramatically increased grants that match the need that is actually faced by these job creators?

Hon. Brian Pallister (Premier): With the support and encouragement of small-business representatives and small businesses throughout the province, we've introduced programs of support that are more generous than any other province, Madam Speaker.

They range in assistance—direct assistance without repayment to wage subsidy programs to

supports for various non-profits and charitable and community groups that can result in benefits as large as over \$100,000, Madam Speaker. They're significant benefits. They exceed those of other provinces.

So I say to the member, the record of the NDP, which failed to defend businesses against the Trudeau government's tax hikes, promised to raise small-business exemptions and never did, opposed the PST cut, opposed reductions in property tax on small business—I say to them, where's your record of ever doing anything but whacking small businesses in our province? *[interjection]*

Madam Speaker: Order. Order.

Health-Care System During COVID-19 System Restructure and Staffing Capacity

MLA Uzoma Asagwara (Union Station): Madam Speaker, after years of cuts and consolidation, the Pallister government simply did not leave capacity in our health-care system to meet the challenge of COVID-19. Instead, they're relying more and more on the dedication and commitment of our front-line workers to fill the gaps in this government's failure to plan and failure to act.

Just recently, we learned things were so dire that the Pallister government is making emergency declarations to force nurses to do work they did not agree to do. It's a further insult to health-care workers who have had their wages frozen for four years.

As many nurses have told me, they don't need a thanks or Tim Hortons gift cards. What they need is a government who ensures our health system is strong when we need it to be.

Why has the minister so badly mismanaged our health-care system?

Hon. Cameron Friesen (Minister of Health, Seniors and Active Living): Well, Madam Speaker, this member has demonstrated in the past an alacrity for getting the facts wrong, so we can take some time to get the facts right.

The fact of the matter is that there are incredible challenges out there right now in our long-term-care centres because it's a global pandemic. There isn't a jurisdiction in Canada or the Western world—or much of the world—that isn't dealing right now with the same issues that we are dealing with in Manitoba. And we're working hard every single day.

And those members of the opposition may have been absent last week, but we assure Manitobans we

were on the job and working every single day to put the focus on keeping Manitobans safe.

And we do thank all those health-care workers on the front line for their continued determination and courage as they serve their patients.

* (14:00)

Madam Speaker: The honourable member for Union Station, on a supplementary question.

MLA Asagwara: Madam Speaker, the Pallister government spent four years cutting and consolidating health services. After all these cuts, they promised last year that the WRHA would set up a new unit, the Nursing Workforce Strategy group, whose job it is to focus on recruitment and retention of nurses and health-care professionals.

Through freedom of information, which I'm now tabling, we found out that leading up to this pandemic, this unit, in fact, accomplished nothing. In addition to no additional HR staff, it spent no money, it completed no actions. They didn't do anything to shore up our health-care system as we approached this pandemic.

It left the system as a whole short on capacity and short on staffing, leading—leaving this government to go into using emergency powers to make up for their cuts.

I ask the minister today: Why is he forcing front-line workers to make up for his cuts to our health-care system?

Mr. Friesen: Madam Speaker, I'm happy to address and correct another inaccuracy. This government has actually invested \$700 million more than the NDP ever did in health care.

Madam Speaker, I would also say I—we all appreciate the reference to the provincial recruitment and retention team. I had a briefing with that group just a few hours ago, and we continue to hear about the excellent work that they are undertaking, even now in this pandemic, collaboratively, with external groups, including labour groups.

And so it seems that the only one who can't get along is the opposition on that side of the House. In other parts of the province we do get that collaboration, helping us to understand how we must mobilize workforce to keep patients safe in a global pandemic.

Madam Speaker: The honourable member for Union Station, on a final supplementary.

MLA Asagwara: Madam Speaker, if the minister were to visit any hospital in this province right now and ask nurses whether the Pallister government has got this, the answer—*[interjection]*

Madam Speaker: Order.

MLA Asagwara: —universally is no. For the last four years the Pallister government has frozen wages, cut and consolidated services and talked endlessly about the sustainability of our health-care system: code words, of course, for cuts.

Here's what's not sustainable: nurses run off their feet to keep our loved ones alive; doctors forced to decide who lives and who dies; health-care professionals getting sick and dying from a virus that is out of control.

Capacity should've never been cut in our hospitals. It should've been shorn up when the Pallister government said it would be shorn up.

Why must health-care workers bear the brunt of this government's cuts and closures?

Mr. Friesen: Madam Speaker, the same tired and worn out talking point that they could've said four years ago or 12 years ago or 15 years ago—as inaccurate now as it was then. But think of this: the opposition can use—continues to somehow state that this is business as usual in Manitoba right now.

I don't know where they missed the memo, but Madam Speaker, we're in a global pandemic, and it may be important at certain points to mobilize resources. This is why we were proud to provide a briefing to all members of the opposition—our senior leaders yesterday providing a breathing—a briefing on how they would mobilize and redeploy workforce to keep patients safe.

And yet the outrage that the member expresses today wasn't expressed yesterday on that call. We were only too happy to provide the briefing, but we're only too happy to keep the focus on keeping Manitobans safe. *[interjection]*

Madam Speaker: Order.

The honourable member for The Pas-Kameesak.

I would ask the member to please unmute her mic.

COVID-19 in Northern Manitoba Health-Care Staff Levels

Ms. Amanda Lathlin (The Pas-Kameesak): Communities in rural and northern Manitoba don't have the health staff or resources they need to face

COVID-19; the northern region says as much in its annual report. They say that agency staff, quote, is often the only means by which to continue 'quare'—continue care. End quote.

Some major areas of the system experienced vacancy rates as high as 60 per cent. The northern region wrote that before the pandemic, Madam Speaker. It shows how ill-equipped they are for a crisis.

Why has the minister allowed things to so badly deteriorate?

Hon. Cameron Friesen (Minister of Health, Seniors and Active Living): Yes, Madam Speaker, I thank the member for the question.

The fact of the matter is that when it comes to the North, this government is making investments. This government is investing in capital, investing in workforce, investing in training programs.

However, the issues that the member raises, that member knows, have been issues in the past in the North for years and years and years, and that is why our provincial Clinical and Preventative Services Plan is the most serious effort in 40 years to change that trajectory and get more care closer to the community all through Manitoba.

Madam Speaker: The honourable member for The Pas-Kameesak, on a supplementary question.

Ms. Lathlin: Every resident of the Rod McGillivray Memorial Care Home in OCN has COVID-19—every single one—and one third of the staff have also contracted the virus.

Opaskwayak Cree Nation is facing high transmission rates and has run out of health professionals to shore up infected staff and—that are—that have close contact with COVID, excuse me. They need health professionals now, but have been told by the northern regional health authority that none will be coming, they have none to spare.

Again, I ask the minister: Why has he allowed northern health care to rot, and will he ensure OCN gets the medical professionals it needs?

Mr. Friesen: So, just a reminder to the member that the outbreak at OCN—very serious—is the responsibility of the federal government as the governing authority in that area, and that is why we have been proud to be helping and to be there, boots on the ground, with exactly the kind of health resources that the member speaks to: dieticians; public health nurses

all deployed in the area; engagement going on between FNIHB, the First Nations-Indigenous health branch, the northern region authority and others.

And so while the members on the other side continue to chirp, we'll continue to be there to help.

Madam Speaker: The honourable member for The Pas-Kameesak, on a final supplementary.

COVID-19 Outbreak at Keeyask Station Concerns Regarding Re-opening of Facility

Ms. Amanda Lathlin (The Pas-Kameesak): Work has resumed at the Keeyask dam, even though they had another case and several presumptive cases on Friday. Now is not the time for the Province to ramp up operation at the site. Bringing in additional workers to an outbreak is irresponsible and puts northern communities at risk.

The Province needs to work with our First Nations and northern communities, get a handle on contact tracing and ensure the outbreak is over before resuming activities.

Why is the minister plowing ahead at the Keeyask site?

Ekosi.

Hon. Jeff Wharton (Minister of Crown Services): Again, the health and safety of Manitobans at Keeyask and right across the province, including our First Nation partners, Madam Speaker, is our No. 1 priority.

Manitoba Hydro continues to provide frequent updates to First Nation partners, Madam Speaker, site employees, contractors, unions, public health officials and all Manitobans, sharing information that becomes available to ensure the absolute transparency of the project. As we get back to work at Keeyask, it'll be done—led by public health, and we'll continue to take lessons from public health, not the members opposite.

Individuals Receiving CRB Clawback of EIA Benefits

Mrs. Bernadette Smith (Point Douglas): In April, the provincial government grossly decided to reduce or eliminate EIA benefits for those who received CERB, and now we are seeing the same clawback applied to CRB.

The federal government was clear that these benefits were intended to build upon provincial income support programs, not to be a substitute for it, and those cuts to EIA benefits have left many

Manitobans unable to pay their rent, pay their bills and put food on their tables, and have left them at greater risk of homelessness.

Will the minister stop the clawbacks to EIA for Manitobans receiving federal COVID-19 recovery measures such as CERB or C-I-B—CRB immediately?

* (14:10)

Hon. Heather Stefanson (Minister of Families): The member opposite is just wrong. In fact, we have some of the most generous programs out there, during this COVID-19 pandemic, of any province across the Canada—across Canada, Madam Speaker. And when it comes to many of these benefits, they are being handled the same way that many other—that most other provinces are dealing with it.

But I will say, when it comes to persons with disabilities, we came up and our Premier (Mr. Pallister) came out with one of the first disability programs for people in our province, helping more than 20,000 persons with disabilities in our province alone.

These are the types of programs that we're putting together for Manitobans, because we need to ensure that we look after the most vulnerable, and that's exactly what we're doing.

Madam Speaker: The honourable member for Point Douglas, on a supplementary question.

COVID-19 and Homeless Shelters Request for Financial Support

Mrs. Bernadette Smith (Point Douglas): The thought of increasing the number of those experiencing homelessness at this time is especially alarming. As we are seeing COVID cases rising, weather getting colder and shelters facing difficulties because of COVID, many shelters and non-profits are closing their doors due to lack of staff because many of their staff and volunteers are contracting COVID or having to isolate.

These shelters need the provincial government to step up and provide additional financial assistance, more staff and more space to ensure that those experiencing homelessness have a place to isolate safely and in dignity.

Will the minister commit to more funding and resources immediately to ensure that Manitobans experiencing homelessness have access to a safe place to isolate and safe ways to cohort?

Hon. Heather Stefanson (Minister of Families): Our government recognizes the need to help all Manitobans during this very difficult time, in particular the most vulnerable, including the homeless in our province.

And that's why we have designated in the Department of Families an individual whose whole purpose is to co-ordinate a response specifically for the homeless population in our province. And this individual is working very closely with all of our stakeholders, our community partners, to ensure that we have a solution to the challenges that we're facing Manitobans right now.

So we'll continue to take a whole-community approach. This is about everybody banding together, all of us, Madam Speaker. And I would caution the member opposite, I would hope that she's not going to start to play politics with something as serious as this.

Madam Speaker: The honourable member for Point Douglas, on a final supplementary.

COVID-19 and Detox Services Request for Financial Support

Mrs. Bernadette Smith (Point Douglas): Main Street Project has been supporting Manitobans with addictions through the withdrawal management services by developing individualized detox programs. The number of people in this detox program dropped from 29 to seven due to COVID, and now Main Street Project has had to close their detox programs, along with other programs, including their drop-in, due to positive COVID cases in staff and client-to-client transmission.

The folks working at Main Street Project have seen a rise in substance use and mental health issues as a result of COVID and recognize that Manitobans need these supports now more than ever. Directors of shelters have asked the Province to invoke emergency measures for the homeless population, but the Province seems to have ignored these calls for help.

Will the minister commit to stepping in and providing the resources needed to ensure individuals can continue their detox and invoke emergency measures—

Madam Speaker: The member's time has expired.

Hon. Heather Stefanson (Minister of Families): We recognized this from the very beginning. That's why our government invested more than \$3.5 million that went towards Main Street Project, Salvation Army,

Madam Speaker, and Siloam Mission and also the Resource Assistance for Youth.

We're making those investments. As a matter of fact, Madam Speaker, we recognized that, at the very beginning, that we needed an isolation unit for the homeless population, and that's why we invested \$1.6 million on an operating—an isolation space in Sargent Avenue.

We've also added a second isolation space at a hotel on Notre Dame Avenue, and we're now in the process of working with the WRHA to secure two more hotels in the event that things—hopefully it won't, Madam Speaker—but in the event that we need them.

Education System During COVID-19 Request for Government Plan

Mr. Nello Altomare (Transcona): Last week, hundreds of teachers wrote the minister, warning him that the education system was on the verge of collapse. Teachers are bouncing between two or more classrooms. Schools themselves have had to do their own contact tracing because of public health delays. I've heard from many educators that they feel like things are beginning to come undone.

According to media reports, recently the Winnipeg School Division, every single substitute—1,200 of them—were used to cover all the teacher absences. This can't be sustained.

So I ask the minister: Why has he not put forward a plan before classes began for how we might reinforce and support our classrooms?

Hon. Kelvin Goertzen (Minister of Education): The member for Transcona will know that a plan was put forward before classes opened. It was done in coordination with public health. He knows that Dr. Roussin and many others were involved in the planning for that, Madam Speaker.

While there has, of course, been cases within the school system, transmission still remains quite low when it comes to teachers. Funding has been provided. More than 400 teachers—additional teachers—have been hired to try to ensure that the school system has the support that they need. We understand that they're under stress. These are challenging times for many different sectors.

We'll continue to work with all those within the school system, Madam Speaker.

Madam Speaker: The honourable member for Transcona, on a supplementary question.

Mr. Altomare: Without up-front plans to support students and reinforce our classrooms, teachers are burning out. Schools in Winnipeg are now actively recruiting people to teach who do not have teaching credentials. As a result, we are looking at a decline in the quality of education because the Pallister government did not put forward comprehensive and funded plans at the beginning of the school year.

Teachers need relief. Support staff need relief. And they need it now.

Where's the government's plan to reinforce and pivot so that schools can feel like they're being supported and provided what's needed in our classrooms?

Mr. Goertzen: Madam Speaker, the member for Transcona will know that the additional teaching support that he references has been in place and has been part of the education system for many years, including the entire duration of the NDP government under Gary Doer and under Greg Selinger.

Of course, these are unprecedented times and there's additional stress within the system. And so school divisions are using additional resources and all the means that they have to ensure that they can get the human resources within the education system to ensure that the programming continues to be delivered as best as possible within class.

Everybody recognizes this is a difficult time. Everybody recognizes in a pandemic—a once-in-100-year event—there are going to be challenges. We'll continue to work with our partners to address those challenges, Madam Speaker.

Madam Speaker: The honourable member for Transcona, on a final supplementary.

Mr. Altomare: Madam Speaker, we still have many students in the province seated less than two metres apart. We have many teachers that are running not one, not just two, but also between three classrooms, and we have them burning out.

The system needs to be reinforced and shored up before asking so much of teachers, support staff, EAs, et cetera. But the Pallister government wasted the summer and, even now, they seem to be oblivious to what's going on in our schools.

Will the minister put forward a plan that meets and regularly ensures that our teachers are getting support, and will he do that today?

Mr. Goertzen: Madam Speaker, he asks if we'll do it today. Well, we did months ago.

While he says that the summer was wasted, I think that's a terrible way to characterize the work that public health and Dr. Roussin did together with department officials, together with school divisions, together with many others within the education system to develop a plan: a plan that doesn't relieve all stress within the education system or within society in general during a pandemic, but a plan that has ensured that transmission of the virus within schools has been relatively low compared to transmission within the community.

He may characterize the work of public health as a waste of time, Madam Speaker. That might be the view of all the members opposite. We support public health and the good work that they're doing.

*(14:20)

Personal-Care-Home Management Call for Independent Inquiry

Mr. Dougald Lamont (St. Boniface): The stories coming out of the Maples PCH are horrific.

I have two friends who had parents die there, and there are suggestions that residents were not getting water. At a town hall, Revera officials admitted they weren't telling the truth.

But Maples is not the only catastrophic failure. There's Parkview, there's a facility at Opaskwayak Cree Nation where every resident has COVID, there's the hospital in Steinbach, and many more.

Why isn't this government calling a full, independent inquiry—beyond Maples alone—that will look into who is responsible, including legally responsible, for the neglect and failures that have taken place?

Hon. Cameron Friesen (Minister of Health, Seniors and Active Living): Madam Speaker, we were clear, when the situation became known at Maples long-term care, that we were going to take action and take it very quickly. And that is why within 24 hours there was a rapid response team, doctors and nurses on staff, additional resource added to that facility and additional supervision of that operator.

And, Madam Speaker, we were very pleased, as well, to be able to engage, within just a matter of days, Dr. Lynn Stevenson, a former associate deputy minister in BC, undertook the review of—in Halifax at the Northwood facility. This individual is going to be

boots on the ground already this week, undertaking an extensive review of the situation to find out what happened and what we do going forward to make it safer for all residents.

Madam Speaker: The honourable member for St. Boniface, on a supplementary question.

Manitoba Bridge Grant Barriers to Qualifying

Mr. Dougald Lamont (St. Boniface): March 26th, 236 days ago, we first called on this government to provide grants to make sure businesses and other organizations could survive shutdowns.

The government's own backgrounder on its business supports, which I table, shows that business programs were often only subscribed by 50 per cent. I've spoken to many business owners who haven't been able to access a dime in provincial support, and that includes the new grant program that was announced yesterday.

A business in my constituency went to 25 per cent capacity. They did everything right, but now they can't access a \$5,000 grant because the business didn't close entirely.

Will the Premier fix this program so it doesn't punish businesses who stayed safely open?

Hon. Brian Pallister (Premier): Close to 15,000 businesses have availed themselves of provincial supports. We've also worked very hard to get the federal government to come up with an overhead insurance program of some kind for compensating on rent and leases, which they announced recently they would do without any intervention by the provincial Liberal Party-west.

I would mention to the member, however, that he's been totally silent on the comments of our colleague, the Leader of the Opposition, in respect of advocating violent behaviour, and I would encourage him to do that because I—to not do that would be to essentially—*[interjection]*

Madam Speaker: Order.

Mr. Pallister: —encourage such behaviour. The rights for Indigenous nations—*[interjection]*

Madam Speaker: Order.

Mr. Pallister: —in eastern Canada to fish and hunt have been established, Madam Speaker. They—the people who disagreed with that exercise, not Indigenous people, are allegedly involved in arson.

They took up torches; they burned down a fish planning—processing facility in Nova Scotia. That was wrong. That was the wrong thing to do. Violence isn't a solution.

When the member advocates for people to take up torches, when he advocates for them to grab pitchforks, he's saying the wrong thing. He's demonstrating totally wrong behaviour, and I'd encourage all members to ask the Leader of the Opposition to join with me in withdrawing his comments and apologizing.

COVID-19 Outbreak in Schools Request for School Closures

Hon. Jon Gerrard (River Heights): Madam Speaker, we stand today at a very critical time. Manitoba's health-care system is extremely stressed. Resources are challenged to the max. Dr. Roussin himself said today the situation is scary, it is unsustainable. Hospitals are at their limits. We need to act urgently and rationally in reducing transmission.

One source of significant social contact is our schools. There are an incredible number—171 in Winnipeg and 260 in all Manitoba—with COVID infections in their students or staff, as I table today.

Will the Premier act today and call for a period of school closures and a time for virtual learning until the outbreak is much better under control?

Hon. Brian Pallister (Premier): No, Madam Speaker, I won't do that. And I won't do it because it's not the advice of our medical experts, nor is it the advice of the World Health Organization, nor is any other province in the process of doing it.

We will look at any number of measures to protect public safety, Madam Speaker, based on the advice of our public health experts, and although the member is a doctor, his expertise is not in this field.

And so I would again suggest to the member that what we need to do here is to work together and to co-operate together and to look for solutions together. That's exactly what we're in pursuit of. That's what we're focused on, and I would encourage the member to do what, frankly, most opposition parties and members are doing all over the country: joining the team that is fighting against COVID.

Manitoba Bridge Grant Business Support Program

Mr. Scott Johnston (Assiniboia): It is critical right now that we get the spread of COVID-19 under

control. Our government understands the challenges to small businesses.

Yesterday, the Manitoba government launched a new support program to help the businesses affected by the move to critical, or code red.

Madam Speaker, could the Finance Minister update this House on the details of this excellent new program?

Hon. Scott Fielding (Minister of Finance): I want to thank the member from Assiniboia for the question on the Manitoba Bridge Grant program.

Madam Speaker, we know as a government that Manitobans have been impacted, businesses have been impacted by the health restrictions. We also know that businesses require help now and the grants need immediate cash flow into businesses, things that are flexible, things that offer—things without strings attached to support businesses.

That's what the business community is asking for, Madam Speaker, and that is what we are delivering.

The Manitoba bridge gap protection program has support—or got applications of over 2,100 businesses in the first day, Madam Speaker. That's above and beyond the 10,000 businesses that have been supported by things like the Gap Protection Program.

Madam Speaker: The time for oral questions has expired.

Speaker's Rulings

Madam Speaker: I have two rulings for the House.

On March 12th, 2020, the honourable member for Keewatinook (Mr. Bushie) raised a matter of privilege regarding statements made outside of the House by the honourable First Minister and the government about delays to the Lake Manitoba and Lake St. Martin outlet channels project.

He contended that information provided during an update by the government on March 9, 2020, was misleading and that his privileges as a member of this House had been breached.

He also expressed his opinion that the honourable First Minister, in claiming that the project falls under the federal Bill C-69, was misleading, an attempt at misdirection. The member concluded his remarks and moved that, and I quote, that this issue be immediately referred to a committee of this House. End quote.

The honourable Government House Leader (Mr. Goertzen) and the honourable member for River Heights (Mr. Gerrard) also offered advice to the Chair. I 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.

As the House knows, when raising a matter of privilege, members must satisfy two conditions 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.

In regards to raising the matter at the earliest opportunity, the honourable member for Keewatinook suggested that the criteria for determining the earliest opportunity should be interpreted in a, and I quote, holistic or contextual matter, end quote, and—and I quote—cannot simply mean the next moment in time in which a member has ability to speak. End quote.

The procedural authorities disagree with the member's contention here. Bosc and Gagnon advise on page 145 of the third edition of House of Commons Procedure and Practice that, and I quote, the matter of privilege to be raised in the House must have recently occurred and must call for the immediate action of the House. End quote.

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 am not satisfied the condition was met in this instance and I ask members to keep this in mind when assessing the aspect of timeliness in the future.

* (14:30)

Regarding the second condition, the honourable member stated that misleading information obstructed his ability to fulfil his obligations in this House. I would like to remind the House that, as Joseph Maingot states on page 241 of Parliamentary Privilege in Canada, and I quote: To allege that a member has misled the House is a matter of order, not privilege.

Furthermore, it has been ruled upon by myself and many Speakers of this House that statements made by members outside the Chamber may not be used as a basis for a question of privilege. Beauchesne citation 31(1) advises that statements made outside the House cannot form the basis for a prima facie case of

privilege. Also, on page 620, Bosc and Gagnon state that the Speaker has no authority to rule on statements made outside of the House by one member against the other.

In examining the matter raised, I believe this to be a difference of opinion over facts, and numerous Manitoba Speakers have ruled on many occasions that a dispute between two members as to allegations of fact does not constitute a breach of privilege. Further, Bosc and Gagnon advise on page 148 that if a question of privilege involves a disagreement between two or more members as to facts, the Speaker typically rules that such a dispute does not prevent members from fulfilling their parliamentary functions, nor does a disagreement breach the collective privileges of the House.

As well, on page 223, Joseph Maingot states that a, and I quote: dispute between two members about questions of fact said in a debate does not constitute a valid question of privilege because it is a matter of debate. End quote.

I would therefore rule that the honourable member does not have a prima facie matter of privilege.

Finally, I would also encourage members to exercise caution in the raising of matters of privilege. While I would never deny a member the right to raise privilege in the House, I fear that there is a worrying trend towards the trivialization and devaluation of what parliamentary privilege represents.

As stated on page 220 of Parliamentary Privilege in Canada, in the Canadian House of Commons, and I quote: Questions of privilege are frequently raised, but few are found to be prima facie cases. Members have a tendency to use the rubric of privilege to raise what is really a matter of order or, in the words of the Speaker of the House of Commons, a grievance against the government. End quote.

* * *

Madam Speaker: I will now rule on the next ruling.

On March 12th, 2020, the honourable member from St. Vital raised a matter of privilege alleging that the government has been infringing upon the privileges of opposition members because they have not called a meeting of the Standing Committee on Crown Corporations to consider annual reports from Efficiency Manitoba since June of 2018.

The member stated that not referring Efficiency Manitoba to committee has prevented the opposition

from holding the government accountable on many serious issues affecting Efficiency Manitoba. The member concluded his remarks by moving, and I quote, "that this issue be immediately referred to a committee of this House."

The honourable Government House Leader (Mr. Goertzen) and the honourable member for River Heights (Mr. Gerrard) also spoke to the matter of privilege before I took the matter under advisement. I thank all honourable members for their advice to the Chair.

There are two conditions that must be satisfied in order for the matter raised to be ruled in order as a prima facie case of privilege: first, was the issue raised at the earliest opportunity; and second, has sufficient evidence been provided to demonstrate that the privileges of the House have been breached in order to warrant putting the matter to the House.

On the issue of timeliness, the honourable member argued that he believed, and I quote: "that we should as members have time to consult relevant authorities, to speak with or study experts and what they've said on these matters so that we can properly be prepared to speak on that matter at hand." End quote.

Further, the member indicated that the committee in question had not met since June of 2018 to consider Efficiency Manitoba reports. This in itself makes it clear that the member or any of his colleagues had many months in order to raise this matter. Accordingly, I'm ruling that the test of timeliness was not met.

Regarding the second issue, I've stated on numerous occasions that a matter concerning the methods by which the House proceeds in the conduct of business is a matter of order, not privilege. Joseph Maingot, in the second edition of Parliamentary Privilege in Canada, states on page 14 that, and I quote: Allegations of breach of privilege by a member in the House that amount to complaints about procedures and practices in the House are by their very nature matters of order. End quote.

He also states on page 223 of the same edition, and I quote: A breach of the standing orders or a failure to follow an established practice would invoke a point of order rather than a question of privilege. End quote.

It has also been ruled many times in this House that the opinion of the Speaker cannot be sought about matters arising concerning committees, and that it is

not competent for the Speaker to exercise procedural control over committees. Speaker Rocan made such ruling in 1989, in 1993, and in 1994. Speaker Hickey also made five such rulings during his tenure. And as your current Speaker, I have also delivered this same ruling including earlier this session.

Although the honourable member from St. Vital may have a difference of opinion regarding the timing of calling Crown corporation meetings, this falls more into the category of a complaint against the government and not a breach of parliamentary privilege.

With the greatest of respect then, I rule that the matter raised does not fulfill the criteria of a prima facie case of privilege.

PETITIONS

Vivian Sand Facility Project—Clean Environment Commission Review

Hon. Jon Gerrard (River Heights): I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

The Vivian sands project is a proposed silica sand mine processing plant to be built in the RM of Springfield. The overall project includes mining claims of over 85,000 hectares, making it the largest claim ever given to a single company in Manitoba's history. It is larger than the city of Winnipeg, which is 46,410 hectares.

The amount of dry, solid sand mined produced per year according to the EAP is 100–1.36 million tons, and much of this sand will be used in fracking. A major concern of the proposed mine and plant is that, if developed, it could contaminate the Sandilands aquifer, including both carbonate and sandstone aquifers, which covers much of southeastern Manitoba. It has excellent water quality and is the water source for tens of thousands of Manitobans, including many municipal water systems, agriculture, industry, private wells and an abundance of wildlife and ecosystems.

Further, people in the Indigenous communities that are potentially affected by this were not allowed the required Indigenous consultation from either federal or provincial government officials.

The sustainable yield of the combined sandstone and carbonate aquifers has still not yet been established by provincial authorities.

The mine could cause leaching of acid and heavy metals and pollute the aquifer, as it will go down 200 feet into the Winnipeg formation of the sandstone aquifer. There is concern that the shale, which separates the carbonate and sandstone aquifers—sand and pyritic oolite itself contains sulphides—will, when exposed to injected air from the CanWhite Sands extraction process, turn to acid.

An additional concern with the proposed mine and plant is the potential to pollute the Brokenhead River and the aquatic food chain leading to Lake Winnipeg.

Residents in the area have also expressed fears of being overexposed to silica dust during production, as there has been a demonstrated lack of safety and environmental procedures by the CanWhite Sands Corporation during the exploratory drilling phase. Signage and fencing has been poor; identifying and required mine claim tags were missing; there were no warnings for silica dust exposure and no coverings to prevent exposure of the silica stockpiles to the elements.

Residents' concerns include the fact that boreholes, which should have been promptly and properly sealed, were left open for a year. The drilling of hundreds of improperly sealed boreholes yearly create significant risks of surface contamination, mixing of aquifer waters and drainage of surface fecal matter into the aquifer.

There is also a risk of subsidence around each borehole as a result of sand extraction.

There are also potential transboundary issues that need to be addressed as the aquifers extend into Minnesota.

* (14:40)

This project should not proceed, as no licensing conditions and mitigation measures will alleviate the risk to all Manitobans and the environment since CanWhite Sands Corporation plans to use an unprecedented mining technique with no established safe outcome. The corporation has gone on record indicating that it does not know how to mine for the silica in the water supply and "need to develop a new extraction methodology that has never been done before."

Contamination of the aquifers and the environment is irreversible, and there are many surface sources of high purity silica that can be

extracted without endangering two essential regional aquifers.

We petition the Legislative Assembly of Manitoba as follows:

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 public hearings and participant funding.

To urge the provincial government 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.

Signed by Kyle Zilkowsky, Darryl Speer, Randy Haskett and many, many other Manitobans. Thank you.

Madam Speaker: In accordance with our rule 133(6), when petitions are read they are deemed to be received by the House.

Are there any further petitions?

Dauphin Correctional Centre

MLA Uzoma Asagwara (Union Station): I wish to present the following petition to the Legislative Assembly of Manitoba:

The background to this petition is as follows:

(1) The provincial government plans to close the Dauphin Correctional Centre, DCC, in May 2020.

(2) The DCC is one of the largest employers in Dauphin, providing the community with good, family-supporting jobs.

(3) Approximately 80 families will be directly affected by the closure, which will also impact the local economy.

(4) As of January 27, 2020, Manitoba's justice system was already more than 250 inmates overcapacity.

We petition the Legislative Assembly of Manitoba as follows:

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

This has been signed by Debbie Jackson, Dale Gawryluk, Raymond Loegren [*phonetic*] and many, many Manitobans.

Mr. Dougald Lamont (St. Boniface): I move, seconded by the MLA for River Heights, that under rule 38(1), the ordinary business of the House—

Madam Speaker: We're still on petitions.

Mr. Lamont: Oh, my apologies.

Madam Speaker: Are there any further petitions?

Ms. Cindy Lamoureux (Tyndall Park): It's okay, Madam Speaker. I'm going to put a pass on the petition today.

Madam Speaker: Does the honourable member for Burrows have a petition?

Crown Land Leases

Mr. Diljeet Brar (Burrows): I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

Many farmers, specifically cattle ranchers, will be negatively impacted by the changes to leased Crown lands announced by the provincial government on September 27, 2019.

Farmers previously had the ability to strategically plan out the way in which they utilized their leased Crown land.

The announcement reduced leaseholds by 35 years to 15 years, and these changes will create great uncertainty, having the potential to impact an entire farm's operation and even existence.

This uncertainty will take away the incentive for farmers to safely invest in their Crown land leases.

The potential of losing these leases without the afforded time to plan ahead will create additional stress for the current farming generation and the ones to follow.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Minister of Agriculture to reconsider the changes to Crown land leases and instead create an agreeable strategy that satisfies all parties, specifically ranchers;

To urge the Minister of Agriculture to recognize the value of agriculture in the province of Manitoba

and the value Crown land holds to farmers in sustaining their livelihood.

To urge the Minister of Agriculture and all honourable members to understand the important role farmers play in the Manitoba economy, and to allow them to take part in discussions that directly impact their livelihood.

This petition has been signed by many, many Manitobans.

Dauphin Correctional Centre

Mr. Ian Bushie (Keewatinook): I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

(1) The provincial government plans to close the Dauphin Correctional Centre, DCC, in May 2020.

(2) The DCC is one of the largest employers in Dauphin, providing the community with good, family-supporting jobs.

(3) Approximately 80 families will be directly affected by the closure, which will also impact the local economy.

(4) As of January 27, 2020, Manitoba justice system was already more than 250 inmates over capacity.

We petition the Legislative Assembly of Manitoba as follows:

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.

This has been signed by many Manitobans.

Madam Speaker: And just so I'm clear, does the member for Tyndall Park (Ms. Lamoureux) have a petition? No, there's not one there.

Mr. Tom Lindsey (Flin Flon): I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

(1) The provincial government plans to close the Dauphin Correctional Centre, DCC, in May 2020.

(2) The DCC is one of the largest employers in Dauphin, providing the community with good, family-supporting jobs.

(3) Approximately 80 families will be directly affected by the closure, which will also impact the local economy.

(4) As of January 27th, 2020, the Manitoba's justice system is already more than 250 inmates over capacity.

We petition the Legislative Assembly of Manitoba as follows:

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.

And, Madam Speaker, this petition has been signed by Ron March, Brendon Arnold, Shelley Wiggins and many other Manitobans.

Thank you, Madam Speaker.

Mr. Jim Maloway (Elmwood): Madam Speaker, I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

(1) The provincial government plans to close the Dauphin Correctional Centre, D-C-C-C, in May 2020.

(2) The D-C-C-C is one of the largest employers in Dauphin, providing the community with good, family-supporting jobs.

(3) Approximately 80 families will be directly affected by the closure, which will also impact the local economy.

(4) As of January 27, 2020, Manitoba's justice system was already more than 250 inmates over capacity.

We petition the Legislative Assembly of Manitoba as follows:

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

And this petition has been signed by many, many Manitobans.

Ms. Malaya Marcelino (Notre Dame): Madam Speaker, I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

The provincial government plans to close the Dauphin Correctional Centre, the DCC, in May 2020.

The DCC is one of the largest employers in Dauphin, providing the community with good, family-supporting jobs.

* (14:50)

Approximately 80 families will be directly affected by the closure, which will also impact the local economy.

As of January 27, 2020, Manitoba's justice system was already more than 250 inmates overcapacity.

We petition the Legislative Assembly of Manitoba as follows:

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.

This has been signed by many Manitobans.

Mr. Jamie Moses (St. Vital): I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

(1) The provincial government plans to close the Dauphin Correctional Centre, DCC, in May 2020.

(2) The DCC is one of the largest employers in Dauphin, providing the community with good, family-supporting jobs.

(3) Approximately 80 families will be directly affected by the closure, which will also impact the local economy.

(4) As of January 27, 2020, Manitoba's justice system was already more than 250 inmates overcapacity.

We petition the Legislative Assembly of Manitoba as follows:

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.

This has been signed by many Manitobans.

Ms. Lisa Naylor (Wolseley): I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

The provincial government plans to close the Dauphin Correctional Centre in May 2020.

The DCC is one of the largest employers in Dauphin, providing the community with good, family-supporting jobs.

Approximately 80 families will be directly affected by the closure, which will also impact the local economy.

As of January 27th, 2020, Manitoba's justice system was already more than 250 inmates overcapacity.

We petition the Legislative Assembly of Manitoba as follows:

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.

This has been signed by Jayme Hansson, Amanda Herman, Kyle Morrisseau and many other Manitobans.

Mr. Adrien Sala (St. James): I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

The provincial government plans to close the Dauphin Correctional Centre in May 2020.

(2) The Dauphin Correctional Centre is one of the largest employers in Dauphin, providing the community with good, family-supporting jobs.

(3) Approximately 80 families will be directly affected by the closure, which will also impact the local economy; and

(4) As of January 27th, 2020, Manitoba's justice system was already more than 250 inmates overcapacity.

We petition the Legislative Assembly of Manitoba as follows:

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

This has been signed by many Manitobans.

Mr. Mintu Sandhu (The Maples): I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

(1) The provincial government plans to close the Dauphin Correctional Centre, DCC, in May 2020.

(2) The DCC is one of the largest employers in Dauphin, providing community with good, family-supporting jobs.

(3) Approximately 80 families will be directly affected by the closure, which will also impact the local economy.

(4) As of January 27, 2020, Manitoba justice system was already more than 250 inmates overcapacity.

We petition the Legislative Assembly of Manitoba as follows:

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.

This has been signed by many Manitobans.

Thank you.

Mrs. Bernadette Smith (Point Douglas): I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

(1) The provincial government plans to close the Dauphin Correctional Centre, DCC, in May 2020.

The DCC is one of the largest employers in Dauphin, providing the community with good, family-supporting jobs.

(3) Approximately 80 families will be directly affected by the closure, which will also impact the local economy.

(4) As of January 27th, 2020, Manitoba's justice system was already more than 250 inmates overcapacity.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Minister of Justice to immediately reverse the decisions—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.

And this is signed by Nancy S.L. Racette, Darcy C. Houle, Sharon Houle and many, many other Manitobans.

Mr. Mark Wasyliw (Fort Garry): I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

(1) That the provincial government plans to close the Dauphin Correctional Centre, DCC, in May of 2020.

(2) The DCC is one of the largest employers in Dauphin, providing the community with good, family-supporting jobs.

(3) Approximately 80 families will be directly affected by the closure, which will also impact the local economy.

(4) As of January 27, 2020, Manitoba's justice system was already more than 250 inmates over capacity.

We petition the Legislative Assembly of Manitoba as follows:

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.

And this has been signed by many Manitobans.

Thank you.

Mr. Matt Wiebe (Concordia): I wish to present the following petition to the Legislative Assembly of Manitoba.

And the background to this petition is as follows:

(1) The provincial government plans to close the Dauphin Correctional Centre, DCC, in May 2020.

(2) The DCC is one of the largest employers in Dauphin, providing the community with good, family-supporting jobs.

(3) Approximately 80 families will be directly affected by the closure, which will also impact the local economy.

(4) As of January 27th, 2020, Manitoba's justice system was already more than 250 inmates overcapacity.

We petition the Legislative Assembly of Manitoba as follows:

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.

* (15:00)

And this petition is signed by many Manitobans.

MATTER OF URGENT PUBLIC IMPORTANCE

Madam Speaker: I have been notified that a member wishes to bring forward a matter of urgent public importance.

Mr. Dougald Lamont (St. Boniface): I move, seconded by the MLA for River Heights, that under rule 38(1), the ordinary business of the House be set aside to discuss a matter of urgent public importance; namely, the need for urgent attention to the impending poverty and homelessness crisis exacerbated due to the spread of COVID-19.

Madam Speaker: Before recognizing the honourable member for St. Boniface, I should remind all members that under rule 38(2), the mover of a motion on a matter of urgent public importance and one member from the other recognized parties in the House are allowed not more than 10 minutes to explain the urgency of debating the matter immediately.

As stated in Beauchesne, citation 390, urgency in this context means the urgency of immediate debate, not of the subject matter of the motion. In their remarks, members should focus exclusively on whether or not there is urgency of debate and whether or not the ordinary opportunities for debate will enable the House to consider the matter early enough to ensure that the public interest will not suffer.

Mr. Lamont: We are calling for a debate this afternoon on the impending poverty and homelessness crisis we are facing made worse by the COVID-19 pandemic. Without question, this is an urgent matter. Without question, this is of public importance.

One of the challenges in this crisis, the pandemic has been incredibly disruptive as everyone often says that it's a 100-year crisis, the worst we've seen in a century, and every day there seems to be a new crisis and as a result, we have limited numbers of questions we can ask, limited time that we have to take in the House to be able to discuss these issues.

We have a health—we know we have a public health crisis; we know we have an economic crisis; we have a climate crisis, and people have been in the streets for months asking for justice and for action. And amidst all of that, we need to remember there are many people in this province who are often overlooked.

They can't always afford lobbyists or public relations to rally for their cause. And even before this pandemic, there was a rising tide of insolvency and joblessness, and too many Manitobans are only a paycheque away from insolvency. We're in code red, the weather is getting worse, there are serious backlogs with even applying for EIA, and critically, we have not yet reintroduced the eviction freeze that we had this spring, which actually protected people who were face—who were unable to pay their rent.

Last fall, there was growing homelessness and record numbers of people who are on EIA. That number has been growing since about 2008 to almost 75,000 people, which as far as I know, is a historic level.

And I just want to briefly tell the story of the constituent who's facing these challenges. She's in her early 60s. She worked—until 18 months ago, she worked at a school, where she'd worked for many years. She burned out. She went on EI for six months. When that ran out, she went on EIA, and then in the spring, she applied for CERB.

She does not and did not qualify for any of the extra provincial supports or payouts, provincial or federal supports that have been paid out to seniors, that have been paid out to people with disabilities, because she's too young. She's about 62 years old. And many of the basic EIA rates in Manitoba are the same they were in 1986.

In 1992-93, the government of the day rolled back rates to 1986 levels, and they've been there ever since. So as a consequence, families with children, people with disabilities who could not work, were actually receiving thousands of dollars less per year, in 2012, than they did in 1989.

It's also important to recognize that people on welfare, as it used to be known, or EIA, want to work. But they're punished for doing so. That there is a punitive clawback that if people make \$300, they may be making—getting \$1,000 a month, if that, \$900 a month if they make \$250 or \$300 earned, \$250 or \$300 a month, which is actually what is required for them to be able to put food on the table or look after themselves, they will be kicked off EIA.

So it's a very punitive system. We've had two generations of policies around social assistance designed to—around the idea that we need to punish people out of poverty when poverty is its own punishment.

I do just want to talk a bit about what's happened in Manitoba when it comes to the Employment and Income Assistance clawback. In April, the Province decided to claw back Employment and Income Assistance for those who received the Canada Emergency Response Benefit.

The same clawback is still being applied to CERB's replacement, the Canada Recovery Benefit. Some CERB recipients were unaware of the clawback and had their benefits held back or cut, and this has left many people unable to pay the rent and put food on the table.

Originally, the federal government was clear that CERB was intended to build upon provincial income support programs. There are provinces which deduct some federal benefits from social assistance, but CERB was recognized as an exceptional emergency measure. British Columbia, Yukon and the Northwest Territories agreed and exempted CERB from social assistance clawbacks, and that is something that Manitoba should consider doing as well.

I just mentioned the fact that we've had 30-plus years of freezes, or that the EIA rates in some cases are—have not changed for 34 years. It is absolutely inadequate for any people to live on. The number of people who have been falling, as I've put it, falling onto EIA since 2008 has been growing by well over 10,000 people. Many are people who—some are refugees who came to Canada in hopes of a better life but, you know, may lack language skills. And so partly, and the current assistance that is offered is nowhere near adequate to cover basic average rents in Manitoba.

Make Poverty History has said that many people on EIA rely on non-profits to access things like food, telephone, Internet, and laundry facilities; the majority of these services have either been shut down or drastically reduced during the pandemic, which means the people who are living in shelters are often, sort of, expelled out onto the street and have no place to stay during the day have lost all those places. There's no place for them to use washroom facilities, there's no place for them just to warm up. These are all sort of crisis levels.

I know that there are some measures that are being taken but we need to do much more. We should restore—move quickly as possible to restore the eviction ban. And just the three things that really need to be addressed right now: (1) the government of Manitoba can reduce poverty and homelessness and reduce the spread of COVID-19. It is worth mentioning that there have been—because people cannot self isolate in places like—sometimes in places like Main Street or Siloam Mission, essentially what people are offered is temporary housing which amounts to a mat on the floor. And if you have a mat on the floor with a whole bunch of people together it means that they don't have the capacity to isolate and stay safe.

And these are vulnerable populations simply because access to nutrition and the mental and health challenges that come along with being deprived of shelter are extremely serious. So these are vulnerable populations to—where, not just because of the conditions they're living in but their health—their physical health makes them vulnerable to the worst case scenarios when it comes to COVID.

So, again, the government of Manitoba can reduce poverty and homelessness and stop the spread of COVID by fully exempting CERB, CRB and other federal COVID recovery measures from the EIA clawbacks to ensure EIA benefits are not interrupted or reduced.

And I will say that in the spring when this became an issue, people were being encouraged to go onto CERB, there was a risk that people on EIA were going to lose their drug benefits, and for some people that can be—an individual who was contacted by us, if he was unable to access benefits for medications, CERB would have consumed his entire—the entire cost of his medication for the entire year; that in order to stay healthy and stay safe he needed \$2,000 worth of medications a month and which he would have lost. We contacted the Minister of Families (Mrs. Stefanson), they worked with us, we did get that change made. So these are really important things that we do have to make sure that the most vulnerable are being cared for.

We must consider increasing the EIA allowances for single adults. Again, the case of my constituent who's 60, 61, 62 years old and is unable to work; went from being able to make a decent living and is now struggling to pay rent and put food on the table.

And finally—and, actually, I'll add that support for people with disabilities on EIA is absolutely critical.

Finally, reinstating the provincial eviction ban to prevent homelessness and prevent evictions when we actually—I mean, we had this in place in the spring and our cases are a—multiple times worse today than they were then. People are much more at risk; they should not be moving, they should be sheltering in place. So restoring that—restoring the eviction ban would be critically important.

I do hope that everyone in the House will consider discussing this. This is a critical issue. Not just, it's a humanitarian issue, it's a human issue, but it is also ultimately a public health issue and at keeping safe and alive.

Thank you, Madam Speaker.

Hon. Kelvin Goertzen (Government House Leader): Just briefly to the issue of the matter of urgent public importance raised by the member for St. Boniface (Mr. Lamont).

* (15:10)

The member will know that in this Assembly there are specific rules and guidelines set out to qualify as a matter of urgent public importance, the first being that the matter must be so urgent and so pressing that it demands that the rest of the business of the House be set aside as a matter of public importance and that the public good would suffer if it were not set aside.

And certainly this issue is very important. It is always important. The issue of homelessness, the issue of income security is always important. It is always critical, particularly during a time of pandemic, so I would not argue with the member opposite that it is an important issue.

I do find it somewhat passing strange that it was not so important for the member that he didn't raise it in question period when he had the opportunity to address this issue. He had other issues that he thought were more important to raise than this one, yet he feels that this is so important that all the other business of the House must be set aside, Madam Speaker. But I won't argue with him that this is a critical issue and an important issue, and so in that we might find some accord.

However, the other criteria, of course, is that there must be no other reasonable opportunity during the course of the Assembly and the debates that are proceeding to be able to address the issue and to raise the issue, of course. As I mentioned in my previous argument, he had the opportunity during question

period to address the issue and to question the government and to question the minister about this very issue and he was silent on it. He said nothing on it, Madam Speaker.

And so, on the one hand, he says it's so important that the business needs to be set aside; on the other hand, he didn't even think it was so important to raise it in question period. But it speaks specifically to the issue that there are other opportunities for him to raise this issue. One would be in question period; perhaps one would be in the debates this afternoon on bills that might touch on these issues in some way, either directly or tangentially, Madam Speaker. so it is an important issue, but it is not one that falls within the criteria of this House to qualify as a matter of urgent public importance.

Mrs. Bernadette Smith (Point Douglas): I want—I'm honoured to put a few words on the record and just share some of the things that I worked on this weekend regarding the homeless population.

They are in crisis. It is rapidly spreading from client to client. Homeless people aren't able to isolate like we are. You know, the public is told to stay home, to not go out, to only go out for essential things. Well, our homeless population doesn't have that same necessity that we all have. They don't have homes, so they rely on shelters, and shelters right now are getting hammered. Their staff are contracting COVID and it's transmitting staff to staff, and it's putting a strain on the amount of space that is essential in stopping the spread of COVID to people who are experiencing homelessness.

We've recently learned that shelter space has been reduced at Main Street Project. They used to have two floors on Martha Street. That has now been decreased to one floor. There is 102 beds and they are having to turn away people nightly because there's not enough space to house people, and there's not enough staffing to staff both floors.

We learn that the men's detox centre this weekend had to close due to staffing and staff being—testing positive for COVID and not having enough staff, so seven men were basically told to pack up their belongings, were administered their meds, and were sent on their way.

And the only reason I know this is because I had two constituents reach out to me who were parents of two young men that were in this detox and were fearful because these young men are vulnerable. They're vulnerable because they gather in large groups

and they consume alcohol and often are victims of violence, and their parents are very fearful of what's going to happen to them.

And when I reached out to Main Street Project, they've been asking for help from this government for quite some time now. They received some help federally, but this Province and this government, this Pallister government has a duty and a responsibility to ensure that our homeless population is housed and that there's proper staffing and that there's enough space.

We also learned this weekend that all of the isolation units that have been set up by this government are full. There is not enough space—and we've heard space is essential as well as, you know, staffing is essential, and both of those things are lacking.

And this government has not acted. They've failed to act. They've failed to listen to these organizations, who are non-profits, who are on the front lines every day and have put themselves at risk. And many of them have contracted COVID themselves, which has scaled back the resources that are being offered to our homeless community.

There is a real emergency in our homeless population right now. We have a surge of COVID cases happening. No one is talking about this. It's very silent, because when organizations are asking for support from this government, it's falling on deaf ears, and they are desperate. They are trying to save lives. They are trying to keep people healthy. These are people who are vulnerable already. They already have—many have, you know, health issues.

And when we look at what this government, you know, has offered to these organizations, it's absolutely nothing. When I've spoken to these organizations, it's all been federal. And these are Manitobans. These are human beings. They deserve to live in dignity. They deserve to have space, not sleeping on a mat.

When I talked to these organizations, they talked about cohorting and housing our homeless population full time so that they can ensure that they're not spreading COVID and that they're not contracting COVID because of being homeless and not having a place to stay and having to be on the streets for, you know, half the day. Shelters are only opening at night to allow people to come in and sleep because they don't have the capacity to bring people in and allow them to stay all day because they don't have the staff and they don't have the space.

And, certainly, when we look at what this government has done in terms of, you know, people who collected CERB and CRB and this government clawbacking, clawing at those benefits back and putting Manitobans really at risk of being homeless. And we've had so many constituents reach out that their rent wasn't paid, and that's the only reason they know that their EIA was cut off. And these are people who deserve to live in a house, especially during a global pandemic.

You know, it's very shameful to see that this government would do that to Manitobans at a time like this. If anything, they should be offering more supports to Manitobans, especially to those who are living in poverty and those who are homeless and underhoused. I hear from many constituents who are couch-surfing, they're having to, you know, stay with family members, and there's not enough room. They don't have, you know, enough room to supply someone who may test positive for COVID and give them a bedroom so that they can isolate while the rest of their family, you know, goes on with their day-to-day, you know, goings-on.

But this government needs to take this seriously, they need to start addressing this and they need to start putting some investments and listening to the front-line non-profits who are doing this work and putting their life on the line every day and who have contracted COVID.

And when I say that, I'm telling you that, you know, detox has had to close at Main Street Project. That means all of that whole team has contracted COVID. They've had to shut down programming, which has put seven people at—on the street. And it's no fault of, you know, Main Street Project. They're doing the best that they can with what the resources they have.

* (15:20)

But this government needs to step up. They need to step up now. They need to work with the non-profits and figure out a plan so that Manitobans who are underhoused or homeless can get the housing that they need, isolate when they need it and help stop the spread of COVID, because it's happening—it's spreading like wildfire in our homeless population.

And we've been saying this for months. We brought this forward in March and April when this—when COVID first started. We knew this was coming. And this government has failed to act and, you know, it's resulting in high numbers of COVID cases, and many

of them are in our homeless population and in the staffing that—the very people who are servicing this population.

So, you know, I urge this government to start putting in—a plan in place to address, so that our homeless population can get the services that they need, and also so that our community organizations aren't stretched. They are burning out. They are being asked more than ever for more services. Main Street Project has seen a rise in the amount of services that they're providing. They've also seen a rise in addiction use. They're seeing people that they've never seen before.

Shelters are seeing people that they've never seen use their facilities before, all because this government has been clawing back money from CERB. They've been cutting people off of EIA. They have not been providing enough services. And they are putting lives at risk.

And these are Manitobans, and this government should be ashamed of themselves for sitting back and allowing this to happen.

We told them that this was going to happen. They could have been doing something a long time ago and, you know, they've failed to act and failed to plan, and now where—we're at where we're at, and many aren't being housed. People are losing their homes and many are contracting COVID. And staff are burning out, and this government needs to act and save some lives and start treating our homeless population as human beings.

Miigwech.

Madam Speaker: I thank the honourable members for their advice to the Chair on the motion proposed by the honourable member for St. Boniface (Mr. Lamont) regarding the matter of urgent public importance.

The 90 minutes 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.

I have listened very carefully to the arguments put forward. Although poverty, homelessness and the COVID-19 pandemic are indeed serious matters,

members have had other opportunities to debate these matters, including earlier today during oral questions or during members' statements or as a grievance.

Therefore, 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.

Grievances?

ORDERS OF THE DAY GOVERNMENT BUSINESS

Hon. Kelvin Goertzen (Government House Leader): Could you please call for debate and hopeful passage Bill 42, The Remote Witnessing and Commissioning Act (Various Acts Amended), and then following that, Bill 8, Bill 4 and Bill 7?

Madam Speaker: It has been announced that the House will consider second reading of Bill 42 and, if that passes, moving on to Bills 8, 4 and 7.

SECOND READINGS

Bill 42—The Remote Witnessing and Commissioning Act (Various Acts Amended)

Madam Speaker: I will therefore call second reading of Bill 42, The Remote Witnessing and Commissioning Act (Various Acts Amended).

Hon. Cliff Cullen (Minister of Justice and Attorney General): I move, seconded by the Minister of Finance (Mr. Fielding), that Bill 42, The Remote Witnessing and Commissioning Act (Various Acts Amended), be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Cullen: I'm pleased to rise in the House today to provide second reading comments for The Remote Witnessing and Commissioning Act.

This bill amends several Justice statutes. The amendments include to The Manitoba Evidence Act, The Health Care Directives Act, The Homesteads Act, The Powers of Attorney Act, The Real Property Act and The Wills Act. All have the same goal of enabling Manitobans to have certain legal documents—such as wills, powers of attorney, land transfers—witnessed or commissioned through the use of video conferencing or other technology. This is in addition to having these processes occur the traditional way, in purpose—in person.

These initiatives have been in place in Manitoba under the authority of the state of emergency and public health orders. It is clear that these changes have reduced the need for Manitobans to go out, reduced their close contacts and increased accessibility for those in rural and remote areas. It is our intent under this legislation to make these changes permanent.

Mr. Doyle Pivniuk, Deputy Speaker, in the Chair

While some may prefer that these processes continue in person only, we know that this can be a barrier to ensuring safe physical distancing practices during a pandemic such as COVID-19, and also to accessing timely and affordable justice when we live in areas of the province where in-person service may not be readily available or cause financial hardship to obtain.

We also know that our world is changing rapidly, and video conferencing technology has improved substantially over the last few years. This will support the way we live and work, and the justice system needs to adapt this new technology as well.

This bill enables the use of video conferencing or other future technologies that facilitate remote personal interactions in the areas of evidence, wills, powers of attorney, health-care directives and land transactions. The details of how this will be carried out—again, ensuring that our vulnerable citizens are protected from any potential abuse that could occur through the use of technology in the areas of law—will be established in regulations to each of these statutes.

This provides an opportunity to engage with appropriate stakeholders to ensure we achieve the proper balance between protection of the vulnerable from potential abuse, the use of technology and enhancing access to justice and modernizing the justice system here in Manitoba. The experience under the current emergency measures order has been positive, and I am certain that this will continue to be the case as we move to make this a permanent option for Manitobans.

As Attorney General, I am mindful of the need to ensure public confidence in our justice system, and important components of that is the provision of efficient and timely justice services. This bill is a step toward providing Manitobans with a more modern approach to justice services.

The impact of COVID-19 has helped us to recognize that, in some circumstances, the old way of doing business can be improved. We can adapt, and

the new technology is there to support us doing so in a safe and secure manner.

I look forward to the support of this House in having this bill passed. Thank you very much, Mr. Deputy Speaker.

Questions

Mr. Deputy Speaker: A question period of up to 15 minutes will be held. Questions may be addressed to the minister by members in the following sequence: first question by the official opposition critic or designate; subsequent questions may be asked for each independent member; the remaining questions asked by the opposition members. And no question shall exceed 45 seconds.

Ms. Nahanni Fontaine (St. Johns): Would the minister please advise the House what are the implications of this bill for legal practice in Manitoba?

* (15:30)

Hon. Cliff Cullen (Minister of Justice and Attorney General): I appreciate the question.

I do note that, I believe it is—or, sorry, BC has moved in this regard as well. We know other provinces are watching what we're doing here. I believe this will actually modernize many processes within justice.

We've always had a focus on improving justice system, making sure it's timely and accessible. What we've seen in the last couple of months with these orders in place that it's been able to expedite some of these signatures in the witnessing requirements, so it's certainly beneficial to Manitobans, and I think it's beneficial to those that provide these law services to Manitobans as well.

Hon. Jon Gerrard (River Heights): Yes, my question to the minister is this: we're dealing with a situation at the moment where a resident of a personal-care home who is believed to have adequate mental capacity is looking to see a lawyer.

There is a question: can the personal-care home block the lawyer from coming in? Is the solution to have virtual legal advice, as you have planning in this situation? What is the answer to somebody in that situation?

Mr. Cullen: Well, I do appreciate the question from the member, and obviously, through COVID, many Manitobans are finding themselves in similar situations. And that is clearly the intent of the public health orders that we have implemented that this

witnessing or advice does not have to be done in person. It can be done through video conferencing or other avenues.

So I'm optimistic that the health orders would provide exactly for the situation that the member inquires about. I would think the individual's lawyer would be able to provide that advice to them.

Ms. Fontaine: Would the minister be so kind as to explain today whether or not he consulted with the Law Society of Manitoba and any other relevant stakeholders in developing this particular legislation?

Mr. Cullen: I do appreciate the question. To date, we have had consultations with the Bar Association and the Law Society. Clearly, as we go forward, there will be additional regulations that will be required under each of these statutes.

We firmly believe that additional consultation in regard to those regulations will be important, so we will be reaching out to both the Bar Association, the Law Society and other stakeholders for their feedback as we look to develop regulations in the future.

Mr. Gerrard: Yes, I thank the minister for the earlier answer to the question.

So, that is—what is happening currently is that the legal—the lawyer can provide legal advice virtually. What this bill is trying to do is to make it permanent.

Will the minister be releasing or telling us some of the details of the regulations, because it's hard to judge the merits of the bill without seeing some plan for the regulations that are going to be in it.

Mr. Cullen: Certainly, I appreciate the member's question. Obviously, the regulations as they pertain to each of the statutes will require further consultation with those involved in the industry. That's certainly been our goal from the outset.

This—the legislation certainly lays out the framework and the concepts of what we're trying to accomplish. Clearly, the regulations will be more of a—I will call it an operational nature, and also include some of the more technical nature in terms of what constitutes video conferencing, and what other type of technology might be available, both now and into the future.

So, obviously more consultation—

Mr. Deputy Speaker: The honourable minister's time is up.

Ms. Fontaine: Would the minister tell us whether or not there are any legal concerns with the validity of documents witnessed or commissioned virtually?

Mr. Cullen: I appreciate the question. No issues have been raised with my office at this point in time. Obviously, we've had these orders in place for several months now. We haven't heard of any issues arising out of the remote witnessing and commissioning at this point in time.

We're optimistic. BC has brought this in on a permanent basis. Seems to be effective there. We're optimistic that once we get this permanent it will be an effective tool as well.

But back to my point about further consultations with the stakeholders, I think that will be required to make sure that we get the regulations correct.

Mr. Deputy Speaker: The honourable member for River Heights.

Member for River Heights, you have to take the mic off mute.

Mr. Gerrard: I would ask the minister what is his expected timeline? Once this bill is passed, how quickly can it actually be implemented?

Mr. Cullen: I appreciate the member's interest in this legislation. Obviously, the framework will be there. We have already started the consultations with the industry and stakeholders in terms of the regulations. I'm optimistic we can move these forward very quickly.

It would certainly appear that we're going to have our public health orders in place for, unfortunately, for some time to come. It would be nice if we could have this legislation be ready and the regulations ready when the existing public health orders expire.

Ms. Fontaine: Could the minister tell the House today, is there any potential for any remote witnessing or commissioning to be abused, and if so, how?

Mr. Cullen: And I do appreciate the question, and clearly that is a concern that this—somehow the system might be abused in terms of maybe individuals with mental health issues or other implications.

So that's why we want to make sure we do the proper consultations with the authorities, with our stakeholders, those in the legal community, to make sure that we try to mitigate any potential challenges that may come forward in terms of the abuse of this legislation. So I think that's why we have to ensure

that we're going to do the proper consultation going forward.

Mr. Gerrard: To the minister: If you have a lawyer and a client—person who's dealing with a lawyer, communicating by video conference where the lawyer and the client have been working closely together for many years, there's not an issue of being able to identify and being sure who the client is, but if you've got a lawyer who is only just starting to work with a client, it can be much more difficult.

What sort of safeguards will there be to make sure that individuals are identified properly? We know with cybersecurity that this can be an issue at times.

Mr. Cullen: And again, I appreciate that line of questioning, and that's why when we get down to the operational component of this it's important that we get these regulations right. That's why we opened up a dialogue with stakeholders, those that provide legal advice in Manitoba.

We will continue with that consultation to make sure that we get those regulations correct so that Manitobans are served in a timely fashion and in a fashion that is quite easy to obtain again. But we want to make sure that we don't have any situations of abuse in this process.

Ms. Fontaine: Can the minister tell us why it's necessary to have remote witnessing and commissioning available in the future when it is allowed under the current state of emergency?

Mr. Cullen: I think we're all optimistic our public health orders will have—hopefully in the near future be eliminated, won't—we won't require the existing public health orders. Unfortunately, we don't know how long that will last in our current pandemic.

* (15:40)

It's certainly my goal, if we can get this legislation passed, regulations in place so that this legislation would be enacted, regulations in place, we have the framework in place, hopefully shortly after the current public health orders are lifted so that there would be a smooth transition to the remote witnessing and commissioning component. It's something that, I think—

Mr. Deputy Speaker: The honourable minister's time is up.

Mr. Gerrard: I ask the minister, I mean, it is a problem for a lawyer in ascertaining the identity of the

client, but it is also an issue for the client to be sure of the identity of the lawyer.

We have, and know of, many scams in which the identity of the individual who is a salesman—is selling services have been scams.

What measures will be taken to ensure that the lawyer is who he or she or they says they are?

Mr. Cullen: The member raises a very valid point here.

Clearly, we want to take every measure we can to make sure there's no abuse of this system, there's no identity fraud, anything of that nature. So that's why I think it's so important that we will consult with the authorities, making sure that we mitigate as much as possible any abuse that could fall under this particular legislation.

So I respect the member's comments and certainly take that under advisement.

Ms. Fontaine: Can the minister tell us how will the distribution of documents work when documents need to be signed by both the 'testor' and the witness, who are in different locations.

Mr. Cullen: I appreciate the question.

Again, a question about logistics. And the logistics piece of this will be—fall under the regulations. So, clearly, regulations will be important to the respective statutes that I mentioned earlier. We obviously want to consult with those stakeholders that will be involved in that, making sure that the regulations speak to the logistics and to the technical nature of what has to occur in terms of remote witnessing and commissioning.

Mr. Dougald Lamont (St. Boniface): My apologies for the delay.

Yes, I just want to ask the minister what sort of—have there been major backlogs in the courts as a result of the pandemic, and is this expected to be able to clear those out a little?

Mr. Cullen: Well, clearly the—COVID-19 has presented some challenges within the court system. We've embraced technology, we've been forced to make change—I think some positive change in terms of technology and how we deal with cases.

Notwithstanding that, especially when it comes to circuit courts, 'remorte' courts don't have access to those communities, so that certainly has created

delays in our court system. Every jurisdiction is facing these delays.

I think, though, this is a piece of legislation that we are using under our public health orders right now to expedite signing of various documents in respect of a number of—

Mr. Deputy Speaker: The honourable minister's time is up.

Ms. Fontaine: Could the minister tell us when he plans on distributing the rest of his justice bills?

As folks know in the House, Deputy Speaker, there are a significant number of justice bills that were introduced but we have not had access to, including the amendment to the police act.

So can the minister tell us right now when he'll be distributing the rest of those justice bills?

Mr. Cullen: Yes, we have introduced quite a number of justice-related pieces of legislation, and we're very proud of the legislation we have introduced. And the members of the Assembly will be seeing the details of that legislation very shortly.

Mr. Deputy Speaker: Time for question has expired.

Debate

Mr. Deputy Speaker: The debate is open. Any speakers?

Ms. Nahanni Fontaine (St. Johns): So, I'm pleased as the critic for Justice for the official opposition to put a couple of words on the record in respect of Bill 42, The Remote Witnessing and Commissioning Act (Various Acts Amended), Deputy Speaker.

I think that we've had a good, somewhat answerable question period from the minister.

An Honourable Member: Somewhat.

Ms. Fontaine: Somewhat. They're getting excited on the other side, but I did say somewhat. I think that there's always lots of opportunities to ensure that questions get answered in this House on behalf of the government and we don't happen to see that all the time or most of the time, Deputy Speaker.

I want to, in respect of the importance of, during COVID-19, and the importance of, during a global pandemic, to have remote witnessing and commissioning capabilities. It bears to mind the need for such technological infrastructure throughout Manitoba, but certainly, as well, within correctional facilities across the province.

And so, to that end, I'd like to spend the next half an hour—I wish I had more time, Deputy Speaker—

An Honourable Member: Leave.

Ms. Fontaine: Oh, the Minister for Education is giving me leave.

There's lots to put on the record in respect of correctional facilities here in Manitoba during a COVID-19 global pandemic, not the least is numbers. I want to put on record the numbers as I know them currently. I suspect that these perhaps have changed. These are the most up-to-date that I have, but I wanted to share with Manitobans what the current numbers for COVID-positive results for both correctional staff as well as for Manitobans that are currently housed in correctional facilities.

In Headingley, Deputy Speaker, there are 218 cases, including 38 staff—I believe that's about 179 positive cases among Manitoba citizens who are currently housed in Headingley. There are 27 cases in totality at the women's correctional facility, with three of those being staff. Agassiz Youth has 17, with five of those being staff, the remainder, Manitoba citizens. The Winnipeg Remand: five, with four staff tested positive for COVID. Milner Ridge: there are three cases, and all of those cases are staff positive. Brandon: there are three cases, and all of those are staff positive. The Manitoba Youth: there are two cases, and all of those are staff positive. As well, Deputy Speaker, we know that there are—at the Stony Mountain Institution, there is also a current outbreak with 37 cases, and 29 of those are citizens currently housed in Stony Mountain.

I would suggest to the House, and I would suggest to Manitobans who may or may not see this live or may or may not see this when it's posted later on, that the numbers that I just read out are cause for concern. They're—we know that since March, since the advent of COVID-19 here in—certainly in the province, every opportunity that I've had as the Justice critic to get up in the House and ask questions of the Justice Minister, I repeatedly asked the Justice Minister what he was going to do to protect Manitobans who both currently work at correctional facilities and who are currently housed at correctional facilities.

* (15:50)

I repeatedly mentioned in this House and asked questions in this House that all we had to do was look at the numbers in various different parts of the world and how correctional facilities are—the potential for transmission is exponential in correctional facilities,

and that is no different for the correctional facilities that we have here in Manitoba.

I repeatedly asked the minister what would be the plan, what measures were being undertaken to mitigate the transmission and then certainly to protect Manitobans if they indeed got COVID-19. For months now, Deputy Speaker, we have heard basically just non-answers to very, very serious questions.

The minister has gone so far as, you know, a couple of weeks ago, holding a press conference where everybody thought that they were going to be announcing new measures on what they were going to do to protect Manitobans in correctional facilities, and it wasn't any of that.

They just—or he regurgitated what he regurgitates, day in and day out, every time we ask about Manitobans who both work in and are currently housed in correctional facilities. We didn't get any answers. We still haven't gotten any answers. It's almost nine months—eight months and counting—into COVID-19, and there hasn't been a significant plan and a very spotty communication to staff and certainly to Manitobans that are housed at correctional facilities.

What we've come to understand in the last couple of weeks—despite the numerous times that I have tried to raise concern about the potentiality for the spread of COVID-19 in our correctional facilities—we've seen that bear fruit now, Deputy Speaker.

And the outbreak at Headingley is particularly dangerous and particularly cause for concern. Those numbers are huge numbers, Deputy Speaker: 218 cases in a facility that is overcrowded, over capacity, has an old infrastructure, so not the best ventilation systems, and—[*interjection*]—okay, I wasn't sure if there was something going—[*interjection*]—okay, thank you—and so, not the best ventilation system, an old building, so cramped quarters.

I've shared often in this House that I've had the opportunity to visit and tour almost all of the correctional facilities in Manitoba, including Headingley. I've been to Headingley several times, and it is tight quarters, and we know that people are, in some cases, double- or triple-bunking. That is ripe for the transmission of COVID-19.

What I find particularly concerning is that there is literally not a peep coming from the Minister of Justice (Mr. Cullen), there's not a peep coming from the Premier (Mr. Pallister) in respect of what is—

An Honourable Member: Peep.

Ms. Fontaine: —a crisis, and I think that the Minister—

An Honourable Member: Peep.

Ms. Fontaine: —for Finance is making jokes right now, so I want Manitobans to know that the Minister—

An Honourable Member: Peep.

Ms. Fontaine: —for Finance is—

Mr. Deputy Speaker: Order.

Ms. Fontaine: —doing a little heckling and acting like a child while we're talking about—

An Honourable Member: Peep.

Ms. Fontaine: —COVID—and he continues—and we—

An Honourable Member: Peep.

Ms. Fontaine: —are talking about an outbreak at Headingley. Not a peep from the Premier. Not a peep from the minister. Only little—literally little peeps from the Minister of Finance (Mr. Fielding), who's trying to ridicule what I bring forward here today.

Now, the question becomes, Deputy Speaker, why? Why does the Premier and the Minister of Justice not care? Why are they not concerned that staff and Manitobans currently housed at Headingley are in the midst of an outbreak in that facility?

Well, I mean, I would suggest, Deputy Speaker, it is because they don't care about people or Manitobans that they deem less than or somehow got themselves into these problems and made wrong choices and all of that, that kind of narrative of, if you do the crime—whatever that narrative is. I would suggest to you that's why there's not a concern. That's not—that's why the government is not mobilizing on trying to mitigate what's going on in Headingley, and that is shameful.

What we also know, Deputy Speaker, and I've shared this in the last month, that I have taken calls and have spoken with family members as far as BC for folks who have relatives who are currently incarcerated in Headingley, and I've heard a variety of different concerns and I'd like to lay some of them out. And while, you know, folks may not think that they are significant concerns, they are in the context of Manitobans' Charter and human rights.

And so we know that when individuals and Manitobans who are currently housed in correctional facilities—particularly, let's talk about Headingley—we know that when they test positive, they are isolated. Not all, but many are isolated in what is formally

called the hole or segregation. And they are—they test positive; they're sent to the hole; they're in that segregated unit for 23 and a half hours a day.

Why are they being placed in segregated units when they're sick? They didn't do anything to warrant such punishment, but they are being punished because they tested positive for COVID-19.

I also remind the House and I remind folks that there's—people who test positive for COVID-19 in correctional facilities didn't bring that on themselves. They have nowhere to go to avoid COVID-19. It is to no fault of their own if folks test positive for COVID-19, and yet the Premier (Mr. Pallister) and the Justice Minister are punishing them by sending them to segregated units and to segregated cells for 23 and a half hours a day. That—let me be absolutely clear: that is a violation of Manitobans' Charter and human rights. They didn't do anything; they happened to get COVID in a place where they can't escape it, and yet the Premier and the minister are standing by and punishing them.

And I would imagine—I would hope—that it's not like they don't know the concerns that are coming out. I know that I've said it in question period. I know that there's been articles. I know that family members have emailed the Premier directly and the Minister of Justice (Mr. Cullen) so that they know these concerns.

So, people—citizens—who test positive are sent to solitary confinement for 23 and a half hours. They're sent there with the bare minimum, like a pillow, a sheet, a blanket, and that's it. The other piece that's happened is they—citizens—are no longer able to access canteen—I think about once a week—and I think the max items that you can purchase from canteen is eight items.

It's important for Manitobans to know and maybe the minister—I don't know if the minister knows this—is that, you know, often Manitobans who are housed in correctional facilities will use the dollars that they have to purchase items from canteen to offset, you know, if they're hungry or if they need, you know, whatever it may be, they use that canteen which they are entitled to use. It's not a privilege; they're entitled to use the canteen if they have dollars.

And so what has Manitoba Justice done in a pandemic? They've limited the amount of times that folks can go to canteen or get items from canteen and only to eight items. Why? Why is the Premier and the minister punishing Manitobans by not being able to

access the canteen when they need it most when they're sick?

So we've got that. We know we've—I've heard directly from many families who have said—all have said that their loved ones, while they've been in segregated units, have not seen a doctor or a nurse. How is it that if you have COVID-19, you know, a virus, part of a global pandemic, have Manitoba citizens not seen a doctor or a nurse while they've been in isolated or solitary confinement?

I've heard from families who have said that their loved ones have requested tests and tests have not been necessarily made available to Manitobans who are currently housed at Headingley. Those are some concerns, as well.

* (16:00)

Deputy Speaker, the Premier and the minister are wilfully and knowingly, as we sit in this House today, violating the Charter and human rights of Manitoba citizens, and we have heard nothing on how they're going to attempt to mitigate that.

Deputy Speaker, I also want to talk about the staff. I heard from staff members, and I've also heard from staff members' families who are concerned for their loved ones who work in correctional facilities. I repeatedly heard that staff have not had access to proper PPE and, in fact, we know that the government sent out, all over Manitoba, Technologist Choice masks, including to Headingley, that were well expired, almost some 11 years expired.

Why they did that, I can only surmise because they are cheap and tried to do PPE on the cheap and tried to use stockpiles that the NDP had bought during H1N1, and then disseminated it because they thought, oh, here's a big stockpile of PPE that we don't have to pay for, but I'm not even going to check if they are viable, like, if they're going to be protective.

And so they sent that to staff in Headingley, and that is directly putting staff in harm's way of getting COVID-19, and they know that. They know that they did that. They did that knowingly and strategically, they sent out those masks, including to correctional officers in correctional facilities in Manitoba.

Deputy Speaker, the response of the Premier—

Mr. Deputy Speaker: Order. Order.

I just want to remind the member for St. Johns (Ms. Fontaine) that even though that they—although that—related to the correctional facility during a—

COVID are important, just be related to the matters of Bill 42. So, on relevance.

Ms. Fontaine: And Deputy Speaker, I am getting to that. I am formulating my arguments in respect of Bill 42 and why it is important that Manitobans currently housed in correctional facilities also have access to witnessing and commissioning.

So I am getting to that, but I think it's important for Manitobans to get an understanding of what the Premier and the minister are doing to folks who are currently incarcerated.

Deputy Speaker, I want to talk about families again. I want to go back to families and the concerns that families have brought forward to me. And so when we talk about, you know, technological, virtual ability to, you know, sign things or witness things, I would suggest to the House that this should be also made available to folks who are currently housed in correctional facilities.

I have heard repeatedly from families that they are concerned for their loved ones. On top of, you know, folks being locked up for 23 and a half hours a day—I don't even understand how, in a global pandemic, that's the response from the Premier (Mr. Pallister) and the minister on how to help somebody who has COVID-19—folks are allowed out for a half an hour, and they are allowed 15 minutes for a phone call. And so we do know that families are waiting by the phone, hoping to speak to their loved one.

And so, you know, in the midst of a global pandemic, when families are concerned for their loved ones, they're concerned for the health of their loved ones, you know, technological advances in virtual—you know, the ability to virtually see and witness and sign documents, I think that this bill could be strengthened by adding that piece for folks who are currently incarcerated so that their loved ones can see that, okay, they're okay. Or they can see, alternatively, that they're not okay and their loved ones need help and support and families can best advocate for their loved ones who are currently incarcerated and housed at Headingley correctional facility.

I want to just share a letter that was written to me from a wife that I spoke with just a couple of days ago. I had suggested to her—we spoke for, I think, about an hour—and I had suggested to her, Deputy Speaker, that she write that to me in a letter and that she send it to the Minister of Justice (Mr. Cullen).

I know that she has not received a response, alongside so many other families who have gotten no

information or any communication from departmental staff or the Justice Minister. And I know that he's getting those emails. I know that he is because I am getting them as well.

And so I want to take the opportunity right now, as we discuss Bill 42 and we debate the merits of Bill 42, The Remote Witnessing and Commissioning Act, I want to read in the record, in the official record, Deputy Speaker, her letter and—hoping that the Minister of Justice will take it upon himself and respond to this wife.

And, again, Deputy Speaker, I want to point out that she's only one of many family members who are at a loss and so concerned for their loved ones.

This letter is to address the current state of affairs at Headingley correctional facility.

My husband was taken into custody on July 6th, 2020. He was isolated at the Winnipeg Remand Centre for 10 days before being transferred to Headingley where he had to again isolate for another 10 days. During this time he had limited access to a phone, and because of COVID, visitors were not allowed.

Brian [*phonetic*] was part of a cleaning crew and it was found out that the crew—excuse me—was cleaning an area found to be infected with COVID. He asked not to be a part of the cleaning crew and was told he would be moved units if he quit. Shortly after that, they were removed from the cleaning unit.

Since arrival—since his arrival at Headingley, because of COVID, there are no access to programs—much needed programs for people who struggle with addiction—no chapel, no gym time, no visits, and only three-hour breaks.

Since COVID infected the facility, Brian's [*phonetic*] unit was put in lockdown, which dictated no access to canteen, no mail, and locked up for 23.5 hours a day. Imagine being locked in an eight-by-four-foot room with another person—a stranger—where you have to eat, sleep, and use the washroom, for 23 and a half hours per day. It is unimaginable.

I petitioned the prison and reached out to my MLA. I am grateful for the expertise and insight provided by the MLA for St. Johns, da, da, da—I'll leave that piece out, anyways.

People who are addicted to drugs need connection. They need support. My husband suffers from anxiety, depression, has ADHD and PTSD. The current state of affairs at Headingley Correctional

Centre is abysmal. The citizens are expected to survive this pandemic with limited resources and zero support from loved ones. It is unbearable mentally and now physically.

My husband has tested positive for COVID. In a unit of 28, 24 persons are positive. Lockdown isn't effective for containing the virus, as the numbers of the outbreak at Headingley suggest. If something isn't done, they will get re-infected. Will it take someone losing their life while incarcerated for this to be taken seriously?

My husband has a heart murmur. He is an otherwise healthy 38-year-old male. This virus is nothing to be trifled with and he needs to be removed and monitored to be kept safe. He is not safe at Headingley in the current state of affairs.

Please consider alternative arrangements for Manitoba residents who are incarcerated during this pandemic. Please look at models being used in other countries to protect their citizens. Please view those incarcerated as needing as much protection as those who are not. Sincerely, Alex Bancroft [*phonetic*].

* (16:10)

I share that letter, Deputy Speaker, because since March—for eight months—we've been pleading that Manitoba citizens who are currently incarcerated get the care and the protection that they deserve whether or not people like it or care for it or believe in it.

It doesn't matter where you are currently housed, every single Manitoban is entitled to the same basic human rights as you and I, Deputy Speaker. They are entitled—we are all entitled—to be protected, to be kept safe and, when we are sick, to be taken care of and to have access to adequate, robust health care. And that is not occurring right now under the administration of the Premier (Mr. Pallister) and the Minister of Justice (Mr. Cullen).

And, again, there is not a peep of concern coming from the Pallister government on what is an absolute crisis in Headingley. And as I shared with you earlier, the numbers, as they remain in other correctional facilities, will soon get out of hand—

Mr. Deputy Speaker: Order.

I just want to remind the member for St. Johns to be more relevant to the actual bill of Bill 42 with the video conferencing, and so go back to the bill. We're going off the topic.

And I know COVID is important to inmates and—to not to get it, and—but also at the same time if we can just be relevant with the bill.

Ms. Fontaine: Deputy Speaker, this, I would suggest, is very relevant to Bill 42, because if the government has, under The Emergency Measures Act, the ability to use remote witnessing and commissioning, the government has that ability under the Emergency Measures Act. What that suggests to you—and we now have a bill so that this will become law in Manitoba—but what I would suggest and what that does suggest is that, under The Emergency Measures Act, the Premier and the Minister of Justice have enormous powers and reach to be able to effectively help and deal and mitigate what is currently transpiring in our correctional facilities.

Deputy Speaker, we have seen what has happened in our personal-care homes, which is an absolute tragedy and something that we are all heartbroken. And we have been saying on this side of the House since March to put measures in to protect seniors and to protect elders and to protect the infrastructure of PCHs.

Since March, I have been asking the same thing for correctional facilities, Deputy Speaker. And if there are deaths in our correctional facility, it is squarely on the shoulders of the Premier and the Justice Minister for not taking the lives of both staff and Manitobans currently incarcerated seriously, for not valuing the lives of correctional officers and Manitobans currently housed in correctional facilities seriously.

Deputy Speaker, this is something that needs to be addressed immediately. To that end, and finally, I'll wrap up my comments in respect of Bill 42.

I am asking the Minister of Justice, I'm asking the Premier to immediately commission an independent investigator to go to Headingley to witness the conditions of Headingley, to report back to Manitoba and to provide immediate—

Mr. Deputy Speaker: Order. Order.

I just want to remind the member to talk about the Bill 42. I know we—you mentioned most of it about COVID-19 crisis. But if we could go back to the Bill 42, when it comes to the videoconferencing and doing all the appropriate actions for the bill that was meant to be.

Ms. Fontaine: And for the independent investigator to report recommendations back to the House to Manitobans—*[interjection]*

Mr. Deputy Speaker: Order.

Ms. Fontaine:—which include Manitobans accessing—having virtual access to family members, to doctors, to nurses, to the Ombudsman.

And finally, Deputy Speaker, I'm also asking the Minister of Justice that he and I go to Headingley to safely visit and witness the conditions that are going on there today. It is the least that we can do as public servants, as the critic for Justice and the Minister of Justice, to hear from staff and Manitobans about what they are going through right now in correctional facilities.

Will he go with me to Headingley within the next 24 hours to see what is going on?

Mr. Deputy Speaker: Relevant—order. Again, I just want to remind the member for St. Johns (Ms. Fontaine), be relevant on this bill. Okay.

Mr. Ian Wishart (Portage la Prairie): I'm—it's my pleasure to put a few words on record in support of Bill 42, The Remote Witnessing and Commissioning Act.

I think this is very important that we move very promptly to put this in place. I know that we're currently following many of the same rules because of COVID-19 and the implications of that and the emergency orders that are supported on that.

But this is one that, as the minister has outlined, needs a little discussion with the industry, the lawyers and the other members of the justice community to make sure that we get all of the aspects right—proper consultation.

But it would enable Manitobans to get video conferencing and other remote technology in place for certain legal documents such as wills and the powers of attorney and transfers on land, some of the business that goes on normally in a community in any regard. And to be able to do those remotely would be a great advantage, in particular in these times when we're trying to keep our contact numbers down as low as possible.

In the meantime, of course, the regular process is still an option for those that are able to do that or want to follow that process, or a combination thereof, and I suspect that that's what we will see, a combination used for many of these transactions. Even after the

pandemic, accessing timely and remote and affordable justice for many of the areas of the province where it was difficult to access some of these aspects. I know that at Agassiz—in the constituency—Youth Centre—in Portage, constituency of Portage la Prairie, they had begun to use video conferencing in the plea cases already, and that had been very successful in terms of improvements in that regard.

We know our world is changing. In fact, COVID-19 has pushed some of these aspects very quickly forward, and I think it's time that we moved forward in the area of video conferencing technology.

We're an example today of how much improvements have been made and how we can make this work. I do know that there are certainly many areas where the technology is not yet in place, where the bandwidth is not adequate, so that there is still some limitations, but that improvements are being made all the time. And certainly the example we're seeing of—right now, of COVID-19 is pushing us to make these changes much more rapidly than might otherwise have been the case.

We are very aware that the devil's in the details, and the regulations will be very important in this. I think it's very important that we take adequate time to make sure that we get all of these properly in place and make sure that there is no risk that there might be any type of fraud perpetrated because of this opportunity. There are certainly always people out there that are creative when it comes to taking advantage of technology, and we need to put safeguards in place to make sure that that can't happen, and they need to be properly considered. So, beginning the process now, so that it can be ready whenever time in the future we need to put this in place, or we have the opportunity to put this in place, I think is very important.

COVID-19 has certainly been—had an impact on us all. It has changed many things on—that we do on an everyday basis, and it will have an impact on the justice system as well. Justice system was already in the process of seeing some modernization, as I referred to, and I think that only—by putting this in place, we will only help move this forward more rapidly in the future.

I know that many Manitobans want to take advantage of this opportunity, particularly those of us that are in more remote communities, and I think that this can be quite a step forward in terms of accessing legal advice and legal assistance in many areas, and

that it's something that I think all Manitobans would support.

* (16:20)

So I would certainly encourage members of the House to support this bill and move forward as rapidly as possible on it.

Thank you very much, Mr. Deputy Speaker, and I know others wish to speak to this bill, so I will take my leave. Thank you.

Mr. Matt Wiebe (Concordia): You know, I just want to put a few words on the record, Mr. Deputy Speaker, beginning with how telling it is that this is the government's priority here today, to bring forward this piece of legislation, to bring forward this bill.

And, you know, my member—the—my colleague from St. Johns, the member for St. Johns (Ms. Fontaine), rightly put on the record the plight of those who are incarcerated in this province right now, the plight of those who are working in our corrections system.

And yet here the Minister of Justice (Mr. Cullen) doesn't bring forward a bill that looks after the people in the corrections system, doesn't bring forward a bill that looks after the people who are working in that system—instead brings forward this bill.

Now, I think we can all agree this is something that we should move to. I think, in fact, most people in our society have already started to do this, and I want to point out just a few, again, that weren't identified by members opposite but certainly will be by people on this side of the House.

And I want to first start with the teachers of this province, who are already moving towards a more virtual system, who are doing their best to not only teach those kids who are in class—and I thank them every day for doing that, for continuing to teach and to put themselves at risk to teach our children—but are also starting to learn how to adapt. And they did that, a lot of that, on the fly last spring, but now we're seeing how they're really taking that and they're really developing and running with it.

I think every parent in this province would applaud those teachers for taking that step, for bringing their skills up to speed to make sure that our kids can get the best education that they possibly can, but again, not because of anything the government has done to support them, but because they are taking the initiative and they are doing the work. That's where the recognition should go.

Likewise our civil servants. You know, it's a kind of an untold story right now in our province that our civil servants across government, many are working remotely or trying to adapt to a non-office environment.

And to be sure, Mr. Speaker, there is a lot that can be improved upon and efficiency that can be found by moving to that model, but at the very least, in the transition and in the system as it is now. And, again, with the government who gives them no support and gives them no kudos for the work that they're doing, the recognition goes solely to those civil servants across the province working day in and day out with the technology that they have remotely as best they can. I think that we should applaud the work that they are doing as well.

And I would be remiss, Mr. Deputy Speaker, if I didn't also mention the work that was done here in the Manitoba Legislature, and I want to thank our clerks, I want to thank our House leaders, who took that initiative to make sure that we could continue to operate here in the Legislature.

We all understand that we need to listen to the public health orders by Dr. Roussin, by others. We need to take this seriously. We need to stop this virus as best we can. But we also need to understand that the work that this Legislature does in protecting democracy and promoting democracy and enabling democracy is absolutely vital, and so I want to thank the work that's being done there.

But, again, this government is not talking about enhancing or improving in all of these areas that I've talked about, and they're certainly not talking about the issues that are top of mind for the constituents that I have and that I talk to on a regular basis. They're not talking about personal-care homes, right?

So, the member for Union Station (MLA Asagwara) wants to talk about personal-care homes, wants to debate legislation that will actually enhance and protect the workers in personal-care homes, to protect seniors. The—our Leader of the Opposition brings forward every single day the work that is being done in the personal-care homes and how we must respect our elders and we must protect them at any—at all costs.

Our health-care system, we know, Mr. Deputy Speaker, is in chaos as we speak because of changes that were made by this government. We know that small businesses are crying out, looking for supports.

We know that individuals who are struggling are asking for direct support from this government.

And yet, do they bring forward that legislation as a priority to debate here today? Do they prioritize the needs—the immediate needs—of people in this province right now? No, they do not.

In fact, what they've prioritized over the last few weeks has been pushing through their legislation to take power away from the Public Utilities Board, jacking up everybody's Hydro rates and taking away rights from Indigenous kids.

That's been their priority in the last few weeks, and here we are, bringing forward Bill 42 and having the member for St. Johns (Ms. Fontaine) continually getting called to order for talking about the important plight of people in our corrections system right now.

This Justice Minister should be bringing forward legislation that speaks to that, but instead he doesn't. He doesn't bring that forward. He brings forward this bill, this Bill 42.

So as I said, while I think this is, you know, pretty basic technical pieces that will certainly help—and we, again, applaud all of those in our society who are working the best they can. They are making the sacrifices, Mr. Deputy Speaker. They are continually adapting and putting themselves out there to make life better for Manitobans.

But is this government matching that commitment of those citizens? Is the government matching that commitment?

I would say no, Mr. Deputy Speaker, they are not. They're continually failing, and they're putting the wrong priorities on the table here for debate in the Legislature.

So, I know that there are many on our side that want to speak to this bill and many who want to put a few words on the record, so I will leave it there. But I will say, Mr. Deputy Speaker, it's clear that this side of the House, we continually put the issues that matter to Manitobans on the table, and it's the government who continually tries to ignore that to push forward their own ideological agenda, and that's wrong, and that's all I have to say about that.

Thank you.

Mr. Deputy Speaker: The honourable member for St. Boniface is—would be the next to speak—or, the honourable member for River Heights (Mr. Gerrard)? Oh, the honourable member for St. Boniface.

Mr. Dougald Lamont (St. Boniface): I will keep my comments brief.

I do think that this is an important bill. There are a couple of things that really need to be taken into consideration.

We've been—I've had—in the last months I've been working with a number of people who've been—faced some serious challenges with the justice system, and I know that there were entire suspensions of proceedings when it comes to—because of COVID. They were necessary in order to make it safe.

So it is critical that, throughout code red, that people are able to participate in remote sessions. I don't think remote anything is the—where there's remote work or remote learning—those are the answers to everything, but there are a couple of very specific issues that I'd like to address and that I hope that the Minister of Justice (Mr. Cullen) and the government will take into consideration.

One is the issue of child witnesses and/or victims or people who have been victims of domestic abuse. The question of whether they are able to rely on this or be able to access this as a means of testifying so they do not have to be in the same room with a person who attacked them, with a perpetrator, is actually extremely important when it comes to the exploitation of children and youth.

There are also major issues when it comes to access to justice in northern Manitoba, but not just northern Manitoba. I was in Norway House and they were talking about the challenges there where you will have a public defender, so to speak, fly in who isn't particularly familiar with the case and people may be—their case may be handled extremely quickly. They may not get the defence they actually deserve and the result they—that you have people being railroaded or incarcerated when they really should not be. So again, these are issues that should be considered in terms of extending justice.

* (16:30)

The one other thing about it, though, is to—is that we also need to look at the resources. It's one thing to say that we're going to do a better job of connecting people or providing people with access to the courts or to witnessing without having to be present in person.

I also know that there are major backlogs because, as with many other systems, the Crown attorneys are underfunded, that they have a huge caseload, which

means that they can't prosecute all the cases that they should, and the other side of the coin is that people who are—work for Legal Aid have also been underfunded and haven't had a raise in over a decade.

So the fact is is that when it comes to justice, we have to make sure that people have access to their rights, and that includes the right to be able to have a good—to quality defence. But I do think that—I do agree this is an important bill. This is an important bill for—that goes beyond the pandemic, because it certainly has applications for protecting and making it easier for witnesses who want to testify against perpetrators.

So with that, I will thank you. Thank you very much, and—Deputy Speaker.

MLA Uzoma Asagwara (Union Station): Thank you to my colleague for that generous welcome to this debate.

I'm happy to put some words on the record in regards to this bill, Bill 42, which, you know, a couple of my colleagues have already expressed that, in the spirit of this bill, we support it, that we should be moving in a direction where technological advances benefit Manitobans in being able to access the services they need safely, being able to access the services, you know, electronically, virtually, not just during this pandemic but into the future as, you know, increasing technological advances are made.

But I do think it's really important to recognize the ways in which this government enacts legislation and who is considered at the core of legislation when it's conceptualized, when it's put forward in this House and, ultimately, in the cases where that legislation is passed.

And so in reflecting about this bill and thinking about, okay, based on this government's track record, based on the mentality displayed by the Premier (Mr. Pallister), based on the attitudes and the inaction displayed by members opposite, members of the PC caucus, at the core of this bill, who does this government actually care about? What communities is this government actually thinking of?

I'm wondering to myself, did this government consult all communities? Did the government consult the communities that would be most impacted if this piece of legislation wasn't constructed in a manner that centred those whose needs need to be most considered when pieces of legislation like this are passed?

And so, in reflecting on that, I had to myself answer that question, well, who does this government care about? And this pandemic has done something across the world that is really important, and it's done something in Canada that's really important for us to pay attention to. It's exposed—it's exposed—the values of governments. It's exposed the values of systems, and it's exposed inequities that exist.

And I know people in this House are probably getting a little tired of hearing about me talk about inequities and systemic discrimination and all of that, anti-black racism, you know, all of these things, but not on this side of the House. Actually, I know my colleagues aren't tired of hearing about it. My colleagues are incredibly supportive and engaged in those conversations and having those conversations in their own communities, in their own constituency offices with their own constituents, around their own dinner tables. I know that, because I talk to my colleagues about these things and we have great dialogue around these issues.

But I am pretty certain that that's not matched on that side of the House. It's evident to me, because when I think about who this government cares about and I think about the legislation that they put forward and the policies that they enact, consistently the communities that are not consulted, the communities that are barely an afterthought, the communities that are disproportionately negatively impacted by the decision-making of this government, are the same communities that have been disproportionately negatively impacted during this pandemic. They're the same communities that experience inequities in all of our systems that have been exacerbated, amplified by this pandemic.

So I think about the fact that this government has done nothing other than, during this pandemic, perpetuate harms to many of those communities, like women. We see that in the way that they've handled issues around child care during this pandemic. We see that in the way they've handled issues around health-care workers, essential workers, many of which are women, two-spirit, LGBTQ folks, black, Indigenous and people of colour. We see that in their absolute erasure of two-spirit and LGBTQ folks in any of their dialogue, in anything they put forward, in anything—

Mr. Deputy Speaker: Order, order.

We are having some issues of the relevance of the debate of this bill today. I am going to read the 'explanatory' note of this bill so members are aware of

the area of debate which would be permissible on this bill.

Bill 42 'explanatory' note: This bill enables us to—video conferencing and similar technology when commissioning of oaths, or 'firmation'—affirmation of when witnessing a will, power of attorney, land title documents, or health-care directives. The following acts of—amendment are The Manitoba Evidence Act, The Health Care Directives Act, The Homesteads Act, The Powers of Attorney Act, The Real Property Act, and The Wills Act.

I will now quote that—rule 41, which states, speeches shall be directed in the questions under the consideration or into a motion or amendment that the member speak and intends to move or a point of order.

With the—with all that in mind, I am cautioning members, and I would remind them to keep their comments relevant to this bill.

MLA Asagwara: I thought that I actually outlined that at the very beginning of my remarks that any piece of legislation that comes before this House needs to centre communities that are disproportionately impacted by that legislation. This legislation is a potential law, bill, right, that would potentially disproportionately impact communities that do not have access to the same resources to benefit from this legislation.

And so it's with that in mind that I outline the communities, Mr. Deputy Speaker, that this government has continued to fail throughout this pandemic. This piece of legislation is being introduced right now in the midst of the pandemic, so the context is important.

It's incredibly important for folks to see on the record, when they look back at the decision-making and the priorities of this government, the ways in which this government has failed the communities that have needed it to step up and protect the most and centre their needs of during this pandemic.

This bill, and I say this from a place of, at this point, appreciation and an understanding for this government's lack of ability and willingness to consult with the communities, that they need to to make sure that the policies that they enact are equitable.

And so, as I was saying, this government has failed two-spirit and LGBTQ communities. This government has failed long-term-care residents, who are folks who are demographics who would benefit—*[interjection]*

Mr. Deputy Speaker: Order.

MLA Asagwara: —from this piece of legislation. *[interjection]*

Mr. Deputy Speaker: Order.

MLA Asagwara: This government has failed health-care workers, many of which reside—*[interjection]*

Mr. Deputy Speaker: Order. Order. Order. Order.

When the Chair stands up—when the Speaker stands up, everybody has to be quiet, on both sides. *[interjection]* I said both sides.

You know, we need to grow up in this Chamber, and you guys are acting like kids right now.

So what I also wanted to remind the member, too, is to be relevant to the bill when it comes to teleconferencing, when it comes to doing different amendment acts.

* (16:40)

MLA Asagwara: As I've already outlined, what I'm putting on the record is entirely relevant to this bill.

What I'm putting on the record, in terms of the government failing all of the communities that I've already outlined, the government failing health-care workers, many of which work in remote communities—work and live—reside in remote communities, who may not have the same technological capacity to benefit from a piece of legislation like this. I think about educators located all across Manitoba, educators themselves, their students who may not have access to the same levels of capacity that would have them benefit from legislation like this. *[interjection]*

If—you know, I think, Mr. Deputy Speaker, that members opposite would be a lot more inclined to listen and not be defensive if, in fact, they reflected on what it is that we've been talking about in this matter in the House. It would serve all Manitobans for members opposite to start thinking outside of their own little bubbles and start thinking about all Manitobans.

So, in regards to Bill 42, as I've already stated, it is really important for us to understand at great length who this government has consulted in the development of this bill. How does the government intend to ensure that Manitobans across the board have equitable access to the benefits that this bill would enact? How does the government intend to reduce or eliminate the barriers for those who

wouldn't have equitable access to what this bill purports to be able to do? It would be a failure on our part as legislators if we didn't ask those important questions.

I represent a constituency of, you know, nearly 22,000 people; almost 37 per cent of the constituency are immigrants, newcomers; lots of two-spirit, LGBTQ folks in Union Station, lots of folks with disabilities, lots of seniors, lots of people who travel between different communities, being Winnipeg, rural and northern communities. I represent a wide range of needs that reflect the needs of broader Manitoba. And it is all of our responsibilities, collectively, to make sure that it—all of those needs that are addressed in this House for every piece of legislation put forward, including Bill 42.

It's not good enough or acceptable to simply say, you know what, this would work great for me. To be honest, Mr. Deputy Speaker, this would work great for me, this would work great for members of my family; this'll make my life easier, it's going to make my mom's life easier, my siblings' lives easier. It doesn't mean it's going to make the lives of everybody else in Manitoba easy in the same ways if we don't do the work to eliminate the barriers that prevent that from happening.

That shouldn't be something that the member opposite wants to heckle, shouldn't be something that the Minister of Finance (Mr. Fielding) thinks is funny that I'm asking those questions, that I'm putting those questions and those remarks on the record on behalf of all Manitobans. It's something that he should be able to reflect on and take seriously. There are constituents, I'm sure, that he represents that have some of those—*[interjection]*

Mr. Deputy Speaker: Order. Order.

I just want to remind everyone, again, to—I know this is getting a sort of a heated discussion, but this is only about the bill. It's on both sides, so we want to make sure that we can get this and debate this properly.

And the honourable member for Union Station can continue.

MLA Asagwara: So, to clarify, Mr. Deputy Speaker, there was something about what I was saying or my tone that was heated? Which I find interesting.

I will wrap up my remarks as apparently I'm being interpreted as being heated in this Chamber, which is

disappointing, but I think indicative of other issues that I've mentioned before.

And so, in summary, I think that there are aspects of this Bill 42 that need to be addressed, questions that need to be asked and I hope that all members opposite take what I'm saying very seriously and factor that into how this bill is enacted in Manitoba.

Thank you.

Ms. Malaya Marcelino (Notre Dame): I'm happy to put some words on the record regarding Bill 42, The Remote Witnessing and Commissioning Act.

So, I understand that the purpose of this bill enables the use of video conferencing or similar technology when commissioning an oath or affirmation, or when witnessing a will, a power of attorney, land titles document or health-care directive.

I understand that the following acts will be amended: The Manitoba Evidence Act, The Health Care Directives Act, The Homesteads Act, The Powers of Attorney Act, The Real Property Act, The Wills Act; and that we're waiting for consequential amendments, in addition to that, to be made.

So, we know that remote witnessing and commissioning have been allowed under the provincial state of emergency during the pandemic under an order that came into effect on May 13, 2020. From the lawyers that I spoke to regarding this bill, they said that things have been working fine, especially for their procedures relating to land titles and real estate dealings, and it seems that this bill would stand to make those types of provisions permanent.

We understand that BC and Saskatchewan have also implemented similar legislation already. It's a move that seems to be supported by legal communities here in Manitoba.

However, there are some concerns that maybe a more acceptable position is to allow video conferencing only if face-to-face meetings are not possible. There have been concerns raised that there should be more defined instances of when video conferencing should be used, and definitely that there needs to be more defined safeguards in place. Other lawyers that I spoke to have maintained that this bill should have a provision for a terminal point that will invalidate it, for instance, when public health restrictions are eventually lifted.

These concerns raised by the lawyers I've spoken to are due to opportunities for abuse, to technology

hacking, to fraudulent behaviour like identity fraud. We know now that there's sophisticated creations of fake IDs, other fake documents, fake signings. Signings can also take place when a person is under undue influence or duress by someone else in the room. Some of these concerns have been addressed by the Law Society of Manitoba to its members in some suggestions that the society has made for best practices for its members using video conferencing.

The Law Society of Manitoba has included information on best practices when using video conferencing in providing legal advice.

Some examples of best practices include recording the proceeding, if possible; confirming the client's consent to proceed in this manner; asking that all individuals in the remote location introduce themselves. Some other best practices include for somehow the lawyer to ensure that there is no one else at the remote location who may be improperly influencing that client. I find that suggestion to be particularly hard to follow and would be difficult to enforce, especially if you're, you know, meeting your client in a virtual setting.

* (16:50)

Some other best practices advised by the Law Society include trying to produce support verification of identity to ensure that a copy of the document is sent to you in advance of the online meeting and that when that's produced, that the entire document is visible and legible.

Other best practices: members are encouraged to include include determining how to provide the client with copies of the document executed remotely to confirm the client's understanding about the documents they are executing and to provide adequate opportunity for them to ask questions during the video conference. That is a very important guideline—or, because in dealings, like, very, very important dealings that will affect the client's future, you have to make sure that your client understands and that communication is flowing properly, and we know that, you know, even with examples with remote learning in classrooms, that there are certain barriers to communication, especially with remote learning.

Lawyers are asked to maintain detailed records including the date, the start and end time, the method of communication, the identity of all present and minutes of the content of the meeting. That's leaving up a lot to lawyers' notes for that kind of information to be put on the record.

And lawyers are asked to confirm advice, discussions and other decisions in writing to the client immediately or shortly after the virtual meeting, so there is still going to be that other type of communication, not just that virtual meeting. And, again, you know, it's going to be so important for lawyers to be able to preserve recordings of the proceedings.

The issue of independent legal advice is a bit more complicated. Lawyers will need to make sure that they take extra precaution to determine that they—that clients are alone and not being compelled in any way, and again, you know, detailed notes of the questions that you need to ask and advice that will be provided should be made and preserved.

Again, Mr. Deputy Speaker, these suggestions by the Law Society of Manitoba on best practices clearly indicate the need for carefulness, for caution to account for possible fraud and improper influence on a client, and Bill 42, as it stands, does not sufficiently take into account that remote witnessing should only be done if face-to-face contact is not possible.

Bill 42, as it stands, does not include rigorous safeguards that are necessary to limit fraudulent or intimidating behaviour. This bill leaves a lot to further work on regulations and on further consultations with stakeholders.

I do have concerns with the necessity of this bill once emergency restrictions are no longer needed. We know that pandemic times are abnormal times, and I'm afraid that remote witnessing and commissioning will be prone to abuse if allowed to last longer than the pandemic.

Technology can be used to abuse the integrity of this system that has been in place and has been working well for many years. We know that remote witnessing and commissioning has been allowed under the state of emergency since May 13. It's helped people obtain important documents during the pandemic, such as wills, powers of attorney, health-care directives, you know, without folks having to be present as a physical witness or a commissioner present, and since COVID-19 has arrived in Manitoba, more people have been seeking out these documents, and, you know, need to acquire them in a safe manner.

Manitobans and their families are worried about their health and well-being more so now at a time when we're seeing unprecedented numbers, and a province in code red. And while we support

facilitating Manitobans' access to important documentation, it's important to highlight that this is the very government that is bringing this legislation, is the one that has made the legal system less accessible and equitable to northern Manitobans.

It's the government that has continued to dismiss the law. This government has legislated a 2.9 per cent rate increase without legally going to the PUB, retroactively legislated away the rights of Indigenous children and families to bring legal actions, which, you know, these are cases that proceed in front of the courts. They continue to interfere in collective bargaining, and they keep trying to pass unconstitutional legislation.

This isn't a government that values the legal system and practices within it. This is a government that will consistently interfere in the legal system to push along this austerity agenda at the cost of Manitoban lives and livelihoods.

On this government's watch, the administration of justice in northern Manitoba has become dysfunctional. The Manitoba Court of Queen's Bench has found that there are serious systemic problems with northern-most bail court in Thompson. That's from a Winnipeg Free Press article on November 15th, 2019. And from 2017 to 2019 there are now 166 less people working in Manitoba Justice.

So, there are a lot of concerns that we raise on this side of the House as to how this government is dealing with the justice system for Manitobans. And again, those are—the reservations include the lack of safeguard provisions in this bill, and that's all that I will comment and put on the record at this time. Thank you.

Mr. Deputy Speaker: Any further speakers?

Hon. Jon Gerrard (River Heights): Yes, Mr. Speaker, a few comments. I think the minister should have provided a report on how the virtual legal advice is working and how this is working so that we could all have seen that and the pluses and minuses from the experiences that we are having during the pandemic itself.

Clearly, there are significant concerns here that need to be looked at very carefully—

* (17:00)

Mr. Deputy Speaker: Order.

When this matter is before the House, the honourable for River Heights will have 20—approximately 29 minutes left—remaining.

The House—the hour being 5 p.m., the House is adjourned and stands adjourned until 1:30 p.m. tomorrow.

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, November 17, 2020

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