

Third Session – Forty-Second Legislature
of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS
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(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 |
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| EWASKO, Wayne, Hon. | Lac du Bonnet | PC |
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| FONTAINE, Nahanni | St. Johns | NDP |
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| GERRARD, Jon, Hon. | River Heights | Lib. |
| GOERTZEN, Kelvin, Hon. | Steinbach | PC |
| GORDON, Audrey, Hon. | 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, Hon. | 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 | Woleseley | 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 |
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| SCHULER, Ron, Hon. | Springfield-Ritchot | PC |
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| SMITH, Bernadette | Point Douglas | NDP |
| SMOOK, Dennis | La Vérendrye | PC |
| SQUIRES, Rochelle, Hon. | Riel | PC |
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| 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

Monday, May 10, 2021

The House met at 1:30 p.m.

Clerk (Ms. Patricia Chaychuk): It is my duty to inform the House that the Speaker is unavoidably absent. Therefore, in accordance with the statutes, I would ask the Deputy Speaker to please take the Chair.

Mr. Deputy Speaker (Doyle Piwniuk): O Eternal and Almighty God, from Whom all power and wisdom come, we are assembled here before Thee to frame such laws as they may tend to the welfare and prosperity of our province. Grant, O merciful God, we pray Thee, that we may desire only in which in accordance with Thy will, that we seek it with wisdom and know it with certainty and accomplish it perfectly for the glory and honour of Thy name and for the welfare of all our people. Amen.

Please be seated. Good afternoon, everyone.

Introduction of bills? [*interjection*] Routine proceedings.

**ROUTINE PROCEEDINGS
INTRODUCTION OF BILLS**

**Bill 230—The Labour Relations
Amendment Act (2)**

Ms. Janice Morley-Lecomte (Seine River): I move, seconded by the honourable member for McPhillips (Mr. Martin), that Bill 230, The Labour Relations Amendment Act (2); Loi n° 2 modifiant la Loi sur les relations du travail, be now read a first time.

Motion presented.

Ms. Morley-Lecomte: I am pleased today to be able to introduce Bill 230, the labour amendment act (2).

The labour amendment act (2) will give union members more choice in how their union represents them. Bill 230, if passed, would allow a union member to redirect a portion of their union dues that are currently used for political purposes to instead be redirected to a charity or non-profit. This change would not impact the operational funding that unions rely on.

Thank you.

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

Now we'll go on to committee reports?

TABLING OF REPORTS

Hon. Scott Fielding (Minister of Finance): It's my pleasure to rise today in the Assembly to table the 2020 annual report for Appeal Commission and Medical Review Panel.

Mr. Speaker, it's—I want to rise today in the Assembly to table the fidelity bonds crime insurance report.

And, finally, it's my pleasure to rise today in the Assembly to table the 2020 annual report for the Workers Compensation Board of Manitoba.

Thank you.

Mr. Deputy Speaker: Any further tabling of reports?

Ministerial 'statemates'—statements.

MINISTERIAL STATEMENTS

Mr. Deputy Speaker: The honourable Minister of Sport, Culture and Heritage. The required 90 minutes notice prior to the routine proceedings was provided in accordance with rule 26-2.

Would the honourable minister please proceed with her statement.

Asian Heritage Month

Hon. Cathy Cox (Minister of Sport, Culture and Heritage): I am pleased to rise to recognize and celebrate Asian Heritage Month in Manitoba and Canada.

For 19 years, the 'ajian'—Asian Heritage Society of Manitoba has organized celebrations across our province, and I'd like acknowledge their efforts to protect, preserve and celebrate Asian heritage in our province, even during these very difficult and challenging times.

And while we're unable to gather as in years past, I know we all hold very fond memories of years prior when we celebrated the rich culture and heritage of our Asian community right here at the steps of our Legislature's Grand Staircase.

Mr. Deputy Speaker, both the Province of Manitoba and the Government of Canada have designated May as Asian Heritage Month, and this is a true testament to the invaluable contributions our Asian

community has made in the growth and development of our province and our country.

Throughout Manitoba's history, there have been many inspirational individuals of Asian heritage whose accomplishments have played a vital role in shaping our province's social and economic success.

And, I'd like to acknowledge and recognize two such individuals who are represented right here in our Manitoba Legislature: thank you to the member for Waverley (Mr. Reyes) and also to the member for Notre Dame (Ms. Marcelino) for your service.

As artists and activists, educators and elected officials, servicemen and women and business owners, Asian Manitobans have helped to grow our province and make it the very special and culturally diverse place it is today.

This month, we honour the important roles Asian Canadians have played in our past and we recognize the pivotal contributions that Asian Manitobans continue to make locally. Our national provincial story would be incomplete without the voices of countless Asian and South Asian Canadians who call the land we all love home.

Mr. Speaker, I encourage all Manitobans to engage in the various virtual programs and activities during the month of May offered by the Asian Heritage Society Manitoba and ask all members to recognize the society for their efforts in acknowledging—special month.

Thank you, Mr. Deputy Speaker.

Mr. Diljeet Brar (Burrows): Every May, we celebrate Asian Heritage Month. It's an opportunity for all Canadians to learn more about the many achievements and contributions of Canadians of Asian descent, both throughout history and in our communities today.

This year, Asian Heritage Month feels more timely than ever. Since the beginning of the pandemic, we've seen a wave of anti-Asian violence and hate crimes. The tragic murder of several Asian women in Georgia earlier this year brought this trend of violence into full focus.

Asian women have also been disproportionately impacted by pandemic job loss and higher rates of COVID-19 that come from working high-risk, low-paying jobs in the care economy. In terms of case numbers, Filipino Manitobans have also been the most disproportionately affected by COVID-19.

More needs to be done to protect Asian Manitobans, especially at work. We are calling on governments at every level to combat anti-Asian racism and misogyny and ensure that all Manitobans have comprehensive paid sick leave and a living wage.

The theme for Asian Heritage Month 2021 is Recognition, Resilience and Resolve. This theme honours the contributions and diverse stories of Asian Canadians, all rooted in resilience and perseverance. It is also a call to action for all Canadians to come together to combat all forms of anti-Asian racism and discrimination.

In Manitoba, our Asian Heritage Society consists of representatives from the Japanese, Chinese, Indian, Sri Lankan, Vietnamese, Indo-Chinese, Korean, Filipino, Syrian, Singaporean and Malaysian organizations. The society works together to share the Asian Canadian arts, culture, cuisine, faiths and traditions with Manitobans.

The Asian Heritage Society of Manitoba is hosting several virtual events over the course of May, including an Asian Canadian Writer's Showcase with Marty Chan; weekly Friday cultural showcases that include martial arts, music and dance displays; a film festival and a discussion of anti-Asian racism in the workplace.

* (13:40)

I hope that you will all tune into these events and take the time to learn more about Asian culture and the contributions of Asian Canadians and Manitobans this Asian Heritage Month.

Thank you, Mr. Deputy Speaker.

Ms. Cindy Lamoureux (Tyndall Park): Mr. Deputy Speaker, I ask for leave to speak in response to the ministerial statement.

Mr. Deputy Speaker: Does the honourable member for Tyndall Park have leave to reply to the ministerial statement? *[Agreed]*

Ms. Lamoureux: Thank you for the opportunity to rise virtually here and speak a little bit about Asian Heritage Month.

Asian Heritage Month has been celebrated for nearly 45 years, and this year marks 19 years since the Government of Canada signed an official declaration to designate May as Asian Heritage Month.

Now, the reason that we celebrate and we take this time to recognize the month is because it's an opportunity to reflect upon and properly acknowledge the rich history of Asian Canadians and the incredible contributions that our Asian community continues to share towards our growth and prosperity.

Mr. Speaker, I am proud to celebrate Asian Heritage Month. When I reflect upon the hardships, trials and sacrifices that so many have faced and continue to face in order to make our country a safer, more economic and culturally accepting country, I'm just amazed by what these individuals have sacrificed for all of us.

And, Mr. Speaker, we still have a long way to go. It is important we take a moment to recognize the racism that is still happening here in Manitoba every day. This is why I'm grateful we have groups such as the Ethnocultural Council of Manitoba who are spreading awareness about speaking up and motivating, inspiring and creating safe places for all of us to have these conversations.

Another group I'd like to highlight is the Filipino Business Council of Manitoba. The council connects Filipino business owners with each other and other communities through a series of networking events, galas, seminars, trade shows. And for the first time in its existence the board is mostly women, and this is pretty cool, Mr. Speaker.

Ultimately, we need to keep speaking up and we need to keep celebrating Asian Heritage Month through our countless events—pre- and post-COVID, of course—all of our different associations, community gatherings, traditions and fellowship, all in celebration of our diversity.

Thank you and happy Asian Heritage Month.

MEMBERS' STATEMENTS

Royal Manitoba Winter Fair

Hon. Reg Helwer (Minister of Central Services): Mr. Deputy Speaker, in 1882, shortly after the incorporation of the City of Brandon and two years before the creation of the Brandon Chamber of Commerce, the Brandon Agricultural Society was formed to showcase and promote the sale of agricultural products. This was the start of the exhibition's first fair, now known as the Manitoba Summer Fair.

A second annual fair began in March 1906 as the Brandon Winter Fair, which would become the Royal Manitoba Winter Fair after a visit on July 11, 1970 from Her Majesty Queen Elizabeth II. The Royal has

run every year except for one year during World War II until we came to 2020. It has become a must-see and must-attend event for many Canadians and draws competitors from all over North America. Manitoba Ag Ex, the youngest of the three productions, made its first appearance in 1974.

During 2020, all fairs were postponed, and so far in 2021, the winter fair has been postponed, but the Provincial Exhibition of Manitoba has been very busy. They kicked off the Love A Fair campaign with a goal of raising \$350,000, and are currently at 37 per cent of their fundraising goal.

Some of the events were the Save the Fairs!; clothing and apparel sale; a drive-through breakfast; wine sales and gift baskets; Your Name in Stone campaign; a #LoveAFair doughnut drive; an on-line auction and a wildly successful virtual Royal Manitoba Winter Fair celebration.

Watch for things that are coming soon: the second annual grand raffle; Rooted in History, a tree campaign for the dome grounds—when it's safe and able to do so.

I encourage all to support your local fairs.

Conner Roulette

Mr. Ian Bushie (Keewatinook): It is with great pleasure and admiration I rise today to acknowledge a young Indigenous hockey talent.

Conner Roulette is a 17-year-old hockey player who, this past weekend, helped Team Canada win gold in the IIHF under-18 world championships.

Since he was old enough to lace up the skates, Conner has always been an exceptional talent. Many Indigenous youth sometimes experience a barrier when it comes to being able to shoot for their dreams. With Conner's determination, and support from his family and friends and communities, Conner not only broke down those barriers but he is living his dream today.

Conner has strong family ties to his home communities of Sandy Bay Ojibway First Nation and Misipawistik Cree Nation, not to mention his family and friends in Winnipeg and The Maples area. It is these positive community influences that have helped Conner achieve his dreams.

With a gold medal in hand, Conner will now continue on his journey and return to the Seattle Thunderbirds of the Western Hockey League for which he has been a member since 2019, when he was

just 16 years old. This year, Conner will be eligible for the 2021 NHL hockey draft, and I want to let everyone know that Conner is predicted as one of the players to watch to be drafted early.

For those of you that have had the privilege of meeting Conner, you know that Conner is very humble about and relishes in the fact that he is looked at as a role model for Indigenous youth, not only in Manitoba, but across Canada.

I must admit, I had tears in my eyes when I'd seen Conner hopping up and down on the ice by the bench as the clock wound down on the gold medal game just last week. I yelled at my TV: You did it. Yes, Conner did it. He respectfully represented Canada, Manitoba, Sandy Bay, Misipawistik, The Maples—and, most importantly, Conner respectfully represented Conner.

I look forward to the day when we talk about hockey here in Manitoba, when we talk of Indigenous role models, when we talk about shining stars, that we talk about Conner Roulette.

As a parent who has had kids in minor hockey, I know the sacrifices that need to be made in order to have your children excel at something they love, so I would like—also like to express my appreciation to Conner's parents, Preston Roulette and Tannyce Cook, for their dedication and support in Conner's success.

In closing, I ask my colleagues to join me in showing our appreciation to Conner for not only representing Canada on the global stage, but for showing all Indigenous youth that, with hard work and determination, you can achieve your dreams.

I look forward to my next member's statement on Conner Roulette being one of him sharing his Stanley Cup victory.

Miigwech.

Donald Blight

Mr. Ian Wishart (Portage la Prairie): Today I am honoured to recognize prominent businessman and strong community supporter Donald Blight, who passed away with his family by his side on March 26 at the age of 91.

Don Blight was born on the farm north of Oakville and was the third of six siblings. Don worked alongside his brothers on the farm, and he married Doreen Miller and together they raised four children.

His entrepreneurial spirit led him to work with his father at Blight and Blight, a car and farm machinery

dealership in Oakville. And in 1972, he took over the Case international dealership in Portage la Prairie, known as Blight's Portage, later expanding it to include a Carman location.

Don was very involved in his community, serving on the board of Portage Mutual Insurance, Portage Golf Club, Oakville Community Club. He later started—sorry—he later worked to support the construction of the United Church in Oakville and Stride Place in Portage.

Don and his family were avid sportsmen. He loved playing baseball and hockey, and excelled at both. Don is one of the rare few who is inducted in both the Manitoba Baseball Hall of Fame and the Manitoba Hockey Hall of Fame. In later years, golf became his lifelong passion.

Don was a gentleman always. He was honourable, had an infectious smile and enjoyed meeting people.

His family was very important to him. Losing his son, Rick, in 2005 was a devastating blow, but he maintained a positive attitude in life.

Join me today to acknowledge and remember Don Blight, who will be missed by all who knew him.

Thank you.

Lead Water Pipe Replacement

Mr. Jim Maloway (Elmwood): On Thursday, April 29th, US President Joe Biden gave his first address to Congress.

Early in his speech, he identified lead water pipes as a clear and present danger to American public health and he announced a 100 per cent replacement of lead water pipes found in 10 million US homes and 400,000 schools and child-care centres as part of the—America's job plan, the largest US job plan since World War II, so that every American has safe drinking water.

We need to get serious about lead levels in our drinking water, too.

In 2019, Health Canada announced new lead level guidelines for lead exposure. Its findings were troubling. Lead concentrations in drinking water should be kept as low as reasonably achievable as lead levels are inherently unsafe and have serious health consequences, especially for children and expectant mothers.

* (13:50)

Since these new guidelines were announced, many Canadian cities have taken steps to help homeowners replace lead water pipe connections from their basements to city property lines. Cities like Halifax and Calgary and others have launched a rebate, loans, grants and incentive programs for lead water pipe replacement costs that can start at over \$4,000 per property. Winnipeg has not done this.

Winnipeg has 23,000 homes with lead water pipe connections to the city main waterline. In–Elmwood–East Kildonan area has 2,755 of these homes. If you live in a home that was built before 1950, the chances are you have a lead water pipe connection to the city main waterline.

This is a health problem that requires decisive government action. The Province needs to take the clear initiative and immediately contact all home and property owners in Manitoba with lead water pipes connecting to the city's watermain lines and provide full financial support to them for lead water pipe replacement so their access to safe water is assured and exposure to lead and its health risks are eliminated.

Sons and Daughters of Italy

Mr. Scott Johnston (Assiniboia): I am pleased to relay the good work and community service of the Sons and Daughters of Italy. I have been very fortunate to have participated in two of the Sons and Daughters of Italy fundraising events with money going to the Bruce Oake Recovery Centre in my constituency of Assiniboia. The first event raised \$300,000 for the Bruce Oake Memorial Fund, which aided the construction of the Bruce Oake Recovery Centre.

Mr. Speaker, the Sons and Daughters of Italy hosted another Bruce Oake Recovery Centre event virtually May 1st. The event was unique and was attended by many of my colleagues. We were treated to a very enjoyable evening with an excellent catered dinner and an evening of excellent entertainment. The evening started with Father Sam giving the blessing, followed by greetings that included our own Premier.

The evening was hosted by Joe Aiello and Bruce Oake's brother, Darcy Oake. Darcy Oake, a world-renowned magician, performed an illusion as a tribute to his late brother. There was a very moving story shared by former Tampa Bay Lightning, Brant Myhres. The event—evening musical entertainment featured Grand Chief Arlen Dumas performing with

the Keewatin Breeze, and I can tell you that the grand chief can actually carry a tune, Mr. Speaker.

At the end, the Sons and Daughters of Italy president presented Scott and Anne Oake with a cheque for over \$250,000.

Please join me in recognizing these two very worthy organizations.

Thank you, Mr. Speaker.

Mr. Deputy Speaker: Time for oral questions.

ORAL QUESTIONS

COVID-19 Third Wave Government Response

Mr. Wab Kinew (Leader of the Official Opposition): The Premier's approach to the pandemic has been lay and pray: he lays low and then he just hopes for the best.

Now, for weeks, experts have been ringing alarm bells. The Premier's own leaked modelling shows that we were on track for a worst-case scenario weeks ago, and yet there was no quick action, no decisive measures from the Premier. Instead, he hid for a week while Manitobans watched cases skyrocket. The Minister for Health hid as well, we should mention.

Then what did he do? Did he step up and deliver the difficult news on Friday night or on Sunday? No, he hid again. That's not leadership; that's a failure.

Will the Premier apologize to Manitobans for his weakness in fighting the third wave?

Hon. Brian Pallister (Premier): The member misses, of course, the principal point that most Manitobans have already embraced with respect to this pandemic, which is that you get on team Manitoba and work together, and instead has chosen a partisan route.

He should understand that Manitobans have worked with this government and worked with their communities to fight COVID very effectively. He should understand that the key is to continue to do that, and we will make sure we stay focused on that for the good of Manitobans, Mr. Speaker.

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

Mr. Kinew: Well, Mr. Deputy Speaker, Manitobans are fed up; they're frustrated. They are stepping up to do their part, they are making sacrifices, and yet the

Premier is not honouring their commitment. Instead, the Premier is blaming Manitobans.

We knew that action was needed weeks ago instead of letting things get so bad that hospitals are now at similar levels to where they were at the height of the second wave.

Why did the Premier refuse to take action? Because he never wants to admit that he's wrong. As a result, he is doomed to never learn the mistake—learn from the mistakes that he's already made. Now, instead of learning these lessons 15 months into the pandemic, he continues to evade and he continues to blame others, leaving Manitobans to do their part to pick up the pieces. The rest of us have to clean up his mess.

Will the Premier simply admit that he failed Manitobans and waited too long to respond to the third wave?

Mr. Pallister: In his book, the reason I hide, the member opposite outlined one criminal charge of, we know, significantly many, Mr. Speaker. All I can say to the member is when he lectures others on not admitting the mistakes of the past, he holds his own weakness up in the form of a mirror he should take a look in.

We acted weeks ago, when the case numbers were below 100. We introduced additional restrictions, we introduced restrictions that were already among the most strict in the country of Canada: group-size rules, assembly rules, travel rules. We've maintained—according to Oxford university, of all Canadian provinces outside the Atlantic bubble—we have—*[interjection]*

Mr. Deputy Speaker: Order.

Mr. Pallister: —maintained the strongest restrictions throughout this pandemic and Manitoba has had the fewest cases in the country year-to-date.

Manitobans bent this curve, now we must do it again. And we will do it together, absent the partisan wrangling and positioning the member is espousing today.

Mr. Deputy Speaker: The honourable Leader of the Official Opposition, on a final supplementary question.

COVID-19 Pandemic Transmission Data

Mr. Wab Kinew (Leader of the Official Opposition): Manitobans are left to their own devices

to fight the pandemic, but they do notice that the Premier is not there on the most difficult days.

What are they being asked to do this week? Well, they're being asked to close their businesses. They're being asked to keep their children home from school. They're being asked to provide more child care. They're being asked to support more patients in the hospital even as they're disrespected at the negotiating table. And that's all because this Premier and his Cabinet fail to lead.

Manitobans are stepping up and making sacrifices. Where is the transmission data and the modelling that they have paid for? This government asks Manitobans to drive through a blizzard and doesn't even provide them with the windshield wipers that could help show where this thing is headed. Worse than the evasion, worse than the blame game, is the complete lack of transparency.

Will the Premier simply commit today that he will release transmission and modelling data to Manitobans immediately?

Hon. Brian Pallister (Premier): I appreciate any question on transparency from a member of this Assembly who ran for office while hiding his criminal record from the voters of the constituency.

I appreciate a question on transparency from that member because it gives me the opportunity to say that, as of this morning, Manitoba ranks fourth across all provinces in total doses administered in vaccines.

I appreciate him asking a question about transparency because it allows me to say that Manitoba offers the greatest small-business supports of any province in Canada, that we have the strongest enforcement of our rules, that we have the best paid sick-leave program in the country, bar none, and that because of these measures of foresight and of working co-operatively with Manitobans, we have maintained the lowest case numbers in the country outside of the Atlantic bubble.

Now, we're going to continue to work with Manitobans in the future, co-operatively, exactly the way we've been doing it all year, Mr. Speaker. *[interjection]*

Mr. Deputy Speaker: Order.

The honourable Leader of the Official Opposition, on a second question—a different question.

COVID-19 Vaccine Distribution Expansion of Clinic Hours

Mr. Wab Kinew (Leader of the Official Opposition): The reason why Manitobans are so worried about the third wave is because we have the second worst numbers in the country, exceeded only by the mismanagement of Jason Kenney's government in Alberta.

Now, we know that the Premier likes to compare himself to the worst of the worst and, you know, boost his ego in that way, but what Manitobans actually want is proactive, decisive leadership: a shock-and-awe approach to overcoming the pandemic instead of the lay-and-pray-and-just-hope-for-the-best approach that you get with the Pallister PC government.

We know that there are 128,000 vaccines sitting in fridges right now. Why aren't vaccine centres operating 24-7? Why aren't we extending the hours at pop-up clinics? Why aren't we making child-care staff, teachers and school staff immediately eligible so that they would have some immune response at the end of this three-week shutdown?

Will the Premier commit today to expanding clinic hours 24-7 so that we can get more shots into peoples' arms?

* (14:00)

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

Also, I want to remind the Official Opposition Leader that—to refer to Pallister government or PC government but not—Pallister PC government is not allowed in the Chamber.

Hon. Brian Pallister (Premier): The member shows his disrespect for the rules when he breaks the public health rules and won't apologize for it, when he gathers people together and breaks the rules four weeks ago at a time—pivotal time, pivotal time—when he could have demonstrated a support for the public health orders of our province. He decided that he would just thumb his nose at those rules, setting a brutal example for others, and some of them followed those examples that he set.

And that's too bad because, you know, frankly, Mr. Speaker, the way out of this mess isn't the way the member is preaching. The way out of this mess is to get people vaccinated. The way out of this mess is to make sure people follow the public health orders. If we follow the—*[interjection]*

Mr. Deputy Speaker: Order.

Mr. Pallister: —public health orders and we get vaccinated, we can shorten the third wave just the way we bent the curve on the second one.

I have faith in Manitobans. I'd encourage the members opposite to develop some faith in Manitobans as well.

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

COVID-19 School Closures Timing of Announcement

Mr. Wab Kinew (Leader of the Official Opposition): Well, if you want to talk about a brutal example, let's talk about the Premier who travelled and never self-isolated upon his return.

We know that the variants came through travel, Mr. Deputy Speaker, and so he has only himself to look in the mirror. *[interjection]*

Mr. Deputy Speaker: Order.

Mr. Kinew: This Sunday was a bad Mother's Day surprise for so many people across Manitoba. *[interjection]*

Mr. Deputy Speaker: Order.

Mr. Kinew: This government knew that schools were going to be closed. They had the data in hand. There was no new information that came out about schools on Saturday and Sunday that suddenly forced this government to put out their Education Minister and allow their Premier to hide.

They knew all of this last week and could have announced it days ago, giving parents, teachers, school staff precious time to prepare for the switch to remote learning. They could have used that same intervening period to announce more supports for families who need help with child care. The Minister of Families (Ms. Squires) could have appeared alongside the same to announce some of these measures.

Instead, more of the lay-and-pray approach, the—

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

Hon. Brian Pallister (Premier): Well, I would just encourage the member opposite to let the cleaning staff know if he's planning this summer to be away for eight weeks so they don't have to continually go into an office that hasn't been used.

I'd like him to make sure that he lets them know that. They'll still have to clean up the cobwebs on the door of his office, but—[*interjection*]

Mr. Deputy Speaker: Order.

Mr. Pallister: —the fact of the matter is I've been out over 125 times just doing media interviews, and that's not the biggest part of my job, Mr. Speaker. I'll let the member opposite understand that he could talk to Ed Schreyer, he could talk to Gary Doer—if they'd return his calls—maybe he'd learn something from them.

But I'll tell him this. This government has the strongest small-business supports in the country, the best enforcement of our rules, the best thought-through, co-operatively developed restrictions, the strongest paid leave support and, up until now, the lowest case numbers. And because we have faith in Manitobans—[*interjection*]

Mr. Deputy Speaker: Order.

Mr. Pallister: —we did it before and now we'll do it again.

Mr. Deputy Speaker: The honourable Leader of the Official Opposition, on a final supplementary question.

COVID-19 Vaccine Priority Teachers and Daycare Staff

Mr. Wab Kinew (Leader of the Official Opposition): So, again, we've been asking about accelerating the vaccination rollout, and it seems that, though the Premier wants to agree with us, his own partisan blinders prevents him from doing so.

If the Premier were to take action today to immediately make all teachers, all school staff, all early childhood educators eligible for vaccines right now, that means that they would have developed some immune response by the time this government plans to reopen schools, perhaps in three weeks. That seems like a smart, proactive thing to do that the government could do for once, instead of always being behind the eight ball and always reacting and then only coming out with blame-game tactics.

We know that the government has seen this thing coming, that they've refused to publish the modelling information.

Will they finally just do the right thing and make early childhood educators, teachers and school staff immediately eligible for vaccinations?

Hon. Brian Pallister (Premier): Well, the proactivity we've demonstrated as a government is why the third wave is late in coming to Manitoba. And the member—[*interjection*]

Mr. Deputy Speaker: Order.

Mr. Pallister: —doesn't seem to understand that it is Manitobans he criticizes when he makes these general assertions.

We acted proactively with robust enforcement. We acted proactively with strategic rapid testing for the very teachers he refers to. And now we have the vaccine team making vaccines available to everyone over 30. And within eight days, it'll be available to everyone in the province and ranks fourth in the country.

Which First Nations community does he want us to leave out? [*interjection*]

Mr. Deputy Speaker: Order.

Mr. Pallister: Which senior's home would he like us to miss? What's he talking about over there?

The fact of the matter is we have—[*interjection*]

Mr. Deputy Speaker: Order.

Mr. Pallister: —two doses in our most vulnerable people already at a faster rate than almost every other jurisdiction in the country.

So here's to our vaccination team. Here's to our health leadership. And let's unite—with the possible exception of the member opposite—let's unite and shorten this third wave together just like we did the second one.

COVID-19 Vaccine Priority Teachers and Daycare Staff

Mr. Nello Altomare (Transcona): Manitoba considers the following critical-services workers: health services workers, law enforcement, fire and paramedic response. These groups have rightly been 'prioritized' for vaccination.

Also on the list? K-to-12 educators and child-care workers. Yet, these critical workers have not been 'prioritized' despite the critical work they do in their front-facing roles.

I ask the minister—[*interjection*]

Mr. Deputy Speaker: Order.

Mr. Altomare: –why weren't educators and child-care workers 'prioritized' for vaccination with other critical-care workers weeks ago—[*interjection*]

Mr. Deputy Speaker: Order.

Mr. Altomare: –in order to get immunity?

Mr. Deputy Speaker: The honourable Minister of Education. [*interjection*]

Order. I said the honourable Minister of Education, and no one even heard that.

The honourable Minister for Education, go ahead.

Hon. Cliff Cullen (Minister of Education): I do appreciate the question from the member opposite.

I do want to take this time to acknowledge the work of teachers, all educators, during this pandemic. We've asked them to take extra measures, starting effective Wednesday. We know it's a burden for many parents and will be extra work for a lot of teachers and educators. We're asking them to do this to make sure that they protect both themselves and certainly the students as well.

We know our public health experts have said there's more transmission in the community, and we're taking these measures, proactive measures, to make sure Manitobans stay safe.

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

Mr. Altomare: K-to-12 and early childhood educators are considered critical-service workers, yet this government never 'prioritized' them. Instead, this government's response was a half-baked plan to send them hours away to North Dakota, and the idea fell apart immediately because there was no idea.

Yesterday, the Minister of Ed revived it yet again, with no real thought as to how it might be achieved. But, Mr. Deputy Speaker, there's tens of thousands of shots sitting in the freezers right now, right here at home.

Let's do the right thing: 'prioritize' critical-care workers.

Will the minister do so today?

Mr. Cullen: Obviously, we've been monitoring cases in schools across the province. This week-over-week, we saw a 67 per cent increase in student cases. That's why public health made recommendations to go to remote learning in both Winnipeg and Brandon.

Prior to this, we recognize there's hot spots across our province and particularly in Winnipeg. We expanded the vaccination rollout to a number of those hot spots here in Winnipeg and certainly in northern Manitoba and in the city of Brandon. So a lot of teachers and other front-line workers have been available to access those 'vaction'—vaccine spots.

And as well, I will say, as of today, the age has now lowered to 30, so most of the teachers will be eligible for a vaccine rollout. [*interjection*]

Mr. Deputy Speaker: Order.

The honourable member for Transcona, on a final supplementary question.

Mr. Altomare: Educators and child-care workers are extremely frustrated with this government. Public health has deemed them critical-services workers, yet they were not 'prioritized' for vaccines.

Child-care centres remain open, as will schools in rural Manitoba. The right approach would've been to 'prioritize' them with other critical-services workers. Now we are concerned for EAs, in particular because they face an uncertain future.

Will the minister ensure educational assistants that they will still have a job, or do they intend to lay them all off by the thousands, like they did the last time we went to remote learning?

*(14:10)

Mr. Cullen: Well, Mr. Deputy Speaker, we—when working through this pandemic for 14 months, we've established the remote learning centre to assist teachers and other educators. We've invested millions of dollars in that.

We've also set aside \$185 million in last year's budget to deal with COVID. A lot of that money has gone right to assist and actually hire more front-line resources. So we've almost spent that whole \$180-million figure by the end of this year.

In addition, Mr. Deputy Speaker, we recognize that this—[*interjection*]

Mr. Deputy Speaker: Order.

Mr. Cullen: –COVID will probably extend into the next year, so we've set aside in this year's budget \$160 million for K-to-12 education to continue to fight COVID in schools.

COVID-19 and Health Care Pandemic Preparedness

MLA Uzoma Asagwara (Union Station): Mr. Deputy Speaker, it's National Nursing Week and I want to thank nurses for the important work that they're doing today and every single day. They have done impossible work during this pandemic.

I wish, too, that they had a government that paid more than lip service to their concerns. As we've seen, cuts and consolidation left our hospitals poorly prepared for a deadly pandemic: 1,300 nurse vacancies in Winnipeg hospitals; emergency rooms of more than 20 per cent of positions empty. It's a health system that's pushed to the brink, and now the third wave is here.

Why has this government left our health system so badly prepared to fight this pandemic?

Hon. Heather Stefanson (Minister of Health and Seniors Care): I thank the member for the question, and certainly want to reach out to all of those nurses and thank them for the incredible work that they are all doing during these very difficult times.

Mr. Deputy Speaker—*[interjection]*

Mr. Deputy Speaker: Order. Order. Order.

Mrs. Stefanson: Mr. Deputy Speaker, I've had the opportunity to meet with the Manitoba Nurses Union several times myself and express to them personally the incredible work that their nurses are doing. In fact, we have expanded the bachelor of nursing program to get more registered nurses into our system. Thirty-nine registered nurses have recently completed the Critical Care Nursing Orientation Program.

I know the Leader of the Opposition doesn't want to listen to this because it's good news—

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

The honourable member for Union Station, on a supplementary question—*[interjection]*—Order.

MLA Asagwara: Mr. Deputy Speaker, the Pallister government has not shared modelling impacts of the third wave. A leaked report showed a devastating rise in need for intensive care that is going to get much, much worse.

Now, this has been known to the government for some time now, yet they've delayed action. Unfortunately, this government's cuts and consolidation have made staffing of critical care more difficult than it

should have been. We've heard reports from our hospitals of desperate calls for nurses with any associated training to go into intensive care. Health workers are rightly concerned about the devastating effects of this third wave.

Why did the Pallister government cut critical care heading into this pandemic and why have they left our hospitals scrambling?

Mrs. Stefanson: Well, Mr. Deputy Speaker, nothing could be further from the truth. In fact, officials have been taking action diligently since day one of this pandemic, and what I want to do is thank incident command, those who are working diligently to ensure that we have the ICU capacity—*[interjection]*

Mr. Deputy Speaker: Order.

Mrs. Stefanson: —that we have the I—*[interjection]*—that we have the ICU capacity, that we have the health-care system capacity to ensure the safety and well-being of all Manitobans. Those are the things that we'll continue to focus on.

While members opposite are attending rallies, spreading the virus, Mr. Deputy Speaker, we will continue to do what is—the best interest to protect Manitobans.

Some Honourable Members: Oh, oh.

Mr. Deputy Speaker: Are you done?

The honourable member for Union Station, on a final supplementary question.

MLA Asagwara: Cuts and consolidation left our hospitals in poor shape to face a regular flu season, let alone a global pandemic. The situation in critical care and intensive care is alarming, and the government's own modelling showed this many, many days ago.

And I'll remind this House, the government never actually released the modelling for the third wave. Intensive-care doctors have seen the surge coming for weeks. They saw exponential growth of this virus and its impacts in our health-care system, yet the Pallister government delayed action again.

Having seen now three waves of this pandemic, why did the minister and the Pallister government delay action for so long that our hospitals face this crisis?

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

Mrs. Stefanson: Well, once again, the member opposite is just wrong and, in fact, health-care officials have been working very diligently for the months—for months now to ensure that we have the necessary capacity for ICU, that we have the necessary capacity within our health-care system to ensure the safety and well-being of all Manitobans.

And I want to thank them for the incredible work that they're doing. Unlike members opposite who like to say negative things about our health-care officials, Mr. Deputy Speaker, I will say they are doing incredible work. And on behalf of our government, I thank them. *[interjection]*

Mr. Deputy Speaker: Order. Order. Order.

COVID-19 Vaccine Distribution Expansion of Clinic Hours

Mr. Matt Wiebe (Concordia): This week, students across our province are moving to remote learning, more Manitobans are starting to work from home and hundreds of businesses are being forced to once again close their doors. The impacts to our province are immense, so Manitobans deserve to know that their government is doing everything it can to get them a vaccine.

Unfortunately, this government continuously fails to meet their own targets to get those shots into arms. Every single day at this point matters as we enter the third wave.

Will the minister commit to opening vaccine clinics 24 hours a day, seven days a week to get this job done as soon as possible?

Hon. Heather Stefanson (Minister of Health and Seniors Care): What we're committed to is getting all Manitobans vaccinated who want to get the vaccine, Mr. Deputy Speaker, and we'll continue to work towards that, ensuring that we get that herd immunity of 70 per cent. We'll continue to work diligently.

We know that some members may have their—some 'reluctancy' when it comes to getting the vaccine. We're ensuring that we want to ensure—*[interjection]*

Mr. Deputy Speaker: Order. Order.

Mrs. Stefanson: So we're working with all Manitobans to ensure that we dispel those rumours, that we encourage members to go to their doctors to talk about the vaccine, that this is very important that every Manitoban gets the vaccine.

Mr. Deputy Speaker: The honourable member for Concordia, on a supplementary question.

Mr. Wiebe: There are currently 128,741 shots in fridges right now that aren't in people's arms. We don't have a moment to waste, Mr. Deputy Speaker. This third wave has not crested. Our capacity for contact management is facing its biggest test yet.

Dr. Atwal said last week our testing capacity is being stressed, as is our case and contact management, with community 'spread' completely uncontained.

We need to put an end to this and an end to this now. Vaccination clinics that are open 24 hours a day and seven days a week will ensure that not a single moment is wasted.

Will the minister commit to protecting the health-care capacity by getting these vaccines out of the fridges and into people's arms?

Mrs. Stefanson: Well, the member opposite should know by now that many of those vaccines are earmarked for our First Nation communities, and they decide how those are distributed within those communities. Surely, members opposite are not opposed to that—maybe they are, I'm not sure.

But they're also earmarked—*[interjection]*

Mr. Deputy Speaker: Order.

Mrs. Stefanson: —for people in our pharmaceutical area. They're—*[interjection]*

Mr. Deputy Speaker: Order.

Mrs. Stefanson: —distributed through our doctors' offices.

And I will say that the rest of the vaccines are already earmarked for individuals by way of appointments. If members opposite would listen, they would probably maybe learn something.

Mr. Deputy Speaker: The honourable member for Concordia, on a final supplementary question.

Mr. Wiebe: In March, Mr. Deputy Speaker, this minister said their goal was to deliver 20,000 doses a day. It hasn't even been close. On Monday last week, only 8,700 doses; on Tuesday, 9,700; Wednesday, 10,000; Thursday, 10,800; Friday, 9,400. In fact, over the last seven days alone, only 41 per cent of the capacity that this minister promised would be delivered has actually gotten into people's arms, all while there's 128,000 doses sitting in fridges.

Will the minister just ramp up the vaccine delivery, get the shots into arms as quickly as possible by opening up clinics 24 hours a day, seven days a week?

* (14:20)

Hon. Brian Pallister (Premier): I appreciate the member raising a question about getting vaccines in arms because I think that is the key, but I think he does a disservice to the vaccine team when he references things he doesn't understand and hasn't attempted to understand.

The fact of the matter is this vaccine team is fourth in the country—fourth in the country—in getting vaccines out, and we'd run out of those vaccines in that fridge in about four days if it wasn't for a planned strategy to help people get them in their arms.

Which First Nation—[interjection]

Mr. Deputy Speaker: Order.

Mr. Pallister: —does he want us to skip? Which personal-care home does he want us to leave out? Which group of seniors? [interjection]

Mr. Deputy Speaker: Order.

Mr. Pallister: This vaccine team has got 44 per cent of Manitobans vaccinated. That's better than almost everywhere else. More than 9,000 vaccines will go into arms today. Everybody'll be able to get the vaccine. We're going down to lower ages so we can get even more.

Get on the team. Support the vaccine team. Support the health-care team. This whole question period, this opposition has put on display their failure to understand this is a pandemic, we need to fight together. They don't need to keep—[interjection]

Mr. Deputy Speaker: Order.

Mr. Pallister: —trying to seize temporary political advantage by belittling hard-working civil servants.

Essential Workers Child-Care Plan

Ms. Nahanni Fontaine (St. Johns): Once again, the Premier is reacting to this pandemic. Not only has he utterly failed to work proactively, but he also failed to support those impacted by this decision.

While the children of critical workers will be able to attend school, families with—who are parents who are essential workers like home-care workers, grocery store clerks, may not have the same options. The lack

of clarity and support for Manitoba parents who are essential workers is shameful. Manitobans deserve better.

Can the Premier explain how he plans to support parents who are essential workers?

Hon. Heather Stefanson (Minister of Health and Seniors Care): The member opposite will know, Mr. Deputy Speaker—[interjection]

Mr. Deputy Speaker: Order.

Mrs. Stefanson: —that we have hot zones that—where many of those individuals are eligible already. We have also lowered the age to 30, and we'll continue to reduce that age. We've already committed by May 21st that every eligible Manitoban over the age of 12 will have the opportunity to book an appointment. [interjection]

Mr. Deputy Speaker: Order. Order. Order, please.

The honourable member for St. Johns, on a supplementary question. [interjection] Order.

COVID-19 and Child Care Coverage for Parent Fees

Ms. Nahanni Fontaine (St. Johns): The government's news release yesterday stated, and I quote, that children who are on remote learning at school should not attend child-care facilities, end quote, meaning that children who normally attend a before-and-after-school program will not be permitted to attend that program.

Parents are confused and anxious. They don't want to lose their child's spot in the child-care program, but they also can't continue to afford to pay for child care that they're mandated by this Premier not to use.

So can the Premier or the minister commit to covering parent fees so that no family loses a child-care spot?

Hon. Rochelle Squires (Minister of Families): We're working very closely with Manitoba families, as well as the Manitoba child-care sector, to ensure that we—[interjection]

Mr. Deputy Speaker: Order.

Ms. Squires: —that we have ability to provide child care to those essential workers who need to get to work and who rely on child care to go to work and to do their critical work during this pandemic shutdown.

We're also working very directly with our child-care centres and our parents to ensure that we have a robust child-care sector now and well into the future in the post-pandemic era.

Mr. Deputy Speaker: The honourable member for St. Johns, on a final supplementary question.

COVID-19 Vaccine Priority All Child-Care Workers

Ms. Nahanni Fontaine (St. Johns): Manitoba's child-care sector works to provide quality care and education for our children every day, and every day they put their health and safety at risk.

This government has admitted that transmission is happening in school. Despite the fact child-care centres are often more difficult to maintain physical distancing, they are remaining open while child-care employees still do not—are not prioritized for vaccines. This makes no sense for these critical workers who put everything on the line for each and every one of us every single day, Deputy Speaker.

Will the minister prioritize ECEs in—and all employees in child-care sectors for vaccinations immediately?

Hon. Rochelle Squires (Minister of Families): Public health has been very clear that the risk of transmission in our child-care centres is very low in comparison to the risk that was in our schools. We are working very closely—we just sent 1.1 million new masks and other items of PPE to our child-care centres and we're working very closely to ensure that they are safe and able to look after the children in a safe manner.

I would also like to point out that the NDP, they have no credibility when it comes to child care after they voted against the definition of the inclusion support program being put in legislation. I asked the member opposite if she would apologize for voting against that, and she still has not. So I'll give the member of the opposition one more opportunity: will they apologize for voting against the inclusion support program in our child-care centres, yes or no?

COVID-19 Vaccine Priority Child-Care Workers

Mr. Dougald Lamont (St. Boniface): One of the worst things to do in a crisis is to give people a false sense of security. This government has been telling Manitobans they could vaccinate 20,000 people a day, but have never come close to that target.

Children 12 and over are eligible now but won't get vaccines for a considerable period of time, but children under 12 cannot be vaccinated even though they can still catch and spread COVID. Now that schools are in code red, as we called for in April, families and essential workers will be scrambling for child care. We have to vaccinate the people who care for children, who cannot be vaccinated, especially learning and—early-learning and child-care workers.

Is this government going to make sure that EC workers are a vaccine priority today and not weeks from now?

Hon. Brian Pallister (Premier): Well, we've been proactive in so many respects and we continue to be.

We've introduced restrictions earlier than others, that's why we were able to hold off the onset of the third wave; it's here now. Our vaccine team is going to make vaccines available 12-plus. We're fourth in the country in making those vaccines available, in spite of the fact that early on we held to the two-vaccine rule as the member should know, which caused us of course to concentrate on fewer people but our most vulnerable: our front-line health workers, our seniors in personal-care homes, our Indigenous communities. And so our roll-outs have been affected by that, but now our vaccine team is adding—I think today—9,000 vaccines.

What he really needs to focus on is making sure that he supports our government in getting the issue of domestic vaccine supply addressed so we never again have to have a federal government dependent on foreign countries for supply of vaccines during a pandemic. *[interjection]*

Mr. Deputy Speaker: Order.

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

COVID-19 Financial Assistance Small-Business Supports

Mr. Dougald Lamont (St. Boniface): Still on the new restrictions: we've been calling for better income supports for people and businesses—especially grants, not loans—for more than a year. But this government has continually overstated the help that it's providing to business by claiming all sorts of programs of COVID relief that simply aren't.

I've talked to businesses, including one who emailed me over the lunch hour, that have never qualified for any provincial help: not the first, second, or now the third wave. So, when the Premier boasts of

his broken programs, it sends the message he thinks he doesn't need to do any more.

Last summer, Manitoba was a national outlier with 500 per cent increases in businesses applying for insolvency.

In today's—is today's announcement all there will be for Manitoba small business? Because it is—if it is, it means this government will be choosing to drive businesses under.

Hon. Brian Pallister (Premier): Well that's sort of Bugs Bunny, Mr. Speaker.

The fact of the matter is the member can supply me with the name of that businessperson and we'll research the credibility of his assertion. I'll read this to the record: Please pass on my thank-you to Premier—oh, to the Premier today for the supports that were announced today. The timing couldn't have been better to provide some calming action for our business operators. Thank you for your 'advocation' on our behalf. Make sure to recognize when our leaders are working on our behalf. That's from Shaun Jeffrey, executive director and CEO of Manitoba Restaurant and Foodservices.

We announced the most supportive programs for small businesses in the country of Canada, and the member—if he wants to supply me with the name of that business, I'd be happy to look into it and make sure that that businessperson that he's talked about isn't legitimately missing out on those wonderful supports that are helping everybody across this province. *[interjection]*

Mr. Deputy Speaker: Order.

COVID-19 and Mental Health Youth and Young Adult Supports

Ms. Cindy Lamoureux (Tyndall Park): Something we haven't talked about very much is just how many sacrifices and hardships that youth and young adults continue to face throughout all of our lockdowns.

For example, with June sneaking up, I can't help but to think about the graduations, a day that so many work towards for years, all having to be cancelled. I think about all the students who have had to adapt their routines for over a year now, which is having a big impact on their lives and their mental health. Mr. Speaker, what are many—there are many youth and young adults who continue to sacrifice.

* (14:30)

What is the government doing to address the mental health of our students and young adults that are caused by the pandemic?

Hon. Cliff Cullen (Minister of Education): I know a lot of my colleagues here wanted to get up to answer that question because certainly we recognize the challenges that youth are facing; obviously many mental health issues come to the front during this COVID pandemic.

We have made serious investments in mental health across the board, and obviously we have also put a lot of money, in terms of resources, into schools to help both the teachers and students in schools. So we've heard—made some announcements on that front, and you're going to hear much more on that.

As I said, we've set aside in this year's budget \$160 million to combat COVID going forward. We know COVID and this pandemic will be with us for some time, but we're committed to supporting students and teachers.

Adult Learning and Literacy Funding for Programs

Mr. Bob Lagassé (Dawson Trail): Skills, Talent and Knowledge Strategy continues to focus on all Manitobans such as adult learners. We want to make sure that Manitobans have the right skills, talent and knowledge at the right time, especially as we continue to rebound from the effects of this pandemic and move towards a post-pandemic economy.

Can the minister update the House on recent funding made to adult learning and literacy and how this investment positively impacts all adult learners throughout Manitoba?

Hon. Wayne Ewasko (Minister of Advanced Education, Skills and Immigration): Thank you, Mr. Deputy Speaker, and to my colleague from Dawson Trail for that incredible question. Just last week in Beausejour I was pleased to announce that 30 agencies will receive more than \$20 million in operating grants towards Manitoba adult learning centres and adult literacy programs, including a one-time COVID-19 relief grant. This funding will ensure adult learners have the right skills, which include reading, writing, numeracy and essential skills, while obtaining their high school credentials as we move forward from the current pandemic.

Our government continues to invest in adult education. Protecting our adult education system will give Manitobans the opportunity to develop the skills

needed to participate fully in the community and contribute to a growing economy.

Thank you, Mr. Deputy Speaker.

School Closures Child-Care Costs

Ms. Danielle Adams (Thompson): Winnipeg and Brandon schools will close on Wednesday, but child-care centres will remain open. The Pallister government has advised children who are remote learning shouldn't use child-care centres.

Many Manitobans are now facing a difficult situation. There are many single-parent households where one income keeps the family afloat and many two-parent households where they can't just live on one income. The fact that this government has failed to consider this just shows how out of touch they are.

Can the minister commit to supports for Manitoban families who will lose income as a result of this government's 'mandation' to close schools?

Hon. Rochelle Squires (Minister of Families): Our government will commit to working with families and the—everyone in the child-care sector to ensure that we continue to have a robust child-care sector now and well into the future in our post-pandemic recovery.

I would also like to take in—this opportunity to ask that member if she would reconsider and now finally apologize to those families—*[interjection]*

Mr. Deputy Speaker: Order.

Ms. Squires: —who depend on the inclusion support program in child-care centres—if she would like to apologize for voting against the inclusion support program that we have in our child-care centres that so many families depend on.

Mr. Deputy Speaker: The time for question period has expired.

Speaker's Ruling

Mr. Deputy Speaker: And I got a ruling. The honourable member—*[interjection]* Go ahead? Okay. I've got a ruling here.

Following the prayer on Monday, April 26, 2021, the honourable Official Opposition House Leader (Ms. Fontaine) raised the matter of privilege regarding the Main Estimates supplements tabled by the various ministers as part of the preparation of the Estimates process. The honourable Official Opposition House Leader alleged that the inadequate information was—provided does not contain any detailed financial or

relevant program information, making it difficult for members to provide scrutiny of government expenditures.

The honourable opposition—Official Opposition Leader concluded by that—moving that the House order of the government is immediately provide a supplement of Main Estimates of expenditures for each government department to the Legislature, 'conaining' that—information about the operations of the department, government entity and program required by the Treasury Board, including expenditures and staffing summaries by program area and appropriation combined with five-year historical comparison to departmental spending and staffing

The honourable Government House Leader (Mr. Goertzen) and the honourable member of the River Heights was—contributed advice to the Chair, and then took a matter under the advisement in order to consult with the procedural authorities.

I thank the honourable members for their advice to the Chair on this matter.

In honour of the matter of the rule, in order to prima facie case of privilege, members must demonstrate both that the issue has been raised at the earliest opportunity and that sufficient evidence was provided in—to support the member's claim that their privileges or the privileges of the House were breached.

The honourable Official Opposition House Leader advised that the member was raised at the earliest opportunity, given that the Main Estimates supplements had been tabled on the previous Thursday and that this was necessary to review the supplement and compare the supplements to the previous years. Therefore, the honourable Official Opposition House Leader contended that the raising of this issue on April 26 was raised at the earliest opportunity.

After hearing the explanation, I'm satisfied with the issue was raised at the earliest opportunity.

Regarding the second aspect of sufficient evidence, I will understand that concerns raised regarding the quality and the quality of the information provided, the presiding officer is constraint by the requirements by section 31 of The Financial Administration Act. This section reads that the minister who is charged with the Lieutenant Governor in Council with the administration of government department and who's identified by the Treasury Board as being responsible for the government entity or program shall table the supplement to the

Main Estimates of the expenditures of the Legislature at the time in the form of the containing the information about the operations of the department, government entity and program required by Treasury Board.

The Main Estimates supplements were tabled in a timely manner. In addition, there was legislative authority for the Treasury Board to determine the content of the Main Estimates supply documents. Given this, there is no scope for the presiding officer to find that the prima facie privilege has been established.

Through Treasury Board and the legal rights to determine the content of the Main Estimates supplementary information books, it appears that no consultation or advance notice that the content would be changing. There may be valid reasons that—as why there is changes occurred; however, it is not the role of the presiding officer to be arbitrator of those changes. In sight, it has been the courtesy of the Treasury Board and the government to provide advance notice to members of this changes.

* * *

Mr. Deputy Speaker: And that was the—the honourable Opposition House Leader.

Ms. Nahanni Fontaine (Official Opposition House Leader): On a matter of privilege, Deputy Speaker.

MATTER OF PRIVILEGE

Mr. Deputy Speaker: The honourable Opposition House Leader, on a matter of privilege.

Ms. Nahanni Fontaine (Official Opposition House Leader): I rise on a matter of privilege. I rise at the earliest opportunity, as I required time to research the relevant facts from the Legislative Library, and only received them after the House started for the day.

What's more, matters of privilege cannot be raised during question period. This is why I believe this shows the first test of the matter of privilege—that I rise at the earliest opportunity—are met.

The second test of a matter of privilege is to show in what way my privileges as an MLA have been breached, and are based on the following—and how are they based on the following. My abilities to perform my job as an MLA and fundamentally to hold this government to account has been undermined by the government's flouting of statutory requirements to lay before this House reports required by law.

* (14:40)

In previous rulings, the Speaker has stated, and I quote: On the matter of tabling documents by a minister, Bosc and Gagnon, House of Commons Procedure and Practice, third edition, cites a ruling of Speaker Fraser from 1993, which can be found on page 443, citation 106: The Speaker ruled that a prima facie breach of privilege had occurred when the government failed to table a document required by statute in a timely manner. This is a key element of finding a prima facie breach of privilege. A member raising the issue must identify where in legislation there has been a requirement that that specific document be tabled in the House. End quote, Deputy Speaker.

The facts are as follows: (1) The Fatality Inquiries Act states at section 43(1), and I quote: On or before May 31st each year, the Chief Medical Examiner shall, with respect to each person who, during the year, dies while a resident in a custodial facility in the province or while an involuntary resident at a psychiatric facility, as defined in The Mental Health Act, or while a resident in a developmental centre as defined in The Vulnerable Persons Living with a Mental Disability Act, submit a written report to the minister setting out, without mentioning the names of the deceased persons—end quote, Deputy Speaker—(a) the name and location of the custodial facility and developmental centre in which the person died or the psychiatric facility in which the person was an involuntary resident at the time of the death, (b) the cause of death in each case and (c) whether an inquest was held or where an inquest has not been held, whether an inquest is expected to be held. And the minister, within 15 days of receiving said report, shall (d) if the Legislature is then in session, table the report in the Assembly, and (e) if the Legislature is not then in session, table the report in the Assembly within 15 days of the beginning of the next session of the Legislature.

It is May 2021. No report has been tabled in this House since March 19th, 2020, and then the only report to be tabled was for the year 2017. There has been no report submitted to the Assembly as required by statute. What's more, no attempt has been made to seek further time to submit reports.

What makes the breach of this privilege so egregious is that the Minister of Justice (Mr. Friesen)—the minister responsible for the proper administration of justice and the following of our laws in Manitoba—has ignored the statutory requirements that apply to him.

These reports are years late and years out of date. This flagrant flouting of the statutory requirements that apply to this government directly impede my ability to do my job as an MLA and to hold the government to account.

The facts are clear, Deputy Speaker, and so are the procedural authorities. What's more, I seek you to rule on this matter as quickly and as expeditiously as possible. Every day this information is withheld from the Assembly compounds and deepens the breach of privileges to members. Every day this information required by statute is withheld further prevents MLAs in this Chamber from doing their job properly.

As a result of the breach of rules of the practices of this House of my privileges as an MLA and of the laws of this province, I move, seconded by the member from Concordia, that the House censure the minister and this government for their failure to respect the laws of this province and to put forward the information to the Assembly required by statute and to require the government to publish all reports of the Chief Medical Examiner no later than May 15th, 2021.

Mr. Deputy Speaker: Before recognizing any members to speak, I would remind the House that remarks at this time of honourable members are limited—strictly relevant comments about whether the alleged matter of privilege has been raised at the earliest opportunity and whether the prima facie case has been established.

The honourable Deputy Premier—or, leader.

Hon. Kelvin Goertzen (Government House Leader): Or whatever, Mr. Deputy Speaker. Thank you—

Mr. Deputy Speaker: Minister of titles.

Mr. Goertzen: —for the opportunity to respond to the matter of privilege, Mr. Deputy Speaker.

On the issue of the earliest opportunity, the member indicated that she was in possession of this information at the beginning of this day, Mr. Deputy Speaker, and I believe that there would have been an opportunity after the opening prayers to raise this is a matter of privilege. So on that test, I don't believe the member opposite raised it at the earliest opportunity from the time that she was in containment of what she believes to be a breach of privilege.

More generally though, I would say, Mr. Deputy Speaker, I think all of us know that in this time, in particular over the last more than a year now, in

dealing with the COVID-19 crisis, there are those, particularly within government, who have been called upon to do extraordinary things and to work in extraordinary ways and I would say extraordinary hours.

And that's not limited, of course, to our medical professionals, but it would include them. It would include the chief provincial health officer, all those who are involved on the medical side. And so I think all of us have an understanding that there's been tremendous work done by everyone who is involved within the medical side of the Province of Manitoba to ensure that they can do the things that are most urgent for those who need that service.

And so I would say to the member, of course this will be looked into. I would not suggest, and she should not suggest, that information is being withheld, Mr. Deputy Speaker. That was her allegation; that information is being withheld, and she implied that there was information that was being purposely withheld, to the extent that there may be validity to any of the things that she is saying.

I would say to her that our officers, whether they are independent officers of this Assembly, whether they are working within a core government and are fulfilling their functions that they normally have to fulfill, are also being asked to many additional things, Mr. Deputy Speaker. And I would ask all members of this Assembly to see that in the context that it is: that these are extraordinary times, that extraordinary efforts are being required by all those who are working within the government and that they're all doing their best in very trying circumstances.

Thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker: The honourable member for River Heights, on the same matter of 'pliverage.'

Hon. Jon Gerrard (River Heights): Yes, Mr. Deputy Speaker, I rise in support of this matter of privilege.

The issue of whether it was raised at the earliest possible opportunity is, indeed, an important one, but in this case there has been general practice that we often will wait until after question period in order to raise matters of privilege and this makes sense for all sorts of reasons, instead of delaying question period and ministerial and members' statements. So I would argue and support the MLA for river—for St. Johns in arguing that this was at the earliest possible opportunity.

Second, I think it is important as we rate the relevance and the importance of this, to recognize that we are talking about the deaths of people. And at no time is it actually more important than now than we are looking carefully at what is happening to deaths and that the medical examiner should and must be operating so that reports like this can be current.

This is really, really important if we are going to prevent future deaths and, of course, with the COVID pandemic, this is one area of government activity—of public activity which is absolutely critical. We need to know everything we possibly can about deaths which have happened under the varied circumstances, which is required that there be an assessment by the medical examiner.

* (14:50)

And thus I would argue strongly that this edition, which should have been up-to-date, which should have been provided, I am very suspicious that the government didn't recognize this and didn't provide adequate resources to the medical examiner to make sure that this—these matters were evaluated, inducted and reports presented in a timely fashion.

So the fact that we had a COVID pandemic is not—cannot be used as an excuse to not present these reports. In fact, it is a reason why these reports are more important than they even are at a regular routine time without the COVID pandemic.

So I think that the member for St. Johns (Ms. Fontaine) raises a really important point of—matter of privilege in this circumstance and I would urge, Mr. Deputy Speaker, that you look at this very carefully and if you find, as the evidence from the member for St. Johns suggests, that these have been delayed, then there, indeed, should be a censure on the Minister of Justice (Mr. Friesen).

Thank you.

Mr. Deputy Speaker: A matter of privilege is a very serious concern. I am going to take this matter to—under advisement and consult with the authorities and return with—to the House with a ruling.

PETITIONS

Epilepsy Treatment

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

The reasons for this petition—reasons—let's try that again.

To the Legislative Assembly of Manitoba, these are the reasons for this petition:

(1) One in 10 Manitobans will have a seizure in their lifetime, and the incidence of epilepsy in the Indigenous populations is double the national average. Epilepsy occurs just as often as breast and lung cancer worldwide.

(2) COVID-19 has cancelled epilepsy surgeries booked for Manitoba patients elsewhere in Canada because they cannot receive this standardly routine surgery in the province.

(3) Manitoba is the only province which has an inappropriate hospital environment to perform most epilepsy surgeries because it conducts epilepsy monitoring on an orthopedics ward with orthopedic staff, instead of an epilepsy ward with trained epilepsy staff.

(4) Patients in Manitoba have to wait three or more years for epilepsy surgery, which has resulted in them having to continue to suffer uncontrolled seizures, struggle with mental health issues, including depression, anxiety, headaches, general poor health and even death, in some cases.

(5) Since an epilepsy neurologist resigned in 2012, more neurologists have resigned due to dealing with old and failing equipment, which has resulted in sending patients out of province, costing the provincial government millions of dollars.

(6) Epilepsy surgery is extremely effective, resulting in patients requiring less medication, sometimes becoming seizure-free, enabling them to return to work, drive and live fulfilling lives.

We petition the Legislative Assembly of Manitoba as follows:

(1) To urge the Minister of Health and Seniors Care to open a genuine, four-bed epilepsy unit, similar to the one recently opened in Saskatchewan, at the Health Sciences Centre, with modern equipment and adequate epilepsy neurosurgeons, neurologists, nurses, clerks and technicians.

(2) To urge the Minister of Health and Seniors Care to formally establish an epilepsy program to ensure that all epilepsy staff can deliver care to patients in a co-ordinated fashion.

This has been signed by many Manitobans.

Mr. Deputy Speaker: In accordance with the rule 133-6, when petitions are read they have been deemed to be received by the House.

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

To the Legislative Assembly of Manitoba, these are the reasons for this petition:

(1) One in 10 Manitobans will have a seizure in their lifetime, and the incidence of epilepsy in the Indigenous populations is double the national average. Epilepsy occurs just as often as breast and lung cancer worldwide.

(2) COVID-19 has cancelled epilepsy surgeries booked for Manitoba patients elsewhere in Canada because they cannot receive this standardly routine surgery in the province.

(3) Manitoba is the only province which has an inappropriate hospital environment to perform most epilepsy surgeries because it conducts epilepsy monitoring on an orthopedics ward with orthopedic staff, instead of an epilepsy ward with trained epilepsy staff.

(4) Patients in Manitoba have to wait three or more years for epilepsy surgery, which has resulted in them having to continue to suffer uncontrolled seizures, struggle with mental health issues, including depression, anxiety, headaches, general poor health and even death, in some cases.

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(2) To urge the Minister of Health and Seniors Care to formally establish an epilepsy program to ensure that all epilepsy staff can deliver care to patients in a co-ordinated fashion.

This has been signed by many Manitobans.

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 and 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 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 most of—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 abundance of wildlife and ecosystems. Further, people in the Indigenous communities that are potentially affected by this were not afforded 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.

In addition—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 experienced—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, including 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 the sand extraction.

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

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's never been done before.

* (15:00)

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 'fility'-facility processing plant and the mining/extraction portion of the operation of 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 Maureen Mozel, Benny Shuwer, Larry Stinson and many other Manitobans.

Lead Water Pipes

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

The background to the petition is as follows:

(1) The US government has identified lead water pipes as a clear and present danger to American public health and President Biden has announced 100 per cent replacement of lead water pipes in 10 million US homes and 400,000 schools and child-care centres as part of the America's job plan.

(2) 2,755 homes in the Elmwood-East Kildonan area have lead water pipes connecting their basements to the City-owned water pipes at their property line. Homes built before 1950 are likely to have lead water pipes running to this connection.

(3) New lead level guidelines issued by Health Canada in 2019 are a response to findings that lead concentrations in drinking water should be kept as low as reasonably achievable, as lead exposures are inherently unsafe and have serious health consequences, especially for children and expectant mothers.

(4) 31 per cent of Winnipeg's 23,000 homes with lead water pipes connecting basements to the City-owned water pipes at their property line were found to have lead levels above the new Health Canada lead level guidelines.

(5) The City of Winnipeg has an inventory of which homes and public buildings, including schools and daycares, that have the lead water pipe connection to the City's watermain and will only disclose this information to the homeowner or property owner. The cost of replacing the lead water pipe to individual homeowners is over \$4,000.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to immediately contact all home and property owners in Manitoba with lead water pipes connecting to the City watermain line and provide full financial support to them for lead water pipe replacement so their access to clean water is assured and exposure to lead and its health risks are eliminated.

This petition is signed by many Manitobans.

Mr. Deputy Speaker: Any further petitions?

Grievances?

ORDERS OF THE DAY

GOVERNMENT BUSINESS

Hon. Kelvin Goertzen (Government House Leader): Could you please call for report stage Bill 45, Bill 26, Bill 46, Bill 51, Bill 53 and Bill 37?

Mr. Deputy Speaker: It has been announced by the honourable Government House Leader that bills 45 and 26, 46, 51 and 53 and 37 be brought up for the—at the report stage amendments.

REPORT STAGE AMENDMENTS

Bill 45—The Public Schools Amendment and Manitoba Teachers' Society Amendment Act

Mr. Deputy Speaker: And now I'm going to be calling on report stage number 45—[interjection]—Bill 45, The Public Schools Amendment and Manitoba Teachers' Society Amendment Act.

Ms. Cindy Lamoureux (Tyndall Park): I move, seconded by the member for River Heights (Mr. Gerrard),

THAT Bill 45 be amended by striking out Clause 17.

Motion presented.

Mr. Deputy Speaker: The honourable member—it's—is the—is it in order—the amendment is in order.

Ms. Lamoureux: Striking out clause 17 removes the ability-to-pay clause, and this is important because it takes away the ability to have fair and collective bargaining.

Thank you.

Mr. Deputy Speaker: Is there any other members who want to speak on the amendment, on Bill 45?

Is the House ready for the question?

The question before us is Bill 45—report stage amendment for Bill 45.

Is it pleasure of the House to adopt the motion?

An Honourable Member: Yes.

An Honourable Member: No.

Mr. Deputy Speaker: Do I hear a no?

An Honourable Member: No.

Mr. Deputy Speaker: No. I hear a no.

Voice Vote

Mr. Deputy Speaker: All those in favour of the amendment, say—please say yea.

Some Honourable Members: Yea.

Mr. Deputy Speaker: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Deputy Speaker: In my opinion, the Nays have it.

The amendment is accordingly defeated.

* * *

Mr. Deputy Speaker: Okay, now we'll go on to the amendment—I guess the second amendment will be from—also from the honourable member for Tyndall Park.

Ms. Lamoureux: I move, seconded by the member for River Heights,

THAT Bill 45 be amended by replacing Clause 30 with the following:

Coming into force

30 This Act comes into force on July 1, 2022.

Motion presented.

Ms. Lamoureux: By replacing clause 30, the act would come into force on July 1st, 2022, rather than at proclamation, and this is important so that people have time to prepare.

Thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker: Any other further speakers on the amendment for Bill 45? I don't hear any more.

Is it the pleasure of the House to adopt the motion?

An Honourable Member: Yes.

Some Honourable Members: No.

Mr. Deputy Speaker: I hear a no.

Voice Vote

Mr. Deputy Speaker: All those in favour of the motion, please say yea.

Some Honourable Members: Yea.

Mr. Deputy Speaker: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Deputy Speaker: In my opinion, the Nays have it.

The motion has been defeated.

Bill 26—The Human Rights Code Amendment Act

Mr. Deputy Speaker: The—we'll go on to, now, to Bill 26, The Human Rights Code Amendment Act.

The honourable member for River Heights.

The honourable member for River Heights, would you unmute your mic?

Hon. Jon Gerrard (River Heights): Yes, I am just doing this. Mr. Deputy Speaker, can you hear me?

Mr. Deputy Speaker: Yes, I can hear you.

Mr. Gerrard: Okay. I move, seconded by the MLA for Tyndall Park,

THAT Bill 26 be amended in Clause 23(2) by striking out "must not exceed \$25,000 and" in the proposed subsection 43(2.1).

Motion presented.

Mr. Deputy Speaker: Is it pleasure of the House to—

An Honourable Member: I'd like to speak to the motion.

Mr. Deputy Speaker: Yes, the honourable member for River Heights.

Mr. Gerrard: Mr. Deputy Speaker, this report stage amendment will remove the cap of \$25,000 on awards under The Human Rights Code.

Violations of human rights are serious matters. A person or persons who make a complaint and has that complaint taken seriously by the Human Rights Commission and has had a ruling in his or her favour will have likely gone through several years of stress and agony in taking this forward. They will have had to fight for their rights against what is often an individual, a corporation or an organization or a government which is well funded and has high-priced lawyers.

* (15:10)

It needs to be recognized that fighting for human rights has often been very difficult. Even when many people talk about the importance of human rights, there is still often tremendous resistance to taking human rights seriously.

Where the award is against an individual who is not well off, an award of \$25,000 can send a strong signal, but where the award is against a person who is a multi-billionaire or is against a large company or against a large organization like the University of Manitoba or against a government like the government of Manitoba, then a cap of \$25,000 for the award is not okay.

When a person fights for their human rights against a large organization, a large government or a large corporation, the person seeking to have the

breach of their human rights addressed has likely had a long and difficult battle against a Goliath where there are entrenched views and lots of money and power. In these circumstances, it is important that there not be a cap on the size of the award.

A person should just read—or view, I should say, the documentary of the life of Ruth Bader Ginsburg and see the incredible effort that it takes a human rights case to be taken forward.

We in the Manitoban Liberal Party believe strongly in the importance of the human rights and of the need to stand up and defend the human rights of Manitobans. There should not be a limit to the size of the award on human rights issues. We have seen far too many people who have not been able to receive the normal human rights that they should be able to receive.

In this age of the #MeToo movement and of Black Lives Matter, human rights are critically important and we must recognize this. We must not set these limits which to a large corporation would be a small amount.

We in Manitoba have the Canadian Museum for Human Rights in Winnipeg. We can and must stand up and defend the human rights of Manitobans and we must be able to send a strong signal that in our province, human rights are very, very important.

In putting a cap of \$25,000 on awards by the Human Rights Commission, we are doing a disservice to who we are as Manitobans. The government indeed is trying to devalue human rights, Mr. Speaker, with this bill. Thus, while we support other aspects of this bill, we cannot support the cap of \$25,000 which the government is trying to impose.

Instead of belittling the importance of human rights, we need to stand up strong and defend human rights. I hope the government will support this amendment which emphasizes the importance of human rights and the importance of respecting human rights here in our province of Manitoba.

Thank you. Merci. Miigwech.

Mr. Deputy Speaker: Is there any more other speakers for the amendment for Bill 26?

Hon. Cameron Friesen (Minister of Justice and Attorney General): We will not be supporting the amendment that's introduced by the member for River Heights. The member is skewing the story. He's not telling the full story.

That member was present during second reading debate. He was present during the committee stage. He knows very well that we are sending exactly the strong signals on the importance of human rights in Manitoba through the amendments to this bill.

What that member failed to describe in his amendment is the fact that these changes are designed to very significantly pull down the amount of time that is necessary—years and years in Manitoba, when we inherited government, in order to get a case heard in front of the Human Rights Commission. These changes are designed to create the efficiencies to be able to align the resources in order to make sure that a person who is bringing exactly the kind of charge or concern forward will be able to have their day in front of the Human Rights Commission.

The member has said in his amendment that we are devaluing human rights when we are doing exactly the opposite. Here is what the member for River Heights did not want you to know about the bills and the amendments: he didn't want you to know that actually, under the act right now, there are a number of categories in which there can be awards.

As a matter of fact, in The Human Rights Code, it sets out that the adjudicator can award remedies to do anything to get compliance with the code for any financial losses sustained, expenses occurred and benefits lost. There's also categories in which, of course, they can pay any party adversely affected by the contravention damages in such amount as the adjudicator considers appropriate. And as that member says: yes, for injury to dignity, feelings and self-respect.

But, Mr. Deputy Speaker, that member doesn't want you to know that the average penalty, the average payment under that category in Manitoba is less than \$10,000. This change would set that cap at almost three times that amount.

So when the member says that there isn't the ability for people to have access to justice, he's just wrong. And there's also, of course, other actions that the adjudicator can take, including paying any party adversely affected by the contravention a penalty or exemplary damages in an amount that the adjudicator considers appropriate and just. Also, the adjudicator can implement affirmative action programs or other special programs.

So I hope that this makes clear that the—we have every interest in sending strong signals about the importance of human rights. We have every interest in

valuing human rights. That's exactly what this bill does.

Mr. Deputy Speaker: Any further speakers on the amendment to Bill 26?

Is it pleasure of the House to adopt the amendment?

Some Honourable Members: No.

Mr. Deputy Speaker: No. I hear a no.

Voice Vote

Mr. Deputy Speaker: All those in favour of the amendment, please say yea.

All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Deputy Speaker: In my opinion, the Nays have it.

I declare that the amendment is defeated.

Bill 46—The Court Practice and Administration Act (Various Acts Amended)

Mr. Deputy Speaker: So now we'll go on to Bill 46, the amendment—the court practice and amendment act.

Hon. Jon Gerrard (River Heights): Mr. Speaker, this is a—I wish to move a report stage amendment for Bill 46.

Mr. Deputy Speaker: Yes. First, I just want to remind the member for—*[interjection]*

Mr. Gerrard: I move that Bill 46—I move, seconded by the member for Tyndall Park (Ms. Lamoureux),

THAT Bill 46 be amended by replacing Clause 23 with the following:

The following is added after section 3:

Accommodating persons with a disability

If a person otherwise eligible to serve as a juror has a disability, the court has a duty to reasonably accommodate the person's needs in a manner that enables them to properly discharge the duties of a juror.

3.1(2) Ineligibility if disability cannot be accommodated

If the person's needs cannot reasonably be accommodated in a manner that enables them to properly discharge the duties of a juror, the person is not eligible to serve as a juror.

Mr. Deputy Speaker: Well, before we begin, I just want to make sure that we want to put it back to the House to make—to have it so that—okay.

First, I have—it has been moved by the honourable member for River Heights (Mr. Gerrard), seconded by the honourable member for Tyndall Park (Ms. Lamoureux),

THAT Bill 46 be amended to—replacing Clause 23 with the following:

Bill—following—23—*The following is added by—after the sections—*

An Honourable Member: Dispense.

Mr. Deputy Speaker: Dispense? Dispense.

And I want to ask the House for leave to have it—the amendment to be as considered as printed. Is that agreed? [*Agreed*] So that goes in Hansard.

THAT Bill 46 be amended by replacing Clause 23 with the following:

23 The following is added after section 3:

Accommodating persons with a disability

3.1(1) *If a person otherwise eligible to serve as a juror has a disability, the court has a duty to reasonably accommodate the person's needs in a manner that enables them to properly discharge the duties of a juror.*

Ineligibility if disability cannot be accommodated

3.1(2) *If the person's needs cannot reasonably be accommodated in a manner that enables them to properly discharge the duties of a juror, the person is not eligible to serve as a juror.*

Mr. Gerrard: The Court Practice and Administration Act, Bill 46, is designed to update the administration and practice of Manitoba's courts. Clause 23 deals with the fact that a person is not eligible to serve as a juror if the person has a disability that cannot reasonably be accommodated in a manner that allows them to properly discharge the duties of a juror.

The report stage amendment I have moved will emphasize the fact that the court has a duty to reasonably accommodate the person's needs in a manner that enables them to properly discharge the duties of a juror. The reason that I have moved this amendment is that I have had experience working with individuals with disabilities. Sadly, my experience is that it is often that organizations are slow to provide reasonable accommodation.

In fact, too often, organizations do not even make adequate attempts to make reasonable accommodations. Sometimes this is because they don't realize what a reasonable accommodation is. Sometimes it is because they don't take the time to better understand the disability that is involved.

* (15:20)

But for whatever reason, I am very concerned that the bill, as written, will result in too many cases where jurors are dismissed under circumstances where the courts could make reasonable accommodations but where the courts, instead, take the easy way and say we can't make reasonable accommodations and just dismiss the juror.

Mr. Len Isleifson, Acting Speaker, in the Chair

There is great value in having jurors who have disabilities. Individuals with disabilities have personal experience that gives them a life experience that will give them an understanding of the impact of a person becoming disabled as a result of a crime. There has been an increasing understanding of the value of diversity in decision making. This has been found to be an advantage in running corporations. It's been found to be an example to have diverse individuals in government. It is a major advantage to the decisions which are made by jurors that the jury includes individuals with disabilities.

I hope that the government will accept this amendment as a step in supporting individuals with disabilities in their quest to be included. I hope that the government will accept this amendment to enable us to have a more diverse jury in the future. In our efforts to get a better justice system, I ask other MLAs to support this amendment. It is needed. It is necessary. Let us pass it today.

Thank you. Merci. Miigwech.

Hon. Cameron Friesen (Minister of Justice and Attorney General): I want to respond to the member for River Heights and indicate that the issue that he's raising is one that we have exactly thought about in the work to bring these reasoned amendments before the House. The member talks about the need for more diversity reflected on juries and we agree wholeheartedly. That is why these—the bill amendment contains, in section 23, exactly the same content as the member is suggesting through his amendment.

Mr. Acting Deputy Speaker, this clearly is a strong shift from previous language in the bill. What

this bill will now do is say that reasonable accommodations must be made to allow an individual who is eligible and has a disability to allow them to properly discharge the duties of a juror.

So previously there was no such test. We have elevated the test and elevated the need for courts to accommodate people with disabilities in proceedings. And so I want to be very, very clear that we believe that we have acknowledged and articulated exactly the remedy necessary to make sure that people with disabilities can be allowed to serve and will not be disqualified.

As a matter of fact I would just say one more point, and that is that we have shifted a lot of the language in this bill. There used to be, previous to now, a broad area of prohibitions, people who were disqualified from serving on a jury. We have eliminated that list and said that all Manitoba residents who are 18 years of age and older may serve as a juror except for certain disqualified persons, and I believe that shapes and describes how we want to be inclusive in our use of groups of people in the province.

So we want to see people with disabilities be able to participate fully. We want their contributions, and we believe that this bill and these amendments accomplish that already.

The Acting Speaker (Len Isleifson): Are there any further speakers?

Seeing none, we'll call the question.

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: No.

An Honourable Member: Yes.

The Acting Speaker (Len Isleifson): I hear a no.

Voice Vote

The Acting Speaker (Len Isleifson): All those in favour of the amendment, please say yea.

Some Honourable Members: Yea.

The Acting Speaker (Len Isleifson): All those opposed, please say nay.

Some Honourable Members: Nay.

The Acting Speaker (Len Isleifson): It is my opinion that the Nays have it.

I declare the amendment lost.

Mr. Gerrard: Mr. Deputy Speaker, on division.

The Acting Speaker (Len Isleifson): Okay. It is lost on division.

Bill 51—The Limitations Act

The Acting Speaker (Len Isleifson): We will now move to Bill 51 and consider the first amendment from the member from River Heights.

Hon. Jon Gerrard (River Heights): Mr. Deputy Speaker, I move, seconded by the MLA for Tyndall Park,

THAT Bill 51 be amended in Clause 18(1), by adding the following as clause (h):

(h) a claim brought by a member of the public relating to damage to the environment.

The Acting Speaker (Len Isleifson): It has been moved by the honourable member from River Heights, seconded by the member from Tyndall Park,

THAT Bill 51, be amended in Clause 18(1)(g) by adding "environmental" after "educational" wherever it occurs.

Is there leave to consider the amendment as printed?

An Honourable Member: Well, there were two amendments, and I had—

The Acting Speaker (Len Isleifson): No. One moment.

An Honourable Member: —brought forward one and then you've read the other—

The Acting Speaker (Len Isleifson): Order. Order. Order.

There was a mistake in the original reading, so we're just trying to get it put back in the proper verbiage, in the proper order.

So, again, I ask is there leave to recognize the clause as written? Agreed?

An Honourable Member: Agreed.

An Honourable Member: No.

The Acting Speaker (Len Isleifson): I hear a no.

An Honourable Member: No, sorry.

The Acting Speaker (Len Isleifson): Okay, it is agreed?
[Agreed]

THAT Bill 51 be amended in Clause 18(1)(g), by adding ", environmental" after "educational" whenever it occurs.

The Acting Speaker (Len Isleifson): So the motion—the amendment is in order.

Mr. Gerrard: Mr. Deputy Speaker, Bill 51 establishes a default timeline, a single limitation period of two years, which begins to run from the day the claim is discovered.

The bill also says that if a claim has not been discovered within 15 years of the event that gave rise to the claim, any action started after the 15th anniversary of that event will be statute barred.

The amendment that I'm putting forward is to include in the list of claims the environmental, as well as educational and other matters, so that the environment is considered here. And there are a number of reasons why it is important that matters related to the environment should not be covered by these time limitations.

There are several reasons, which I will outline. One, claims based on damage to the environment have historically often seen significant delays for a variety of reasons. In some places, damage to the environment wasn't recognized until well after 15 years from when the environmental damage occurred. This can happen because the significance of environmental damage may not be realized for many years. This can happen because our understanding of the environment and what is a significant impact can change over time as we learn more about our planet and what represents environmental damage.

Environmental damage can be cumulative. This means that the start of environmental damage may be small and not realized—that only after the environment damage builds up over time, which can be many years or even decades before the damage reaches the extent that it's known about and recognized.

Environmental damage can take a very, very long time to develop. The environment of our planet has been created over a very long period. The time scales for change in the environment or for damage to the environment can be long term. And we should not, in this legislation, constrain the ability of future courts to examine environmental damage and to institute remedies.

Let me give the MLAs an example. We have numerous cases where there has been groundwater contamination in Manitoba. Very often, groundwater

contamination will take a significant number of years from when it is started until it actually becomes observed and recognized. In many cases, I would suggest, that—in the past and historically, that a period of time from when the damage starts, when material is put into the groundwater, to when the damage is recognized may well be more than 15 years. And this clearly would be an example of where it's very important to be able to extend the period because it, quite frankly, may not be possible, for all sorts of reasons, to recognize early stages in the environmental damage to groundwater. There is not sufficient monitoring, in many circumstances, to determine this, quite frankly, but such damage can nevertheless be severe. And as important of that, it can be irreversible or only reversed with great, great difficulty and over long periods of time.

* (15:30)

So, in order for a law, in this case, to be functional and to act as a deterrent to those who would consider doing damage to the environment, we need to make sure that this damage and the lawsuits around it can be—'cur' even if the discovery of the damage starts more than 15 years after the damage commences.

So I hope all MLAs will support this legislation and including—and being concerned about the environment.

Thank you.

Hon. Cameron Friesen (Minister of Justice and Attorney General): I thank the member for River Heights (Mr. Gerrard) for his comments. I understand his concern in principle; I do not understand the remedy in particular. Allow me to illuminate him.

So, already, Bill 51 does recognize that some Crown activities are unique matters of public policy and are not limited in any way by a limitation period. Areas like the delivery of social, health, education and economic programs clearly have different rules.

But when the member talks about extending that same principle to environmental, he fails to realize that, essentially, he would be referring to environmental claims as they relate to government remediation programs.

He himself used the example of the groundwater contamination and said that such an event surely should have no cap on the number of years to bring forward. But already, when it comes to government remediation programs under such statutes

as the environmental act, The Contaminated Sites Remediation Act, and The Water Rights Act, the Crown can already file certificates in court for its unpaid remediation expenses instead of being forced to sue and prove the claim.

So due diligence suggests that if these remediation expenses go unpaid for two years, then a certificate would be filed in court by then anyway. And so it is simply not imperative to have this extension.

We all care about the environment. That is why we have rules in place designed to ensure that nothing in this set of amendments would negatively impact the environment.

The Acting Speaker (Len Isleifson): Are there any further speakers?

Hearing none, is it the pleasure of the House to adopt the amendment?

An Honourable Member: Yes.

Some Honourable Members: No.

The Acting Speaker (Len Isleifson): I hear a no.

Voice Vote

The Acting Speaker (Len Isleifson): All those in favour of the amendment, please say yea.

Some Honourable Members: Yea.

The Acting Speaker (Len Isleifson): All those 'opposed'—posed, please say nay.

Some Honourable Members: Nay.

The Acting Speaker (Len Isleifson): In my opinion, the Nays have it.

I declare the amendment lost.

Mr. Gerrard: On division, Mr. Speaker.

The Acting Speaker (Len Isleifson): On—lost on division. Thank you.

* * *

The Acting Speaker (Len Isleifson): We now move on to bill—the next amendment on Bill 51.

Mr. Gerrard: Yes, Mr. Speaker, I move, seconded by the MLA for Tyndall Park,

THAT Bill 51 be amended in Clause 18(1), by adding the following as clause (h):

(h) a claim brought by a member of the public relating to damage to the environment.

Motion presented.

Mr. Gerrard: Mr. Speaker, we all know that the environment and looking after the environment is very important. The environment is, in fact, the basic natural infrastructure on which we all rely. And what this amendment does is allow exemptions to the period of limitations where a claim is brought by a member of the public relating to damage to the environment.

And there is a need for this measure for a variety of reasons—as I have talked about earlier on—that claims based on damage to the environment may take a considerable period of time to be observed, to be recognized.

In the case of groundwater, I mentioned that there was and could easily be a long delay before the environmental damage is actually observed. In the case of—it doesn't matter, actually, whether this is from an individual, from a company, from the government, action that produces damage to groundwater, there needs to be—in the ability of the public to bring forward claims.

Because environmental damage can be cumulative, it means that early on when there is environmental damage, it may be very small, and it's only over quite a number of years—often more than 15—before the damage builds up to the extent where it is clearly present and worrying.

Environmental damage can take a long time to develop. The environment has been created on our planet over many, many years. We need to recognize that the time scales that we're working in terms of claims related to the environment can be quite different from claims relating to many other matters.

Let me give as an example: a number of years ago there was a chemical introduced into India, and this chemical was used widely. And this chemical resulted in the death of many millions and millions of vultures in India. And the impact, then, of this chemical was major, and it had impacts on the lives of people for all sorts of reasons, as well as on the environment—in this case, on the vultures. And not sure precisely the number of years and so on that this chemical was introduced before it was fully understood and recognized that it was the cause of the problem. I suspect it was quite a number of years, because in the early years, the changes were small, and it was only after millions and millions of vultures had died that it was realized what the problem was and what could be, you know, the solution and the extent of the calamity.

Certainly in Canada, we want to be cognizant of what happens to our environment. We need to make sure that claims from the public who are observing and watching what's happening to our environment can be brought forward without the same sort of time limits as other claims.

Thank you, Mr. Speaker. Merci. Miigwech.

Mr. Friesen: This amendment that the member for River Heights (Mr. Gerrard) is bringing has no inherent constraint. It arguably means that the property-based tort of even nuisance could have no limitation period so long as the claim is also framed as being for damage to the environment.

So this could and perhaps would result in an indeterminate liability for a much broader range of activity than under the prior amendment. It potentially risks having an entire category of tort claim—for example, nuisance—exempted from limitations based only on the pleadings—the successful pleadings of lawyers in nuisance actions. And that would have wide-ranging and unanticipated unintended consequences. It's not clear how this kind of exemption would apply in practice.

But also let me just say that the concept of members of the public is a term also without inherent meaning and, if used here as proposed, would create greater uncertainty by personalizing a limitations rule to the nature of the claimant rather than just focusing objectively on the cause of the action. So making this phrase a factor to actively determine when a limitation's period would not apply is out of step with the remainder of Bill 51's intentions.

The Acting Speaker (Len Isleifson): Thank you, and just prior to recognizing any more speakers, I do want to mention that I did neglect to report that the amendment was in order.

So in recognizing that, I will ask if there are any further speakers.

* (15:40)

Hearing none, is it the pleasure of the House to adopt the amendment?

An Honourable Member: Yes.

Some Honourable Members: No.

The Acting Speaker (Len Isleifson): I hear a no.

Voice Vote

The Acting Speaker (Len Isleifson): All those in favour of the amendment, please say yea.

Some Honourable Members: Yea.

The Acting Speaker (Len Isleifson): All those 'opposed', please say nay.

Some Honourable Members: Nay.

The Acting Speaker (Len Isleifson): In my opinion, the Nays have it.

I declare the amendment lost.

An Honourable Member: On division, Mr. Speaker.

The Acting Speaker (Len Isleifson): On division. [interjection]

The member from River Heights.

Mr. Gerrard: On division.

The Acting Speaker (Len Isleifson): Lost on division.

* * *

The Acting Speaker (Len Isleifson): I will move on to the next amendment.

Mr. Friesen: Mr. Acting Deputy Speaker, I move, seconded by the Minister for Crown Services,

THAT Bill 51 be amended by renumbering Clause 24 as Clause 24(1) and adding the following as Clause 24(2):

Exception re ultimate limitation period

24(2) Despite subsection (1), the ultimate limitation period may not be extended by agreement.

The Acting Speaker (Len Isleifson): It has been moved by the Minister of Justice (Mr. Friesen), seconded by the Minister of Crown Services (Mr. Wharton),

THAT Bill 51 be amended by renumbering Clause 24 as Clause 24(1) and adding the following as Clause—

An Honourable Member: Dispense.

The Acting Speaker (Len Isleifson): Dispense.

The report stage amendment is in order.

Mr. Friesen: I will just put a few words on the record. We know, of course, from our bill—or, from our first reading and second reading debate and from this bill proceeding to committee, what this bill attempts to do. It essentially attempts to provide an overdue modernization and simplification that would align Manitoba with other Canadian jurisdictions who have also taken steps to be able to bring together the variety of

limitation periods that are articulated in their own jurisdictions.

So, in Manitoba, the new act would replace this variety of limitation periods with a two-year period for basic limitation and a 15-year ultimate limitation period, with some certain specific exemptions or exceptions, some of which we spoke about earlier this afternoon. So a person must have two years from the day on which they discover that they have a possible claim. If a claim is not discovered in 15 years from the event that gave rise to the claim, then the claim is statute barred.

As I indicated, in Manitoba—or, in Canada, all jurisdictions, I believe, with the exception of PEI and Newfoundland and Labrador, have acted to modernize their legislation, and Bill 51 is largely consistent with the approach taken in those jurisdictions. I would note that Quebec does have a different approach, but it has also taken measures to address the same issue in principle.

Mr. Acting Deputy Speaker, I've brought in a amendment today that would essentially restate that the ultimate limitation period may not be extended by agreement. Currently, in the bill it indicates that a limitation period may be extended but not shortened in writing. The reason for this is as follows.

Industry, third parties, various groups in Manitoba, professions have spoken in favour of this bill. As a matter of fact, even subsequent to introducing it, we have had those indications of support from various groups. They say this is overdue; they thanked our government for bringing these amendments.

Groups like the Manitoba association for architects, the Association of Consulting Engineering Companies in Manitoba, the Association of Manitoba Land Surveyors, and the Manitoba construction association, they all strongly support the bill; they all strongly support the effort to bring Manitoba in line with other jurisdictions. It is an issue of fairness. It is an issue of allowing an individual who is a professional to constrain their own risk. It is an—it's a matter of competitiveness for Manitoba with other jurisdictions.

One thing they did indicate, though, was they indicated it would be better to, at this time, bring this amendment, because their concern is that the section, if left unaddressed, would allow parties to a contract to set longer ultimate limitation periods as a standard

term of their contracts—in other words, defeating the central purpose and benefit of Bill 51.

We have met with them; we've discussed these issues. We believe that this is a reasoned amendment that will allow us to do what it is that the bill wanted to accomplish in the first place.

And to also increase the confidence of members of this Legislature, I would say that most other Canadian jurisdictions have done the same: they have precluded or limited the extension of the ultimate limitation period. For example, Saskatchewan precludes the extension of the ultimate 'limitary'—limitation period. Ottawa—or, sorry, Ontario allows for the extension, but only after the loss has been discovered. So this proposed amendment is consistent with the approach taken in Saskatchewan. It has the support of those many groups that I talked to and we believe it should have the support of all members of the Assembly.

Mr. Gerrard: Yes, I have listened with interest to the minister on this bill. I can understand the concerns that would relate to contractual obligations potentially bypassing the period of limitation. Whereas I have major concerns with the minister's approach to the environment, I do see that there is at least some rationale behind this amendment.

Thank you.

The Acting Speaker (Len Isleifson): Are there any other speakers?

Hearing none, is it the pleasure of the House to adopt the amendment? [*Agreed*]

I declare the amendment carried.

Bill 53—The Municipal Statutes Amendment Act (2)

The Acting Speaker (Len Isleifson): We will now move on to the proposed amendment to Bill 53, the first one.

Hon. Jon Gerrard (River Heights): Yes, Mr. Speaker, I move, seconded by the MLA for Tyndall Park,

THAT Bill 53 be amended in Clause 7

(a) in the proposed subsection 420(1) of The Municipal Act, by striking out "and" at the end of clause (a),—and—adding "and" at the end of clause (b) and adding the following after clause (b):

(c) establish and maintain a notification list, for residents to register with the municipal office to receive notice by e-mail or other method of electronic communication, and provide such notice to registered residents at least once during the 14-day period set out in clause (a).

*(b) in the proposed subsection 420(3) of **The Municipal Act**, by striking out "and" at the end of clause (a), adding "and" at the end of clause (b) and adding the following after clause (b):*

–establish and maintain a notification list, for residents to register with the municipal office to receive notice by e-mail or other method of electronic communication, and provide such notice to registered residents at least once during the 14-day period set out in clause (a).

The Acting Speaker (Len Isleifson): It has been moved by the member from River Heights, seconded by the member from Tyndall Park,

An Honourable Member: Dispense.

The Acting Speaker (Len Isleifson): Dispense? Dispense and so ordered.

Is there leave to recognize as printed or consider as printed? *[Agreed]*

THAT Bill 53 be amended in Clause 7

*(a) in the proposed subsection 420(1) of **The Municipal Act**, by striking out "and" at the end of clause (a), adding "and" at the end of clause (b) and adding the following after clause (b):*

(c) establish and maintain a notification list, for residents to register with the municipal office to receive notice by e-mail or other method of electronic communication, and provide such notice to registered residents at least once during the 14-day period set out in clause (a).

*(b) in the proposed subsection 420(3) of **The Municipal Act**, by striking out "and" at the end of clause (a), adding "and" at the end of clause (b) and adding the following after clause (b):*

(c) establish and maintain a notification list, for residents to register with the municipal office to receive notice by e-mail or other method of electronic communication, and provide such notice to registered residents at least once during the 14-day period set out in clause (a).

The Acting Speaker (Len Isleifson): The amendment is in good order.

Mr. Gerrard: Mr. Speaker, there's a good reason for the amendment. We are in the era where there is access to the Internet, where people are using email and that we should have the possibility for municipalities to notify people by email where that is their preferred method of communication.

I think all of us as MLAs are used to working with people who like different forms of communication and that we are used to responding and working with people in different types of communication, whether it be by phone, by letter, by email, et cetera, et cetera.

* (15:50)

And so let us modernize this act and allow email to be used and allow it—we're not requiring that it be given to everybody, but we are requiring here that municipalities would have a notification list for residents to register with—residents who would like to receive communication by email or other method of electronic communication—and that such residents who have registered with a municipality can then receive notification by email of what is happening.

Part of the problem that we are facing is that the current notification is often not sufficient to reach people adequately, and whether it is putting a notice inside a municipal office where, right now, there's not very many people of the public going into because of the COVID pandemic, or whether this is putting it on a website. Quite frankly, there's not a lot of people who are checking the municipal website on a daily basis to see what's happening or whether it is in some other fashion, including, as we believe—as Liberals—should happen, that there should be notification through local newspapers. But more and more, particularly the younger people, but extending, quite frankly, to many seniors and of all ages—people would like to receive information electronically.

And so all we are asking is that there be the ability for people to receive it electronically by email or another fashion, then we can have a system which is going to work better. We are all too familiar with what happened in Nova Scotia, where police made a notification by Twitter and presumed that people, you know, will see it if—but the fact of the matter is that not everybody uses Twitter. We need to have a variety of ways of communicating with people, and I hope that the government will consider this recommendation and this amendment as a positive step forward.

Thank you.

The Acting Speaker (Len Isleifson): Are there any further speakers to the amendment?

Is it the pleasure of the House to adopt the amendment?

An Honourable Member: Yes.

Some Honourable Members: No.

The Acting Speaker (Len Isleifson): I hear a no.

Voice Vote

The Acting Speaker (Len Isleifson): All those in favour of the amendment, please say yea.

Some Honourable Members: Yea.

The Acting Speaker (Len Isleifson): All those opposed, please say nay.

Some Honourable Members: Nay.

The Acting Speaker (Len Isleifson): In my opinion, the Nays have it.

I declare the amendment lost.

Mr. Gerrard: On division.

The Acting Speaker (Len Isleifson): Lost on division.

* * *

The Acting Speaker (Len Isleifson): Now, move on to the second amendment.

Mr. Gerrard: Yes, Mr. Speaker, I move, seconded by the MLA for Tyndall Park,

THAT Bill 53 be amended in Clause 24 by adding the following at the end of the proposed subsection 113(1) at The City of Winnipeg Charter:

In addition, the city must establish and maintain a notification list, for citizens to register with the city to receive notice by e-mail or other method of electronic communication, and provide such notice to registered citizens at least once during the 14-day period set out in clause (a).

This is a measure—

The Acting Speaker (Len Isleifson): It—sorry—it has been moved by the member from River Heights, seconded by the MLA from Tyndall Park—

Some Honourable Members: Dispense.

The Acting Speaker (Len Isleifson): Dispense? Dispense and so ordered.

The member from River Heights—[interjection]—oh, the amendment is in order.

Mr. Gerrard: This is a parallel amendment for the City of Winnipeg, and if the government does not feel that people in rural areas are up to using email, I beg to differ. But, hopefully, the government will recognize that there is a very, very high proportion of people in Winnipeg, as, indeed, as well as in rural Manitoba, who do use email and like to use email, and like to get notifications by email. They are used in a variety of other circumstances. We would just like to bring Manitoba into a more modern approach to providing notification of events to citizens in Winnipeg and hope the government will agree.

Thank you. Merci. Miigwech.

The Acting Speaker (Len Isleifson): Are there any further speakers?

Hearing none, is it the pleasure of the House to adopt the amendment?

An Honourable Member: Yes.

Some Honourable Members: No.

The Acting Speaker (Len Isleifson): I hear a no.

Voice Vote

The Acting Speaker (Len Isleifson): All those in favour of the amendment, please say yea.

Some Honourable Members: Yea.

The Acting Speaker (Len Isleifson): All those opposed, please say nay.

Some Honourable Members: Nay.

The Acting Speaker (Len Isleifson): In my opinion the Nays have it.

I declare the amendment lost.

Mr. Gerrard: On division.

The Acting Speaker (Isleifson): Lost, on division.

* * *

The Acting Speaker (Len Isleifson): So, we'll now move on to bill-report stage, another one on Bill 53.

Mr. Matt Wiebe (Concordia): I move, seconded by the member for Wolseley (Ms. Naylor),

THAT Bill 53 be amended

(a) in Clause 7(1), by striking out "one" in the part of the proposed clause 420(1)(b) before subclause (i) and substituting "both"; and

(b) in subclause 7(3)—in Clause 7(3), by striking out "one" in the part of the proposed clause 420(3)(b) before subclause (i) and substituting "both".

The Acting Speaker (Len Isleifson): I didn't get the seconder.

An Honourable Member: Wolseley.

The Acting Speaker (Len Isleifson): Wolseley, sorry. So, it has been moved by the member from 'cordia,' seconded by the member from Wolseley,

THAT Bill 53 be amended

(a) in Clause 7(1), by striking out "one" in the part of the proposed clause 420(1)(b) before subclause—

An Honourable Member: Dispense.

The Acting Speaker (Len Isleifson): Dispense.

The amendment is in order.

Mr. Wiebe: I was enjoying hearing that clause read back to me, and probably more correctly than I read it, but I appreciate the timing in the House here.

This amendment, Mr. Deputy Speaker, is actually one that I would hope is considered a friendly amendment. In the opportunity that I had to sit with the member—sorry, the minister and his officials in our bill briefing, this was an issue that we raised first and foremost of being—of a concern because it is something that this government has done before in other legislation, and that is to limit the amount of advertising that is necessary through our local media in rural Manitoba. And we've been certainly stalwart proponents of protecting local media, encouraging local media and also encouraging local economic development throughout the province.

And so when we saw that perhaps this was, you know, just an oversight by the minister, that perhaps he didn't realize that the wording that was included in his bill might actually preclude municipalities from advertising in those local papers when available, it

was something that we raised immediately, we raised in that bill briefing, we raised here in this House, we raised at committee over and over and over again. And so we continue to stand with those rural newspapers.

Now, what I heard from the minister at every step of that process was, no, that—you know—the intent is that municipalities should be continuing to advertise in their local papers as well as electronically, as well as in other mediums. And that's certainly something that we support. We think that there are new technologies. Certainly all of use have gotten used to using new technologies. There's many parts of this bill that speak to the ability of council to continue to operate under these new paradigms of communications and then allow the public or encourage the public to also participate in those new—with those new technologies as well.

* (16:00)

So there's a lot of opportunity. And, in fact, I got into a good conversation with the staff at the department level about, you know, where this is going next. You know, is there a way that we can, you know, encourage, say, Facebook or Instagram or another particular service to be used to communicate to people, because there are some services which have very, very wide reach. And while I don't think that's encapsulated in this bill—and perhaps we're not quite at that point—I think the thinking of government has shifted, and I certainly applaud the minister for starting to catch up on that.

What I'm concerned about is that if the local newspapers are going to, first of all, take a financial hit because they won't be, you know, publishing that information, but maybe more importantly—and this—you know, speaks to what another common theme on this side of the House, and that is the protection of our democracy here in Manitoba and a respect for that democracy, especially when we're talking about rural Manitoba. You know, we want to ensure that we're not missing out on a huge section of folks who still pick up that newspaper in town or have it delivered to their house and, you know, may not get that notice because the information is not being provided in that way.

There's a whole bunch of other ways for municipalities to get that information out. I think this bill speaks to some of those ideas about posting, about physical postings, but there—really, you know, in many communities the local newspaper is the lifeblood of that community. They speak for that community and they speak, as I said, to that community, which is the most important thing, you know.

And for the average person, they may pick up the Dauphin Herald every, you know, every week, but they may not look on the website of the Dauphin Herald every week, and that's, you know, just the reality of how people consume their media.

So, again, this is our concern. We've seen this government go down this road before. I know they've gotten some flak from within their own caucus over these changes in not supporting local media and rural newspapers. We don't want to see them continue to go down this road.

But what I've heard from the minister—and this is where it's going to be a real test of his word to us as Manitobans and to us as the opposition here—is, you know, I hope that he sees this as a friendly amendment in the sense that what I understood the intent to be was to allow for additional advertising to be—to happen on websites, on social media platforms, et cetera, but not to preclude—when there is a strong local paper—to preclude the notice from going in there as well.

So, again, it's very clear what we—not a complicated change here, Mr. Deputy Speaker. What we're simply asking is instead of saying and, we're saying both. We want to say both. You know, not just one, but both of those opportunities, if they exist. If they don't exist, the legislation continues to provide for that, that, you know, there is no local circulation that will meet the criteria as set out in the bill. That's fine; let's move to a digital distribution platform. We have no problem with that. But if there's an opportunity to still advertise in a local paper, let's take that opportunity.

So I hope the minister will put a few words on the record. I hope this is a unanimous agreement. I know members of the third party in the Chamber have also indicated this is something they're concerned with. I hope they're on board. But most importantly, of course, we know it's the government that needs to see that they might have made a mistake when it comes to how they drafted this bill. If they truly stand on the side of local independent media throughout this province, let them show it here by standing with us, supporting this minor change and moving on and passing this amendment.

Thank you very much, Mr. Deputy Speaker.

The Acting Speaker (Len Isleifson): Are there any further speakers?

Mr. Gerrard: Yes. I'd like to speak out in favour of local newspapers and ensuring that 'nocal' newspapers are used. Much as I am also an advocate for electronic

communications, I think that there is a basic need to communicate through newspapers if they are seen and read by a lot more people than those who go to the web page of a municipality. Having it on a web page in the municipality and having it in a municipal office is not sufficient. In fact, it is totally inadequate, and therefore, in the Manitoba Liberal Party we will be supporting this amendment.

The Acting Speaker (Len Isleifson): Any further speakers?

Hearing none, is it the pleasure of the House to adopt the amendment?

Some Honourable Members: Yes.

Some Honourable Members: No.

The Acting Speaker (Len Isleifson): I hear a no.

Voice Vote

The Acting Speaker (Len Isleifson): All those in favour of the amendment, say yea.

Some Honourable Members: Yea.

The Acting Speaker (Len Isleifson): All those opposed, please say nay.

Some Honourable Members: Nay.

The Acting Speaker (Len Isleifson): In my opinion, the Nays have it. I declare the amendment lost.

Moving on to—member from Concordia?

Mr. Wiebe: On division.

The Acting Speaker (Len Isleifson): On division. Thank you. So recorded. Defeated on division.

Bill 37—The Planning Amendment and City of Winnipeg Charter Amendment Act

The Acting Speaker (Len Isleifson): Now, move on to the amendment to Bill 37.

Mr. Dougald Lamont (St. Boniface): I move, seconded by the member for Tyndall Park (Ms. Lamoureux),

THAT Bill 37 be amended in Clause 19 by striking out "60 days" in the proposed subsection 77.1(6) and substituting "15 days."

Motion presented.

The Acting Speaker (Len Isleifson): The amendment is in order.

Mr. Lamont: Yes. The purpose of this amendment and—is actually to reduce red tape and to speed

processes. When Bill 37 was at committee, we had a large delegation of witnesses who were quite concerned with it, and that included both the AMM, the— a number of individual municipalities, as well as developers.

And one of the challenges that they spoke to was the fact that the Municipal Board has occasionally been slow to produce rulings, is that, at times, the City of Winnipeg is actually—is waiting on decisions that are over two years old or that have been waiting at the Municipal Board for two years. So the current bill actually says that—refers to 60 days, and we're asking that the Municipal Board act in 15 days.

So this is really just about trying to speed up—make sure that we're putting a bit of fire under the Municipal Board and making sure that it actually delivers its decisions more quickly. This is an amendment that was—that came to be thanks to discussions from AMM and input for—from AMM, so we have consulted with the Association of Manitoba Municipalities in preparing this amendment, and we've had support from other municipalities as well, just to make sure that this is moving forwards—or.

I certainly hope that this is regarded as a friendly amendment. I know that the minister and the government made some amendments already to the bill. It's a huge bill, which has extremely far-reaching implications, so I certainly hope that this will be considered as an amendment and can get the support of all parties.

The Acting Speaker (Len Isleifson): Are there any further speakers?

Hearing none, the question—is it the pleasure of the House to adopt the amendment?

Some Honourable Members: No.

The Acting Speaker (Len Isleifson): No?

Voice Vote

The Acting Speaker (Len Isleifson): All those in favour of the amendment, please say yea.

Some Honourable Members: Yea.

The Acting Speaker (Len Isleifson): All those opposed, please say nay.

Some Honourable Members: Nay.

The Acting Speaker (Len Isleifson): In my opinion, the Nays have it.

I declare the amendment lost.

* * *

The Acting Speaker (Len Isleifson): Moving on to the next motion.

Mr. Lamont: Again, this is the amendment to Bill 37—

The Acting Speaker (Len Isleifson): I remind the member you need to move the motion first.

Mr. Lamont: Yes. I move, seconded by the member from Tyndall Park,

THAT Bill 37 be amended in Clause 39 by striking out "60 days" in the proposed subsection 151.0.3(8) and substituting "15 days".

So, this is—

The Acting Speaker (Len Isleifson): It has been moved by the member from St. Boniface, seconded by the member from Tyndall Park,

THAT Bill 37 be amended in Clause 39—

Some Honourable Members: Dispense.

The Acting Speaker (Len Isleifson): Dispense? So ordered.

Member from—report stage amendment is in order.

*(16:10)

Mr. Lamont: This, again, is to reflect changes requested by the AMM and a number of other organizations to—again—to speed the work of the Municipal Board simply because there have been challenges sometimes with notice as well as delivering decisions.

Clearly, the entire purpose of Bill 37 grew out of a report from Treasury Board which highlighted challenges with permitting and the slow approval of various kinds of development projects, and clearly, if we're going to—one of the focuses of this bill is to shift more decision making to a Municipal Board, which we've expressed our concerns about as did many of the other witnesses. But if we're moving things to the Municipal Board, it certainly means that the Municipal Board has to make sure that it's doing its work in a time—in a period of time or in a way that's timely as possible.

So that, again, is the purpose behind this amendment, and I hope—again, this is something that has the support of AMM, has the support of other municipalities, and we hope that it would be—and clearly, it's an issue for developers as well who don't want to be sitting and waiting months or days—months or weeks more than they have to, you know, if they want to lose—could face losing a construction season, so.

We do hope that this is something that all parties would consider supporting.

The Acting Speaker (Len Isleifson): Are there any further speakers?

Hearing none, is it the pleasure of the House to adopt the amendment?

An Honourable Member: Yes.

Some Honourable Members: No.

The Acting Speaker (Len Isleifson): I hear a no.

Voice Vote

The Acting Speaker (Len Isleifson): All those in favour of the amendment, please say yea.

Some Honourable Members: Yea.

The Acting Speaker (Len Isleifson): All those opposed, please say nay.

Some Honourable Members: Nay.

The Acting Speaker (Len Isleifson): In my opinion, the Nays have it. I declare the amendment lost.

* * *

The Acting Speaker (Len Isleifson): I move on to the next amendment.

Mr. Lamont: I move, seconded by the member for Tyndall Park (Ms. Lamoureux),

THAT Bill 37 be amended in Clause 77

(a) in the proposed subsection 282.1(1), in the part before clause (a), by adding "on a ground set out in subsection (1.1)" at the end;

(b) by adding the following after the proposed subsection 282.1(1):

Grounds of appeal

282.1(1.1) An appeal under this section may be made only on one or more of the following grounds:

(a) the refusal, rejection or decision misinterpreted or misapplied a zoning by-law, regional

zoning by-law, secondary plan by-law or development plan by-law;

(b) the refusal, rejection or decision is inconsistent with a secondary plan, regional plan or the provincial land use policies;

(c) the refusal, rejection or decision was not made within the time required under this Act.

(c) in the proposed subsection 282.1(4), by adding the following after clause (b):

(b.1) the grounds for appeal;

(d) by adding the following after the proposed subsection 282.1(4):

Non-compliant notice of appeal

282.1(4.1) The Municipal Board must not receive an appeal if the notice of appeal does not meet the requirements of subsection (4).

(e) in the proposed subsection 282.1(5), in the part before clause (a), by striking out "an appeal" and substituting "a notice of appeal that meets the requirements of subsection (4)".

The Acting Speaker (Len Isleifson): It has been moved by the member from St. Boniface, seconded by the member from Tyndall Park,

THAT Bill 37 be amended in Clause 77

(a) in the proposed subsection 282.1(1), in the part before clause (a), by adding "on a ground set out in subsection (1.1)" at the end—

Some Honourable Members: Dispense.

The Acting Speaker (Len Isleifson): Dispense? So ordered. The member from St. Boniface.

Mr. Lamont: Thank you—

The Acting Speaker (Len Isleifson): Oh pardon me, pardon me. The amendment is in good order.

Mr. Lamont: Again, one of the major concerns—there have been a number of concerns raised about Bill 77—sorry Bill 37, ranging from elected officials to developers. And again, these are amendments that come directly from AMM. And one of the concerns—although there have been changes and amendments made—this is also a reflection of something that's been seen in my own constituency both in St. Boniface and parts of Glenwood, where there have been—there are—while recognizing that developers have complained to the City of Winnipeg especially about difficulties with approvals and permits and so on—I'll just give the example of—in—of Glenwood in old St. Vital, that

there have been over 100 individual variances granted for lot splits in ways—and it is basically the size of a small—what has happened is a development has taken place that is the equivalent to the—an independent or small subdivision, but it has been done on a piecemeal basis, on a one by one with each project being registered one by one. So the net result of all that, the accumulated result of that has been that the entire neighbourhood and the entire community has been reshaped piece by piece without the—to the great frustration of residents.

So it is essential in a number of ways for residents to be able to have their say and to be able to have their say, as we all do, in the way our communities grow and develop. And there have been some very strong arguments made both by residents of Glenwood and St. Vital as well as residents of St. Boniface. And the example I—there's a—in St. Vital, one of the—one of the impacts has been because these are all—you have a hundred one-off developments—is that nobody is paying attention to the overall impact on things like water flows or—and environmental impacts. And one of the consequences of this is that, especially for these older neighbourhoods, it means that the combined sewer system is being overwhelmed because the usual overall infrastructure changes that would normally be made or would normally be taken into consideration on a broader—when an entire subdivision or an entire development was being planned aren't being done.

So it means that we have dozens and dozens of new houses going in in ways that affect existing infrastructure, but the existing infrastructure is not being addressed. So we have—it means we have various kinds of serious pollution. There's a resident of—residents' association in Glenwood, for example, has argued that it's possible that the City of Winnipeg is in violation of its entire licence for its combined sewers because it is not actually working, it is not operating according to its own licence.

And the other has to do with who gets to file an appeal. I know that in an initial draft of this bill earlier, it appeared that there would be limits on the capacity or the ability for citizens to register an objection, but they would not be able to then appeal, but that developers would be allowed an appeal. So effectively, it created a very unfair and asymmetrical system recognizing that developers can and have been frustrated by various measures of the City of Winnipeg and elsewhere. But it is absolutely critical for people to be able to have a say both as citizens and also as homeowners.

Another constituent of mine made the point that there was a very fine building—it was a \$12-million medium-rise building that was going up at St. Boniface. And the fact that it—and, you know, it was a—it was a great project. People still wanted to be able to have their say because, ultimately, when you add up the cumulative wealth of all the people who own houses around a given development, it will almost always—it will always exceed that of the development—the new development in question, especially if it's an infill or a—something that's being developed in an older community.

So you might have—you want to make sure that you have a situation where a community that might have \$500 million worth of property that they own together are not shut out and silenced when another developer wants to come in—with a single developer wants to come in with a project that might be worth 8 or 5 million dollars. They might be very fine projects, but we have to recognize both the essential right of people to have a say in how their community is run and what it looks like and, you know, that grassroots level democracy is absolutely critical. And the other aspect of it, of course, is that—is for property owners who will be affected by it. So these are legitimate concerns that were raised with me, even immediately after the initial Treasury Board report that resulted in this bill being created.

So again—and I'll say this as well. There were many people who were speaking about concerns about local democracy. And ultimately, that is about people's ability to have a say. An individual voter or a citizen's ability or a property owner's ability to have a say in what their community is going to be like and not—it's not just a question of—it's also often dismissed as NIMBYism, but the fact is is that if somebody—it is quite possible for a development to be built next to your house that reduces its property—that reduces its value or that changes the character of the neighbourhood or that has environmental—long-term environmental concerns that may actually do things that do everything from affect the environment to affecting your individual costs as a property owner.

* (16:20)

So if you're not actually—and so these are all things that need to be taken care of, and the concern about a major shift in moving—well, there are two. One—actually, one is about representation and making sure that democratic representation is in place so that elected officials, the person you actually are going to be accountable for paying for various decisions are

actually the ones who are able to make those decisions as well. But the other is that if in moving to a municipal board it means that it can do an end run, not just around elected officials, but it can also mean that it cannot appeal to the courts.

And so that is a very—and that was a concern expressed by many people at committee because if you're not able to fix a problem that's happening in your community with an election and you're not able to fix a property—a problem that's happening in your community through courts, then your hands are tied.

And this is why we have democracy rule of law. And so that is an extreme—I mean, that's—I mean, pushing that to—not to an extreme; I actually think it's a reasonable concern. The fact is that ultimately you want to make sure—you want a system in democracy where people are going to be accountable and you can hold people to account for the mistakes that—when things don't work.

So, ultimately, this is about finding ways to make sure that these decisions can still be made and controlled as much as possible by elected officials without having to go to the Municipal Board, without the Municipal Board having the final say because we do actually have a lot of people who—where it's functioning quite well.

And there were also concerns expressed that if we don't do this properly, that individuals might just appeal everything to the Municipal Board and we'll end up with massive backlogs, and that was something that was a concern expressed by the AMM as well.

So I hope that—again—these are amendments that were prepared in consultation with AMM as well as some other municipalities. I hope that they will enjoy due consideration and the support of the House.

Thank you.

The Acting Speaker (Len Isleifson): Are there any other speakers to the amendment?

Seeing none, is it the pleasure of the House to adopt the amendment?

Some Honourable Members: Yes.

Some Honourable Members: No.

The Acting Speaker (Len Isleifson): No? I hear a no.

Voice Vote

The Acting Speaker (Len Isleifson): All those in favour of the amendment, please say yea.

Some Honourable Members: Yea.

The Acting Speaker (Len Isleifson): All those opposed, please say nay.

Some Honourable Members: Nay.

The Acting Speaker (Len Isleifson): In my opinion, the Nays have it.

I declare the amendment lost.

Hon. Jon Gerrard (River Heights): On division.

The Acting Speaker (Len Isleifson): Declared on—lost on division.

* * *

The Acting Speaker (Len Isleifson): Move to the next amendment.

Mr. Lamont: I move, seconded by the member for River Heights,

THAT Bill 37 be amended in Clause 77 by adding the following after the proposed subsection 282.1(7):

Limitation on Municipal Board's discretion

282.1(7.1) In making a decision in accordance with subsection (7), The Municipal Board

(a) is bound by any secondary plan or regional plan that is in effect;

(b) must ensure that the decision conforms to the land uses, intensity of use and density of development set out in any applicable zoning by-law;

(c) must ensure that the decision is consistent with the provincial land use policies;

(d) must not grant to the appellant any special privilege that is inconsistent with restrictions that apply to the neighbouring properties; and

(e) must not commit the municipality in which the property is located to any expenditure in support of any development.

The Acting Speaker (Len Isleifson): It has been moved by the member from St. Boniface, seconded by the member from River Heights,

THAT Bill 37 be amended in Clause 77 by adding the following after the proposed subsection—

An Honourable Member: Dispense.

The Acting Speaker (Len Isleifson): Dispense and so ordered. The amendment is in good order.

Mr. Lamont: Again, here there's—this is an effort to set some guard rails as far as the municipal 'goards' discretion is concerned. One of the things that Bill 37 did—and this is of particular relevance to members of—certainly of my constituency but others as well—is that it appeared to create the ability for the Municipal Board to override secondary plans or regional plans. In the secondary plans for St. Boniface, there was quite a 'controversibly' lately because the secondary plans for St. Boniface include the former city hall, which was sold for \$10,000 without that much consultation with the community. But it wasn't just that there wasn't consultation, but that there was an actual expectation on the part of the community, because preserving that building is part of the secondary—of the City of Winnipeg's secondary plan.

So, it was something that should have been considered from the get-go. It wasn't simply a question of people saying that they wish they'd been considered or consulted; there are some very specific regulations in place as far as secondary plans are concerned. And again, this is about local democracy and local communities being able to have a say in what they're able to do.

And it is true—I mean, there's no question that there have been issues with development of the City of Winnipeg and elsewhere. I think there are examples of developers—there was a developer who was supposed to—who told the City that he was going to build a park and then had—ended up being fined for \$100,000 by councillor—by a committee chaired by Councillor Browaty, because he built an apartment building where he was supposed to have built a park.

And again, then there were issues with the City of Winnipeg, where, you know, 10-or-odd years ago, we had the police headquarters and a number of strange incidents with fire halls being built on land that the City of Winnipeg didn't own, and so on.

So we are in this area where, on the one hand, I understand that a number of people are frustrated with the degree of red tape, but at the same time, there seems to be—have been in the past—clearly not under this government, but under previous administrations of various stripes—that you had a situation where the rules were not being enforced because development was happening in complete contravention to various kinds of rules, so.

And what we don't want—and I'll say again, this is an issue not just of local democracy or—and autonomy, which is something that municipalities are very clear on, that they don't want their municipal—their own

autonomy being overwritten. And this is something even—I spoke with the RM of Headingley about this, as well as other municipal leaders.

The challenge here is not just that—who makes the decision, but who gets blamed for it. Because ultimately, if a decision is made on the part—if residents go to an RM—in an RM—even a majority of residents goes to an RM and says well, we don't want to see a particular development, or we have a challenge around a particular development.

And I can think of two controversial ones that are—two or three that have been recently. One would be Vivian sands, where there's a—there are questions around environmental—quite serious environmental impacts as far as drinking water and a massive aquifer is concerned.

Another was in the RM of Rosser, where a—where permission was granted to a quarry where there had been a long-standing dispute. Basically, it was something that other businesses wanted to keep out. Because ultimately, it is true: development is development. But it's not as if—but some businesses, of course, clearly, can have a negative impact. And this is on property values or whether you can run another business.

Mr. Doyle Pivniuk, Deputy Speaker, in the Chair

And the example in Rosser was where the municipal board overrode the RM and ultimately the courts—a number of decisions of the courts—was that a number of businesses ended up going under because they could not operate their businesses within hearing distance of a quarry.

And I think that's a reality of businesses that—and it's accepted when it comes to economics that there are trade-offs—is that if you're going to win something, that there's a possibility you're going to lose something else.

So, the challenge around pushing this decision-making to a municipal board is that—not just that local authorities will be overruled or will not have a say, but they will also be the ones who are blamed for it, or expected to be blamed for it.

And part of this issue of accountability—I say just accountability purely in terms—even in the basic terms of being able to vote somebody out when you didn't want them and hold an elected official to account—that's something you can do to register displeasure. You cannot vote judges out and you cannot vote municipal boards out.

* (16:30)

So this is—on the one hand, I understand the urge to—or the desire to create a municipal plan—a metro region plan. That was something that everybody agreed on, actually. That was universe—that was something that university agreed on.

The concern here is partly that I think that this government has, just in drafting the legislation, has come up with something that's really quite rigid and is not flexible enough and is not variable enough when it comes to taking different communities' concerns into account. Some communities will be very comfortable with industrial development; others will not. Some will be very comfortable with high-rises and high density; some will not.

And so the idea that you can run—that it is possible for people to run roughshod over the concerns of a local community is certainly a major concern, but it also means that it's one thing to do that, but it also risks radically disempowering people if it means that their—the people they vote for can't make a change in it and that they don't have recourse to the courts either.

So this is partly about trying to ensure that there are greater checks and balances, that we have greater flexibility, that people's complaints can be heard, and this is more about just making sure people are being heard; is that part of this as my experience as an elected official is that when people—people will often come to you and warn you about things. So this is—and to be willing to give people that hearing and act when they're raising a concern that a particular development might not go well or that it will have long-term risks or costs that might not otherwise be recognized, it's important to give people their full hearing because there are—that—because there is no such thing as a free lunch, as the saying goes, and that sometimes one person's gain is another person's loss.

We'd all like to work towards an economy that is all win-win-win, but, again, representing St. Boniface where there are—have been a number of issues environmentally with lead contamination and other—that the fact is is that people need to be able to speak up and be able to object to something that might be a real cost to them; it could be a real cost to their health, the environment or the value of their homes.

That is the basis on this is that limiting—putting limits on the Municipal Board's discretion because the people on the Municipal Board—it is quasi-judicial; it cannot be appealed, and for some people that might be very appealing; people want to see something done

and not have it overturned, but it also means that it's something—it's also a way of enshrining a mistake permanently.

So, again, this is something that was developed in consultation with AMM, and we do certainly hope that this will be taken seriously.

Thank you.

Mr. Deputy Speaker: Is there any other further speakers?

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: No.

An Honourable Member: Yes.

Voice Vote

Mr. Deputy Speaker: All those in favour of the amendment, please say yea.

Some Honourable Members: Yea.

Mr. Deputy Speaker: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Deputy Speaker: In my opinion, the Nays have it.

I declare amendment lost.

An Honourable Member: Mr. Speaker—

Mr. Deputy Speaker: Oh, the honourable member for River Heights, if you can just turn your video on. We can hear you, but we can't see you.

Mr. Gerrard: Oh, I'm sorry.

On division, Mr. Speaker.

Mr. Deputy Speaker: On—defeated, on division.

Mr. Deputy Speaker: Okay, before I go on to the next amendment, I just want to—regarding the matters of privilege ruling I delivered today after oral questions, is it leave of the House to—for the text to be—of the ruling to be appeared as printed on Hansard and in the Votes and Proceedings? Agreed? *[Agreed]*

Speaker's Ruling (Continued)

Following the Prayer on Monday, April 26, 2021, the Honourable Official Opposition House Leader raised a Matter of Privilege regarding the Main Estimates

Supplements tabled by the various Ministers as part of the preparation for the Estimates process. The Honourable Official Opposition House Leader alleged that inadequate information was provided that does not contain any detailed financial or relevant program information, making it difficult for Members to provide scrutiny of Government expenditures.

The Honourable Official Opposition Leader concluded by moving "THAT this House order the Government to immediately provide a supplement to the Main Estimates of Expenditure for each Government Department to the Legislature, containing the information about the operations of the Department, Government entity or program required by Treasury Board, including expenditure and staffing summaries by program area and appropriation combined with a five-year historical comparison of departmental spending and staffing."

The Honourable Government House Leader and the Honourable Member for River Heights also contributed 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 advice to the Chair on this matter.

In order for a matter to be ruled in order as a prima facie case of privilege, Members must demonstrate both that the issue has been raised at the earliest opportunity, and that sufficient evidence was provided to support the Member's claim that their privileges, or the privileges of the House were breached.

The Honourable Official Opposition House Leader advised that the matter was raised at the earliest opportunity given that the Main Estimates Supplements had been tabled on the previous Thursday, and that it was necessary to review the Supplements and compare them to Supplements from previous years. Therefore, the Honourable Official Opposition House Leader contended that in raising the issue on April 26, it was raised at the earliest opportunity.

After hearing this explanation, I am satisfied that the issue was raised at the earliest opportunity.

Regarding the second aspect of sufficient evidence, while I understand the concerns raised regarding the quantity and quality of information provided, the Presiding Officer is constrained by the requirements of section 31 of The Financial Administration Act. This section reads "The Minister who is charged by

the Lieutenant Governor in Council with the administration of a Government Department or who is identified by Treasury Board as being responsible for a Government entity or program shall table a supplement to the main estimates of expenditure in the Legislature at the time, in the form and containing the information about the operations of the department, government entity or program required by Treasury Board."

The Main Estimates Supplements were tabled in a timely manner. In addition, there is legislative authority for Treasury Board to determine the content of the Main Estimates Supplementary documents. Given this, there is no scope for the Presiding Officer to find that a prima facie case of privilege has been established.

Though Treasury Board has the legal right to determine the content of the Main Estimates Supplementary information books, it appears there was no consultation or advance notice that the content would be changing. There may be valid reasons as to why these changes occurred, however it is not the role of the Presiding Officer to be the arbiter of those changes. In hindsight, it would have been a courtesy for Treasury Board or the Government to have provided advance notice to Members of the changes.

REPORT STAGE AMENDMENTS

(Continued)

Bill 37—The Planning Amendment and City of Winnipeg Charter Amendment Act

(Continued)

Mr. Deputy Speaker: Okay, now we'll go on to the amendment with the—for Bill 37.

Mr. Dougald Lamont (St. Boniface): I move, seconded by the member for Tyndall Park (Ms. Lamoureux),

THAT Bill 37 be amended in Clause 77 by striking out "60 days" in the proposed subsection 282.1(9) and substituting "15 days".

Mr. Deputy Speaker: It has been moved by the honourable member for St. Boniface, seconded by the honourable member for Tyndall Park,

THAT Bill—

An Honourable Member: Dispense.

Mr. Deputy Speaker: Dispense.

The amendment is in order.

Mr. Lamont: Again, this is another measure in order to expedite matters as far as the actions of the Municipal Board are concerned. I know that in the Treasury Board, on a number of statements, both by the minister and the Premier (Mr. Pallister), that for every day that Manitoba is unable to—development isn't able to move forward, that it—there's a cost of something like \$17 million net. I was—I did register some skepticism about the math behind that in the Treasury Board report. That being said, if that's the case for 45 days, we're talking multiple hundreds of millions of dollars that would be saved if the Municipal Board is able to speed its decisions and make sure that people can either decide to move forward or not on a project.

So, again, I think that was one of the major arguments in favour of Bill 37, in terms of its intended goal of making—of ensuring that developments happen—or the decisions are delivered quickly and that the planning and permitting processes are achieved quickly; that our goal should be that a municipal board should not be—actually, I could say this quite generally, the Municipal Board should not be the bottleneck in this process, that we have an opportunity to speed things along and ensure that it—we're following some—the best possible standards in order to be able to respond to the needs of industry, as well as communities.

Mr. Deputy Speaker: Is there any other further speakers on the amendment?

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: No.

Mr. Deputy Speaker: I hear a no.

Voice Vote

Mr. Deputy Speaker: All those in favour of the amendment, please say yea.

Some Honourable Members: Yea.

Mr. Deputy Speaker: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Deputy Speaker: In my opinion, the Nays have it.

I declare the amendment lost.

An Honourable Member: Mr. Speaker—

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

An Honourable Member: On division.

Mr. Deputy Speaker: The—I declare the amendment lost, on division.

* * *

Mr. Deputy Speaker: So now we'll go on to the next amendment, still on Bill 37.

The honourable member for St. Boniface—Concordia, sorry. The member for Concordia.

Mr. Matt Wiebe (Concordia): I move, seconded by the member for Keewatinook (Mr. Bushie)

*THAT Bill 37 be amended in Clause 3 by striking out "and the City of Selkirk" in the proposed clause 8(2)(a) of **The Planning Act**.*

Motion presented.

Mr. Deputy Speaker: The honourable member for Concordia—is it order of—is it—everything in order, of the amendment?

The amendment is in order.

Mr. Wiebe: Before I begin speaking about this particular amendment, I just want to point out how cowardly it was for the minister to not speak to the previous amendment, Bill 53, and that he very clearly lied to myself and to all members and to the public—*[interjection]*

Mr. Deputy Speaker: Okay, now I just want to remind the member for Concordia that the parliamentary language of lying is not appropriate in this Chamber.

Mr. Wiebe: Well, I apologize, Mr. Deputy Speaker. I was trying to think of some clever euphemism that other members tend to use but there's no other word for it.

This particular amendment, Mr. Deputy Speaker, speaks to Bill 37 and does try to do a very small piece of the work to make this somewhat more democratic. However, it's very clear after sitting through committee, after working with the AMM, working with municipalities across the metro region and the province of Manitoba that there is no saving this bill. This bill is a bad bill, in that it takes power away from local municipalities. It takes power away from local democracies and it enhances the amount of power that this minister would have in order to make changes.

Now, the particular amendment that we're bringing forward here speaks directly to this. When this bill came forward in its previous incarnation, I think at that time it was called bill 48 and when it came forward last spring, one of the main concerns that municipalities across this province had was that the bill allowed the minister to go in and pick and choose which municipalities he or she would then be able to amalgamate and be able to impose these planning districts on.

*(16:40)

This was a major concern for AMM, and we indicated early on that this was a bill we were very concerned about, that we were ready to put the brakes on, stop. But because of our ability to hold back that bill to the fall and to the point where the minister and the Premier (Mr. Pallister), you know, sort of shook up the Etch A Sketch and got rid of all of the legislation on the table by proroguing the Legislature; this was one of the bills that was a casualty of that process.

Now, that was a good thing because it allowed the government, we thought, then to go back to the drawing board, to start from scratch and maybe bring forward a bill that actually listened to those concerns that we had heard when the bill was first brought forward. And they were given that opportunity because of the work of the opposition. Did they take advantage of that, Mr. Deputy Speaker? No, they did not.

They went back and they talked to municipalities; they talked to AMM. They said, well, the one thing, I guess, we could do is we could say, well, maybe we'll consult. What a novel idea. You would actually have to consult with the municipalities that you're intending to impose a planning district on. So that was a step in the right direction. But as I said, the rest of the bill remained completely undemocratic.

Now, once that was in place, AMM said, well, we still have these other concerns, but at least they're listening on that. And then we got to committee a few weeks back, Mr. Deputy Speaker, a committee where, in a way that I have never seen with any piece of legislation. It wasn't a situation where you had some people for, some people against.

Maybe you had a whole bunch of people against but there really was, you know, some people out there in certain sectors that maybe, you know, didn't come to committee, but certainly were in support. In this case, you had developers; you had municipalities; you

had democracy proponents; you had members of the public; you had folks from all different stripes; you had the mayor of Winnipeg, for goodness' sake, come to committee to present, to say that this was a bad bill in so many ways. They talked about the lack of democracy. They talked about the lack of choice. They talked about the lack of a plan on behalf of this government, how the entire purpose of this legislation, coupled with the—their other piece of legislation, Bill 38, was designed to be confrontational, was designed to be political and politicized right from the beginning.

This isn't a government that's looking to move us forward into the future of the metropolitan region and a future where municipalities can work together to get infrastructure built. Hey, that's a novel idea; that's a great idea, Mr. Deputy Speaker, something we would support, as we did in the Keystone development proposal and bill that came forward last fall. We were happy to support. When municipalities are in the driver's seat, when they're pushing forward the agenda, we are certainly in favour of those initiatives.

But no. What did this government do? They brought forward a piece of legislation that took away local democracy and, at the same time, set up another layer of bureaucracy and a layer of red tape that will most certainly slow down the process when it comes to obtaining development agreements.

It's absolutely bizarre, Mr. Deputy Speaker. A government that claims to be against red tape brings in a piece of legislation that adds a complex, you know, 'nother' layer of red tape and bureaucracy and then designs it in a way that there's a clear bottleneck to that process where, you know, members from, as I said, municipalities where developers came and said, this will make things worse if you institute this bill as it's being written.

We don't have to look far. We can look to provinces like Ontario where we've seen how the municipal board, an unelected board and a board that has no oversight and can be, you know, run by, you know, anybody. It could be—members of the government party could stack the board. And even at—given that situation where we know it's a bad situation, it's also a natural bottleneck.

So this is—these are just a few of the reasons why this bill is bad.

But as I said, to couple this, all of this, with the idea that the first and biggest mistake this government made was that they were willing to impose this on any

municipality across the province. They then went ahead and they walked that back because of the work of the opposition. However, baked into this bill right from the start and still remaining in the new Bill 37 is a requirement for Selkirk to be a part of this municipal metro region. We had a compelling presentation from elected officials and bureaucrats in Selkirk who talked about how this plan does not fit their municipality.

They are, Mr. Deputy Speaker, a hub; a hub unto themselves without the City of Winnipeg. More people from the surrounding regions commute into Selkirk than commute out of it to go to work in places like Winnipeg or the surrounding area. In fact, they bring in people from the Interlake, they bring in people from surrounding areas and into Eastman. They have a hospital; they are a centre unto themselves. They do not want to be a part of this bill.

So, if this government is listening, if they want to try to do the right thing, once again, as we forced them to do in the changeover from Bill 38 to Bill 37, here's their opportunity. They can go ahead and they can support this amendment and they can say: you're right, Selkirk; we understand and respect your autonomy. We—you know, maybe they want to say: we think you should be a part of this metro plan—but give them the option to opt in or not, because as it stands right now, as I said, baked into the bill on a fundamental level, Selkirk is a part of this, and they are telling us very clearly they do not want to be a part of it.

So, you know, this comes down to respect and a lack of it from this government to those municipal leaders. You know, these are municipal leaders from all different political stripes; they are, as I said, represent the administration in the City of Selkirk as well. You know, they are telling us unequivocally, and they did so at committee, that they don't want to be included in this bill.

It's a simple change. You know, we're not asking for them to rip up the bill, although, as I said, I think that would probably be the best move at this point. But at the very least adopt this amendment, you know, respect the authority and the responsibility of those local governments, and, you know, maybe actually try to improve rather than—as we've seen over and over again—jamming it through the legislative process, jamming it through committee, even when every single presenter said that there was problems with this bill. Every presenter, to a person, said this bill needs work.

And so there's a lot of concern there, Mr. Deputy Speaker, but we can start by passing this amendment and showing some respect to those municipal leaders.

Thank you.

Mr. Lamont: Hold on a sec. Just a moment, please.

I move, seconded by—

Mr. Deputy Speaker: No, no, no. You want to speak on the amendment that was brought forward by the member for Concordia (Mr. Wiebe).

Mr. Lamont: Oh. Simply to say that we support the amendment. Thank you.

Mr. Deputy Speaker: Okay. Thank you.

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: Agreed.

Some Honourable Members: No.

Mr. Deputy Speaker: I hear a no.

Voice Vote

Mr. Deputy Speaker: All those in favour of the amendment, please say yea.

Some Honourable Members: Yea.

Mr. Deputy Speaker: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Deputy Speaker: In my opinion, the Nays have it.

Mr. Wiebe: On division.

Mr. Deputy Speaker: On division. The amendment is defeated on division.

* * *

Mr. Deputy Speaker: So now we'll go on to the same Bill 37.

Mr. Wiebe: I move, seconded by the member for St. James (Mr. Sala),

*THAT Bill 37 be amended in Clause 82 by striking out "the City of Selkirk," in the proposed amendment to Clause 40.3(1)(b) of **The Environment Act**.*

Mr. Deputy Speaker: It has been moved by the honourable member for Concordia, seconded by the honourable member for St. James,

THAT Bill 37 be amended in Clause 82—

Some Honourable Members: Dispense.

Mr. Deputy Speaker: Dispense? Is it the pleasure—the amendment is in order.

Mr. Wiebe: I can put another 10 minutes on the record on just how many problems we have with this bill, how many issues were raised at committee by not only the City of Selkirk but by so many others, as I said, by developers, by municipal leaders, and even, you know, from the largest municipality in the Metro Region, obviously the City of Winnipeg, who, you know, has not been consulted, has been pushed to the side, has not been given the information in order to make proper decisions, and council has reflected their displeasure with this as well.

* (16:50)

You know, I simply want to maybe just put on the record that to put this additional burden on municipalities during a global pandemic, a time when municipalities are not only concerned about, you know, providing service, continuing to provide services for their residents now, but many of them, as I speak to them over the last number of weeks, are starting to think about what's next, because as—like all of us, we're hoping that, you know, this vaccine is part of the answer, that we can move through this current lockdown, and we want to see our economy rebound and regrow.

And at the forefront of that push is—are going to be those local municipalities who have not only, you know, a backlog of projects that they're waiting to get to work on and build for their residents, but are also at the forefront of driving our economic recovery and want to work with local businesses to encourage that rural local economic development.

This government hasn't been at the table. Again, we heard that over and over again, but to add insult to injury at this point, Mr. Deputy Speaker, to bring forward this bill that radically alters their ability to work on those future plans and disregards the situation they're in because of COVID is, I think, you know, particularly tone-deaf.

So I'm concerned that that is where this government—how this government approached this. You know, some might say they're trying to slip this through. We've pushed back. We have fought this bill, as I said, at every step of the way, and we were responsible for holding it up, bringing us to this point. We certainly consulted and sat with those who joined

us at committee. We heard their concerns. And yet this government—you know, we have yet to hear from the minister, remarkably, this whole afternoon.

Bringing forward these bills—these amendments, sorry, Mr. Deputy Speaker, without a word to even say why they support or do not support—and in this case, we see them not supporting these good amendments—it's particularly shameful and unbelievable. We'll continue to fight this and continue to put on the record that we stand with municipalities; we stand with rural Manitoba; we stand with local democracy.

Thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker: Any further speakers on the amendment?

Is it pleasure of the House to adopt the amendment?

Some Honourable Members: No.

An Honourable Member: Yes.

Mr. Deputy Speaker: I hear a no.

Voice Vote

Mr. Deputy Speaker: All those in favour of the amendment, please say yea.

Some Honourable Members: Yea.

Mr. Deputy Speaker: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Deputy Speaker: In my opinion, the Nays have it.

Mr. Wiebe: On division.

Mr. Deputy Speaker: On division.

The amendment has been defeated, on division.

Hon. Cliff Cullen (Acting Government House Leader): Will you canvass the House to see if there's a willingness to call it 5 o'clock?

Mr. Deputy Speaker: Is it will of the House to call it 5 p.m.? *[Agreed]*

The hour being 5 p.m., the House is now adjourned and stands adjourned until 10 a.m. tomorrow morning.

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, May 10, 2021

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