



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 40

THIRD SESSION, FORTY-SECOND LEGISLATURE

PRAYER

10:00 O'CLOCK A.M.

Mr. JOHNSTON moved:

THAT Bill (No. 221) – The Public Health Amendment Act (Banning Cosmetic Eye Tattooing and Eye Jewellery)/Loi modifiant la Loi sur la santé publique (interdiction visant les tatouages et les bijoux oculaires), be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Mr. JOHNSTON having spoken,

And Ms. FONTAINE, Hon. Mr. GERRARD, Ms. MORLEY-LECOMTE, Messrs. SMOOK and REYES having questioned the Member,

And the debate continuing,

And Ms. FONTAINE having spoken,

The debate was allowed to remain open.

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

THAT Bill (No. 222) – The Lobbyists Registration Amendment Act/Loi modifiant la Loi sur l'inscription des lobbyistes, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And MLA ASAGWARA, Messrs. SMITH (Lagimodière), ALTOMARE and REYES having spoken,

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

Mr. MARTIN moved:

Resolution No. 15: Commending the Provincial Vaccine Roll Out Staff and Volunteers

WHEREAS the COVID-19 pandemic has presented unprecedented challenges; and

WHEREAS the Provincial Government has always been committed to protecting vulnerable citizens and those most at risk; and

WHEREAS the best long term defensive strategy against COVID-19 is vaccination; and

WHEREAS the Provincial Government has established the Vaccine Implementation Task Force, which harnesses medical and logistics expertise from across government departments to manage the largest vaccination campaign in the province's history; and

WHEREAS the Provincial Government is delivering the vaccine to Manitobans via a multi-pronged approach, including Focused Immunization Teams and vaccine supersites in locations across the province; and

WHEREAS future plans include mobile and pop-up vaccination sites in communities throughout the province, as well as vaccination through doctors' offices and pharmacies when more vaccine supplies become available; and

WHEREAS the Provincial Government has recruited health care professionals from across Manitoba who have offered their time and expertise to take part in this historic immunization campaign; and

WHEREAS the Provincial Government prioritized the most vulnerable citizens living in personal care homes, and had administered second doses to all eligible and consenting personal care home residents by the end of February; and

WHEREAS the Provincial Government recognizes the disproportionate impact that COVID-19 has had on First Nations Manitobans, and is working in partnership with First Nations leaders to ensure that vaccine planning and distribution meets the needs of First Nations communities; and

WHEREAS the Provincial Government is preparing to make the vaccine available to all Manitobans when adequate vaccine supply is made available by the Federal Government.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba recognize the efforts of the medical and logistics professionals working on the Vaccine Implementation Task Force, the health care professionals who have volunteered as immunizers, and all those frontline workers whose perseverance and courage have carried Manitobans through this unprecedented time.

And a debate arising,

And Mr. MARTIN having spoken,

And Messrs. LINDSEY, REYES, LAMONT, SMITH (Lagimodière) and WISHART having questioned the Member,

And the debate continuing,

And Messrs. LINDSEY, REYES, BUSHIE, LAMONT and SMITH (Lagimodière) having spoken,

And the Question being put. It was agreed to.

1:30 O'CLOCK P.M.

Mr. LAGIMODIERE, Chairperson of the Standing Committee on Justice, presented its Second Report, which was read as follows:

Meetings

Your Committee met on March 22, 2021 at 6:00 p.m. in Room 255 of the Legislative Building.

Matters under Consideration

- **Bill (No. 24)** – The Legal Profession Amendment Act/Loi modifiant la Loi sur la profession d'avocat
- **Bill (No. 31)** – The Horse Racing Regulatory Modernization Act (Liquor, Gaming and Cannabis Control Act and Pari-Mutuel Levy Act Amended)/Loi sur la modernisation de la réglementation des courses de chevaux (modification de la Loi sur la réglementation des alcools, des jeux et du cannabis et de la Loi concernant les prélèvements sur les mises de pari mutuel)
- **Bill (No. 50)** – The Legal Aid Manitoba Amendment Act/Loi modifiant la Loi sur la Société d'aide juridique du Manitoba

Committee Membership

- Ms. FONTAINE
- Hon. Mr. FRIESEN
- Hon. Ms. GORDON
- Mr. ISLEIFSON
- Mr. LAGIMODIERE
- Ms. NAYLOR

Your Committee elected Mr. LAGIMODIERE as the Chairperson.

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

As per the Sessional Order passed by the House on October 7, 2020 and further amended on December 3, 2020, Rule 83(2) was waived for the March 22, 2021 meeting, reducing the membership to six Members (4 Government and 2 Official Opposition).

Public Presentations

Your Committee heard the following three presentations on **Bill (No. 24)** – The Legal Profession Amendment Act/Loi modifiant la Loi sur la profession d'avocat

Jurgen Feldschmid	Private citizen
James Beddome	Leader, Green Party of Manitoba
Darcia Senft	Law Society of Manitoba

Your Committee heard the following six presentations on **Bill (No. 50)** – The Legal Aid Manitoba Amendment Act/Loi modifiant la Loi sur la Société d'aide juridique du Manitoba

James Beddome	Leader, Green Party of Manitoba
Patrick Falconer	Private citizen
Gerri Wiebe	Criminal Defence Lawyers Association of Manitoba
Shawn Kettner	Private citizen
Michelle Dallmann	Private citizen
Carlos Sosa	Private citizen

Bills Considered and Reported

- **Bill (No. 24)** – The Legal Profession Amendment Act/Loi modifiant la Loi sur la profession d'avocat

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 31)** – The Horse Racing Regulatory Modernization Act (Liquor, Gaming and Cannabis Control Act and Pari-Mutuel Levy Act Amended)/Loi sur la modernisation de la réglementation des courses de chevaux (modification de la Loi sur la réglementation des alcools, des jeux et du cannabis et de la Loi concernant les prélèvements sur les mises de pari mutuel)

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 50)** – The Legal Aid Manitoba Amendment Act/Loi modifiant la Loi sur la Société d'aide juridique du Manitoba

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

Hon. Mr. EWASKO presented:

Annual Reports of the Manitoba Adult Literacy Strategy and the Adult Learning Centres for the year ending June 30, 2020.

(Sessional Paper No. 54)

Pursuant to Rule 27(1), Messrs. MICKLEFIELD and BUSHIE, Hon. Mrs. GUILLEMARD, Ms. ADAMS and Ms. LAMOUREUX made Members' Statements.

Following Oral Questions, Madam Speaker made the following rulings:

Prior to Routine Proceedings on Thursday, March 4, 2021, the Honourable Government House Leader raised a point of order concerning the use of the words “why did he break the law” said by the Honourable Member for St. James when asking a question to the Honourable First Minister during Oral Questions previous day. The Honourable Government House Leader noted that it was not appropriate to accuse an MLA of breaking the law.

I took the point of order under advisement to review the remarks in Hansard.

Page 1317 of Hansard for Wednesday, March 3, 2021 identifies the Honourable Member for St. James as saying “Why did he break the law by hiding his interference in Hydro from Manitoban?”

The Honourable Government House Leader is correct in one aspect in that the words “breaking the law” or “break the law” have been the subject of Speakers’ rulings on several occasions. However those same words have also been used hundreds of times in debate without being called out of order, so Manitoba practice is inconsistent with the use of these words.

Therefore, I would rule that there is no point of order, but I would like to remind all Members the people of Manitoba expects us to conduct our business in this Chamber in a respectful manner, and civility of respectful disagreement is a good goal to strive for.

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After the Prayer on March 11, 2021, the Honourable Member for Thompson raised a Matter of Privilege alleging that the contents of a Bill before the House were shared publicly with media by the Minister of Families prior to the distribution of the Bill in the House. The Member argued that it is a longstanding tradition that Bills which are to be introduced and debated in this Assembly “must be first presented to this House prior to any other person or venue”. She further stated: “it offends the authority of this House to have the question of legislation first proposed to individuals other than those who have duly elected by the people of this province to consider, debate and vote on these important matters”. The Member concluded her remarks by moving: “that Bill 47 not be considered to be a Specified Bill for this session of the Legislature that the Minister of Families apologize for breaching the privileges of all Members.”

The Honourable Government House Leader and the Member for River Heights both spoke to this Matter before I took it under advisement to consult the procedural authorities.

As Members know, there are two conditions that must be satisfied in order for a Matter raised to be ruled in order as a *prima facie* case of privilege:

1. Was the issue raised at the earliest available opportunity; and
2. Was sufficient evidence provided to support the Member's claim that their privileges, or the privileges of the House, were breached.

On the issue of timeliness, the Honourable Member for Thompson noted at the time of her submission that she had just learned that the contents of a Bill had been shared publicly with media prior to its distribution in the House. She concluded that: "this is the first time the House has met since that has taken place I believe this is the earliest opportunity to bring this matter to your attention." Given this information, I would agree that the Member met the test of timeliness.

Regarding the second condition, whether there is sufficient evidence to conclude that the privileges of the House have been breached, there are several factors to consider.

Joseph Maingot, on page 224 of the second edition of *Parliamentary Privilege in Canada*, advises that:

"A complaint that a Minister of the Crown has made a statement outside the House rather than in the House... may amount to a grievance against the government, but in the absence of an order in the House forbidding such activity, there is no personal or corporate privilege that has been breached in the doing, and neither does it constitute contempt of the House in the 'privilege' sense."

On June 2, 1983, Speaker Walding ruled that such a complaint "may be a matter of discourtesy, but it is not a matter of privilege." Manitoba Speakers Phillips, Rocan, Hickes and Reid have all supported this sentiment in subsequent rulings, as have I in rulings in 2018 and 2019.

I will note that the underlying principle here is the primacy and authority of the Assembly. As elected representatives it is our duty to carefully consider the business before us so that we may make informed decisions. Any matter destined for consideration by this body – including legislation – should be introduced and explained here first, before it is shared with the public or the media. This has been the practice of this place for many years.

In recent years though we have seen this practice evolve. It has become common for Members on all sides of the House to discuss, in general or conceptual terms, potential legislation outside of the House in advance of introduction. These discussions have occurred in the form of consultations with stakeholders, and also through interactions with the media. As long as such discussions do not reveal or relate any detailed provisions of upcoming legislation, the primacy and authority of the Assembly is not infringed upon.

In the current circumstance, I must note that no specific evidence of any media coverage regarding the contents this Bill was provided to the Chair to demonstrate which details of the Bill in question were shared with the media, or anyone else, prior to introduction in the House. This is a crucial point. In the absence of such proof, as your Speaker I have no basis to rule that any privileges were breached.

Tuesday, March 23, 2021

Accordingly, after careful consideration of this matter I am ruling that a *prima facie* case of privilege has not been established.

However, I would echo Speaker Walding's sentiments and note that while this circumstance does not constitute a breach of privilege, it could be considered discourteous to the Assembly. Should a similar situation occur in the future, as your Speaker I would remain obligated to carefully consider all of the evidence presented and deliver a ruling.

I will leave you with an observation I have shared previously. We live in an era when human communications have experienced unprecedented growth and evolution. The modes of communication available to us, and the pace and manner of our interactions, move at a speed unimaginable to our predecessors.

With that in mind I would offer a suggestion that the Standing Committee on the Rules of the House may want to consider whether or not disclosure of Bill contents prior to the introduction and distribution of the Bill should be allowed. I am not stating a preference on this question, I am simply suggesting that the Committee could either confirm the traditional practice, or re-evaluate it in light of modern communication methods. This discussion could also be extended to consider other potential modernizations of our processes and practices.

I thank Members for their attention to this ruling.

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

Ms. ADAMS – To urge the Minister of Families and the Provincial Government to reverse this cut to recipients of the Portable Housing Benefit; and to urge the Minister of Families, and the Minister of Health, Seniors and Active Living, to understand that taking away these benefits from the most vulnerable in society will cause great hardship financially, but more importantly will have devastating long-lasting effects on their well-being.

Mr. ALTOMARE – To urge the Provincial Government to reverse changes to the nursery school grants and to end the freeze on childcares operating grants while committing to keeping public childcare affordable and accessible for all Manitoban Families.

Hon. Mr. GERRARD – To urge the Provincial Government to provide financing for upgrades to the cochlear implant covered under Medicare, or provide funding assistance through the Cochlear Implant Speech Processor Replacement Program, to assist with the replacement costs associated with a device upgrade.

Ms. LAMOUREUX – To urge the Provincial Government to provide financing for upgrades to the cochlear implant covered under Medicare, or provide funding assistance through the Cochlear Implant Speech Processor Replacement Program, to assist with the replacement costs associated with a device upgrade.

Ms. LATHLIN – To urge the Provincial Government to reverse changes to the nursery school grants and to end the freeze on childcares operating grants while committing to keeping public childcare affordable and accessible for all Manitoban Families.

Mr. MALOWAY – To urge the Provincial Government to immediately demand Dynacare maintain all the phlebotomy (blood sample) sites existing prior to the Covid-19 public health emergency, and allow all Manitobans to get their blood and urine tests done when visiting their doctor, thereby facilitating local access to blood testing services.

In accordance with Rule 33(7), the Government House Leader announced that the Private Member’s Resolution titled “Celebrating Backyard and Community Gardeners” will be considered on the next Tuesday of Private Members’ Business.

By leave, it was agreed to amend the Sessional Order passed by the House on March 15, 2021, by deleting and replacing item #6 and item #8 with the following:

6. On March 24, 2021 starting at the beginning of Orders of the Day, Government Business, the provisions outlined for limited debate on Specified Bills in Rule 2(10) will apply, with the exception that the Government House Leader will have the ability to call the order of Bills for debate, and after each debate concludes the Speaker shall put the question.
8. On March 25, 2021 starting at the beginning of Orders of the Day, Government Business, the provisions outlined for limited debate on Specified Bills in Rule 2(10) will apply, with the exception that the Government House Leader will have the ability to call the order of Bills for debate, and after each debate concludes the Speaker shall put the question.

Hon. Mr. PEDERSEN moved:

THAT Bill (No. 62) – The Animal Diseases Amendment Act/Loi modifiant la Loi sur les maladies des animaux, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. PEDERSEN having spoken,

And Mr. BRAR and Hon. Mr. GERRARD having questioned the Minister,

And the debate continuing,

And Mr. BRAR, Ms. FONTAINE and Hon. Mr. GERRARD having spoken,

The debate was, on motion of Mr. WIEBE, adjourned.

Tuesday, March 23, 2021

Hon. Mr. GOERTZEN moved:

THAT Bill (No. 32) – The Election Financing Amendment and Elections Amendment Act (Government Advertising)/Loi modifiant la Loi sur le financement des élections et la Loi électorale (publicité du gouvernement), be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. GOERTZEN having spoken,

And Ms. MARCELINO and Mr. LAMONT having questioned the Minister,

And the debate continuing,

And Ms. MARCELINO speaking at 5:00 p.m. The debate was allowed to remain in their name.

The House then adjourned at 5:00 p.m. until 1:30 p.m. Wednesday, March 24, 2021.

Hon. Myrna DRIEDGER,
Speaker.