

**Fourth Session – Forty-Second Legislature**  
**of the**  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
**on**  
**Justice**

*Chairperson*  
*Mr. Len Isleifson*  
*Constituency of Brandon East*

**Vol. LXXVI No. 2 - 6 p.m., Monday, May 9, 2022**

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Forty-Second Legislature**

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

**LEGISLATIVE ASSEMBLY OF MANITOBA  
THE STANDING COMMITTEE ON JUSTICE**

**Monday, May 9, 2022**

**TIME – 6 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Mr. Len Isleifson  
(Brandon East)**

**VICE-CHAIRPERSON –  
Ms. Janice Morley-Lecomte (Seine River)**

**ATTENDANCE – 6 QUORUM – 4**

*Members of the committee present:*

*Hon. Messrs. Friesen, Goertzen*

*Ms. Fontaine, Mr. Isleifson,*

*Ms. Morley-Lecomte, Mrs. Smith*

**MATTERS UNDER CONSIDERATION:**

*Bill 18 – The Legislative Security Amendment Act*

*Bill 19 – The Beneficiary Designation  
(Retirement, Savings and Other Plans)  
Amendment Act*

*Bill 23 – The Reducing Red Tape and Improving  
Services Act, 2022*

*Bill 26 – The Officers of the Assembly Act  
(Various Acts Amended)*

*Bill 35 – The Commemoration of Days, Weeks  
and Months and Related Repeals and  
Amendments Act*

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**Mr. Chairperson:** Good evening. Will the Standing Committee on Justice please come to order.

Our first item of business is the election of a Vice-Chairperson.

Are there any nominations?

**Hon. Kelvin Goertzen (Minister of Justice and Attorney General):** It's my honour to nominate MLA Morley-Lecomte.

**Mr. Chairperson:** Ms. Lecomte.

Any other nominations?

Seeing none, Ms. Morley-Lecomte is elected as Vice-Chairperson.

So, this meeting has been called to consider the following bills: Bill 18, The Legislative Security Amendment Act; Bill 19, The Beneficiary Designation (Retirement, Savings and Other Plans) Amendment Act; Bill 23, The Reducing Red Tape and Improving Services Act, 2022; Bill 26, The Officers of the Assembly Act (Various Acts Amended); and Bill 35, the 'commemoration' of days, weeks and months and related repeals and amendments act.

I would first like to inform all in attendance of the provisions in our rules regarding the hours of adjournment. The standing committee meeting to consider a bill must not sit past midnight to hear public presentations or to consider clause by clause of a bill except by unanimous consent of the committee.

In which order does the committee wish to proceed with clause-by-clause consideration of these bills?

**Mr. Goertzen:** Mr. Chairperson, I would propose in the order that they are listed on the standing committee notice.

**Mr. Chairperson:** As listed in the committee standing notice. Is everybody in agreement with that? *[Agreed]*

**Bill 18–The Legislative Security  
Amendment Act**

**Mr. Chairperson:** Then we will now proceed with clause by clause of Bill 18.

Does the minister responsible for Bill 18 have an opening statement?

**Hon. Kelvin Goertzen (Minister of Justice and Attorney General):** I do, Mr. Chairperson. I'll continue on with the tradition that I have of, when I take questions as notice at the second reading, I try to provide the answers at committee.

Before I begin, I want to thank my colleague, the member for Morden-Winkler (Mr. Friesen), for his work on this and other pieces of legislation that appear before the committee tonight.

So, there were two questions that I took as notice at the second reading debate. One was a question on

what the prohibitions will be, the activities, by regulation. And speaking to officials within the department, they indicate that we will be listening to law enforcement and security experts before determining the specific prohibited activities.

But we can advise that we'll be addressing issues of vandalism and other unlawful behaviour such as intimidating MLAs and other government staff, or attempting to breach the building, and stopping prolonged blockades and other activities that restrict access to the building and the grounds. Those will be priorities going forward.

We have no intention of restricting or prohibiting peaceful protests, as I've repeatedly stated publicly and in the House. There is certainly a significant difference between peaceful protests and activities that interfere with the proper functioning of democracy or restrict access to this building.

There was a second question, and I believe it was from the member for River Heights (Mr. Gerrard): What is the plan, in terms of security, to work with people who are neurodiverse, who have, for example, autism, and Asperger's type.

Response from officials: It is critical that our chief legislative security officer and other security officers are trained to recognize neurodiverse individuals and effectively communicate and de-escalate any situation that may arise in the course of their duties.

There are a number of training programs that are available to law enforcement and security officers with respect to recognizing and interacting with neurodiverse individuals, and we are committed to ensuring that our legislative security officers are trained to the highest standards in order to effectively serve all Manitobans.

I thank members who are on this committee and who were in the House on the day that it was up for second reading for those questions, and I hope that those answers are helpful to them.

**Mr. Chairperson:** Okay, and we thank the minister for those comments.

Does the critic from the official opposition have an opening statement?

**Ms. Nahanni Fontaine (St. Johns):** Bill 18 proposes the provincial Cabinet will establish a list of 'prohividid'—prohibited activities on the Legislative grounds, security officers would have the power to

evict people who engage in those activities, and folks in violation could face fines up to \$5,000.

As I stated in my debate in the House, there needs to be clarity around which activities will be prohibited and how any of these on the grounds will respect the rights of Manitobans and also ensure that we understand the Legislature is an important building that should be accessible to all Manitobans.

It's important to uphold the constitutional right of all Manitobans to peacefully protest and ensure it does not improperly restrict anyone's freedom of speech. A key part of our Charter of Rights and Freedoms allows fundamental rights, like freedom of expression, to be limited in a reasonable manner to protect other rights, which is why this—this is what this bill is attempting to do. However, we must remain vigilant in balancing between protecting people on the Legislative grounds and allowing people's right to protest, even if this protest is something that we disagree with.

\* (18:10)

This PC government has tried to suppress freedom of the right to protest before, when it proposed its anti-protest legislation, bill 57, which would have given them the authority to silence voices of those who oppose them or something that they don't necessarily agree with.

So, as I stated before, we need to ensure that there are checks and balances on Cabinet's power and that there are key definitions on what activities will and will not be allowed.

Miigwech.

**Mr. Chairperson:** Thank you very much for the comments.

So, during the consideration of a bill, the enacting clause and the title are postponed until all other clauses have been considered in their proper order.

Also, if there is an agreement from the committee, the Chair will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose.

Is that agreed? [*Agreed*]

Clauses 1 and 2—pass; clauses 3 through 7—pass, clauses 8 through 10—pass; clauses 11 and 12—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 19—The Beneficiary Designation  
(Retirement, Savings and Other Plans)  
Amendment Act**

**Mr. Chairperson:** We'll now move on to Bill 19.

Does the minister responsible for Bill 19 have an opening statement?

**Hon. Kelvin Goertzen (Minister of Justice and Attorney General):** So, again, there was a number of questions that were technical in nature around the bill. I don't propose to be a financial planner or advisor, so I'll try to provide some of the answers that were asked at second reading.

It was asked whether or not I, as the minister, have an understanding of how frequently this issue has been a problem—that of not being able to transfer the 'beneficiary' when a substitute decision maker is putting the finances into a new instrument.

The response is that we do not know how frequently this issue is a problem. It is most likely to arise when the holder of an RRSP converts to a RRIF before the end of the year that the holder turns 71. Other Canadian jurisdictions, including BC, Alberta, Nova Scotia and New Brunswick, have recently made similar amendments to their statutes governing beneficiary designations.

I was asked what happens if, at the time someone passes, and then you get into this situation, if at that point the designated beneficiary has died or passed away or designated charity has gone—is defunct.

The beneficiary—the answer is the beneficiary in the new plan must be the same person designated in the old plan. The bill does not allow the substitute decision maker to name anyone else.

If the beneficiary has died and then no designation could be made and the funds will pass to the estate and if they were to die without a will or intestate, I—there's a scheme for that, which the funds are distributed.

A question about what financial institutions did the minister speak with in regards to proposed changes: This bill adopts recommendations from the Manitoba Law Reform Commission of 2019. Submissions were received from the Investment Industry Association of Canada and CIBC. And CIBC advises that they were asking all provincial governments, on behalf of all the large banks, to consolidate the requests.

So, it comes out of the Law Reform Commission and there's significant engagement from Manitoba's large banking institutions.

There was a question about, could this be used—just to be the devil's advocate—that's not me saying that, I think I'm quoting the member for River Heights (Mr. Gerrard)—in—to change the plan so that the—it would not be the same plan that the individual had.

The bill says that the plan must be a similar plan. A similar plan is not defined; it's left to the representative to satisfy this requirement, but it's important to remember that representatives already have the authority to manage and change investments. This bill isn't about restricting the changing of investments and the—ensuring that when the change happens, that the beneficiary continues on.

What safeguards are in place to make sure legal representatives act in the best interests of the person that they're representing?

An attorney must act—must account to the person named in the power of attorney or to the nearest relative. A committee must account to court and a substitute decision maker must account to the Vulnerable Persons' Commissioner.

So, in short, you know, as was stated in the House, there are duties that already are assigned—fiduciary duties, rather—that are already assigned to these individuals.

There was a question about moving something from a more secure investment, like a tax-free savings account, to something less secure.

Again, this allows for the change of the beneficiary. There is already an ability for substitute decision makers to move to different instruments—have to act within their own legislative responsibilities—but this doesn't prohibit nor make it easier to move to a different instrument. It just allows the beneficiary to go with two of the instruments.

So I think that that answers the questions that came from members at second reading.

**Mr. Chairperson:** And we thank the minister.

Does the critic from the official opposition have an opening statement?

**Ms. Nahanni Fontaine (St. Johns):** Currently, legal representatives can only make decisions regarding beneficiaries on behalf of other people while a plan, such as a bank account, is ongoing.

However, if changes to the plan need to be made—for example, if the type of bank account needs to be changed—the representative is not able to make this decision without the express consent of the person they're representing, who may no longer be able to make such a decision due to a disability or health condition.

This bill will add additional safeguards to ensure that a plan administrator is expressly required to verify the identity of a person making a designation and the identity and authority of the representative before accepting a designation.

This bill is one small step for Manitobans living with 'dilibit'—health conditions or a disability and those that support them. However, this government must do more to support our vulnerable Manitobans.

**Mr. Chairperson:** And we thank the member.

So, again during the consideration of a bill, the enacting clause and the title are postponed until all other clauses have been considered in their proper order.

Also, if there is an agreement from the committee, the Chair will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose.

Is that agreed? *[Agreed]*

Thank you.

Clauses 1 and 2—pass; clauses 3 and 4—pass; clauses 5 through 7—pass; clauses 8 through 10—pass; clause 11—pass; enacting clause—pass; title—pass. Bill be reported.

### **Bill 23—The Reducing Red Tape and Improving Services Act, 2022**

**Mr. Chairperson:** Now move on to Bill 23, The Reducing Red Tape and Improving Services Act, 2022.

Does the minister responsible for Bill 23 have an opening statement?

**Hon. Kelvin Goertzen (Minister of Justice and Attorney General):** I do.

So, at second reading there were a few questions—and members will know this is a compilation bill in that the—some of the amendments come from departments that aren't normally under the mainstream of the Department of Justice.

So, go through—come of—the answers—there was a question about what happens if a snowplow gets into an accident or—which affects other vehicles.

So the focus of this bill is that the—or, this portion of the bill—is that the registrar of insurance no longer has to pre-approve forms used to offer automobile insurance. This is an archaic provision that, in light of MPI being the general insurer for automobiles, is pretty much spent. The current registrar does not remember ever approving such a form.

As part of the change, there is a provision that will now state that the provisions of The Insurance Act dealing with automobile insurance do not apply to a vehicle that is not required to be registered if the contract excludes them. Snowplows were simply used as an example. They are not motor vehicles within the meaning of The Highway Traffic Act. They fall into a separate category of vehicle called infrastructure equipment that does not need to be registered or plated. It does, however, have to still be insured. So there are—there is still insurance on snowplows, which has been relevant this year.

\* (18:20)

Question about why is it that the independent auditor is not given the ability to make decisions about which programs should be reviewed under The Workers Compensation Act.

The change just removes the role of the minister from the existing framework. The board of directors is comprised of equal representation of workers, employers and the public interest. The minister tended to approve the program that the board of directors determined would be audited anyway, so there was a potential for this provision to be seen as politicization of the process. So it simply makes it more independent for the board to be clearly making those decisions, although they were doing so otherwise.

There was a question regarding The Employment Standards Code. And there's a reference, before the email was sent—by notifying the sender in writing, does this include by email, or does it have to be a written letter, signed?

The response from the department is that the email would qualify as in writing, particularly given that these amendments authorize written notices to be served by email.

And finally, there was a question about a requirement for a report to be given by the military envoy or liaison to the Legislature, to the minister.

I indicated that when the military envoy reported to me in a previous role, and they did report—and the Minister of Advanced Education and Immigration, very, very diligent in his previous role as minister—or as—responsible—as military envoy and reported regularly. But there isn't a specific requirement under The Executive Government Organization Act for an annual report by the military liaison, in the same way there isn't a specific requirement for legislative assistants to have an annual report, but they do report regularly, of course, to their ministers who—which they serve with.

So, while there isn't a specific requirement for a report, I can assure the member—and I think it was the member for River Heights (Mr. Gerrard) who asked—that I don't believe there's ever been a government since the military envoy position was created where that envoy has been as active as the envoys under our government have been, including the current envoy, who is an exceptional individual as well.

**Mr. Chairperson:** We thank the minister.

Does the critic from the official opposition have an opening statement?

**Ms. Nahanni Fontaine (St. Johns):** This act makes it easier for people to attend appeals online. This is necessary because the PC government's policy decisions when it comes to housing and the rights of renters have been an utter disaster, to say the least.

We believe that housing is a right and that all Manitobans should have access to affordable, safe, quality housing. Unfortunately, the PC government is not doing enough to help renters, particularly low-income Manitobans, to help them afford housing.

This bill also amends The Employment Standards Code and makes it easier to submit documents by email, which makes life a little bit easier for Manitobans.

However, the PC government could have done this months ago when they last amended The Employment Standards Code. That bill, bill 44, implemented paid sick leave for workers only after the federal government committed to funding the program.

This PC government is still cleaning up The Workers Compensation Act four years after having received a qualified opinion from the Auditor General, and this bill supposedly reduces red tape, but it gives this government the potential to add another deputy minister, and they already have two more

deputy ministers in place than the previous NDP government.

Miigwech.

**Mr. Chairperson:** And we thank the member for those comments.

During the consideration of a bill, the enacting clause and the title are postponed until all other clauses have been considered in their proper order.

Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose.

Is that agreed? [*Agreed*]

Clause 1—pass; clauses 2 and 3—pass; clause 4—pass; clause 5—pass; clause 6—pass; clauses 7 and 8—pass; clause 9—pass; clauses 10 and 11—pass; enacting clause—pass; title—pass. Bill be reported.

#### **Bill 26—The Officers of the Assembly Act (Various Acts Amended)**

**Mr. Chairperson:** Next, we move on to Bill 26, The Officers of the Assembly Act (Various Acts Amended).

Does the minister responsible for Bill 26 have an opening statement?

**Hon. Kelvin Goertzen (Minister of Justice and Attorney General):** There were no questions at second reading from members of the Assembly which, I take, is a good sign.

But—so I won't repeat all of my comments at second reading other than to say, again, this is about ensuring that independent officers—or officers of the Legislative Assembly, as they prefer to be called—truly are seen to be independent in that their hiring isn't an OIC, like government, but that it's a motion into the Assembly; that LAMC has more authority in terms of the deputy officers who are appointed.

This won't mean maybe a lot to people outside of this building, but to those of us who work here, I think it's important those roles are elected here. It's important that these officers not only be seen to be independent, but are independent in terms of how it's structured.

And so I appreciate those who've advised me on this bill because, yes, I know that it won't capture the hearts and minds of the public, but it is important to ensure that the things are structured well here in the

Assembly for not just us, but we're caretakers for future elected representatives who come to this House.

And so, I know it means something to the Official Opposition House Leader (Ms. Fontaine) and the member for River Heights (Mr. Gerrard) to have that as well and leave that as part of our, you know, governance, small-g governance legacy, and that I appreciate the anticipated support on this bill.

**Mr. Chairperson:** We thank the minister.

Does the critic from the official opposition have an opening statement? None?

Thank you.

So, again, during the consideration of a bill, the enacting clause and the title are postponed until all other clauses have been considered in their proper order.

Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages, with the understanding that we will stop at any clause or clauses where members may have comments, questions or amendments to the— to propose.

Is that agreed? *[Agreed]*

Clause 1—pass; clause 2—pass; clause 3—pass; clause 4—pass; clause 5—pass; clause 6—pass; clause 7—pass; clause 8—pass; clause 9—pass; clause 10—pass; clauses 11 and 12—pass; clause 13—pass; clauses 14 through 16—pass; clause 17—pass; clause 18—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 35—The Commemoration of Days, Weeks and Months and Related Repeals and Amendments Act**

**Mr. Chairperson:** Now, we move on to Bill 35, The Commemoration of Days, Weeks and Months and Related Repeals and Amendments Act.

Does the minister responsible for Bill 35 have an opening statement?

**Hon. Kelvin Goertzen (Minister of Justice and Attorney General):** There were no questions for me to report back on from second reading, as I have—previously have committed to do.

Again, this bill, really, it recognizes the good work that MLAs in this composition of the Assembly and previously ones have done, often through private members' bills, of identifying days to—and weeks to—

and months to commemorate in—for a variety of different reasons or causes.

\* (18:30)

But there are so many. There's been so much good work done that it made sense to put them under one umbrella so that Manitobans could easily find them and see them. Doesn't change the nature of the bills. It does add Manitoba Day as a specific bill—or a specific day under Manitoba legislation, but other than that, the days remain the same.

I know that there are bills that are expected to pass that are independent members' bills this session, and so we'll have to go back—and I think this was a question from the member for Tyndall Park (Ms. Lamoureux)—we'll have to go back in the next session and bring those bills under this umbrella as well.

And then, going forward from there, members who want to add recognition days, months or weeks have to simply amend this bill and have them added on there.

Then Manitobans for time 'immemorial' can just simply go on and see the various great work that MLAs have done and the reasons why days, weeks and months are commemorated.

**Mr. Chairperson:** And we thank the minister for those comments.

Does the official opposition have an opening statement?

**Ms. Nahanni Fontaine (St. Johns):** Very quickly, I agree with my colleague, the minister. I think that this is a good bill to kind of, you know, coalesce and bring all of the good work that's gone on, again, previously and certainly with this cohort of MLAs.

But I also do want to recognize that a lot of the work or a lot of the bills or commemoration days that we have here actually derive themselves from community, right? Often those ideas for, you know, Sikh heritage or Filipino heritage week or month or whatever it would be, derives itself from the community and the community wanting to get engaged, in some small part, in legislative affairs, but certainly, in recognition of their role and their contribution to the collective here.

So I do want to put that on the record that, you know, a lot of this work comes from them and we should appreciate that and acknowledge that, and certainly we're in support of Bill 35.



**Mr. Chairperson:** We thank the member for those comments.

So, during the consideration of a bill, the preamble, the enacting clause and the title are postponed until all other clauses have been considered in their proper order.

Clause 1-pass; clause 2-pass; clause 3-pass; clause-4; clause 5-pass.

Shall clause 6 pass? Whoops, sorry, my mistake, my mistake. I looked up.

Schedule 1-pass; schedule 2-pass; schedule 3-pass; schedule 4-pass; schedule 5-pass; schedule 6-pass; schedule 7-pass; schedule 8-pass; schedule 9-pass; schedule 10-pass; schedule 11-pass; schedule 12-pass; schedule 13-pass; schedule 14-pass; schedule 15-pass; schedule 16-pass; schedule 17-pass;

schedule 18-pass; schedule 19-pass; schedule 20-pass; schedule 21-pass; schedule 22-pass; schedule 23-pass; schedule 24-pass; schedule 25-pass; schedule 26-pass; schedule 27-pass; schedule 28-pass; schedule 29-pass; schedule 30-pass; schedule 31-pass; schedule 32-pass; schedule 33-pass; schedule 34-pass; schedule 35-pass; schedule 36-pass; schedule 37-pass; schedule 38-pass; schedule 39-pass; preamble-pass; enacting clause-pass; title-pass. Bill be reported.

So, the hour being 6:36, committee rise-  
[interjection] Oh, what is the will of the committee?

**Some Honourable Members:** Committee rise.

**Mr. Chairperson:** I didn't think you wanted to stay all night. So, committee rise.

**COMMITTEE ROSE AT:** 6:36 p.m.

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