



**LEGISLATIVE ASSEMBLY OF MANITOBA**

**VOTES AND PROCEEDINGS No. 11**

**SECOND SESSION, FORTY-SECOND LEGISLATURE**

**PRAYER**

**10:00 O'CLOCK A.M.**

Mr. SALA moved:

THAT Bill (No. 203) – The Manitoba Hydro Amendment Act (Referendum Before Privatization of Subsidiary)/Loi modifiant la Loi sur l'Hydro-Manitoba (référendum applicable à la privatisation des filiales), be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Mr. SALA having spoken,

And Messrs. TEITSMA, WASYLIW, JOHNSTON and LAMONT having questioned the Member,

And the debate continuing,

And Hon. Mr. WHARTON, Messrs. TEITSMA and LAMONT having spoken,

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

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MLA ASAGWARA moved:

Resolution No. 2: Increase Staffing and Support for Personal Care Homes and for Seniors

WHEREAS the Pallister Government has for years abandoned supports for seniors and elders in Manitoba; and

WHEREAS the Pallister Government cut shovel ready projects for personal care homes in Winnipeg and Lac du Bonnet in 2017 even after those communities had raised millions in support of these projects; and

WHEREAS the Pallister Government cut \$2.3 million from the long term care budget in 2018; and

WHEREAS the Pallister Government cut \$1 million dollars from the budgets of personal care homes in Winnipeg in both 2017 and 2018, without warning or consultation; and

WHEREAS the Pallister Government has failed to build any new personal care home beds since it assumed office in 2016 and instead only cancelled projects; and

WHEREAS the Pallister Government has made no move to increase funding to personal care homes to support increased costs for personal protective equipment, staffing, training and communication with residents and families since the start of the COVID-19 pandemic; and

WHEREAS the Long Term and Continuing Care Association of Manitoba, along with many groups representing nurses, aides and other health care workers, have long called on the Pallister Government to increase supports and funding for personal care homes but those calls have been ignored and rebuffed; and

WHEREAS the Pallister Government has cut home care supports, rolled back services and overworked home care workers as part of the cuts to health care services in Manitoba; and

WHEREAS the Pallister Government raised fees on residents of personal care homes in the middle of a pandemic while not offering any other supports; and

WHEREAS the pandemic has had a disproportionate impact on seniors and residents of personal care homes leading to tragic outcomes for many seniors and families.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Provincial Government to immediately increase staffing levels at all personal care homes, reverse fee hikes for residents and cuts to home care services and also prioritize supports for the seniors and elders in the province.

And a debate arising,

And MLA ASAGWARA having spoken,

And Mr. ISLEIFSON, Ms. NAYLOR, Hon. Mr. GERRARD and Mr. MICKLEFIELD having questioned the Member,

And the debate continuing,

And Hon. Mr. FRIESEN, Ms. NAYLOR and Mr. ISLEIFSON having spoken,

And Hon. Mr. GERRARD speaking at 12:00 p.m. The debate was allowed to remain in their name.

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1:30 O'CLOCK P.M.

Hon. Mr. WHARTON presented:

Reply to Written Question (No. 3), asked by Mr. KINEW on May 20, 2020:

3. Could the Minister of Crown Services provide all information regarding the contents of the May 8th, 2020 memo from Jay Grewal, President and CEO of Manitoba Hydro, in regards to the \$86 million in potential cuts and layoffs at Manitoba Hydro as well as advise how the Provincial Government responded to that memo?

(Sessional Paper No. 24)

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Hon. Mr. FIELDING presented:

Report on Fidelity Bonds according to section 20 of The Public Officers Act dated October 29, 2020.

(Sessional Paper No. 25)

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Pursuant to Rule 27(1), Messrs. SMOOK, SANDHU and MICKLEFIELD, Mrs. SMITH (Point Douglas) and Ms. LAMOUREUX made Members' Statements.

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Following Oral Questions, Madam Speaker made the following ruling:

On March 11, 2020 the Honourable Member for St. Johns raised a matter of contempt regarding the government's introduction of Bill 18 – The Summary Budgeting Act. The Member stated that the government misled the House by introducing legislation opposite to intentions previously expressed in the House. In doing so, it is the Member's opinion that the government showed contempt for this House and it made it difficult for her to perform the duties of representing her constituents and advocating for local institutions. The Member concluded her remarks by moving: "that this matter be moved to an all-party committee for consideration."

The Honourable Member for River Heights spoke to the matter of contempt before I took it under advisement, and I thank all Honourable Members for their advice to the Chair on this matter.

I would note that it is rare to see a matter raised as an issue of contempt in the House, rather than privilege. There are individual protections for Members that are provided by parliamentary privilege, while the House as an institution is protected by collective privileges. These privileges provide the absolute immunity for Members to do their parliamentary work while also providing the necessary means by which the House discharges its functions.

Where contempt differs from privilege, according to page 60 of Bosc and Gagnon's House of Commons Procedure and Practice – 3rd edition, is that any conduct which offends the authority or dignity of the House, even though no breach of specific privilege may have been committed, may be referred to as contempt of the House. Contempt may be an act or an omission. It does not have to actually obstruct or impede the House or a Member; it merely has to have the tendency to produce such results. Joseph Maingot states on page 225 of Parliamentary Privilege in Canada that contempt is more aptly described as an offense against the authority or dignity of the House. As noted on page 81 of Bosc and Gagnon, the House can claim the right to punish, as a contempt, any action which, though not a breach of specific privileges, tends to obstruct or impede the House in the performance of its functions, obstructs or impedes any Member or officer of the House in the discharge of their duties, or is an offence against the authority and dignity of the House, such as obedience of its legitimate commands or libels upon itself, its Members or its officers.

Given that contempt is not clearly defined in the same way as privilege is, in a 2013 ruling Speaker Reid thought it helpful to share with the House a listing of the actions considered to be contempt as found on pages 70 and 71 of the 1999 report of the United Kingdom Joint Committee on Parliamentary Privilege. This is a very lengthy list, but for the purpose of the matter before us, I would like to point out that it includes deliberately attempting to mislead the House or a Committee (by way of statement, evidence or petition) as an action that could be considered contempt. In raising this matter, the Member of St. Johns stated that Members of the government misled this House and its Members by asserting that the autonomy of local organizations needs to be respected and then introducing legislation contrary to this statement.

The issue of deliberately misleading the House has been raised many times, and, accordingly, Manitoba precedents and the procedural authorities provide useful guidance in this area. It has been ruled by several Manitoba Speakers that a Member raising such an allegation must provide proof of intent. The rulings of previous Manitoba Speakers have been very clear and consistent. Speakers Walding, Phillips, Rocan, Dacquay, Hickes, and Reid have all ruled that in order to find allegations of deliberately misleading the House as *prima facie* means proving that the Member purposefully intended to mislead the House by making statements with the knowledge that these statements would mislead.

As explained by Speaker Hickes in a 2011 ruling, a burden of proof exists that goes beyond speculation or conjecture but involves providing absolute proof, including a statement of intent by the Member involved that the stated goal is to intentionally mislead the House, as it is possible Members may have inadvertently misled the House by unknowingly putting incorrect information on the record.

In 2007, Speaker Hickes also ruled that providing information showing that facts are at variance is not the same as providing proof of intent to mislead. As well, Speaker Dacquay ruled that without a Member admitting in the House that they had stated the goal of misleading the House when putting remarks on the record, it is virtually impossible to prove that a Member had deliberately intended to mislead the House.

The House of Commons Standing Committee on Procedure and House Affairs, in its 50th report released in 2002, made some very important points about misleading and deliberately misleading. The report stated: "Intent is always a difficult element to establish in the absence of an admission or a confession. It is necessary to carefully review the context surrounding the incident involved and to attempt to draw inference based on circumstances. Any findings must, however, be grounded in facts and have evidentiary basis. Parliamentary committees charged with examining questions of privilege must exercise caution and act responsibly in drawing conclusions. In the words of Parliamentary Practice in New Zealand: It must be established that the member, in making the statement, knew at the time of the statement was made that it was incorrect and, in making it, the member intended to mislead the House."

From the description provided, it is not clear that the House has been obstructed or impeded in the performance of its functions, nor have Members of the House or House staff been impeded in the discharge of their duties. Nor am I convinced that the authority and dignity of the House have been compromised. I must therefore advise the House that I am not convinced that an act of contempt has been committed, and I would therefore rule the motion out of order as contempt of the House.

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The following petitions were presented and read:

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

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

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

Ms. LAMOUREUX – To urge the Provincial Government to undertake a combined review of the Vivian Sand Facility processing plant and the mining/extraction portion of the operation as a Class 3 development with a review by Manitoba’s Clean Environment Commission to include the public hearings and participant funding; and to halt all activity at the mine and plant until the Clean Environment Commission’s review is completed and the project proposal has been thoroughly evaluated.

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

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

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

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

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

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

Mrs. SMITH (Point Douglas) – Legislative Assembly of Manitoba to urge the Minister of Justice to immediately reverse the decision to close the DCC and proceed with the previous plan to build a new correctional and healing centre with an expanded courthouse in Dauphin.

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

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

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

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In accordance with Rule 33(8), the Opposition House Leader announced that the Private Member's Resolution titled "Better Support for Schools, Teachers, Students and Families" will be considered on the next Thursday of Private Members' Business.

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Hon. Mr. PALLISTER moved:

WHEREAS protecting health care is the most important priority of both Canadians and Manitobans; and

WHEREAS the Federal Government must become a full funding partner with provinces and territories to protect health care and ensure Canadians and Manitobans receive the health care they need when they need it; and

WHEREAS health care funding provided by the Federal Government has decreased nationally to its lowest levels since the passage of the Canada Health Act; and

WHEREAS the growing funding imbalance in the federation has come at a time when health care needs and costs are rising faster than provincial and territorial governments can afford and federal health transfers are insufficient to meet those demands; and

WHEREAS the COVID-19 pandemic has demonstrated an immediate need for increased health care investments across Canada now, and into the future; and

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WHEREAS the Federal Government has failed to respond positively to repeated provincial and territorial requests to increase Canada Health Transfer funding; and

WHEREAS the Federal Government has both a national obligation and an opportunity to resume its role as a true funding partner to ensure Canadians get the health care they need in a timely manner; and

WHEREAS wait times for needed health services are increasing and Manitoba's population is growing and aging.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba call upon the Federal Government to become a full health care funding partner and increase the Canada Health Transfer to protect health care for all Canadians.

And a debate arising,

And Hon. Mr. PALLISTER and Mr. KINEW having spoken,

And Mr. KINEW moved an amendment as follows:

*THAT the resolution be amended by adding the following at the end:*

BE IT FURTHER RESOLVED the Provincial Government commits and will ensure that every single Federal dollar provided for health care funding, whether required by agreement or otherwise, is spent at the bedside in Manitoba, is not placed in general revenue and further commits there will be no corresponding, matching or other reductions in health care funding in Manitoba by the Provincial Government; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent by the Clerk of the Legislative Assembly of Manitoba to all Canadian Provincial and Territorial Assemblies, Premiers, as well as the Federal Parliament and the Prime Minister.

WHEREUPON Madam Speaker ruled the amendment in order,

And the debate continuing on the amendment,

And Mr. ISLEIFSON, MLA ASAGWARA, Messrs. LAMONT, MICKLEFIELD, LINDSEY and BUSHIE, Ms. MARCELINO and Ms. ADAMS having spoken.

And the Question being put on the amendment. It was negatived, on the following division:

**YEA**

|          |                       |
|----------|-----------------------|
| ADAMS    | MALOWAY               |
| ALTOMARE | MARCELINO             |
| ASAGWARA | MOSES                 |
| BRAR     | NAYLOR                |
| BUSHIE   | SALA                  |
| FONTAINE | SANDHU                |
| KINAW    | SMITH (Point Douglas) |
| LATHLIN  | WASYLIW               |
| LINDSEY  | WIEBE ..... 18        |

**NAY**

|             |                     |
|-------------|---------------------|
| COX         | MICHALESKI          |
| CULLEN      | MICKLEFIELD         |
| EICHLER     | MORLEY-LECOMTE      |
| EWASKO      | NESBITT             |
| FIELDING    | PEDERSEN            |
| GOERTZEN    | PIWNIUK             |
| GORDON      | REYES               |
| GUENTER     | SCHULER             |
| GUILLEMARD  | SMITH (Lagimodière) |
| HELWER      | SMOOK               |
| ISLEIFSON   | SQUIRES             |
| JOHNSON     | STEFANSON           |
| JOHNSTON    | TEITSMA             |
| LAGASSÉ     | WHARTON             |
| LAGIMODIERE | WOWCHUK..... 31     |
| MARTIN      |                     |



And the Question being put on the main motion. It was agreed to, on the following division:

**YEA**

|             |                       |
|-------------|-----------------------|
| ADAMS       | MARCELINO             |
| ALTOMARE    | MARTIN                |
| ASAGWARA    | MICHALESKI            |
| BRAR        | MICKLEFIELD           |
| BUSHIE      | MORLEY-LECOMTE        |
| COX         | MOSES                 |
| CULLEN      | NAYLOR                |
| EICHLER     | NESBITT               |
| EWASKO      | PALLISTER             |
| FIELDING    | PEDERSEN              |
| FONTAINE    | PIWNIUK               |
| GOERTZEN    | REYES                 |
| GORDON      | SALA                  |
| GUENTER     | SANDHU                |
| GUILLEMARD  | SCHULER               |
| HELWER      | SMITH (Lagimodière)   |
| ISLEIFSON   | SMITH (Point Douglas) |
| JOHNSON     | SMOOK                 |
| JOHNSTON    | SQUIRES               |
| KINEW       | STEFANSON             |
| LAGASSÉ     | TEITSMA               |
| LAGIMODIERE | WASYLIW               |
| LATHLIN     | WHARTON               |
| LINDSEY     | WIEBE                 |
| MALOWAY     | WOWCHUK..... 50       |

**NAY**

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Hon. Mr. GOERTZEN presented:

Sequence for consideration of the Estimates by the Committee of Supply, both in the Chamber and outside the Chamber.

(Sessional Paper No. 26)

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The House then adjourned at 5:08 p.m. until 1:30 p.m. Monday, November 2, 2020.

Hon. Myrna DRIEDGER,  
Speaker.