



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 50

THIRD SESSION, FORTY-SECOND LEGISLATURE

PRAYER

10:00 O'CLOCK A.M.

In accordance with Rule 33(8), the Opposition House Leader announced that the Private Member's Resolution titled "Creation of a Paid Sick Leave Program" will be considered on the next Thursday of Private Members' Business.

Mrs. SMITH (Point Douglas) moved:

THAT Bill (No. 224) – The Fatality Inquiries Amendment Act (Overdose Death Reporting)/Loi modifiant la Loi sur les enquêtes médico-légales (rapport sur les décès par surdose), be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Mrs. SMITH (Point Douglas) having spoken,

And Mr. SMITH (Lagimodière), MLA ASAGWARA, Hon. Mr. GERRARD, Messrs. MARTIN and ISLEIFSON having questioned the Member,

And the debate continuing,

And Hon. Mr. FRIESEN and MLA ASAGWARA having spoken,

And Mr. SMITH (Lagimodière) speaking at 10:55 a.m. The debate was allowed to remain in their name.

In accordance with sub-rule 24(1), the debate was interrupted at 10:55 a.m. to put the Second Reading Question on Selected Bill (No. 213).

The House resumed the debate on the Proposed Motion of Ms. LATHLIN:

THAT Bill (No. 213) – The Reporting of Supports for Child Survivors of Sexual Assault Act (Trained Health Professionals and Evidence Collection Kits)/Loi sur la présentation de rapports concernant les mesures de soutien destinées aux enfants survivants d'agression sexuelle (professionnels de la santé formés et troussees médicolégales), be now read a Second Time and be referred to a Committee of this House.

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

YEA

ADAMS	LINDSEY
ALTOMARE	MALOWAY
ASAGWARA	MARCELINO
BRAR	MARTIN
BUSHIE	MICHALESKI
CLARKE	MICKLEFIELD
COX	MORLEY-LECOMTE
CULLEN	MOSES
EICHLER	NAYLOR
EWASKO	NESBITT
FIELDING	PEDERSEN
FONTAINE	REYES
FRIESEN	SALA
GERRARD	SANDHU
GOERTZEN	SCHULER
GUENTER	SMITH (Lagimodière)
GUILLEMARD	SMITH (Point Douglas)
HELWER	SMOOK
ISLEIFSON	SQUIRES
JOHNSON	STEFANSON
JOHNSTON	TEITSMA
KINEW	WASYLIW
LAGASSÉ	WHARTON
LAGIMODIERE	WIEBE
LAMOUREUX	WISHART
LATHLIN	WOWCHUK.....52

NAY

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The Bill was accordingly read a Second Time and referred to a Committee of this House.

1:30 O'CLOCK P.M.

The following Bill was read a First Time and had its purposes outlined:

(No. 225) – The Budget Impact Reporting Act/Loi sur la publication de rapports concernant les répercussions des mesures budgétaires

(Mr. WASYLIW)

Mr. SMOOK, Chairperson of the Standing Committee on Legislative Affairs, presented its Sixth Report, which was read as follows:

Meetings

Your Committee met on April 14, 2021 at 6:00 p.m. in Room 255 of the Legislative Building.

Matters under Consideration

- **Bill (No. 21)** – The Conflict of Interest (Members and Ministers) and Related Amendments Act/Loi sur les conflits d'intérêts des députés et des ministres et modifications connexes
- **Bill (No. 29)** – The Reducing Red Tape and Improving Services Act, 2020/Loi de 2020 visant la réduction du fardeau administratif et l'amélioration des services
- **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)
- **Bill (No. 49)** – The Freedom of Information and Protection of Privacy Amendment Act/Loi modifiant la Loi sur l'accès à l'information et la protection de la vie privée
- **Bill (No. 52)** – The Minor Amendments and Corrections Act, 2021/Loi corrective de 2021
- **Bill (No. 54)** – The Personal Health Information Amendment Act/Loi modifiant la Loi sur les renseignements médicaux personnels

Committee Membership

- MLA ASAGWARA
- Hon. Mr. GOERTZEN
- Ms. MARCELINO
- Mr. MICHALESKI
- Mr. SMOOK
- Hon. Mrs. STEFANSON

Your Committee elected Mr. SMOOK as the Chairperson.

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

Non-Committee Members Speaking on Record

- Mr. LAMONT

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 April 14, 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. 29)** – The Reducing Red Tape and Improving Services Act, 2020/Loi de 2020 visant la réduction du fardeau administratif et l'amélioration des services:

Molly McCracken	Canadian Centre for Policy Alternatives
Philip Halprin	Private citizen
Brenda Halprin	Private citizen

Your Committee heard the following presentation on **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):

Kevin Rebeck	Manitoba Federation of Labour
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Your Committee heard the following three presentations on **Bill (No. 49)** – The Freedom of Information and Protection of Privacy Amendment Act/Loi modifiant la Loi sur l'accès à l'information et la protection de la vie privée:

Bridget Whipple	Manitoba Nurses Union
Kevin Walby	Director, Centre for Access to Information and Justice, University of Winnipeg
Shawna Finnegan	Private citizen

Your Committee heard the following presentation on **Bill (No. 54)** – The Personal Health Information Amendment Act/Loi modifiant la Loi sur les renseignements médicaux personnels:

Shawna Finnegan	Private citizen
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Written Submissions

Your Committee received the following written submission on **Bill (No. 29)** – The Reducing Red Tape and Improving Services Act, 2020/Loi de 2020 visant la réduction du fardeau administratif et l'amélioration des services:

Leanne Fenez	Private citizen
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Your Committee received the following written submission on **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):

Darryl Harrison

Winnipeg Construction Association

Your Committee received the following written submission on **Bill (No. 49)** – The Freedom of Information and Protection of Privacy Amendment Act/Loi modifiant la Loi sur l'accès à l'information et la protection de la vie privée :

Denys Volkov

Association of Manitoba Municipalities

Bills Considered and Reported

- **Bill (No. 21)** – The Conflict of Interest (Members and Ministers) and Related Amendments Act/Loi sur les conflits d'intérêts des députés et des ministres et modifications connexes

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 29)** – The Reducing Red Tape and Improving Services Act, 2020/Loi de 2020 visant la réduction du fardeau administratif et l'amélioration des services

Your Committee agreed to report this Bill without amendment.

- **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)

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 49)** – The Freedom of Information and Protection of Privacy Amendment Act/Loi modifiant la Loi sur l'accès à l'information et la protection de la vie privée

Your Committee agreed to report this Bill, with the following two amendments:

THAT Clause 9 of the Bill be amended by striking out clause (a).

THAT Clause 43 of the Bill be amended by replacing the proposed subsection 98(1) with the following:

Review of Act within five years

98(1) The responsible minister must undertake a comprehensive review of the operation of this Act, which involves public representations, within five years after the day on which this section comes into force.

- **Bill (No. 52)** – The Minor Amendments and Corrections Act, 2021/Loi corrective de 2021

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 54)** – The Personal Health Information Amendment Act/Loi modifiant la Loi sur les renseignements médicaux personnels

Your Committee agreed to report this Bill, with the following amendment:

THAT Clause 33 of the Bill be amended by replacing the proposed subsection 67(1) with the following:

Review of Act within five years

67(1) The minister must undertake a comprehensive review of the operation of this Act, which involves public representations, within five years after the day on which this section comes into force.

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

Pursuant to Rule 27(1), Hon. Mr. HELWER, MLA ASAGWARA, Messrs. NESBITT and BUSHIE and Hon. Mr. GERRARD made Members' Statements.

By leave, the House reverted to “Committee Reports”.

Mr. PIWNIUK, Chairperson of the Standing Committee on Social and Economic Development, presented its Fifth Report, which was read as follows:

Meetings

Your Committee met on April 14, 2021 at 6:00 p.m. in Room 254 of the Legislative Building.

Matters under Consideration

- **Bill (No. 45)** – The Public Schools Amendment and Manitoba Teachers' Society Amendment Act/Loi modifiant la Loi sur les écoles publiques et la Loi sur l'Association des enseignants du Manitoba

Committee Membership

- Mr. ALTOMARE
- Hon. Mr. CULLEN
- Hon. Mrs. GUILLEMARD
- Mr. JOHNSTON
- Ms. NAYLOR
- Mr. PIWNIUK

Your Committee elected Mr. PIWNIUK as the Chairperson.

Your Committee elected Mr. JOHNSTON 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 April 14, 2021 meeting, reducing the membership to six Members (4 Government and 2 Official Opposition).

Non-Committee Members Speaking on Record

- Ms. LAMOUREUX

Public Presentations

Your Committee heard the following 13 presentations on **Bill (No. 45)** – The Public Schools Amendment and Manitoba Teachers' Society Amendment Act/Loi modifiant la Loi sur les écoles publiques et la Loi sur l'Association des enseignants du Manitoba:

Alan Campbell	Manitoba School Boards Association
Donald Nikkel	Lakeshore School Division
James Bedford	Manitoba Teachers' Society
John Wiens	Private Citizen
Anne Lindsay	Thompson Teachers' Association
Chance Henderson	Mountainview Teachers' Association
Anna-Maria Coniglio	Private Citizen
Kevin Rebeck	Manitoba Federation of Labour
Mark Behrendt	Private Citizen
Kelly Friesen	Private Citizen
Jan McIntyre	Prairie Spirit School Division
Lise Legal	Pembina Trails Teachers' Association
Nancy Karpinsky	Private Citizen

Written Submissions

Your Committee received the following 14 written submissions on **Bill (No. 45)** – The Public Schools Amendment and Manitoba Teachers' Society Amendment Act/Loi modifiant la Loi sur les écoles publiques et la Loi sur l'Association des enseignants du Manitoba:

Jay Ewert	Evergreen Teachers' Association
Marcela Cabezas	Louis Riel Teachers' Association
Lindsay Vieira	Private Citizen
Rowena Lavarias	Private Citizen
Julie Ching	Private Citizen
Nicole Peake	Private Citizen
Cameron Watson	Pine Creek Teachers' Association
William L Taylor	Private Citizen
Vanessa Lylyk	Private Citizen
Maureen Ferley	Private Citizen
Jerry Sodomlak	River East Transcona School Division
Lynsey Lodge	Private Citizen
Justin Rempel	Private Citizen
Charlene Sacher	Private Citizen

Bills Considered and Reported

- **Bill (No. 45)** – The Public Schools Amendment and Manitoba Teachers' Society Amendment Act/Loi modifiant la Loi sur les écoles publiques et la Loi sur l'Association des enseignants du Manitoba

Your Committee agreed to report this Bill without amendment.

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

Following Oral Questions, Madam Speaker made the following ruling:

At the beginning of Routine Proceedings on April 6, 2021, the Honourable Minister for Mental Health, Wellness and Recovery raised a Matter of Contempt regarding remarks made by the Honourable Member for St. Johns during debate on the evening of March 25, 2021. She indicated that the remarks and behaviour of the Member for St. Johns occurred during debate on Bill 56, *The Smoking and Vapour Products Control Amendment Act*. The Minister stated that while she was speaking in debate on that Bill, “the Member for St. Johns shouted at me that, and I quote, you all colonizers should be ashamed of yourself.” The Minister further noted that this shouting occurred while the Acting Speaker was standing and after he had repeatedly asked for order. The Minister concluded her remarks by moving: “*That the Member for St. Johns be asked to apologize to the House for her actions in disregarding of the authority of the Chair and showing contempt of this House.*”

The Honourable Official Opposition House Leader and the Honourable Member for River Heights both spoke to this Matter before it was taken under advisement.

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 Contempt:

1. Was the issue raised at the earliest available opportunity; and
2. Was sufficient evidence provided to support the Member's claim that a Matter of Contempt had occurred.

On the issue of timeliness, the Honourable Minister indicated in her submission that the remarks in question were made in the House on the evening of Thursday, March 25th. She further noted that this was her first opportunity to raise this issue, as the debate that evening took place under the terms of the Sessional Order which require that any such matters arising be considered at 1:30 p.m. on the next sitting day.

On this point the Minister is correct. The Sessional Order passed by the House on March 15, 2021 indicates that during the limited debates outlined in the Order (which includes the evening of March 25, 2021), Matters of Privilege and Points of Order will be deferred until 1:30 p.m. on the next sitting day. Accordingly, 1:30 p.m. on April 6th was indeed the first opportunity for the Minister to raise this matter, and I would rule that she met the test of timeliness.

The question of whether sufficient evidence was provided to support the Minister's claim that the Honourable Member for St. Johns disregarded the authority of the Chair and showed contempt for this House is a more complicated matter, one which I have studied carefully.

As the raising of a Matter of Contempt is an uncommon occurrence in this House, I will begin with some explanation. Bosc and Gagnon provide a useful summary of contempt in the parliamentary sense on pages 80 and 81 the third edition of *House of Commons Procedure and Practice*:

"It is important to distinguish between a "breach of privilege" and "contempt of Parliament". Any disregard of or attack on the rights, powers and immunities of the House and its Members, either by an outside person or body, or by a Member of the House, is referred to as a "breach of privilege" and is punishable by the House. There are, however, other affronts against the dignity and authority of Parliament which may not fall within one of the specifically defined privileges. Thus, the House also claims the right to punish, as a contempt, any action which, though not a breach of a specific privilege: 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 or dignity of the House, such as disobedience of its legitimate commands or libels upon itself, its Members, or its officers. As the authors of Odgers' Senate Practice (Australia) state: "The rationale of the power to punish contempts, whether contempt of court or contempt of the Houses, is that the courts and the two Houses should be able to protect themselves from acts which directly or indirectly impede them in the performance of their functions". In that sense, all breaches of privilege are contempts of the House, but not all contempts are necessarily breaches of privilege.

Further, Bosc and Gagnon note on Page 82 that in its 1999 report, the United Kingdom Joint Committee on Parliamentary Privilege identified on its list of the types of contempt: “interrupting or disturbing the proceedings of, or engaging in other misconduct in the presence of, the House or a committee”.

Based on this standard, I can say without question that the incident in this Chamber on the evening of March 25th, 2021 interrupted and disturbed the proceedings of this House. Despite being called to order several times, the Member for St. Johns continued yelling across the Chamber, disregarding the authority of the Chair.

As Members know, the Hansard transcript of our sittings is the primary record of what has been said on the record in this House. Members should also know that Speakers do not often rule on comments made “off the record”, and by that I mean comments made by Members who do not have the floor, and which are therefore not included in the Hansard transcript.

In this instance, I did review the Hansard transcript, but I also viewed the video and audio coverage of this incident, as the full scale of what occurred is not reflected in the Hansard transcript, nor should it have been, for reasons I have just noted.

I will also note that, as with all sittings, House proceedings that evening were broadcast live on our website, and remain online in our broadcast archive.

Upon review, the incident in question featured what I can only describe as yelling from several Members from both sides of the House. I will note here that this was not an isolated incident, as decorum has been problematic in the House for many months now. I do believe though that this incident offers us all an opportunity to reset our behaviour. If this institution is to maintain its necessary authority in this Province I believe we should all raise our standards of decorum, and our expectations of ourselves and each other.

I am not saying that Members should agree on policy matters, nor should any of you feel anything less than free to state your opinions with enthusiasm and eloquence. What we should not do is let our emotions take over. Members should feel free to disagree, and explain why they disagree, but Members should not be yelling at each other. You can disagree in this place without eroding the decorum of this House.

We should also be refraining from engaging in personal attacks on other Members, as that is often the first step towards shouting and reciprocal attacks. Disagreements over policy decisions, disagreement over historic injustices or past wrongs, all of these are perfectly acceptable in this place. What is not acceptable is a shouting match.

We all have an opportunity today to reflect on this ruling and the state of affairs which led to it and determine how to be better in this place.

Returning to the matter raised by the Minister for Mental Health, Wellness and Recovery, based on the descriptions of contempt in the procedural authorities and the events of March 25, 2021, I am ruling that a *prima facie* case of Contempt was established by the Minister for Mental Health, Wellness and Recovery.

As a result, the motion moved by the Minister may take precedence in debate and should go forward today in the House as the first item of Business under Orders of the Day. It is a debatable motion, and the House must vote on and adopt the motion in order for the remedy suggested in the motion to proceed. If the motion is defeated, the Matter would be concluded.

I would also note however that an apology from the Member for St. Johns right now could also resolve this matter.

WHEREUPON Ms. FONTAINE apologized to the Chair.

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

Ms. ADAMS – 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. BUSHIE – 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 establish an independent non-partisan Seniors Advocate to ensure that care standards are being met in all Manitoba personal care homes, and to resolve disputes before harm comes to residents of personal care homes; to ensure residents of personal care homes receive adequate hands on care to provide for their basic needs and ongoing physical care based on their individual requirements; to ensure that the mental health needs of communication and socialization of personal care home residents are met through a combination of facilitated programs, sufficient staff on hand to provide those services, and adequate access to family members, Designated Family Caregivers, and other visitors under all reasonable circumstances; and to enforce mechanisms that mandate operators to proactively and collaboratively work with Designated Family Caregivers who augment care by insuring they are allowed access to their loved ones under all reasonable circumstances to provide active care and support to the resident's emotional wellbeing, health, and quality of life.

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.

Mr. MOSES – 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. SANDHU – 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 – 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 – 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.

Hon. Mr. GOERTZEN moved:

THAT Bill (No. 14) – The Minor Amendments and Corrections Act, 2020/Loi corrective de 2020, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Hon. Mr. GOERTZEN, Ms. LAMOUREUX and Ms. MARCELINO having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

Hon. Ms. SQUIRES moved:

THAT Bill (No. 19) – The Minor Amendments and Corrections Act, 2020 (2)/Loi corrective n°2 de 2020, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Hon. Ms. SQUIRES and Ms. MARCELINO having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

Thursday, April 15, 2021

Hon. Mr. GOERTZEN moved:

THAT Bill (No. 68) – The Legislative Assembly Amendment Act/Loi modifiant la Loi sur l'Assemblée législative, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Hon. Mr. GOERTZEN, Ms. MARCELINO and Hon. Mr. GERRARD having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

Hon. Mr. GOERTZEN moved:

THAT Bill (No. 55) – The Reducing Red Tape and Improving Services Act, 2021/Loi de 2021 visant la réduction du fardeau administratif et l'amélioration des services, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Hon. Mr. GOERTZEN, Messrs. LINDSEY, MOSES and LAMONT having spoken,

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. Monday, April 19, 2021.

Hon. Myrna DRIEDGER,
Speaker.