



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 65

FOURTH SESSION, FORTY-SECOND LEGISLATURE

PRAYER AND LAND ACKNOWLEDGEMENT

1:30 O'CLOCK P.M.

Madam Speaker laid upon the Table of the House:

LEGISLATIVE ASSEMBLY OF MANITOBA

To the Speaker of the Legislative Assembly.

I, Scott FIELDING, Member of the Legislative Assembly of Manitoba for the electoral division of Kirkfield Park, do hereby declare that it is my intention to resign my seat in the Legislative Assembly for the electoral division aforesaid.

Given under my hand and seal at the Legislative Offices this 17th day of June, 2022.

(Signed) Scott Fielding

Witness: Danelle Hueging (signed)

Witness: Steve Kandilakis (signed)

To Her Honour, the Lieutenant Governor in Council:

I advise that I have received the written resignation of Mr. Scott FIELDING, Member for the Electoral Division of Kirkfield Park in the Legislative Assembly of Manitoba, on the 17th day of June 2022.

Pursuant to section 24 of The Legislative Assembly Act, I do now request Your Honour in Council to pass an Order-in-Council for the filling of the vacancy in the representation of the Electoral Division of Kirkfield Park.

Dated at Winnipeg, this 17th day of June, 2022.

(Signed) Honourable Myrna Driedger
Speaker
Legislative Assembly of Manitoba

(Sessional Paper No. 71)

Madam Speaker presented:

Certificate of Election respecting Mr. Eric REDHEAD, the newly elected Member for Thompson.
(Sessional Paper No. 72)

Mr. Eric REDHEAD, Member for the Electoral Division for Thompson, was conducted by Mr. KINEW and Ms. FONTAINE to the floor of the House in front of Madam Speaker.

Mr. KINEW then said:

Madam Speaker, I have the honour to present to you Mr. Eric REDHEAD, Member for the Constituency of Thompson, who has taken the Oath and signed the Roll, and now claims the right to take their seat.

Madam Speaker thereupon said:

On behalf of all Honourable Members, I wish to welcome you to the Legislative Assembly of Manitoba and to wish you well in your parliamentary career.

Mr. REDHEAD then advanced to the Chair, shook hands with Madam Speaker and took their seat.

The following Bills were read a First Time and had their purposes outlined:

(No. 210) – The Restricting Mandatory Overtime for Nurses Act (Various Acts Amended)/Loi sur la réduction du temps supplémentaire obligatoire des infirmières (modification de diverses lois)
(MLA ASAGWARA)

(No. 211) – 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)
(Mr. SALA)

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

Meetings:

Your Committee met on August 9, 2022 at 2:00 p.m. in Room 255 of the Legislative Building.

Matters under Consideration:

- Report and Recommendations of the Judicial Compensation Committee dated April 19, 2022

Committee Membership:

- Ms. FONTAINE
- Mr. GUENTER
- Hon. Mr. HELWER
- Mr. MICKLEFIELD
- Mr. SALA
- Mr. TEITSMA

Your Committee elected Mr. TEITSMA as the Chairperson

Your Committee elected Mr. MICKLEFIELD as the Vice-Chairperson

Public Presentations:

By leave, your Committee heard one presentation on the Report and Recommendations of the Judicial Compensation Committee from:

Susan Dawes

Provincial Judges Association of Manitoba

Motions:

Your Committee agreed to the following motion:

- *THAT the Standing Committee on Legislative Affairs:*

accept the recommendations in Schedule A; and
recommend the same to the Legislative Assembly.

SCHEDULE A

**Recommendations of the Judicial Compensation Committee
accepted by the Standing Committee on Legislative Affairs**

1. That the annual salaries for puisne Judges are:

- (i) April 1, 2020 to March 31, 2021 is \$280,500;
- (ii) April 1, 2021 to March 31, 2022 - a cumulative adjustment equal to the annual percentage change in the average weekly earnings for Manitoba on April 1, 2021;
- (iii) April 1, 2022 to March 31, 2023 - cumulative adjustment equal to the annual percentage change in the average weekly earnings for Manitoba on April 1, 2022.

The percentage change in the average weekly earnings shall be calculated based on the percentage change over the preceding calendar year.

This recommendation should apply to all who were Judges as of April 1, 2020, including those who retired or otherwise leave the Bench prior to implementation.

2. That the salary differentials for the Chief Judge and the Associate Chief Judges remain in place as of April 1, 2020. This will mean a salary of \$302,940 for the Chief Judge, and \$294,525 for the Associate Chief Judges.

This recommendation shall apply to all Judges who were either a Chief Judge or an Associate Chief Judge as of April 1, 2020, including those who retire or otherwise leave the Bench prior to implementation.

3. Simple interest shall be paid, from April 1, 2020 to the date of retroactive payment of salary increase(s) including the differentials for the administrative Judges and related per diems for Senior Judges, in accordance with the relevant prejudgment and post-judgment interest rates as set out in the *The Court of Queen's Bench Act*.
4. Prejudgment interest shall be payable from April 1, 2020 to the date the salary and per diem recommendations are implemented (whether by vote of the Legislature or by virtue of s.11.1(29) of the Act), and post-judgment interest should be payable from that date to the date that Judges are paid the retroactive adjustments.
5. No interest shall be payable in respect of the period from October 22, 2020 to July 20, 2021.
6. That effective April 1, 2020 each full-time and Senior Judge's annual education allowance should be increased from \$3,000.00 to \$3,500.00. This shall apply to all who were Judges as at April 1, 2020, including those who retire or otherwise leave the Bench prior to implementation. The combined amount of the education allowances of full-time Judges and Senior Judges shall be provided to the Court in an amalgamated fund to be administered by the Chief Judge in accordance with the principles set out below:

Individual full-time Judges and senior Judges shall continue to have access to their educational allowance in order to fund their attendance at conferences and seminars, and/or for other educational purposes, as approved by the Chief Judge in accordance with Court policy. With the consent of each individual full-time Judge and Senior Judge, unused portions of each full-time Judge and Senior Judge's education allowance may be used to the benefit of the Court as a whole in relation to judicial education. All uses of the allowances are subject to approval by the Chief Judge in accordance with Court policy

7. That mandatory retirement be set at age 75 in accordance with *The Courts Modernization Act*. Consistent with the transitional provision in *The Courts Modernization Act*, Judges who are over the age of 75 will continue to hold office until six months after the recommendation is implemented.

8. That changes to the CSSA via *The Superannuation Amendment Act* will apply to the portion of Judges' pensions that are held in the Civil Service Superannuation Fund. For the purposes of the supplementary judicial pension, the commuted value shall continue to be calculated in accordance with the standard set out in *The Pension Benefits Act* and Regulation as if it were a registered plan, as amended from time to time. For greater certainty, notwithstanding the amendments to *The Civil Service Superannuation Plan* as set out in Bill 43, the calculation of the commuted value of judges shall not be affected, and the supplementary plan shall fund any difference resulting from the change to *The Civil Service Superannuation Act*.
9. That the parties engage in a process to create an administrative document that provides guidance on the Judges' supplemental pension plan and retirement insurance and that the Province contribute to the Association's reasonable legal and actuarial costs to a maximum of \$7,500.00 for reviewing the Province's draft document.
10. Effective April 1, 2020, a Senior Master who resigns as Senior Master after serving at least seven years, and thereafter carries out the functions of a Master shall be entitled to receive the greater of the current annual salary of a Master and the annual salary they received immediately before the resignation.
This should apply to all who were Senior Masters as at April 1, 2020, including those who retire or otherwise leave their position as Masters of the Court of Queen's Bench prior to implementation.
11. The Province shall pay 75% of the Association's reasonable legal costs to a maximum aggregate of \$55,000.
12. The Province shall pay 100% of the Association's disbursements including the costs of experts to a maximum of \$30,000.
13. That, unless otherwise stated, all changes shall be effective on the date of approval by the Legislative Assembly of Manitoba.
14. In these recommendations, "date of approval" means
 - a. the date that the vote of concurrence referred to in subsection 11.1(28) of The Provincial Court Act takes place with respect to these recommendations; or
 - b. if the recommendations must be implemented because of subsection 11.1(29) of The Provincial Court Act, the first day after the end of the 21-day period referred to in that subsection.

Report Considered and Concluded:

Your Committee has completed consideration of the Report and Recommendations of the Judicial Compensation Committee dated April 19, 2022.

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

Mr. MALOWAY, Chairperson of the Standing Committee on Public Accounts, presented its Fifth Report, which was read as follows:

Meetings

Your Committee met on June 20, 2022 at 10:00 a.m. in the Chamber of the Legislative Building.

Matters under Consideration

- Auditor General's Report - Vital Statistics Agency - dated September 2020
- Auditor General's Report - Physician's Billings - dated January 2021

Committee Membership

- Mr. ISLEIFSON
- Mr. LAMONT
- MLA LINDSEY
- Mr. MALOWAY (*Chairperson*)
- Mr. MARTIN
- Mr. MICHALESKI
- Ms. NAYLOR
- Mr. SMOOK
- Mr. TEITSMA
- Mr. WASYLIW
- Mr. WISHART

Permanent substitution received prior to committee proceedings:

- Mr. ISLEIFSON for Hon. Mr. NESBITT

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

Officials Speaking on Record:

- Mr. Tyson Shtykalo, Auditor General of Manitoba
- Mr. Scott Sinclair, Deputy Minister of Labour, Consumer Protection and Government Services
- Mr. Richard Groen, Deputy Minister of Finance
- Mr. Curtis Peters, Project Manager

Reports Considered and Passed

Your Committee considered and passed the following report as presented:

- Auditor General's Report - Vital Statistics Agency - dated September 2020

Reports Considered but not Passed

Your Committee considered the following report but did not pass them:

- Auditor General's Report - Physician's Billings - dated January 2021

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

Mr. MALOWAY, Chairperson of the Standing Committee on Public Accounts, presented its Sixth Report, which was read as follows:

Meetings

Your Committee met on June 20, 2022 at 1:00 p.m. in the Chamber of the Legislative Building.

Matters under Consideration

- Auditor General's Report - Oversight Of Commercial Vehicle Safety – dated December 2019

Committee Membership

- Mr. ISLEIFSON
- Mr. LAMONT
- MLA LINDSEY
- Mr. MALOWAY (*Chairperson*)
- Mr. MARTIN
- Mr. MICHALESKI
- Ms. NAYLOR
- Mr. SMOOK
- Mr. TEITSMA (*Vice-Chairperson*)
- Mr. WASYLIW
- Mr. WISHART

Officials Speaking on Record:

- Mr. Tyson Shtykalo, Auditor General of Manitoba
- Ms. Sarah Thiele, Deputy Minister of Transportation and Infrastructure

Reports Considered and Passed

Your Committee considered and passed the following report as presented:

- Auditor General's Report - Oversight Of Commercial Vehicle Safety – dated December 2019

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

Hon. Mr. EWASKO, the Minister of Education and Early Childhood Learning, made a statement recognizing School Support Recognition Week.

Mr. ALTOMARE and, by leave, Ms. LAMOUREUX commented on the statement.

Hon. Mr. SMITH, the Minister of Sport, Culture and Heritage, made a statement recognizing Ukrainian Heritage Month.

Mr. WASYLIW and, by leave, Mr. LAMONT commented on the statement.

Pursuant to Rule 27(1), Mr. SCHULER, Ms. FONTAINE, Messrs. GUENTER and REDHEAD and Hon. Mr. NESBITT made Members' Statements.

By leave, the following provisions were agreed to by the House:

1. To allow the Government House Leader to call for debate this afternoon a motion of condolence for Queen Elizabeth II, which is currently on the Notice Paper.
 2. To allow the debate on that motion of condolence to proceed as follows:
 - The first three speakers will be:
 - The Premier
 - The Leader of the Official Opposition
 - The Member for St. Boniface
 - These first three speakers may each speak for up to 30 minutes.
 - Subsequent speakers may each speak for up to 10 minutes.
 - The House will not see the clock until the question has been put on this motion.
 3. To allow the House to not sit on October 24, but instead to sit on Friday, October 28, from 10:00 to 12:30, including Routine Proceedings followed by the Committee of Supply under Orders of the Day.
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Hon. Mrs. STEFANSON moved:

THAT the Legislative Assembly of Manitoba express its profound grief and sorrow at the death of Her Majesty Queen Elizabeth II.

Wednesday, September 28, 2022

And a debate arising,

And Hon. Mrs. STEFANSON, Messrs. KINEW and LAMONT, Hon. Mr. GOERTZEN, Mr. WIEBE, Hon. Mr. REYES, Messrs. MOSES and ISLEIFSON, Hon. Mr. GERRARD, Mr. TEITSMA, Ms. LATHLIN, Hon. Mr. JOHNSTON, Mr. ALTOMARE, Hon. Mrs. GUILLEMARD, Ms. LAMOUREUX and Mr. MICKLEFIELD having spoken,

The motion was agreed to, the House standing.

The House then adjourned at 4:32 p.m. until 10:00 a.m. Thursday, September 29, 2022.

Hon. Myrna DRIEDGER,
Speaker.