



**LEGISLATIVE ASSEMBLY OF MANITOBA**

**VOTES AND PROCEEDINGS No. 5**

**SECOND SESSION, FORTY-SECOND LEGISLATURE**

**PRAYER**

**1:30 O'CLOCK P.M.**

On motion of Hon. Mrs. COX, Bill (No. 7) – The Employment Standards Code Amendment Act (Leave for Victims of Interpersonal Violence)/Loi modifiant le Code des normes d'emploi (congé pour les victimes de violence interpersonnelle), was read a First Time and had its purposes outlined.

Hon. Mr. CULLEN presented:

Copy of Regulations filed under The Statutes and Regulations Act, being Manitoba Regulations Nos. 123/2019 to 134/2019.

(Sessional Paper No. 2)

Hon. Mrs. STEFANSON, the Minister of Families, made a statement congratulating the Winnipeg Blue Bombers.

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

Hon. Mr. FRIESEN, the Minister of Health, Seniors and Active Living, made a statement regarding Substance Use and Addictions Awareness Week.

Mrs. SMITH (Point Douglas) and, by leave, Hon. Mr. GERRARD commented on the statement.

Hon. Mrs. COX, the Minister of Sport, Culture and Heritage, made a statement regarding Domestic Violence Awareness Month.

Ms. FONTAINE and, by leave, Ms. LAMOUREUX commented on the statement.

Pursuant to Rule 27(1), Messrs. JOHNSON and WASYLIW, Ms. LATHLIN, Mr. MICHALESKI and Hon. Mrs. COX made Members' Statements.

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Following Oral Questions, Madam Speaker made the following ruling:

Following Oral Questions on October 10, 2019, the last day of the 1<sup>st</sup> Session of the 42<sup>nd</sup> Legislature, the Honourable Member for River Heights rose on a Matter of Privilege regarding the government's failure to table the Supplementary Information for Legislative Review – Revenue Estimates report. He expressed his opinion that this failure to provide an account of the estimates of revenue by the Government impeded his ability as an MLA to understand a critical component of the financial affairs of Manitoba. The Member concluded his remarks by moving: "THAT this matter be referred to a Legislative committee."

The Honourable Government House Leader also spoke to the Matter of Privilege before I took it under advisement, and I thank both Members for their advice to the Chair on this matter.

For the information of all Members, in order for the matter raised to be ruled in order as a *prima facie* case of privilege, Members must demonstrate both that the issue has been raised at the earliest opportunity, and also provide sufficient evidence that the privileges of the House have been breached.

Regarding timeliness, the Honourable Member for River Heights stated that: "I do need to raise this now because it relates to a matter that we found out only earlier this afternoon." Accordingly, I would rule that he did meet the condition of timeliness in this case.

Regarding the second condition of whether a *prima facie* case has been demonstrated, the Member argued that the "privileges of a Member are violated by any action which might impede him or her in the fulfillment of his or her duties and functions". He further stated that the "failure to provide the Estimates of revenue by the Government impedes our ability as MLAs to know a critical component of the financial affairs of Manitoba."

As stated on page 220 in the second edition of Maingot's *Parliamentary Privilege in Canada* "Questions of privilege are frequently raised but few are found to be *prima facie* cases. Members have a tendency to use the rubric of privilege to raise what is really a matter of order, or in the words of the Speaker of the House of Commons, a grievance against the government."

For the information of all Members, Parliamentary privilege is a constitutional right passed on to the Parliament of Canada and to the provincial legislatures from the United Kingdom's 1689 Bill of Rights, and was incorporated into the Canadian experience to provide protection for Members to exercise their parliamentary duties free from interference.

I would remind the House that the individual protections for Members under parliamentary privilege include:

- the freedom of speech;
- the freedom from arrest and civil actions;
- exemptions from jury duty;
- freedom from obstruction, interference, intimidation and molestation; and
- the exemption from attendance as a witness.

In order for a *prima facie* breach of privilege to be found, one or more of these individual protections would need to be demonstrated to have been violated.

Based on his comments in the House on October 10, 2019, the Honourable Member for River Heights appears to have a grievance against the government regarding the tabling of the Revenue Estimates, but his argument did not meet the thresholds I have just described regarding his privileges as a Member of this House. Several previous Manitoba Speakers have made the point that while Members may have a case for a grievance or complaint against the government, such cases do not amount to a *prima facie* case of a breach of privilege. Speaker Rocan made this point on June 19, 1991 and March 13, 1995, as did Speaker Hickes on June 5, 2000 and April 25, 2002, as well as Speaker Reid on August 27, 2013.

Accordingly, I am ruling that this matter does not constitute a *prima facie* case of privilege.

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The following petition was presented and read:

Hon. Mr. GERRARD – Legislative Assembly of Manitoba to urge the Provincial Government to increase training and staffing requirements for personal care homes in Manitoba to ensure residents receive high quality nutritious food as well as compassionate care.

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

THAT the following address be presented to His Honour the Administrator:

We, the Members of the Legislative Assembly of Manitoba thank your Honour for the gracious speech addressed to us at this Second Session of the Forty-Second Legislature of Manitoba.

And the debate continuing,

And the proposed amendment moved by Mr. KINEW as follows:

*THAT the Motion be amended by adding the following words at the end:*

But this House regrets that the Provincial Government has:

- a) continued to freeze funding for municipalities, forcing large communities like Winnipeg, Brandon, Thompson, Dauphin, and Selkirk and smaller communities like Gimli and St. Lazare to make difficult decisions on cuts to public services and programming that keep communities safe and welcoming; and

- b) broken the healthcare system that Manitoba families and seniors rely on by closing emergency rooms, firing hundreds of nurses, privatizing lifesaving services for rural and northern communities, eliminating more than 130 hospital beds in Winnipeg, ending obstetrics services in Flin Flon and failing to build a single personal care home bed in its first term; and
- c) failed to acknowledge cuts that have caused numerous cancellations of cardiac surgeries and exacerbated emergency room, hip, knee and cataract surgery wait times; and
- d) continued to ignore Manitobans by proceeding with its healthcare overhaul which will cut critical services and close facilities relied on by rural and northern families; and
- e) refused to address the public health crisis by failing to provide long-term investments to community organizations and harm reduction initiatives which help Manitobans dealing with mental health and addictions get the help they need and reduce blood borne diseases; and
- f) presented no comprehensive plan to help reduce and end poverty, which in turn fails to address the root causes of crime; and
- g) failed again to present any commitments to build new social or affordable housing despite having promised to do so in its first term, and made the situation worse by selling government housing units, even though a “housing first” strategy has been proven to move people out of poverty; and
- h) continued to put the long-term success of Manitoba students at risk by laying the groundwork for cuts with an internal mandate review as well as education commissions report, having already eliminated small class sizes, slashed support services, cut education funding and frozen teachers wages; and
- i) continued to increase tuition for post-secondary education, while interfering on the academic freedom of post-secondary institutions by tying operating grants to student outcomes; and
- j) interfered with Crown Corporations numerous times, specifically: agreements signed by Manitoba Hydro; offering online service delivery with Manitoba Public Insurance; projects with Manitoba Liquor and Lotteries; and the delivery of Efficiency Manitoba’s strategic plan; all of which caused Chairs and full Boards to resign; and
- k) failed to listen to Manitoba producers who have overwhelmingly said that their approach to leasing Crown lands will cause irreparable harm to family farms in Manitoba that are already dealing with serious challenges due to climate change while also failing to provide them with insurance supports during a time of need; and
- l) broken its commitment to budget over \$500 million per year on highways annually and underspent highways infrastructure by hundreds of millions of dollars while also continuing to pursue the privatization of infrastructure services; and

- m) failed to make any clear commitments to address the Manitoba Human Rights Commission order for a no-sex designation option on all government identification; and
- n) cut supports for French language services at the Université de Saint-Boniface, Santé en Français, and translation services, and eliminated the Assistant Deputy Minister for the Bureau de l'éducation française; and
- o) failed to meaningfully consult with Indigenous leaderships regarding the Lake St. Martin outlet channel and other initiatives that affect Indigenous rights; and
- p) failed to implement a living wage and instead made it more difficult for employees to unionize, and instituted an unconstitutional wage freeze law that is now being legally challenged; and
- q) ignored the needs of the northern communities who have lost hundreds of mining jobs, by putting families into poverty and contributing to a rise in crime, by the failure to release funds in the Mining Community Reserve Fund; and
- r) failed to make any clear commitments to evaluate the challenges in the northern justice system, particularly those in Thompson that have negatively impacted individuals from all northern communities; and
- s) failed to take any meaningful action on climate change by not making any commitments to put a price on carbon, substantively reduce Manitobans greenhouse gas emissions, grow the clean energy sector of Manitoba Hydro, or invest in infrastructure projects such as the North End Treatment Plant that would benefit all Canadians by helping to curb emissions and reduce pollution; and
- t) continued to freeze operating funding for public child care centers, making it difficult for facilities to offer day to day programming during children's most critical years and to attract and retain quality Early Learning and Childcare workers, while also failing to address the growing waitlist for public non-profit centers and instead focusing on moving towards a private operating model; and
- u) failed to offer any supports to newcomers in this diverse and inclusive province.

As a consequence of these and many other failings, the Provincial Government has thereby lost the trust and confidence of the people of Manitoba and this House.

And the proposed sub-amendment moved by Mr. LAMONT as follows:

*THAT the motion be amended by adding after clause (u) the following clauses:*

- v) failed to commit to community and employee input and evidence based outcomes for healthcare changes and placing insulin pumps, hearing aids and life-saving drugs and devices under Medicare; and

- w) failed to commit to implement the Diabetes 360° strategy developed by Diabetes Canada to help treat and prevent further diabetes in the province; and
- x) failed to implement a mental health and addictions strategy covering mental healthcare under Medicare to address the needs of vulnerable Manitobans; and
- y) failed to adequately assist children with learning disabilities in the K-to-12 education system to do well; and
- z) failed to commit to ending the practice of clawing back the children's special allowances from kids in Child and Family Services, particularly those who are in unpaid care; and
- aa) failed to commit to addressing the urgent need for First Nations housing or developing emergency management protocols for northern and remote communities; and
- bb) failed to mention the importance of immigration to Manitoba's economic and social fabric, which can be largely attributed to the Provincial Nominee Program; and
- cc) failed to adequately address the issue of contaminated sites and lead exposure in St. Boniface and Weston in Winnipeg after years of reports which were not disclosed; and
- dd) failed to commit to reversing the decisions to dismantle collaborative healthcare teams and increase senior management positions in health by expanding another bureaucratic arm of the government with Shared Health Services; and
- ee) failed to commit to improving issues relating to independent living, hospice and personal care homes or reversing the decision to raise costs on senior care programs; and
- ff) failed to commit to raising standards for ethics, integrity and conflict of interest; and
- gg) failed to commit to investing in prevention to help keep Manitobans healthy and independent; and
- hh) failed to commit to create an addictions strategy to address to the methamphetamine and opioid crises; and
- ii) failed to commit to enhancing the protection of children under the care of Child and Family Services; and
- jj) failed to provide the Manitoba Advocate for Children and Youth with expansive investigative powers needed to properly advocate for children and youth; and
- kk) failed to implement plans to reduce poverty by replacing Employment and Income Assistance with a jobs and basic income program to help those in greatest need; and

- ll) failed to commit to ending the extraction of natural resources (mining) in provincial parks; and
- mm) failed to update and implement the “duty-to-consult” framework for Indigenous communities resulting in the delay of major projects such as improving the capacity of flow from Lake Manitoba to Lake Winnipeg; and
- nn) failed to respond to states of emergency declared in Rural Municipalities after significant drought conditions have hindered farmers’ abilities to operate successfully; and
- oo) failed to address the unacceptably long delays for northern Manitobans to get bail in the criminal justice system; and
- pp) failed to work with the Federal Government on the development of a national pharmacare program to address the high cost of pharmaceuticals, especially for seniors and vulnerable Manitobans; and
- qq) failed to commit to not dismantling Manitoba's school divisions and keeping community input in education systems; and
- rr) failed to commit to stop charging Manitoba Hydro exorbitant fees which increases the debt level and prevents the corporation from returning to financial health; and
- ss) failed to commit to strengthen government revenues and develop a credible plan to balance the budget based on growth and investment instead of cuts; and
- tt) failed to commit to spending locally and stop hiring consultants from outside the province; and
- uu) failed to commit to developing strategies to work with the Federal Government, Métis and First Nations peoples to ensure that all Manitoba First Nation communities have better access to improved nursing stations, health care initiatives such as the NUKA program, clean running water, Internet and phone connectivity, teachers and land and air transportation; and
- vv) failed to commit to fulfilling the Provincial Government's election promises of raising the personal tax exemption to the national average; fast-tracking the construction of 1,200 personal care home beds; and to work positively and respectfully with Indigenous people and communities; and
- ww) failed to commit to implementing the eco-certification of the fisheries of Lake Winnipeg, Lake Manitoba and Lake Winnipegosis and to ensuring sustainable fisheries of walleye, sauger, whitefish, tullibee and perch for these lakes; and

**Monday, November 25, 2019**

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- xx) failed to cooperate with the City of Winnipeg and Rural Municipalities to implement an accelerated process to address sewage discharge into the Assiniboine and Red rivers in order to improve the health of Lake Winnipeg; and
- yy) failed to commit to ensuring that full fire prevention and community protection plans are in place for all First Nations communities, including firebreaks where needed; and
- zz) failed to commit to improving the outdated technology systems utilized in government departments.

And the debate continuing on the sub-amendment,

And Hon. Mrs. COX, Messrs. WASYLIW and NESBITT, Ms. LAMOUREUX, Messrs. MICKLEFIELD, BUSHIE and REYES having spoken.

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

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The House then adjourned at 5:00 p.m. until 1:30 p.m. Tuesday, November 26, 2019.

Hon. Myrna DRIEDGER,  
Speaker.