



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 12

FIFTH SESSION, FORTY-SECOND LEGISLATURE

PRAYER AND LAND ACKNOWLEDGEMENT

10:00 O'CLOCK A.M.

The Deputy Clerk formally advised the Assembly that the Speaker was unavoidably absent and called upon the Deputy Speaker to take the Chair pursuant to the Statutes. The Deputy Speaker took the Chair at 10:00 a.m.

Mr. MOSES moved:

THAT Bill (No. 200) – The Black History Month Act (Commemoration of Days, Weeks and Months Act Amended)/Loi sur le Mois de l'histoire des Noirs (modification de la Loi sur les journées, les semaines et les mois commémoratifs), be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Mr. MOSES having spoken,

And Mr. KHAN and Hon. Mr. GERRARD having questioned the Member,

And the debate continuing,

And Mr. KHAN, Hon. Mr. GERRARD, Mr. SCHULER and MLA ASAGWARA having spoken,

And the Question being put. It was agreed to.

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

Mr. SALA moved:

THAT Bill (No. 209) – 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 Hon. Mr. GERRARD and Ms. NAYLOR having questioned the Member,

And the debate continuing,

And Hon. Mr. GOERTZEN having spoken,

In accordance with Rule 25, the debate was interrupted at 10:55 a.m. to put the Second Reading Question on Selected Bill (No. 209).

And the Question being put. It was agreed to.

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

MLA ASAGWARA moved:

Resolution No. 1: Calling on the Provincial Government to Stop Its Private Health Care Agenda and Invest in Manitoba's Public Health Care System

WHEREAS the Provincial Government's reckless health cuts started by Brian Pallister and continued under the Premier have created a crisis in Manitoba's health care system, which has adversely affected the quality of care received by patients, families and seniors; and

WHEREAS rather than taking responsibility for her government's health care cuts, the Premier has blamed the state of Manitoba's health care system on there being not enough private health care in the province; and

WHEREAS the Provincial Government has already cut and privatized key health care services such as outpatient physiotherapy services, sleep apnea machines and life flight medical air ambulance transportation, as well as privatizing home care services for seniors, rather than adequately investing in the public health care system; and

WHEREAS the Provincial Government has increased spending on private agency nurses by over 200% since 2017-2018; and

WHEREAS the Provincial Government spent over \$40 million on private agency nurses in 2021-2022 instead of investing in public sector nurses and other front line health care workers; and

WHEREAS despite clear opposition from front line health care workers and their representatives as well as families, the Provincial Government has continued with its private health care agenda, actively worsening the quality of health care in Manitoba; and

WHEREAS it is a fundamental Canadian value that whether or not a person receives health care should be based on need and not the size of their wallet and privatization goes against the fundamental Canadian values of keeping healthcare public and accessible for everyone; and

WHEREAS the Provincial Government has failed to improve health care outcomes or advance health care equity and further privatization of health care services will only harm progress in these areas; and

WHEREAS increased private health care will further undermine the public health care system by shifting essential staff to the private sector, which will aggravate the staffing crisis in the health care system and will only worsen the long wait times patients experience in the Emergency Rooms right now.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba condemn the Provincial Government's plans for private health care and call upon the Provincial Government to instead invest in the public health care system.

And a debate arising,

And MLA ASAGWARA having spoken,

And Messrs. TEITSMA, ALTOMARE and ISLEIFSON, Hon. Mr. GERRARD, Mr. WOWCHUK and Ms. MORLEY-LECOMTE having questioned the Member,

And the debate continuing,

And Messrs. TEITSMA, ALTOMARE and ISLEIFSON having spoken,

And Hon. Mr. GERRARD speaking at 11:56 a.m. The debate was allowed to remain in their name.

1:30 O'CLOCK P.M.

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

(No. 218) – An Act Respecting the Title "Associate Judge" (Various Acts Amended)/Loi sur la désignation de juge puîné (modification de diverses lois)

(MLA FONTAINE)

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

Meetings

Your Committee met on November 30, 2022 at 6:00 p.m. in Room 255 of the Legislative Building.

Matters under Consideration

- **Bill (No. 3)** – The Vital Statistics Amendment Act (Name Registration)/Loi modifiant la Loi sur les statistiques de l'état civil (forme du nom)
- **Bill (No. 5)** – The Demise of the Crown Act (Various Acts Amended)/Loi sur la dévolution de la Couronne (modification de diverses lois)
- **Bill (No. 213)** – The Animal Care Amendment Act/Loi modifiant la Loi sur le soin des animaux

Committee Membership

- Mr. BUSHIE
- MLA FONTAINE
- Hon. Mr. GOERTZEN
- Hon. Mr. HELWER
- Mr. MICHALESKI
- Mr. SMOOK

Your Committee elected Mr. SMOOK as the Chairperson.

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

Non-Committee Members Speaking on Record

- Mr. KHAN

Bills Considered and Reported

- **Bill (No. 3)** – The Vital Statistics Amendment Act (Name Registration)/Loi modifiant la Loi sur les statistiques de l'état civil (forme du nom)

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 5)** – The Demise of the Crown Act (Various Acts Amended)/Loi sur la dévolution de la Couronne (modification de diverses lois)

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 213)** – The Animal Care Amendment Act/Loi modifiant la Loi sur le soin des animaux

Your Committee agreed to report this Bill without amendment.

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

By leave, Hon. Ms. SQUIRES, the Minister responsible for Accessibility, made a statement regarding International Day of Persons with Disabilities.

Mr. REDHEAD and, by leave, Hon. Mr. GERRARD commented on the statement.

By leave, Hon. Ms. GORDON, the Minister of Health, made a statement regarding World AIDS Day.

MLA ASAGWARA and, by leave, Hon. Mr. GERRARD commented on the statement.

Pursuant to Rule 28(1), Hon. Ms. GORDON, MLA ASAGWARA, Hon. Mrs. GUILLEMARD, Mr. REDHEAD and Hon. Mr. GERRARD made Members' Statements.

Following Oral Questions, The Deputy Speaker made the following ruling:

Following the Land Acknowledgement on November 23, 2022 the Honourable Member for Point Douglas raised a Matter of Privilege alleging that at the end of Oral Questions on November 22, 2022 the Honourable Member for Midland struck her chair with force with the intent of stopping her from speaking in the Chamber. The Honourable Member for Point Douglas noted that obstructing a Member from performing their duties is a violation of parliamentary privilege. The Member concluded her remarks by moving:

That this House compel the MLA for Midland to apologize for this action, refer this matter to a committee of the House to examine whether any further sanctions are necessary for the MLA for Midland and to examine the question of how to ensure no MLA engages in any physical acts of aggression or any other act which prevents MLAs from performing their duties.

The Honourable Member for Midland spoke to the matter and apologized to the Member for his actions. The Honourable Government House Leader also spoke to the matter before I took it under advisement.

As Members know, 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 Privilege: was the issue raised at the earliest opportunity, and was sufficient evidence provided to support the Member's claim that their privileges or the privileges of the House were breached?

In her submission on this Matter, the Honourable Member for Point Douglas indicated that this was her earliest opportunity to raise this matter and I accept the Member's word on that point.

On the second condition of whether the Member provided sufficient evidence to support a *prima facie* case of Privilege, there are several factors to consider.

Before I proceed, I must first remind Members that when a Presiding Officer considers the merits of a Matter of Privilege they must be guided only by procedural considerations. Often there are other factors and circumstances at play in these cases, but those must be set aside when considering such a Matter on its procedural merits. In this case there are certainly other circumstances related to the current Matter to consider, and I will address them later in this ruling.

Clearly, the obstruction of a Member from their parliamentary duties would be a violation of parliamentary privilege. All of the procedural authorities confirm this sentiment, including Bosc & Gagnon who state on page 110 of the third edition of *House of Commons Procedure and Practice*:

In circumstances where Members claim to be physically obstructed, impeded, interfered with or intimidated in the performance of their parliamentary functions, the Speaker is apt to find that a prima facie breach of privilege has occurred.

This reference begs the question of what constitutes “parliamentary functions”. While there is no codified list to guide us here, based on practical experience it is reasonable to conclude that parliamentary functions would include activities in the House or in a Committee such as speaking in debate and voting, but I am not convinced that heckling should be considered a parliamentary function. It is certainly the duty and responsibility of all MLAs to represent their constituents and advocate for the issues and causes they believe in, but the most effective way to do that is by actually speaking in debate as opposed to heckling while other Members have the floor.

I must also reference the apology offered by the Honourable Member for Midland. I appreciate that the Member rose to apologize immediately after the privilege submission by the Honourable Member for Point Douglas, and I was satisfied that his apology was sincere and genuine.

I am aware that the Honourable Member for Point Douglas sought more than an apology in her motion, but I must remind Members that historically in this House and in all other Canadian jurisdictions, such an apology would be considered enough to conclude the Matter.

On page 267 of *Parliamentary Privilege in Canada*, Second Edition, in the section “Where a Member is the subject of a question of privilege” Maingot states: “An apology by the offending Member will invariably close the matter without the necessity of putting the motion to a vote.” This has been the practice in this House for generations and there are many such examples in our records.

In consideration of all of these factors, I must rule that the Honourable Member for Point Douglas did not provide sufficient evidence to prove a *prima facie* case of Privilege, and from a procedural perspective I would rule this Matter concluded.

From the perspective of this House and this Chamber as a workplace I do have more to say.

Members will know and understand that Presiding Officers do their best to improve and maintain decorum in the House. Because we all care so much about why we are here, sometimes our rhetoric becomes more intense and the level of tension in the room rises. All of this is understandable and usually manageable. On occasion however, the tone in the room goes too far and strong words are shouted across the Chamber. Far worse than that, sometimes physical actions can escalate the tension in the room.

I appreciate the apology offered by the Honourable Member for Midland, however the Member should be aware that his action was received as a violation of personal space, and it was clearly offensive and upsetting for the Honourable Member for Point Douglas. I would strongly advise all Members to bear in mind how your actions in this place might be received by others and govern yourselves accordingly.

We can disagree with each other in this place, but we must do that respectfully, as respect should be the basis for our parliamentary democracy. There is nothing wrong with us being adversaries in this Assembly, I believe that it is in fact quite healthy for our democracy, the problems arise when we start considering each other as enemies.

I would add to this ruling that I am aware that Madam Speaker has been considering developing a Code of Conduct for Members of this Assembly. Given recent events in the House I am going to recommend to her that she initiate that project as soon as possible by convening an all-party working group to prepare a draft document for consideration by our Legislative Assembly Management Commission.

I will conclude with some simple advice for all Members.

People watch what we do here, and what we do here matters. So while we are doing this important work let's remember to be kind to each other. We can disagree, debate, criticize and advocate, but if we cannot be kind in this place how can we expect our constituents to respect us and support us?

Thank you for your attention to this ruling.

From his decision, Mr. KINEW appealed to the House,

And the Question being put, "Shall the ruling of the Chair be sustained?"

It was agreed to, on the following division:

YEA

CLARKE	MARTIN
COX	MICHALESKI
CULLEN	MORLEY-LECOMTE
EWASKO	NESBITT
FRIESEN	PEDERSEN
GOERTZEN	PIWNIUK
GORDON	REYES
GUENTER	SCHULER
GUILLEMARD	SMITH (Lagimodière)
HELWER	SMOOK
ISLEIFSON	SQUIRES
JOHNSTON	STEFANSON
KHAN	TEITSMA
LAGASSÉ	WHARTON
LAGIMODIERE	WISHART
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NAY

ALTOMARE	MARCELINO
ASAGWARA	MOSES
BRAR	NAYLOR
BUSHIE	REDHEAD
FONTAINE	SALA
KINEW	SANDHU
LATHLIN	SMITH (Point Douglas)
LINDSEY	WASYLIW
MALLOWAY	WIEBE 18

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

1. In accordance with section 34 of the Sessional Order passed by this House on October 7th 2020 and subsequently amended, to further amend that same Sessional Order so that:
 - a. In the first paragraph, “December 1, 2022” is replaced by “June 1, 2023”; and
 - b. Section 31 is deleted.
2. To consider Concurrence and Third Reading of Bills No. 3, 5 and 213
3. To schedule the following items of business today at the times noted, with the understanding that the Deputy Speaker or Chairperson will be empowered to interrupt debate if necessary to put the questions without further debate at these appointed times:
 - a. Committee of the Whole on Bill No. 200 will begin immediately following this request with the questions to be put at 3:15 p.m.
 - b. Concurrence and Third Reading of Bill No. 3 at 3:15 p.m. with vote at 3:35 p.m.
 - c. Concurrence and Third Reading of Bill No. 5 at 3:35 p.m. with vote at 3:45 p.m.
 - d. Concurrence and Third Reading of Bill No. 213 at 3:45 p.m. with vote at 4:05 p.m.
 - e. Concurrence and Third Reading of Bill No. 200 at 4:05 p.m. with vote at 4:20 p.m.
 - f. Royal Assent of Bills No. 3, 4, 5, 200 and 213 at 4:20 p.m.
4. If any of this business concludes before the noted deadline time the House may proceed to the next item on the list, with the end times to remain the same.

The House resolving into Committee of the Whole.

Bill (No. 200) – The Black History Month Act (Commemoration of Days, Weeks and Months Act Amended)/Loi sur le Mois de l'histoire des Noirs (modification de la Loi sur les journées, les semaines et les mois commémoratifs), was considered in Committee of the Whole and reported without amendment.

Hon. Mr. HELWER moved:

THAT Bill (No. 3) – The Vital Statistics Amendment Act (Name Registration)/Loi modifiant la Loi sur les statistiques de l'état civil (forme du nom), reported from the Standing Committee on Social and Economic Development, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. HELWER, Mr. BUSHIE and Ms. LAMOUREUX 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. 5) – The Demise of the Crown Act (Various Acts Amended)/Loi sur la dévolution de la Couronne (modification de diverses lois), reported from the Standing Committee on Social and Economic Development, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. GOERTZEN, Mr. WIEBE 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.

Mr. KHAN moved:

THAT Bill (No. 213) – The Animal Care Amendment Act/Loi modifiant la Loi sur le soin des animaux, reported from the Standing Committee on Social and Economic Development, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Messrs. KHAN and WIEBE and Ms. LAMOUREUX having spoken,

And the Question being put. It was agreed to.

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

Mr. MOSES moved:

THAT Bill (No. 200) – The Black History Month Act (Commemoration of Days, Weeks and Months Act Amended)/Loi sur le Mois de l'histoire des Noirs (modification de la Loi sur les journées, les semaines et les mois commémoratifs), as reported from the Committee of the Whole, be concurred in and be now read for a Third Time and passed.

And a debate arising,

Thursday, December 1, 2022

And Messrs. MOSES and KHAN, Hon. Mr. GERRARD, MLA ASAGWARA and Mr. BRAR having spoken,

And the Question being put. It was agreed to.

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

Her Honour, Anita NEVILLE, Lieutenant Governor of the Province of Manitoba, having entered the House at 3:59 p.m., and being seated on the Throne:

Mr. Deputy Speaker addressed Her Honour in the following words:

Your Honour,

At this sitting, the Legislative Assembly has passed certain Bills that I ask Your Honour to give assent to.

(No. 3) – The Vital Statistics Amendment Act (Name Registration)/Loi modifiant la Loi sur les statistiques de l'état civil (forme du nom)

(No. 4) – The Minimum Wage Adjustment Act, 2022 (Employment Standards Code Amended)/Loi de 2022 sur le rajustement du salaire minimum (modification du Code des normes d'emploi)

(No. 5) – The Demise of the Crown Act (Various Acts Amended)/Loi sur la dévolution de la Couronne (modification de diverses lois)

(No. 200) – The Black History Month Act (Commemoration of Days, Weeks and Months Act Amended)/Loi sur le Mois de l'histoire des Noirs (modification de la Loi sur les journées, les semaines et les mois commémoratifs)

(No. 213) – The Animal Care Amendment Act/Loi modifiant la Loi sur le soin des animaux

To these Bills the Royal Assent was announced by the Clerk of the Legislative Assembly as follows:

"In His Majesty's name, Her Honour assents to these Bills."

At 4:03 p.m., Her Honour was then pleased to retire.

The House then adjourned at 4:09 p.m. until 1:30 p.m. March 1, 2023.

Andrew MICKLEFIELD,
Deputy Speaker.