

Third Session – Forty-Second Legislature
of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS
Official Report
(Hansard)

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MANITOBA LEGISLATIVE ASSEMBLY
Forty-Second Legislature

Member	Constituency	Political Affiliation
ADAMS, Danielle	Thompson	NDP
ALTOMARE, Nello	Transcona	NDP
ASAGWARA, Uzoma	Union Station	NDP
BRAR, Diljeet	Burrows	NDP
BUSHIE, Ian	Keewatinook	NDP
CLARKE, Eileen, Hon.	Agassiz	PC
COX, Cathy, Hon.	Kildonan-River East	PC
CULLEN, Cliff, Hon.	Spruce Woods	PC
DRIEDGER, Myrna, Hon.	Roblin	PC
EICHLER, Ralph, Hon.	Lakeside	PC
EWASKO, Wayne	Lac du Bonnet	PC
FIELDING, Scott, Hon.	Kirkfield Park	PC
FONTAINE, Nahanni	St. Johns	NDP
FRIESEN, Cameron, Hon.	Morden-Winkler	PC
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin, Hon.	Steinbach	PC
GORDON, Audrey	Southdale	PC
GUENTER, Josh	Borderland	PC
GUILLEMARD, Sarah, Hon.	Fort Richmond	PC
HELWER, Reg, Hon.	Brandon West	PC
ISLEIFSON, Len	Brandon East	PC
JOHNSON, Derek	Interlake-Gimli	PC
JOHNSTON, Scott	Assiniboia	PC
KINEW, Wab	Fort Rouge	NDP
LAGASSÉ, Bob	Dawson Trail	PC
LAGIMODIERE, Alan	Selkirk	PC
LAMONT, Dougald	St. Boniface	Lib.
LAMOUREUX, Cindy	Tyndall Park	Lib.
LATHLIN, Amanda	The Pas-Kameesak	NDP
LINDSEY, Tom	Flin Flon	NDP
MALOWAY, Jim	Elmwood	NDP
MARCELINO, Malaya	Notre Dame	NDP
MARTIN, Shannon	McPhillips	PC
MICHALESKI, Brad	Dauphin	PC
MICKLEFIELD, Andrew	Rossmere	PC
MORLEY-LECOMTE, Janice	Seine River	PC
MOSES, Jamie	St. Vital	NDP
NAYLOR, Lisa	Woleseley	NDP
NESBITT, Greg	Riding Mountain	PC
PALLISTER, Brian, Hon.	Fort Whyte	PC
PEDERSEN, Blaine, Hon.	Midland	PC
PIWNIUK, Doyle	Turtle Mountain	PC
REYES, Jon	Waverley	PC
SALA, Adrien	St. James	NDP
SANDHU, Mintu	The Maples	NDP
SCHULER, Ron, Hon.	Springfield-Ritchot	PC
SMITH, Andrew	Lagimodière	PC
SMITH, Bernadette	Point Douglas	NDP
SMOOK, Dennis	La Vérendrye	PC
SQUIRES, Rochelle, Hon.	Riel	PC
STEFANSON, Heather, Hon.	Tuxedo	PC
TEITSMA, James	Radisson	PC
WASYLIW, Mark	Fort Garry	NDP
WHARTON, Jeff, Hon.	Red River North	PC
WIEBE, Matt	Concordia	NDP
WISHART, Ian	Portage la Prairie	PC
WOWCHUK, Rick	Swan River	PC

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, November 18, 2020

The House met at 1:30 p.m.

Madam Speaker: O Eternal and Almighty God, from Whom all power and wisdom come, we are assembled here before Thee to frame such laws as may tend to the welfare and prosperity of our province. Grant, O merciful God, we pray Thee, that we may desire only that which is in accordance with Thy will, that we may seek it with wisdom and know it with certainty and accomplish it perfectly for the glory and honour of Thy name and for the welfare of all our people. Amen.

Please be seated. Good afternoon, everybody.

Introduction of bills? The honourable member for Tyndall Park. Oh.

ROUTINE PROCEEDINGS INTRODUCTION OF BILLS

Bill 215—The Provincial Court Amendment Act (Gender-Based Violence Education Requirements)

Ms. Cindy Lamoureux (Tyndall Park): I move, seconded by the honourable member for River Heights (Mr. Gerrard), that Bill 215, The Provincial Court Amendment Act (Gender-Based Violence Education Requirements), be now read for a first time.

Motion presented.

Ms. Lamoureux: Bill 215, The Provincial Court Amendment Act (Gender-Based Violence Education Requirements), ensures that judicial candidates complete education in sexual assault law, candidates for appointment as judicial justices of the peace complete education in domestic violence law, and the implementation of a public and continuing education program for judges and judicial justices of the peace who are designated under The Domestic Violence and Stalking Act.

Madam Speaker, this would then be presented annually to the Legislature as a form of accountability.

Thank you.

Madam Speaker: Is it the pleasure of the House to adopt the motion? Agreed? *[Agreed]*

Committee reports? Tabling of reports? Ministerial statements?

MEMBERS' STATEMENTS

Small-Business Support During Pandemic

Mr. Alan Lagimodiere (Selkirk): Madam Speaker, small businesses are the backbone of Manitoba's economy. They're what makes our communities unique, providing jobs and opportunities; the ones most likely to support local sports teams; the first to support community groups and always there when community events take place.

They are always there for us. It's time to be there for them. Small businesses have been hit particularly hard during the COVID-19 global pandemic and need our support more than ever.

They have done their part to keep Manitobans safe. In turn, our government has been doing its part and remains committed to supporting small business through relief measures and support programs.

Since March, our government has supported almost 10,000 businesses through the Manitoba Gap Protection Program. Madam Speaker, \$46 million will be distributed through the Back to Work in Manitoba wage subsidy program, and recently we have committed an additional \$100 million to the Manitoba Bridge Grant program, with the opportunity to expand to \$200 million, moving into the new year.

Small businesses, non-profits and charities build up and support our communities. Our government remains committed to doing the same for them.

Madam Speaker, I am encouraging my colleagues and all Manitobans to explore the options within their communities and give thought on how they can support local businesses. Buy gift cards. Order online, contactless delivery or curbside pickup. Order takeout from your favourite restaurant. Call to see if they have the product you're looking for and promote and share your local stores online. Your support means a great deal to local businesses.

We will emerge through this pandemic by following public health advice and orders and by supporting one another. Our local small businesses have been behind us and our communities every step of the way. It's time for Manitobans to get behind and support our local small businesses. It's our turn to give back. Thank you.

Madam Speaker: The honourable member for St. Johns—[*interjection*]

I'm just going by the order I have here, so the honourable member for St. Johns.

Genesta Garson

Ms. Nahanni Fontaine (St. Johns): Last week, an RCMP video came to light two years after the fact, showing the vicious treatment of an Indigenous woman at the hands of the RCMP and community safety officers in the RCMP detachment in Thompson, in the fall of 2018.

We see Ms. Garson punched in the face by CSO Garrett Allen, rendering her unconscious. Unconscious, we witness RCMP Constable Jenelle Hulan, without consent, strip Ms. Garson of her pants.

Every health-care professional advises to never move an unconscious person. But rather than call for an immediate medical assessment, Garrett Allen and Thomas Warkentin, the other CSO, dragged Ms. Garson's unconscious body into the adjacent cell like they were throwing away garbage, Madam Speaker. Afterwards, we see the three of them celebrating their savage attack on Ms. Garson.

There was no investigation of the assault, and Ms. Garson was charged instead.

The federal and provincial ministers responsible, in concert with the RCMP commissioner, all passed the buck, offering no oversight or independent investigation, even though the Minister of Justice (Mr. Cullen) here in Manitoba has the ability under section 20 of the police act to refer an investigation to another police force or to the Independent Investigation Unit. He needs to do so today. All of it together is the way that systemic anti-Indigenous racism plays out in the justice system.

To Ms. Garson, we as Indigenous women descend from matriarchs and warriors, and the courage you demonstrated in allowing this video to be shown to the world is evidence of that lineage. Miigwech for your courage.

Interlake Chambers of Commerce

Mr. Derek Johnson (Interlake-Gimli): Madam Speaker, I stand today to recognize with appreciation the important work done by the chambers of commerce within the Interlake. They are the Central Interlake Chamber of Commerce; Eriksdale Chamber of Commerce; Fisher Branch & District Chamber of

Commerce; and the Gimli and district chamber of commerce.

These volunteer-driven organizations, governed by business owners and individuals who are dedicated to serving their fellow businesses—they strive to create an environment that fosters the long-term sustainability of not just existing but also new businesses in their communities.

Advocating for business with a unified voice is at the core of what the chambers do. Successful businesses are at the heart of Manitoba's economy. Whether by hosting or supporting local events, encouraging industry and tourism, promoting their communities' uniqueness or giving their members networking and training opportunities, chambers provide invaluable service to their members.

* (13:40)

This year, confronted by a global pandemic, businesses have faced enormous challenges, and their need for support and information on assistance programs is unprecedented. In response, Manitoba chambers have quickly pivoted to assist their members and they have reached out to businesses in their communities. They have helped them find answers in a constant stream of information and to navigate subsidy and funding programs established by the Manitoba government and other levels.

Madam Speaker, I ask my colleagues to join me in expressing a heartfelt thanks to the above-mentioned chambers of commerce and all Manitoba chambers of commerce for the roles they play in fostering a sense of belonging, unity and hope among businesses throughout our province.

Thank you, Madam Speaker.

Madam Speaker: The honourable member for St. Vital. Could the honourable member unmute?

Mr. Jamie Moses (St. Vital): Can you hear me?

Madam Speaker: We can now.

Florence Quan

Mr. Jamie Moses (St. Vital): Today I am proud to recognize and celebrate the 20th anniversary of an individual who has made extraordinary contributions to life in St. Vital and beyond in her enduring commitment to the health and well-being of youth and newcomers: Florence Quan.

Flo, as we call her in St. Vital, has been working at the Salvation Army Barbara Mitchell Family

Resource Centre and leading in community initiatives. She has taught many youth how to cook, improve their self-esteem and how to cope with the many challenges of life in a new country.

Flo has initiated community programs which keep young people active and involved, including basketball, drop-in activities and healthy child education. She leads a summer day program for youth in our community that has been incredibly valuable for numerous people over the past decade. Flo has a unique way of helping young people so that they are able to achieve their goals.

Knowing Flo over the years, she is kind, quiet and unassuming, yet when she is leading groups, she is enthusiastic and commands attention and respect. These traits are hard to find in leaders today.

This year has been like no other, and Flo has done a remarkable job keeping in touch with the community during the COVID-19 pandemic. With new and changing restrictions to public gatherings in the building, she has made sure that residents had access to the free income tax program and the community garden as well as keeping up on the essential Winnipeg Harvest food bank for families in need.

Flo is committed to working with our youth, and her continued years of service at the centre speaks to her passion.

I invite all members to join me in celebrating Flo's 20th anniversary at the Salvation Army Barbara Mitchell Family Resource Centre and for her tremendous life's work in our community.

Thank you.

Tree of Life Winter Celebration

Mr. Scott Johnston (Assiniboia): Today I wish to recognize the Grace Hospital Foundation's Tree of Life Winter Celebration being held on the evening of Wednesday, December the 2nd. The Tree of Life has been running for over 20 years and has raised \$2.5 million for patient-care enhancements at the Grace Hospital.

This year, funds raised from the Tree of Life will be directed to the Envision Our Grace initiative, the \$3-million campaign for diagnostic imaging department, with a portion going toward their COVID fund, which they utilize to provide TVs and iPads for patients.

The Tree of Life has 3,000 lights that will adorn their Christmas tree and glow for loved ones and those family members who are gone, but not forgotten.

The event has traditionally included entertainment; however, they must forgo this part of their celebration due to the COVID-19 virus crisis.

The Grace Hospital Foundation will be abiding by the restrictions from the safety and warmth of our cars and socially distanced in the hospital main parking lot.

My wife Karen and I attend every year, and we are always humbled by the outpouring of support for our local hospital. It's a beautiful and memorable celebration for life in all of Manitoba, in our St. James-Assiniboia community.

All are welcome to attend, Madam Speaker. I invite all members, should they have the time, and I thank you very much.

ORAL QUESTIONS

Personal-Care Homes Health Region Funding

Mr. Wab Kinew (Leader of the Official Opposition): Madam Speaker, the situation at personal-care homes and the situation with respect to the lives of seniors in Manitoba is very serious. It's a very dire situation. And I think we all agree that this government should be doing more to help these seniors.

But it's come to our attention that not only is this government failing to act to protect seniors, but their cuts are actually making the situation worse.

We have a document here that shows this year this Premier and his Cabinet ordered a \$1.6-million cut to personal-care homes in the Southern Health region alone. That's \$1.6 million that won't be going to help seniors living in long-term care during the pandemic.

My question for the Premier is: If he's cut \$1.6 million from Southern Health, how much did he cut from the Northern, Interlake Eastman, Prairie Mountain and Winnipeg health regions?

Hon. Brian Pallister (Premier): Well, again, Madam Speaker, the member, as he does too frequently, resorts to putting misinformation on the record.

The fact of the matter is that we've offered the members opposite an opportunity to be briefed on all details of the COVID response and related issues around it. I can only say that I'm deeply disappointed that when members have given that opportunity to

them by the Premier and this government, that they would choose to disrespect the opportunity, that they would choose to record the conversation that took place, without permission of the presenters.

Dr. Roussin and his team made themselves available—made themselves available in good faith—to the members opposite, and this was done, Madam Speaker, because we do sincerely wish to see a team Manitoba approach here. We don't think that COVID should be an opportunity for people to panic and be partisan. We think it's an opportunity to work together. That's what we encourage all members of this House to do.

Madam Speaker: The honourable Leader of the Official Opposition, on a supplementary question.

Mr. Kinew: So, Madam Speaker, the documents are clear, and these are documents that this Premier released: \$1.6 million cut from the bedside of personal-care homes in the Southern Health region alone. If it was \$1.6 million cut from Southern Health from personal-care homes that are currently experiencing outbreaks right now in Ste. Anne and in Steinbach, amongst many other locations, it remains to be seen how much did this government cut from other health regions as well.

We know that there are outbreaks at far too many personal-care homes across Manitoba. But what's really concerning is that not only is this government failing to deploy the necessary resources to help them, but this government is actually cutting funds from seniors homes who need it now more than ever, Madam Speaker.

So for the second time, because the Premier clearly dodged the first time: Will the Premier tell us, if he cut \$1.6 million from Southern Health, how much did he cut from Northern, Interlake Eastman, Prairie Mountain and the Winnipeg health regions?

Mr. Pallister: Well, Madam Speaker, again, the member chooses to ignore the reality that, as a government, our budget pre-COVID for health care in this province was one of the largest in the country for our size, was fully \$648 million above anything the NDP ever invested in health care—just over, last year, more than \$300 million in additional resources going to health care, and that's all prior to COVID. And, of course, we all know, or should know, that the greatest investment we'll be making as a consequence of COVID is in our health-care system.

* (13:50)

I would again say to the member, it is important to understand that when you have the opportunity to be briefed, you should use it, but you shouldn't use it as an opportunity to tape people who are presenting information to you in good faith. *[interjection]*

Madam Speaker: Order.

The honourable Leader of the Official Opposition, on a final supplementary.

Mr. Kinew: Madam Speaker, there are seniors who are dying in Manitoba. There are personal-care homes that have 100 per cent of residents with COVID-19. The situation is very dire.

We need this government to act but, unfortunately, not only is the government acting, what this government shows is that they cut \$1.6 million from personal-care homes in the Southern Health region alone. At the same time, this Cabinet directive signed by the Premier himself raised fees by \$1,600 per year for those residents of care homes.

We really see that with this government, you pay more and you get less. People are paying more for fees and they are getting less in health-care funding at the bedside.

Will the Premier just admit that this is a mistake, provide a refund to those—*[interjection]*

Madam Speaker: Order.

Mr. Kinew:—families and finally do whatever it takes to save seniors living in long-term care?

Mr. Pallister: There was a general awareness of the impact the baby boom would have on the aging population for many years, Madam Speaker, but the NDP government that the member now tries to defend has actually ignored, over 17 years, investments in senior-care facilities.

The members opposite are also responsible for imposing the highest rates for ambulance fees on seniors in Manitoba, of any seniors in the country. Those rates have been reduced by 50 per cent by this government. In addition, the waits for emergency services incurred by seniors in this province were the longest in Canada. That was the NDP record, Madam Speaker, and we're the only province that is actually making progress on reducing those emergency waits.

Madam Speaker, our record is that we're helping seniors. The NDP even stood in their place and opposed a \$200 symbolic and important payment to all our seniors that we've made as a government. The NDP hasn't defended seniors throughout their career,

so the member shouldn't stand in his place and pretend he's going to do it now.

Madam Speaker: The honourable Leader of the Official Opposition, on a new question.

Long-Term-Care Funding Personal-Care-Home Fees

Mr. Wab Kinew (Leader of the Official Opposition): Madam Speaker, the Premier doesn't seem to understand the situation, so I'll just spell it out for it—for him again.

We're talking about things that happened this year at the directive of this government that no one on that side of the Chamber had the nerve to oppose.

During a pandemic in which we all knew that long-term care was most vulnerable, they all gladly signed on to a plan that saw us cutting—by \$1.6 million in only one health region alone—funding for personal-care homes—\$1.6 million less at the bedside.

At the same time, this Cabinet gleefully signed on to raising fees for personal-care-home residents by \$1,600 per year.

What has happened since these terrible mistakes were made? Well, we've all seen the unfortunate reality of long-term care here in Manitoba. So I'll ask the Premier about his actions this year alone that have so severely undermined personal-care homes.

Does he now admit that it was a mistake to cut funding for health care and personal-care homes and to raise fees on the seniors who live there?

Hon. Brian Pallister (Premier): Madam Speaker, the member needs to have someone in his party do a little fact-checking before he launches into his preambles.

That being said, Madam Speaker, we'll continue to invest more in health care and more effectively than the NDP ever did. We'll continue to reduce taxes and fees for seniors, and we are doing that.

While the NDP raised taxes on—even on a senior getting—a senior widow getting her hair done, Madam Speaker, the NDP jacked up taxes on that. That's how far they'd go to helping seniors.

We reduced those taxes—*[interjection]*

Madam Speaker: Order.

Mr. Pallister: —Madam Speaker, leaving more money in the hands of seniors. Our hydro rate increase this year is—*[interjection]*

Madam Speaker: Order.

Mr. Pallister: —less than the NDP imposed on average every year in the six years prior to us coming to government. And the NDP didn't defend seniors then and they're not going to do it now.

What the member needs to do is rise in his place and he needs to apologize for arranging for a tape to be made without the permission of presenters, Madam Speaker, in a gathering where we offered—*[interjection]*

Madam Speaker: Order.

Mr. Pallister: —to provide health information that the member clearly did not avail himself of in the preparation of his own—

Madam Speaker: The member's time has expired.

The—*[interjection]*

Could I ask the table to please pause the clock.

We're good for the moment with our technology, so we are going to proceed. If we have any other problems, we may have to deal with it at the time, but this is what happens with technology sometimes. So we will continue.

The honourable Leader of the Official Opposition, on a supplementary question.

Mr. Kinew: Madam Speaker, these are legitimate questions about one of the most urgent issues in Manitoba today, and it reflects poorly on the Premier that he can't answer a simple question with facts, that he has to resort to his political shenanigans. So I'll pose the question to his Cabinet.

Were there any members of this Cabinet who spoke out against cutting funding to personal-care homes in 2020? Were there any members of this Cabinet who spoke out against raising fees on the residents of personal-care homes during the pandemic, or did they all gladly—as the get-along gang always does—go along with this Premier's cuts to health care, cuts to long-term care and cuts that are damaging Manitobans?

Mr. Pallister: When the member was choosing to exhort people to vandalism and violence by saying they should take up torches and pitchforks, was the get-along gang over there all onside with that comment? Were they supporting him exhorting people to take lawlessness into their hands—*[interjection]*

Madam Speaker: Order.

Mr. Pallister: –with the support of his entire team, Madam Speaker? Did everyone on that side of the House support the member when he decided that he would participate in a good-faith meeting and then utilize it to surreptitiously tape a conversation and forward the tape to a media network? Did everybody in the get-along gang over there decide that they would blow up the processes of good faith that should be—*[interjection]*

Madam Speaker: Order.

Mr. Pallister: –focused upon now—*[interjection]*

Madam Speaker: Order.

Mr. Pallister: –in the time of battling the pandemic? It is called COVID, Madam Speaker.

I'm afraid so. Manitoba and Canada have rules. Section 183 of the Criminal Code forbids the unknowing taping of conversations. The members opposite need to understand that.

Madam Speaker: I'm going to ask for everybody's co-operation, please. I need to be able to hear what's going on and we're starting to reach a point where that's becoming a little bit difficult.

I'm asking all members. There is no point in shouting at each other across the way. It's not going to make things any easier, so I would ask for everybody's co-operation, please.

The honourable Leader of the Official Opposition, on a final supplementary.

Mr. Kinew: So, I'll take that as a no, Madam Speaker: nobody in that Cabinet opposes this Premier's agenda of cutting health care for personal-care-home residents and then turning around and raising their fees.

I'll table the documents for this Cabinet to look at, because I'm not even sure that they've had a chance to review these orders before they've lent their names to them.

We know that there were other moves, other options at this government's disposal in order to be able to help personal-care-home residents. They could have called in the military. They could have called in the Red Cross earlier. They could have taken over control of the Revera personal-care homes.

Did they act? No.

The only time the Premier mentions Revera is when he falls on his knees to defend their honour in this Chamber. When it comes to standing up for

seniors themselves, I have just proven with the documents tabled that all they have to offer are cuts and fee increases.

Who among the PC Cabinet will finally stand up to this madness and do the right thing for seniors in Manitoba?

* (14:00)

Mr. Pallister: The member makes truth a casualty in so many of his comments, Madam Speaker, it's difficult to know where to begin.

I can only say to him, we deplore the conduct of the Revera management in respect of not putting information forward that was accurate and honest—exactly the same thing the member did when he ran for public office, covering up his own record and going to the doors and telling people to trust him while he wouldn't trust them with the honest information about his own background.

Madam Speaker, the member has people around him who deplore the fact that he would incite someone to violence. And he fails to understand the dramatic damage that that can do. He needs to stand in his place and he needs to understand that he must acknowledge and apologize for inciting violent behaviour. It has no place in a civilized society.

And, Madam Speaker, he needs to apologize and withdraw his comments today.

Madam Speaker: Just a caution to the members and all in the House that when we do talk about making truth a casualty or talking in ways we're inferring that something is not truthful is actually going down a very slippery slope. And I would ask everybody to pay close attention to the words that we're choosing in the House so that we can be sure we are using parliamentary language that is acceptable.

The honourable member for Union Station (MLA Asagwara). *[interjection]*

Order. Order. Order.

Okay, this is not the direction we want to take. And I know times are tense. Everybody is very afraid in the country and in the world of what is happening with the pandemic. Everybody is very afraid for our children, our parents, our grandparents, the people we work with. I think we need to step it up here in a way that we can show that we are working towards some way of fixing all of that for everybody. And having the kind of behaviour that we're just starting to see right now is not productive at all.

So I would ask for everybody's co-operation, please, as we go forward through the rest of the day and the next few weeks. We have got a very serious situation. We should be very focused on that. And poking away at each other is just not going to be a useful thing for anybody in Manitoba. So I'm asking for everybody's co-operation, please.

Home-Care Services Staff Vacancy Rate

MLA Uzoma Asagwara (Union Station): Madam Speaker, public home care has deteriorated in this province. That's what workers are saying. That's what families are telling us, including truly heart-wrenching stories of loved ones not getting timely access to the care they deserve.

And now we know why. Through freedom of information, and I'll table the documents, we are seeing truly unacceptable levels of vacancies for home care, including in the places that need help the most.

Just look at the situation in the southern region, including the community of Steinbach. The vacancy rate for home-care attendants is 27 per cent. Nearly one in three positions is vacant.

I ask the minister: Why is he failing to address the rising vacancy rates in home care?

Hon. Cameron Friesen (Minister of Health, Seniors and Active Living): Madam Speaker, workforce was one of the subjects that was addressed in a briefing that I called for the opposition MLAs on Monday on the subject of health-care reconfiguration: how we would add ICUs, how we would reconfigure our workforce to respond to COVID-19.

These issues have been the subject of many questions in the House by the NDP and by the Liberal Party, and we thought it would be appropriate to give a virtual, Internet-based briefing. It was undertaken by health-care leaders across the province, the people who are leading us every day.

And I was shocked to learn that that video was secretly taped and then provided to the media by someone on that side. Madam Speaker, it's a breach of 'confidentiality.' It's a breach of trust. It's a breach of good ethics.

Madam Speaker, I ask that the person, the offending party, take responsibility right now and own up to this.

Madam Speaker: The honourable member for Union Station, on a supplementary question.

MLA Asagwara: Madam Speaker, I don't know why the minister is pointing at me or at this side of the House. In our caucus, we have integrity. We didn't perform the actions that he's accusing us of.

Madam Speaker, we understand today that Dr. Roussin said more home-care aides will be removed from an already stretched-thin system and be redeployed to personal-care homes. This only serves to patchwork one problem while creating another.

Families in southern region are doing their best in one of the hardest hit COVID regions in this country. The demand for home care has only increased through this pandemic, yet they face a vacancy rate of 27 per cent. The same is true for Prairie Mountain Health, which includes Brandon. They, too, are facing unacceptably high vacancy rates of 26 per cent, and I table the documents.

In the face of this evidence, will the minister now finally act to fix these appalling vacancies?

Mr. Friesen: Madam Speaker, the member is right. This is about integrity. This was a technical briefing, it was a confidential briefing to opposition MLAs by our system leaders: the Chief Provincial Public Health Officer, the chief nursing officer, the chief medical officer for Shared Health, and others.

The briefing included sensitive information that ended up in the press—entrusted to MLAs and ending up in the press. Madam Speaker, it is one failure for an opposition MLA to have done this; it is a failure altogether for them to seize—to cease to have the opportunity today to stand up and take responsibility for what they've done.

Will they come forward today? Will someone on that side take accountability and apologize to all the members of this House?

Madam Speaker: The honourable member for Union Station, on a final supplementary.

MLA Asagwara: Madam Speaker, rather than using the pandemic as a cover for cuts and privatization, here is how the minister might improve home care and improve these appalling vacancy rates: (1) he can start by listening to our front-line health-care professionals; (2) he can give them the personal protective equipment that they asked for and so desperately need; and (3) and I cannot stress this enough, don't do outrageous things like force workers to care for those with COVID-19 without informing them of their client's status. It's this complete disregard for the

well-being of health professionals that is driving this system to the brink.

The minister can make different choices to respect workers and address the alarming vacancies.

Will he commit to doing so today?

Mr. Friesen: Madam Speaker, on the subject of outrageous things, we provided access to system leaders to the MLAs on the opposition side during a global pandemic, because it was the right thing to do.

The leader for the opposition stood up yesterday and blasted the government for not providing a briefing when he knew there was one. The member for Union Station stood up and used their time in question period to blast the government with exactly the ammunition they got from the private confidential briefing.

Madam Speaker, someone taped the meeting and that is not okay. It leaves our pandemic leaders confused, anxious, perplexed about why this would happen.

I want to turn the tables, Madam Speaker. We say we're in this together; are they—we really in this together or are they only in this for themselves?

Headingley Correctional Centre COVID-19 Spread Prevention

Ms. Nahanni Fontaine (St. Johns): Since March I've repeatedly asked the minister how he was planning on protecting Manitobans both working and housed at the Headingley correctional facility, alongside all other facilities in Manitoba, Madam Speaker, and all we've gotten is non-answers from the minister.

Despite telling the minister how vulnerable both staff and Manitobans housed in correctional facilities are because of over-capacity; overcrowding; old, cold infrastructure where citizens have many underlying health conditions, we've heard not a peep from the minister. And now the numbers are 179 positive cases of COVID for citizens, and 39 for staff at Headingley.

What is the minister doing to mitigate the transmission of COVID-19 at Headingley correctional facility?

Hon. Cliff Cullen (Minister of Justice and Attorney General): I do appreciate the question. It allows me to put some facts on the record today.

Clearly, right since the onset of the pandemic we've been working very closely with the folks in public health, under the guidance of Dr. Atwal. He's

been working closely with our corrections facility members, including our doctors and nurses that are on-site. We have taken every precaution in terms of excess cleaning, in terms of increasing the PPE to both the residents and our staff as well.

So we're following public health guidelines, and I'll tell you, Madam Speaker, public safety is paramount for us.

* (14:10)

Madam Speaker: The honourable member for St. Johns, on a supplementary question.

Conditions for Staff and Incarcerated Individuals

Ms. Fontaine: I spent weeks touching base with families concerned for their loved ones, and here's the current context.

Citizens who test positive are being punished by being in isolation for 23 and a half hours a day. Manitobans sick with COVID are placed with the bare minimum when they're in solitary confinement. They're only allowed eight items from the canteen only once a week, 15 minutes for a phone call.

Some citizens housed at Headingley have shared that they haven't even seen a nurse or a doctor. They've shared that when they requested a test they weren't given one. Staff have repeatedly said that they do not have access to proper PPE.

Under this Premier (Mr. Pallister) and this minister's watch, they are violating the Charter and human rights of Manitobans, both working and housed at Headingley.

How will they rectify that today?

Mr. Cullen: Well, Madam Speaker, actually, Manitoba's been a leader in terms of how we combat COVID in our facilities; obviously, using technology, modern cleaning and new and improved PPE.

I will correct the record, too, for the member. I know we did have, at one time, we have a total positive COVID test of 208 in Headingley, but I will advise the House, because of the recoveries, we're actually down to only 57 inmates that have COVID in Headingley.

Madam Speaker: The honourable member for St. Johns, on a final supplementary.

Ms. Fontaine: The Justice Minister is celebrating that folks are getting COVID in Headingley under his watch. He's celebrating that they're—they are violating

the Charter and human rights of Manitobans at Headingley.

I'm calling on the Premier (Mr. Pallister) today to immediately task an independent investigator to go to Headingley to witness the conditions for themselves, report back to Manitobans and provide recommendations to be immediately instituted.

I'm also asking the minister that both he and I attend Headingley for ourselves within the next 24 hours to witness the conditions and speak with staff and citizens. It is our duty as minister and critic to protect all Manitobans.

Will he go to Headingley with me in the next 24 hours?

Mr. Cullen: I have had the opportunity to visit Headingley, and in fact, each of our corrections facilities on a number of occasions.

And I will say, today, I appreciate—*[interjection]*

Madam Speaker: Order.

Mr. Cullen: —the great work that our corrections officers are doing in our facilities. It's a challenging task any day, but given COVID, even more challenging. Our staff are well trained. They have the proper PPE. And I tell you, they're doing everything they possibly can and they're following public health orders.

We have doctors on staff. We have nurses on staff. Everyone is working together. A positive news story: the counts for COVID are going down. I don't know what the member doesn't get about that.

Internationally Educated Nurses Credential Recognition and Certification

Ms. Malaya Marcelino (Notre Dame): Internationally educated nurses are required to pay for and write an English test called CELBAN, which is currently not being offered due to COVID-19.

These test results expire every two years. Right now, there are approximately 80 internationally educated nurses in limbo. They have completed their gap training at Red River and they have multiple nursing job offers at Manitoban hospitals. However, these 80 qualified and trained nurses are unable to accept these job offers because they are not allowed to write their licensing exams due to expired CELBAN English test scores.

At a time when we need qualified nurses more than ever, what is the minister doing to address these nurses' inability to write their qualifying exams?

Hon. Cameron Friesen (Minister of Health, Seniors and Active Living): I thank the member for Notre Dame for the question.

I read the transcript of the Monday evening interaction with officials. Of course, I guess I could read it now on the front page of this—you know, the Free Press or the CBC. But, in essence, that member did ask the question at that time, too. And it remains a good question.

That's why for weeks we've been engaged with the College of Registered Nurses of Manitoba. *[interjection]*

Madam Speaker: Order. Order.

Mr. Friesen: Even as we provide the answers, the members of the opposition still think they have the answers.

Madam Speaker, that's why for weeks we've been engaged on this issue. Today, later today, I have a call in with the College of Registered Nurses of Manitoba, where I will once again flag this issue to their attention, hoping to have their co-operation to get this right and to allow these nurses in so they can practise and help keep Manitobans safe.

Madam Speaker: The honourable member for Notre Dame, on a supplementary question.

Ms. Marcelino: I have heard from many internationally educated nurses that Manitoba is the most difficult jurisdiction to get your LPN and RN licensing. According to MNU, in Manitoba it takes an average of four years and approximately \$10,000 to get your licence, whereas in most other provinces it usually takes less than one year.

Meanwhile, Manitoba's health-care system has been suffering from staffing issues before the pandemic and, of course now, as a result of the pandemic, our health-care system is even more strained.

What is the minister doing to fast-track internationally educated nurses to receive the appropriate qualifications to work in Manitoba?

Mr. Friesen: Well, Madam Speaker, that member for Notre Dame understands that those were issues that were around when the former member for Tyndall Park was in this Legislature. I raised these issues when I was in opposition, looking for a better understanding

of why foreign-trained nurses couldn't get into Manitoba faster to practise, and that is why we're addressing—*[interjection]*

Madam Speaker: Order. Come on.

Mr. Friesen: I know the opposition doesn't like the answer. I know the opposition doesn't have the answers, but I ask them to listen as we provide them.

Madam Speaker, the fact is that that's why we're addressing this, and even on COVID-19 this is why we acted quickly to work with the college, to work with nurses to be able to bring them back from retirement, to pay their bills and get them back in the workforce, and we'll keep working with nurses.

Madam Speaker: The honourable member for Notre Dame, on a final supplementary.

Ms. Marcelino: The Manitoban system for internationally educated nurses to receive their credential recognition has too many barriers, too much red tape. I have heard feedback from internationally educated nurses that Manitoba's current clinical competency assessment, or the CCA, lacks transparency and needs to be calibrated to ensure validity.

There is no way to prepare for this test. The failure rate for the CCA is very high. Nurses are told to go back and do a four-year university nursing program. Anyone who does well enough on a CCA is placed on a two- to three-year waiting list for a bridging program that they have to pay for out-of-pocket.

What steps will the minister commit to today to reduce the red tape for internationally educated nurses to receive their credential recognition in Manitoba?

Mr. Friesen: So, Madam Speaker, this is why exactly that we're working with the college for registered nurses in Manitoba. That member understands that it is a college issue. It's not a Minister of Health issue. It's a college issue. And that is why we continue to engage with the college, even today, later.

I'm pleased to provide an opportunity, perhaps tomorrow, to update members of this House on how that call goes, but we are trying to focus the efforts of the college on exactly this: to remove barriers that would allow nurses right now to come into jurisdiction and to practise.

We've had some success working with the college. We appreciate all of their efforts. We

appreciate their attention to these details, and we believe that together we can get this right.

Manitoba Hydro International Freeze on Business Activities

Mr. Adrien Sala (St. James): The Premier's interference at Manitoba Hydro is costing Manitobans millions of dollars. Thanks to information we've recently received, we've learned that stop-sell orders—which were imposed upon Manitoba Hydro International by this government—have cost MHI nearly \$70 million in contracts. Those are real dollars and cents that provide jobs for Manitobans and those are profits that Manitoba Hydro can use to keep rates low.

The Premier has had multiple opportunities, but he's never explained: Why is he forcing Manitoba Hydro International to freeze all of their business activities and why is he putting these Manitoban jobs at risk? What does he have to hide?

Hon. Brian Pallister (Premier): I want to thank the member for finally directing a question that didn't involve falsely accusing a member of the civil service with wrongdoing. I really do appreciate that. It's a step forward for the member, I must say, Madam Speaker. *[interjection]*

Madam Speaker: Order.

* (14:20)

Mr. Pallister: In terms of protecting Manitoba—in terms of protecting Manitobans from the effects of a quintupling of Manitoba Hydro's debt, Madam Speaker, we are taking action to do that, and then that will involve strengthening the Public Utilities Board so that it is never again going to be put in the position of having to do what a previous NDP government did, which was push forward with unnecessary and billion—massive, massive debt-inducing projects like Keeyask, the bipole waste line, without the permission of Manitobans.

Never again will that happen, Madam Speaker.

Madam Speaker: The honourable member for St. James, on a supplementary question.

Privatization Inquiry

Mr. Sala: I'll repeat: \$70 million in contracts have been lost because of this Premier. He most certainly has something to hide, and for the first time in this province's history, a commission of inquiry has been conducted by stealth, and the Pallister government is hiding that too.

Their partisan commission of inquiry, led by Brad Wall, was due, by law, on October 31st, 2020, and yet, this government is simply sitting on it.

If the Premier truly has nothing to hide he would release the results of this commission of inquiry as his own orders require, and once and for all, he would answer clearly to this House: Will he or will he not be privatizing Manitoban Hydro International?

Mr. Pallister: Madam Speaker, I can tell members of the House that Manitoba Hydro is reviewing its organizational structures and operations, as is a normal course of business for any government corporation, Crown corporation or any government. That did not happen, of course, under the NDP.

Under the NDP what happened was a political agenda drove Manitoba Hydro into quintuple debt. That's what happened, Madam Speaker. Too bad, so sad, because it left a legacy of debt that Manitobans will have to bear; and the member for St. Johns (Ms. Fontaine), and her descendants, Madam Speaker—*[interjection]*

Madam Speaker: Order.

Mr. Pallister: —generations of members from St. Johns' descendants will have to bear the burden—*[interjection]*

Madam Speaker: Order.

Mr. Pallister: —of Manitoba Hydro's debt. Generations to come—*[interjection]*

Madam Speaker: Enough.

Mr. Pallister: —will have to pay. Manitobans will have to pay, because Manitobans were governed by a political organization, under the NDP, that thought that they owned Manitoba Hydro. That isn't the way it's going from now on, Madam Speaker, because we know Manitobans own Manitoba Hydro.

Madam Speaker: The honourable member for St. James, on a final supplementary.

Mr. Sala: The Premier hides directives he made to Manitoba Hydro, violating the very laws he introduced. He hides the results of a commission of inquiry for his own benefit, and now his government is using one of the greatest crises this province has ever faced as cover for engineering the privatization of one of our most valuable public assets.

His interference in Manitoba Hydro and in Manitoba Hydro International is ongoing and wrong, and has resulted in the loss of \$70 million of contracts.

For what other reason, other than to prepare MHI for sale, would this government possibly support the crippling of an incredibly profitable and wholly owned Hydro subsidiary?

Will the Premier at last explain to this House: When does he intend to wind down and sell off Manitoba Hydro International?

Mr. Pallister: I can tell by the lack of any reading material in the member's office that he's not well-researched on this issue, Madam Speaker, if I couldn't—*[interjection]*

Madam Speaker: Order.

Mr. Pallister: —derive it from his question. The member clearly doesn't understand the operational structure of Manitoba Hydro. Under this government, Manitoba Hydro's management and board are responsible for the review of their own organization.

I understand the NDP wants to cover up all the research that's going on into the conduct of Manitoba Hydro under the NDP, because they're afraid of the report.

And I understand that the member doesn't want to accept the responsibility of learning from the mistakes of the past. He simply wants to see them repeated. But they won't be repeated, Madam Speaker.

Did you know the rates for Manitoba Hydro under the NDP went up by 3.59 per cent, and now the member's making a big deal out of 2.9 interim rate increase. That's actually 17 per cent higher—the NDP rate increases for Hydro were 17 per cent—*[interjection]*

Madam Speaker: Order.

Mr. Pallister: —higher than the 2.9 interim proposal. Madam Speaker, the member for St. Johns yapping from her seat yet again, has no respect for the procedures of this House.

Madam Speaker: The member's time has expired. *[interjection]*

In case anybody hasn't noticed, I'm standing, and also I would like to point out I have called the member to St. Johns for order a number of times this afternoon. I'm sorry I've had to reach the point where I have to acknowledge this as I am right now. I'm finding that very disappointing.

COVID-19 Testing Capacity in Steinbach Wait Time for Tests and Results

Mr. Dougald Lamont (St. Boniface): Madam Speaker, as of today, Manitoba has 519 COVID-19 cases per 100,000. That is twice the next-worst province, Alberta. By contrast, PEI, Nova Scotia and Newfoundland and Labrador have two.

We have, by far, the worst case-positivity rate in Canada, and Steinbach, at 10 times the national average, is the COVID capital of Canada. It's—
[interjection]

Madam Speaker: Order.

Mr. Lamont: But it's not because of pro-COVID protesters, it's because, as residents of Steinbach have told us, they have to wait days for a test and days more for results. If they want a test right away, they are being told to drive to Winnipeg.

Is this government going to increase testing capacity in Steinbach immediately so that people can know whether they have COVID-19 or not?

Hon. Brian Pallister (Premier): Well, I would just, further to the member's preamble, mention, Madam Speaker, that the information he includes was made available to him by a briefing from our officials, which we offered to give him.

And in return for that trust, I expect that perhaps he or one of the other members on the other side decided to surreptitiously tape the proceedings of the briefing and then release them to the media.

And so I would encourage the member to acknowledge that this is not a good thing to do and to simply acknowledge the error of his ways today in this House before we go any further with responding to his questions, Madam Speaker.

Madam Speaker: The honourable member for St. Boniface, on a supplementary question.

COVID-19 Pandemic School Closure Request

Mr. Dougald Lamont (St. Boniface): The Globe and Mail medical writer, André Picard, recently wrote that Manitoba is paying the ultimate price for smugness.

The latest medical research from The Lancet and the Canadian medical journal shows that school reopening drives up cases and children may spread COVID-19 more than realized.

There have been over 600 cases in schools, including all three of the public schools my children

attend. The Lancet study is clear: lockdowns can cut the RO rate of COVID in half.

Will this government consider a school shutdown at least until they get their act together on testing and contact tracing, or will they once again wait until it's too late?

Hon. Brian Pallister (Premier): I would acknowledge only, Madam Speaker, the smugness of the member, who appears to want to create the impression he has all the answers. It must be a terrible burden for him to carry all that knowledge around; it must be.

I'm sure that the member didn't need the briefing, which he taped yesterday or which perhaps someone on the other side taped. Perhaps he didn't need it because he was already in possession, in advance, of all the information about how to deal with the second wave of COVID.

But, Madam Speaker, every jurisdiction in the Western world is dealing with these challenges. Each of us is doing our very, very best. He could be on the team. Instead, he tries to achieve some kind of temporary partisan advantage.

And, Madam Speaker, doing that, by taping conversations that are private in nature, is actually a violation of section 183 of the Criminal Code of Canada.

More importantly, it shows an incredible inability to focus on the real issue that Manitobans want us to focus on, which is fighting COVID together and not fighting one another here.

Madam Speaker: The time for oral questions has expired.

Speaker's Ruling

Madam Speaker: I have a ruling for the House.

On March 12th, 2020, the honourable member for Concordia (Mr. Wiebe) raised a matter of privilege regarding the government's decision to hire an outside consultant to conduct a commission of inquiry into Manitoba Hydro's development plan.

The member stated that his caucus had recently learned that the government paid a former BC premier, Gordon Campbell, approximately \$600,000 over a period of months and that the member believed that the government has no way of demonstrating that any work has been completed on the project. The member added that the official opposition regards this

commission of inquiry as being politically motivated and a demonstration of abuse of power.

The member for Concordia (Mr. Wiebe) concluded his remarks by moving, and I quote, that this matter be referred to a committee of this House.

* (14:30)

The honourable Government House Leader (Mr. Goertzen) and the honourable member for River Heights (Mr. Gerrard) both spoke to the matter of privilege before I took it under advisement, and I thank all honourable members for their advice to the Chair on this matter.

In order to be ruled in order as a prima facie case of privilege, members must demonstrate the issue has been raised at the earliest opportunity, and also provide sufficient evidence that the privileges of the House or the privileges of individual members have been breached.

Regarding timeliness, the member for Concordia stated that, in this instance, the requirement of earliest opportunity must be understood in a, and I quote, reasonable sense, end quote, meaning that he required the, and I quote, proper amount of time, end quote, to, and I quote, have a good grasp on the information before delivering it here in the House. End quote.

However, the official opposition had knowledge of these issues on March 4th, 2020, as they raised the issue during oral questions that day. If the government's answers to their questions were found to be unsatisfactory, that issue could have been raised earlier.

As Bosc and Gagnon advise on page 145 of the third edition of House of Commons Procedure and Practice, "The matter of privilege to be raised in the House must have recently occurred and must call for the immediate action of the House." Accordingly, I am ruling that the condition of timeliness was not met in this case.

Regarding the second condition of whether a prima facie case has been demonstrated, the member for Concordia argued that in order to effectively perform his duties as legislator, he required sufficient information from 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 March 12th, 2020, the member for Concordia appears to have a grievance against the government regarding its decision-making processes, degree of transparency and allocation of funds, 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 stated 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.

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

PETITIONS

Madam Speaker: And just as information for the House, before I call the first member to read their petition, I would remind the House that we have requested that members read their petitions in the sequence listed on the Order Paper, where they are listed in alphabetical order. We ask this because it will ensure that there will be no confusion between virtual members and Chamber members as to who is reading next, as we have had some issues with that recently.

So in calling petitions, I would call first the member of Union Station.

Dauphin Correctional Centre

MLA Uzoma Asagwara (Union Station): Madam Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

(1) The provincial government plans to close the Dauphin Correctional Centre, DCC, in May 2020.

(2) The DCC is one of the largest employers in Dauphin, providing the community with good, family-supporting jobs.

(3) Approximately 80 families will be directly affected by the closure, which will also impact the local economy.

(4) As of January 27th, 2020, Manitoba's justice system was already more than 250 inmates over capacity.

We petition the Legislative Assembly of Manitoba as follows:

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.

This has been signed by Doreen Lyle, Richard Donald [*phonetic*] and Issy Winters and many Manitobans.

Madam Speaker: In accordance with our rule 133(6), when petitions are read they are deemed to be received by the House.

Crown Land Leases

Mr. Diljeet Brar (Burrows): I wish to present the following petition to the Legislative Assembly.

To the Legislative Assembly of Manitoba, these are the reasons for this petition:

Many farmers, specifically cattle ranchers, will be negatively impacted by the changes to leased Crown lands announced by the provincial government on September 27, 2019.

Farmers previously had the ability to strategically plan out the way in which they utilized their leased Crown land.

The announcement reduced leaseholds by 35 years to 15 years, and these changes will create great uncertainty, having the potential to impact an entire farm's operation and even existence.

This uncertainty will take away the incentive for farmers to safely invest in their Crown land leases.

The potential of losing these leases without the afforded time to plan ahead will create additional stress for the current farming generation and the ones to follow.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Minister of Agriculture to reconsider the changes to Crown land leases and instead create an agreeable strategy that satisfies all parties, specifically ranchers;

To urge the Minister of Agriculture to recognize the value of agriculture in the province of Manitoba and the value Crown land holds to farmers in sustaining their livelihood;

To urge the Minister of Agriculture and all honourable members to understand the important role farmers play in the Manitoba economy, and to allow them to take part in discussions that directly impact their livelihood.

This has been signed by Joseph Omer, Boyd Abas, Allan Lindal and many many Manitobans. Thank you.

Dauphin Correctional Centre

Mr. Ian Bushie (Keewatinook): I wish to present the following petition to the Legislative Assembly.

To the Legislative Assembly of Manitoba, the background to this petition is as follows:

(1) The provincial government plans to close the Dauphin Correctional Centre, DCC, in May 2020.

(2) The DCC is one of the largest employers in Dauphin, providing the community with good, family-supporting jobs.

(3) Approximately 80 families will be directly affected by the closure, which also—which will also impact the local economy.

(4) As of January 27, 2020, Manitoba's justice system was already more than 250 inmates over capacity.

We petition the Legislative Assembly of Manitoba as follows:

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.

This has been signed by many Manitobans.

Madam Speaker: The honourable member for River Heights (Mr. Gerrard).

Does the honourable member for River Heights have a petition to read?

If not we'll move on to the honourable member for St. Boniface (Mr. Lamont).

Hon. Jon Gerrard (River Heights): Sorry, Madam Speaker, the MLA for River Heights.

I'm just having trouble with equipment here, but can you hear me now?

Madam Speaker: We can. Go ahead.

Cochlear Implant Program

Hon. Jon Gerrard (River Heights): Madam Speaker, I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

(1) People who suffer hearing loss due to aging, illness, employment or accident not only lose the ability to communicate effectively with friends, relatives or colleagues; they also can experience unemployment, social isolation and struggles with mental health.

* (14:40)

A cochlear implant is a life-changing electronic device that allows deaf people to receive and process sounds and speech, and also can partially restore hearing in people who have severe hearing loss and who do not benefit from conventional hearing aids. A processor behind the ear captures and processes sound signals which are transmitted to a receiver implanted into the skull that relays the information to the inner ear, the cochlea.

The technology has been available since 1989 through the Central Speech and Hearing Clinic, founded in Winnipeg, Manitoba. The Surgical Hearing Implant Program began implanting patients in the fall of 2011 and marked a completion of 250 cochlear implant surgeries in Manitoba in the summer of 2018. The program has implanted about 60 devices since the summer of 2018, and it is the only able to implant about 40 to 50 devices per year.

There are no upfront costs to Manitoba residents who proceed with cochlear implant surgery, as Manitoba Health covers the surgical procedure, internal implant and the first external sound processor. Newfoundland and Manitoba have the highest estimated implantation costs of all provinces.

Alberta has one of the best programs with Alberta aids for daily living, and their cost-share means the patient pays only approximately \$500 out of pocket.

Assistive Devices Program in Ontario covers 75 per cent of the cost, up to a maximum amount of \$5,444, for a cochlear implant replacement speech processor. The BC Adult Cochlear Implant Program offers subsidized replacements to aging sound processors through the Sound Processor Replacement Program. This provincially funded program is available to those cochlear implant recipients whose sound processors have reached six to seven years old.

The cochlear implant is a lifelong commitment. However, as the technology changes over time, parts and software become no longer functional or available. The cost of upgrading a cochlear implant in Manitoba of approximately \$11,000 is much more expensive than in other provinces, as adult patients are responsible for the upgrade costs of their sound processor.

In Manitoba, pediatric patients under 18 years of age, are eligible for funding assistance through the Cochlear Implant Speech Processor Replacement Program, which provides up to 80 per cent of the replacement costs associated with a device upgrade.

It is unreasonable that this technology is inaccessible to many citizens of Manitoba who must choose between hearing and deafness due to financial constraints because the costs of maintaining the equipment are prohibitive for low-income earners or those on a fixed income, such as old age pension or Employment and Income Assistance.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to provide financing for upgrades to the cochlear implant covered under medicare, or provide funding assistance through the Cochlear Implant Speech Processor Replacement Program to assist with the replacement costs associated with a device upgrade.

Signed by Darlene Kaus, Adeline Wiens, Eleanore Kliewer and many, many other Manitobans.

Madam Speaker: The honourable member for St. Boniface. Is the honourable member for St. Boniface going to read a petition?

If not, I'm going to move on to the honourable member for Tyndall Park (Ms. Lamoureux).

Is the honourable member for Tyndall Park going to read a petition?

If not, I will move on to the honourable member for Flin Flon (Mr. Lindsey).

Dauphin Correctional Centre

Mr. Tom Lindsey (Flin Flon): I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

(1) The provincial government plans to close the Dauphin Correctional Centre, DCC, in May 2020.

(2) The DCC is one of the largest employers in Dauphin, providing the community with good, family-supporting jobs.

(3) Approximately 80 families will be directly affected by the closure, which will also impact the local economy.

(4) As of January 27, 2020, Manitoba's justice system was already more than 250 inmates over capacity.

We petition the Legislative Assembly of Manitoba as follows:

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.

And, Madam Speaker, this petition has been signed by Inky Mark, Ronald Chartrand and Steven Bray, and many other Manitobans.

Mr. Jim Maloway (Elmwood): Madam Speaker, I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

(1) The provincial government plans to close the Dauphin Correctional Centre, DCC, in May 2020.

(2) The DCC is one of the largest employers in Dauphin, providing the community with good, family-supporting jobs.

(3) Approximately 80 families will be directly affected by the closure, which will also impact the local economy.

(4) As of January 27, 2020, Manitoba's justice system was already more than 250 inmates over capacity.

We petition the Legislative Assembly of Manitoba as follows:

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.

And this petition has been signed by many Manitobans.

Ms. Malaya Marcelino (Notre Dame): I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

(1) The provincial government plans to close the Dauphin Correctional Centre—the DCC—in May 2020.

(2) The DCC is one of the largest employers in Dauphin, providing the community with good, family-supporting jobs.

(3) Approximately 80 families will be directly affected by the closure, which will also impact the local economy.

(4) As of January 27, 2020, Manitoba's justice system was already more than 250 inmates over capacity.

We petition the Legislative Assembly of Manitoba as follows:

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.

This has been signed by many Manitobans.

Mr. Jamie Moses (St. Vital): Madam Speaker, I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

(1) The provincial government plans to close the Dauphin Correctional Centre, DCC, in May 2020.

(2) The DCC is one of the largest employers in Dauphin, providing the community with good, family-supporting jobs.

(3) Approximately 80 families will be directly affected by the closure, which will also impact the local economy.

(4) As of January 27, 2020, Manitoba's justice system was already more than 250 inmates over capacity.

We petition the Legislative Assembly of Manitoba as follows:

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.

This has been signed by many Manitobans.

Ms. Lisa Naylor (Wolseley): Just a moment, I'm just—my screen's frozen up. I'll be right with you.

Madam Speaker: It's good. Working.

Ms. Naylor: Okay. Thank you.

I wish to present the following petition to the Legislative Assembly.

The background to this position is as follows:

The provincial government plans to close the Dauphin Correctional Centre in May 2020.

The DCC is one of the largest employers in Dauphin, providing the community with good, family-supporting jobs.

* (14:50)

Approximately 80 families will be directly affected by the closure, which will also impact the local economy.

As of January 27, 2020, Manitoba's justice system was already more than 250 inmates over capacity.

We petition the Legislative Assembly of Manitoba as follows:

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.

This has been signed by Signe Wasko, Katie Durston and Janie Inkster and many other Manitobans.

Mr. Adrien Sala (St. James): I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

(1) The provincial government plans to close the Dauphin Correctional Centre in May 2020.

(2) The Dauphin Correctional Centre is one of the largest employers in Dauphin, providing the community with good, family-supporting jobs.

(3) Approximately 80 families will be directly affected by the closure, which will also impact the local economy.

(4) As of January 27, 2020, Manitoba's justice system was already more than 250 inmates over capacity.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Minister of Justice to immediately reverse the decision to close the Dauphin Correctional Centre and proceed with the previous plan to build a new correctional and healing centre with an expanded courthouse in Dauphin.

And this has been signed by many Manitobans.

Mr. Mintu Sandhu (The Maples): I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

(1) The provincial government plans to close the Dauphin Correctional Centre, DCC, in May 2020.

(2) DCC is one of the largest employers in Dauphin, providing the community with good, family-supporting jobs.

(3) Approximately 80 families will be directly affected by the closure, which will also impact the local economy.

(4) As of January 27, 2020, Manitoba's justice system was already more than 250 inmates over capacity.

We petition the Legislative Assembly of Manitoba as follows:

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.

This has been signed by many Manitobans.

Mrs. Bernadette Smith (Point Douglas): I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

(1) The provincial government plans to close the Dauphin Correctional Centre, DCC, in May 2020.

(2) The DCC is one of the largest employers in Dauphin, providing the community with good, family-supporting jobs.

(3) Approximately 80 families will be directly affected by the closure, which will also impact the local economy.

(4) As of January 27th, 2020, Manitoba's justice system was already more than 250 inmates over capacity.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Minister of Justice to immediately reverse the decision to close the DCC and proceed with the province's plan to build a new correctional and healing centre with the expanded courthouse—with an expanded courthouse in Dauphin.

And this is signed by many, many Manitobans.

Mr. Mark Wasyliw (Fort Garry): I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

(1) The provincial government plans to close the Dauphin Correctional Centre, DCC, in May of 2020.

(2) That the DCC is one of the largest employers in Dauphin, providing the community with good, family-supporting jobs.

(3) Approximately 80 families will be directly affected by the closure, which will also impact the local economy.

(4) As of January 27, 2020, Manitoba's justice system was already more than 250 inmates over capacity.

We petition the Legislative Assembly of Manitoba as follows:

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.

And this has been signed by many Manitobans.

Mr. Matt Wiebe (Concordia): I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

(1) The provincial government plans to close the Dauphin Correctional Centre—the DCC—in May 2020.

(2) The DCC is one of the largest employers in Dauphin, providing the community with good, family-supporting jobs.

(3) Approximately 80 families will be directly affected by the closure, which will also impact the local economy.

(4) As of January 27th, 2020, Manitoba's justice system was already more than 250 inmates over capacity.

We petition the Legislative Assembly of Manitoba as follows:

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.

And this petition is signed by many Manitobans.

Madam Speaker: Grievances?

ORDERS OF THE DAY

GOVERNMENT BUSINESS

House Business

Hon. Kelvin Goertzen (Government House Leader): First, on a matter of House business, I'd like to announce that the Standing Committee on Social and Economic Development will meet on Thursday, December 3rd, 2020 at 6 p.m. to consider the following reports: the annual report on the Manitoba's Poverty Reduction and Social Inclusion Strategy for the fiscal year ending March 31st, 2018; the annual report on the Manitoba poverty reduction for the fiscal year ending March 31st, 2019; and the annual report of the—Manitoba's Poverty Reduction Strategy for the fiscal year ending March 31st, 2020.

Madam Speaker: It has been announced that the Standing Committee on Social and Economic Development will meet on Thursday, December 3rd, 2020 at 6 p.m. to consider the following reports: annual report of the Manitoba Poverty Reduction and Social Inclusion Strategy for the fiscal year ending March 31st, 2018; annual report of the Manitoba poverty reduction for the fiscal year ending March 31st, 2019; annual report of the Manitoba Poverty Reduction Strategy for the fiscal year ending March 31st, 2020.

* * *

Madam Speaker: The annual-honourable Government House Leader.

Mr. Goertzen: Madam Speaker, could you please call for debate and hopeful passage this afternoon, Bill 42, the remote witnessing commissioning act, various acts amended; Bill 8, the pension benefits act-amendment act; Bill 7, The Planning Amendment Act; and Bill 4, The Retail Business Hours of Operation Act (Various Acts Amended or Repealed).

Madam Speaker: It has been announced that the House will consider debate on second reading of Bill 42, to be followed by second readings of bills 8, 7 and 4.

DEBATE ON SECOND READINGS

Bill 42-The Remote Witnessing and Commissioning Act (Various Acts Amended)

Madam Speaker: So I will now call debate on second reading of Bill 42, The Remote Witnessing and Commissioning Act (Various Acts Amended), standing in the name of the honourable member of-River Heights, who has 29 minutes remaining.

Hon. Jon Gerrard (River Heights): Madam Speaker, I will just be quite brief.

I want to note that the usual procedure when one goes from having a trial period of this instance virtual legal matters being able to be possible to a permanent situation, as in this bill, that it is normal to have a formal report on how things have gone in the pilot period.

* (15:00)

We are now well into the 'pilot' period. I would hope that the minister will release such a formal report so that we can judge how the procedure has been, what the problems and difficulties and what any concerns are.

I would note for members that Manitoba Liberals are in general support but do want a number of issues to be looked at carefully, issues which are-have been raised by the MLA for St. Boniface and a number of issues which were detailed by the MLA for Notre Dame.

I would note that if we were to move to having only virtual, when it's not possible for people to meet in person, that there would have to be a very carefully laid out protocol for when and when it is not possible to do virtual matters.

In any details-in any case, there are significant concerns over the possibility that problems can arise and that issues can be problematic. I would suggest that there may need to be some fairly significant penalties if this privilege is abused. I would also suggest that there may need to be, for individuals, some sort of appeal process perhaps, in order, when a mistake is made-that this mistake can be addressed.

Thank you, Madam Speaker, for the opportunity to say these words. I will now pass it on so we can have a vote.

Thank you. Miigwech. Merci.

Mr. Ian Bushie (Keewatinook): Thank you for that rousing applause.

Thank you, Madam Speaker, for the opportunity to put a few words on the record in regards to Bill 42, which is The Remote Witnessing and Commissioning Act (Various Acts Amended).

Well, to a certain degree, my understanding is that remote witnessing and commissioning have always been allowed under the provincial state of emergency during a pandemic and this now wants to move to make that permanent practice.

So when we-when I first read the bill and basically the title of the bill, when it talks about the remote witnessing, I immediately thought of my communities in my constituency, which are primarily remote, and the practice that they have to go through day in, day out for years and generations of being able to basically operate remotely to begin with. And so then it raises the concerns that I have with how effective that has been for them up and to this point or-and, contrary to that, how ineffective it has been up to this point.

So then it begs the question exactly what this would mean for the communities, and it's something that they've been dealing with and working with for basically their whole existence, when it comes time to being able to witness and testify in various aspects of the justice system. So when it comes to legal-legalise, if that's such a word-to be able to work together and work with our remote communities, it's always proven a lot-to be a lot difficult.

So I look at this piece of legislation, exactly what that's going to do and what that's going to mean and what has worked to this point in our communities and what-hopefully, this legislation is geared to help fix those little quirks and things that may not work.

So one of the things that I think about is the connectivity that our committees would have to be able to do this, and be able to do this in a remote way. For myself, for example, I participated virtually in our Zoom sessions and I live about two and a half hours, three hours from here. So the connectivity that I had and the issues that I have in a Zoom call—and those of you that are in the Chamber here may have noticed that—on the screen here is that the little lag or sometimes being able to be disconnected, to be able to that.

So then when this happens and if we're doing—and we're getting into remote witnessing, then I wonder if that would be an issue that we would have. Would we have that connectivity issue or lack of, to be able to have people participate in this kind of setting, whether it be to give evidence, to give virtual testimony or virtual signatures or whatever the case may be, whether or not that would be an actual—something that's a real issue for those communities.

Because we do have communities, primarily in the North and primarily even with lack of connectivity by road access or what have you, that they may not have the infrastructure to be able to have high-speed Internet, for example, or Internet at all, for example. So what would that mean in that case for those communities and those people and those organizations, to be able to do that and do it to a degree that everybody else is able to do?

So while this piece of legislation is almost meant to fine-tune a practice that is there and a practice that is currently being done during the pandemic, it begs the question as to whether or not it was fully thought out to the degree as how does it affect everybody? How does it affect everybody in Manitoba?

It may be easy for somebody to connect in St. James or the south end or North End or east–West End of Winnipeg, to be able to do this, because they're not able to go down to their lawyer or the court or anything like that to be able to do. But it's a far different scenario for our northern communities to be able to do that, when remote is possibly the only option.

It's not a secondary option. And, for example, in this case, this is almost deemed as the secondary option due to the pandemic, but for us it's the reality that's existed every day. And there has been a lot of issues with how exactly this goes about every day in our communities and how it best represents what we do.

We have a number of people in our communities, and not just in my constituency but throughout the North, in particular First Nation communities, that have a difficult time to be able to connect to the remote access and be able to participate to the fullest extent that they would be in the legal system, just for the lack of connectivity they may have to be able to do that.

So when I think of Bill 42 and what the intent of it is, absolutely agree with the intent of it, especially during this time of pandemic and this time of COVID-19, to be able to limit our communities' and our peoples' travelling to and from various urban areas, whether be it the city of Winnipeg or whether it be bigger centres or smaller centres, and to be able to do that.

So I agree with the premise of the bill and what it's meant to do, and it's meant to kind of formally and officially put this in as the first practice rather than the second practice. I do have the concern about being able to actually connect our northernmost communities to be able to participate in this. And so if they're not able to participate, what is the means to be able to come back to that and what's the alternative?

If a community member or members or entire community, for that matter, is cut off from being able to do this and being able to participate, what is their alternative? What is their alternative to this?

Because with remote being the only option here and being now the primary option here, so then we ask the question then, what happens in the event that remote does not work for our communities? Because that is an absolute reality for our northernmost communities, is that remote and—access, whether it be Internet connectivity or whether it be hydro disruptions or whether it be road access, is that's something that's a real issue for our communities and being able to fully participate, fully represent themselves, and fully be able to come and speak to all the issues that they have.

So if they're not able to do that then—so if, for example, if we were having a conversation over Zoom or over Skype or over the telephone and, for lack of better term, the remote way of doing it, and I was disconnected, what then happens to whatever situation we were dealing with in that way?

For example—and when we talk about the following acts—the acts that are amended in Bill 42, let's just take for example The Health Care Directives

Act. So if somebody is—we're talking about a power of attorney over being able to have health-care and medical decisions made on a family member of whoever is making on the call, whoever is on the one end of the call, and that call gets disrupted, what's the alternative and what works to be able to actually get then the concrete and the correct response, the correct information, from the remote access to the point of where that information is supposed to be?

So I ask, what happens in that case? And in that case, for example, what if we were at an end-of-life decision for somebody, and that connectivity is now not there. Who then has that right to be able to say, well, I'm going to make that decision because the phone got hung up, there was a snowstorm and Zoom got disconnected.

So I don't think that's something that's fair, and in this legislation I think that needs to be reflected and addressed to be able to say and to be able to fine-tune this to that point where if there is a connectivity issue, what exactly is the resolution to that and where do we go from there?

* (15:10)

Because that's just one example. And that may be an extreme example, and we talk about an end-of-life decision for medical personnel, but that's also the real reality to be able to get that and get that information and get that correct information, because ultimately—and I know that's the desire on this side of the House and I'm hoping that's the desire on that side of the House is to—let's just get this right. So that's the question I have then. Let's get this right.

So when we talk about being able to connect, being able to, kind of, work out the bugs, where is that in this piece of legislation? And again, I do support the premise of the legislation and what the intent is to do, but it also is coming in in regards to the COVID-19 response.

And this is something that's a long-standing issue for a lot of northern communities in particular being able to deal with prior to COVID. And it'll still be an issue following COVID. So this is something that needs to be able to be addressed, and whether or not that's addressed in this legislation, and that's the connectivity of our communities and the actual remoteness.

Because I think the definition of remote, by the way it's worded in this bill and in this legislation, is more remote meaning I could be remote here and somebody on the first floor or second floor legislature

where we're connecting that way because we're doing that remotely.

That's maybe the intent of what this is but, really, the remoteness of what we want to be—sometimes the reality is remoteness is 1,000 miles away, is miles and miles away: no road, no phone, no Internet. So how do we have that connectivity and how do we create that kind of back and forth to be able to rectify those situations.

So those are things that, in this case, need to be worked out, because when I made the reference to The Health Care Directives Act, which is kind of one of the acts that's amended in this bill, that's just one example. The other example, for example, is The Powers of Attorney Act. So in that case, that also puts a lot of trust—if there's a breakdown in the communication and a breakdown in the connectivity—that's putting a lot of trust in the justice system to be able to do what's right for whoever may be on the other end of that conversation, whoever may be disconnected on the other end of that conversation.

And, quite honestly, Madam Speaker, there is a lot of mistrust between Indigenous communities and the justice system. So that is something that needs to be addressed is exactly what happens in that breakdown, if there's a break in the connectivity between remote access and remote information being shared and being given back and forth.

So that is a real concern as to what happens in that breakdown of communication in coming forward, and I think that's something that also needs to be addressed in Bill 42, especially when it's using the word remote in the piece of legislation and being able to say this is how we're going to remotely do things.

And for all we know, COVID is here to stay, COVID is here for a long period of time, and maybe there's something after COVID that pushes us even further to be even more remote, even be less connected to people. And maybe Skype, maybe Zoom, maybe a phone call is the only way we communicate and there is zero communication in person.

So in that case, when we talk about The Powers of Attorney Act or the justice system versus that, versus remote, versus talking in court or wherever it may be—or being able to do any kind of legal documentation and doing it remotely, doing it over fax, doing it over email—there's a lot of trust that needs to take place there to be able to ensure and feel confident that the fact that the information being given

on one end is actually being received on the other end in the way that it was intended, in the way that it is intended by the person that is in fact sending that information remotely.

So if that person's able to do that, and those are the kind of things that need to be worked out, and the kind of little nuances that need to be fine-tuned in this piece of legislation to be able to say that if there's a breakdown in the remote access and if there's a breakdown in the communication or the information's not coming through, if I'm trying to send five pages of documents to somebody and they only receive four, how do I know which four they got? How do I know which one is missing and the importance of the one that is missing?

So those are things that need to be addressed and need to be talked about in this, because by doing it this way and doing everything remotely, there is also a lot of trust in being able to know what's going on on that end. We see a perfect example of that over Zoom and over this session that's going—in place now.

For those members that are participating virtually, when you turn on your microphone, you're assuming that we're all able to hear you. And we've already experienced that—especially over the last two days—that, in fact, there's been some difficulty in that. But you've still gone on and you've still basically repeated it and said what you wanted to say in hopes that it's being received on this end.

So that's something that's a little bit of an issue that needs to be addressed. It's not perfect, mind you. This piece of legislation is not perfect. It's working towards being able to rectify a lot of issues and being able to rectify and make life easier, which is, ultimately, hopefully, what this does.

COVID-19 aside, this is something that is a great piece of legislation to be able to say we're working in the right direction, but there's clearly some things that need to be worked out in that, because again, there's a lot of trust that has to be given from one side to the other ensuring that the information is, in fact, received on one end to the other.

Because, as I mentioned, my constituency is 95 to—I almost want to say 100 per cent Indigenous communities and Indigenous people—so being able to ensure that their message is being sent if they're having to do it remotely, and we're getting to that point in the season now where we are going to do that, where we're getting into the winter road construction versus the winter road completion, so there's going to

be a lot of time where they're actually a lot more disconnected than normal.

So when we get into the fall time, when we get into the spring time, there is even more disconnect, so there's going to be a lot more dependency on Zoom, on Skype, on phone calls, on emails, and being able to trust that this is the only way I have to get my information out, so how can I ensure that my information on that end is being received in the way that I intended it to be received?

So there has to be some kind of back and forth. And maybe whether or not that's worked into this legislation, there has to be some kind of back and forth to say yes, this is perhaps—I don't want to call it a conflict resolution—but some kind of resolution to say if there's a breakdown in communication between what I've intended to be said remotely and my intention of what I wanted to promote myself or put my name to remotely, is, in fact, received correctly on that end. So there has to be some kind of way to confirm what we do and how we're able to do that.

So when I talked about the health-care directors act—like I said that may be an extreme example of being able to do that, but there's also kind of real-time ways to do that, too. And there is real issues—not just end-of-life issues—there's just being able to communicate and say that, you know, whether or not—in our communities it's very difficult for our elders if they get ill when they get up in age to be able to actually stay in our communities; so they have to go out. So when they have to go out—and that's not the same; that's a whole bigger discussion to say, you know, we need medical facilities in our communities, that's a whole bigger discussion to have.

But if we come back and we have to make those decisions going back, and somebody has to remotely speak for an elder that can't be—that can't speak for themselves, for example, in this time of COVID-19. And we have elders in our personal-care homes, and we have not just elders but even just everyday residents—20 years old, 30, 40 years old—that are in hospital that can't communicate at home right now. So somebody is still having to make those medical decisions for somebody who may be, due to COVID-19, sitting in an induced coma right now in a hospital who can't make decisions for themselves.

So if they're from a rural community, who's making those decisions? They're going to have to do that remotely from over there, because a lot of our communities are in lockdown. So when we get back to, kind of, how do we do that, and then how do we

communicate that and how do we ensure that that communication that we're sending to speak for our people that are in hospitals that can't speak for themselves, we have to ensure that that information is one hundred per cent correct and everything being sent back is, in fact, done correctly and in the intent that it was intended for.

Because heaven forbid that's a mistake that's made and there's a decision made in somebody—in terms of somebody's health—that's wrong, that's not the intention of what it was meant to be for, all because Internet wasn't connected, cellphone was cut off, no hydro—the power was cut off, and that information and the message was not sent clearly and concisely.

So those are things in regards to the health-care part of it, and the aspect of it. And then we get into all—the other part of the act that's amended is The Powers of Attorney Act and being able to put a lot—and that puts a lot of trust, and that puts a lot of trust in people's futures. So to—for somebody to be able to say I want to give my power of attorney to somebody else; I want to be able to have somebody sign for me on my behalf, I absolutely want to ensure that they're giving the correct message that was intended from one end to the other.

If I'm on one end and I'm signing a power of attorney or I'm willing to remotely sign a power of attorney over to an organization, over to a law firm, over to family members, over to non-family members, I want to ensure that that's the intent of what I wanted to do and they're carrying out the message that was intended by the sender on one end to the other.

And we don't want that to be disconnected. We don't want that message to be confused because of the connectivity between remote versus being in person. If I was sitting there in person to somebody, here's the message clear and concise. Before we leave this room, let's have this understanding. This is exactly what's going to happen. It's exactly what I've intended to do. And we can have that clear discussion face to face.

* (15:20)

Mr. Andrew Micklefield, Acting Speaker, in the Chair

But in today's COVID-19 society, that's something that's just not possible. So then to be able to go back—and if I have to do that remotely, I want to be able to be positively—before we end this phone call, before we end this Zoom meeting, before we end this Skype discussion—that my message is very clear, that you've conveyed back—I've conveyed my message to

you, you've conveyed my message back to me and we've been able to get on the same page and be able to say this is complete, this is concise, this is exactly what we wanted to do.

But again, those kind of issues need to be addressed. Whether or not it's in this piece of legislation or whether it's in a different piece of legislation, that is something that needs to be addressed because it puts an awful lot of trust from one end to the other.

It puts a lot of trust on one part of it to be able to deal with the health component of that, and The Health Care Directives Act to be able to say this is what we're going to do, this is going to speak for me when I can't speak for myself. And then we get into the whole Powers of Attorney Act that—being able to put a lot of trust in the legal side of that.

So those of you that have had the opportunity to meet with your lawyer in person or need some kind of legal advice in person, you're very clear and everybody's very concise and very clear, to the point of exactly what they want to be able to send, the message they want to give, the directive they want to give. And it's clear and concise, right to the point, if I was sitting there with a legal team or a lawyer on that end. But if I'm doing that remotely, that's going to be a lot more difficult to go.

If, for example, we're having this conversation and the power goes out or the Zoom connect is go—which we are seeing here. In 2020, we're being able to do that today and we're still having issues with the connectivity here today. So I mean that's something that—that's a concern.

So there has to be some kind of dispute mechanism worked into that or some kind of go back to say, you know what, this is—we've done this to this degree but, at the same time, if this happens, there's kind of the dispute mechanism as to where we would go in remote witnessing and being able to say this is what we want to do but in the event that this happens, these are the steps that need to take place. Because right now, that's—I don't see that in here and I don't see it in the legislation. So that's putting a—awful lot of trust in what we're able to do.

So we've talked about that being how that reflects to health care, how there are effects to The Powers of Attorney Act, but also now how it affects to The Real Property Act.

A lot of people in our communities have worked their whole lives to be able to get what they have, whether it be either their land, whether it be their

home, whether it be assets they have. But then—being able to go and now potentially sign that over or agree to sign that over remotely. So that's putting an awful lot of trust on one side and a lot of onus on the other side to be able to make sure that they, in fact, got that correctly; they, in fact, got all the information correctly.

They're able to go and now work with that because by doing this remotely—ideally, remotely is not the way to go. When we talk about what our parents or our grandparents or our great-grandparents did, there was no such thing as a cellphone. There was no such thing as Zoom, no such thing as Skype. So they had that in person. Here, I'm going to shake your hand because this will be agreed to.

And obviously, if we're doing things remotely in a COVID area of society, we're not able to do that. We're not able to shake hands. We're not able to sit there and hammer out an agreement when across the table from each other.

So in that format, here's the deal. Here's the paper. We both agree. Let's go our separate ways. Let's agree that you're going to speak for me on this and I fully consider and give you that authority to do that. But now doing that remotely, what happens in that breakdown. You also have to be sure that on one side of that, especially when it comes time to signing of your property and being able to give somebody the authority to speak for and represent you on something you worked for your whole life, there's a little bit good—there's always going to be a little bit of reluctance there.

They may be the most trustworthy person on that side of the table or that side of the Zoom call in this remote way, you still have in the back of your head—there's that reluctance of, you know what, I've worked my entire life to get this. It's not easy for me to be able to say I'm going to sign this over electronically. I'm going to sign this over. I'm going to sign this little computer screen here or an iPad, and I'm going to give now power of attorney to somebody else. I'm going to give somebody else control over that I've worked for for my whole life.

So in that case, there has to be an absolute confidence from that person who's giving that commitment and giving that authority to somebody else to say that, you know what, you've gotten all the information, you've gotten everything that we discussed via electronic, via Skype, via Zoom, via phone call, via email. Now you have all that

information to make that informed decision for me. And then you have that complete confidence.

But what happens when that breaks down? What happens if, you know what, we've done this so many times and we've all had those kind of discussions where you've purchased something or you've done a negotiation or an agreement to buy something or sign something over and there's always been so much back and forth. You know, and when you buy a vehicle there's—you buy a house—there's so much papers back and forth, back and forth, back and forth.

So just imagine not being able to back-and-forth that across the table. Now, if you're going to do it remotely, your back-and-forthing over 10 emails, over two Zoom calls, to be able to say that I have absolute trust that that's going to be there.

So as I stand here and I'm looking in the Chamber, I still see some screens kind of flashing; some are going; some are not. And whether or not that's connectivity, I don't know because we don't have that open communication.

So in that text, I'm standing here giving the message, and the members that are in the Chamber are able to hear my message, but I'm trusting that the members on Zoom are hearing my message. I'm trusting that there's no breakdown and miscommunication that's going there.

And I see some nods of acknowledgement. I also see some that maybe choose not to acknowledge, or maybe there's some that are not connected, who cannot hear the voice, who did not hear the audio, who did not see the video.

So where does that break down? And I can look at the moderator, and I don't want to call out the moderator. I don't want to call out the clerks by any means, but, at the same time, you wouldn't know—you wouldn't necessarily know that unless that person pointed that out.

So that's a concern that has to be addressed, that if somebody doesn't speak up on one end and say, hey, my message is unclear. My message wasn't what I intended it to be, so then, on this end, do we assume that it's okay? And that is what we're doing. We're assuming on this end that if nobody's reached out to the moderator and said, hey, I—you can't hear me, or hey, I can't see you, or I can't hear you. We're assuming then that it's all okay on that end.

So that's a concern that needs to be addressed when it comes time to remote witnessing and being

able to remotely do anything, let alone remotely do anything that affects your livelihood, that affects your health, that affects things that you worked for your whole life.

So the intent of what this legislation is is honestly a great idea, but there has to be things that need to be worked out, for lack of a better term, the dispute mechanism that may happen when it comes time to, okay, this didn't work out. If there's a dispute mechanism while we're face to face over the table or we're four feet apart, I'm just going to say, hey, this line item in this paper is wrong. Let's correct that. Let's do it immediately.

Instead, if you're doing that remotely now that's, like I said, that's potentially five to 10 emails back and forth. That's a Zoom call, assuming you have the Zoom capability, assuming you have Skype capability, assuming you have any access at all.

So when we talk about remote access, you're also—there's also the assumption in here that everybody, in fact, has that remote access ability, and that's just simply not the case. That's not the case for so many of our communities; that's not the case for a lot of our Indigenous communities to be able to say that, fine, you know what, I can run down to my office and grab Skype. I can run home and get on a Zoom call. You know, I could grab my cellphone and make a cellphone call. That's just something that's not a reality for a lot of communities.

So those kind of things also need to be addressed in what remote witnessing is. And being able to remotely do anything, you have to be able to have that trust in being able to connect, have that trust in being able to go back and say, hey, I have absolute assurance that the message I gave on one end is being a hundred per cent received the way I intended on this end.

So if that's not the case, so what happens there then? What happens when we do that, and what do we do? And what kind of things are in place to ensure that when that message is received, that message is kind of responded back to and said, this is exactly what you intended it to do. This is what the intention was. Okay, we're all clear. We're to the point. We've got this all filled out. We've got it all sealed up and we're good. Because I don't see that in here. But the intention of what this is intended to do also takes, like I said, it takes a lot of assumptions in place, and being able to talk with Bill 42 and Remote Witnessing and Commissioning Act, also takes and also puts a lot of trust and also makes a lot of assumptions.

Again, the biggest assumption is that everybody has that ability to, in fact, do that, and that's just simply, like I said, not the case. So it takes a lot of assumptions to be able to say, well, I want to call on a witness in the northern-most part of Manitoba, in the most isolated community in Manitoba and be able to say, I want you to remote witness this, whether it be like the acts that are amended, The Manitoba Evidence Act, The Health Care Directives Act, The Homesteads Act, The Powers of Attorney Act, The Real Property Act, The Wills Act.

So when we—you want to be able to say this is what we want to do in the remotest part of the province, and they just simply say, well, I don't know what you're talking about. Why don't you send me a letter; why don't you send me a letter via Canada Post, and I'll send you a letter back. That's really how the only remote access some of these communities may have to be able to communicate their message to the outside—I want to say the outside world, but when we live in 2020 in Manitoba that, in fact, is the real thing. People look at outside communities as the outside world because that's how much the isolation is there.

* (15:30)

So when we talk about being able to remote do anything from an isolated community, it's very difficult, and it all comes down to being able to—the connectivity or the lack of in these communities to be able to participate in a virtual world.

In some cases it may be easier, for that matter, than it is to be—to communicate between Portage Avenue and Main Street. Maybe in some communities it's easier to be able to have that communication, but the fact of the matter is that's the exception and not the rule. For most communities it, in fact, is extremely, extremely difficult.

And, again, I use the example of myself, even on the Zoom call, participating virtually. I'm not as far north as some of my other colleagues, and their connectivity is a lot—was a lot better than mine. We had the breakdown, we had the lag, we had—being able to fully participate, but on my end, I'm sitting there talking into the laptop, talking into the camera and assuming that my message is getting clear. And instead, what am I having to do? I'm having to communicate with my colleagues to ask, how did that look? How did that question come across? Were you able to hear me? And in some cases, I was disconnected and didn't even know it. In some cases, I was speaking, speaking, speaking, and the Speaker

in this—saying, we can't hear you, we can't hear you, can you put on a headset?

So those kinds of things need to be worked out, and I think it's something that's—that is easily done, but there has to be a commitment. So this will also be my quick 10 seconds to call out the government on that, on being able to create that infrastructure so that remote connectivity is there for all of Manitobans, not just Portage to Main Street, but being able to communicate so we have that connectivity to, in fact, participate fully in Bill 42.

And with that, Mr. Speaker—Mr. Deputy Speaker—Mr. Deputy Deputy Speaker, thank you for your time.

The Acting Speaker (Andrew Micklefield): The honourable member for Burrows.

The honourable member for Burrows, if I could ask you to unmute your mic.

Mr. Diljeet Brar (Burrows): Yes, Mr. Deputy Speaker. I just wanted to confirm it's—if it's Wab Kinew before me.

The Acting Speaker (Andrew Micklefield): It is against the rules of the House to reference—or the absence or presence of any other member, so I've recognized the honourable member for Burrows, and that honourable member has the floor.

Mr. Brar: I apologize for my mistake.

The Acting Speaker (Andrew Micklefield): Just one technical detail. If the member for Burrows could wear a headset, that would be, I think, easier on the sound, if you have one.

Mr. Brar: Actually, I have one, but it doesn't work today. Something happened to it, so.

The Acting Speaker (Andrew Micklefield): Okay, if you could—if the member for Burrows could speak up a little bit, that might help.

Mr. Brar: Okay, I'm using my computer's mic. Can you hear me right now?

The Acting Speaker (Andrew Micklefield): I think it's good enough. Speak loud and clear.

And the honourable member for Burrows, you have the floor.

Mr. Brar: I appreciate the opportunity to put a few words on record regarding Bill 42.

There have been many speakers before me, up in the Chamber and remotely, to talk about this bill, so I

would try to speak my mind about this bill and how I perceive this bill and what I understand about it.

I understand that it talks about using technology for remote witnessing and commissioning, for commissioning an oath or affirmation or when witnessing a will, power of attorney, land titles document or health-care directives.

During this pandemic, we've been using technology way more than we did in the past. So, talk about schools, talk about our professional meetings, even this virtual session we have started. And we are getting comfortable day by day using this technology. Schools have used this technology during early days of pandemic. I got a chance to talk to so many schools in Seven Oaks School Division and Winnipeg School Division. They have been even distributing some technological equipment to the families who couldn't afford to buy one. So, in context, when we talk about Bill 42, there could be some people in Manitoba who could not take advantage of this legislation when it's passed at the same level as the other Manitobans.

My colleague from Keewatinook just talked about the remote communities who are hundreds of kilometres away from where we are sitting today. I would talk about the people who are right here in the city, but even then they do not have access to the technology. Just having access to a computer doesn't make sense unless you have Internet access, that too, at a good speed. So there are so many factors: affordability, accessibility, the type of technology, your buying power and so on that affects the user of this technology and accessing of this technology or this legislation.

This legislation talks about amending a few acts like The Manitoba Evidence Act, The Health Care Directives Act, The Homesteads Act, The Powers of Attorney Act, The Real Property Act, The Wills Act. And I understand that remote witnessing and commissioning have been allowed under the provincial state of emergency during the pandemic. What this bill says is that it would take—it would make those provisions permanent. And a few other provinces like BC and Saskatchewan, they have also now done this. It's a move that seems to be supported by legal communities, and that's okay.

But the thing is, there's always a possibility of misusing a technology or latest development in this world. So we have to take care. We have to think about how to prevent that misuse by some individuals who always seek opportunities to impersonate or abuse the laws and legalities that we bring for the

people—for the good of the people. But there are some people who tend to abuse it or use it in a manner that is not ethical or that's not advised. So we need to take care of that part of this technology.

And I understand that remote witnessing and commissioning, being allowed under the state of emergency, it has helped people obtain important documents during the pandemic such as wills, power of attorney and health-care directives without having to have a physical witness or commissioner present.

Since COVID-19 arrived in Manitoba, more people have been seeking out these documents and need to acquire them in a safe manner. Manitobans and their families, I would say, are worried about their health and well-being more so now at a time when we see unprecedented numbers in our province in code red as of now.

And while we support facilitating Manitobans' access to important documentation, it's also important to highlight that the very government that is bringing forward this legislation is the one that has made the legal system less accessible and equitable to northern Manitobans.

It's also a government that has continued to dismiss the law. They legislated a 2.9 per cent rate increase without legally going to the Public Utilities Board. They retroactively legislated away the rights of Indigenous children and families to bring legal actions while cases proceed in front of the courts. And this government continues to interfere in the collective bargaining, and they keep trying to pass unconstitutional legislation.

So this isn't a government that values the legal system and the practices within this system, and I would say it's a government that will consistently interfere in the legal system to push along their austerity agenda at the cost of Manitobans.

* (15:40)

So if we talk about the past and this government's priorities, now this government is bringing forward this bill, Bill 42, and we need to put the things in context and see how and what they did in the past. They brought about Bill 28, and if we talk about Bill 28 and its impact on the workers' lives, then we can't trust this government to do what is legal. This government has repeatedly tried to push through legislation that is unconstitutional and that would harm Manitobans, and now we know that that has happened in the past.

This Premier's (Mr. Pallister) wage freeze bill, Bill 28, is unfair and he's still trying to freeze wages even though it was ruled unconstitutional in the court. Manitobans want government to respect workers and negotiate fairly, and they expect government to listen to the workers and bargain in good faith. This collective bargaining is a protected Charter right, but—the Pallister government needs to respect it. They didn't.

Bill 28, which is The Public Services Sustainability Act, received royal assent in 2017. It was unfair and one-sided, and it violated workers rights to fair bargaining. This bill tried to freeze the wages of government workers for two years, with a small increase after that.

The Acting Speaker (Andrew Micklefield): Order, please. Just remind the member to stay relevant. I think the member is drifting from the bill under debate at the moment. The member for Burrows (Mr. Brar) has the floor.

Mr. Brar: Mr. Deputy Speaker, I'm putting the things in context and I'm trying to understand and explain the priorities of this government.

Now, if we talk about just Bill 42, so—we also need to talk about what's happening in the long-term-care homes, what's happening in the justice system, what's happening to the inmates, how much focus this government has on these priorities. So this bill is relevant, this bill is important, but we need to understand that where this bill on the priority list of the government and where is the priority, where are the people and the families who are losing their loved ones, they are on the priority list of the government.

So this bill talks about—again—using technology. So is this government bringing up any bill that brings up more use of technology to connect between the old people living in personal-care homes and their families?

That could be one of the priorities, but when it comes to helping people, when it comes to talk about people, when it comes to prioritize people than money, this government would prioritize money and budget balance rather than thinking about the people who are losing their moms and dads and grandparents; so that's painful.

So I'm talking about the bills this government brought forward in the past to put the things in context to tell the people using this platform that—how much this government used to care or how much this government cares about the people. I've been standing

with the Winnipeg School Division bus drivers and workers on the picket line to listen to them, to feel their pains and to understand how bill—

The Acting Speaker (Andrew Micklefield): Order, please. We're having some issues with relevance on—in debate on this bill today. I'm going to read an explanatory note for this bill so members are aware of the areas of debate, which would be permissible on this bill: The bill enables the use of video conferencing or similar technology when commissioning an oath or affirmation or when witnessing a will, power of attorney, lands titles document or health-care directive. The following acts are amended: The Manitoba Evidence Act; The Health Care Directives Act; The Homesteads Act; The Powers of Attorney Act; The Real Property Act; and The Wills Act.

I'd also like to quote from rule 41, which states, and I quote: Speeches shall be directed to the question under consideration or to a motion or amendment that the member speaking intends to move, or to a point of order. End quote.

So with all this in mind, I would just caution members and remind them to keep comments relevant to the bill at hand.

The honourable member for Burrows (Mr. Brar) has the floor.

Mr. Brar: So this bill indicates that even after the pandemic—and I hope that we get out of this crisis sooner than later, and I pray and I expect that we fight out this virus as soon as possible with efforts of all the citizens and responsible people and the health-care system. So this bill indicates that once this pandemic is over and people would be able to witness documents virtually, but again the question arises that do we really need to continue that system after the pandemic is over? Do we need to—really, people need to sign the documents remotely and virtually when they can physically go to a lawyer's office, or where they want to sign the documents? So that's another flag that I want to talk about.

Again, when this government planned this bill, they failed to express clearly that who they consulted before they brought forward this bill. Were the proper organizations and legal experts were—consulted so that they could write this bill, prepare this bill in a way that does not discriminate against people who cannot afford to buy proper technology or who are situated at a place where they have problems or they don't have

equal access—they don't have equal access to the technology?

Even when we talk about the diverse people, there could be some language barriers. How this bill would address those language barriers? Does the government have a system in place that assists those people that fail to understand or they're not very good at using the technology. Even if—even if—they have access to technology, they have good speed Internet, would they be able to access this system properly if they are not equipped enough, if they are not expert on using technology and if they have any other social or linguistic barriers?

So it's about putting forward something that is really helpful—not helpful just to the people who are better in some aspects than the others and better—have better skills to use a law or a technology than the others who are not that capable.

* (15:50)

So, and again, it is the government spending some money to strengthen those people or providing technological equipment or setting up a system where those people can access this technology and this law after this bill is passed so that they are not discriminated just because of their capabilities or resources.

And there could be some possibilities of—for example, if we talk about wills. If we are remotely witnessing the wills, there could be a possibility that it increases disputes due to the identification issues, due to the issues of abuse of the technology or due to other technological issues.

Madam Speaker in the Chair

For example, if we experienced a technological issue today, right here with Zoom in this Chamber. So we need to think about all the possibilities. We need to think about how we can fix these issues, which are potential issues. There could be some unexpected misuse that we need to prepare ourselves for, and it's the responsibility of the government to work in a way that minimizes the possibilities of abuse or misuse of technology. And we are entering an era where we would be using technology. Our kids are using technology more than we used to do, more than our grandparents used to do, but there are positives and negatives of every technology and every new option.

So we need to talk about—that's why we debate these bills: to help each other, to bring forward a legislation that works in a better manner to serve these

Manitobans. And all the members—I appreciate my colleagues who spoke before me today and earlier in the week, that they put forward their thoughts about this bill. And, basically, these discussions, these are—these discussions are valuable discussions and these discussions are helping the government to improve the legislations or they're helping the government or the people who bring forward these bills, to make it better.

So this Chamber is a place where we get together to make these legislations, to discuss these legislations and to make or refine them together so that we can make our province, our society, our people better in all aspects in all possible ways.

And, once again, I thank you. I won't take much time to discuss these points that I have in my mind, and once again, I thank you so much for this opportunity to put a few words on record regarding Bill 42.

Thank you, Madam Speaker.

Mr. Wab Kinew (Leader of the Official Opposition): I think I'll—because I might be speaking for a little bit, I'll just keep my mask on out of courtesy for the table officers and the clerks here in the Chamber today, though, I'll do my best to refrain from expelling too many droplets in their direction by moderating the tone of my voice and, of course, maybe not getting too animated here.

So with that in mind—[*interjection*]—the Minister of Health, of course, has his public health advice to share and we always do welcome comments to that effect, as long as they're in the, you know, public good. As long as that's the interest, then of course we're happy to entertain that.

So I did just want to make some comments on this bill. You know, without maybe prejudicing too much of what I'm going to say, it does appear to me that this is mainly a housekeeping bill, if you will, in that it perhaps modernizes some practices for the legal profession, and some of the related evidence- or information-gathering processes that our province's good citizens need to engage in.

And so, on its face, you know, I think that there is, you know, some positives here, of course. Though, with any piece of legislation we have to, you know, balance out the benefits with some potential downsides or even potential risks.

So I just wanted to take an opportunity to relate my own personal experiences to some of these in the hopes that some of what I've seen in my, you know,

career here in the constituencies and across the province might help to inform the understanding of Manitobans who may at some point read the Hansard record of this or, I guess, refer to this debate.

You know, when we're sitting here on a given afternoon, we might not remember that folks are listening, but when we review that Manitoban Law Journal or the Canadian parliamentary journals and magazines, we do see that there are actually people who dive into these Hansard debate recordings, and they do review the recordings that have been transcribed by the Hansard branch. And so, that is, I guess, in the spirit of a contribution to that discourse that I'm making these comments here today.

So I was elected to the Chamber in 2016, it was a very great honour, and I was very happy to be successful in that election. And, in the process of setting up my constituency office, one of the first things that I did is to go, you know, across Broadway and to be able to deliver—to become a commissioner of oaths.

And, you know, it was just a fairly straightforward process and we did that because I was advised by some more experienced MLAs that that would be a useful service to be able to offer to my constituents. And that of course, there would be some folks who may need, you know, to be able to swear an oath, or to have documents, you know, true copies certified, things like that, and—that this would come in handy.

And so, you know, I had folks like, you know, our former colleague from Minto was the name of the constituency at the time, Andrew Swan, you know, other folks in, you know, that era of MLA, the last Legislature, provided me with that advice. You know, the former MLA for Maples and others were advising that that would be a good service to be able to offer constituents.

And so I did. And I think it was helpful, though there was definitely a learning curve that went along with it. For instance, one day, I was sitting in my constituency office and I had two constituents come in and they explained their situation, and they said they needed somebody to be able to verify a set of documents, and we went through all the details.

We—like, I must have sat there for an hour and a half, two hours with them, and we got all the details of the story right, and then come to find out, at the conclusion, after they'd spelled out the entire sequence of events and what they were about to attest to, under their oath, I just asked a simple question: so, where's

this going to be used? And then they said it wasn't actually in Manitoba, they were going to be presenting this in Ontario. I think it was to apply for identification in Ontario, was the situation.

So obviously, I learned, as the clerks already know, that as a commissioner of oaths, you can't sign—you can't attest to something that's going to be used in a jurisdiction outside of Manitoba. And so, that was part of my learning process.

Now, I refer to the bill in front of us here today. Were the opposite true, you know, if somebody wanted to use a document in Manitoba at a distance, perhaps this would have facilitated a process like that. That will be one of the, I think, thing that we'll be looking to see under regulation, perhaps, but you know, what sort of restrictions would be put in place as to where somebody could be making one of these declarations or affirmations or witnessing on.

* (16:00)

So I guess all that to say that, even in the beginning of my legislative career, I did see the value in being able to work with constituents who have needs, including in relation to some of the acts that are being amended here. And it was important for me to see that up close because again in the hustle and bustle of this place on a day-to-day level, often we're confronted with policy issues, financial issues and otherwise but we have to remember that we do have a role in facilitating just that local constituency level work that needs to be done.

I think another learning opportunity that I had in a pretty similar respect came a few years prior, which is—actually dates back before my time in the Legislature and this is a situation in which I could have benefitted from having something similar to this. So I don't think this bill would entirely cover the needs in that case.

I was working in the United States of America at the time—or, actually, I had accepted an offer to work in the United States of America. I did have an opportunity to work there for a couple of years earlier on in my career in broadcasting. That was the field that I was in at the time. And in order to secure my work status, to be able to have the proper immigration status to work in the US, the company that was hiring me retained an immigration lawyer who was based out of Boston. My office that I was going to be working out of was going to be in Washington, DC, and even though this was before the pandemic, there wasn't a

desire to get on a plane and sort out all these legal issues and the legal paperwork, first person.

So we were looking for a solution similar to what's being proposed here, which is, how can we attest and verify documents, legally enforceable, in that way, at a distance? And so we came up with a work around, which is essentially I went to a local law office here in Winnipeg and we had the immigration lawyer on the speakerphone and, you know, there was kind of a three-way conversation going on in which they were trying to explain what was needed and then the local lawyer was trying to make sure that he could successfully vouch and, you know, sign his notary seal and signature—affix his notary seal and signature, I should say, just to be more accurate. And long story short, the thing came undone at the last minute, just kind of the same way the first story did.

It turned out that the immigration lawyer, as well trained and as distinguished as they were, did not quite understand some of the Canadian rules in place and so they had misinterpreted things.

But I guess it's enough to say that based on my professional experience before becoming a legislator, I saw the value perhaps in having an ability to be able to sign things or witness things from a distance, especially when we're in this pandemic right now, where there's probably a lot of people looking for work. There's probably a lot of people maybe exploring new opportunities, maybe business people who already have their own employment created for themselves, by themselves, are looking to enter into new business arrangements but with the travel restrictions that we're all being asked to abide by, that we can't just go rush out and sign that contract. We can't go out and, you know, sign that term sheet. We can't go out and sign that MOU or what have you, as we may have in years past.

And I would add, just for clarity's sake, that those public health restrictions are in place for good reason, you know. We do need to all band together and through collective effort, stop the community spread, hopefully so we can save the school year and hopefully so that we can also save the holidays and maybe have some in-person events during the holidays, but we'll defer to Dr. Roussin on that.

But in this period where we are being asked to abide by those public health restrictions, we know that we can't travel to northern Manitoba, but there are a lot of economic opportunities in northern Manitoba. There's hydroelectric development opportunities; there's mining opportunities.

So how would, for instance, somebody who wanted to engage in a joint venture with a northern First Nation, be able to enter into that business arrangement right now when they can't travel to northern Manitoba to execute the paperwork? How could somebody similarly, you know, go into business with a junior mining company or some other prospector in northern Manitoba, when we're not allowed to travel to the North?

So not that this bill specifically provides a solution to all of those scenarios but just that it starts to move us in that direction. So I do think that, you know, that's an important move that we make. Hopefully, the pandemic is over but it is my understanding that even when the pandemic subsides—as we know eventually we will beat this thing; we are going to outlast the coronavirus—however, I think some of these changes will be useful for us to have in the legal profession and just in business and in health care and in real estate beyond that, even once the pandemic is over.

The other point is that even where we may not be restricted from travelling to a region, like say northern Manitoba, we are all being advised not to travel, and so even though we're maybe not going to get a fine, we are being told, you know, if you can stay off the highway, if you can stay home, don't travel.

So similarly, in any number of these areas, whether it's in providing a health-care directive, whether it is in appointing a power of attorney, whether it is in delegating—or, I should rather say executing, like a real estate transaction, then this piece of legislation would be relevant.

So an example that comes to mind is Roblin. So we were talking a lot to folks in Roblin. We were there because of another issue, which is not the subject at hand. We were there because of the emergency room, and talking to folks. But in those conversations, one of the other things that came up, and one of the reasons why they were so concerned about the emergency room closure was that they had noticed since the start of the pandemic a lot of folks from outside the immediate area around Roblin now looking at real estate in Roblin.

And so this is part of maybe a broader trend where people in the pandemic were starting to think maybe, you know, if we're going to have to spend more time inside, we should look at real estate in which we get more space, in which maybe we have an acreage or, you know, a hobby farm or what have you, maybe more land than that. And so they were seeing I think—

now we're going back towards April-May, that early period of the pandemic—people interested in purchasing real estate in this part of the Parkland and in this part of the province.

Now, if we fast forward to today, you know, again, there was some insecurity there. Is the Roblin ER closure going to impact that, and local, I think, officials were concerned that this was turning some people off. People don't want to move to the region if there's not going to be health care there. But, hopefully, the overall benefits of living in that area, you know, being there close to the, you know, I guess to the parks and to, you know, Asessippi and all those things really is going to lure people to the area.

But then if that is somebody from say, Brandon, somebody from Winnipeg, how are they supposed to conclude that real estate transaction right now if they're being encouraged to stay home? Maybe Dr. Roussin would, you know, say like, yes, if you're going to move then, okay, fair enough, you can go do that in person. But I think that this—or some of the powers under this bill could potentially alleviate the concerns both on public health and also on the business side of people who want to conclude that real estate transaction.

And so, just to sum up there, if people were able to, you know, sign on land titles documents from a distance, as an example, then somebody who is looking to move from one area of the province might be able to put all their ducks into a row, still abide by the public health advice, and then only have to move and to go out in public and leave their home at such a time where they actually were going to do the actual moving. So I could see how there's an argument here where allowing Bill 42 to receive royal assent actually, you know, maybe helps us on the public health orders and public health advice and just being able to abide by those things.

Now, unfortunately, we know that there's also a lot of issues that have been directly caused by COVID that could be affected here. We know that wills are contemplated in the legislation. The witnessing of a will is one of the provisions. We also know that, you know, health-care directives are contemplated here, as are powers of attorney.

So for me it's, I guess it's a sombre topic, you know, talking about the end-of-life decisions that people are making. In other cases, we're talking about estate planning. And in every instance, whenever we contemplate our own mortality, be that premature or naturally occurring, you know, we want to show the

necessary respect and deference for the importance of that topic.

But I do know that having had the opportunity—opportunity's not the right word. Having had the responsibility of being one of the co-executors for my late father's estate, that that is an important journey, you know. It's not something that I think anyone's going to enjoy, though perhaps if you are maybe on the more fortunate side and you do have a good relationship with everyone else who's involved in the process, you can just use that as an opportunity to bring about closure.

*(16:10)

And so, in this instance, where we've heard so many, I think, heartbreaking stories about people who have had to say goodbye over FaceTime or Zoom. And we've seen, you know, so many instances where some other patients haven't even been able to say goodbye because perhaps they were, you know, induced into a coma prior to loved ones being able to call them, things like that. I do think that just making that whole process a little bit easier here and just—you know—maybe not requiring the relative who's self-isolating from having to break the self-isolation to be able to participate in some of these legal processes might make things a little bit easier.

If you've got one of the relatives in northern Manitoba and, let's say, the travel restriction eventually becomes a bilateral restriction where people not only can't travel to the North but maybe aren't supposed to leave the North either, then I can see that this could potentially help a family who's got, you know, the one relative in Steinbach, the other relative in Thompson and then some other relatives in Winnipeg to be able to just go through those serious but necessary conversations together. And so I think that those are important pieces of, I guess, progress here.

So, so far, I think for the most part I've been talking about perceived benefits, and you know, I guess how this bill could be a net positive to the legal community, to Manitobans generally, to citizens of our province and also to, if I—yesterday we're talking about my experience with an immigration lawyer—potentially even prospective citizens in the future as well.

I do want to highlight maybe a few other aspects. I don't know that I'm going to go so far as to call them downsides, but just maybe that there are some concerns or some lingering questions that have been

posed by the legislation here. And I'm relaying these to the House, for the record, second-hand. I do think that the—you know, it seems like the consensus in the legal community is that folks want to move in this direction, they want to have the flexibility to be able to attest to, you know, execute things at a distance remotely using video conferencing, other technology platforms like that.

However, I have heard maybe the—we can call it the dissenting voice—from certain folks as well, where there are concerns about maybe fraud or misrepresentation or even people making attestations under duress.

Now certainly, I'm an optimist and I would hope that these situations don't come to pass, but I do think that they are things that we should be considering in the fact that we are seriously debating this bill. And the reason why I raise these is because, unfortunately, when we do get to issues of money, when we do get to issues of real estate, that can motivate some of those more negative behaviours to start to come out from people who even may otherwise be good.

And so I do think that we have to be aware that there is potentially some issues that are going to be occurring on the horizon, and perhaps we would just encourage the government to contemplate, under their regulatory power, perhaps how do we plan for those eventualities? How do we ensure that, you know, somebody appearing on a video link is not actually being influenced unjustly or being coerced in some way into making that attestation.

Of course, if we're in person, you know, there's always some sort of risk, but I think in person we feel as though those risks are mitigated somewhat because we can look someone in the eye and judge their body language a little bit more fully and be able to say okay it seems as though this person is giving their free informed consent, whereas perhaps with a video link—I'm not saying this is going to happen, but there is a possibility, there's a question: what's happening off-screen, is there somebody else there in the room? You know, questions like that.

So we need to be able to just ensure that there are all the necessary protections under the law that, when somebody does appear by video, or somebody does appear by a similar remote platform, that when we legally execute a document that we are going to take as expressing their informed consent, that we have exhausted every opportunity to ensure that we actually have their informed consent.

And I hope that makes sense, what I'm trying to articulate there because, again, these are really really serious measures we're talking about. We're talking about end-of-life decisions, we're talking potentially about land being transferred between different individuals, we're talking about wills being executed which could include all of the above that I've already spoken about. And in some cases, while maybe not irreversible, if these changes happen, it would be very, very difficult if they were to happen unjustly—it would be very very difficult to undo.

And so I just want to put that note of caution—I think is perhaps the best way to say it, onto the record, and to ensure that that is something that we're aware of.

Again, I think, on balance, the benefits of this bill, I think, speak to the reasons for us to pass it. But as we do so, as with any change, I do think we also have to be cognizant of the fact that we need to also just ensure that we're doing everything to make sure that Manitobans are in fact protected under the law, and that we do in fact have their consent. We want a consent culture, after all.

And so, if we do a quick environmental scan of what has been undertaken in this respect in other jurisdictions, we do know that other provinces have begun to move in this direction: British Columbia, and I think we're all, you know, fans of BC, on this side of the House, and the BC government. They've moved in this direction. Saskatchewan recently had an election. Maybe on this side of the House we weren't as thrilled with the outcome of that election as our colleagues on the other side, but Saskatchewan has also moved in this direction.

And being, as it were, that you would have a Conservative-leading government and a progressive government, an NDP government, in those two different jurisdictions, I think speaks to the fact that this is essentially a non-partisan issue, right. Governments of different political affiliations, different political stripes, have agreed to support this kind of measure. And, as a result, it does seem that this isn't so much ideological as it is just a necessary evolution of the legal standards. And so that is, you know, just as an aside.

To editorialize, that does make this kind of the rare bill. Often the bills that come before us here are those ideological bills where one side is adamantly in favour, the other side is adamantly opposed, and then we argue and then try and, you know, win a consensus

through that process. But in this case, I think the consensus is there in the offing, essentially.

So, when I think about folks in Fort Rouge and just bring it back to my own constituency, which is where I started this discourse, I do think that this is something that could benefit folks in our community.

Now, over the years in getting to know my constituents better, I do know that there's many people from many walks of life in our community, and I'm very proud to represent such a diverse constituency—diverse in every sense of the word. Both in terms of the cultural diversity in Fort Rouge, in terms of the age diversity—you know, we've got university students, we have seniors, retirees, everyone in between—but also diversity in terms of the lived experience. We have really wealthy people. We have some of the biggest—well, until the redistribution, I had some of the biggest mansions in our city in—on one side, and then I had people living under the bridge on the other side, and everyone in between.

And so it really is a high honour to have, you know, the ability to represent all those folks in the Legislature. But I do see how a few of these provisions in this bill will, I think, benefit folks in our community.

So, one example, for instance, is there is a couple—actually, my constituency office used to be on the main floor of an apartment building. We moved recently so that we're on South Osborne now, closer to the Fort Rouge Leisure Centre, but previously, when we were on the main floor of that apartment building; there was a couple, retired, who lived in that same apartment building.

So they'd often drop by—just, you know, coffee and, you know, visit and catch up and things like that. But I also know that, you know, as much as they're that urban retiree kind of profile, demographically, living in Osborne Village and, you know, enjoying, I guess, their retirement years together, they were also rural property owners. And they had property in southwestern Manitoba.

And the reason it came up is because, like, one day, they came down and all of a sudden out of the blue they wanted to talk about night hunting. And I was like, oh, okay, that's interesting for an Osborne Village couple to raise with me proactively. But there it is. So we talked about that.

But anyways, to relate it back to Bill 42 here, you know, this is a couple that, in addition to owning, you know, some real estate in the city potentially, they also

own rural property. And what if they were to want to dispose of that property, right?

We're in the pandemic right now. One of the unexpected, unforeseen parts of the pandemic is apparently the real estate market is just, you know, hitting record highs in a lot of respects.

So this retired couple may want to have additional liquidity. They may want to dispose of the rural property that they own, just sort of cash out at this point and use that money to live it up, you know, ordering more movies off of, you know, video-on-demand I guess would be the—one of the few things you could spend money on at this point. But maybe they want to do that.

*(16:20)

So, in order for them to be able to do that right now without violating that public health advice, they could, if this bill were to receive royal assent soon, they could be able to execute those real estate transactions at a distance, potentially from the comfort of their own home, maybe from within the confines of a law office here in Winnipeg—socially distanced the whole way, I would add. And so I can see how that is an important benefit for the people that I represent here in the community.

At the same time, one of the things that I really saw—and, you know, it's a memory that comes up quite a bit now that we're talking about seniors care and long-term care and transitional, you know, that sort of hybrid in between personal-care homes and other facilities in the community.

You know, I did have the experience in knocking on doors, either through elections or just doing my normal constituency work, of meeting some folks who are close to the end of life. And it's my belief that that's a very sacred moment in somebody's journey, and it's a very sacred moment for the family around that. And you know, I know that there are people in my constituency who are going through that right now. And I suspect that it's made all the more difficult by the lack of in-person and face-to-face visits and the fact that people do have to, at this point, not socialize outside of our bubble.

And so, as those seniors in my constituency who are approaching the end of life, then, you know, I think that if they're wanting to put their final affairs in order, and if maybe they want to make other provisions, or even if it's the health-care decisions that they want respected in terms of their final time here on Earth, then this bill potentially could allow them to

make those changes much more easily and perhaps without the duress of having to move, because in some instances it is quite an undertaking to have somebody in that final period of life to be, you know, brought to a lawyer's office, essentially. And so I think this could potentially benefit people like that.

And then, I guess maybe on a lighter note, I also know that there's some Winnipeg Jets who live in my constituency as well, too. All of a sudden the Clerk just perked up. We know that she's a tremendous sports fan there as well, and she's probably going to send me a note that says, where, send me the address. And she'll be able to wave her Winnipeg Jets pennant outside.

But, you know, even somebody like that, or a successful business person—lot of successful business people live in my constituency, as well—you know, they want to sign that deal, they want to buy the new condo, the new place, you know, they'll be able to execute this in a socially distanced and respectful manner.

So, I think I've made my thoughts clear for the most part on this bill. I have seen first hand the importance of—and really the necessity, sometimes—of being able to execute things at a distance. I also know that, based on my experience serving my constituents, that this is an issue that many of them would probably like to see happen.

And in closing, I just, you know, think about the future and, you know, how different the business world is going to be when you have entrepreneurs who never seal a deal with a handshake, maybe never even meet face to face. Maybe it's all virtual, you know, after bills like this become the standard practice. Maybe that opens up prosperity; maybe we have more economic opportunity; maybe we have more business opportunity; maybe we have more jobs as a result.

But I would hope that in the process we don't ignore the important responsibilities of still safeguarding Manitobans and ensuring that we do actually obtain their informed consent when we need it. And, of course, more importantly, when it does come to some of those more personal conversations, I do hope that we never sacrifice conversations at a distance for the important nurturing and soul-fulfilling service that actually being in—able to engage with people directly does serve—does occupy in our lives.

So there you go. I'm willing to support the bill, because I do think it's a housekeeping measure. I think that this is something that the legal community is in

support of and wants to see more of, though, however, there are some notes of caution that I think have been raised by some people along the way.

And along the way, if we could maybe, you know, in an all-partisan way, also say, and 'herefore' and henceforth and forevermore, please, no families fight over somebody's will ever again and no families ever fight over the family farm or the country house or fight over the cottage that the previous generation owned, ever again. And if we could pass that, then maybe we'd be able to, you know, address some of those concerns.

In the absence of such a utopian outcome, though, I do want to encourage the government to take seriously the responsibilities that they would have to just ensure that the implementation that follows the eventual passage of this bill does get handled with the utmost respect and the utmost diligence.

So with those words on the record, I just want to thank you for the opportunity to speak.

Madam Speaker: Is the House ready for the question?

Some Honourable Members: Question.

Madam Speaker: The question before the House is second reading of Bill 42, The Remote Witnessing and Commissioning Act (Various Acts Amended).

Is it the pleasure of the House to adopt the motion? [*Agreed*]

SECOND READINGS

Bill 8—The Pension Benefits Amendment Act

Madam Speaker: As indicated earlier, the House will now consider second reading of Bill 8, The Pension Benefits Amendment Act.

Hon. Scott Fielding (Minister of Finance): I move, seconded by the Minister of Education (Mr. Goertzen), that Bill 8, The Pension Benefits Amendment Act, be now read a second time and referred to the Committee of the Whole of this House—sorry, committee of this House.

Whole House, whole enchilada.

Madam Speaker: It has been moved by the honourable Minister of Finance, seconded by the honourable Minister of Education, that Bill 8, The Pension Benefits Amendment Act, be now read a second time and be referred to a committee of this House.

Mr. Fielding: I'm extremely excited to produce this bill. I'm pleased to present Bill 8, The Pension Benefits Amendment Act, which was originally introduced in the Manitoba Legislature on November 27th, 2019. It's been reintroduced on October 14th, 2020.

We are pleased to proceed with the recommendations made by the Pension Commission with the goal of increasing pension participation by employers and strengthening pension plans and the pension regulatory system, Madam Speaker.

As discussed, when Bill 8 was first introduced, the department was proposing changes that will modernize the rules and reduce red tape without compromising the security of pensions, Madam Speaker. These amendments permit changes to the locked-in rules, solvency deficiency, funding rules, division of assets on relationship breakdown and smaller modernization measures that will reduce administration inefficiencies.

Changes to the division of assets on relationship breakdown would be determined under The Family Property Act rather than The Pension Benefits Act and subject to the spouse or common-law partner not receiving more than 50 per cent of the pension earned during the period of the relationship.

Right now the division of assets is a 50-50 parameter and is not divided up at all. The proposed changes would allow greater flexibility, Madam Speaker, in dividing pension assets based on their individual circumstances and transfers responsibility of the division of assets to the courts, which is more appropriate. The provisions would only apply to separations that occur after the legislation comes into effect.

We received many requests from Manitobans who are experiencing financial hardships due to either COVID-19 or some other personal misfortune and they would like to unlock their pension funds. The criteria for unlocking funds due to financial hardship would be: eviction for rent arrears; foreclosure; medical, dental expenses not covered by an insurance or government programs—an example may be renovations to a principal residence for medical reasons. Provinces like Alberta, British Columbia, federal government, Nova Scotia, Ontario permit financial hardship unlocking, Madam Speaker.

The proposed changes to unlocking funds will also allow a person who transfers their pension benefit credit to the locked-in retirement account or life-

income funds to unlock the whole amount after reaching age 65, unlocking all or part of the amount at prescribed grounds of hardship of any age and making a one-time 50 per cent transfer to prescribed registered retirement income funds after age 55.

It is simply the withdrawal process by allowing the one-time transfer by—based on the value at the date of transfer rather than the date of application was completed. The measure would reduce the administrative burden for these individuals.

* (16:30)

Reducing solvency funding is seen as a priority since it is placing a significant burden on plan sponsors, especially during COVID-19 pandemic and the volatility of the markets.

We are proposing that the solvency rules be replaced with enhanced growing—going-concern funding that will provide relief to plan sponsors in dealing with reduced revenues, budget challenges and staffing. Solvency fundings have negatively impacted the continued viability and sustainability of defined benefit plans, and this will fix this, Madam Speaker.

We are also proposing that solvency reserve accounts are permitted as a separate account within a plan fund to hold solvency deficient payments that can be used to fund shortfalls or withdraw by the employer subject to the prescribed conditions if surpluses exceeded the prescribed amounts.

Similar modernization changes, including allowing a pension plan to permit a member that continues to be employed after reaching the normal retirement age to stop contributing to the plan and accruing benefits, allowing specific multi-employer plans that would be consistent with other jurisdictions, allowing rules to address vacancy on a pension committee involving an inactive plan member to remain in compliance with legislation, as well as clarifying when auxiliary benefits are vested and must be included in the calculation of commuted values.

Other changes include clarifications that have—small pension commuted rules apply to a division of assets; allow separate spouses of common-law partners to be named as a beneficiary for the purpose of survivor benefits; clarifies the need for—to prove entitlement of the benefit; removes an outdated reference to deferred profit-sharing plans, because these plan types are no longer registered under the act; and expands requirement to provide notice for late payments to the superintendent of pensions.

Manitoba's committed to safeguarding Manitoba's retirement funds, Madam Speaker. When Bill 8 was—when Bill 8 is passed it will ensure a strong framework for pensions in Manitoba and a secure and stable retirement income for Manitobans. It will provide individuals with greater flexibility in managing their retirement funds and prevent some employees from facing severe financial hardships due to the inability to access their funds. This will help these employees during COVID-19. It will take—it'll keep helping these Manitobans when the current pandemic is a threat no more to Manitobans.

So thank you, Madam Speaker.

Questions

Madam Speaker: A question period of up to 15 minutes will be held. Questions may be addressed to the minister by any member in the following sequence: first question by the official opposition critic or designate; subsequent questions asked by critics or designates from other recognized opposition parties; subsequent questions asked by each independent member; remaining questions asked by any opposition members; and no question or answer shall exceed 45 seconds.

Mr. Tom Lindsey (Flin Flon): Glad that I'm able to ask the minister some questions about this bill that, you know, there may be some good things, there's some things that are questionable.

Can the minister explain why he feels it's important that the provisions for loosening pension obligations are necessary?

Hon. Scott Fielding (Minister of Finance): Madam Speaker, these recommendations are based off the Pension Commission, made up of individual Manitobans—experts in the pension field. The same changes that we're suggesting here and are recommending are, in fact, are—in the bill, are exactly the same in terms of the provisions that other provinces like Ontario and Quebec have made changes for.

We truly think it provides more stability in terms of the pensions, and we know with the volatility of the markets and interest rates it has a dramatic impact on pension funds. So it provides a—better sustainable pension funds and, quite frankly, allows defined benefits to maintain, as opposed to businesses moving to a defined contribution method.

Mr. Lindsey: So can the minister explain to us how allowing a pension fund to now only be 85 per cent

funded, can he explain what impact this may have on workers and their pensions at the time that a corporation or a company is going into bankruptcy protection?

Mr. Fielding: I do value the question, and I want to give you a real-world experience here in Manitoba. Just in the last two days I got approached by a major corporation here in Manitoba, in rural Manitoba, a resource-based company that employs close to 300, 400 employees. They've seen the revenues for their business drop by over \$36 million. They have revenues—they bring in about \$190 million, and because of the issues with, No. 1, the volatility of markets—markets have come back a little bit, but specifically what has an impact on pension funds is the interest costs. And so because the interest rates are so low and anticipated to stay at that awhile, there's obligations that this company has had to pay in upwards of \$700,000, which would make them look at other changes in terms of layoffs and everything else, which could have impact on employees.

Mr. Dougald Lamont (St. Boniface): My question is just I know that I was part of the briefings with the minister about the summit, prior—I believe this was prior to the pandemic, and since that time, we've seen incredible gyrations in the stock market.

I'm just wondering whether there'd been any consideration about going back to check and see whether the incredible instability in the stock market could negatively affect this bill.

Mr. Fielding: No, I value that question, and, absolutely, it has an interest. What is—there's really two things that would have a major impact on pension funds: No. 1, the volatility of the markets. Now, the markets, for the most part, have come back to a certain extent; in fact, the Dow, I think, is at its highest level ever. But the real issue is in terms of low interest rates, and the low interest rates, which the Bank of Canada predicts will be around the same levels—won't see any increase for about three years—has a major impact on pension funds.

So, absolutely, the change from COVID has a dramatic impact on pension funds, and what we're hearing from the head of the pension fund reserve is specifically related to the solvency piece. That's what businesses need, and I can go through another example over the last two days where people have come to our office to ask for some sort of relief.

Mr. Lindsey: So, we've heard the minister talk about, you know, some of these corporations need relief from their pension obligations, which, yes, okay.

But what specifically now will be there to protect workers when they go to retire, when they've, over the years, given up possible wage increases and different things, looking at increases in their defined benefit pension plan, and knowing that that was going to be there, that was going to carry them through their retirement, that now, with the minister lessening those obligations, that may not be there anymore?

Can the minister kind of talk about what this impact will have on workers who are about to retire?

Mr. Fielding: Well, there is rules that corporations need to abide by. First of all, employers are required to file an annual report that really sets out the contributions made to the pension fund in the previous year. The office of superintendent of Pension Commission is responsible for enforcing The Pension Benefits Act. They ensure that employers and unions who sponsor the plan understand the following act and they monitor all existing plans.

So there is regulatory pieces that are in place. But, again, it really boils down to businesses. If they don't have some flexibility, what could happen is they could move from a defined benefit plan to a defined contribution plan—which I, you know, I think the member would agree, is not preferable for employees—or making business make tough decisions in terms of their future financial viability.

Madam Speaker: The honourable member for St. Boniface.

The member needs to unmute his mic.

Mr. Lamont: My apologies, Madam Speaker.

This is a—the other question about this is just simply the risk that is posed to anybody who's—has a pension that they're unlocking. I know—I was just on the Manitoba Securities website, which is—says that, you know, a third of people don't recognize investment fraud. We are extremely concerned that people who are unscrupulous who might encourage people who might possibly should keep their investment in—locked in, might choose to.

So I'm just wondering if there any protections for consumers and for pension holders envisioned or strengthening or bringing in the Manitoba Securities Commission to educate people.

* (16:40)

Mr. Fielding: Thank you for the question. And, yes, we've actually worked with the Manitoba Federation of Labour; we had a discussion with them ensuring that people are educated of this.

We are of the belief that there's really three options to unlock your pension in some respects: No. 1, for things like medical reasons. Let's say your child needs to go to the United States to, you know, to, for some medical reasons or your rent is in rears, you can unlock a portion of your pension to pay for that.

Right now, you can also unlock up to 50 per cent of your pension when you're age 55 or greater, and now this would be up to 100 per cent of your pension once you're 65. You have a choice at that point: either you can move it to, you know, a taxable benefit, you can move it to a kind of a retirement savings plan at that point, or you could cash it in and pay above the taxable means.

But it is important to educate people on that respect.

Mr. Lindsey: I understand there may be some issue with my headset causing some kind of problem, but I will persevere.

So, does the minister recognize that some of these changes that he's proposing will have potentially some pretty bad impacts on women in particular, people who've decided that they're going to retire and withdraw all their money from their pension fund? Something happens to it, the spouse is generally a woman who maybe hasn't worked or not worked full-time, any number of things like that, that now all of a sudden they may be left without the guarantee of an actual pension.

So, does the minister understand that concept?

Mr. Fielding: Well, I do, and our province was a bit of a holdout. So right now, if there's—let's say there's a breakdown of marriage of a common-law or spouse in that respect, before, really, you would be able to either transfer half of your pension or nothing at all.

What this changes: makes it falls in line with other provinces that allow for a portion up to that; it can't be a transfer of more than 50 per cent of your pension funds. So it provides more flexibility for marital breakdown, and, quite frankly, we're the only province—I believe we're the only province that had that parameter, where you had to either take 50 per cent or none of it. So it allows for more of a

equitable and more flexibility for couples if there is a marital breakdown that happens.

Mr. Lindsey: I listened to what the minister's saying, but I think he's not really grasping the concept that there may be widows that are left with nothing. Right now, someone who has a defined benefit pension plan, that the fund is locked in, they know when they retire they get X number of dollars. They know that if they die, their spouse gets X number of dollars.

But if people are just allowed to withdraw that money and do whatever with it, that widow, then, may not actually have a pension to live on if something happens to her spouse, if their investments go bad, if they spend the money on things that perhaps they shouldn't—

Madam Speaker: The member's time has expired.

Mr. Fielding: So, with this, actually, if you look at the Saskatchewan model, for instance, where you can unlock your whole amount of pension, I believe, at 55 years of age, ours provides three opportunities that, once again, if there's some sort of medical issue, can unlock a portion of that.

We get lots of calls from our office in respect to that; people want access to that. The second, again, you can up to 50 per cent of your pension when you're 55 years of age, and the third is unlocking. It doesn't force you to do that; you can either put it in some sort of retirement savings plan, you can take the amount and it's a taxable thing that will be there, or you can keep it in some sort of a pension plan or transfer to others.

So there is flexibility. It is people's money and they have a choice.

Mr. Lindsey: Does the minister—in his opening remarks he talked about hardships that people are going through, particularly at the present time. Does the minister recognize that a lot of the things that his government has done or not done, as the case may be, have really put a lot of people in precarious positions that are going to force them, once this bill passes, to withdraw money from their pension fund, leaving them with insufficient pension when they get to that pension age?

So, can the minister try and square that circle, if you will, that perhaps maybe if they were to do more to help people now, people wouldn't be in such precarious situations?

Mr. Fielding: Well, sometimes this House, we get in these back-and-forths and partisan things, and I'm

guilty of that as—like everyone else. Yesterday was probably one of those areas where probably—I probably could have done better and other members could have done better as well. I thought to myself, today, I'm going to take a more non-partisan approach with this.

You know, okay. With us, with our government, we provided over \$700 million of tax relief for Manitobans, things like reducing the PST, things like the basic personal exemption, a whole laundry list of items that we've provided some tax relief to Manitobans. We're proud of the fact that things like 'ammiance' fees have gone down, a whole litany of things in terms of supports for individuals. We truly think if we put more money in people's pockets that's going to benefit them, make life more affordable.

Mr. Lindsey: Certainly, I don't mean to come across as being overly partisan, but things that are happening to working people or people that used to be working people, are somewhat important right now.

So, the minister—we don't see a clear definition of what the hardship may be, so, would the minister, should he put that in the act, as opposed to a regulation that really doesn't come under the scrutiny of this House that would be a better place to put it in the act? And will the minister ensure that if it isn't, that those criteria are sufficiently stringent, that we don't have people just cashing in their pension to potentially buy a house that they couldn't afford in the first place, that they'll end up losing their house and their pension and have—

Madam Speaker: The member's time has expired.

Mr. Fielding: Yes. The locked-in provision is something that I get a lot to our office, and I know the former minister of Finance, probably other members hear that as well, if they're getting some calls on finance.

What we did with this is we modelled what other levels of government are doing—federal government and a whole number of other jurisdictions—that allow you to tap into some of your unlocked provisions.

So, the same provisions that are in place are medical, dental. Let's say your rent is in arrears, you have to provide receipts for these types of items, so you can't just maybe use that money and, you know, go somewhere else and spend it on something that isn't related to it. It needs to be provided on receipts, and it's very similar—in fact it is similar—to the federal government's parameters of locked-in as well as, in fact, almost all other provinces.

Mr. Lindsey: Does the minister understand that allowing people to withdraw 100 per cent of their pension funds at the time they're—I believe it's 65—will in fact weaken the whole plan, leaving less available for everyone else to carry the plan forward?

And does he understand that allowing people who continue to work past 65 to not contribute to the plan may, in fact, have a negative impact on the plan if, now that times are tight, more people will choose to work longer, meaning then there will be less people contributing to the plan?

Mr. Fielding: No, I'm of the belief that really it's individuals' money. They can choose of how to spend it. Doesn't necessarily mean some people will spend their money wisely. Some people won't. It's really up to them. That's their choice. They're adults, and so we're providing some choice.

It—what is changed about this is be able—being able to unlock up to 100 per cent doesn't force them to do it; they can still stay in the pension fund. They can move to some other retirement savings account if they want to, you know, invest in the markets, in some stocks and that sort of stuff, that allows them to do it, some freedom for their money. So we think that's important.

It also allows someone that has worked to age 65, if they don't want to contribute to the pension fund anymore, that allows them some freedom to do as such. So, we truly believe it is their money and they have appropriate ways to make some important decisions.

Madam Speaker: The time for this question period has ended.

Debate

Madam Speaker: The floor is open for debate.

Mr. Tom Lindsey (Flin Flon): I do have some concerns, some of which I've tried to flesh out in the question period with the minister, some of which I still have great concerns with, with the ramifications of this bill.

* (16:50)

The minister talks about, well, it's their money and they should have a choice in how they spend it. I guess that's a good theory if we were all highly trained pension specialists, but many of us are not, and certainly I have had people call my constituency office that got laid off as the result of actions of this government. They took an early layoff, took a buyout

because they could see the dollars and cents that they would get when they withdrew the money from their pension. Now, they were only allowed to withdraw 50 per cent of the funds, which they did and turned around and bought things thinking that they were making the right decisions, but then all of a sudden, one day they realized they couldn't make their mortgage payments, they couldn't make the car payments, didn't know where their groceries were going to come from because the amount left in their pension was now not sufficient to sustain their lifestyle, so they were having to make some pretty serious decisions.

Now, I know, for example when I retired from the private corporation that I worked for for 40 years, I knew that the best thing possible for me and for everybody else in the plan was to leave my money in that plan, because I'm not a financial adviser.

And quite frankly, sometimes I wonder about the advice that financial advisers give to people, because, again, I saw any number of people that I worked with over the years that took the money out of their plan—now we were under federal jurisdiction at that time so the rules were somewhat different, but you could take the money out—and within a couple of years, they were driving the sewage truck, working for Walmart, doing whatever they could find because all the big numbers that their investment advisers had told them that they could make on returns, as soon as the market took a downturn, they lost their pension. They didn't have anything. So they landed up having to go to work at whatever jobs they could find at that age to try and make ends meet.

So that's part of the concern with this bill, is that people that have worked hard their whole life should be able to retire with the dignity of knowing that that pension is there; they know up front what they're going to get, and then they can budget accordingly.

If they're taking the money out and depending on the stock market being their saviour, it's been my experience that unless you got a really big pile of money and you can afford to lose a lot, playing the stock market is not in your best interest, which is what we've seen with so many working people that have basically lost their life-savings, their pension that they were planning on.

So some of the things that I still have questions on, I guess, on this bill, is I understand that dissolution of a marriage, that there are certain rules that will apply, but part of what's in the bill talks about if you get to split the pension if you're cohabitating at the

time that you take the pension. So if something happens, then your wife is protected. But if you've previously been separated, that same protection—seems to me—is not there.

Now, I'm still trying to confirm that with some people that are a whole lot smarter in pension stuff than I am, but if, for example, you have to have informed consent—which if you're cohabitating with someone at the time, either through a spousal arrangement or common-law arrangement, there has to be what's called informed consent—so people have to understand the spouse, significant other has to sign off that, yes, I agree with the person taking the money out of the pension fund and investing it.

But now if there's an ex-spouse, ex-common-law partner out there who at some point in time realizes their financial circumstance has changed and they need to go to the courts to seek a change in a divorce settlement, or perhaps maybe they've never gotten that far to get the divorce settlement, but all of a sudden the person with the pension has taken the money out and done something else with it, so now that ex-spouse is left holding the bag too.

So I'm still trying to get my head wrapped around how that should work or shouldn't work and I hopefully will get an answer that satisfies that but I suspect it may not.

The other thing that comes into play with this particular piece of legislation is the whole point of defined benefit pension plans is the group investment, that the money that's held in trust for those retirees is a larger sum of money that's better able to generate return on investment. It's cheaper to manage that investment, rather than every individual managing an investment, and it provides that kind of guaranteed certainty when someone is ready to retire.

Now certainly I wish that over the years, we'd have negotiated bigger pension benefits. That would have been a better security feature for me, but it was there, and by allowing people to take their money out—and certainly we've had this debate with other pieces of legislation, it wasn't about—at that time—stopping people. It was making sure that people understood the ramifications of what they're doing and that—that's part of the problem, right, is how do you make sure that someone who is not a pension expert really understands the ramifications of what they may do.

And the other thing is really important is that, if the government really wanted to do something for working people in this province, they would make the

retirees, the pensioners, the people that are expecting a pension at the top of the list when it comes to bankruptcy, rather than leaving them at the bottom of the list.

And now, by loosening or lessening the solvency requirements of pensions, it really puts more working people in jeopardy as corporations sometimes use bankruptcy as a means to restructure, which now leaves the worker's pension not protected anymore.

So, companies find clever ways to declare bankruptcy and keep on running, just—it's used to really get out of their pension obligations. And I guess a lot of that probably stems back to, I guess, somewhere in the '80s, when Conrad Black came up with the master plan to steal pensions from working people that—back in those days, pension plans generated huge profits which should have gone back into protecting the plan, enhancing benefits for workers, but Conrad Black decided that he should just get to take those profits out of the pension plans and keep them for his corporation or himself.

So, of course, every other company tried to do the same thing, and then legislation came in that, well, you could only do it with the workers' agreement, you—when, in fact, that money, if it would have stayed in those pension plans—I know my pension plan back

in those days generated millions and millions of dollars profits every year—that could have been there to protect that pension plan and to make sure the workers were protected.

So the outcome of that whole fiasco with Conrad Black was that corporations figured out, well, if we can't have the profits, we'll just quit putting money in. So the plans were starved for cash until they got so bad that a government had to step in and mandate that they had to now put money in and properly fund them, which still came up far short and took years to get even up to 85 per cent funding.

So that—there's a bunch of things that the government could have done in this case to introduce legislation that protected not just employers but protected workers, as well. And really, a well-run defined benefit pension plan is good for employers as it is good for workers because everybody knows exactly what they have to do. Everybody knows what they can expect.

Madam Speaker: Order, please.

When this matter is again before the House, the honourable member will have 19 minutes remaining.

The hour being 5 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow.

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, November 18, 2020

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<http://www.manitoba.ca/legislature/hansard/hansard.html>