



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 19

FOURTH SESSION, FORTY-FIRST LEGISLATURE

PRAYER

1:30 O'CLOCK P.M.

On motion of Hon. Mr. FRIESEN, Bill (No. 10) – The Regional Health Authorities Amendment Act (Health System Governance and Accountability)/Loi modifiant la Loi sur les offices régionaux de la santé (gouvernance et obligation redevable au sein du système de santé), was read a First Time and had its purposes outlined.

Mrs. GUILLEMARD, Chairperson of the Standing Committee on Legislative Affairs, presented its Second Report, which was read as follows:

Meetings:

Your Committee met on the following occasions in the Legislative Building:

- January 19, 2018 (3rd Session – 41st Legislature)
- January 16, 2019 (4th Session – 41st Legislature)

Matters under Consideration

- Annual Report of the Children's Advocate for the fiscal year ending March 31, 2017
- Annual Report of the Manitoba Advocate for Children and Youth for the fiscal year ending March 31, 2018

Committee Membership

Committee membership for the January 19, 2018 meeting:

- Mr. ALLUM
- Hon. Mrs. COX
- Hon. Mr. FIELDING
- Mrs. GUILLEMARD (*Chairperson*)
- Mr. LAGASSÉ
- Ms. MARCELINO (Logan)
- Mr. MICKLEFIELD
- Ms. MORLEY-LECOMTE
- Mr. NESBITT (*Vice-Chairperson*)
- Mrs. SMITH (Point Douglas)

Committee membership for the January 16, 2019 meeting:

- Mr. ALLUM
- Hon. Mrs. COX
- Mrs. GUILLEMARD (*Chairperson*)
- Mr. JOHNSTON (St. James)
- Mr. LAMONT
- Mr. MICKLEFIELD
- Ms. MORLEY-LECOMTE
- Mr. REYES
- Hon. Mrs. STEFANSON
- Mr. SWAN
- Mr. WIEBE

Your Committee elected Mr. MICKLEFIELD as the Vice-Chairperson at the January 16, 2019 meeting.

Official Speaking on Record at the January 19, 2018 meeting:

- Daphne Penrose, Children's Advocate

Official speaking on the record at the January 16, 2019 meeting:

- Daphne Penrose, Advocate for Children and Youth

Reports Considered and Passed

Your Committee considered and passed the following report as presented:

- Annual Report of the Children's Advocate for the fiscal year ending March 31, 2017

Report Considered but not Passed

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

- Annual Report of the Manitoba Advocate for Children and Youth for the fiscal year ending March 31, 2018

On motion of Mrs. GUILLEMARD, the Report of the Committee was received.

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

Your Standing Committee on Legislative Affairs presents the following as its Third Report.

Meetings:

Your Committee met on January 17, 2019 at 1:00 p.m. in Room 255 of the Legislative Building.

Matters under Consideration:

- Report and Recommendations of the Judicial Compensation Committee dated May 23, 2018

Committee Membership:

- Mr. ALLUM
- Hon. Mr. CULLEN
- Mr. CURRY
- Hon. Mr. FIELDING
- Mrs. GUILLEMARD (*Chairperson*)
- Mr. MARCELINO
- Mr. NESBITT
- Ms. LAMOUREUX
- Mr. REYES
- Mr. WIEBE
- Mr. YAKIMOSKI

Your Committee elected Mr. NESBITT as the Vice-Chairperson

Public Presentation at the January 17, 2019 meeting:

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

Susan Dawes

Provincial Judges Association of Manitoba

Motions:

Your Committee agreed to the following motions at the January 17, 2019 meeting:

- *THAT the Standing Committee on Legislative Affairs:*

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

SCHEDULE A

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

1. That the annual salaries for puisne judges are:
 - (i) April 1, 2017 to March 31, 2018 is \$259,000;
 - (ii) April 1, 2018 to March 31, 2019 – a cumulative adjustment equal to the annual percentage change in the average weekly earnings for Manitoba on April 1, 2018;
 - (iii) April 1, 2019 to March 31, 2020 – cumulative adjustment equal to the annual percentage change in the average weekly earnings for Manitoba on April 1, 2019.

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

This recommendation should apply to all who were judges as of April 1, 2017, including those who retired or otherwise leave the Bench prior to implementation.

2. That the salary differentials for the Chief Judge and the Associate Chief Judges remain in place as of April 1, 2017. This will mean a salary of \$279,720 for the Chief Judge and \$271,950 for the Associate Chief Judges.

This recommendation shall apply to all judges who were either a Chief Judge or an Associate Chief Judge as of April 1, 2017, including those who retire or otherwise leave the Bench prior to implementation.

3. Simple interest shall be paid, from April 1, 2017 to the date of retroactive payment of salary increase(s) including the differentials for the administrative judges and related per diems for senior judges, in accordance with the relevant prejudgment and post-judgment interest rates as set out in the *The Court of Queen's Bench Act*.
4. Prejudgment interest shall be payable from April 1, 2017 to the date the salary and per diem recommendations are implemented (whether by vote of the Legislature or by virtue of s.11.1(29) of the Act), and post-judgment interest should be payable from that date to the date that judges are paid the retroactive adjustments.
5. That the Chief Judge be allowed to approve down payments in respect of any expenses relating to educational conferences to be held in the next fiscal year, in accordance with Court policy.
6. That there be a provision of a drug card to all Active Judges as part of the Prescription Drug Plan as soon as practicable after implementation of this recommendation.
7. The Province shall pay 75% of the Association's reasonable legal costs to a maximum aggregate of \$45,000.
8. The Province shall pay 100% of the Association's disbursements including the costs of experts to a maximum of \$22,500.
9. That, unless otherwise stated, all changes shall be effective on the date of approval by the Legislative Assembly of Manitoba.
10. In these recommendations, "date of approval" means
 - a. the date that the vote of concurrence referred to in subsection 11.1(28) of The Provincial Court Act takes place with respect to these recommendations; or
 - b. if the recommendations must be implemented because of subsection 11.1(29) of The Provincial Court Act, the first day after the end of the 21-day period referred to in that subsection.

Report Considered and Concluded:

Your Committee has completed consideration of the Report and Recommendations of the Judicial Compensation Committee dated May 23, 2018.

On motion of Mrs. GUILLEMARD, the Report of the Committee was received.

Mrs. GUILLEMARD, Chairperson of the Standing Committee on Legislative Affairs, presented its Fourth Report, which was read as follows:

Meetings:

Your Committee met on the following occasions in the Legislative Building:

- November 28, 2018 (4th Session – 41st Legislature)
- January 28, 2019 (4th Session – 41st Legislature)

Matters under Consideration

- Elections Manitoba's Proposal to Modify the Voting Process

Committee Membership

Committee membership for the November 28, 2018 meeting:

- Mr. ALLUM
- Hon. Mr. CULLEN
- Ms. FONTAINE
- Hon. Mr. GOERTZEN
- Mrs. GUILLEMARD (*Chairperson*)
- Mr. HELWER
- Ms. LAMOUREUX
- Mr. LINDSEY
- Mr. MICHALESKI
- Mr. NESBITT (*Vice-Chairperson*)
- Mr. WOWCHUK

Committee membership for the January 28, 2019 meeting:

- Mr. ALLUM
- Mr. ALTEMEYER
- Hon. Mr. CULLEN
- Ms. FONTAINE
- Mrs. GUILLEMARD (*Chairperson*)
- Ms. LAMOUREUX
- Mr. MARTIN
- Hon. Mrs. MAYER
- Mr. MICKLEFIELD (*Vice-Chairperson*)
- Mr. SMITH
- Mr. YAKIMOSKI

Your Committee elected Mr. MICKLEFIELD as the Vice-Chairperson at the January 28, 2019 meeting.

Officials speaking on the record at the November 28, 2018 meeting:

- Ms. Shipra Verma, Chief Electoral Officer

Officials speaking on the record at the January 28, 2019 meeting:

- Ms. Shipra Verma, Chief Electoral Officer

Motions:

Your Committee agreed to the following motion at the January 28, 2019 meeting:

THAT pursuant to subsection 28.1(5) and subject to subsection 28.1(6) of The Elections Act, the Standing Committee on Legislative Affairs approve the proposal to modify the voting process included in the Annual Report of Elections Manitoba for the year ending December 31, 2017, and recommend that the Chief Electoral Officer direct that the voting process be modified for upcoming by-elections and the 2020 general election.

On motion of Mrs. GUILLEMARD, the Report of the Committee was received.

Hon. Mr. PALLISTER, the First Minister, made a statement on Ethical Procurement Practices.

Messrs. MALOWAY and LAMONT commented on the statement.

Pursuant to Rule 27(1), Hon. Ms. SQUIRES, Ms. FONTAINE and Messrs. EWASKO, WIEBE and SMITH (Southdale) made Members' Statements.

The following petition was presented and read:

Hon. Mr. GERRARD – Legislative Assembly of Manitoba to urge the Provincial Government to request Dynacare to reopen the closed laboratories or allow Diagnostic Services of Manitoba to freely open labs in clinics which formerly housed labs that have been shut down by Dynacare and to ensure high quality lab services for patients, and a level playing field and competition in the provision of laboratory services to medical offices as well to address this matter immediately in the interest of better patient focused care and improved support for health professionals. (L. Secord, E. Patterson, A. Shewchuk and others)

Mrs. SMITH (Point Douglas) moved the following Opposition Day Motion:

THAT the Legislative Assembly of Manitoba condemn the Prime Minister and the Federal Government for politically interfering in the criminal prosecution of SNC-Lavalin and condemn the poor and inappropriate treatment of the former Attorney General of Canada and the veiled threats made against her, and call for the creation of a public inquiry to provide Canadians the answers they deserve.

And a debate arising,

And Mrs. SMITH (Point Douglas), Hon. Mr. GOERTZEN, Ms. FONTAINE, Hon. Ms. SQUIRES, Messrs. LAMONT, KINEW and SWAN and Ms. MARCELINO (Logan) having spoken,

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

YEA

ALLUM	MARCELINO (Logan)
ALTEMEYER	MARTIN
BINDLE	MAYER
COX	MICHALESKI
CULLEN	MICKLEFIELD
CURRY	NESBITT
EICHLER	PEDERSEN
EWASKO	PIWNIUK
FIELDING	REYES
FONTAINE	SARAN
GOERTZEN	SCHULER
GRAYDON	SMITH (Point Douglas)
GUILLEMARD	SMITH (Southdale)
HELWER	SMOOK
ISLEIFSON	SQUIRES
JOHNSON	STEFANSON
JOHNSTON	SWAN
KINEW	TEITSMA
LAGASSÉ	WHARTON
LAGIMODIERE	WIEBE
LATHLIN	WISHART
LINDSEY	WOWCHUK
MALOWAY	YAKIMOSKI.....46

NAY

GERRARD 1

Wednesday, March 6, 2019

The House then adjourned at 5:01 p.m. until 1:30 p.m. Thursday, March 7, 2019.

Hon. Myrna DRIEDGER,
Speaker.