



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 98

SECOND SESSION, FORTIETH LEGISLATURE

PRAYER

10:00 O'CLOCK A.M.

By leave, it was agreed for the House to deal with debate on Second Reading of Bill (No. 205).

The House resumed the Interrupted Debate on the Proposed Motion of Mr. PALLISTER:

THAT Bill (No. 205) – The Election Financing Amendment Act/Loi modifiant la Loi sur le financement des élections, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Mr. ALTEMEYER, Hon. Ms. OSWALD, Hon. Mr. CHIEF, Hon. Ms. HOWARD and Hon. Mr. RONDEAU having spoken,

And Hon. Ms. MARCELINO (Logan) speaking at 11:00 a.m. The debate was allowed to remain in her name.

The House resumed the Interrupted Debate on the Proposed Motion of Mr. ALLUM:

Resolution No. 19: Senate of Canada

WHEREAS the Province of Manitoba abolished its upper house in 1876; and

WHEREAS the preferred position of Manitoba is that the Senate of Canada be abolished; and

WHEREAS in 2009 the Manitoba Legislature passed a motion creating a Special Committee on Senate Reform to hold public hearings throughout the province regarding the Senate of Canada; and

WHEREAS that committee heard that Manitobans overwhelmingly support reforming or outright abolishing the Senate; and

WHEREAS since that time issues have further eroded the faith Manitobans have towards the Senate and have revealed a major accountability problem within that institution.

Tuesday, August 27, 2013

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Federal Government to immediately begin negotiations with provinces with the aim of abolishing Canada's Senate.

And the debate continuing,

And Messrs. CULLEN, NEVAKSHONOFF and GOERTZEN, Hon. Mr. KOSTYSHYN, Mrs. STEFANSON and Mr. PETTERSEN having spoken,

And Mrs. ROWAT speaking at 12:00 p.m. The debate was allowed to remain in her name.

1:30 O'CLOCK P.M.

The following petitions were presented and read:

Mr. EWASKO – Legislative Assembly of Manitoba to urge the Minister of Infrastructure and Transportation to recognize the serious safety concerns of Provincial Road 520 and to address its poor condition by prioritizing its renewal. (G. Maroons, K. Milne, R. Milne and others)

Mrs. ROWAT – Legislative Assembly of Manitoba to urge the Provincial Government to not raise the PST without holding a provincial referendum. (P. Koss, J. Ziprick, K. Holt and others)

Mr. PEDERSEN – Legislative Assembly of Manitoba to urge that the Minister responsible for Manitoba Hydro create a complete and transparent "Needs For And Alternatives To" review of Manitoba Hydro's total capital development plan to ensure the financial viability of Manitoba Hydro. (A. Wiens, R. Friesen, K. Karlowsky and others)

Mr. CULLEN – Legislative Assembly of Manitoba to acknowledge that the increase in the PST will significantly encourage cross border shopping and put additional strain on the retail sector, especially for those businesses located close to Manitoba's provincial borders and to urge the Provincial Government to reverse its PST increase to ensure Manitoba consumers can shop affordably in Manitoba and support local businesses. (R. Ashton, L. Stoodley, W. Klassen and others)

Mr. EICHLER – Legislative Assembly of Manitoba to urge the Provincial Government to not raise the PST without holding a provincial referendum. (J. Chambers, P. See, K. Hildebrand and others)

Mrs. STEFANSON – Legislative Assembly of Manitoba to urge the Provincial Government to not raise the PST without holding a provincial referendum. (K. Plohman, D. Smith, M. Morantz and others)

Mr. BRIESE – Legislative Assembly of Manitoba to acknowledge that the increase in the PST will significantly encourage cross border shopping and put additional strain on the retail sector, especially for those businesses located close to Manitoba's provincial borders and to urge the Provincial Government to reverse its PST increase to ensure Manitoba consumers can shop affordably in Manitoba and support local businesses. (B. Dyck, J. Graydon, G. Larivière and others)

Mrs. MITCHELSON – Legislative Assembly of Manitoba to request that the Minister of Education consider making funding available to eliminate the current waiting list for ABA school age services and fund ABA Services for individuals diagnosed with Autism Spectrum Disorder. (M. Taillieu, W. Taillieu, L. Gavriloff and others)

Mr. SCHULER – Legislative Assembly of Manitoba to acknowledge that the increase in the PST will significantly encourage cross border shopping and put additional strain on the retail sector, especially for those businesses located close to Manitoba's provincial borders and to urge the Provincial Government to reverse its PST increase to ensure Manitoba consumers can shop affordably in Manitoba and support local businesses. (R. Matthews, H. Gilleshammer, K. Deslauriers and others)

Mr. SMOOK – Legislative Assembly of Manitoba to request that the Minister of Family Services and Labour consider making funding available to address the current waiting list for ABA Services. (J. Malanchuk, B. Vedoya, D. Carrière and others)

Mr. GRAYDON – Legislative Assembly of Manitoba to request that the Minister of Family Services and Labour consider making funding available to address the current waiting list for ABA Services. (J. Javier, D. Stepic, T. Dowhan and others)

Mr. WISHART – Legislative Assembly of Manitoba to urge the Provincial Government to not raise the PST without holding a provincial referendum. (J. Ross, C. Asham, E. Porter and others)

Mr. FRIESEN – Legislative Assembly of Manitoba to urge that the Minister responsible for Manitoba Hydro create a complete and transparent "Needs For And Alternatives To" review of Manitoba Hydro's total capital development plan to ensure the financial viability of Manitoba Hydro. (W. Taillieu, M. Taillieu, L. Gavriloff and others)

Mr. GOERTZEN – Legislative Assembly of Manitoba to urge that the Minister responsible for Manitoba Hydro create a complete and transparent "Needs For And Alternatives To" review of Manitoba Hydro's total capital development plan to ensure the financial viability of Manitoba Hydro. (J. McLaughlin, D. Bilodeau, K. Coughlin and others)

Following Oral Questions, Mr. Speaker made the following rulings:

During Oral Questions on August 8, 2013 the Honourable Official Opposition House Leader raised a point of order regarding an answer provided by the Honourable Minister of Education. The Honourable Official Opposition House Leader suggested that the Minister's answer reflected on Members of the Legislature and on this House. The Honourable Minister of Justice spoke to the point of order before I took the matter under advisement to review Hansard.

I have reviewed the Hansard transcript from the date in question and, although there were strong differences of opinion in the House, I must indicate that there was no breach of a rule or practice in the comments made by the Honourable Minister of Education. As O'Brien and Bosc state on page 510 of *House of Commons Procedure and Practice*, "the Speaker ensures that replies adhere to the dictates of order, decorum and parliamentary language. The Speaker, however, is not responsible for the quality or content of replies to questions". Several Manitoba Speakers, including myself on many occasions, have upheld this principle in a number of rulings made from this Chair. Accordingly, from a strictly procedural point of view I would rule that the Honourable Official Opposition House Leader did not have a point of order.

However, I would like to take this opportunity to comment on the conduct of Members in this House in recent weeks, and to address the Honourable Official Opposition House Leader's point regarding reflecting on Members and on this House.

I am aware that there are currently many important issues before this Assembly, issues on which Members hold strong and divergent opinions. It is entirely appropriate for members to hold these strong and divergent opinions on these issues. One of the basic principles of democracy is the fact that elected representatives can disagree in a place like this. Despite these disagreements though, members should still conduct themselves in an orderly manner, and show respect for one another and for the institution they serve.

It is on this last point where I must raise a concern. As members know I believe strongly in the principles of a respectful workplace, namely the right of everyone in the workplace to expect to be treated respectfully, and the responsibility of everyone in the workplace to refrain from disrespectful behaviour. As your Speaker I try every day to hold everyone, including myself, to that standard.

I would like all Members to consider these sentiments, and to strive to set a new and better standard for our behaviour in this historic place by showing respect for each other and especially for this institution, even when disagreeing on important issues.

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Following the Prayer on Monday, August 12, 2013, the Honourable Member for Riding Mountain raised a matter of privilege contending that her privileges were violated by government staff members who were interrupting and interfering with a media scrum where the Honourable Member for Riding Mountain was answering questions addressed by the media. She asserted this prevented her from carrying out her duties as an MLA and that it impacted on her freedom of speech and served as an attempt to intimidate her. The Honourable Government House Leader, the Honourable Member for River Heights and the Honourable Official Opposition House Leader also offered commentary on the issue. I took the matter under advisement in order to consult the procedural authorities.

I thank the Honourable Members for their advice to the Chair.

There are two conditions that must be satisfied in order for the matter raised to be ruled in order as a prima facie case of privilege. First, was the issue raised at the earliest opportunity, and second, has it been demonstrated that the Member's privileges have been breached in order to warrant putting the matter to the House?

The matters indicated that the actions complained of occurred on the previous Thursday afternoon after Oral Questions, but did not elaborate on her inability to raise the matter of privilege in the House on that same Thursday afternoon after the activities in question had occurred. It would be helpful if in the future the Honourable Member, and in fact all Members raising privilege, would provide additional information to the Speaker to demonstrate that the matter is being raised at the earliest available opportunity. I am not saying this matter is out of order due to timeliness, I am merely requesting that Members provide more detail about earliest opportunity to the Chair when raising the matter.

On the second issue, whether sufficient evidence has been provided to demonstrate that a prima facie breach of privilege has occurred, there are a number of considerations that must be taken into account. As always, when dealing with privilege, the Speaker only considers the procedural aspects and does not rule on the substance of the issues involved.

First, in order for a breach of privilege to have occurred, Joseph Maingot advises on page 222 of the second edition of *Parliamentary Privilege in Canada* that the activity in question must involve a proceeding in Parliament, which means taking place in the House or in a Committee. This concept is supported by rulings from Speaker Rocan in 1988 and 1991, by rulings from Speaker Hickes in 2003 and 2008, and by rulings that I delivered in the House on May 13 and May 21, 2013. I noted in my May 13 and 21, 2013 rulings, activities such as debate in the Chamber do constitute a proceeding in Parliament while events taking place outside of the Chamber do not fall within that purview. A news scrum taking place in the hallways of the Legislative Building would not constitute a proceeding of Parliament.

Maingot also advises on page 224 that parliamentary privilege is concerned with the special rights of Members, not in their capacity as ministers or party leaders, whips, parliamentary secretaries or critics but strictly in their capacity as Members in their parliamentary work. From the description provided by the Member, it would appear that she had spoken to the media in her capacity as a critic for a specific government department, so she would not be covered by the protection of parliamentary privilege in that role.

In her submission the Member also made reference to her freedom of speech being impacted by the actions she complained of. With respect to this aspect, O' Brien and Bosc advise on page 91 of the second edition of *House of Commons Procedure and Practice* that the privilege of freedom of speech is generally regarded as being limited to proceedings in Parliament, meaning that Members are not provided this protection for comments made outside of the Chamber.

Regarding the issue of intimidation of a Member, O'Brien and Bosc advise on page 109 that in order to find a prima facie breach of privilege, the Speaker must be satisfied there is evidence to support the Member's claim that he or she has been impeded in the performance of his or her parliamentary functions and that the matter is directly related to a proceeding in Parliament. As identified earlier in the ruling, a media scrum taking place outside of the Chamber is not classified as a proceeding in Parliament.

For the reasons cited, I must therefore rule there is no prima facie case of privilege. That being said, the Member is raising an issue that does appear to have merit as a complaint or a grievance, as both she and the Honourable Government House Leader cited difficulties with MLAs and staff at press scrums. The Government House Leader has already expressed a willingness to sit down with the Member to discuss the issue, and I would encourage such a meeting to take place. As Speaker, I do have concerns about making sure Members treat each other respectfully and that staff working for Members or caucuses also provide respectful treatment to MLAs on all sides of the House. If discussions between the two sides are unable to resolve the situation, I would be willing to facilitate discussions and meetings in my office to ensure that Members are treated with courtesy by staff on both sides during scrums.

Pursuant to Rule 26(1), Mr. FRIESEN, Hon. Mr. MACKINTOSH and Messrs. EICHLER, SARAN and SCHULER made Members' Statements.

Tuesday, August 27, 2013

In accordance with Rule 31(8), the Government House Leader announced that the Investment in Flood Protection Initiatives Resolution will be debated next Tuesday, September 3, 2013.

The House resumed the Interrupted Debate on the Proposed Motion of Hon. Mr. STRUTHERS:

THAT Bill (No. 20) – The Manitoba Building and Renewal Funding and Fiscal Management Act (Various Acts Amended)/Loi sur le financement du renouvellement des infrastructures et la gestion financière (modification de diverses dispositions législatives), reported from the Standing Committee on Social and Economic Development, be concurred in and be now read a Third Time and passed.

And the debate continuing,

And Messrs. GRAYDON, FRIESEN, WISHART, EWASKO and GOERTZEN having spoken,

Mr. GOERTZEN moved an amendment as follows:

THAT the motion be amended by deleting all the words after the word "THAT" and substituting the following:

Bill (No. 20) – The Manitoba Building and Renewal Funding and Fiscal Management Act (Various Acts Amended)/Loi sur le financement du renouvellement des infrastructures et la gestion financière (modification de diverses dispositions législatives), reported from the Standing Committee on Social and Economic Development, be not concurred in and read a Third Time but that it be concurred in and read a Third Time this day six months hence.

WHEREUPON Mr. Speaker ruled the amendment in order.

And the debate continuing on the amendment,

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

The House then adjourned at 5:01 p.m. until 1:30 p.m. Wednesday, August 28, 2013.

Hon. Daryl REID,
Speaker.