



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 47

FIRST SESSION, FORTY-FIRST LEGISLATURE

PRAYER

10:00 O'CLOCK A.M.

In accordance with Rule 33(8), the Opposition House Leader announced that the Accurately Reflecting the History of Newcomers in the Provincial Curriculum Resolution will be considered on the next Thursday of Private Members' Business.

By leave, it was agreed for the House to deal with Second Reading of Bill (No. 211).

Mr. LINDSEY moved:

THAT Bill (No. 211) –The Labour Relations Amendment Act (Applications for Certification)/Loi modifiant la Loi sur les relations du travail (demandes d'accréditation), be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Mr. LINDSEY having spoken,

And Hon. Mr. CULLEN, Messrs. SWAN and MARTIN and Ms. LAMOUREUX having questioned the Member,

And the debate continuing,

And Hon. Mr. CULLEN, Mr. SWAN and Ms. LAMOUREUX having spoken,

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

YEA

ALLUM
ALTEMEYER
CHIEF
FONTAINE
GERRARD
KLASSEN
LAMOUREUX
LINDSEY

MALOWAY
MARCELINO (Logan)
MARCELINO (Tyndall Park)
SARAN
SELINGER
SWAN
WIEBE 15

NAY

CLARKE	MICKLEFIELD
CULLEN	MORLEY-LECOMTE
CURRY	NESBITT
EWASKO	PEDERSEN
FIELDING	PIWNIUK
FLETCHER	REYES
FRIESEN	SMITH
GRAYDON	SMOOK
GUILLEMARD	SQUIRES
JOHNSON	TEITSMA
JOHNSTON	WHARTON
LAGASSÉ	WISHART
LAGIMODIERE	WOWCHUK
MARTIN	YAKIMOSKI.....29
MICHALESKI	

During the debate, Madam Speaker interjected and cautioned the Honourable Member for Flin Flon regarding the use of the words "not exactly true".

WHEREUPON Mr. LINDSEY voluntarily apologized and withdrew his remarks.

Mr. ALLUM moved:

Resolution No. 8: Provincial Anti-Opiate Strategy

WHEREAS the number of overdoses and deaths related to the use of the highly potent opioid fentanyl are continuing to significantly impact people across Canada; and

WHEREAS increased use of illicit fentanyl has caused officials to declare public states of emergency in British Columbia and in parts of Alberta, meaning a provincial strategy to prevent an escalation in fentanyl overdoses and deaths should be an immediate priority for the province; and

WHEREAS 29 deaths occurred in Manitoba last year alone as a result of fentanyl use, an increase from the 75 fentanyl related deaths that the province saw between 2009 and 2013; and

WHEREAS public drug programs in Canada use one out of every five dollars of new healthcare transfer money on opioid prescriptions and addiction medications, totaling \$300 million across the nine provinces; and

WHEREAS the costs on the health care system in Canada have increased with the number of hospital stays due to opioid related disorders, and at \$15 million per year has become the second highest impact on hospital resources in Canada; and

WHEREAS unknown levels of fentanyl being cut into other illicit drugs is a significant danger to drug users; and

WHEREAS in 2015, one in every two Canadians was prescribed fentanyl, which calls for a review of prescription practices for this drug to prevent fentanyl's movement from prescription use to illegal street use; and

WHEREAS a need has been identified for better awareness, education and support for the families of those using fentanyl; and

WHEREAS the Provincial Government has a responsibility in ensuring the safety, health, and wellbeing of the people in Manitoba; and

WHEREAS the Provincial Government should continue the former government's investments in addressing these growing concerns such as: supporting the naloxone distribution program in and beyond Winnipeg; expanding support resources for fentanyl users by reducing wait times for assessment and treatment services; and improving information sharing protocols between health care professionals and law enforcement as determined by the fentanyl task force.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Provincial Government to establish an anti-opiate strategy that takes action against the rising number of fentanyl related deaths and provide supports for those who are struggling with addictions.

And a debate arising,

And Mr. ALLUM having spoken,

And Messrs. LAGIMODIERE and WIEBE, Hon. Mr. GERRARD and Messrs. REYES and SMITH having questioned the Member,

And the debate continuing,

And Messrs. LAGIMODIERE and WIEBE and Hon. Mr. GOERTZEN having spoken,

And Hon. Mr. GERRARD speaking at 11:55 a.m. The debate was allowed to remain in his name.

Pursuant to Rule 23(5), the division on the Proposed Motion of Mr. GRAYDON was deferred to take place today at 11:55 a.m.

THAT Bill (No. 208) – The Royal Canadian Mounted Police Day Act/Loi sur la Journée de la Gendarmerie royale du Canada, be now read a Second Time and be referred to a Committee of this House.

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

YEA

ALLUM	MARTIN
ALTEMEYER	MICHALESKI
CHIEF	MICKLEFIELD
CLARKE	MORLEY-LECOMTE
CURRY	NESBITT
EWASKO	PALLISTER
FIELDING	PEDERSEN
FLETCHER	PIWNIUK
FONTAINE	REYES
GERRARD	SARAN
GOERTZEN	SCHULER
GRAYDON	SMITH
GUILLEMARD	SMOOK
JOHNSON	SQUIRES
JOHNSTON	STEFANSON
KLASSEN	SWAN
LAGASSÉ	TEITSMAN
LAGIMODIERE	WHARTON
LAMOUREUX	WIEBE
LINDSEY	WISHART
MALOWAY	WOWCHUK
MARCELINO (Logan)	YAKIMOSKI.....45
MARCELINO (Tyndall Park)	

NAY

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

1:30 O'CLOCK P.M.

Hon. Mr. SCHULER presented:

Annual Report of the Manitoba Centennial Centre Corporation for the fiscal year ending March 31, 2016. (Sessional Paper No. 72)

Manitoba Centennial Centre Corporation, Quarterly Report, Three Months, April 1 to June 30, 2016. (Sessional Paper No. 73)

Hon. Mrs. Cox presented:

Annual Report of The Manitoba Habitat Heritage Corporation for the fiscal year ending March 31, 2016. (Sessional Paper No. 74)

Annual Report of the Department of Conservation and Water Stewardship for the fiscal year ending March 31, 2016.

(Sessional Paper No. 75)

Hon. Ms. SQUIRES, the Minister of Sport, Culture and Heritage, made a statement recognizing members of the South Asian community in Manitoba as they celebrate Diwali, festival of lights.

Mr. SARAN and, by leave, Ms. LAMOUREUX commented on the statement.

Hon. Mr. GOERTZEN, the Minister of Health, Seniors and Active Living, made a statement recognizing Multiple Sclerosis Day in Manitoba.

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

Hon. Mr. SCHULER, the Minister of Crown Services, made a statement to bring attention to road safety in Manitoba.

Mr. SWAN commented on the statement.

Pursuant to Rule 27(1), Messrs. GRAYDON and SWAN, Hon. Mrs. STEFANSON, Ms. KLASSEN and Hon. Mr. GOERTZEN made Members' Statements.

Following Oral Questions, Madam Speaker made the following ruling:

This ruling shall address both the Matter of Privilege raised by the Honourable Minister of Sport, Culture and Heritage on the morning of October 13, 2016, as well as the Point of Order raised by the Honourable Member for Wolseley during the afternoon of that same day.

In her Privilege submission the Honourable Minister of Sport, Culture and Heritage stated that, when listening to a recording of off-the-record comments from Question Period on October 6th, 2016 she could hear the Member for Wolseley say “take your pants off” while she was answering a question. The Minister of Sport, Culture and Heritage stated that she felt the comment was “outrageous, offensive and not befitting of this place.” She concluded her remarks by moving: “that my privilege as a parliamentarian has been breached and that the Member for Wolseley should apologize to this House.”

The Official Opposition House Leader spoke to the Matter before I took it under advisement.

Speaking to his Point of Order that afternoon the Honourable Member for Wolseley stated that the words he had spoken off-the-record during Question Period on October 6th, 2016 were “take a pass on it”. The Member also tabled an audio recording of the exchange. I took this Point of Order under advisement as well.

I would again thank the Honourable Member for Wolseley for that information, but for the record I would rule that he did not have a point of order.

As Members know by now, when a Matter of Privilege is raised in the House there are two key points on which the Speaker must decide. First, whether or not the Member raised the matter at the earliest available opportunity, and second, whether or not a prima facie case of privilege has been established.

On the first point, when raising her Matter of Privilege the Honourable Minister of Sport, Culture and Heritage did specifically address the question of timeliness, indicating that she had first heard from other Members what they thought had been said by the Member for Wolseley, but in order to be more certain she requested an audio copy of the incident from my office, which was provided on the morning of October 13th, 2016. As is our practice, the same recording was made available to the Official Opposition and the Independent Members. The Minister further indicated that, as a result of her duties as Minister, she was unable to attend the House proceedings that morning until the moment she arrived to raise this matter – which was around 12:00 noon. She indicated that due to these factors, that moment was in fact her earliest opportunity to raise her matter of Privilege.

On this point I would first commend the Minister for explaining the timeframe involved so precisely as that is helpful in making a determination, and second, I believe she did meet the condition of timeliness in raising the matter when she did.

On the second point, I would rule that a prima facie case was not established in this case, for two basic reasons.

First, issues relating to language, decorum and procedure are inherently questions of order and not privilege. Any complaint about language used in this House should be raised as a Point of Order and not as Matter of Privilege. This sentiment has been reinforced by numerous Manitoba Speakers. Further, O'Brien and Bosc state on page 618 of House of Commons Procedure and Practice (Second Edition) that, "any Member who feels aggrieved by a remark or allegation may also bring the matter to the immediate attention of the Speaker on a Point of Order".

Second, as I have ruled previously, off-the-record language cannot be considered or ruled on by the Speaker. I delivered such a ruling as recently as October 17th, 2016, and this was consistent with decades of Manitoba practice. Accordingly, the alleged comments in question, having been made off-the-record, cannot form the basis of a matter of privilege.

While I cannot officially rule on these alleged comments, I would note for the House that I did listen to the recording from that day. I could see the potential for various interpretations of what was said, but when I listened I heard the phrase "take a pass on that."

Further to these points, I am going to take a moment while I have your attention to discuss Parliamentary Privilege. While I would never deny any Member the right to raise privilege in the House, I fear that if we continue to see privilege raised as often as it has been recently we may run the risk of seeing a devaluation of the intent of Parliamentary Privilege. This recent trend has also cast a shadow on how the media and the general public are viewing our Assembly.

Essentially, issues are being raised under the rubric of privilege which would be better raised as Points of Order, and not as Matters of Privilege. Joseph Maingot advises on page 220 of the second edition of Parliamentary Privilege in Canada that "questions of privilege are frequently raised but few are found to be prima facie cases. Furthermore, Members have a tendency to use the rubric 'privilege' to raise what is really a matter of order, or in the words of the Speaker of the House of Commons, a grievance..."

Members should be aware that Parliamentary Privilege is a constitutional right flowing from the United Kingdom's Bill of Rights, passed in 1689. This right has been passed on to the Parliament of Canada and to the provincial legislatures from Westminster and has been incorporated into the Canadian experience to provide protection for Members to exercise their parliamentary duties free from interference. This includes the individual protections of:

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

The collective privileges of the House are:

- the power to discipline and expel Members;
- the regulation of its own internal affairs;
- the authority to maintain the attendance and service of its Members;
- the right to institute inquiries and call for witnesses and to demand papers;
- the right to administer oaths to witnesses; and
- the right to publish papers containing defamatory material.

To be clear, a Matter of Privilege should only be raised if the related incident falls directly into the categories identified above.

I must also note that in responding to a Matter of Privilege, the Speaker is restricted to assessing only whether an action complained of is a prima facie case of privilege, and not to determining the orderliness or appropriateness of the action. This is a key distinction. Privilege has a very narrow scope, and Speakers are limited in how they must deal with such matters.

As I hope the House is now understanding, Members should consider using the vehicle of Points of Order to raise most concerns. Under that rubric, the Speaker has greater scope and latitude to deal with the orderliness of the action complained of, free from the stricture of having to assess only whether the matter is prima facie.

Over the years, successive Manitoba Speakers have consistently ruled that the following concerns should be raised as Points of Order and not Matters of Privilege:

- Unparliamentary language;
- Allegations of misleading the House; and
- Disputes over procedure

Further, the failure of a Minister to answer a question is not a Matter of Privilege, and statements made outside of the House do not form the basis for a breach of Parliamentary Privilege. As well, disputes over facts in debate should not be raised as Matters of Privilege nor Points of Order, as they are simply disagreements between Members which should be addressed in debate.

I trust that all Members will heed these words and govern themselves accordingly when seeking to address future concerns in this House.

And before I conclude I feel compelled to address the behaviour of Members in this place in recent weeks. To that end, I would like to quote a ruling from Speaker Reid, delivered on August 27, 2013, as I believe the sentiments expressed then are relevant to recent events in this Chamber. Speaker Reid stated:

“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 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.”

I will leave the House with a reminder that each of you is here today due to the support and encouragement of thousands of Manitobans, hard-working citizens who put their faith in you to be their voice in this place. I would encourage you to think of those citizens every time you speak in this House, and to strive to be worthy of their support and respect.

Prior to Petitions, Hon. Ms. SQUIRES rose and apologized to the House and to the Member for Wolseley.

The following petitions were presented and read:

Mr. MALOWAY – Legislative Assembly of Manitoba to urge the Provincial Government do all that is possible to prevent the Bell takeover of MTS and preserve a more competitive cell phone market so that cellular bills for Manitobans do not increase unnecessarily.

Mr. LINDSEY – Legislative Assembly of Manitoba to urge that the Provincial Government maintain the current legislation for union certification which reflects balance and fairness, rather than adopting the intention to make it harder for workers to organize.

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

THAT Bill (No. 14) – The Public Sector Compensation Disclosure Amendment Act/Loi modifiant la Loi sur la divulgation de la rémunération dans le secteur public, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

Thursday, October 20, 2016

And Messrs. TEITSMA, MALOWAY, JOHNSTON, SARAN and NESBITT having spoken,

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

During the debate, Hon. Mr. MICKLEFIELD rose on a point of order regarding the word "falsehood" spoken by the Honourable Member for Elmwood,

And Hon. Mr. MICKLEFIELD and Mr. MALOWAY having spoken,

WHEREUPON the Deputy Speaker ruled that there was a point of order and requested the Honourable Member for Elmwood to withdraw his comments,

Mr. MALOWAY withdrew his remarks.

Subsequently during the debate, Mr. CURRY rose on a point of order regarding the Honourable Member for Elmwood not referring to Members by their constituency or their portfolio.

WHEREUPON Mr. MALOWAY voluntarily withdrew his remarks.

Subsequently during the debate, Madam Speaker interjected and cautioned the Honourable Member for The Maples regarding his comments referencing the absence of Members in the House.

WHEREUPON Mr. SARAN apologized for his remarks.

The House then adjourned at 5:00 p.m. until 1:30 p.m. Monday, October 24, 2016.

Hon. Myrna DRIEDGER,
Speaker.