



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 60

SECOND SESSION, FORTIETH LEGISLATURE

PRAYER

10:00 O'CLOCK A.M.

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

THAT Bill (No. 203) – The Participation of Manitoba in the New West Partnership Act/Loi sur la participation du Manitoba au nouveau partenariat de l'Ouest, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Messrs. GAUDREAU, FRIESEN and WIEBE, Mrs. DRIEDGER, Hon. Mr. KOSTYSHYN and Mr. CULLEN having spoken,

And Hon. Mr. STRUTHERS speaking at 11:00 a.m. The debate was allowed to remain in his name.

Ms. BLADY moved:

Resolution No. 17: Provincial Initiatives to Support Children and Youth

WHEREAS it is critical to provide supports to school age children and youth to help them build a strong foundation for success and well being later in life as young people are the future of our province; and

WHEREAS the Provincial Government provides many wrap around supports, developed in partnership with communities, to complement school programming and maximize positive opportunities for Manitoba's children and youth while they are in school; and

WHEREAS this comprehensive continuum of supports starts early in life with programs like the Healthy Baby Prenatal Benefit that promote optimal infant development; and

WHEREAS the Province of Manitoba also supports programs in the classroom, such as Roots of Empathy, the PAX Program and various initiatives to assist pro-diversity clubs and Gay Straight Alliances; and

WHEREAS this range of supports also extends to outside of school, providing young people with positive recreational, mentorship and internship opportunities through programs such as Lighthouses and After School Leaders; and

WHEREAS these initiatives would not be possible without the dedication of countless volunteers, families, staff and community leaders; and

WHEREAS the previous Provincial Government made the mistake of cutting youth programming and support for YMCAs.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba commend all those involved in ensuring our children and youth have the opportunities they need to get a strong start in school and in life; and

BE IT FURTHER RESOLVED that the Legislative Assembly of Manitoba urge the Provincial Government to continue working with community partners to provide programs that support all young people in achieving their full potential.

And a debate arising,

And Ms. BLADY, Mr. SMOOK, Hon. Mr. RONDEAU, Mr. GRAYDON and Hon. Mr. CHIEF having spoken,

And Mr. PEDERSEN speaking at 12:00 p.m. The debate was allowed to remain in his name.

1:30 O'CLOCK P.M.

The following petitions were presented and read:

Mr. WISHART – Legislative Assembly of Manitoba to urge the Provincial Government to not raise the PST without holding a provincial referendum. (D. Kulber, M. Provo, M. Baldwin and others)

Mr. PEDERSEN – Legislative Assembly of Manitoba to request that the Minister of Local Government afford local governments the respect they deserve and reverse his decision to force municipalities with fewer than 1,000 constituents to amalgamate. (L. Labossière, S. Labossière, R. Labossière and others)

Mr. CULLEN – Legislative Assembly of Manitoba to request that the Minister of Local Government afford local governments the respect they deserve and reverse his decision to force municipalities with fewer than 1,000 constituents to amalgamate. (D. Barr, E. Lussier, R. Oleson and others)

Mrs. DRIEDGER – Legislative Assembly of Manitoba to urge the Provincial Government to not raise the PST without holding a provincial referendum. (G. Lahaie, C. Hébert, A. Myskiw and others)

Mr. EICHLER – Legislative Assembly of Manitoba to urge the Provincial Government to not raise the PST without holding a provincial referendum. (R. J. Griffith, A. Glowachuk, T. Goddard and others)

Mrs. STEFANSON – Legislative Assembly of Manitoba to urge the Provincial Government to not raise the PST without holding a provincial referendum. (H. Wiebe, M. Dyck, D. Driedger and others)

Mr. MAGUIRE – Legislative Assembly of Manitoba to urge the Provincial Government to not raise the PST without holding a provincial referendum. (M. Nichol, W. Kenderbine, A. Wilkins and others)

Mr. BRIESE – Legislative Assembly of Manitoba to request the Minister of Infrastructure and Transportation to consider upgrading the Ring Dike Road at Ste. Rose du Lac into a Provincial Road and to request the Minister of Infrastructure and Transportation to consider upgrading the Ring Dike Road at the same time that work is being done at the junction of PTH 68 and PTH 5. (T. Racette, C. Racette, S. Houle and others)

Mrs. MITCHELSON – Legislative Assembly of Manitoba to urge the Provincial Government to not raise the PST without holding a provincial referendum. (S. Nemel, B. Lutz, H. Vanderley and others)

Mr. SCHULER – Legislative Assembly of Manitoba to urge the Provincial Government to not raise the PST without holding a provincial referendum. (J. McMillan, M. Bell, M. Kepon and others)

Mr. SMOOK – Legislative Assembly of Manitoba to urge the Provincial Government to not raise the PST without holding a provincial referendum. (W. Gabrielle, M. Nykoliation, L. Nykoliation and others)

Mr. FRIESEN – Legislative Assembly of Manitoba to request that the Minister of Local Government afford local governments the respect they deserve and reverse his decision to force municipalities with fewer than 1,000 constituents to amalgamate. (G. Palmquist, J. Palmquist, D. Zeglinski and others)

Mr. GRAYDON – Legislative Assembly of Manitoba to urge the Provincial Government to not raise the PST without holding a provincial referendum. (J. Grabb, W. Empson, N. Graydon and others)

Mr. GOERTZEN – Legislative Assembly of Manitoba to urge the Provincial Government to not raise the PST without holding a provincial referendum. (M. Dueck, D. Giesbrecht, G. Born and others)

Hon. Ms. IRVIN-ROSS presented:

Supplementary Information for Legislative Review 2013-2014 – Departmental Expenditure Estimates – Housing and Community Development.

(Sessional Paper No. 63)

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

During Oral Questions on June 10, 2013, the Honourable Opposition House Leader rose on a matter of contempt regarding actions he said occurred in the Kirkfield Park constituency involving the MLA for Kirkfield Park and a group of youth volunteer workers associated with the political party represented by the Official Opposition. He asserted that the interaction had intimidated the youth involved and discouraged them from getting involved in the democratic process, which he contended was a reflection on the House. At the conclusion of his remarks, he moved “THAT this matter regarding the undemocratic actions of the Member for Kirkfield Park be referred to a committee of Legislative Affairs.” The Honourable Government House Leader also offered advice to the Chair on this matter. I took the matter under advisement in order to consult with the procedural authorities.

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

As noted when this issue was raised, it is rare to see a matter raised as an issue of contempt in the House. There are individual protections for Members that are provided by parliamentary privilege, such as the freedom of speech; the freedom from arrest in civil actions; exemption from jury duty; exemption from being subpoenaed to attend court as a witness; and freedom from obstruction, interference, intimidation or molestation. The House as an institution is protected by collective privileges, including the right to regulate its own internal affairs; the power to discipline; the right to provide for its proper constitution including the authority to maintain the attendance and service of Members; the right to institute inquiries and to call witnesses and demand papers; the right to administer oaths to witnesses appearing before it; and the right to publish papers without recourse to the courts relating to the content. These privileges provide the absolute immunity for Members to do their parliamentary work while also providing the necessary means by which the House discharges its functions.

Where contempt differs from privilege, according to page 62 of O’Brien and Bosc’s *House of Commons Procedure and Practice*, is that any conduct which offends the authority or dignity of the House, even though no breach of specific privilege may have been committed, may be referred to as contempt of the House. Contempt may be an act or an admission. It does not have to actually obstruct or impede the House or a Member; it merely has to have the tendency to produce such results. Joseph Maingot states on page 225 of *Parliamentary Privilege in Canada* that contempt is more aptly described as an offence against the authority or dignity of the House. As noted on page 82 of O’Brien and Bosc, the House can claim the right to punish, as a contempt, any action which, though not a breach of specific privileges, tends to obstruct or impede the House in the performance of its functions, obstructs or impedes any Member or officer of the House in the discharge of their duties, or is an offence against the authority and dignity of the House, such as obedience of its legitimate commands or libels upon itself, its Members or its officers.

Given that contempt is not clearly defined in the same way as privilege is, I thought it would be helpful to share with the House a listing of the actions considered to be contempt as found on pages 70 and 71 of the 1999 report of the United Kingdom Joint Committee on Parliamentary Privilege. I do ask honourable Members to bear with me, as this is a lengthy list. According to this Report, the list includes:

- Interrupting, or disturbing the proceedings of, or engaging in other misconduct in the presence of, the House or a committee;

- Assaulting, threatening, obstructing or intimidating a Member or officer of the House in the discharge of their duties;
- Deliberately attempting to mislead the House or a committee (by way of statement, evidence or petition);
- Deliberately publishing a false or mislead report of the proceedings of the House or a committee;
- Removing, without authority, papers belonging to the House;
- Falsifying or altering any papers belonging to the House or formally submitted to a committee of the House;
- Deliberately altering, suppressing, concealing or destroying a paper required to be produced for the House or a committee;
- Without reasonable excuse, failing to attend before the House or a committee after being summoned to do so;
- Without reasonable excuse, refusing to answer a question or provide information or produce papers formally required by the House or by a committee;
- Interfering with or obstructing a person who is carrying out a lawful order of the House or a committee;
- Bribing or attempting to bribe a Member to influence the Member's conduct in respect of proceedings of the House or a committee;
- Intimidating, preventing or hindering a witness from giving evidence or giving evidence in full to the House or a committee;
- Bribing or attempting to bribe a witness;
- Assaulting, threatening or disadvantaging a Member, or a former Member, on account of the Member's conduct in Parliament; and
- Divulging or publishing the content of any report or evidence of a select committee before it has been reported to the House.

In addition, page 71 of the same report of the Joint Committee also considered the following types of conduct to constitute contempt in the case of Members:

- Accepting a bribe intended to influence a Member's conduct in respect of proceedings of the House or a committee;
- Acting in breach of any order of the House; and
- Failing to fulfill any requirement of the House, as declared in a code of conduct or otherwise, relating to the possession, declaration, or registration of financial interests or participation in debate or other proceedings.

It is clear from this list that, although not exhaustive, to be considered as contempt, actions must be committed against the institution itself or against Members. As with privilege, persons outside the legislature who are not staff conducting official business on behalf of the legislature are not provided protection. By volunteering for a political party, the youth involved do not fall within the category of legislative staff.

In addition, from the description provided, it is not clear that the House has been obstructed or impeded in the performance of its functions, nor have Members of the House or House staff been impeded in the discharge of their duties. Nor am I convinced that the authority and dignity of the House have been compromised. I must therefore advise the House that I am not convinced that an act of contempt has been committed, and I would therefore rule the motion out of order as contempt of the House.

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

And the Question being put, "Shall the ruling of the Chair be sustained?" It was agreed to, on the following division:

YEA

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| ALLAN | MACKINTOSH |
| ALLUM | MALOWAY |
| BJORNSON | MARCELINO (Logan) |
| BLADY | MARCELINO (Tyndall Park) |
| BRAUN | NEVAKSHONOFF |
| CALDWELL | OSWALD |
| CHIEF | ROBINSON |
| CHOMIAK | RONDEAU |
| DEWAR | SARAN |
| GAUDREAU | SELBY |
| HOWARD | STRUTHERS |
| IRVIN-ROSS | WHITEHEAD |
| JHA | WIEBE |
| KOSTYSHYN | WIGHT..... 29 |
| LEMIEUX | |

NAY

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| BRIESE | MAGUIRE |
| CULLEN | MITCHELSON |
| DRIEDGER | PALLISTER |
| EICHLER | PEDERSEN |
| FRIESEN | SCHULER |
| GOERTZEN | SMOOK |
| GRAYDON | STEFANSON |
| HELWER | WISHART..... 16 |

Pursuant to Rule 26(1), Messrs. WHITEHEAD and MALOWAY made Members' Statements.

In accordance with Rule 31(8), the Government House Leader announced that the Senate of Canada Resolution will be considered next Tuesday, June 25, 2013.

Tuesday, June 18, 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), be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

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

The House then adjourned at 5:00 p.m. until 1:30 p.m. Wednesday, June 19, 2013.

Hon. Daryl REID,
Speaker.