



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 78

THIRD SESSION, FORTY-FIRST LEGISLATURE

PRAYER

10:00 O'CLOCK A.M.

In accordance with Rule 33(7), the Government House Leader announced that the Celebrating the 20th Anniversary of the Association of Manitoba Municipalities Resolution will be considered on the next Tuesday of Private Members' Business.

By leave, it was agreed for the House to deal with Second Reading of Bill (No. 230).

Mrs. GUILLEMARD moved:

THAT Bill (No. 230) – The Fetal Alcohol Spectrum Disorder Awareness Day Act/Loi sur la Journée de sensibilisation à l'ensemble des troubles causés par l'alcoolisation foétale, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Mrs. GUILLEMARD having spoken,

And Mrs. SMITH (Point Douglas), Mr. TEITSMA, Hon. Messrs. GERRARD and FLETCHER, Hon. Ms. SQUIRES and Mr. MARCELINO (Tyndall Park) having questioned the Member,

And the debate continuing,

And Mrs. SMITH (Point Douglas), Hon. Ms. SQUIRES and Hon. Mr. GERRARD having spoken,

And the Question being put. It was agreed to.

During debate, Ms. FONTAINE rose on a point of order regarding unparliamentary language spoken by the Honourable Minister of Sustainable Development.

And Hon. Mrs. MAYER having spoken to the point of order,

WHEREUPON Madam Speaker ruled that there was a point of order.

Hon. Mr. FLETCHER moved:

Resolution No. 20: Conflict of Interest.

WHEREAS “Manitoba has the oldest and arguably the weakest conflict of interest legislation in Canada”, according to the scathing April 2018 report of Conflict of Interest Commissioner, Jeffrey Schnoor, Q.C. which proposed 84 recommendations; and

WHEREAS the Provincial Government has failed to act on previous resolutions on this issue raised by the Member from Assiniboia nor use his proposed Bills as a framework to introduce its own legislation; and

WHEREAS conflict of interest legislation is largely intended to assist elected representatives by providing an objective understanding against which they gauge their actions, and to satisfy themselves and the public that they are acting appropriately; and

WHEREAS Manitobans need an update to the long overdue system of conflict of interest rules that will greatly enhance the public confidence but not compromise the privacy interests of elected provincial representatives; and

WHEREAS broader disclosure, which is required in the 21st century, must include all personal assets, private interest and be extended beyond financial measurements; and

WHEREAS the investments markets, federal and provincial taxes, and ease of investing through electronic methods has changed dramatically and quite significantly in the last few years; and

WHEREAS MLAs currently do not have to disclose their penny stock holdings, stock holdings, ETFs, bond holdings or property owned outside of Manitoba; and

WHEREAS the federal guidelines are far more comprehensive than those in Manitoba and the Federal Finance Minister has recently been accused of conflict of interest surrounding property outside of Canada and family trusts; and

WHEREAS individuals who are hired as exempt staff or constituency assistants for Ministers and MLAs using taxpayer funds often also serve as members of the Board of Directors of political parties, organizations, or fundraising activities, thus creating a potential conflict of interest based on those competing roles; and

WHEREAS it is in everyone’s interest to strengthen the conflict of interest legislation with the philosophy “trust and verify”.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba be urged to update the conflict of interest legislation to include better definitions of immediate family, all investment vehicles, property, trusts, corporations in Canada or liquid assets that are traded anywhere in the world by employing the legislation introduced by the Member of Assiniboia on Conflict of Interest as a possible framework for new and much needed made in Manitoba Conflict of Interest legislation which also includes disclosure and appropriate political activities for those who work for or with MLAs or cabinet Ministers.

And a debate arising,

And Hon. Mr. FLETCHER having spoken,

And Mr. SMITH (Southdale), Ms. FONTAINE and Messrs. YAKIMOSKI, SWAN, MICKLEFIELD and LAGASSÉ having questioned the Member,

And the debate continuing,

And Ms. FONTAINE and Messrs. SMITH (Southdale), LAMONT, YAKIMOSKI and SWAN having spoken,

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

1:30 O'CLOCK P.M.

Hon. Mr. PEDERSEN presented:

Annual Report of the Industrial Technology Centre for the fiscal year ending March 31, 2018.
(Sessional Paper No. 96)

Pursuant to Rule 27(1), Hon. Mrs. COX, Mr. ALLUM, Ms. KLASSEN and Messrs. TEITSMA and WOWCHUK made Members' Statements.

Following Oral Questions, Madam Speaker made the following ruling:

During Orders of the Day on Wednesday, June 6, 2018, the Honourable Member for Tyndall Park raised a Matter of Privilege, indicating that he had attempted to electronically receive a copy of the letter of the emergency recall from the Speaker's Office and was told he would have to personally go to the Speaker's Office to review a copy of the letter. At the conclusion of his remarks, he moved "THAT the issue of my Privilege being breached, in accordance with what I said before in those statements, be examined by the Office of the Speaker and be ruled accordingly, as today is the only day I could raise it." The Honourable Member for Assiniboia also offered advice to the Chair on this matter. I took the matter under advisement in order to consult the authorities.

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 sufficient evidence been provided to demonstrate that the privileges of the House have been breached, in order to warrant putting the matter to the House.

Regarding the first condition of whether the matter was raised at the earliest opportunity, the Honourable Member did not give an indication as to when his interactions with the Speaker's Office took place. He did not indicate if it happened on a previous day, or on that day, and if so, when. Therefore, I am not able to rule on the issue of timeliness.

On the second condition of whether a prima facie case of Privilege was established, Joseph Maingot advises on page 222 of the second edition of *Parliamentary Privilege in Canada* that the activity in question must involve a proceeding of Parliament. This concept is supported by numerous rulings from Speakers Rocan, Hickes and Reid. As noted by Speakers, debate in the Chamber constitutes a proceeding of Parliament, but events taking place outside of the Chamber, such as asking the Speaker's Office for information does not fall within the scope of a proceeding of Parliament.

In addition, many issues that are raised as Privilege are ones that would be better raised as points of order or raised privately. Joseph Maingot also advises on page 220 of the same work cited earlier that "questions of Privilege are frequently raised but few are found to be Privilege. Furthermore, Members have a tendency to use the rubric 'Privilege' to raise what is generally a matter of order, or in the words of the Speaker of the House of Commons, a grievance."

I would therefore respectfully rule that a prima facie case of Privilege has not been proven, and that the matter raised is not in order as a Matter of Privilege.

I do thank the Honourable Member for Tyndall Park for raising this issue though, and would encourage him and all Honourable Members to contact the Speaker directly in the future if there are issues arising due to interactions with the Speaker's Office, and I would be happy to address any concerns raised.

The following petitions were presented and read:

Mrs. SMITH (Point Douglas) – Legislative Assembly of Manitoba to urge the Provincial Government to reverse the decision to close Seven Oaks General Hospital's emergency room so that families and seniors in north Winnipeg and the surrounding areas have timely access to quality health care services. (A. Coravodo, P. Ajjamal, L. Lajara and others)

Mr. ALLUM – Legislative Assembly of Manitoba to urge the Premier of Manitoba and the Minister of Justice to immediately call a Public Inquiry into the systems that had a role in the life and death of Tina Fontaine as well as the function of the administration of justice after her death and that the terms of reference of a Public Inquiry be developed jointly with the caregivers of Tina Fontaine and/or the agent appointed by them. (B. Chudy, R. Dunsmore, H. Lavitt and others)

Hon. Mr. FLETCHER – Legislative Assembly of Manitoba to urge the Provincial Government to take the necessary steps to ensure that the Vimy Arena site is not used for an addiction treatment facility and to take the necessary steps to ensure the preservation of public land along Sturgeon Creek for the purposes of park land and recreational activities for public use (including being an important component of the Sturgeon Creek Greenway Trail and the Sturgeon Creek ecosystem) under the current designation of PR2 for the 255 Hamilton Avenue location at the Vimy Arena site, and to maintain the land to continue to be designated for Parks and Recreation Active Neighbourhood/Community. (A. Arnot, J. Arnot and A. Grieg and others)

Hon. Mr. GERRARD – Legislative Assembly of Manitoba to urge the Provincial Government to immediately begin implementation of plans to convert systems and forms to be more inclusive of Two-Spirit and other non-binary individuals, whether it be to include a third gender option, or no requirement for gender on forms, unless medically or statistically necessary, including health cards, and birth certificates; to immediately instruct the Manitoba Public Insurance corporation to offer a third gender option, or no gender requirement for licenses or any other form of provincial identification; to instruct Manitoba Health, Seniors and Active Living to offer the option of Manitoba Health Cards with no gender in order to reduce the anxieties of transgender and non-binary persons accessing the healthcare system as a first step; and to consider revisiting legislation that may need updating to meet the needs of its citizens in this regard. (B. Schirle, C. DeJerry, R. Ladd and others)

Hon. Mr. GOERTZEN moved:

THAT the First Report of the Standing Committee on the Rules of the House received on October 18, 2018 be concurred in.

And a debate arising,

And Hon. Mr. GOERTZEN, Ms. FONTAINE and Hon. Messrs. GERRARD and FLETCHER having spoken,

And the Question being put. It was agreed to.

The House resumed the debate on the Proposed Motion of Hon. Mr. CULLEN:

THAT Bill (No. 36) – The Highway Traffic Amendment Act (Impaired Driving Offences)/Loi modifiant le Code de la route (conduite avec facultés affaiblies), be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Messrs. LINDSEY and ALTEMEYER and Ms. MARCELINO (Logan) having spoken,

And Ms. FONTAINE speaking at 5:00 p.m. The debate was allowed to remain in her name.

By leave, it was agreed to withdraw the Government Motion listed in the name of the Minister of Justice regarding changes to Rules 23 and 24 from the Order Paper.

Tuesday, October 23, 2018

Mr. Deputy Speaker laid upon the Table of the House:

LEGISLATIVE ASSEMBLY OF MANITOBA

To the Speaker of the Legislative Assembly.

I, Sarah GUILLEMARD, Member of the Legislative Assembly of Manitoba for the electoral division of Fort Richmond, do hereby submit my resignation as Deputy Chairperson of the Committees of the Whole House.

Dated this 22nd day of October.

(Signed) Sarah Guillemard

The House then adjourned at 5:00 p.m. until 1:30 p.m. Wednesday, October 24, 2018.

Hon. Myrna DRIEDGER,
Speaker.