



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 81

THIRD SESSION, FORTY-FIRST LEGISLATURE

PRAYER

1:30 O'CLOCK P.M.

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

Meetings

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

- October 24, 2018 at 6:00 p.m.
- October 25, 2018 at 6:00 p.m.

Matters under Consideration

- **Bill (No. 16)** – The Climate and Green Plan Implementation Act/Loi sur la mise en œuvre du Plan vert et climatique

Committee Membership

Committee Membership for the October 24, 2018 meeting:

- Mr. ALLUM
- Mr. ALTEMEYER
- Mr. BINDLE
- Hon. Mr. GERRARD
- Mrs. GUILLEMARD (*Chairperson*)
- Mr. ISLEIFSON
- Mr. LINDSEY
- Hon. Mr. PEDERSEN
- Hon. Ms. SQUIRES
- Mr. WOWCHUK
- Mr. YAKIMOSKI

Your Committee elected Mr. ISLEIFSON as the Vice-Chairperson at the October 24, 2018 meeting.

Committee Membership for the October 25, 2018 meeting:

- Mr. ALTEMEYER
- Mr. BINDLE
- Mrs. GUILLEMARD (*Chairperson*)

- Mr. LAMONT
- Mr. LINDSEY
- Mr. MARCELINO
- Mr. NESBITT
- Hon. Mr. PEDERSEN
- Hon. Ms. SQUIRES
- Mr. WOWCHUK
- Mr. YAKIMOSKI

Your Committee elected Mr. NESBITT as the Vice-Chairperson at the October 24, 2018 meeting.

Non-Committee Members Speaking on Record

Non-Committee Members speaking on the record at the October 24, 2018 meeting:

- Mr. KINEW

Non-Committee Members speaking on the record at the October 25, 2018 meeting:

- Mr. KINEW
- Hon. Mr. FLETCHER
- Hon. Mr. GERRARD

Public Presentations

Your Committee heard the following 38 presentations on **Bill (No. 16)** – The Climate and Green Plan Implementation Act/Loi sur la mise en œuvre du Plan vert et climatique:

October 24, 2018 meeting

Trent Hreno	Ducks Unlimited Canada
Dan McInnis	Sustainable Building Manitoba Inc.
Gaile Whelan-Enns	Manitoba Wildlands
Ross Redman	Private Citizen
Robert Elms	Manitoba Electric Vehicle Association
Ron Thiessen	The Canadian Parks and Wilderness Society, Manitoba Chapter
Kenneth Klassen	Private Citizen
Eric Reder	Wilderness Committee
Jeff Franzmann	Private Citizen
Natasha Szach	Private Citizen
James Battershill	Keystone Agricultural Producers
Jasmine Halick	Private Citizen
Jarvis Brownlie	Private Citizen
James Beddome	Green Party of Manitoba
Kelvin Igwe	Private Citizen
Laura Tyler	Manitoba Energy Justice Coalition
Peter Miller	Green Action Centre
David Berg	Private Citizen
Mark Cohoe	Bike Winnipeg
Jean Altemeyer	Private Citizen
Georgina Garrett	Private Citizen
Danielle Cayer	Private Citizen

Ray Garnett	Private Citizen
Curtis Hull	Climate Change Connection
October 25, 2018 meeting	
Courtney Tosh	Private Citizen
Gene Degen	Private Citizen
Alanna Phillips	Private Citizen
Hank Venema	Strategic Community Consulting
Ian Walker	Private Citizen
Dr. Barry Prentice	Private Citizen
Zach Fleisher	Private Citizen
Molly McCracken	Private Citizen
Jazmin Alfaro	Private Citizen
Gloria Taylor	Private Citizen
Matthew Lawrence	Private Citizen
Edward Burgener	Private Citizen
Zainab Mansaray	Canada Sierra Leone Friendship Society Inc.
Angela Reeves	Private Citizen

Written Submissions

Your Committee received the following 16 written submissions on **Bill (No. 16)** – The Climate and Green Plan Implementation Act/Loi sur la mise en œuvre du Plan vert et climatique:

Joe Masi	Association of Manitoba Municipalities
Jennifer Engbrecht	Private Citizen
Barry Bisset	Private Citizen
Jennifer Sime	Private Citizen
Jonathan Alward	Canadian Federation of Independent Business
Joshua Leonhardt	Private Citizen
Kurt Engbrecht	Private Citizen
Peter Thomson	Private Citizen
Mark Hudson	Canadian Centre for Policy Alternatives, Manitoba
Yifei Huang	Private Citizen
Ervin Bartha	Private Citizen
Deborah Judith	Private Citizen
Alex Green	Private Citizen
Jennifer Lukovich	Private Citizen
Joseph Kornelsen	Private Citizen
Robin Bryan	Private Citizen

Bill Considered and Reported

Bill (No. 16) – The Climate and Green Plan Implementation Act/Loi sur la mise en œuvre du Plan vert et climatique

Your Committee agreed to report this Bill, without amendment.

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

Hon. Mr. FRIESEN presented:

Annual Report of The Addictions Foundation of Manitoba for the fiscal year ending March 31, 2018.

(Sessional Paper No. 106)

Hon. Mrs. STEFANSON, the Minister of Families, made a statement regarding Tree of Life Synagogue Attack in Pittsburgh.

Messrs. KINEW and LAMONT commented on the statement.

Hon. Mrs. MAYER, the Minister of Crown Services, made a statement regarding Citizens on Patrol Week.

Mr. LINDSEY and Ms. LAMOUREUX commented on the statement.

Pursuant to Rule 27(1), Messrs. LAGASSÉ, KINEW, PIWNIUK and ALTEMEYER and Hon. Mrs. MAYER made Members' Statements.

Following Oral Questions, Madam Speaker made the following ruling:

During Orders of the Day on Wednesday, June 7, 2018 the Honourable Member for Keewatinook raised a Matter of Privilege regarding remarks made by the Honourable Member for Morris in a Members' Statement on June 6th, 2018. The Honourable Member for Keewatinook indicated that the remarks in question alluded to another Member's past issues with the law prior to his tenure as an MLA. She suggested that these statements should not be taken lightly, and that due to these comments she felt her ability to do her job as an MLA was being impeded. The Honourable Member for Keewatinook further added that many people within our communities who have criminal backgrounds have worked hard to turn their lives around, and "to repeatedly bring up a person's past issues with the legal system serves no end. It only tears someone down." She concluded her remarks by moving "that this matter be referred to a committee of this Legislature".

The Honourable Leader of the Official Opposition, the Honourable Member for Morris, the Honourable Member for Assiniboia and the Honourable Member for The Maples all spoke to the matter before I took it under advisement to consult the authorities.

I must preface my remarks by reminding Members that as your Speaker I must evaluate any privilege submission on its procedural merits only, as it is not any Speaker's role to make a determination on the issues leading to the allegation of a breach of privilege. The Speaker's role is narrow in this regard, and I would ask Members to bear this in mind.

As Members well know, there are two conditions which must be met to demonstrate a prima facie case of privilege: has the matter been raised at the earliest opportunity, and has the Member demonstrated sufficient evidence to prove that privileges of the House have been breached.

With regard to the question of timeliness, the Honourable Member for Keewatinook indicated that she wanted to check Hansard before proceeding with her privilege submission. This is a reasonable point and I would say that she has met the test of timeliness.

Regarding the second condition, the requirement to demonstrate sufficient evidence to prove that privileges were breached, I have considered many factors.

The Honourable Member for Keewatinook referenced the First Edition of House of Commons Procedure and Practice, quoting page 83 which states: “The assaulting, menacing or insulting of any member on the floor of the House while he or she is coming or going from the House, or on account of his behavior during a proceeding of Parliament, is a violation of the rights of Parliament. Any form of intimidation... of a person for or on account of his behavior during a proceeding in Parliament could amount to contempt.”

While the Member accurately identified an improper concept relating to privilege, this particular reference is a quotation from a 1989 House of Commons privilege ruling relating to interactions between a Member of Parliament and a member of the public, and is therefore not precisely relevant to this matter.

I must note at this point that while the Honourable Member for Keewatinook stated that the remarks in question by the Honourable Member for Morris impeded her ability to do her job, she did not demonstrate how her privileges were breached in this matter. However, she did raise some very important issues with her submission, which I believe merit further discussion.

In consideration of the matter raised we must carefully examine the concept of freedom of speech in the Legislative context. Freedom of speech is one of the most important principles underlying the function of this and any Canadian legislature. It is in fact one of the main pillars of Parliamentary Privilege.

Bosc and Gagnon devote considerable attention to this topic in the Third Edition of House of Commons Procedure and Practice. On page 89 they state that:

“By far, the most important right accorded to Members of the House is the exercise of freedom of speech in parliamentary proceedings. It has been described as... a fundamental right without which [Members] would be hampered in the performance of their duties. It permits them to speak in the House without inhibition, to refer to any matter or express any opinion as they see fit, to say what they feel needs to be said in the furtherance of the national interest and the aspirations of their constituents.”

On page 92 they expand on this concept, noting that:

“Freedom of speech permits members to speak freely in the Chamber during a sitting or in committees during meetings while enjoying complete immunity from prosecution or civil liability for any comment they might make... Though this is often criticized, the freedom to make allegations which the Member genuinely believes at the time to be true, or at least worthy of investigation, is fundamental. The House of Commons could not work effectively unless its Members were able to speak and criticize without having to account to any outside body... In ruling on a question of privilege in 1984, Speaker Bosley affirmed that “the privilege of a Member of Parliament when speaking in the House or in a committee is absolute, and that it would be very difficult to find that any statement made under the cloak of parliamentary privilege constituted a violation of that privilege”.

Examining the remarks in question through this lens, one must conclude that the Honourable Member for Morris was within his rights to make such comments. However, Bosc and Gagnon also emphasize the need for judicious use of the privilege of freedom of speech, and of the necessity to take great care in the exercise of this privilege. On pages 97 and 98 they address issues relating to freedom of speech, noting that “The privilege of freedom of speech is an extremely powerful immunity and on occasion Speakers have had to caution Members about its misuse. Ruling on a question of privilege in 1987, Speaker Fraser spoke at length about the importance of freedom of speech and the need for care in what Members say” – and here I will quote directly from Speaker Fraser’s 1987 ruling:

“There are only two kinds of institutions in this land to which this awesome and far-reaching privilege [of freedom of speech] extends, Parliament and the Legislatures on the one hand and the courts on the other. These institutions enjoy the protection of absolute privilege because of the overriding need to ensure that the truth can be told, that any questions can be asked, and that debate can be free and uninhibited...

Such a privilege confers grave responsibilities on those who are protected by it. By that I mean specifically the Honourable Members of this place. The consequences of its abuse can be terrible. Innocent people could be slandered with no redress available to them. Reputations could be destroyed on the basis of false rumour. All Honourable Members are conscious of the care they must exercise in availing themselves of their absolute privilege of freedom of speech. That is why there are long-standing practices and traditions observed in this House to counter the potential for abuse.”

I will note that the practices and traditions Speaker Fraser references here include the rules and practices of the House with respect to the content of speeches and the use of unparliamentary language.

Bosc and Gagnon also cite a 1994 ruling from Speaker Parent which emphasized the need for Members to use great care in exercising their right to speak freely in the House:

“Paramount to our political and parliamentary systems is the principle of freedom of speech, a member’s right to stand in this House unhindered to speak his or her mind. However when debate in the House centres on sensitive issues, as it often does, I would expect that members would always bear in mind the possible effects of their statements and hence be prudent in their tone and choice of words.”

More recent House of Commons rulings also emphasize the need for care and caution in the exercising of freedom of speech, as Bosc and Gagnon note in a 2014 ruling from Speaker Scheer when he cautioned the House on the limits of freedom of speech, stating that: “All members bear a responsibility, individually and collectively, to select the words they use very carefully and to be ever mindful of the serious consequences that can result when this responsibility is forgotten.”

I reference all of this at such length to clearly illustrate for Members the complexities of our privilege to the right of freedom of speech in this place. We the select few who are chosen by the citizens of this province have a profound responsibility to represent them with wisdom and dignity, and to exercise exactly this kind of care every single time we rise to speak in this Chamber.

I urge mindfulness to all Members whenever you open your mouths in this place – on or off the record. Be careful of the complex history of this great country. Be mindful of the impact the comments you make here may have on the outside community. Be mindful of the journey that many people take out of challenging circumstances in life towards a better future. Be mindful that personal attacks do not advance an argument and have no place in this Legislature.

From a strictly procedural perspective, and in consideration of all of the factors I have noted, I must respectfully rule that the Honourable Member for Keewatinook has not demonstrated a prima facie case of privilege. However, I would caution all Honourable Members of this House – especially those who heckle or interject during debates – to be mindful of the messages in this ruling, and strive to do better for your constituents, your friends and families, and yourselves.

The following petitions were presented and read:

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. (S. Cowell, S. Sommerfield and B. Franklin and others)

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. (K. Stohel, L. Manness, C. Selley and others)

Mr. WIEBE – Legislative Assembly of Manitoba to urge the Provincial Government to reverse the decision to close Concordia Hospital's emergency room so that families and seniors in northeast Winnipeg and the surrounding areas have timely access to quality health care services.

The House resumed the debate on the Proposed Motion of Mrs. SMITH (Point Douglas):

THAT Bill (No. 223) – The Child and Family Services Amendment Act/Loi modifiant la Loi sur les services à l'enfant et à la famille, be now read a Second Time and be referred to a Committee of this House.

And the Question being put. It was agreed to.

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

The House resumed the debate on the Proposed Motion of Ms. FONTAINE:

THAT Bill (No. 228) – The Animal Shelter and Rescue Awareness Day Act/Loi sur la Journée de sensibilisation aux refuges et aux établissements de secours pour animaux, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And leave having been denied to have the matter remain in the name of Mr. GRAYDON,

Monday, October 29, 2018

And the Question being put. It was agreed to.

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

The House resolved into Committee of the Whole.

The House then adjourned at 6:31 p.m. until 10:00 a.m. Tuesday, October 30, 2018.

Hon. Myrna DRIEDGER,
Speaker.