



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 82

THIRD SESSION, FORTY-FIRST 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. 233) on Thursday, November 1, 2018 at 10:00 a.m. with a Second Reading vote to follow at 10:55 a.m.

By leave, it was agreed for the House to deal with debate on Second Reading of Bill (No. 201).

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

THAT Bill (No. 201) – The Manitoba Conservation Officers Recognition Day Act/Loi sur la Journée de reconnaissance des agents de conservation du Manitobabe now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Ms. FONTAINE, Messrs. LINDSEY, WIEBE and ALLUM and Mrs. SMITH (Point Douglas) having spoken,

And Mr. MARCELINO (Tyndall Park) speaking at 11:00 a.m. The debate was allowed to remain in his name.

In accordance with Rule 33(11), Mr. MICKLEFIELD announced that the Relaxation of Federal Immigration Rules for the Seniors Live-in-Family Caregivers will be considered on the next Tuesday of Private Members' Business.

Mr. NESBITT moved:

Resolution No. 22: Celebrating the 20th Anniversary of the Association of Manitoba Municipalities.

WHEREAS the Association of Manitoba Municipalities (AMM) was formed on January 1st 1999, with the merger of Union of Manitoba Municipalities (UMM) and the Manitoba Association of Urban Municipalities (MAUM); and

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WHEREAS the AMM has over 130 members representing municipalities large and small from across the province; and

WHEREAS the AMM provides valuable services to its members such as assistance with human resources issues and job postings, and bulk purchasing of products and services; and

WHEREAS the AMM's annual conference brings together Mayors, Reeves, Councilors, and provincial Ministers from across the province in a valuable networking and advocacy opportunity; and

WHEREAS the Provincial Government has acted on a longstanding call from the AMM to adopt basket funding, respecting the ability of municipalities to set their own priorities with less provincial red tape; and

WHEREAS the Provincial Government is committed to continue working collaboratively with municipalities and respecting the principle of "fair say" as set out by the AMM.

THEREFORE BE IT RESOLVED THAT the Legislative Assembly of Manitoba congratulates the Association of Manitoba Municipalities on its twentieth anniversary and extends its best wishes for many more years to come.

And a debate arising,

And Mr. NESBITT having spoken,

And Messrs. MALOWAY, ISLEIFSON, and MICHALESKI and Ms. KLASSEN having questioned the Member,

And the debate continuing,

And Messrs. MALOWAY and MICHALESKI, Ms. KLASSEN and Mr. ALLUM having spoken,

And Mrs. SMITH (Point Douglas) speaking at 12:00 p.m. The debate was allowed to remain in her name.

1:30 O'CLOCK P.M.

Hon. Mr. CULLEN presented:

Annual Report of Legal Aid Manitoba for the fiscal year ending March 31, 2018.

(Sessional Paper No. 107)

Pursuant to Rule 27(1), Hon. Mr. PEDERSEN, Mr. MARTIN, Hon. Mr. GERRARD, Ms. MARCELINO (Logan) and Mr. TEITSMA made Members' Statements.

Following Oral Questions, Madam Speaker made the following ruling:

Following the Prayer on Monday, June 11, 2018, the then Honourable Minister of Finance raised a Matter of Privilege regarding comments made by the Honourable Leader of the Official Opposition during Oral Questions on Thursday, June 7, 2018. The then Honourable Minister of Finance contended that the Honourable Leader of the Official Opposition had accused the then Honourable Minister of Finance of misleading the House regarding government statements concerning revenue from the sale of cannabis. At the conclusion of his remarks, the then Honourable Minister of Finance moved “THAT this House impose a remedy and reparation for this Matter of Privilege under rule 36, and that the Leader of the Official Opposition apologize for his stating that the Minister of Finance made false statements and calling into question my forthrightness with this Assembly as this amounts to unparliamentary language and it is not suitable for this Chamber.”

The Honourable Leader of the Official Opposition, the Honourable Member for River Heights and the Honourable Member for Assiniboia also offered advice to the Chair. I took the matter under advisement in order to consult the procedural 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.

The then Honourable Minister of Finance had indicated that he had wanted to see the exact comments in Hansard before raising the matter in the House. Given that Hansard from June 7 would not be available until after that sitting day was over, the next available sitting day to raise the matter would be Monday, June 11, 2018. The Honourable Minister did raise the issue immediately after the Prayer on June 11, so I am satisfied that the issue of timeliness was met.

Regarding the second condition of whether a prima facie case of privilege has been established, I would like to inform the House that Joseph Maingot advises on p. 254 of the second edition of *Parliamentary Privilege in Canada* that language that impugns the integrity of Members would be unparliamentary and a breach of order contrary to the Standing Orders but not a breach of privilege. Therefore this issue should have been raised as a point of order and not as a Matter of Privilege. Additionally, in looking at the remarks made while Honourable Members offered to the Chair, it is clear that the essence of what was raised is a dispute between Honourable Members over the same set of facts. As has been ruled numerous times by previous Manitoba Speakers, a dispute between two Members as to allegations of fact does not constitute a breach of privilege.

Bosc and Gagnon advise on page 148 of the third edition of *House of Commons Procedure and Practice* that if a question of privilege involves a disagreement between two (or more) Members as to facts, the Speaker typically rules that such a dispute does not prevent Members from fulfilling their parliamentary functions nor does such a disagreement breach the collective privileges of the House.

Citation 31(1) of the sixth edition of *Beauchesne* indicates that a dispute arising between two Members as to allegations of facts does not fulfill the conditions of parliamentary privilege. Joseph Maingot, on page 223 of the second edition of *Parliamentary Privilege in Canada* states "A dispute between two Members about questions of facts said in debate does not constitute a valid question of privilege because it is a matter of debate."

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Due to the reasons cited, with the greatest of respect I rule that a prima facie case of privilege has not been established.

The following petitions were presented and read:

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. (J. Swirsky, M. Swirsky, A. Vaile and others)

The House resolved into Committee of the Whole.

The House then adjourned at 5:18 p.m. until 1:30 p.m. Wednesday, October 31, 2018.

Hon. Myrna DRIEDGER,
Speaker.