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LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 58

THIRD SESSION, FORTY-FIRST LEGISLATURE

PRAYER

1:30 O'CLOCK P.M.

Hon. Hon. Mr. WISHART presented:

Annual Reports of the Manitoba Adult Literacy Strategy and the Adult Learning Centres for the year ending June 30, 2017.

(Sessional Paper No. 63)

Hon. Hon. Mr. WISHART presented:

Annual Report of the Teachers' Retirement Allowances Fund for the year ending December 31, 2017.

(Sessional Paper No. 64)

Hon. Mrs. STEFANSON, the Minister of Justice and Attorney General, made a statement regarding Special Olympics Awareness Week.

Mr. MARCELINO (Tyndall Park) and, by leave, Ms. LAMOUREUX commented on the statement.

Hon. Mr. SCHULER, the Minister of Infrastructure, made a statement regarding the status of Manitoba fires.

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

Pursuant to Rule 27(1), Hon. Ms. CLARKE and Messrs. MARTIN, SARAN, ALTEMEYER and YAKIMOSKI made Members' Statements.

Following Oral Questions, Madam Speaker made the following ruling:

Following Oral Questions on Monday, May 28, 2018, the Honourable Official Opposition House Leader rose on a Matter of Privilege to draw to the attention of the House comments allegedly made by the Honourable Member for Brandon West from his seat while the Honourable Member for Point Douglas was asking questions during Oral Questions on that same day. The Official Opposition House Leader contended that the comments were infringing on the rights of the Member of Point Douglas to raise issues of concern, and were also attempting to limit and silence her freedom of speech by being aggressive and bullying. The Honourable Member for River Heights and the Honourable Government House Leader also offered advice to the Chair about decorum and heckling and personal attacks. 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.

Regarding the first condition of whether the matter was raised at the earliest opportunity, given that rule 28(5) indicates that points of order and matters of privilege cannot be raised during Oral Questions, the earliest opportunity to raise a Matter of Privilege is immediately after Oral Questions. The Honourable Official Opposition House Leader did raise the Matter of Privilege immediately after Oral Questions, so the condition of timeliness has been satisfied.

On the second condition, of whether a prima facie case has been established, this condition has not been met.

At the conclusion of her remarks, the Honourable Official Opposition Leader did not move a motion, which is one of the requirements for demonstrating a prima facie case.

In addition, as I ruled on October 20, 2016, issues relating to language, decorum or procedure are inherently questions of order and not privilege. Any complaint about language in this House should be raised as a Point of Order and not as a Matter of Privilege. This concept has been reinforced by rulings from numerous Manitoba Speakers. Further, Bosc and Gagnon state in *House of Commons Procedure and Practice* (Third Edition) on page 623 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.”

Also, as I ruled in the House on October 17, 2016 and on October 20, 2016, off-the-record language cannot be considered or ruled on by the Speaker, and this is consistent with decades of Manitoba practice. Accordingly, off-the-record comments cannot form the basis for a Matter of Privilege.

Although I am ruling that the conditions for a prima facie case of privilege have not been met in this circumstance, I do want to talk to all sides of the House very seriously about heckling and breaches of decorum. On the day in question, I rose numerous times during Oral Questions to call for order and to appeal to the better nature of Members for setting a positive example for the schoolchildren and guests in the Public Gallery and for those watching on television and on line. However, my appeals appear not to have been taken to heart by Members, as heckling continued on both sides of the House, with Members yelling at each other at some points.

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This is a place where there are often strong differences of opinion, but shouting each other down and heckling is not a constructive way of having public debates on issues. This type of behaviour could serve to intimidate Members on both sides of the House, and it certainly does not show the Assembly in a very good light in the public eye.

I made the following comments to the House on April 3, 2018 to talk about how we all need to be mindful of our actions given the watershed moment of changes in society, and I am again repeating these words for the benefit of Members:

“More than ever, this is requiring all of us to be mindful of our actions and to treat each other with more civility and respect, so that we can move forward as the role models society expects us to be. This Chamber is a place where strong and differing views are expressed, and that will not change. What is incumbent on all of us is to moderate our behaviours and to remember to treat each other as we would want to be treated. Our constituents, and our family and friends would expect no less from us.”

I strongly urge Members to think about the message I am sharing with you today, and I thank Members for their attention in listening to the ruling.

From her decision, Ms. FONTAINE appealed to the House,

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

The following petitions were presented and read:

Ms. SMITH – 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. (S. Asbury, A. Kuminski, D. Wood and others)

Ms. FONTAINE – 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.

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. (L. Wilson, P. Rayner-Moore, G. Hiel and others)

The House resolved into Committee of Supply.

Her Honour, Janice FILMON, Lieutenant Governor of the Province of Manitoba, having entered the House at 5:03 p.m., and being seated on the Throne:

Madam Speaker addressed Her Honour in the following words:

Your Honour:

At this sitting, the Legislative Assembly has passed certain Bills that I ask Your Honour to give assent to.

(No. 3) – The Canadian Free Trade Agreement Implementation Act (Labour Mobility Act and Regulated Health Professions Act Amended)/Loi sur la mise en œuvre de l'Accord de libre-échange canadien (modification de la Loi sur la mobilité de la main-d'œuvre et de la Loi sur les professions de la santé réglementées)

(No. 4) – The Legislative Assembly Amendment Act (Member Changing Parties)/Loi modifiant la Loi sur l'Assemblée législative (adhésion à un autre parti)

(No. 5) – The Public Interest Disclosure (Whistleblower Protection) Amendment Act/Loi modifiant la Loi sur les divulgations faites dans l'intérêt public (protection des divulgateurs d'actes répréhensibles)

(No. 6) – The Public Sector Compensation Disclosure Amendment Act/Loi modifiant la Loi sur la divulgation de la rémunération dans le secteur public

(No. 7) – The Sustainable Watersheds Act (Various Acts Amended)/Loi sur les bassins hydrographiques durables (modification de diverses dispositions législatives)

(No. 9) – The Community Child Care Standards Amendment Act (Enhanced Powers Respecting Governance and Accountability)/Loi modifiant la Loi sur la garde d'enfants (pouvoirs accrus en matière de gestion et d'obligation redditionnelle)

(No. 10) – The Boards, Committees, Councils and Commissions Streamlining Act (Various Acts Amended or Repealed)/Loi sur la simplification des conseils, des comités et des commissions (modification ou abrogation de diverses lois)

(No. 11) – The Safe and Responsible Retailing of Cannabis Act (Liquor and Gaming Control Act and Manitoba Liquor and Lotteries Corporation Act Amended)/Loi sur la vente au détail responsable et sécuritaire du cannabis (modification de la Loi sur la réglementation des alcools et des jeux et de la Loi sur la Société manitobaine des alcools et des loteries)

(No. 14) – The Traffic and Transportation Modernization Act/Loi sur la modernisation des lois relatives à la circulation et au transport

(No. 15) – The Film and Video Classification and Distribution Act/Loi sur la classification et la distribution des films et des vidéos

(No. 17) – The Drivers and Vehicles Amendment and Highway Traffic Amendment Act/Loi modifiant la Loi sur les conducteurs et les véhicules et le Code de la route

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(No. 18) – The Child and Family Services Amendment Act (Taking Care of Our Children)/Loi modifiant la Loi sur les services à l'enfant et à la famille (soins conformes aux traditions)

(No. 19) – The Planning Amendment Act (Improving Efficiency in Planning)/Loi modifiant la Loi sur l'aménagement du territoire (efficacité accrue)

(No. 20) – The Employment Standards Code Amendment Act (2)/Loi n°2 modifiant le Code des normes d'emploi

(No. 22) – The Queen's Counsel Act/Loi sur les conseillers de la Reine

(No. 23) – The Commodity Futures Amendment and Securities Amendment Act/Loi modifiant la Loi sur les contrats à terme de marchandises et la Loi sur les valeurs mobilières

(No. 25) – The Non-Smokers Health Protection and Vapour Products Amendment Act (Prohibiting Cannabis Consumption in Outdoor Public Places)/Loi modifiant la Loi sur la protection de la santé des non-fumeurs et les produits servant à vapoter (interdiction de consommer du cannabis dans les endroits publics extérieurs)

(No. 26) – The Impaired Driving Offences Act (Various Acts Amended)/Loi modifiant diverses lois en matière de conduite avec facultés affaiblies

(No. 212) – The Invasive Species Awareness Week Act/Loi sur la Semaine de sensibilisation aux espèces envahissantes

(No. 213) – The Allied Healthcare Professionals Recognition Week Act/Loi sur la Semaine de reconnaissance des professionnels paramédicaux

(No. 219) – The Workplace Safety and Health Amendment Act (Inappropriate or Unsafe Footwear)/Loi modifiant la Loi sur la sécurité et l'hygiène du travail (chaussures inappropriées ou non sécuritaires)

(No. 221) – The Rail Safety Awareness Week Act/Loi sur la Semaine de sensibilisation à la sécurité ferroviaire

(No. 300) – The University of Manitoba Students' Union Amendment Act/Loi modifiant la Loi sur l'Association des étudiants de l'Université du Manitoba

To these Bills the Royal Assent was announced by the Clerk of the Legislative Assembly as follows:

"In Her Majesty's name, Her Honour assents to these Bills."

At 5:12 p.m., Her Honour was then pleased to retire.

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The House then adjourned at 5:15 p.m., Monday, June 4, 2018.

Hon. Myrna DRIEDGER,
Speaker.