



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 46

FOURTH SESSION, FORTIETH LEGISLATURE

PRAYER

10:00 O'CLOCK A.M.

By leave, it was agreed for the House to deal with Second Reading of Bill (No. 213).

Mr. GRAYDON moved:

THAT Bill (No. 213) – The Seniors' Rights and Elder Abuse Protection Act/Loi sur les droits et la protection des aînés, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Mr. GRAYDON, Hon. Ms. CROTHERS, Mrs. STEFANSON, Hon. Ms. MARCELINO (Logan), Messrs. EWASKO and GAUDREAU and Hon. Mr. GERRARD having spoken,

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

Mr. MARTIN moved:

Resolution No. 10: Provincial Government's Failure to Stop the Spread of Invasive Species in Manitoba

WHEREAS Manitoba is well known for its natural beauty which, in conjunction with its natural resources, is an important economic asset for the province in the hunting, fishing, tourism, recreation and energy producing industries; and

WHEREAS many Manitobans, including First Nations and Métis communities, depend on Manitoba's natural resources to provide a livelihood for themselves and their families; and

WHEREAS Manitoba Hydro is gravely concerned with the spread of invasive species, such as zebra mussels, because of their ability to seriously interfere with the Crown Corporation's energy producing infrastructure; and

WHEREAS the spread of invasive species, such as zebra mussels, are a serious threat to Manitoba's economic and ecological health because of their ability to invade, alter and threaten the existence of natural flora and fauna populations found in Manitoba ecosystems; and

WHEREAS the current Provincial Government has been well aware that invasive species, such as zebra mussels, have been present within the Red River Drainage Basin since at least 2009; and

WHEREAS the efforts of this Provincial Government have been completely inadequate and have failed to properly prepare and implement proactive protective measures to protect Manitoba from these invasive species.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba acknowledge the spread of any invasive species, including zebra mussels, has the potential to cause economic havoc on the health of Manitoba's natural resources and ecological balance; and

BE IT FURTHER RESOLVED that this Provincial Government has failed to properly act to prevent the spread of invasive species, such as zebra mussels; and

BE IT FURTHER RESOLVED that the inaction and mismanagement of this Provincial Government has resulted in Manitobans being forced to live with the harmful consequences caused by the unchecked spread of invasive species.

And a debate arising,

And Mr. MARTIN, Hon. Mr. NEVAKSHONOFF, Messrs. WISHART, PETTERSEN, HELWER and GAUDREAU and Hon. Mr. GERRARD having spoken,

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

1:30 O'CLOCK P.M.

The following Bills were severally read a First Time and had their purposes outlined:

(No. 39) – The City of Winnipeg Charter Amendment and Public Interest Disclosure (Whistleblower Protection) Amendment Act (Enhancing Local Transparency and Accountability)/Loi modifiant la Charte de la ville de Winnipeg et la Loi sur les divulgations faites dans l'intérêt public (protection des divulgateurs d'actes répréhensibles) (transparence et responsabilité accrues au niveau local)

(Hon. Mr. CALDWELL)

(No. 40) – 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)

(Hon. Ms. IRVIN-ROSS)

(No. 41) – The Statutes Correction and Minor Amendments Act, 2015/Loi corrective de 2015

(Hon. Mr. MACKINTOSH)

(No. 214) – The School Bus Driver Day Act/Loi sur la Journée des conducteurs d'autobus scolaires

(Mr. EWASKO)

The following petitions were presented and read:

Mr. SCHULER – Legislative Assembly of Manitoba to urge that the Provincial Government improve the safety at the pedestrian corridor at the intersection of PTH# 206 and Cedar Avenue in Oak Bank by considering such steps as highlighting pavement markings to better indicate the location of the shoulders and crosswalk, as well as installing a lighted crosswalk structure. (K. Coe, T. Moreton, R. Gridley and others)

Mr. GRAYDON – Legislative Assembly of Manitoba to urge the Provincial Government to consider immediately enacting a province wide review of the long-term care needs of residents of Manitoba and to recognize the stresses placed upon the healthcare system by the current and continuous aging population and consider increasing the availability of long-term care spaces (PCH beds) in communities across the province. (J. Maynard, E. Mellor, J. McNaughton and others)

Mr. EWASKO – Legislative Assembly of Manitoba to urge the Provincial Government to consider collaborating with other levels of government to research the economic benefits and construction costs of a marina in Lac du Bonnet. (F. Loreth, D. Bruce, L. Loreth and others)

Ms. ALLAN, 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:

- July 10, 2013 at 11:00 a.m. in Room 255 of the Legislative Building
- June 1, 2015 at 12:15 p.m. in Room 255 (partly *in camera*)

Matters under Consideration

- Recommendation for the appointment of the Auditor General

Committee Membership

Committee Membership for the July 10, 2013 meeting:

- Ms. BRAUN
- Mr. CULLEN
- Mr. DEWAR
- Mr. EICHLER
- Mr. GOERTZEN
- Hon. Ms. HOWARD
- Hon. Ms. MARCELINO (Logan)
- Mr. MARCELINO (Tyndall Park) (*Vice-Chairperson*)
- Mr. PEDERSEN
- Hon. Mr. SWAN
- Ms. WIGHT (*Chairperson*)

Committee Membership for the June 1, 2015 meeting:

- Ms. ALLAN (*Chairperson*)
- Mr. ALTEMEYER
- Hon. Mr. CHOMIAK
- Mr. EWASKO
- Mr. EICHLER
- Mr. GOERTZEN
- Mr. HELWER
- Mr. JHA
- Mr. RONDEAU
- Mr. WIEBE
- Hon. Ms. WIGHT

Your Committee elected Mr. WIEBE as the Vice-Chairperson at the June 1, 2015 meeting.

Motions agreed to at the July 10, 2013 Standing Committee meeting:

- *THAT a sub-committee of the Standing Committee on Legislative Affairs be struck to manage the process of hiring a new Auditor General and a new Ombudsman for the Province of Manitoba, under the terms and conditions as follows:*
 - (a) *the subcommittee may only report back to the committee with a recommendation that has received a general level of acceptance by all members;*
 - (b) *the subcommittee consist of four government members, two official opposition members and one independent member;*
 - (c) *the subcommittee have the authority to call their own meetings, the ability to meet in camera, and be able to undertake duties it deems necessary in order to fulfil its responsibilities in the hiring process;*
 - (d) *the subcommittee appoint an expert advisory panel of three members to assist in the hiring process and ultimately provide the subcommittee with a prioritized list of candidates;*
 - (e) *the subcommittee establish the terms of reference for the expert advisory panel, and that Legislative Assembly staff may be authorized by the Chair to attend all meetings of the subcommittee and the expert advisory panel.*

Motions agreed to at the June 1, 2015 Standing Committee meeting:

- *THAT the Standing Committee on Legislative Affairs now meet in camera.*
- *THAT the report and recommendations of the Sub-Committee be received. (in camera)*
- *THAT the Standing Committee on Legislative Affairs recommends to the Lieutenant Governor in Council that Mr. Norman Ricard be appointed as the Auditor General. (in camera)*

Sub-Committee Report

At the June 1, 2015 meeting of the Standing Committee on Legislative Affairs, the Sub-Committee presented its second report.

Meetings:

Your Sub-Committee met on the following occasions:

- January 20, 2014 at 12:30 p.m. in Room 255 of the Legislative Building
- February 20, 2014 at 11:30 a.m. in Room 255 of the Legislative Building
- April 28, 2014 at 5:15 p.m. in Room 255 of the Legislative Building
- May 20, 2014 at 5:15 in Room 255 of the Legislative Building
- June 12, 2014 at 5:45 in Room 255 of the Legislative Building
- March 10, 2015 at 3:00 p.m. in Room 255 of the Legislative Building
- April 9, 2015 at 2:00 p.m. in Room 255 of the Legislative Building
- April 21, 2015 at 10:30 a.m. in Room 255 of the Legislative Building
- May 21, 2015 at 8:00 a.m. in room 1530 – 405 Broadway (Woodsworth Building)

Matters under Consideration:

- Recruitment and Selection of the Auditor General

Sub-Committee Membership:

Sub-Committee Membership for the January 20, 2014 meeting:

- Ms. ALLAN
- Hon. Ms. BRAUN
- Mr. DEWAR
- Mr. EWASKO
- Hon. Mr. GERRARD
- Mr. HELWER
- Hon. Mr. SWAN

Your Sub-Committee elected Ms. ALLAN as the Chairperson and Mr. DEWAR as the Vice-Chairperson during the meeting on January 20, 2014.

Sub-Committee Membership for the February 20, 2014 meeting:

- Ms. ALLAN (*Chairperson*)
- Hon. Ms. BRAUN
- Mr. DEWAR (*Vice-Chairperson*)
- Mr. EWASKO
- Hon. Mr. GERRARD
- Mr. HELWER
- Hon. Mr. SWAN

Sub-Committee Membership for the April 28, 2014 meeting:

- Ms. ALLAN (*Chairperson*)
- Hon. Ms. BRAUN
- Mr. DEWAR (*Vice-Chairperson*)

- Mr. EWASKO
- Hon. Mr. GERRARD
- Mr. HELWER
- Hon. Mr. SWAN

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Sub-Committee Membership for the May 20, 2014 meeting:

- Ms. ALLAN (*Chairperson*)
- Hon. Ms. BRAUN
- Mr. DEWAR (*Vice-Chairperson*)
- Mr. EWASKO
- Hon. Mr. GERRARD
- Mr. HELWER
- Hon. Mr. SWAN

Sub-Committee Membership for the June 12, 2014 meeting:

- Ms. ALLAN (*Chairperson*)
- Hon. Ms. BRAUN
- Mr. DEWAR (*Vice-Chairperson*)
- Mr. EWASKO
- Hon. Mr. GERRARD
- Mr. HELWER
- Hon. Mr. SWAN

Sub-Committee Membership for the March 10, 2015 meeting:

- Ms. ALLAN (*Chairperson*)
- Hon. Ms. BRAUN
- Hon. Mr. CHOMIAK
- Mr. EWASKO
- Hon. Mr. GERRARD
- Mr. HELWER
- Mr. WIEBE

Your Sub-Committee elected Mr. WIEBE as the Vice-Chairperson during the meeting on March 10, 2015.

Sub-Committee Membership for the April 9, 2015 meeting:

- Ms. ALLAN (*Chairperson*)
- Hon. Ms. BRAUN
- Hon. Mr. CHOMIAK
- Mr. EWASKO
- Hon. Mr. GERRARD
- Mr. HELWER
- Mr. WIEBE (*Vice-Chairperson*)

Sub-Committee Membership for the April 21, 2015 meeting:

- Ms. ALLAN (*Chairperson*)
- Hon. Ms. BRAUN
- Hon. Mr. CHOMIAK

- Mr. EWASKO
- Hon. Mr. GERRARD
- Mr. HELWER
- Mr. WIEBE (*Vice-Chairperson*)

Sub-Committee Membership for the May 21, 2015 meeting:

- Ms. ALLAN (*Chairperson*)
- Hon. Mr. CALDWELL
- Hon. Mr. CHOMIAK
- Mr. EWASKO
- Hon. Mr. GERRARD
- Mr. HELWER
- Mr. WIEBE (*Vice-Chairperson*)

Staff present for Sub-Committee and Panel meetings:

- Judy Wegner, Executive Director, Legislative Assembly Administration and Finance
- Deanna Wilson, Director, Legislative Assembly Human Resource Services
- Andrea Signorelli, Clerk Assistant/Committee Clerk

Sub-Committee Agreements:

Your Sub-Committee reached the following agreement during the meeting on March 10, 2015:

- THAT the Sub-Committee continue the process of hiring a new Auditor General, undertaking all duties it deems necessary to fulfil its responsibilities in the hiring process.

Your Sub-Committee reached the following agreement during the meeting on June 1, 2015:

- It was agreed to recommend to the Standing Committee on Legislative Affairs that Norman Ricard be appointed as the Auditor General.

Sub-Committee Activities:

The Sub-Committee considered applications for the position of the Auditor General as follows:

- Twenty-eight applications were received for the position.
- Two individuals were interviewed for the position on May 21, 2015.

Expert Advisory Panel Activities:

As agreed to by the Sub-Committee on January 20, 2014, the following individuals served as members of the Expert Advisory Panel:

- Tannis Mindell
- Allan Fineblit
- James Wilson

The Expert Advisory Panel met on the following occasions:

- February 12, 2014
- March 25, 2014
- April 9, 2014
- April 10, 2014
- April 11, 2014

All meetings were held *in camera* on the 10th Floor of the Woodsworth Building (1035 – 405 Broadway).

The Expert Advisory Panel considered applications for the position of the Auditor General as follows:

- Twenty-three applications were received for the position.
- Three individuals were interviewed for the position on April 9, 2014.
- One individual was interviewed for the position on April 10, 2014.

On motion of Ms. ALLAN, the Report of the Committee was received.

Hon. Mr. MACKINTOSH presented:

Annual Report of The Manitoba Public Insurance Corporation for the fiscal year ending February 28, 2015.

(Sessional Paper No. 58)

Annual Report of The Manitoba Public Insurance Corporation (Financial Statement) for the fiscal year ending February 28, 2015.

(Sessional Paper No. 59)

Annual Report of the Provincial Court of Manitoba for the fiscal year ending March 31, 2013.

(Sessional Paper No. 60)

Hon. Mr. DEWAR presented:

Annual Report of the Crown Corporations Council for the year ending December 31, 2014.

(Sessional Paper No. 61)

Hon. Ms. MARCELINO (Logan) presented:

Annual Reports of the Manitoba Adult Literacy Strategy and the Adult Learning Centres for the year ending June 30, 2014.

(Sessional Paper No. 62)

Hon. Mr. ALLUM presented:

Annual Report of the Teachers' Retirement Allowances Fund for the year ending December 31, 2014.

(Sessional Paper No. 63)

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

Following the Daily Prayer on Monday, June 8, 2015, the Honourable Member for River Heights rose on a matter of privilege regarding remarks made by the Honourable Minister of Infrastructure and Transportation on Thursday, June 4 while commenting on a point of order. The Honourable Member for River Heights contended that remarks made by the Honourable Minister calling the Legislature dysfunctional were derogatory and were a slur on the Assembly. He requested that the Honourable Minister withdraw his remarks. The Honourable Member for River Heights concluded his remarks by moving "THAT this matter be referred to a legislative committee for further action." The Honourable Official Opposition House Leader and the Honourable Minister of Infrastructure and Transportation also offered advice to the Chair. I took the matter under advisement in order to consult with 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 Honourable Member for River Heights advised that he was raising the matter at the earliest available opportunity as he wanted to first verify the remarks in Hansard before raising the issue in the House, and I accept the word of the Honourable Member that he was raising the issue at the earliest opportunity.

On the issue of whether a prima facie case has been demonstrated, Joseph Maingot advises on pages 254 and 255 of the second edition of *Parliamentary Privilege in Canada* that "language spoken during a parliamentary proceeding 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." I am not suggesting that the words complained of did impugn the integrity of Members; I am pointing out that the procedural authorities offer advice stating this type of claim cannot be made as a breach of privilege.

In reviewing the advice given to the Chair, it is clear that there are significant differences of opinion as to how this legislature conducts its business. Although we may not all agree or see eye to eye on how business proceeds, the fact that there is a difference of opinion does not mean that a breach of privilege has occurred. As Beauchesne citation 31(1) advises, "A dispute between two Members as to allegations of facts does not fulfill the conditions of parliamentary privilege."

In addition, Maingot advises on page 14 of the aforementioned *Parliamentary Privilege in Canada* that to constitute privilege, there must be some improper obstruction to the Member in performing his or her parliamentary work in either a direct or constructive way, as opposed to mere expression of public opinion or criticism of the activities of the Member. The Honourable Member for River Heights did not identify if an improper obstruction took place, nor did he identify any specific privileges of the House or of Members that were breached.

I must therefore rule, with the greatest of respect, that a prima facie case of privilege has not been demonstrated and the matter is out of order as a matter of privilege.

With that being said, I also wish to remind the House of comments that I made on the record in 2013. At that time I said “I am aware that there are currently many important issues before this Assembly, issues on which Members hold strong and divergent opinions. It is entirely appropriate for Members to hold these strong and divergent opinions on these issues. One of the basic principles of our democracy is the fact that elected representatives can disagree in a place like this. Despite these disagreements though, Members should still conduct themselves in an orderly manner, and show respect for one another and for the institution they serve.”

I believe these comments to still be valid.

Pursuant to Rule 26(1), Mr. SCHULER, Hon. Mr. SARAN, Mr. FRIESEN, Hon. Ms. CROTHERS and Ms. OSWALD made Members' Statements.

By leave, it was agreed to withdraw the Government motion on the Order Paper dealing with Sessional sitting dates and to bring forward a new motion on the same topic without the required notice.

Hon. Mr. CHOMIAK moved:

THAT this House rescind the previous agreement of June 4, 2015 to sit during the months of July, August, September, October, November and December, and despite Rule 2(1) sit during the following periods:

- a) Adjourn June 11, 2015 in accordance with the Rules;
- b) Reconvene on June 16, 2015 and meet until June 30, 2015 with the understanding that if this motion is not concluded on June 11, the House can be recalled by the government for June 16 under the emergency recall provisions;
- c) Reconvene on October 20, 2015 and meet until November 5, 2015;
- d) Reconvene on November 16, 2015 and meet until December 3, 2015;
- e) Reconvene the current session/or commence the 5th Session of the 40th Legislature on February 24, 2016 and meet until March 15, 2016.

And a debate arising,

The debate was, on motion of Mr. GOERTZEN, adjourned.

By leave, it was agreed to allow Mr. GOERTZEN to make a statement regarding the Government motion.

And by leave, Hon. Messrs. GERRARD and CHOMIAK commented on the statement.

In accordance with Rule 31(9), the Opposition House Leader announced that the Provincial Government's Failure to Proactively Address Canada's Microbead Issue Resolution will be considered next Thursday, June 18, 2015.

Hon. Mr. NEVAKSHONOFF moved:

THAT Bill (No. 12) – The Water Protection Amendment Act (Aquatic Invasive Species)/Loi modifiant la Loi sur la protection des eaux (espèces aquatiques envahissantes), be now read a Second Time and be referred to a Committee of this House.

(Recommended by His Honour, the Administrator)

And a debate arising,

And Hon. Messrs. NEVAKSHONOFF and GERRARD having spoken,

The debate was, on motion of Mr. MARTIN, adjourned.

Hon. Mr. NEVAKSHONOFF presented:

Message from His Honour, the Lieutenant Governor recommending the disposition of public revenue for Bill (No. 12).

(Sessional Paper No. 64)

Hon. Mr. NEVAKSHONOFF moved:

THAT Bill (No. 24) – The Wildlife Amendment and Fisheries Amendment Act/Loi modifiant la Loi sur la conservation de la faune et la Loi sur la pêche, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Messrs. NEVAKSHONOFF and GERRARD having spoken,

The debate was, on motion of Mr. MARTIN, adjourned.

Hon. Mr. ALLUM moved:

THAT Bill (No. 22) – The Red River College Act/Loi sur le Collège Red River, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Messrs. ALLUM and GERRARD having spoken,

The debate was, on motion of Mr. EWASKO, adjourned.

Hon. Mr. ALLUM presented:

Message from His Honour, the Lieutenant Governor recommending the disposition of public revenue for Bill (No. 22).

(Sessional Paper No. 65)

Hon. Ms. IRVIN-ROSS moved:

THAT Bill (No. 25) – The Children's Advocate Act/Loi sur le protecteur des enfants, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Ms. IRVIN-ROSS and Hon. Mr. GERRARD having spoken,

The debate was, on motion of Mr. WISHART, adjourned.

Hon. Ms. IRVIN-ROSS presented:

Message from His Honour, the Lieutenant Governor recommending the disposition of public revenue for Bill (No. 25).

(Sessional Paper No. 66)

Hon. Mr. MACKINTOSH moved:

THAT Bill (No. 17) – The Manitoba Public Insurance Corporation Amendment Act/Loi modifiant la Loi sur la Société d'assurance publique du Manitoba, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Messrs. MACKINTOSH and GERRARD having spoken,

The debate was, on motion of Mr. HELWER, adjourned.

Thursday, June 11, 2015

Hon. Mr. MACKINTOSH presented:

Message from His Honour, the Lieutenant Governor recommending the disposition of public revenue for Bill (No. 17).

(Sessional Paper No. 67)

Hon. Mr. MACKINTOSH moved:

THAT Bill (No. 34) – The Safer Roads Act (Drivers and Vehicles Act and Highway Traffic Act Amended)/Loi sur la sécurité accrue des routes (modification de la Loi sur les conducteurs et les véhicules et du Code de la route), be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Messrs. MACKINTOSH and GERRARD having spoken,

The debate was, on motion of Mr. GOERTZEN, adjourned.

The House then adjourned at 5:00 p.m. until 1:30 p.m. Tuesday, June 16, 2015.

Hon. Daryl REID,
Speaker.