



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 26

THIRD SESSION, FORTY-FIRST LEGISLATURE

PRAYER

10:00 O'CLOCK A.M.

Mrs. GUILLEMARD moved:

THAT Bill (No. 300) – The University of Manitoba Students' Union Amendment Act/Loi modifiant la Loi sur l'Association des étudiants de l'Université du Manitoba, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mrs. GUILLEMARD having spoken,

And Messrs. WIEBE and TEITSMA and Hon. Messrs. GERRARD and FLETCHER having questioned the Member,

And the debate continuing,

And Messrs. WIEBE and TEITSMA and Hon. Messrs. FLETCHER and GERRARD having spoken,

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

Mr. LAGIMODIERE moved:

Resolution No. 5: Recognition of Wetland Importance

WHEREAS wetlands help to prevent flooding, store carbon and remove sediment, nutrients and contaminants from waterways; and

WHEREAS wetlands contribute to safe water supplies for shallows and deep wells; and

WHEREAS wetland areas promote healthy ecosystems and biodiversity by supporting many forms of plant and animal life; and

WHEREAS Manitoba has lost up to 70% of wetlands in southern Manitoba and continues to lose wetlands at a rate of nine acres per day; and

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WHEREAS other jurisdictions in North America have implemented a three to one ratio replacement policy for lost wetland areas; and

WHEREAS the Provincial Government has fully committed to reducing flooding and improving water quality and nutrient management through the Grow program; and

WHEREAS prairie wetlands in Manitoba store approximately 67 million tonnes of carbon; and

WHEREAS Manitoba's boreal region is rich in wetlands, store as much as 27.9 billion tonnes of carbon, and provide a critical habitat for species at risk such as boreal woodland caribou.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Provincial Government to continue to acknowledge the need to protect wetlands and strive to replace damaged or lost wetland areas in order to halt their depletion and ensure the ongoing health of one of Manitoba's most essential ecosystems.

And a debate arising,

And Mr. LAGIMODIERE having spoken,

And Messrs. ALTEMEYER and MICHALESKI, Hon. Messrs. FLETCHER and GERRARD and Mr. WOWCHUK having questioned the Member,

And the debate continuing,

And Messrs. ALTEMEYER and MICHALESKI and Hon. Messrs. FLETCHER and GERRARD having spoken,

And Ms. MARCELINO (Logan) speaking at 12:00 p.m. The debate was allowed to remain in her name.

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**1:30 O'CLOCK P.M.**

Hon. Ms. SQUIRES, the Minister responsible for the Status of Women, made a statement regarding Sexual Assault Awareness Month.

Ms. FONTAINE and, by leave, Ms. LAMOUREUX commented on the statement

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Pursuant to Rule 27(1), Ms. LATHLIN, Hon. Mr. FRIESEN, Mr. LAGIMODIERE, Ms. LAMOUREUX and Hon. Mr. GOERTZEN made Members' Statements.

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Following Oral Questions, Madam Speaker made the following ruling:

Following Petitions on Monday, March 12, 2018, the Honourable Leader of the Official Opposition raised a matter of privilege regarding comments made by the Honourable First Minister during Oral Questions. The Honourable Leader of the Official Opposition contended these comments were intimidating and violated the privileges of the Honourable Member for St. Johns and also the privilege of any Member seeking to end misconduct, harassment or bullying in the workplace. The Honourable Minister Responsible for the Status of Women also offered advice to the Chair, indicating that aspersions had been cast against all males in the House by comments made by the Honourable Member for St. Johns. Following the comments of the Honourable Minister Responsible for the Status of Women, the Honourable Leader of the Official Opposition moved “THAT this matter be referred to the Legislative Affairs Committee.” I then 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 the matter of privilege would have been immediately after Oral Questions and not after Petitions. I am not saying this matter of privilege is out of order because it was not raised at the earliest opportunity, I am simply noting that it would have been possible to raise the Matter of Privilege immediately after Oral Questions was concluded.

Turning to the second condition regarding establishment of a *prima facie* case of a breach of privilege, there are several considerations to be taken into account. First and foremost, I would like to advise the House, as did Speaker Reid on April 26, 2012 that when dealing with privilege, a Speaker is limited to dealing with the procedural aspects of the case and not the substance of the issue. Speaker Fox also stated in a 1972 privilege ruling that the Speaker deals only with the technical and procedural aspects of the matter and not in any way with the merits of the situation or the allegations. Therefore, when a Speaker makes a ruling on the *prima facie* aspects of a matter of privilege, the Speaker is neither condemning nor condoning any aspects of the matter raised.

In looking at the comments made by the Leader of the Official Opposition in raising the matter of privilege, he asserted that comments made by the First Minister were seeking to intimidate the Honourable Member for St. Johns and that in doing this, in his eyes the First Minister breached the privileges both of the Honourable Member for St. Johns and of other Members. What is challenging for the Speaker is that the Leader of the Official Opposition did not discuss what specific privileges were breached or how the Member for St. Johns was impeded in the performance of her parliamentary functions. According to the third edition of *House of Commons Procedure and Practice*, it is necessary to demonstrate that intimidation and obstruction took place. Instead, both the Leader of the Official Opposition and the Minister Responsible for the Status of Women in speaking to this matter offered commentary indicating opposing views of the same set of circumstances. I hesitate to call this a dispute over the facts, as I do not want the House to think I am trivializing this issue, but it appears what we are facing is a situation where comments made by Members are being interpreted in different ways. In addition, complaints about language would be a matter of order, not privilege, according to page 254 of the second edition of *Parliamentary Privilege in Canada* by Joseph Maingot.

In speaking about past injustices, the Hon. Member for St. Johns made general references to male MLAs, and a number of Members took exception to this. In making reference to these actions by the Hon. Member for St. Johns, the Honourable First Minister made comments which some Members believed were an attempt to intimidate.

Colleagues, in parsing this issue, I suspect we all in our hearts would accept that this is truly not a breach of parliamentary privileges but is instead a case of different viewpoints and perceptions. I believe it is very important to explore this further, as we are truly at a watershed moment in society. Many things that in the past would have remained secret and would not have been raised are now coming forward, with the confidence of being believed without having credibility attacked. While this may create a sense of freedom and openness, it has also created a climate where there is uncertainty about interactions and unintended messages.

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 friends and family would expect no less from us.

With the greatest of respect to all Members, I rule there is no prima facie case of a breach of privilege, but I would ask all Members to think about my comments and to be mindful about how we treat each other in this Chamber.

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In accordance with Rule 33(7), the Government House Leader announced that the Eye See Eye Learn Resolution will be considered on the next Tuesday of Private Members' Business.

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Hon. Mrs. COX moved:

THAT Bill (No. 15) – The Film and Video Classification and Distribution Act/Loi sur la classification et la distribution des films et des vidéos, 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. Mrs. COX having spoken,

And Ms. MARCELINO (Logan), Ms. LAMOUREUX and Hon. Mr. FLETCHER having questioned the Minister,

And the debate continuing,

And Ms. MARCELINO (Logan) moved:

THAT the debate be now adjourned.

And the Question being put. It was agreed to, on the following division:

**YEA**

ALLUM	LINDSEY
ALTEMEYER	MALOWAY
BINDLE	MARCELINO (Logan)
CLARKE	MAYER
COX	MICHALESKI
CULLEN	MICKLEFIELD
CURRY	MORLEY-LECOMTE
FIELDING	NESBITT
FLETCHER	PEDERSEN
FONTAINE	REYES
GRAYDON	SCHULER
GUILLEMARD	SMITH (Southdale)
HELWER	SMOOK
ISLEIFSON	SWAN
JOHNSON	TEITSMA
JOHNSTON	WHARTON
KINEW	WIEBE
LAGASSÉ	WISHART
LAGIMODIERE	WOWCHUK
LATHLIN	YAKIMOSKI..... 40

**NAY**

GERRARD	LAMOUREUX..... 3
KLASSEN	

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Hon. Mrs. COX presented:

Message from His Honour, the Administrator recommending the disposition of public revenue for Bill (No. 15).

(Sessional Paper No. 28)

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Hon. Mr. PEDERSEN moved:

THAT Bill (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), be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. PEDERSEN having spoken,

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And Mr. LINDSEY and Hon. Mr. FLETCHER having questioned the Minister,

And Mr. LINDSEY, having spoken,

And Hon. Mr. FLETCHER speaking at 5:00 p.m. The debate was allowed to remain in his name.

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The House then adjourned at 5:00 p.m. until 1:30 p.m. Wednesday, April 4, 2018.

Hon. Myrna DRIEDGER,  
Speaker.