



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 77

THIRD SESSION, FORTY-FIRST LEGISLATURE

PRAYER

1:30 O'CLOCK P.M.

Immediately following the Prayer, Hon. Mr. FLETCHER rose on a Matter of Privilege regarding the passage of the Loan Act and the provisions of a recent Order in Council.

WHEREUPON Madam Speaker ruled there was no Matter of Privilege.

Hon. Mrs. STEFANSON presented:

Annual Report of the Social Services Appeal Board for the fiscal year ending March 31, 2018.
(Sessional Paper No. 93)

Annual Report of the Manitoba Poverty Reduction and Social Inclusion Strategy (All Aboard) for the year ending March 31, 2018.
(Sessional Paper No. 94)

Hon. Mrs. COX presented:

Annual Report of the Manitoba Arts Council for the fiscal year ending March 31, 2018.
(Sessional Paper No. 95)

Hon. Ms. SQUIRES, the Minister responsible for the Status of Women, made a statement regarding, Persons Day.

Ms. FONTAINE and Ms. LAMOUREUX commented on the statement.

Pursuant to Rule 27(1), Messrs. SMITH (Southdale) and SWAN, Hon Mr. WHARTON, Mr. SARAN and Hon. Mr. SCHULER made Members' Statements.

Following Oral Questions, Madam Speaker made the following ruling:

During Orders of the Day on Wednesday, June 6, 2018 the Honourable Member for St. Johns raised a Matter of Privilege alleging that the then Honourable Government House Leader was putting “false information on the record” in comments he had made on Monday, June 4, 2018. She went on to say that the then Honourable Government House Leader “attacked the character of Members of this Chamber without cause or justification.” She concluded her remarks by moving “That a committee of this House be struck to examine the Member's statements and recommend whatever action is necessary to restore trust and honour to this Chamber.”

The then Honourable Government House Leader spoke to the matter before I took it under advisement to consult the authorities.

As Members know there are two conditions which must be met to demonstrate a *prima facie* case of privilege: timeliness and the demonstration of sufficient evidence to prove that the privileges of the House have been breached.

In her submission, the Member did not make any reference to whether or not she was raising this matter at the earliest opportunity, therefore I must rule that she did not meet the test of timeliness.

In seeking to demonstrate which privileges were breached, the Honourable Member for St. Johns argued that by putting false information on the record, a Member “arbitrarily flouts the rules of this House and takes it upon themselves to decide which rules it will follow and which rules it will break.” She concluded that “this fundamentally interferes with the rights of all Members to exercise their privileges as Members.”

On this point I must indicate that disputes between Members regarding information put on the record are neither matters of privilege nor order, but rather are matters of debate. As the sixth edition of Beauchesne advises, in citation 31(1), a dispute over the facts does not fulfil the criteria for a *prima facie* case of privilege. Further, on page 148 of the *Third Edition of House of Commons Procedure and Practice*, Bosc and Gagnon state that:

“If the 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.”

In consideration of all of these factors I must respectfully rule that the Member does not have a *prima facie* case of privilege.

Prior to Petitions, the Honourable Leader of the Official Opposition rose on a point of order regarding the First Minister's referencing the Member from St. Boniface as the Member for Ottawa West instead of referring to him by his constituency.

WHEREUPON Madam Speaker ruled that there was a point of order.

The following petitions were presented and read:

Mrs. SMITH (Point Douglas) – Legislative Assembly of Manitoba to urge the Provincial Government to reverse the decision to close Seven Oaks General Hospital’s emergency room so that families and seniors in north Winnipeg and the surrounding areas have timely access to quality health care services. (M. Cadag, A. Cadag, R. Celog and others)

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. (A. Rands, R. Mcleod and others)

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. (B. Guard, J. Huard, L. Gillies 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. (M. Hooper, V. Edgar, J. Robertson and others)

The House resolved into Committee of the Whole.

The House then adjourned at 6:30 p.m. until 10:00 a.m. Tuesday, October 23, 2018.

Hon. Myrna DRIEDGER,
Speaker.