



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 74

SECOND SESSION, FORTY-FIRST LEGISLATURE

PRAYER

10:00 O'CLOCK A.M.

By leave, it was agreed for the House to deal with Second Reading of Bill (No. 233).

Ms. MARCELINO (Logan) moved:

THAT Bill (No. 233) – The Nanjing Massacre Commemoration Day Act/Loi sur la Journée de commémoration du massacre de Nankin, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Ms. MARCELINO (Logan) having spoken,

And Hon. Mr. SCHULER, Ms. FONTAINE, Mr. CURRY, Hon. Mr. FLETCHER and Messrs. BINDLE and MICKLEFIELD having questioned the Member,

And the debate continuing,

And Hon. Mr. SCHULER, Ms. FONTAINE, Mr. CURRY, Hon. Mr. GERRARD, Mr. BINDLE and Hon. Mr. FLETCHER having spoken,

And the Question being put. It was agreed to, unanimously.

The Bill was accordingly read a Second Time and referred to a Committee of this House.

In accordance with Rule 33(8), the Opposition House Leader announced that the previously debated Keeping Post-Secondary Education Affordable for Students and Families Resolution will be considered on the next Thursday of Private Members' Business.

Mr. SELINGER moved:

Resolution No. 25: Action Against Industrial Pollution in St. Boniface

WHEREAS the residents of the Saint Boniface constituency are concerned about environmental pollution effects from the nearby Mission industrial area; and

WHEREAS there are a number of schools, daycares and public parks, as well as families with children living nearby; and

WHEREAS there is a concern about the impact of airborne pollution (which might contain heavy metals and be less than 2.5 micrometers) on human health and the development of children; and

WHEREAS people in the surrounding area are reporting increased health problems, including asthma and coughing; and

WHEREAS residents in the surrounding area have reported homes shaking, walls cracking, and are concerned about the possibility of an industrial disaster, and potential damage to the aqueduct; and

WHEREAS the South Saint Boniface Residents Association has economic concerns regarding the intensification of industrial sites, given the area's proximity to downtown and tourist destinations, the potential impact on residential property value, and the potential impact on future plans for infill projects such as the Public Markets Brownfield; and

WHEREAS the South Saint Boniface Residents Association has devoted an exceptional amount of time to research and community consultation; and

WHEREAS the South Saint Boniface Residents Association is working with the University of Manitoba to help fund independent third-party testing; and

WHEREAS Bill 220, The Environmental Rights Act is a legislative tool for residents to protect themselves from environmental harms; and

WHEREAS the South Saint Boniface Residents Association has a petition with 1718 signatures and have submitted 194 Odour/Noise Nuisance Complaints forms to Manitoba Sustainable Development.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Minister of Sustainable Development to meet with South Saint Boniface Residents Association and work with them in good faith to address their concerns with respect to: human and animal health, to infrastructure including the aqueduct, reduced property values, and to the need for a public disaster management plan, all of which will improve Manitobans' quality of life by making the community livable, safe, and sustainable.

And a debate arising,

And Mr. SELINGER having spoken,

And Hon. Ms. SQUIRES and Messrs. LINDSEY, TEITSMA and EWASKO having questioned the Member,

And the debate continuing,

And Hon. Ms. SQUIRES, Messrs. LINDSEY and TEITSMA and Ms. LAMOUREUX having spoken,

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

1:30 O'CLOCK P.M.

Mrs. GUILLEMARD, Chairperson of the Standing Committee on Legislative Affairs, presented its Tenth Report, which was read as follows:

Meetings:

Your Committee met on October 25, 2017 at 6:00 p.m. in Room 255 of the Legislative Building.

Matters under Consideration

- **Bill (No. 23)** – The Fisheries Amendment Act/Loi modifiant la Loi sur la pêche
- **Bill (No. 27)** – The Elections Amendment Act/Loi modifiant la Loi électorale

Committee Membership

- Mr. ALTEMEYER
- Ms. FONTAINE
- Mrs. GUILLEMARD (*Chairperson*)
- Mr. LAGIMODIERE
- Mr. JOHNSON (Interlake)
- Hon. Mr. GERRARD
- Ms. LATHLIN
- Mr. NESBITT
- Hon. Ms. SQUIRES
- Hon Mrs. STEFANSON
- Mr. WOWCHUK

Your Committee elected Mr. LAGIMODIERE as the Vice-Chairperson

Substitutions received during committee proceedings:

- Mr. SELINGER for Ms. LATHLIN

Public Presentations

Your Committee heard the following 12 presentations on **Bill (No. 23)** – The Fisheries Amendment Act/Loi modifiant la Loi sur la pêche:

Amanda Stevenson	WMM Fisheries Co-op
Frank Kenyon	Private Citizen
Kevin Rebeck	Manitoba Federation of Labour
Sam Murdock	Fisher River Cree Nation
Langford Saunder	Norway House Fisherman's Co-op
Clinton Whiteway	Matheson Island Marketing Co-op
Tom Nevakshonoff	Private Citizen
David Mackay	Southeast Resource Development Council
Donald Salkeld	Private Citizen

Paul McKie	UNIFOR
Marianne Hladun	Public Service Alliance of Canada
Darrell Rankin	Communist Party of Canada - Manitoba

Your Committee heard the following three presentations on **Bill (No. 27)** – The Elections Amendment Act/Loi modifiant la Loi électorale:

Kevin Rebeck	Manitoba Federation of Labour
Malcolm Bird	Private Citizen
Ellen Smirl	Private Citizen

Bills Considered and Reported

- **Bill (No. 23)** – The Fisheries Amendment Act/Loi modifiant la Loi sur la pêche

Your Committee agreed to report this Bill with the following amendments:

*THAT Clause 8 of the Bill be amended by adding the following after the proposed clause 11(c.1):
(c.2) restricting or prohibiting the marketing of a specified part of a specified species of fish;*

THAT Clause 15(1) of the Bill be struck out.

THAT Clause 16 of the Bill be amended by striking out "July 1, 2017" and substituting "December 1, 2017".

- **Bill (No. 27)** – The Elections Amendment Act/Loi modifiant la Loi électorale

Your Committee agreed to report this Bill with the following amendments:

THAT Clause 3 of the Bill be amended

*(a) in the proposed clause 2(1)(b), by striking out everything after "the person's name"; and
(b) in the proposed subsection 2(3), by adding ", one of which must be the voter information card under section 76.1" at the end.*

THAT Clause 8 of the Bill be amended by replacing the proposed subsection 28.1(4) with the following:

Proposal to Standing Committee

28.1(4) Before directing a modification to the voting process under this section, the chief electoral officer must submit a written proposal to the Standing Committee on Legislative Affairs describing the proposed modification. The Standing Committee must begin considering the proposal within 60 days after it is submitted.

Approval of Standing Committee

28.1(4.1) If the Standing Committee approves the proposal, with or without changes, the chief electoral officer may direct that the voting process be modified in accordance with the approval.

Modification does not apply for 90 days

28.1(4.2) *A modification may not apply to an election called within 90 days after approval by the Standing Committee.*

THAT Clause 20 of the Bill be amended in the proposed subsection 63.8(1) by adding "beginning in 2019" after "in each year".

On motion of Mrs. GUILLEMARD, the Report of the Committee was received.

Hon. Mr. SCHULER, the Minister of Infrastructure, made a statement regarding Winter Road Safety.

Mr. LINDSEY and, by leave, Mr. LAMOUREUX commented on the statement.

Pursuant to Rule 27(1), Messrs. CURRY, KINEW, ISLEIFSON and NESBITT and Ms. LAMOUREUX made Members' Statements.

Following Oral Questions, Madam Speaker made the following ruling:

At the start of Routine Proceedings on October 10th, 2017 the Honourable Member for Assiniboia raised a Matter of Privilege regarding the emergency building evacuation which occurred on October 5th, 2017, the difficulties he encountered as he was exiting the building, and related security matters. He concluded his remarks by moving:

THAT the Speaker, LAMC and Independent MLAs form a committee to deal with the aforementioned issues of interference and obstruction that go beyond the Memorandum of Understanding announced on October 5, 2017.

The Government House Leader and the Member for River Heights spoke to the matter before I took it under advisement.

I thank all Members for their contributions to this important discussion. Matters of Privilege remain the most significant means by which a Member may raise concerns about issues relating to his or her duties as an elected representative. They ought to be carefully considered and respectfully presented in the House. Accordingly, I treat Matters of Privilege with the respect they deserve.

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 or the Member have been breached, in order to warrant putting the matter to the House.

Regarding the first condition, the Honourable Member for Assiniboia raised this matter on October 10th, 2017, the first sitting day after the building evacuation, and I would determine that this was indeed his earliest opportunity to raise the matter. I would note for the reference of all Members that the Member for Assiniboia raised this at 1:30, rather than 10:00, which I would assert was the most appropriate time to do so, as Private Members' Business does not present a suitable moment to raise such concerns.

Regarding the second condition, whether there is sufficient evidence that the privileges of the House or the Member have been breached, I must make a determination as to whether or not the actions described by the Member constituted a breach of Privilege.

On this second issue there are a number of factors to consider. In order for a breach of privileges to have occurred, Joseph Maingot advises on page 222 of the second edition of *Parliamentary Privilege in Canada* that the activity in question must involve a proceeding of Parliament. This concept is supported by rulings from Speaker Rocan in 1988 and 1991, Speaker Hickes in 2003 and 2008, as well as Speaker Reid in 2013. As has been noted by these Speakers, debate in the Chamber constitutes a proceeding of Parliament, but events taking place outside of the Chamber, including a building evacuation, do not fall within that scope.

Maingot additionally advises on page 14 of the second edition of *Parliamentary Privilege in Canada* that “to constitute privilege generally there must be some improper obstruction to the Member in performing his parliamentary work in either a direct or constructive way.”

The Honourable Member for Assiniboia tabled references to two House of Commons rulings during his submission on this matter, yet neither of them is directly applicable to this instance. His reference from February 1997 dealt with difficulties Members faced accessing their offices during a picket, while the reference from 2004 addressed similar access difficulties during a state visit. The evacuation of our building on October 5th is not analogous to either of these incidents.

In consideration of all of these factors, I must rule that the Member for Assiniboia did not present a *Prima Facie* case of Privilege. He did, however, have a good point and I will have more to say on this in a moment.

First though I would advise the House that issues such as this do not require a Matter of Privilege or motion moved in the House to be addressed. Issues and concerns like this could be raised directly with the Speaker and House Leaders. Further, I would urge caution about comments placed on the record when raising such issues, as they could unintentionally share information that could be detrimental, such as noting the location of certain Members while the security sweep was taking place.

The security of MLAs, staff and visitors to this building is a primary concern of mine as your Speaker. The Member referenced the recently signed Memorandum of Understanding between the Assembly and the Department of Justice. He was correct in noting the importance of this agreement. The MOU provides a platform on which we can build a more secure, safe and open environment for the crucial work of the Assembly. This work will be ongoing, with many lessons to be learned along the way. Many lessons were in fact learned on October 5th, and I can assure the Member and the House that steps will be taken to address the issues he identified, and many other issues as well.

In relation to one specific and understandably personal issue raised by the Member, I can inform the House that contingency measures are in place to ensure the functionality of the elevators during an emergency, and this information will be shared with all MLAs and staff in this building. Further to that point, I can also assure the House that as enhanced measures such as evacuation plans are further developed and refined, information and training sessions will be provided to all building occupants. We intend to be exhaustive both in our efforts to improve safety measures, as well as in educating the population of this building about those measures.

The following petitions were presented and read:

Mr. KINEW – Legislative Assembly of Manitoba to urge the Provincial Government to withdraw its plan to repeal the annual operating grant for municipal transit agencies and remove section 88(8) of Bill 36, The Budget Implementation and Statutes Amendment Act, 2017. (S. Entz, J. Friesen, G. Roopra and others)

Mr. ALLUM – Legislative Assembly of Manitoba to urge the Provincial Government to withdraw its plan to repeal the annual operating grant for municipal transit agencies and remove section 88(8) of Bill 36, The Budget Implementation and Statutes Amendment Act, 2017.

Ms. LATHLIN – Legislative Assembly of Manitoba to urge the Provincial Government to recognize the absolute necessity of maintaining and improving the Northern Patient Transportation Program by continuing to respect Northern Patient Transfer agreements and funding these services in accordance with the needs of northern Manitobans.

Mr. LINDSEY – Legislative Assembly of Manitoba to urge the Provincial Government to recognize the absolute necessity of maintaining and improving the Northern Patient Transportation Program by continuing to respect Northern Patient Transfer agreements and funding these services in accordance with the needs of northern Manitobans.

Mr. MALOWAY – Legislative Assembly of Manitoba to urge the Provincial Government to withdraw its plans to deregulate the taxi industry including withdrawing Bill 30.

Ms. MARCELINO (Logan) – Legislative Assembly of Manitoba to urge the Provincial Government to withdraw its plan to repeal the annual operating grant for municipal transit agencies and remove section 88(8) of Bill 36, The Budget Implementation and Statutes Amendment Act, 2017.

Mr. SELINGER – Legislative Assembly of Manitoba to urge the Provincial Government to withdraw its plan to repeal the annual operating grant for municipal transit agencies and remove section 88(8) of Bill 36, The Budget Implementation and Statutes Amendment Act, 2017.

Mrs. SMITH (Point Douglas) – Legislative Assembly of Manitoba to urge the Provincial Government to withdraw its plan to repeal the annual operating grant for municipal transit agencies and remove section 88(8) of Bill 36, The Budget Implementation and Statutes Amendment Act, 2017.

The House resolved into Committee of Supply.

Thursday, October 26, 2017

The House then adjourned at 4:58 p.m. until 1:30 p.m. Monday, October 30, 2017.

Hon. Myrna DRIEDGER,
Speaker.