

Second Session – Forty-First Legislature
of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS
Official Report
(Hansard)

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The Honourable Myrna Driedger
Speaker*

MANITOBA LEGISLATIVE ASSEMBLY
Forty-First Legislature

Member	Constituency	Political Affiliation
ALLUM, James	Fort Garry-Riverview	NDP
ALTEMEYER, Rob	Wolseley	NDP
BINDLE, Kelly	Thompson	PC
CLARKE, Eileen, Hon.	Agassiz	PC
COX, Cathy, Hon.	River East	PC
CULLEN, Cliff, Hon.	Spruce Woods	PC
CURRY, Nic	Kildonan	PC
DRIEDGER, Myrna, Hon.	Charleswood	PC
EICHLER, Ralph, Hon.	Lakeside	PC
EWASKO, Wayne	Lac du Bonnet	PC
FIELDING, Scott, Hon.	Kirkfield Park	PC
FLETCHER, Steven, Hon.	Assiniboia	Ind.
FONTAINE, Nahanni	St. Johns	NDP
FRIESEN, Cameron, Hon.	Morden-Winkler	PC
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin, Hon.	Steinbach	PC
GRAYDON, Clifford	Emerson	PC
GUILLEMARD, Sarah	Fort Richmond	PC
HELWER, Reg	Brandon West	PC
ISLEIFSON, Len	Brandon East	PC
JOHNSON, Derek	Interlake	PC
JOHNSTON, Scott	St. James	PC
KINEW, Wab	Fort Rouge	NDP
KLASSEN, Judy	Kewatinook	Lib.
LAGASSÉ, Bob	Dawson Trail	PC
LAGIMODIERE, Alan	Selkirk	PC
LAMOUREUX, Cindy	Burrows	Lib.
LATHLIN, Amanda	The Pas	NDP
LINDSEY, Tom	Flin Flon	NDP
MALOWAY, Jim	Elmwood	NDP
MARCELINO, Flor	Logan	NDP
MARCELINO, Ted	Tyndall Park	NDP
MARTIN, Shannon	Morris	PC
MAYER, Colleen	St. Vital	PC
MICHALESKI, Brad	Dauphin	PC
MICKLEFIELD, Andrew	Rossmere	PC
MORLEY-LECOMTE, Janice	Seine River	PC
NESBITT, Greg	Riding Mountain	PC
PALLISTER, Brian, Hon.	Fort Whyte	PC
PEDERSEN, Blaine, Hon.	Midland	PC
PIWNIUK, Doyle	Arthur-Virden	PC
REYES, Jon	St. Norbert	PC
SARAN, Mohinder	The Maples	Ind.
SCHULER, Ron, Hon.	St. Paul	PC
SELINGER, Greg	St. Boniface	NDP
SMITH, Andrew	Southdale	PC
SMITH, Bernadette	Point Douglas	NDP
SMOOK, Dennis	La Verendrye	PC
SQUIRES, Rochelle, Hon.	Riel	PC
STEFANSON, Heather, Hon.	Tuxedo	PC
SWAN, Andrew	Minto	NDP
TEITSMA, James	Radisson	PC
WHARTON, Jeff, Hon.	Gimli	PC
WIEBE, Matt	Concordia	NDP
WISHART, Ian, Hon.	Portage la Prairie	PC
WOWCHUK, Rick	Swan River	PC
YAKIMOSKI, Blair	Transcona	PC

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, October 4, 2017

The House met at 1:30 p.m.

Madam Speaker: O Eternal and Almighty God, from Whom all power and wisdom come, we are assembled here before Thee to frame such laws as may tend to the welfare and prosperity of our province. Grant, O merciful God, we pray Thee, that we may desire only that which is in accordance with Thy will, that we may seek it with wisdom, and know it with certainty and accomplish it perfectly for the glory and honour of Thy name and for the welfare of all our people. Amen.

Please be seated.

Welcome back, everybody.

Introduction of New Members

Madam Speaker: I am pleased to inform the Assembly that the Clerk of the Legislative Assembly has received from the Chief Electoral Officer a letter indicating the election of Bernadette Smith as member for the constituency of Point Douglas.

I hereby table the notice of the return of the member elected.

Mr. Wab Kinew (Leader of the Official Opposition): Madam Speaker, I have the honour of presenting to you Bernadette Smith, member for Point Douglas, who has taken the oath, signed the roll and is here to claim her right to take a seat.

Madam Speaker: On behalf of all honourable members, I wish to welcome you to the Legislative Assembly of Manitoba and to wish you well in your parliamentary career.

ROUTINE PROCEEDINGS

Hon. Steven Fletcher (Assiniboia): In a few moments, I'm going to bring forward a matter of privilege, but before I do I understand that in the Chamber we have our new pages, their families and there are some members who wish to make statements dealing with murdered and missing Aboriginal women and children.

I would like to ask for unanimous leave to allow members to make those statements and introduce the pages, because, as you know, once we get into that matter of privilege there may not be an opportunity to do those important items.

Is there unanimous leave?

Madam Speaker: The member for Assiniboia is rising on a matter of privilege, but he has asked that—before he begins he's asking this House for unanimous consent to allow a number of other items to proceed prior to his matter of privilege.

Is there leave to change the order of routine proceedings as indicated by the member? *[Agreed]*

Mr. Fletcher: Madam Speaker, there seems to be an issue of getting my material for my motion into the House. I have asked through our colleague Mohinder and my caregiver, but there is some—

Madam Speaker: I would indicate to the member to not reference somebody by their—*[interjection]*—name, but by their constituency.

Mr. Fletcher: Rookie mistake. I'm sorry.

I'm trying to get the material here, but there—I'm being advised that they won't allow anyone to bring it in without me telling them directly. But I can't leave because when—as soon as the pages are introduced and the members' and the ministers' statements on missing and—Aboriginal women are done, I need to immediately go into my statement.

So I don't know why the material is not allowed to come in. Thank you.

* (13:40)

Madam Speaker: I would indicate that now that the member has made the request himself that the documents will be allowed to come into the—oh, the documents, I understand, have been brought in already.

So if we could have the pages please come forward.

I am very pleased to introduce to the House the 10 students who have been selected to serve as pages for this session. I would ask members to hold their applause until I have completed the introductions.

Beginning at my extreme right, this year's pages are: Lilja Best, Freja Cuddington, Lydia Gork, Hailey Hansen, Ashley Hunter, Scott Knight, Clèche Kokolo, Gabby Lawrence, Anika Moran and Mr. Paul Zorbas.

Please join me in welcoming our 10 pages for the year. Thank you all.

At this time I would also like to draw the attention of members to the Speaker's Gallery where the six individuals who are serving on the Manitoba Legislative Internship Program for the 2017-2018 year are seated.

In accordance with established practice, three interns were assigned to the government caucus and three to the official opposition caucus. Their term of employment is 10 months. They will be performing a variety of research and other tasks for private members.

These interns commenced their assignments September 12th, 2017, and will complete them in June. They are, working with the government caucus: Adrienne Tessier of the University of Winnipeg; Shreya Ghimire of the University of the Manitoba; Daniel Diamond of the University of Winnipeg; and working with the caucus of the official opposition: David Charach of the University of Manitoba; Angela Reeves of the University of Manitoba; and Bhargavi Patel of Queen's University.

Professor Kelly Saunders of Brandon University is the academic director for the program. The administration of the program on a day-to-day basis is carried out by our Clerk, Patricia Chaychuk. The caucus representatives on the internship administration committee are the member for Morris (Mr. Martin) and the member for Concordia (Mr. Wiebe).

I would like to take this opportunity on behalf of all members to congratulate the interns on their appointment to the program and hope that they will have a very interesting and successful year with the Assembly. Welcome.

MINISTERIAL STATEMENTS

Madam Speaker: Now, as I understand it, the request put forward is to move forward if there are any ministerial statements related to murdered and missing indigenous women—and I don't know if there is, but if there is somebody that is prepared to stand at this point?

Missing and Murdered Indigenous Women and Girls

Hon. Eileen Clarke (Minister of Indigenous and Northern Relations): Today, we are thankful and humble to be joined in the Legislature by family members and survivors who have had their

lives impacted by the tragedy of violence against indigenous women and girls. They have waited a very long time for a national inquiry that would help provide justice to victims, healing for families and the—help ensure that we would end this tragedy.

But we've heard concerns from families across the province that there must be improvements to the way that this inquiry is unfolding. Thankfully, we are blessed in Manitoba to have a strong, vibrant network of indigenous leaders and grassroots organizations that are working hard on their behalf.

This summer, the Minister of Justice (Mrs. Stefanson) and I were privileged to meet with the members of the Coalition of Missing and Murdered Indigenous Women and Girls of Manitoba and the grand chiefs from the Assembly of Manitoba Chiefs, the Assembly of First Nations, the Southern Chiefs and the—MKO.

While we share all concerns, we also remain hopeful because we know that these organizations collectively possess significant expertise, determination and capacity to support the inquiry delivering meaningful improvements. We support their call to action. That's why our government is standing with them and that is why Manitoba is speaking with one united voice to the national inquiry.

Earlier this month, we wrote to the commissioners to seek their support for improved processes that are culturally appropriate and family and survivor centered.

We—for better communication with those who want their stories to be heard, particular those living in the remote regions, and we ask commissioners to work together with our indigenous leaders and their communities to see that Manitoba is represented in the commissioner's leadership.

Madam Speaker, this is an issue that affects all of us as Manitobans. This tragedy must end, and the national inquiry must deliver outcomes that are representative of and meaningful of family members and their survivors. By working together we know that we can achieve these outcomes.

Madam Speaker: I would note for the House that the required 90 minutes' notice prior to routine proceedings was provided in accordance with rule 26(2).

Ms. Nahanni Fontaine (St. Johns): Madam Speaker, today marks the first inaugural Missing and

Murdered Indigenous Women and Girls Honouring and Awareness Day in Manitoba.

Over 10 years ago, the Native Women's Association of Canada imagined a day across the country where MMIWG families, advocates and communities could come together to honour and recognize our stolen and murdered sisters.

Today, Manitoba becomes the first jurisdiction across Canada to officially recognize October 4th as a day to honour MMIWG and their families. This morning we entered into ceremony alongside MMIWG families to begin this official day in a good way.

I want to reconfirm that this day is also meant to lift up the strength, determination, courage, forgiveness, authority and love of MMIWG families while offering us an opportunity to observe the different ways in which MMIWG families express their unwavering love for their loved ones.

From Delilah, the sister of Loretta Saunders murdered in 2014, who writes in honour of her sister, to Lorelei and Lilian [*phonetic*] who dance in a dance troupe in honour of their aunts, to Roxana who wears a T-shirt with her picture of her six-year-old daughter, Adriane, brutally murdered over three decades ago, to Kim and Gerri, the sisters of Jennifer McPherson, who took up traditional beading in honour of their creative sister, or to the member for Point Douglas (Mrs. Smith), who most fittingly took her seat in this House on this day for what is the most likely ever first MMIWG family member elected to a Canadian Legislature, these are just a few examples of the ways in which MMIWG families across Canada keep the memory of their loved ones alive. Today offers but one small part of that total endeavour.

On behalf of our caucus and, more specifically, on behalf of the member for Point Douglas and myself, we simply offer our deepest love to Manitoba MMIWG families and to families across the country.

I ask the House to join me in lifting up all Manitoba MMIWG families.

Ms. Judy Klassen (Kewatinook): I ask for leave to speak to the ministerial statement.

Madam Speaker: Does the minister—or does the member have leave to speak to the ministerial statement? [*Agreed*]

Ms. Klassen: I rise today to speak to the murdered and—missing and murdered indigenous women and girls awareness day, a day recognized, brought forward by my colleague, the member for St. Johns (Ms. Fontaine), and the peaceful ceremony to start this healing in a good way here in the Leg.

Today across Canada, families and communities are coming together to remember those they have lost and to raise awareness to the disproportionate amount of violence indigenous women face. Racism, discrimination, colonialism underpin the violence indigenous women of all identities experience.

* (13:50)

Even as I stand here, knowing that I, as an indigenous woman, I am afraid to be in Winnipeg, to be in the south. Don't get me wrong; I am honoured and proud that I am indigenous, a First Nation Anishinew—because indigenous women and girls are three times more likely to be—to experience violence than non-indigenous women and six times more likely to be murdered. While those rates have been dropping for the majority of the population, rates haven't changed for indigenous people since 2009. This is a generational issue that can be fought and needs to be fought.

We need to continue the conversation and not allow anyone to silence us when we talk about the violence towards indigenous women. We need to teach our children better ways and stop this trauma from being carried forward. We need everyone to learn from our trauma.

I pray for you all. Miigwech.

MATTER OF PRIVILEGE

Madam Speaker: I understand that it is now the turn for the member for Assiniboia to proceed with his matter of privilege.

Hon. Steven Fletcher (Assiniboia): Thank you, Madam Speaker—

An Honourable Member: Point of order.

Point of Order

Hon. Jon Gerrard (River Heights): Madam Speaker, I would ask for unanimous leave to defer the point-of-matter of privilege until after question period.

Madam Speaker: Is there leave of the House to defer the matter of privilege to after question period?

Some Honourable Members: Leave.

An Honourable Member: No.

Madam Speaker: I hear a no.

* * *

Mr. Fletcher: Who knows who says no.

Madam Speaker, thank you for recognize me on a point of privilege.

It's been about four months since this Chamber has—or the members of this Chamber have assembled, and a lot has changed. I will be bringing forward a number of motions of privilege to the Chamber as this is the first opportunity that I have had to do so since we rose on June 1st.

The first issue I would like to make a matter of privilege deals with security.

Madam Speaker, for an issue to be considered a motion or privilege it needs to be brought up at the earliest convenient time, which is obviously now, and it needs to be a prima facie case which is determined by yourself as Speaker.

In order to establish why the issue I'm about to raise is a prima facie case, I will be making some references to support the issue that we're going to be reflecting on. Madam Speaker, I am also going to be referring to specific examples as soon as they find their way into this Chamber, which I'm sure someone is figuring out how to get those to me immediately.

But having said that, the issue is this. In the last four months we have seen attacks in Europe. We've seen attacks, terrorist attacks, in Edmonton just this past week, the horrific events in Las Vegas this past week which included many Canadians—and fatal Canadian deaths—and several people who are resident of Manitoba and injured. The world is changing and it's becoming a scarier place.

Madam Speaker, this Chamber has changed in the positive. It is now fully wheelchair accessible, and if I may say, it exceeds even my wildest expectations on success. So that is a great change.

Unfortunately, another change is we need to look at the security of the Legislature and the Parliamentary Precinct, especially given the very disappointing events throughout the world. And I don't want to get too specific in what could be done or what could happen, but there are some obvious things that we need to be concerned about. And I would point out that I will be referring to my time when I was actually in Parliament when the shooter, on October 22nd, 2014, conducted his horrific acts,

and there were measures in the House of Commons at that time that we don't even have here. Not even close. And in Ottawa these—the Parliamentary Precinct—just not the Chamber, but the building and associated buildings and the entire property—fall under the responsibility of the Speaker, ultimately, or the Sergeant-of-Arms. The Sergeant-of-Arms—or, in this case because it's a unicameral system—or the Speaker, I feel, need to be empowered to make some pretty serious decisions and reflect on how we can better enable the defence of this place while ensuring the freedom of Manitobans.

Madam Speaker, I am going to be citing a famous situation that happened. And I'll just do a—I'll just give one example that happened in Ottawa while I was there. An environmental group—I think it was called green fight or maybe it was Greenpeace—put a banner up on the outside of one of the buildings. And this caused a crisis, because what is the jurisdiction—

Madam Speaker: Order. I would indicate to the member that issues of security as he's relating them are not related to matters of privilege, and I would ask the member to direct his comments to specifically what privilege he feels have been violated and have not allowed him to do his job.

So, if the member could please get directly to the point of what his privileges are that have been violated according to him.

Mr. Fletcher: Okay. We have to go back.

We go to Magna Carta which says—that began laying the foundation for our parliamentary traditions, including the House of Commons, which we are an extension of. In—and a fundamental freedom in that is freedom from obstruction, freedom of expression, freedom from intimidation, freedom from—freedom of assembly—and I'm at this very moment going to provide you the citation, as soon as I can find it.

But these are fundamental freedoms which, given the current state of affairs, are being violated. Maybe not to the extent that we see in Ottawa, but certainly other parliamentary districts are far ahead of Manitoba when it comes to the issue of protecting its members and ensuring that there's public access.

* (14:00)

It is ridiculous that while we are making decisions here that we are so vulnerable to, you know, people who have ill intent. And it's ironic as well, because if you want to go to a Crown

corporation, for example, that this Assembly governs, that the security to get into many of those buildings is greater than the security to get into this Chamber.

Madam Speaker: Order, please.

I would ask the member, again, to address specifically where he feels his parliamentary privilege has been breached, and I would indicate again to him that issues of security are not matters related to parliamentary privilege as he is indicating. So I would like to ask him to please zero in specifically on where he feels his privileges have been breached.

Mr. Fletcher: Madam Speaker, in parliamentary practice and procedure, Beauchesne, it talks about the Parliamentary Precinct and the protections therein, and as I am speaking about that my caregiver is searching for the specific reference, but which is—appears that there's still material left outside of this Chamber for some reason.

And, anyway, in effect, I would respectfully suggest that in Ottawa these matters do fall within the realm of the Speaker or Sergeant-at-Arms. In fact, it was the Sergeant-of-Arms that shot the perpetrator October 12th, 2017.

So what is the—the issue is we're all vulnerable at this very moment. So it is an immediate issue. It is intimidating. We are vulnerable. We are exposed more so than the people who work at these other government organizations, yet this is the place where there is absolutely no security or—even in the drive up to the Chamber there is—you think of Oklahoma City, you think of what happened in Las Vegas, think of what happened in Parliament.

Madam Speaker: Order, please.

I would like to let the member know that issues of security are dealt with by the Legislative Assembly Management Commission which works in co-operation with the Ministry of Justice to deal with the provision of security and that is not a subject of a matter of privilege that would be discussed here. So I would urge the member to specifically indicate what privilege of his has been violated that he is rising on a matter of privilege, and I would urge him to get to that point as soon as he can. Thank you.

Mr. Fletcher: In this House there are some—there are privileges that go beyond even common law statute. I will cite common House procedure and practices, privileges and immunities, and I will table—because

I'm going to quote a portion of it—and I will table three copies into the Chamber if they wish.

Again, our privileges come out of the UK parliamentary system. We inherited it in the Constitution Act in 1967, and they've carried on since then.

Madam Speaker, the specific issue—if you give me one moment—so we—freedom of expression, we have the power to discipline persons that breach the privilege or contempts or the power to expel members. This body has the ability to control its internal affairs, attendance and service of its members, institute inquiries, administer and also protect all of us from obstruction, fear and intimidation.

So, Madam Speaker, that is the thrust of the matter. I regret at this very moment that I am having difficulty bringing together the references to support this, but rest assured they exist in the UK joint parliamentary report on parliamentary privileges, 2015. They exist in the review of parliamentary privileges, New Zealand, 2014, and Australia has just completed a similar exercise with the states of Australia.

My motion—or, my suggestion to the Speaker is that given that change in the state of the world and new threats and the fact that the House of Commons and other legislative assemblies are moving forward with common sense protections that—

Madam Speaker: Order, please.

Mr. Fletcher: —that the Speaker—

Madam Speaker: Order, please.

Again, what the member appears to be raising is a matter of security and not a matter of privilege. Madam Speaker Sauvé of the Canadian House of Commons ruled in 1980 that issues raised regarding security are matters of security and not matters of privilege. I would ask the member, if he actually has a matter of privilege where he feels his privilege has been violated specifically, if he could please reach that point as soon as possible.

Mr. Fletcher: Madam Speaker, obstruction, interference, intimidation or the general ease of all those things exist.

Some of us in this Chamber are more vulnerable than others, as was the case in Ottawa. Therefore, the issue—or, my recommendation—my motion is, given that all that's been said and all that we already

know about and the importance of the security of this place, that the Speaker immediately convene a committee of MLAs and others to enshrine, if it's not already, the protections of the members of this Assembly, that the Speaker do so forthwith and as soon as possible before something happens.

* (14:10)

It's a pre-emptive move, as any—just like wearing a seatbelt.

That's my motion, Madam Speaker.

Madam Speaker: Does the member have a seconder?

An Honourable Member: I second it, Madam Speaker.

Madam Speaker: The member for Assiniboia needs to indicate the motion and seconded by, and he needs to put it together in a sentence, and it has to be written as per the rules and procedures of this House.

Mr. Fletcher: Well, that is—I cannot write, so I am going to provide you the motion orally. Motioned by myself, seconded by the member from The Maples, that the Speaker, in her good judgment, immediately convene MLAs and any other witnesses and resources in order to improve the security and safety and confidence of this place to ensure that all its rights and amenities are protected according to our Constitution.

Madam Speaker: Before recognizing any other members to speak, I would remind the House that remarks, at this time, by honourable members are limited to strictly relevant comments about whether the alleged matter of privilege has been raised at the earliest opportunity and whether a prima facie case has been established.

Hon. Cliff Cullen (Government House Leader): It's certainly a pleasure to be back in the House. I know we have a lot of work to do this session, and we certainly look forward, on our side, to moving that agenda forward.

I certainly appreciate the comments from the members opposite. I think you, Madam Speaker, pointed out that there is some work done in regards to security here in the House and the Chamber and, in fact, the building. And recognizing that, as you say, LAMC has an important role to play.

I know our government has moved forward on legislation around security of the building, and I know we're looking forward to some announcements

later in the week in regard to the security issues. So, certainly, we recognize there's issues around security, but we're certainly—are moving forward on that regard, and we think there is some good things that will happen in the very near future.

Ms. Nahanni Fontaine (Official Opposition House Leader): I will simply just say this, that I don't believe that this is the earliest opportunity that the member from Assiniboia had in which to raise this point of privilege. In fact, all of us in this House got elected April 2016, and this issue could have been brought up on the—in May, when we started to sit, of 2016.

So, Madam Speaker, I would say that there's no breach of the rules of this House. It clearly concerns a disagreement over facts, and we look forward to your judgment on this.

Hon. Jon Gerrard (River Heights): Yes, Madam Speaker, I'd just make a couple of brief points. One is with respect to the comments of the House Leader for the Official Opposition, that, clearly, there have been occurrences over the course of the summer, and particularly in the last few days in Las Vegas, which make this a matter of needing attention as soon as possible.

Second, there was a question about which privileges would be affected. I would refer the Speaker to page 83 of Marleau and Montpetit, where members are entitled to go about their parliamentary business undisturbed. Clearly, if there were to be a terrorist attack, we would be very much disturbed, and so it would appear to me that there is a serious matter prima facie case of privilege.

I would also refer to the fact that about 12–14 years ago, probably after the attack on the World Trade Center in New York, that there was indeed a legislative committee which dealt with security. And I served on that committee and there was some very positive work done. So, the proposition being put forward by the MLA in his matter of privilege is certainly a reasonable one.

Thank you.

Madam Speaker: At this time, I would like to thank the member for raising the issue, but advise that it is not in order as a matter of privilege, as a prima facie case has not been put to demonstrate that the privileges of the House have been violated.

Despite this, discussions can take place between members and the Speaker and LAMC about

enhancing security, and I would also point out that there is legislation that was adopted in this House about advancing security in the Legislative Building, so the issue is already under consideration.

Mr. Fletcher: I would like to ask—to challenge the ruling. I believe that this is an issue of immediate importance.

Madam Speaker: So the member has indicated that he is challenging my ruling.

Does the member have support of four members?

The member has support for challenging the ruling of the Speaker.

As the ruling of the Chair has been called, call in the members.

Voice Vote

Madam Speaker: Order, please.

All those in favour of the ruling, please say—*[interjection]* The honourable member for Assiniboia?

Mr. Fletcher: Can we not have 60 minutes to reflect?

Madam Speaker: I am doing a voice vote at this time and I would ask all members in favour of the challenge by the member, please say yea.

Some Honourable Members: Yea.

Madam Speaker: All those opposed, please say nay.

Some Honourable Members: Nay.

Madam Speaker: In my opinion, the Nays have it.

The challenge has been denied. We will—

Recorded Vote

An Honourable Member: Recorded vote, please.

Madam Speaker: A recorded vote having been called—is that what the member is asking for?

A recorded vote having been called, call in the members.

* (14:20)

Order, please. Order.

The question before the House is the ruling of the Chair has been questioned.

All those in favour of the motion—*[interjection]* Shall the ruling of the Chair be sustained?

All those in favour of the motion, please rise—*[interjection]*—sustaining the ruling of the Chair.

So, all those in favour of sustaining the ruling of the Chair, please rise.

Division

A RECORDED VOTE was taken, the result being as follows:

Yeas

Allum, Altemeyer, Bindle, Clarke, Cox, Cullen, Curry, Eichler, Ewasko, Fielding, Fontaine, Friesen, Goertzen, Graydon, Guillemard, Helwer, Isleifson, Johnson, Johnston, Kinew, Lagassé, Lagimodiere, Lindsey, Marcelino (Logan), Martin, Mayer, Michaleski, Micklefield, Morley-Lecomte, Nesbitt, Pallister, Pedersen, Piwniuk, Reyes, Schuler, Selinger, Smith (Point Douglas), Smith (Southdale), Smook, Squires, Stefanson, Swan, Teitsma, Wharton, Wiebe, Wishart, Wowchuk, Yakimoski.

Nays

Fletcher, Gerrard, Klassen, Lamoureux, Maloway, Marcelino (Tyndall Park), Saran

Clerk (Ms. Patricia Chaychuk): Yeas 48, Nays 7.

Madam Speaker: I declare the motion carried.

MATTER OF PRIVILEGE

Hon. Steven Fletcher (Assiniboia): On a completely separate matter of privilege. I'd like to bring forward, again, something that has arisen since we last came together. And this is my first opportunity to raise this issue.

* (14:30)

The issue is this: when members make statements in this place for their constituents, those statements have appeared on the—in audio form—YouTube and even on television. The independent MLAs, myself included, do not seem to have access to these statements made.

In fact, the House may be shocked to know or to be aware that the statements that I made all last year disappeared from YouTube and other places in and around June 30th. I inquired with the Legislative Assembly if I could re-post those statements as these are statements about extraordinary Manitobans and Canadians. It was revealed that the—that this was not within your purview, that it was not something that the Legislative Assembly does. Therefore, I asked my former members, my former caucus, through email if they would be so kind as to provide those statements, which they clearly—

Madam Speaker: Order please.

I would indicate to the member that what does and does not appear on YouTube is not a matter of parliamentary privilege and is not something that is in the purview of the Speaker. So, if the member actually does have a matter of privilege where he feels some privilege is breached, he needs to get directly to that, because the comments he is making right now do not pertain to a breach of privilege.

Mr. Fletcher: I guess I have to agree with that, because privilege came long before YouTube, Madam Speaker.

I will quote the decision between the CBC and New Brunswick. In this ruling, it discusses the relationship and who's responsible for what. It puts independent MLAs at a huge disadvantage that they do not have the resources or the ability to record and create a video of the statements of all these extraordinary Manitobans. This is particularly concerning in the case—in the—simply because the statements are not about the people who make the statements; it's about the people who are in the statements. Now, in the ruling with—between the CBC and New Brunswick, it is clear that it is within the purview of the Speaker. However, the practice in this place seems to have been violating the privileges of all independent members, but I—this is the first time I have become aware of such an issue.

Therefore, we need to—or—what is the remedy? Because, obviously, not only is the privilege of independent MLAs being violated, but it also violates the ability or what will happen to MLAs if they cease to become one of the two big caucuses.

Madam Speaker, it's particularly disturbing—and I'd just like to make this point—to show the impact of these statements. One statement was made about a former MLA, J. Frank Johnston, the father of the member from St. James, who passed on. A heartfelt statement was made about that, and it was withdrawn.

Another statement dealing with Minister Jim Prentice, former premier of Alberta and very instrumental on issues around the—pardon me—issues around the freedom—or the terrible things that happened at residential schools, this was all in the statement and Jim Prentice's leadership in that statement. So it's not only about the individual, but also the impact that individual has had on Canada. And on a day when we're talking about missing and murdered Aboriginal women, it is—

Madam Speaker: Order, please.

I would indicate to the member that Donahoe v. the CBC, the case he is referring to, dealt with the collective privileges of the House to control its internal proceedings and access to proceedings of the House without outside interference from others. It also says the Legislature has the right to control access to media feeds. It did not deal with rights of independent members.

So, unless the member has some specific place or way that he feels his rights have been violated, I would ask him to bring that forward and be specific what privilege he feels has been breached, because the content so far does not lead to a breach of an independent member or any member's privileges.

Mr. Fletcher: Okay, well, let's quote the case. The constitutional question stated and queried is (1) whether the Charter applies to members of the House of Assembly when exercising their privileges as members; and if so, whether they exercising a privilege so to refuse access to the media to the public gallery, to the record, and relay to the public proceedings in the House of Assembly by means of their camera contravenes section 2(b) of the Charter; and (3) whether such refusal is justified under section 1 of the Charter.

This was raised in an appeal and it was approved, and it—the fact is that, in this case, you're quite right, Madam Speaker, the Charter does not apply rules to actions of the Assembly. Privilege of Assembly to exclude strangers and so on is all within the powers of this body, which brings me to the point: Why and how is it possible that other members seem to have the ability to record and broadcast their participation in the Chamber, and members who are independent cannot?

The Speaker in New Brunswick at the time ruled against the media—sorry to those in the gallery—because it was an issue for the Chamber. The—

Madam Speaker: Order, please.

* (14:40)

I would ask the member to please get to the point of where he feels his breach of privilege is, because what he is addressing right now does not suggest a prima facie case of breach of privilege. So I would ask the member to please direct his attention specifically to indicating where his parliamentary breach has occurred, indicating that the comments

he's making right now do not support the point he's trying to make.

Mr. Fletcher: Okay, Madam Speaker. So I guess I'm not allowed—paraphrasing is not going to do it, obviously.

So here it goes, again referring to a New Brunswick broadcasting versus Nova Scotia. In this, the House of Parliament and provincial assemblies and the members, we exercise privileges which are necessary to discharge the function of our legislative responsibilities. These privileges are held against the Crown and the judiciary. Courts can inquire but the power cannot be exercised, again supporting, Madam Speaker, what you have said earlier, the privilege being necessary to discharge the Assembly's function in each instance of the exercise of the privilege enough to be showing it to be necessary.

In the UK, the Houses of Parliament, the family courts, have developed these privileges in the most fundamental sense, is that everything to do with the relationship between different branches of government.

In Canada, it's different.

Madam Speaker: Order, please. Again I would indicate to the member that he has yet to articulate any breaches of parliamentary privilege that have taken place in this House, and I would ask him to please reach that point as soon as possible because what he is addressing right now is not pointing at all to what he is trying to get across in terms of violation of one of his own privileges here. So I would ask him to please zero in on what he feels is a breach of his parliamentary privilege here in this Legislature.

Mr. Fletcher: The violation of privilege: As MLAs we are first among equals. We are equal. Why do other MLAs have additional rights and resources than other MLAs? That is a matter of privilege. It is a matter of privilege that the members of the Legislative Assembly are subject to some kinds of legislation, but to exercise the privileges by legislation or other rules and practices of the Legislative Assembly are matters within this body, so this body is, in effect, denying independent members the ability to do what other members in other caucuses can do and that is record audio, visually, and post statements made by members.

Moreover, not only can they—they're the only ones that can, apparently, and when someone is removed from caucus, that record, which is just as

valid as Hansard, is removed from the record, so the member—

Madam Speaker: Order, please. What the member right now is addressing is allocation of staffing and resources, which is done on the basis of the number of seats held and is an administrative issue. It is not a breach of parliamentary privilege, so I would ask the minister that if he—or the member, that if he's bringing forward a matter of privilege that he gets to the point of where he feels his privilege has been denied.

Mr. Fletcher: Well, Madam—[interjection]

An Honourable Member: Point of order.

Point of Order

Madam Speaker: The honourable member for Fort Richmond, on a point of order.

Mrs. Sarah Guillemard (Fort Richmond): Madam Speaker, I ask leave from the member who is bringing forth the member—or, the matter of privilege to defer this until after members' statements. There are members in the gallery who have come to honour the passing of my CA, and I would really appreciate the opportunity to honour her service. And I know there's others in our caucus who would also like to honour others who are here today to celebrate milestones.

Thank you.

Mr. Fletcher: I empathize very much with the member's point, which is actually my point as well.

That group has withdrawn the accomplishments and tragedies and historical documentation from the public record and only they have the copies, so therefore—

Madam Speaker: Order, please. Order.

The member should not be debating this issue. The leave request I will put to the House, because this is not something that is to be debated, and I would ask, according to the request that has been put forward, to move to members' statements.

Is there leave of the House to do so?

Some Honourable Members: Leave.

Some Honourable Members: No.

Madam Speaker: Leave has been denied; I did hear a no.

* * *

Mr. Fletcher: The ban—and the decision goes on to say the ban of cameras is an exercise of the privilege by the Legislative Assembly and to the Charter. But it also says that's a collective right. So, on one hand, cameras are not allowed for individuals who are independent MLAs, but, on the other hand, if they're in the—one of the two big parties, you do have access to these videos. So the—it is—the legislative privilege has been violated—is in fact the very privilege that the Legislature has been guaranteed under the Constitution. Except within this place, for reasons that does not seem to deal with resources, but deals with just the ability to record and store this information.

That is a, in my view, a prima facie case of privilege. And I'm aware of this because, as I mentioned, I was—found myself outside the caucus at a time when—

Madam Speaker: Order, please.

I would indicate now that the member is disregarding the authority of the Chair. I have already advised him that it is an administrative matter and not a matter of privilege. I would ask the member to either move his motion now or discontinue his remarks.

Mr. Fletcher: Madam Speaker, the Constitution in Canada and the Charter must apply in the exercise that is parliamentary privilege. The—a complete 'proitoin' on cameras is not essential to the operation of the House, nor is it automatically an 'obchuction'.

Madam Speaker: Order, please. Order, please.

I have indicated to the member that disregarding the Chair—and I've already advised him that to disregard the authority of the Chair is not something—I don't think he wants to go down that road. I've already advised him that it is an administrative matter and it is not a matter of privilege, and I would ask him now to either move his motion or discontinue his remarks.

* (14:50)

Mr. Fletcher: I move, seconded by the member from The Maples, that a committee be established immediately to provide the resources to the Speaker's office to allow for the taking of and recording of members' statements and QP in a manner that the recording is accessible equally to all members of this Chamber. And I would like that to be done immediately.

I would also ask that any other recordings made previous be—are made available to any of the members who have had their recordings removed. So that—my motion is that.

Hon. Cliff Cullen (Government House Leader): I certainly look forward to your ruling on this. I'm not sure there is a breach of privilege that the member is bringing forward.

I do want to commend the member for Fort Richmond (Mrs. Guillemard) for bringing forward that point of order. And I do, I guess, on behalf of the government, apologize to our guests that were in the gallery that were here to hear some members' statements. So I do appreciate her bringing forward that point of order and look forward to your ruling on this, Madam Speaker.

Hon. Jon Gerrard (River Heights): Madam Speaker, briefly, I hear the concern of the member from Assiniboia, and it is a significant concern.

But I want to indicate to the member from Assiniboia and all members in the Chamber that it is a fairly easy matter to actually do these recordings. It doesn't take a lot of staff time and that, from our point of view, the recordings that we put up from, for example, my members' statement on environment day in June, that is still up currently on Facebook. So it's not a general problem for all videos.

I suspect that this was a service which may have been provided by the Conservative caucus and that when the member was removed from the Conservative caucus, that the Conservative caucus may have erased his videos. And so it is probably a matter between the MLA for Assiniboia and the Conservative caucus. And, while I have, you know, sympathy for the situation, I think on this occasion I'm not sure that it's a matter of privilege. Thank you.

Madam Speaker: The member for Assiniboia has not demonstrated a prima facie case of privilege has occurred as this is a matter of administration and is not a breach of privilege. This matter is out of order as a matter of privilege.

Mr. Fletcher: May I challenge the Chair on this motion—on this finding?

Madam Speaker: Does the member have support of four members?

The member does not have support, so the challenge is denied.

We will now move to—the honourable member for Assiniboia.

MATTER OF PRIVILEGE

Hon. Steven Fletcher (Assiniboia): Thank you.

On a completely different matter of privilege it is important that in this place that members are free from obstruction, from intimidation and molestation, according to our commons—Beauchesne.

Madam Speaker, it is—it saddens me to raise this as an issue—but it is—because my reputation has been tarnished by statements made by another member of this place and outside of this Chamber. Moreover, the caucus confidentiality was also breached when this statement was made by the member.

In this matter, the member stood just outside this place and made assertions that were quite insulting, to be frank, and they were widely published. I don't necessarily blame the member themselves, as I don't know that they would have appreciated that it is against parliamentary privilege to make such statements about a member outside the Chamber and, clearly, that member was speaking with words that were perhaps prepared by another party—not in the political sense, another person.

This is probably why, Madam Speaker, my status in the PC caucus has never been confirmed by an officer in the PC caucus, and by that I mean a Cabinet member or—

Madam Speaker: Order, please.

I would indicate to the member of Assiniboia that—and I would like to inform him that the House has been—the matter of people speaking outside of the House and statements made outside of the House—it has been ruled a number of times by Manitoba Speakers that comments made outside of the House cannot form the basis of a prima facie case of privilege. So the member would have no grounds here to raise a matter of privilege on this issue as the rulings are already quite clear on that.

Mr. Fletcher: I—well, that's interesting, Madam Speaker.

Members, according to—members are entitled to go about parliamentary business undisturbed. The assaulting menace or insulting by any member on the floor of the House, or while coming or going from the House or—on account of his behaviour during proceedings of parliament or violation of the rights of parliament—any form of intimidation of a

person for or on account of his behaviour during a proceeding of parliament could amount to contempt. Now, I have a—I have many examples of members being ordered in contempt for saying less than what I will be tabling in a moment.

Madam Speaker, the other offence and another issue of privilege is the fact that by saying how members voted in a caucus is an—in fact, breaking the confidentially—confidentiality of that caucus, which is, again, an—potentially an issue of privilege, Madam Speaker.

* (15:00)

Madam Speaker, now, if there was extenuating circumstances; you know, if it was part of a witness or report or whatever, that I would—

Madam Speaker: Order, please.

I'm not sure if it wasn't clear to the member, but I will repeat it. I would like to inform the House that it has been ruled a number of times by Manitoba Speakers that comments made outside the House cannot form the basis for a prima facie case of privilege. Beauchesne's citation 31.1 advises that statements made outside the House by a member may not be used as the basis for a question of privilege. On page 614 of the House of Commons practice and procedure, O'Brien and Bosc state that the Speaker has no authority to rule on statements made outside of the House by one member against the other. Therefore, I must respectfully rule that the honourable member does not have a case of matter of privilege.

Mr. Fletcher: Madam Speaker, I'm—I haven't finished making my case on this issue. I am about to cite several instances that would indicate an issue of matter of privilege, but—

Madam Speaker: The member—pardon me, but the member does not seem to understand that I have now ruled on this. According to Manitoba precedent, it has already been deemed to not be a matter of privilege in this particular situation. So I am ruling that there is no matter of privilege on this issue, and that should end the debate. There cannot be further debate unless the member wants to challenge the ruling of the Speaker.

Mr. Fletcher: I—Madam Speaker, I challenge the ruling that you just made. One cannot determine a prima—

Madam Speaker: The member cannot debate the issue. He can challenge the ruling. And, if so, I

would ask him to lead directly to that, and does he have the support of other members, four other members, in his challenge?

Mr. Fletcher: Madam Speaker, there are many, almost an infinite number—

Madam Speaker: Order, please.

There can be no further debate. If the member is asking for a challenge of my ruling, he is to put that forward and have four members stand in support of that. Otherwise, I have already indicated it is not a matter of privilege, according to rulings of former Manitoba Speakers. So there is no further debate on this. If the member wants to challenge the ruling, let him do so now.

An Honourable Member: Point of order.

Point of Order

Madam Speaker: The honourable member for Assiniboia, on a point of order.

Mr. Fletcher: Madam Speaker—

Madam Speaker: No, I am told that because we are dealing with this at this point, you cannot raise a point of order. You must—the member must, in fact, challenge the ruling and have support of members to see that challenge proceed.

* * *

Madam Speaker: Is that the member's intention, that he wants to challenge my ruling?

Mr. Fletcher: Madam Speaker, I'd like to challenge your ruling and ask for the precedences that you are referring to.

Madam Speaker: Order.

The member cannot add any equivocation to that. He must be clear in his statement that he is challenging the ruling of the Chair, and that's as far as he can go.

Mr. Fletcher: I am challenging the ruling of the Chair, based on—

Madam Speaker: Period.

Mr. Fletcher: —everything since the Magna Carta.

Madam Speaker: Sorry, the member does not get to add any comments to that. All he can do is indicate that he is challenging the ruling of the Chair. He cannot add any further statements to that.

Mr. Fletcher: I challenge the ruling of the Chair.

Madam Speaker: The member has support for challenging the ruling of the Chair.

All those in favour of sustaining the motion, please rise.

All of those in favour of sustaining the ruling of the Chair, please rise—no—[*interjection*]

Shall the ruling of the Chair be sustained?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

Madam Speaker: All those in favour, say aye.

Some Honourable Members: Aye.

Madam Speaker: All those opposed, say nay.

Some Honourable Members: Nay.

Madam Speaker: In my opinion, the Ayes have it.

A recorded vote—oh, the honourable member for Assiniboia.

Recorded Vote

Mr. Fletcher: Can there be a recorded vote?

Madam Speaker: A recorded vote having been called, call in the members.

Order.

The question before the House is shall the ruling of the Chair be sustained.

Division

A RECORDED VOTE was taken, the result being as follows:

Yeas

Allum, Altemeyer, Bindle, Cox, Cullen, Curry, Eichler, Ewasko, Fielding, Fontaine, Friesen, Goertzen, Graydon, Guillemard, Helwer, Isleifson, Johnson, Johnston, Kinew, Lagassé, Lagimodiere, Lindsey, Maloway, Marcelino (Logan), Marcelino (Tyndall Park), Martin, Mayer, Michaleski, Micklefield, Morley-Lecomte, Nesbitt, Pallister, Pedersen, Piwniuk, Reyes, Schuler, Selinger, Smith (Point Douglas), Smith (Southdale), Smook, Squires, Stefanson, Swan, Teitsma, Wharton, Wiebe, Wishart, Wowchuk, Yakimoski.

Nays

Fletcher, Gerrard, Klassen, Lamoureux, Saran.

Clerk (Ms. Patricia Chaychuk): Yeas 49, Nays 5.

The ruling of the Chair has been sustained.

MATTER OF PRIVILEGE

* (15:10)

Hon. Steven Fletcher (Assiniboia): On a separate motion of parliamentary privilege, I would like to raise that the privilege of the members of this Chamber have been breached. This occurred during committee hearings on Bill 19. Information necessary to make an informed and thoughtful decision was not provided, nor were the necessary representatives from the Crown corporation.

Bill 19, for those of you who may not have—or, may have forgot—is the energy efficiency bill.

Madam Speaker, in a moment, I'm going to refer to numerous decisions by Speaker Milliken, in—where he pointed out that the government of the day did not provide the necessary information for parliamentarians to act in their full ability of their role. You will recall the F-35 issue, the Bev Oda issue, the issue around Estimates. I will be presenting those Speaker's rulings, all of which resulted in the government of the day being held in contempt of Parliament.

Madam Speaker, this is an important matter of privilege. Notwithstanding the partisan politics that goes on in this place, we—

Madam Speaker: Order, please.

I would indicate to the member for Assiniboia that if there are issues arising out of committee that deal with privileges, it should be first raised in the committee, and then the committee would need to decide whether to refer the matter of privilege to the House, as issues dealing with privilege in committee should not be raised directly in the House. So I would indicate to the member that he does not have the ability right now to bring forward that matter of privilege, as it had to have been dealt with in committee first.

Mr. Fletcher: Yes, fair enough.

Madam Speaker, I would point out that, in this place, questions have been asked around the various costs of various measures. Everything—

Madam Speaker: Order, please.

I would indicate to the member that I have just indicated that there—if there are issues arising out of committee that deal with privileges, it should be first

raised in the committee. And then the committee would decide whether or not to refer the matter of privilege to the House, as issues dealing with privilege in committee should not be raised directly in the House. And that is my ruling.

If the member is indicating, he wants to challenge that ruling, he may do so, but I have ruled according—accordingly.

Mr. Fletcher: Madam Speaker, it is impossible to rule a prima facie case without hearing the evidence to do so. And with all—

Madam Speaker: Order, please.

The—I would indicate to the member that he is out of order in bringing that as a matter of privilege because, as our rulings state, it first must be dealt with in committee. So it is not appropriate to have that brought forward in here as a matter of privilege.

So the member can, if he chooses to disagree with my ruling, he has the opportunity to challenge that ruling, but there is no further debate.

Mr. Fletcher: Madam Speaker, I will challenge your ruling.

Madam Speaker: Does the member have support?

The member appears to have support.

Shall the ruling of the Chair be sustained?

Voice Vote

Madam Speaker: All those in favour, say yes.

Some Honourable Members: Yes.

Madam Speaker: All those opposed, please say nay.

Some Honourable Members: Nay.

Madam Speaker: I declare that the motion—that the ruling is sustained.

Recorded Vote

Mr. Fletcher: I'd like to ask for a recorded vote.

Madam Speaker: A recorded vote having been called, call in the members.

* (15:20)

Order, please. Order, please. Order, please.

The question before the House is shall the ruling of the Chair be sustained.

Division

A RECORDED VOTE was taken, the result being as follows:

Yeas

Allum, Altemeyer, Bindle, Clarke, Cox, Cullen, Curry, Eichler, Ewasko, Fielding, Fontaine, Friesen, Goertzen, Graydon, Guillemard, Helwer, Isleifson, Johnson, Johnston, Kinew, Lagassé, Lagimodiere, Lindsey, Maloway, Marcelino (Logan), Marcelino (Tyndall Park), Martin, Mayer, Michaleski, Micklefield, Morley-Lecomte, Nesbitt, Pallister, Pedersen, Piwniuk, Reyes, Schuler, Selinger, Smith (Point Douglas), Smith (Southdale), Smook, Squires, Stefanson, Swan, Teitsma, Wharton, Wiebe, Wishart, Wowchuk, Yakimoski.

Nays

Fletcher, Gerrard, Klassen, Lamoureux, Saran.

Clerk (Ms. Patricia Chaychuk): Yeas 50, Nays 5.

Madam Speaker: The ruling of the Chair has been sustained.

MATTER OF PRIVILEGE

Hon. Steven Fletcher (Assiniboia): I have a micro point of privilege.

In this—in the—during the course of this afternoon, for whatever reason that remains inexplicable, much of the material that I had prepared for today was not allowed to come into this Chamber. I've prepared three copies of all the references for—to ensure that everything is properly cited. In total, there were over 24,000 pieces of paper prepared for this afternoon and, for most of it, it's been left outside in spite of efforts to bring it inside.

I don't know what's going on there. I think there—most of them—most of the material is in now, but I hope you can understand my frustration, which, obviously, might be extending to other members of the Assembly, as well.

That—so, my motion is, Madam Speaker, on a—if we could come up with a manner—or research how and why, and how we could come up with better practices so that something like this does not happen again.

Madam Speaker: I would indicate that the member does not have a point—or does not have a matter of privilege, but I certainly will endeavour to find out what happened in this regard. And we will, in turn, determine what can be done to fix it. But indicating at this moment that that is not a matter of privilege.

* * *

* (15:30)

Mr. Fletcher: Madam Speaker, I'd like to rise on another point of privilege. However, I am amenable to the previous suggestion that members be allowed to make their statements.

Madam Speaker: Is there leave of the House to revert back to members' statements?

Some Honourable Members: Leave.

Madam Speaker: I'm not hearing a clear indication. *[Agreed]*

We will then revert back to routine proceedings, and we will revert to members' statements.

MEMBERS' STATEMENTS

Sadie Grimm

Hon. Blaine Pedersen (Minister of Growth, Enterprise and Trade): In spite of my guest leaving, I will continue.

In 1914, Winnipeg Beach was the destination of choice for many Winnipeggers seeking to make the most of our summers. The only way to reach the beach was via the Canadian Pacific Railway, as the roads were impassable.

However, in 1914, 19-year-old Sadie Grimm became the first person to bypass the train and Sadie rode her motorcycle from Winnipeg to Winnipeg Beach. Her journey included eight-inch-deep ruts, bogs and pot holes as she passed cars stuck in the swamp along the way.

In completing the 100-kilometre trek and braving the elements, Ms. Grimm won the gold medal for a major motorcycle race open to men in 1914 before women had the legal right to vote. Not only that, she returned to Winnipeg that day via a different route, thereby accomplishing twice what no one had done before.

Ms. Grimm later married fellow motorcyclist James Roland Cruikshank. She passed away on February 8th, 1970 at the age of 74.

Led by the Manitoba Women Riders Council of the Coalition of Manitoba Motorcycle Groups, efforts have been made to recognize Ms. Grimm and her legacy.

This November 4th, 2017, Ms. Grimm will be inducted into the Canadian Motorcycle Hall of Fame. Her grandson Dayton Taylor, also an avid motorcyclist, will accept the award on her behalf.

Closer to home, the Sadie Grimm ride celebrating her accomplishment was held on June 11th this summer. Motorcyclists rode from Headingly to Winnipeg Beach, with all proceeds going towards a motorcycle-themed picnic shelter in Winnipeg Beach Provincial Park named in her honour.

Madam Speaker, please join me in celebrating Sadie Grimm's accomplishment and legacy amongst not only motorcycle enthusiasts, but all Manitobans.

Madam Speaker, I ask leave to include the names of the volunteers attending in Hansard this afternoon.

Madam Speaker: Is there leave to include the names of the volunteers that were here this afternoon in Hansard? *[Agreed]*

Sadie Grimm Committee: Dianne Best (also Antique Motorcycle Club of Manitoba); Tara DeBoer; Christine DeBoer; Theo DeBoer; Pat Harrison (also Wyld Wynd Systems); Winona Hook; Lori Hunter, communications volunteer; Mary Johnson, chair (also Women Riders Council Chair of Motorcyclists Confederation of Canada and Coalition of Manitoba Motorcycle Groups); Brian Mansky, engineer; Carolyn Peters, researcher/communications; Paul Peters, researcher.

Coalition of Manitoba Motorcycle Groups: Brian Segal, president; Douglas Houghton, director/public relations.

Indian Motorcycle of Winnipeg: Jill Ruth.

Antique Motorcycle Club of Manitoba: Ross Metcalfe.

Unable to attend: Dayna Alstadt, Wyld Wynd Systems; Bruce Avison, Sadie Grimm Committee; Debra Chief, Brokenhead Ojibway Nation; Cheryl O'Connor, Sadie Grimm Committee; Tony Pimental, mayor of Winnipeg Beach; Rick Poirier, Antique Motorcycle Club of Manitoba.

La Broquerie A's

Mr. Dennis Smook (La Verendrye): Madam Speaker, I rise today to congratulate the La Broquerie A's on their outstanding success over the summer. After capturing the provincial championship, the A's are now the 2017 Western Canada bantam AA baseball champions.

Here at home, the A's defeated the Elkhorn Expos 14-6 on July the 16th to become the provincial

champions and advance to the Western Canada championships.

The Western Canada tournament was held in Kamloops, BC, at the end of August. Over the course of the tournament, the A's won games against teams from Tri-City, Provost and Lloydminster, losing only one game to the Burnaby Braves.

Ultimately, the A's defeated Tri-City 7-0 to capture the Western championship.

Coach Mitch Nadeau described the win as a total group effort by an amazing group of kids.

Participating in sports is an excellent way to build life skills, connecting not only with your teammates and coaches, but with the whole community. I hope these young athletes will look back at this time of representing La Broquerie with pride.

Winning a provincial title is one thing, but going on to win the western is something special.

Once again, I congratulate the La Broquerie A's on their success and I wish them the best in the 2018 season.

At this time, I would have asked the members to help me stand and congratulate them, but unfortunately these young kids had to go home.

Thank you, Madam Speaker.

I ask for leave that the names of the players and the coaches of the La Broquerie A's will be inserted into Hansard.

Madam Speaker: Is there leave to include those names in Hansard? *[Agreed]*

La Broquerie A's: Dustin Broesky, Davis Fenske, Keyan Grimard, Justin Gudmundson, Mason Hartung, Drayden Kurbatoff, Riale Lawless, Eric Mateychuk, Darius Morrow, Meech Nadeau, Gabe Ross, Dawson Tanner, Zac Tetrault, Carson Tufford

Coaches: Ray Grimard, Charles McKay, Mitch Nadeau, Mitch Tetrault

Charlene Stoneham

Mrs. Sarah Guillemard (Fort Richmond): Madam Speaker, I rise today with a mixture of intense sorrow and immense pride.

Each member in this House knows the benefits of a good and trusted constituency assistant who makes every day run smoothly and keeps our spirits high. I was blessed to have found not only a capable

office manager, but also a new friend in Charlene Stoneham.

Her protective nature always kept me feeling confident in any situation, and her laugh was infectious as we shared our life stories with each other. Charlene eagerly learned the various responsibilities of accounting and scheduling and joined me for many exciting adventures in the world of political relationships. I never questioned whether we would enjoy our outings together, as we were two peas in a pod.

Madam Speaker, cancer is a thief. Charlene fought this unwelcome intruder with a determined and stubborn strength, and I am so proud of the fierce energy she was able to muster in this fight. I will never say that cancer won, because it has no power over the continued love that is felt for Charlene.

On June 6th of this year, Charlene took her last breath. On June 13th, her life was celebrated in a very Charlene way, full of comical stories and hope for all who were left behind.

Madam Speaker, today Charlene's family and her friends were with us in the gallery, and I would like to take this opportunity to thank them all for sharing this beautiful woman with me. I'm a better person for having known Charlene.

Madam Speaker, I have two requests. I ask leave to add the names of Charlene's family and friends into Hansard and that the House observe a moment of silence in honour of Charlene.

Thank you.

Madam Speaker: Is there leave to include the names in Hansard? *[Agreed]*

Ross Stoneham, Ryan Stoneham, Naomi Durand, Deneen Davidson, Travis Davidson, Carol Melnyk, Wayne Melnyk, Larry Leiter, Debbie Leiter, Tenise Nolet, Chris Melnyk, Victoria Melnyk, Janis Kippen, Beverley Kippen, Linda Rigaux, Linda Nielsen, Dave Nielsen, Jeff Hamilton

Madam Speaker: Is there leave for a moment of silence? *[Agreed]*

Please stand.

A moment of silence was observed.

* * *

Mr. Wab Kinew (Leader of the Official Opposition): Is it my turn? I knew I'd get a question in today somehow.

Madam Speaker: Oh, no, it's still members' statements. *[interjection]* Oh, members' statements?

Orange Shirt Day

Mr. Kinew: Madam Speaker, last week I was honoured to join students, teachers and even some colleagues in recognizing the strength of residential school survivors as we marked Manitoba's first official Orange Shirt Day.

And I also want to thank, again, all the members of this House who unanimously passed the act recognizing that day the last time we were here sitting.

Orange Shirt Day started in BC under the slogan Every Child Matters. It is inspired by the experience of Phyllis Webstad of the Stswecem'c Xgat'tem First Nation. An orange shirt given to Phyllis by her family was stripped from her when she was—arrived at St. Joseph mission residential school. That left Phyllis feeling humiliated and insignificant. As such, the orange shirt represents what she lost in the residential school.

Last week, thousands of people in our province wore orange shirts to commemorate all that indigenous children lost in residential schools: language, culture, family and, in some cases, even their lives. As Truth and Reconciliation Commissioner Marie Wilson said, many residential schools had cemeteries, but no playgrounds. We have heard the horror stories of abuse, sexual assault and even experiments.

This year, I watched as young Manitobans learned about this era in age-appropriate ways. There was a lecture at Kelvin High School, a solemn march through the streets around Windsor Park Collegiate and an outdoor workshop with drums and dancing for kids from across Winnipeg School Division held at the foot of the Canadian human rights museum.

* (15:40)

Madam Speaker, as kids of all backgrounds played in the sunshine last week, I couldn't help but think Orange Shirt Day is also about resilience and overcoming negativity with kindness. When Phyllis was a young girl, she was taken from her family and made to feel ashamed. Today, kids go to school to learn, be well and feel proud of who they are. We

may have further to go, but we are getting closer to living in a society where every child matters.

Misericordia Urgent Care Centre

Mr. Andrew Swan (Minto): Monday was a sad day for health care in Manitoba as the Misericordia Urgent Care Centre closed its doors, the closing this centre which served 40,000 Manitobans each year, leaves people with urgent health needs saddened, angry and confused about where to access health care.

Many Manitobans will no longer have an accessible location to go for urgent care. Many of Misericordia's patients come from downtown, Point Douglas, Wolseley, the West End, Fort Garry, Riverview, Fort Rouge and River Heights, many by bus and others often on foot. Health-care professionals are concerned that families who do not have access to a vehicle and cannot afford an ambulance either may not seek the care they need or may simply find their way to busy emergency rooms at Health Sciences Centre or St. Boniface Hospital.

The Misericordia responded to 4,500 eye-care emergencies last year at their eye-care facility. Doctors at the Misericordia have written an open letter, saying the closure puts the future of eye-care services at dire risk.

Closing the Misericordia Urgent Care Centre is just one of many unwise decisions made by this government. However, it is one of the worst because of the impact on vulnerable Manitobans.

There was no evidence to recommend this decision. Medical officials at Misericordia were never consulted about how the closure will impact their ability to provide quality care. The Misericordia Sisters stated the act of closing the urgent care centre is unconscionable and will hurt low-income earners. We could not agree more.

The closure of Misericordia urgent care is part of the ongoing chaos in our health-care system, irresponsible health-care changes being forced on the system and families by a government who doesn't care about patients.

Changes to Manitoba health care should not cut the quality and accessibility of medical care for Manitobans.

Our NDP caucus calls on the provincial government to reverse the decision to close the

Misericordia Urgent Care Centre and restore timely access to quality patient care.

Thank you.

Madam Speaker: Are we able to move to introduction of bills?

MATTER OF PRIVILEGE

Hon. Steven Fletcher (Assiniboia): Madam Speaker, this is a issue of profound importance to all members. We have in our statute a provision—

Madam Speaker: Order, please. Is the member speaking on a matter of privilege?

Mr. Fletcher: Yes.

I'd like to bring forward a matter of privilege, dealing with the fact that fundamental privileges cannot be overridden by a statute. In this situation, I would like to point out to the Speaker a number of situations where the fundamental laws that we have inherited from the British parliamentary system cannot be overridden by a statute and, in particular, this deals with an individual's fundamental freedoms of privilege around freedom of association—one moment, please—dealing with fundamental freedoms of assembly, of association and expression.

If someone is removed from caucus, which is a unique experience, I have to say, it is a violation of that individual's rights, as outlined as a matter of privilege, to prevent them from associating with—

Madam Speaker: Order, please. Order, please.

I would indicate to the member that the Speaker does not have the authority to deal with the constitutionality of laws, so what he is raising is not in order as a matter of privilege. It is an issue that the member will be dealing with in the courts, and that is the appropriate place for it to be raised and not here in the Chamber. And that is my ruling.

Mr. Fletcher: Again, I haven't even begun to make the case—

Madam Speaker: Order, please. Order, please.

The—I'm indicating to the member that this is not the appropriate place to raise that as I do not have authority to deal with the constitutionality of laws. So what he is raising is not in order as a matter of privilege. It is an issue that the member will be dealing with in the courts and that is the appropriate

place for it to be raised. So it cannot be raised here as a matter of privilege.

Mr. Fletcher: The issue I'm raising here is not the same as the courts. They are two different items. They may have the same result, but the point is this: our Chamber cannot overrule fundamental rights. For example, this Chamber's just been recently renovated, but if it was required to follow the Manitoba Human Rights Code it would have been renovated years ago. But that statute doesn't apply in the Chamber.

As—and this goes right back to the Magna Carta. A statute cannot override the ability of members in this place to freely associate or communicate, and that is exactly what many of the provisions do, specifically, 52.31—

Madam Speaker: Order, please. Order.

As I have just indicated to the member, as a Speaker I cannot decide questions of law, and by his continuing to move forward with his comments he is disregarding the authority of the Chair.

I would indicate that is my ruling. If the member wishes to challenge it that is his right, but I have ruled on whether or not that could even be discussed here and it cannot because it does not fit into the auspices and ability of the Chamber to address this—or the Speaker.

So I would indicate that the member does not have a matter of privilege. If he chooses to challenge that he can do that, but there is no further debate on this.

Mr. Fletcher: Madam Chair, I will challenge the Chair and I'm going to follow up—

Madam Speaker: The member has indicated that he is challenging the Chair.

Does the member have support?

The member has support.

Voice Vote

Madam Speaker: Shall the ruling of the Chair be sustained?

All those in favour, please say yea.

Some Honourable Members: Yea.

Madam Speaker: All those opposed, please say nay.

Some Honourable Members: Nay.

Madam Speaker: In my opinion, the Ayes have it.

The ruling of the Chair has been sustained.
[interjection]

Recorded Vote

Mr. Fletcher: Recorded vote.

Madam Speaker: A recorded vote having been called, call in the members.

* (15:50)

The question before the House is shall the ruling of the Chair be sustained.

Division

A RECORDED VOTE was taken, the result being as follows:

Yeas

Allum, Altemeyer, Bindle, Clarke, Cox, Cullen, Curry, Eichler, Ewasko, Fielding, Friesen, Goertzen, Graydon, Guillemard, Helwer, Isleifson, Johnson, Johnston, Kinew, Lagassé, Lagimodiere, Lindsey, Maloway, Marcelino (Logan), Marcelino (Tyndall Park), Martin, Mayer, Michalewski, Micklefield, Morley-Lecomte, Nesbitt, Pallister, Pedersen, Piwniuk, Reyes, Schuler, Selinger, Smith (Point Douglas), Smith (Southdale), Smook, Squires, Stefanson, Swan, Teitsma, Wharton, Wiebe, Wishart, Wowchuk, Yakimoski.

Nays

Fletcher, Gerrard, Klassen, Lamoureux, Saran.

Clerk (Ms. Patricia Chaychuk): Yeas 49, Nays 5.

Madam Speaker: The ruling of the Chair has been sustained.

MATTER OF PRIVILEGE

Hon. Steven Fletcher (Assiniboia): On a point of privilege, Madam Speaker, I'd like to table a document entitled: contempt versus Parliament. In this document, which is being produced behind me—somewhere—it describes the difference between the fiduciary and fundamental principles of privilege versus the alternative.

Madam Speaker, when we have rules in the Assembly—whatever they are, and I would agree that they need to be reviewed and changed both in this place and at committee, but we can't do that at this very moment. But what we can do is work with what we have.

When a member stands for a matter of privilege in this place they need the opportunity to at least make the case.

Now, I understand that you don't—you know, none of us want someone to be able to go on forever on a matter of privilege, but on the other hand, the case needs to be made.

* (16:00)

Now, in Ottawa—and I will table this as well—the case of privilege needs to be made within 20 minutes, and other places they have different rules, but they usually have a time limit. These rules do not. I don't know if that was an oversight or whatever, but what has happened—and I look at the 1996 case with the Speaker Louise Dacquay over MTS. It says—though that was a—there aren't exact parallels—at all, actually. But at least in that situation, there was an opportunity for a member to make or not make the case by eliminating the right of a member, or preventing them to even have time to make a case before they at least had an opportunity to present the facts is, in fact, a fundamental breach of freedom of expression and a fundamental breach of association.

These are—I'll table the bill of rights of 1687, which laid the foundation in the UK parliamentary system which we inherited in 1867. Now, the parliaments have diverged in some ways. I've mentioned one of those ways: the time to make a motion of privilege. Manitoba has not, for whatever reason, put a time limit on these motions, and the rules of the Assembly—which I will also table—do put a—or do not put a rule in, but other chambers do, and I think that's perfectly reasonable.

But the mere action of cutting off a speaker and making it into a precedent is going to be a disaster for this Chamber. Like, there will be no—why do we even get together? Like, why don't we just send out press releases? This place is supposed to be a place of discussion and debate. And even when you're a hundred per cent wrong or disorganized, you have to have a minimum amount of time to be able to make the case.

Madam Speaker, we may want to also include a rule where there's a limited number of matters of privilege that can be raised. That would be—if it—let's put it in the rules. But there isn't. So you have matters of privilege with no time limit and no limit on the number of matters of privilege, but—which suggests it is the will of the House through the rules

to allow for debate—to allow for discussion—to go back and forth, at least for a little while. But when the Chair of the—when a member is cut off without making a prima facie case or without even giving it, it is going to—if that is allowed to continue, they—this is going to be a matter that totally undermines our system.

I can't—it doesn't—

Madam Speaker: Order, please. Order.

If the member is reflecting on the rulings of the Chair, I would indicate to the member that that is not appropriate. I have listened to what he has had to say in each instance, and it became readily apparent that what he is raising is not a breach of privilege.

There is also a ruling on page 34 of the forms and formula that indicate—and it is in our rules that the method by which the House conducts its business is about order and business practices of the House, and not privilege.

The member has yet to identify what privileges have been breached—and I would remind him, also, if he could get to that point quickly and not reflect on the rulings of the Chair because that is inappropriate to do so.

So, if the member could please get to his point of privilege, that would be much appreciated.

Mr. Fletcher: Thank you, Madam Speaker—

An Honourable Member: Madam Speaker, on a point of order.

Point of Order

Madam Speaker: The honourable member for Concordia, on a point of order.

Mr. Matt Wiebe (Concordia): On a point of order, and I preface this point of order by simply thanking all those in attendance—and that includes our guests in the gallery, those who remain. And I know we have some important guests who've joined us, whether it be family members or folks who have interests in the debate that's supposed to be happening in this Chamber, I want to thank them for having patience in and staying here. I wanted to thank the media for doing the same—staying here—and, of course, all the members and our staff, our clerks and the pages and everyone else for enduring this, I could say.

What I wanted to raise a point of order about, Madam Speaker, is that we are reaching a point now

where we can see 5 o'clock approaching, and that is the traditional time that this House would rise for its business of the day. We also have not had an opportunity to get to our question period which, of course, is an important part of this institution and I'm sure the members of the government are anxious to stand up and answer questions that the opposition might have. I certainly know members on this side of the House are very anxious, including our leader, to stand up and hold this government to account.

That is the—what—an important part of the business of this House, Madam Speaker. Of course, we have other important business to deal with and so I don't want to not focus on that as well, and a number of committee reports and other bills that may be introduced.

But, as I see the clock approaching—well, maybe almost 10 after 4 o'clock, if we were to get to the orders of the day and get to question period, it might just give us enough time that, on the other side, if the member for Assiniboia (Mr. Fletcher) would like to continue his points of privilege, he would still have an opportunity then to do that.

So I'd like to ask leave of the House that we move to orders of the day, specifically—[interjection] My apologies.

Madam Speaker, I ask that we move to routine proceedings with the inclusion of question period and at that time revert to any matters of privilege that any members might have.

Madam Speaker: Is there leave to revert to routine proceedings which would include question period, and following that revert back to the matter of privilege by the member of Assiniboia? Is there leave?

Some Honourable Members: Leave.

Some Honourable Members: No.

Madam Speaker: I hear a no. The request has been denied.

* * *

Mr. Fletcher: Madam Speaker, the issue of allowing time to make a prima facie case, finally, is important. For it not to be provided is a breach of freedom of speech. It's an attack on the rights, the powers and—of the institutions of the House.

Madam Speaker—and I will table this—privileges and immunities, Marleau, the 2000 edition. There are affronts against the dignity and authority of

parliament which may not fall within the specific defined privileges. The House also claims—you know, there's a whole bunch of other things that the House can do, but what it cannot do is violate the dignity of the House or its members, nor can it prevent at least a reasonable amount of discussion on any point, regardless of what that may be.

Now, the rationale, and this is cited, the rationale of the power to deal with complaints, whether they're in the court or contempt of the House, is that the courts and the House should be able to protect themselves from acts which directly or indirectly impede the performance of their functions. In this sense, all breaches of privilege are contempts of the House, but not all contempts are necessarily breaches of privilege.

So I'm going to go on on this. Contempts, as opposed to privilege, cannot be enumerated or categorized, as Speaker Sauvé explained in her 1980 ruling. While our privileges are defined, contempt of the houses—or, of the House, has no limits. When new ways are found to interfere with our proceedings, so, too, will the House, in appropriate cases, be able to find that a contempt of the House has occurred. So what that—

Madam Speaker: Order, please.

I would indicate to the member that the Speaker has the ability to determine if the Speaker has heard enough from members to make a ruling on issues, and this afternoon the Speaker has been doing just that. So, once again, I would ask the member to identify what specific privilege he feels has been violated, according to his privileges in this House.

Mr. Fletcher: Again, I'm referring to privileges and immunities. In the House of Commons, it actually speaks of this issue. To ask—to say a specific privilege is in fact not the whole scope of the rights and responsibilities that this House has to its members and these members have to the House. The reluctance to invoke or admonish or trample the dignity or authority the members have is a constant feature of the Canadian approach to privilege. So, it's—the fact that we are having this—or, Madam Speaker, the fact that there are different points of view is the point of this Assembly.

Now, I agree—

Madam Speaker: Order, please.

I would ask the member for Assiniboia, if he could, as I've asked a number of times, to please

articulate clearly which privilege specifically he feels has been violated—which of his privileges in this House have been violated. Could he clearly articulate that now?

Mr. Fletcher: Privileges that have been violated are the summation of peculiar rights and responsibilities that have been accumulated over time, over the centuries, that are absolute. To say—to point to one specific item is not necessarily helpful in this particular case, because we are talking about the fundamentals of our democracy. We're talking about freedom of expression, freedom of debate, freedom of—so, what parliamentary privilege am I speaking of? I'm speaking of all of them and none of them, but mostly all of them because to restrict debate in an absolute way over and over again as precedent would suggest is bad precedent, and that precedent needs to change, and not because I say so; it's because that's the way the Westminster parliamentary system works. We cannot allow for these fundamental privileges to not—they cannot be taken away; it's just that simple. But they are when debate and *prima facie* cases are determined even before the facts are outlined.

Madam Speaker, in the rules that we have there is—I think we can agree that there is no rule that can trump our basic freedoms, and that is what, certainly, a *prima facie*.

So this has gone beyond simply—Madam Speaker, I'd like to raise, in Beauséjour, this—it's important to attach two matters of privilege, and this is from Beauséjour again.

Point of Order

Mr. Fletcher: Madam Speaker, just a point of order. You know, we are trying to have a discussion. I think you and I are—we're trying to exchange issues on fundamental issues and I'm having trouble hearing myself talk. How can—again, this is ridiculous. We're talking about—

Madam Speaker: Order, please. The member has raised a valid point of order. It is difficult in here right now to hear the comments being made, so I would ask members to please, if you're going to have conversations, do them quietly in the loge or in the chairs or elsewhere, but we have to be able to hear the member present his matter of privilege, so I would ask for everybody's co-operation.

* * *

Madam Speaker: To the member who is speaking to this, again, to this matter of privilege, he has not indicated which specific privilege has been denied him or violated and the member needs to clearly articulate which privilege it is he feels has been violated here in the Manitoba Legislature.

So I would ask the member to please get to that point of what he feels is the violation of his rights. While a lot of the content may be interesting, it does not speak to immediately, because I'm not clear as to what the member is saying which right of his has been violated. So I would ask the member for Assiniboia (Mr. Fletcher) to please get to that and please realize that the authority of the Chair in saying this is something that needs to be heeded, so I would ask the member to get to his specific point.

*(16:20)

Mr. Fletcher: Madam Speaker, thank you for your comments about the decorum.

Madam Speaker, what we're talking about are debates on privilege motions. And, for that to go forward, two things need to be determined. One is timeliness, and the next is, is it a *prima facie* question of privilege? That is the motion. Like all motions, it must be seconded. The member proposing the motion ends the argument with a motion, which I will do, and the proposed motion—then the Speaker is allowed to, you know, make the judgment, as you've stated.

The terms of the motion are clear, but once the motion is properly proposed, there are procedures and practices relating to the debate on a substantive motion. In the House of Commons, there are time limits. When the motion is—touches on the conduct of a member—

Madam Speaker: Order, please. Order, please.

What the member is talking about is the process by which the House conducts its business on privilege, which is an issue of order and how the House conducts itself; it is not a breach of privilege. The member is not being clear on what privilege of his has been breached, and I would ask him if he could please identify for us what privilege he feels has been breached.

Mr. Fletcher: The issue of privilege that has been breached are the fundamental—there—it's all of the privileges that we have, and none of the privileges that we have. They're all—it's all in one. They don't necessarily have to be expressed in a specific manner

to have our collective or our individual rights breached.

But, in this case, among everything, I can point out to freedom of expression, freedom to raise issues of importance with reasonable debate, not too much, not too little, but enough to make the point on a matter of privilege, which is very serious. It's the most serious issue that we can bring up as a member of the Legislature.

And, as I'm bringing it up, you know, people are on their BlackBerrys and cellphones, and, you know, they're chatting, which, again, is—that in itself, Madam Speaker, is a breach of the dignity of this place.

Now—but that's this place, and that falls, obviously, under your jurisdiction, Madam Speaker. But, as I think you can see, I think the dignity of this place, the privilege of this House is violated every time the debate is cut off because—or people are not paying attention. If you're not paying attention—

Madam Speaker: Order, please. Order, please.

I would indicate that I feel that the member has had ample time to make his point. I think it would be reasonable for the member to move his motion and conclude this matter of privilege, and anything further would be disregarding my authority in this Chair. So I would ask the member to immediately move to his point of privilege motion.

Mr. Fletcher: My motion—thank you, Madam Speaker. My motion is: A motion of privilege is paramount, and nobody in this Chamber can undo the rights and responsibilities of the privileges that are enshrined in the Constitution, even if there was a—in 1996, there was a speaker, for example, I'd made a bad decision, that—

Madam Speaker: Order, please.

I would ask the member that he needs to move his motion and have a seconded by a colleague. So if he could please specifically indicate what the motion is and what the seconder is.

Mr. Fletcher: The motion is there are fundamental and absolute rights of individual members and the House that cannot be in any way diminished, and I ask the Speaker through this motion to reflect on this. And I ask this House to agree that there are privileges that are inherited, bequeathed us by our forefathers that cannot be compromised, which may happen if we don't have any debate in this place at

any time. Even—especially when issues of privileges are raised.

So—and now, Madam Speaker, I understand you—the—I understand a difficult situation this is. But it's fundamental. I move that this matter be referred to a committee of this House.

Madam Speaker: And who—and could the member indicate who has seconded his motion?

Mr. Fletcher: The member from The Maples.

Madam Speaker: And is there support for—

Hon. Jon Gerrard (River Heights): Yes. I would like to make a comment on this motion, if I may.

Thank you. Normally, when we have a matter of privilege, we have an opportunity for all the House leaders to make a comment, so I will take that opportunity and the other House leaders may or may not want to take that opportunity.

I think—I take—the member for Assiniboia (Mr. Fletcher) has been trying to make some important points here that, as a MLA in this Chamber, this is I think probably one of the first times that the member for Assiniboia has raised matters of privilege. And I think it's important that we recognize that each of us, first time or two that we raise a matter of privilege—and particularly if you're an independent member and you don't have a lot of caucus backing—that we need to give the MLA for Assiniboia an opportunity to make his point.

It is—on this particular matter of privilege, it's really about—the member has been not allowed to fully make his case in a number of previous instances, and I think that that is a fair comment because I think that, in some of the previous instances, there could have been more that was brought out. A little more focus, perhaps, but certainly, I think the matters that were raised are matters which we need to be concerned about.

* (16:30)

We need to be concerned about the rights of MLAs to associate with other MLAs; we need to be concerned about the rights of MLAs to have an opportunity to bring forward their matter of privilege without being too circumscribed, and perhaps, as the MLA for Assiniboia has said, we should move to have a limit of 20 minutes instead of an indefinite time and, hopefully, we'll have a meeting of the rules committee.

I know the House leader for the Conservatives was talking about having a meeting of the Rules Committee, and maybe this is something that we can actually look at on the recommendation of the MLA for Assiniboia and move forward and be able to handle these matters expeditiously.

I—those are the comments that I wanted to make, Madam Speaker, and I now leave to the other House leaders to comment if they so wish, although I would like to say that when we are dealing with these matters that, in fact, this becomes important to all of us. There are—as the MLA for Assiniboia found out, you could be in a caucus one day and outside a caucus another day for whatever reason, and so it is important that the matters that we are talking about are able to be raised. We have to remember that there are, in fact, precedents, that we're looking at and legislating and setting precedents for the future.

You know, the Conservatives and the NDP don't have, you know, a right to decide everything.

An Honourable Member: Point of order.

Mr. Gerrard: There will be other parties in the future—

Point of Order

Madam Speaker: Order, please.

I understand the member of Assiniboia has a point of order.

Mr. Fletcher: As the—I'm having a tough time hearing what the member for River Heights (Mr. Gerrard) is saying. This is a profoundly important issue; I would really like to hear what he's saying.

Madam Speaker: I would urge all members that when a member is speaking in debate that members in the House please pay attention.

Also, there is the opportunity—there are earpieces. If people want to use earpieces in order to enhance their hearing here, there is an option for that on all of the desks, which could help, but I would urge some consideration of hearing people speak, and reverting back to the honourable member for River Heights.

* * *

Mr. Gerrard: I'm just 'concluding', I would just urge all members not to look at this from a partisan point of view but to look at it from what's the best interests

of the MLAs in the Legislature, all of us, as we move forward.

Madam Speaker, those are my comments.

Madam Speaker: If there are no further comments, I would indicate that this is not a matter of privilege as no prima facie case has been made for a breach of parliamentary privilege.

Mr. Fletcher: I wonder if I could ask for a—I challenge the Chair.

Madam Speaker: The member has indicated that he is challenging the ruling of the Chair.

Does the member have support of other members?

Some Honourable Members: Yes.

Madam Speaker: Those members would have to stand.

Shall the ruling of the Chair be sustained?

Voice Vote

Madam Speaker: All those in favour, say aye.

Some Honourable Members: Aye.

Madam Speaker: All those opposed, please say nay.

Some Honourable Members: Nay.

Madam Speaker: In my opinion, the Ayes have it.

I declare the motion carried—the ruling has been sustained.

Recorded Vote

Mr. Fletcher: Can I ask for a recorded vote?

Madam Speaker: A recorded vote having been called, call in the members.

* (16:50)

The question before the House is shall the ruling of the Chair be sustained.

Division

A RECORDED VOTE was taken, the result being as follows:

Yeas

Allum, Altemeyer, Bindle, Clarke, Cox, Cullen, Curry, Eichler, Ewasko, Fielding, Fontaine, Friesen, Goertzen, Graydon, Guillemard, Helwer, Isleifson, Johnson, Johnston, Kinew, Lagassé, Lagimodiere,

Lindsey, Maloway, Marcelino (Logan), Marcelino (Tyndall Park), Martin, Mayer, Michaleski, Micklefield, Morley-Lecomte, Nesbitt, Piwniuk, Reyes, Schuler, Selinger, Smith (Point Douglas), Smith (Southdale), Smook, Squires, Stefanson, Swan, Teitsma, Wharton, Wiebe, Wishart, Wowchuk, Yakimoski.

Nays

Fletcher, Gerrard, Klassen, Lamoureux, Saran.

Deputy Clerk (Mr. Rick Yarish): Yeas 48, Nays 5.

Madam Speaker: The ruling of the Chair has been sustained.

* * *

Ms. Nahanni Fontaine (Official Opposition House Leader): Madam Speaker, I ask leave to move to introduction of Bill 231, as was agreed upon in respect of tomorrow's House business by the House leaders.

Madam Speaker: Is there leave to move to introduction of bills, specifically Bill 231, which is up for debate tomorrow morning? *[Agreed]*

INTRODUCTION OF BILLS

Bill 231—The Education Administration Amendment Act (First Nations, Metis and Inuit Education Policy Framework)

Mr. Wab Kinew (Leader of the Official Opposition): I move, seconded by the member for Concordia (Mr. Wiebe), that Bill 231, The Education Administration Amendment Act (First Nations, Metis and Inuit Education Policy Framework), be now read a first time.

Motion presented.

Mr. Kinew: I am pleased to rise in the House today to introduce the first reading of Bill 231, The Education Administration Amendment Act. This bill follows upon the Truth and Reconciliation

Commission calls to action related to education and directs that the Minister of Education establish a policy framework for First Nations, Metis and Inuit education and that the House be updated on the status of that project.

Madam Speaker: Is it the pleasure of the House to adopt the motion? *[Agreed]*

Is there will to carry—oh—introduction of bills—further introduction of bills?

The honourable member for Assiniboia.

MATTER OF PRIVILEGE

Hon. Steven Fletcher (Assiniboia): On a motion of privilege.

Madam Speaker: The honourable member for Assiniboia, on a matter of privilege.

Mr. Fletcher: Madam Speaker, I have already raised today some of the frustrations that have—seem to occur not simply just of debate but also due to simple logistics of this place, and it might be because we're trying to do a lot in a short period of time and with—we're all kind of new in our positions, and I wonder—it's a motion of privilege simply because I will endeavour to do a better job organizing the material the next time this were to come up. But I also wish that there weren't delays in getting the material into the Chamber, and I look forward to working with you to make sure that that happens. So the motion is: Would—that perhaps at a committee that best practices be found to deal with unique logistical 'situashings' of members.

Madam Speaker: I would indicate to the member that that is not a matter of privilege, but, if there are other members that wish to speak to it, other House leaders, they're welcome to it.

But, however, having said that, the hour being 5 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow.

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, October 4, 2017

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The Legislative Assembly of Manitoba Debates and Proceedings
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