



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 56

THIRD SESSION, FORTY-FIRST LEGISLATURE

PRAYER

1:30 O'CLOCK P.M.

Immediately following the Prayer, Hon. Mr. FLETCHER rose on a Matter of Privilege relating to a letter he had received from the law firm Aikens regarding Second Reading debate on Private Members' Bill 208 – The Conflict of Interest Act, in which it was suggested that his comments in the debate and his live tweets from the debate indicated that the company Delta 9 was involved in impropriety and insider trading. Hon. Mr. FLETCHER stated that the letter was an attempt to intimidate him in his role as an MLA and infringed on his privileges in that role and moved:

THAT the Speaker utilize her full powers under the Manitoba Legislature Act and the Legislative Assembly and Executive Council Conflict of Interest Act, specifically sections 1(2) Registered Common-Law relationship, 2(1) subsidiary corporation, 2(2) Control, 2(3) Subsidiary includes subsidiaries, 3(1) Indirect pecuniary interest, 3(2) Exception for indemnity or expenses, 3(3) Exception for common interests, 3(4) Indirect pecuniary liability, 3(5) Exception for common liabilities, 3(6) General exception, 3(7) Statutory appointments for Crown agencies, 3(8) Employees of public bodies, 4(1) Meetings involving Members insist on much more comprehensive Legislation.

And Ms. FONTAINE having spoken.

WHEREUPON Madam Speaker informed the House she would take the matter under advisement.

Hon. Ms. SQUIRES, the Minister of Sustainable Development, made a statement regarding Pride Week.

Mrs. SMITH (Point Douglas) and, by leave, Hon. Mr. GERRARD commented on the statement

Hon. Mr. WISHART, the Minister of Education and Training, made a statement regarding Music Month.

Ms. MARCELINO (Logan) and, by leave, Ms. LAMOUREUX commented on the statement.

Hon. Mr. SCHULER, the Minister of Infrastructure, made a statement regarding the status of Manitoba fires.

Mr. MALOWAY and, by leave, Hon. Mr. GERRARD commented on the statement.

Pursuant to Rule 27(1), Messrs. LAGIMODIERE and ALLUM, Ms. MORLEY-LECOMTE and Messrs. MARCELINO (Tyndall Park) and NESBITT made Members' Statements.

Prior to Petitions, Madam Speaker made the following ruling:

At the beginning of Routine Proceedings on May 17th, 2018, the Honourable Member for Flin Flon raised a Matter of Privilege contending that the Premier does not respect the rulings of the Speaker, preventing all Members from fulfilling their duties. The Member concluded his remarks by moving: “that the House request the Premier apologize to the Speaker and to all Members for the disregard he showed to our House yesterday by his actions.”

I took the matter under advisement to consult the authorities.

As Members know there are two conditions which must be met to demonstrate a *prima facie* case of privilege. First, a Member must establish that they raised the issue at the earliest opportunity, and second, the Member must provide sufficient evidence to prove that the privileges of the House have been breached.

Regarding the first condition, the Honourable Member for Flin Flon indicated that after having taken sufficient time to review Hansard and relevant materials that this was his earliest opportunity to raise this Matter of Privilege. At this point I must note a problem with the Member’s submission. Nowhere in his comments did he actually identify the specific infraction of which he was accusing the Premier. He referenced that the infraction occurred on the previous sitting day – which would have been May 16th – but he never stated the nature of the infraction.

As your Speaker this leaves me in a very difficult position. I could attempt to infer which incident was being referenced by the Member, but that forces me to make certain presumptions about the Member’s submission, something which would not be appropriate for a Speaker to do. In the absence of further clarity from the Member I cannot presume the infraction to which he referred. Accordingly, timeliness is difficult for me to determine in this case.

This brings me to the second condition, whether there is sufficient evidence to conclude that the privileges of the House have been breached. After careful review I did not find that the Member demonstrated which specific privileges – either his personally or the House’s collective privileges – were breached. The Member did not demonstrate how the actions in question interfered with Members’ ability to do their jobs. Not knowing with certainty which incident is the focus of the privilege submission, and not being able to identify which privileges were breached, I must therefore rule that the Honourable Member has not demonstrated a *prima facie* case of Privilege.

Finally, I must note the ambiguity in this privilege submission created challenges when considering this matter. I urge all Members to be mindful that clarity matters when raising privilege in this House.

I thank Members for their careful attention to this ruling.

The following petitions were presented and read:

Mrs. SMITH (Point Douglas) – Legislative Assembly of Manitoba to urge the Premier of Manitoba and the Minister of Justice to immediately call a Public Inquiry into the systems that had a role in the life and death of Tina Fontaine as well as the function of the administration of justice after her death and that the terms of reference of a Public Inquiry be developed jointly with the caregivers of Tina Fontaine and/or the agent appointed by them. (S. Gilley, T. Gleniuk, B. Procter and others)

Hon. Mr. FLETCHER – Legislative Assembly of Manitoba to urge the Provincial Government to take the necessary steps to ensure that the Vimy Arena site is not used for an addiction treatment facility and to take the necessary steps to ensure the preservation of public land along Sturgeon Creek for the purposes of park land and recreational activities for public use (including being an important component of the Sturgeon Creek Greenway Trail and the Sturgeon Creek ecosystem) under the current designation of PR2 for the 255 Hamilton Avenue location at the Vimy Arena site, and to maintain the land to continue to be designated for Parks and Recreation Active Neighbourhood/Community. (K. Enns, R. Rougeau, S. Zeid and others)

Ms. FONTAINE – Legislative Assembly of Manitoba to urge the Premier of Manitoba and the Minister of Justice to immediately call a Public Inquiry into the systems that had a role in the life and death of Tina Fontaine as well as the function of the administration of justice after her death and that the terms of reference of a Public Inquiry be developed jointly with the caregivers of Tina Fontaine and/or the agent appointed by them.

The House resolving into Committee of Supply.

The House then adjourned at 5:00 p.m. until 10:00 a.m. Thursday, May 31, 2018.

Hon. Myrna DRIEDGER,
Speaker.