



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 37

FIRST SESSION, FORTY-FIRST LEGISLATURE

PRAYER

1:30 O'CLOCK P.M.

Mrs. GUILLEMARD, Chairperson of the Standing Committee on Crown Corporations, presented its First Report, which was read as follows:

Meetings:

Your Committee met on the following occasions in the Legislative Building:

- October 15, 2014 (3rd Session – 40th Legislature)
- September 10, 2015 (4th Session – 40th Legislature)
- July 19, 2016 (1st Session – 41st Legislature)

Matters under Consideration

- Annual Report of The Workers Compensation Board for the year ending December 31, 2014
- Annual Report of The Workers Compensation Board for the year ending December 31, 2015
- Annual Report of the Appeal Commission and Medical Review Panel for the year ending December 31, 2014
- Annual Report of the Appeal Commission and Medical Review Panel for the year ending December 31, 2015
- The Workers Compensation Board 2014-2018 Five Year Plan
- The Workers Compensation Board 2015-2019 Five Year Plan
- The Workers Compensation Board 2016-2020 Five Year Plan

Committee Membership

Committee Membership for the October 15, 2014 meeting:

- Hon. Ms. BRAUN
- Mr. CULLEN
- Mr. DEWAR
- Mrs. DRIEDGER
- Mr. GAUDREAU
- Mr. JHA (*Chairperson*)
- Hon. Mr. MACKINTOSH
- Mr. MARCELINO (*Vice-Chairperson*)
- Mr. SARAN

- Mr. SMOOK
- Mr. WISHART

Committee Membership for the September 10, 2015 meeting:

- Hon. Ms. BRAUN
- Hon. Mr. CHOMIAK
- Hon. Mr. DEWAR
- Mr. FRIESEN
- Mr. JHA (*Chairperson*)
- Hon. Ms. MARCELINO
- Hon. Mr. SARAN
- Mr. SMOOK
- Mrs. STEFANSON
- Mr. STRUTHERS (*Vice-Chairperson*)
- Mr. WISHART

Committee Membership for the July 19, 2016 meeting:

- Mr. ALTEMEYER
- Hon. Mr. CULLEN
- Mrs. GUILLEMARD
- Mr. JOHNSTON
- Mr. KINEW
- Ms. LAMOUREUX
- Mr. LINDSEY
- Ms. MORLEY-LECOMTE
- Mr. REYES
- Hon. Ms. SQUIRES
- Mr. YAKIMOSKI

Your Committee elected Mrs. GUILLEMARD as the Chairperson and Mr. YAKIMOSKI as the Vice-Chairperson at the July 19, 2016 meeting.

Officials Speaking on Record

Officials Speaking on Record at the October 15, 2014 meeting:

- Michael Werier, Chairperson of the Board
- Winston Maharaj, President and CEO

Officials Speaking on Record at the September 10, 2015 meeting:

- Michael Werier, Chairperson of the Board
- Winston Maharaj, President and CEO

Officials Speaking on Record at the July 19, 2016 meeting:

- Michael Werier, Chairperson of the Board
- Winston Maharaj, President and CEO
- Peter Wiebe, Registrar of the Appeal Commission (*by leave*)

Reports Considered and Passed

Your Committee considered and passed the following reports as presented:

- Annual Report of The Workers Compensation Board for the year ending December 31, 2014
- Annual Report of The Workers Compensation Board for the year ending December 31, 2015
- Annual Report of the Appeal Commission and Medical Review Panel for the year ending December 31, 2014
- Annual Report of the Appeal Commission and Medical Review Panel for the year ending December 31, 2015
- The Workers Compensation Board 2014-2018 Five Year Plan
- The Workers Compensation Board 2015-2019 Five Year Plan
- The Workers Compensation Board 2016-2020 Five Year Plan

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

Mr. WIEBE, Chairperson of the Standing Committee on Public Accounts, presented its Second Report, which was read as follows:

Meetings:

Your Committee met on the following occasions:

- December 14, 2015 (*5th Session, 40th Legislature*)
- August 17, 2016 at 9:00 a.m. (*1st Session, 41st Legislature*)

Matters under Consideration

- **Auditor General's Report – Annual Report to the Legislature – dated March 2014**
 - Chapter 10 – Waiving of Competitive Bids
- **Auditor General's Report – Follow-up of Recommendations: Waiving of Competitive Bids, November 2015**
- **Auditor General's Report – Follow-Up of Previously Issued Recommendations – dated May 2016**
 - *Waiving of Competitive Bids*

Committee Membership

Committee Membership for the December 14, 2015 meeting:

- Hon. Mr. DEWAR
- Mr. FRIESEN
- Hon. Mr. GERRARD
- Mr. HELWER (*Chairperson*)
- Mr. JHA
- Ms. LATHLIN
- Mr. MALOWAY
- Mr. MARCELINO

- Mr. MARTIN
- Mr. PEDERSEN
- Mr. WIEBE (*Vice-Chairperson*)

Substitution received prior to committee proceedings on December 14, 2015:

- Mr. MARTIN for Mr. SCHULER

Committee Membership for the August 17, 2016 meeting:

- Mr. BINDLE
- Mr. HELWER (*Vice-Chairperson*)
- Mr. JOHNSTON
- Ms. KLASSEN
- Mr. MALOWAY
- Mr. MARCELINO
- Mrs. MAYER
- Mr. MICHALESKI
- Ms. MORLEY-LECOMTE
- Mr. WIEBE (*Chairperson*)
- Mr. YAKIMOSKI

Officials Speaking on Record

Officials speaking on record at the December 14, 2015 meeting:

- Norm Ricard, Auditor General of Manitoba
- Hon. Mr. STRUTHERS, Minister of Finance
- Jim Hrichishen, Deputy Minister of Conservation and Water Stewardship
- Ron Weatherburn, Acting Deputy Minister of Infrastructure and Transportation

Officials speaking on record at the August 17, 2016 meeting:

- Norm Ricard, Auditor General of Manitoba
- Hon. Mr. PEDERSEN, Minister of Infrastructure
- Lance Vigfusson, Deputy Minister of Infrastructure
- Scott Sinclair, Associate Deputy Minister of Finance

Agreements:

Your Committee agreed to conclude consideration of *Chapter 10 – Waiving of Competitive Bids* of the Auditor General's Report – Annual Report to the Legislature – dated March 2014 at the August 17, 2016 meeting.

Your Committee agreed to conclude consideration of *Waiving of Competitive Bids* of the Auditor General's Report – Follow-Up of Previously Issued Recommendations – dated May 2016 at the August 17, 2016 meeting.

Report Considered and Adopted:

Your Committee has considered the following report and has adopted the same as presented:

- Auditor General's Report – Follow-up of Recommendations: Waiving of Competitive Bids, November 2015

Reports Considered but not Passed:

Your Committee has considered the following reports but did not pass them:

- Auditor General's Report – Annual Report to the Legislature – dated March 2014 (*Chapter 10 – Waiving of Competitive Bids – concluded consideration of*)
- Auditor General's Report – Follow-Up of Previously Issued Recommendations – dated May 2016 (*Waiving of Competitive Bids – concluded consideration of*)

On motion of Mr. WIEBE, the Report of the Committee was received.

Mr. WIEBE, Chairperson of the Standing Committee on Public Accounts, presented its Third Report, which was read as follows:

Meetings:

Your Committee met on the following occasions:

- May 8, 2013 (*2nd Session, 40th Legislature*)
- June 25, 2013 (*2nd Session, 40th Legislature*)
- August 8, 2013 (*2nd Session, 40th Legislature*)
- October 9, 2013 (*2nd Session, 40th Legislature*)
- October 30, 2013 (*2nd Session, 40th Legislature*)
- November 26, 2013 (*3rd Session, 40th Legislature*)
- June 26, 2014 (*3rd Session, 40th Legislature*)
- September 3, 2014 (*3rd Session, 40th Legislature*)
- January 28, 2015 (*4th Session, 40th Legislature*)
- May 21, 2015 (*4th Session, 40th Legislature*)
- September 29, 2015 (*4th Session, 40th Legislature*)
- June 30, 2016 (*1st Session, 41st Legislature*)
- August 17, 2016 at 1:00 p.m. (*1st Session, 41st Legislature*)

Matters under Consideration

- Auditor General's Report – Annual Report to the Legislature – dated January 2013
 - Chapter 7 – Provincial Nominee Program for Business
- Auditor General's Report – Follow-Up of Previously Issued Recommendations – dated May 2015
 - Section 8 – Special Needs Education
 - Section 14 – Manitoba Early Learning and Child Care Program
 - Section 17 – Provincial Nominee Program for Business
- Auditor General's Report – Follow-Up of Previously Issued Recommendations – dated May 2016
 - Special Needs Education

- Manitoba Early Learning and Child Care Program
- Provincial Nominee Program for Business
- Auditor General's Report – Improving Educational Outcomes for Kindergarten to Grade 12 Aboriginal Students – dated January 2016

Committee Membership

Committee membership for the May 8, 2013 meeting:

- Mr. ALLUM
- Ms. BRAUN
- Mr. CULLEN
- Mr. DEWAR (*Vice-Chairperson*)
- Mrs. DRIEDGER
- Hon. Mr. GERRARD
- Mr. HELWER (*Chairperson*)
- Mr. JHA
- Mr. MARCELINO
- Mr. PEDERSEN
- Hon. Mr. STRUTHERS

Substitutions received prior to committee proceedings on May 8, 2013:

- Mr. MARCELINO for Mr. WHITEHEAD

Committee membership for the June 25, 2013 meeting:

- Mr. ALLUM
- Ms. BRAUN
- Mr. CULLEN
- Mr. DEWAR (*Vice-Chairperson*)
- Mrs. DRIEDGER
- Hon. Mr. GERRARD
- Mr. HELWER (*Chairperson*)
- Mr. JHA
- Mr. PEDERSEN
- Hon. Mr. STRUTHERS
- Mr. WHITEHEAD

Committee membership for the August 8, 2013 meeting:

- Mr. ALLUM
- Ms. BRAUN
- Mr. CULLEN
- Mr. DEWAR (*Vice-Chairperson*)
- Mrs. DRIEDGER
- Mr. GAUDREAU
- Hon. Mr. GERRARD
- Mr. HELWER (*Chairperson*)

- Mr. JHA
- Mr. PEDERSEN
- Hon. Mr. STRUTHERS

Substitutions received prior to committee proceedings on August 8, 2013:

- Mr. GAUDREAU for Mr. WHITEHEAD

Committee membership for the October 9, 2013 meeting:

- Mr. ALLUM
- Mr. CULLEN
- Mr. DEWAR (*Vice-Chairperson*)
- Mrs. DRIEDGER
- Hon. Mr. GERRARD
- Mr. HELWER (*Chairperson*)
- Mr. JHA
- Mr. MARCELINO
- Mr. PEDERSEN
- Hon. Mr. STRUTHERS
- Mr. WHITEHEAD

Substitutions received prior to committee proceedings on October 9, 2013:

- Mr. MARCELINO for Ms. BRAUN

Committee membership for the October 30, 2013 meeting:

- Ms. CROTHERS
- Mr. DEWAR (*Vice-Chairperson*)
- Mrs. DRIEDGER
- Mr. EWASKO
- Hon. Mr. GERRARD
- Mr. HELWER (*Chairperson*)
- Hon. Ms. HOWARD
- Mr. MARCELINO
- Mr. PEDERSEN
- Mr. SARAN
- Mr. WIEBE

Substitutions received prior to committee proceedings on October 30, 2013:

- Mr. MARCELINO for Mr. JHA
- Mr. SARAN for Mr. WHITEHEAD
- Mr. EWASKO for Mr. CULLEN

Committee membership for the November 26, 2013 meeting:

- Hon. Mr. ALLUM
- Mr. CULLEN
- Mr. DEWAR (*Vice-Chairperson*)

- Mrs. DRIEDGER
- Hon. Mr. GERRARD
- Mr. HELWER (*Chairperson*)
- Mr. JHA
- Mr. PEDERSEN
- Mr. WHITEHEAD
- Mr. WIEBE
- Ms. WIGHT

Substitutions received prior to committee proceedings on November 26, 2013:

- Hon. Mr. ALLUM for Hon. Ms. HOWARD

Committee Membership for the June 26, 2014 meeting:

- Hon. Mr. ALLUM
- Mr. BRIESE
- Mr. CULLEN
- Hon. Mr. GERRARD
- Mr. HELWER (*Chairperson*)
- Mr. JHA
- Mr. MARCELINO
- Mr. SARAN
- Mr. SCHULER
- Mr. WIEBE (*Vice-Chairperson*)
- Ms. WIGHT

Substitution made prior to committee proceedings on June 26, 2014:

- Hon. Mr. ALLUM for Hon. Ms. HOWARD
- Mr. SARAN for Mr. DEWAR
- Mr. BRIESE for Mr. FRIESEN
- Mr. CULLEN for Mr. PEDERSEN

Committee Membership for the September 3, 2014 meeting:

- Ms. ALLAN
- Mr. DEWAR
- Hon. Mr. GERRARD
- Mr. HELWER (*Chairperson*)
- Mr. MARCELINO
- Mr. PEDERSEN
- Mr. SCHULER
- Hon. Mr. STRUTHERS
- Mrs. STEFANSON
- Mr. WIEBE (*Vice-Chairperson*)
- Ms. WIGHT

Substitution made prior to committee proceedings on September 3, 2014:

- Ms. ALLAN for Mr. JHA

- Hon. Mr. STRUTHERS for Hon. Ms. HOWARD
- Mrs. STEFANSON for Mr. FRIESEN

Committee Membership for the January 28, 2015 meeting:

- Hon. Mr. DEWAR
- Hon. Mr. GERRARD
- Mr. HELWER (*Chairperson*)
- Mr. JHA
- Mr. MALOWAY
- Mr. MARCELINO
- Mr. MARTIN
- Mr. PEDERSEN
- Mr. SARAN
- Mr. SCHULER
- Mr. WIEBE (*Vice-Chairperson*)

Substitutions received prior to committee proceedings on January 28, 2015:

- Mr. MARTIN for Mr. FRIESEN
- Mr. SARAN for vacancy

Committee Membership for the May 21, 2015 meeting:

- Hon. Mr. DEWAR
- Mr. FRIESEN
- Hon. Mr. GERRARD
- Mr. GRAYDON
- Mr. HELWER (*Chairperson*)
- Mr. JHA
- Ms. LATHLIN
- Mr. MALOWAY
- Mr. MARCELINO
- Mr. PEDERSEN
- Mr. WIEBE (*Vice-Chairperson*)

Substitution received prior to committee proceedings on May 21, 2015:

- Mr. GRAYDON for Mr. SCHULER

Committee Membership for the September 29, 2015 meeting:

- Mr. FRIESEN
- Hon. Mr. GERRARD
- Mr. HELWER (*Chairperson*)
- Ms. HOWARD
- Mr. JHA
- Mr. MALOWAY
- Mr. MARCELINO
- Mr. PEDERSEN

- Mr. SCHULER
- Mr. STRUTHERS
- Mr. WIEBE (*Vice-Chairperson*)

Substitution received prior to committee proceedings on September 29, 2015:

- Mr. STRUTHERS for Ms. LATHLIN
- Ms. HOWARD for Hon. Mr. DEWAR

Committee Membership for the June 30, 2016 meeting:

- Mr. BINDLE
- Mr. HELWER (*Vice-Chairperson*)
- Mr. JOHNSTON
- Ms. KLASSEN
- Mr. MALOWAY
- Mr. MARCELINO
- Mrs. MAYER
- Mr. MICHALESKI
- Ms. MORLEY-LECOMTE
- Mr. WIEBE (*Chairperson*)
- Mr. YAKIMOSKI

Committee Membership for the August 17, 2016 meeting:

- Mr. BINDLE
- Mr. HELWER (*Vice-Chairperson*)
- Mr. JOHNSTON
- Ms. KLASSEN
- Mr. MALOWAY
- Mr. MARCELINO
- Mrs. MAYER
- Mr. MICHALESKI
- Ms. MORLEY-LECOMTE
- Mr. WIEBE (*Chairperson*)
- Mr. YAKIMOSKI

Officials Speaking on Record

Officials speaking on record at the May 8, 2013 meeting:

- Carol Bellringer, Auditor General of Manitoba
- Hon. Mr. STRUTHERS, Minister of Finance
- John Clarkson, Deputy Minister of Finance

Officials speaking on record at the June 25, 2013 meeting:

- Carol Bellringer, Auditor General of Manitoba
- Hon. Ms. OSWALD, Minister of Health
- Milton Sussman, Deputy Minister of Health

Officials speaking on record at the August 8, 2013 meeting:

- Carol Bellringer, Auditor General of Manitoba
- Doug Harold, Principal
- Fraser McLean, Principal
- Grant Doak, Deputy Minister of Innovation, Energy and Mines
- John Clarkson, Deputy Minister of Finance

Officials speaking on record at the October 9, 2013 meeting:

- Carol Bellringer, Auditor General of Manitoba
- Hon. Ms. MELNICK, Minister of Immigration and Multiculturalism
- Hugh Eliasson, Deputy Minister of Immigration and Multiculturalism

Officials speaking on record at the October 30, 2013 meeting:

- Carol Bellringer, Auditor General of Manitoba
- Hon. Ms. BRAUN, Minister of Labour and Immigration
- Jeff Parr, Deputy Minister of Labour and Immigration
- Hon. Ms. HOWARD, Minister of Finance
- John Clarkson, Deputy Minister of Finance
- Hon. Ms. IRVIN-ROSS, Minister of Family Services
- Joy Cramer, Deputy Minister of Family Services

Officials speaking on record at the November 26, 2013 meeting:

- Carol Bellringer, Auditor General of Manitoba
- Sandra Cohen, Assistant Auditor General
- Hon. Ms. IRVIN-ROSS, Minister of Family Services
- Joy Cramer, Deputy Minister of Family Services

Officials speaking on record at the June 26, 2014 meeting:

- Brian Wirth, Assistant Auditor General of Manitoba
- Hon. Mr. ASHTON, Minister of Infrastructure and Transportation
- Doug McNeil, Deputy Minister of Infrastructure and Transportation

Officials speaking on record at the September 3, 2014 meeting:

- Norm Ricard, Acting Auditor General of Manitoba
- Tyson Shtykalo, Assistant Auditor General
- Jim Hrichishen, Deputy Minister of Finance

Officials Speaking on Record at the January 28, 2015 meeting:

- Norm Ricard, Acting Auditor General of Manitoba
- Hon. Mr. DEWAR, Minister of Finance
- Jim Hrichishen, Deputy Minister of Finance

Officials speaking on record at the May 21, 2015 meeting:

- Norm Ricard, Acting Auditor General of Manitoba
- Hon. Mr. CALDWELL, Minister of Municipal Government
- Fred Meier, Deputy Minister of Municipal Government

Officials speaking on record at the September 29, 2015 meeting:

- Norm Ricard, Auditor General of Manitoba
- Hon. Mr. CHIEF, Minister of Jobs and the Economy
- Hugh Eliasson, Deputy Minister of Jobs and the Economy

Officials speaking on record at the August 17, 2016 meeting:

- Norm Ricard, Auditor General of Manitoba
- Sandra Cohen, Assistant Auditor General
- Hon. Mr. WISHART, Minister of Education
- Bramwell Strain, Deputy Minister of Education

Agreements:

Your Committee agreed to conclude consideration of the following chapters of the Auditor General's Report – Annual Report to the Legislature dated January 2013:

- Chapter 1 – *Accounts and Financial Statements: Section 10 Annual Report* at the January 28, 2015 meeting.
- Chapter 2 – *Citizen Concerns - "Part 1 - Business Transformation and Technology (BTT)"* at the August 8, 2013 meeting.
- Chapter 2 – *Citizen Concerns – "Part 2 – Disaster Financial Assistance"* at the June 26, 2014 meeting.
- Chapter 2 – *Citizen Concerns – "Part 3 – Employment and Income Assistance Program"* at the September 29, 2015 meeting.
- Chapter 2 – *Citizen Concerns – "Part 4 – North Portage Development Corporation"* at the May 21, 2015 meeting.
- Chapter 3 – *Information Technology (IT) Security Management* at the June 26, 2014 meeting.
- Chapter 4 – *Manitoba Early Learning and Child Care Program* at the June 26, 2014 meeting.
- Chapter 5 – *Manitoba eHealth Procurement of Contractors* at the June 26, 2014 meeting.
- Chapter 6 – *Office of the Fire Commissioner* at the June 30, 2016 meeting.
- Chapter 7 – *Provincial Nominee Program for Business* at the August 17, 2016 meeting.
- Chapter 8 – *Senior Management Expense Policies* June 26, 2014 meeting.

At the October 30, 2013 meeting, your Committee agreed to refer the following agenda items to a future meeting:

- Chapter 4 – *Manitoba Early Learning and Child Care Program* of the Auditor General's Report – Annual Report to the Legislature dated January 2013.

At the August 17, 2016 meeting, your committee agreed to conclude consideration of the following sections of the Auditor General's Report – Follow-Up of Previously Issued Recommendations – dated May 2015:

- Section 8 – *Special Needs Education*,

- Section 14 – *Manitoba Early Learning and Child Care Program*
- Section 17 – *Provincial Nominee Program for Business*

At the August 17, 2016 meeting, your committee agreed to conclude consideration of the following sections of the Auditor General's Report – Follow-Up of Previously Issued Recommendations – dated May 2016:

- *Special Needs Education,*
- *Manitoba Early Learning and Child Care Program*
- *Provincial Nominee Program for Business*

Report Considered and Adopted:

Your Committee has considered the following report and has adopted the same as presented:

- Auditor General's Report – Annual Report to the Legislature – dated January 2013
- Auditor General's Report – Improving Educational Outcomes for Kindergarten to Grade 12 Aboriginal Students – dated January 2016

Reports Considered but not Passed:

Your Committee has considered the following reports but did not pass it:

- Auditor General's Report – Follow-Up of Previously Issued Recommendations – dated May 2015 (*Section 8 – Special Needs Education, Section 14 – Manitoba Early Learning and Child Care Program, Section 17 – Provincial Nominee Program for Business – concluded consideration of*)
- Auditor General's Report – Follow-Up of Previously Issued Recommendations – dated May 2016 (*Special Needs Education, Manitoba Early Learning and Child Care Program, Provincial Nominee Program for Business – concluded consideration of*)

On motion of Mr. WIEBE, the Report of the Committee was received.

Mr. WIEBE, Chairperson of the Standing Committee on Public Accounts, presented its Fourth Report, which was read as follows:

Meetings:

Your Committee met on the following occasion:

- September 15, 2016 at 2:00 p.m.

Matters under Consideration

- Auditor General's Report – Management of Provincial Bridges – dated July 2016

Committee Membership

Committee Membership for the September 15, 2016 meeting:

- Mr. BINDLE

- Mr. HELWER (*Vice-Chairperson*)
- Mr. JOHNSTON
- Ms. KLASSEN
- Mr. MALOWAY
- Mr. MARCELINO
- Mrs. MAYER
- Mr. MICHALESKI
- Ms. MORLEY-LECOMTE
- Mr. WIEBE (*Chairperson*)
- Mr. YAKIMOSKI

Officials Speaking on Record

Officials speaking on record at the September 15, 2016 meeting:

- Norm Ricard, Auditor General of Manitoba
- Hon. Mr. PEDERSEN, Minister of Infrastructure
- Lance Vigfusson, Deputy Minister of Infrastructure
- Ruth Eden, Executive Director Structures, Department of Infrastructure (*by leave*)
- Doug McMahon, Assistant Deputy Minister of Infrastructure (*by leave*)

Report Considered and Adopted:

Your Committee has considered the following report and has adopted the same as presented:

- Auditor General's Report – Management of Provincial Bridges – dated July 2016

On motion of Mr. WIEBE, the Report of the Committee was received.

Hon. Ms. SQUIRES, the Minister responsible for Status of Women, made a statement regarding October being Breast Cancer Awareness Month.

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

Pursuant to Rule 27(1), Messrs. WHARTON, SELINGER, ISLEIFSON and WIEBE and Ms. MORLEY-LECOMTE made Members' Statements.

Madam Speaker then informed the House that Mr. Nathan DUECK, Ms. Soomin HAN, Ms. Kaylyn MCDONALD, Ms. Sarah MILLER, Mr. David NYHOF, Ms. Nell PERRY, Ms. Sydney PUHACH, Ms. Lily REDER, Ms. Denée RYLE and Mr. Karsen Lee WINTERS had been appointed Pages for the First Session of the Forty-First Legislature.

Following Oral Questions, Madam Speaker made the following ruling:

Following the Daily Prayer on the morning of Tuesday, June 28, 2016, the Honourable Member for Assiniboia raised a matter of privilege regarding his privileges as a Member of the House due to the issue of accessibility in the Chamber. He noted that the current physical layout of the Chamber prevented him from accessing the floor of the Chamber and thereby preventing him from performing his duties as a Member. He equated this lack of access as akin to obstruction and cited a number of rulings from House of Commons Speakers from 1970, 1973, 1989, 1996, 1999 and 2004 in support of his arguments. He noted that a proposed solution of a platform lift would not be acceptable due to noise, the potential for mechanical problems and the challenges of using such a lift in a dignified and discrete manner. He proposed that a ramp could be installed or that the floor could be raised. He asked that a solution be put in place for the fall and concluded his remarks by moving “THAT my privilege as a parliamentarian has been breached and that an acceptable remedy be found before the fall session and fully implemented by the end of the calendar year.”

The Honourable Minister of Health who was Government House Leader at that time, and the Honourable Opposition House Leader offered comments to the Chair. I took the matter under advisement in order to consult the procedural authorities.

There are two conditions that must be satisfied in order for the matter raised to be ruled in order as a prima facie case of privilege. First, was the issue raised at the earliest opportunity, and second, has sufficient evidence been provided to demonstrate that the privileges of the House have been breached, in order to warrant putting the matter to the House.

On the first condition of timeliness, given that this issue is an ongoing one that has been under consideration for over a year and will continue to be under consideration into the future, I will accept the Honourable Member’s contention about timeliness of the issue, as he was concerned about the matter receiving consideration prior to the summer recess.

On the second condition of whether a prima facie case of privilege has been presented, I want to make it clear to the House that I am only dealing strictly with the technical aspects of whether there is a prima facie case of a matter of privilege, which is not the same as ruling on accessibility in the Chamber. My remarks will primarily focus on the prima facie privilege aspect, and after that has been dealt with, I will separately address the issue of accessibility in the Chamber.

The Honourable Member spent a considerable amount of time discussing the definition of privilege in order to make the case that he feels his privileges are being violated due to obstruction and a lack of free and unimpeded access to Parliament. To help set the context for Members, privilege has two key components consisting of the privileges of the House as a collective and of Members individually. The rights and powers of the House as a collective include: the right to regulate its own internal affairs; the power to discipline; the right to provide for its proper constitution including the authority to maintain the attendance and service of Members; the right to institute inquiries and to call witnesses and demand papers; the right to administer oaths to witnesses appearing before it; and the right to publish papers with recourse to the courts relating to the content.

The individual rights and immunities of Members are considered to consist of: freedom of speech; freedom from arrest in civil actions; exemption from jury duty; exemption from being subpoenaed to attend court as a witness; and freedom from obstruction, interference, intimidation and molestation. It is the latter category of freedom from obstruction, interference, intimidation and molestation I will focus on, as it is more directly related to the heart of this matter of privilege. I will also explore what constitutes proceedings in Parliament.

Regarding the question of what constitutes intimidation in the context of parliamentary privilege, on page 230 of the second edition of *Parliamentary Privilege in Canada* Joseph Maingot states that “Members are entitled to go about their parliamentary business undisturbed. The assaulting, menacing or insulting of any Member on the floor of the House or while he is coming or going to or from the House, or on account of his behaviour during a proceeding in Parliament is a violation of the rights of Parliament.” Maingot goes on to say on page 235 that “What constitutes an improper means of interfering with Members’ parliamentary work is always a question depending on the facts of each case...there must be some connection between the material alleged to contain the interference and the parliamentary proceedings.”

O’Brien and Bosc in the second edition of *House of Commons Procedure and Practice* cite examples on page 108 of items raised in the past as intimidation which have included bribery, the acceptance of fees and corrupt electoral practices. They go on to explain on page 109 that in order to find a prima facie case of privilege, the Speaker must be satisfied that there is evidence to support the Member’s claim that he or she has been impeded in the performance of his or her parliamentary functions and that the matter is directly related to a proceeding in Parliament. They also state that while frequently noting Members raising such matters have legitimate grievances, Speakers have consistently concluded that Members have not been prevented from carrying out their parliamentary duties. So although a Member may have a legitimate complaint and feel he or she is facing some level of obstruction, it does not always necessarily follow that a prima facie case of privilege exists.

I’ll now going to turn my focus on several rulings from House of Commons Speakers that the Honourable Member for Assiniboia cited in raising his matter of privilege, as it is important to know the background context underlining rulings that have been given by Speakers.

The Honourable Member for Assiniboia noted a 1973 ruling from Speaker Lucien Lamoureux where that Speaker stated that he had “no hesitation in reaffirming the principle that parliamentary privilege includes the right of a Member to discharge his or her responsibilities as a Member.” While the sentiment appears to be on point, the circumstances of the case behind this ruling are not relevant to our current situation, as the situation from 1973 involved an employee of the Canadian Broadcasting Corporation telephoning a Member of Parliament to tell the Member to stop asking questions about television coverage of the Olympic games or it would be alleged that the Member had a CTV contract and was in a conflict of interest situation. This is not on point with the situation we are currently facing.

The Honourable Member also cited a May 1, 1996 ruling from Speaker Bosley where it was referenced that if an Honourable Member is impeded or obstructed in the performance of his or her parliamentary duties, such a case would fall within the limits of parliamentary privilege. While on the surface such a sentiment appears to be true, the circumstances leading to this commentary from Speaker Bosley do not fit within our current situation as this case involved a Member of Parliament complaining that the office of the Deputy Prime Minister had improperly monitored communications between Members and the Assistant Deputy Registrar General, which is not comparable. Similarly, the Honourable Member also referenced another Speaker Bosley ruling from May 16, 1996, where Speaker Bosley stated the threat or intimidation must not be hypothetical and had to be real or have occurred, and while this is true, the circumstances behind that ruling are also not comparable to the current situation either as in this case, it was alleged that the then Deputy Prime Minister was attempting to intimidate a Member of Parliament by proposing an inquiry into conflict of interest allegations against the Member.

The Honourable Member also cited rulings from Speaker Lamoureux in 1970, Speaker Fraser in 1989, Speaker Parent in 1999 and Speaker Milliken in 2004 where prima facie cases of privilege were found due to Members being unable to enter Centre Block due to picket lines; due to an RCMP road block, and limitations on the entry into Centre Block due to security arrangements in place for a visit from the then President of the United States. What these four cases had in common was a physical obstruction preventing Members from entering the building; however in our situation, the Member is not impeded from entering either the Legislative Building or the Legislative Assembly Chamber, so there is not a direct relevant connection as the Member is able to freely enter both the building and the Chamber.

The crux of the matter appears to be whether the present configuration of the Chamber prevents the Honourable Member from performing his parliamentary duties. Maingot advises on page 80 that “As a technical parliamentary term, ‘proceedings’ are the events and the steps leading up to some formal action, including a decision taken by the House in its collective capacity. All of these steps and events, the whole process by which the House reaches a decision (the principle part of which is called debate) are ‘proceedings’.” He goes on to identify the definition as provided in the 21st edition of Erskine May as one where “An individual Member takes part in a proceeding usually by speech, but also by giving various recognized kinds of formal action, such as voting, giving notice of a motion or presenting a petition or a report from a committee, most of such actions being time-saving substitutes for speaking.” Maingot goes on to say that the speaking or doing must be inextricably tied to parliamentary business in which the Member is taking part while moving a motion, voting, reducing a motion to writing, handing a petition or a motion or a notice to the Clerk, presenting a report from a committee or simply speaking in the House or a committee.

The essential question is, can a Member participate in the proceedings of the House, that is, speak in debate, vote, move motions, raise points of order or matters of privilege, present petitions and file motions?

I conclude that in a technical sense, the answer is yes in that the Member does have a desk where he can speak and be recognized from, and he has been provided with a touch screen monitor which he can use to signal the Speaker to participate in debate or seek the attention of the Speaker; and the monitor can also be used to attract the attention of the Table Officers, Pages and Sergeant-at-Arms. The Member has been recognized to speak in debate, to ask questions, and has been able to file motions on notice and move motions. So from a purely technical aspect, the Member is able to participate in the proceedings of the Assembly. He cites the desire to consult freely with others, and while he may not be able to do this from the floor of the Chamber at the present time, there is an ability to consult with others from his seat and from other points in the Chamber. Do his parliamentary duties require him to be on the floor of the Chamber? No, as he is able to participate in parliamentary proceedings from his seat, though it will be a laudable goal to someday provide that access. Have reasonable attempts been made to accommodate the Member? Yes. Is the Assembly finished in providing accommodation to the Member? No, there is more work to do. The matter would likely be a prima facie case if no reasonable attempts were made to accommodate the Member, but accommodation has been provided which does give the Member the ability to participate in the proceedings from his assigned seat in the House, so I would therefore find there is no prima facie case of a matter of privilege.

That having been said, I do not want anyone to take from this ruling that as the Speaker I am satisfied with the current physical layout of the Chamber, as it does not provide complete accessibility to a Member, a staff member or a member of the public who use motorized devices. This is simply not acceptable in 2016. Ongoing efforts have taken place to address this while also taking into account heritage concerns, what can be done according to building codes and what is physically possible given the constraints of the layout of the Chamber. Efforts have been underway since 2015 to provide accessibility to the floor of the Chamber. A number of options have been investigated with the assistance of a committee of experts including representatives from the City of Winnipeg Accessibility Advisory Committee, the Manitoba League of Persons with Disabilities, the Canadian Paraplegic Association, the Manitoba Disabilities Issues Office, the Accommodation Services Division within the Department of Finance, representatives from Assembly Offices; accessibility consultants and construction managers, all experts in their fields with considerable knowledge and experience to share. Given the age of the building and the physical layout of the Chamber, various options are actively being investigated. Initial steps have been taken to provide accessibility by converting the layout of the third row of Chamber desks into accessible desks. Ramping has been investigated as an option to provide access to the Chamber floor, but due to the amount of slope required according to building codes, it was deemed as an impractical solution for the Chamber. Other options such as installation of a platform lift or of raising the floor to one level are under active consideration but unfortunately it does take time to assess physical requirements for change and to assess whether any such changes can be done given the shape of the Chamber and the weight bearing load of the foundation.

I would also like to state that no one else in the Chamber can truly understand the challenges the Honourable Member for Assiniboia faces on a daily basis as he serves as an elected Member of this House, and that although the challenges he faces may not fit within the traditional definition of intimidation in the parliamentary context, they are no doubt intimidating. I cannot even imagine for one minute how any of us would be able to perform our duties with as much dignity and courage as demonstrated by the Honourable Member for Assiniboia. He truly is a champion for the rights of many, and is living proof that anything is possible. It is not a satisfactory state of affairs that he and others using motorized devices cannot access the floor of the Chamber. I give the Honourable Member for Assiniboia and all Honourable Members and members of the public my word that work WILL continue on this matter and together we WILL find a solution that allows all persons to access the floor of the Chamber in a dignified and discrete manner. The Honourable Member for Assiniboia has been an admirable champion of this cause, and I welcome and invite his participation as we find that solution together.

I thank all Honourable Members of the House for their kind attention to this ruling.

From her decision, Hon. Mr. FLETCHER appealed to the House,

And the Question being put, “Shall the ruling of the Chair be sustained?” And the Question being put. It was agreed to, on the following division:

YEA

BINDLE	MICHALESKI
CLARKE	MICKLEFIELD
CULLEN	MORLEY-LECOMTE
CURRY	NESBITT
EICHLER	PALLISTER
EWASKO	PEDERSEN
FIELDING	PIWNIUK
FRIESEN	REYES
GOERTZEN	SCHULER
GRAYDON	SMITH
GUILLEMARD	SMOOK
HELWER	SQUIRES
ISLEIFSON	STEFANSON
JOHNSON	TEITSMA
JOHNSTON	WHARTON
LAGASSÉ	WISHART
LAGIMODIERE	WOWCHUK
MARTIN	YAKIMOSKI..... 36

NAY

ALLUM	LATHLIN
ALTEMEYER	LINDSEY
CHIEF	MALOWAY
FLETCHER	MARCELINO (Logan)
FONTAINE	MARCELINO (Tyndall Park)
GERRARD	SARAN
KINEW	SELINGER
KLASSEN	SWAN
LAMOUREUX	WIEBE 18

The following petition was presented and read:

Mr. MALOWAY – Legislative Assembly of Manitoba to urge the Provincial Government do all that is possible to prevent the Bell takeover of MTS and preserve a more competitive cell phone market so that cellular bills for Manitobans do not increase unnecessarily.

Monday, October 3, 2016

Hon. Mr. FRIESEN moved:

THAT Bill (No. 10) – The Balanced Budget, Fiscal Management and Taxpayer Accountability Repeal and Consequential Amendments Act/Loi abrogeant la Loi sur l'équilibre budgétaire, la gestion financière et l'obligation de rendre compte aux contribuables et modifications corrélatives, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. FRIESEN having spoken,

And Messrs. ALLUM AND MALOWAY and Hon. Mr. GERRARD having questioned the Minister,

And the debate continuing,

And Mr. ALLUM and Hon. Mr. GERRARD having spoken,

And the Question being put. It was agreed to.

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

The House resumed the Interrupted Debate on the Proposed Motion of Hon. Mrs. STEFANSON:

THAT Bill (No. 2) – The Legislative Assembly Amendment Act/Loi modifiant la Loi sur l'Assemblée législative, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Mr. ALTEMEYER and Ms. LAMOUREUX having spoken,

And the Question being put. It was agreed to.

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

The House then adjourned at 4:59 p.m. until 10:00 a.m. Tuesday, October 4, 2016.

Hon. Myrna DRIEDGER,
Speaker.