



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 46

FOURTH SESSION, FORTY-FIRST LEGISLATURE

PRAYER

1:30 O'CLOCK P.M.

On motion of Mr. LINDSEY, Bill (No. 224) – The Workers Compensation Amendment Act/Loi modifiant la Loi sur les accidents du travail, was read a First Time and had its purposes outlined.

Hon. Mrs. COX, the Minister of Sports, Culture and Heritage, made a statement on Asian Heritage Month.

Mr. MARCELINO (Tyndall Park) and Ms. LAMOUREUX commented on the statement.

Pursuant to Rule 27(1), Mr. TEITSMA, Ms. FONTAINE, Hon. Mr. FRIESEN and Messrs. MARCELINO (Tyndall Park) and JOHNSON made Members' Statements.

Following Oral Questions, Madam Speaker made the following ruling:

Following the Prayer on March 18th, 2019, the Honourable Member for Concordia raised a Matter of Privilege regarding the introduction of Bill 21, The Legislative Building Centennial Restoration and Preservation Act. While the Bill was introduced in the House on March 15th, 2019, it was not distributed to Members on that day due to other procedural circumstances. The Member alleged that despite the Bill not being distributed to the House the Minister of Finance discussed the Bill with the media at a press conference that same day. The Honourable Member for Concordia stated that the dissemination of a bill to the media prior to the House receiving copies constitutes a breach of privilege. He concluded by moving: “that this issue be immediately referred to a committee of this House”.

The Honourable House Leader for the Second Opposition Party, the Honourable Government House Leader and the Honourable Members for Elmwood and Flin Flon all spoke to the matter before I took it under advisement to consult the procedural authorities.

As the House knows, in order for the matter raised to be ruled in order as a prima facie case of privilege, Members must demonstrate both that the issue has been raised at the earliest opportunity, and also provide sufficient evidence that the privileges of the House have been breached.

On the condition of timeliness, the Honourable Member for Concordia indicated that he was raising the issue at his first opportunity since the incident occurred. As this was the first sitting day since the introduction of the Bill and the ensuing events, and as the Member raised it immediately following the prayer, I would rule that he did meet the condition of timeliness in this case.

Regarding the second condition of whether a prima facie case has been demonstrated, on page 224 of the second edition of *Parliamentary Privilege in Canada*, Joseph Maingot, advises that "a complaint that a Minister of the Crown has made a statement outside the House rather than in the House or that the government provides information only to its supporters in the House may well amount to a grievance against the government, but in the absence of an order in the House forbidding such activity, there is no personal or corporate privilege that has been breached in the doing, and neither does it constitute contempt of the House in the 'privilege' sense."

Looking at Manitoba precedents, Speakers from the last several decades have consistently found in similar circumstances that, as Speaker Walding ruled on June 2, 1983, such a complaint "may be a matter of discourtesy, but it is not a matter of privilege." Manitoba Speakers Phillips, Rocan, Hickee and Reid have all supported this sentiment in subsequent rulings.

I will also observe that the underlying principle here is the primacy and authority of the Assembly. As elected representatives it is our duty to carefully consider the business before us so that we may make informed decisions. Any matter destined for consideration by this body – including legislation – should be introduced and explained here first, before it is shared with the public or the media. This has been the practice of this place for almost 150 years.

As I have noted previously however, in recent years we have seen this practice evolve. It has become common for Members on all sides of the House to discuss, in general or conceptual terms, potential legislation outside of the House in advance of introduction. These discussions have occurred in the form of consultations with stakeholders, and also through interactions with the media. From the perspective of the Speaker's Chair, as long as such discussions do not reveal or relate any detailed provisions of upcoming legislation, the primacy and authority of the Assembly was not seen as being infringed upon.

In the current circumstance, I must note that no evidence was provided to the Chair to demonstrate that specific provisions of the Bill in question were shared with the media, or anyone else, prior to the distribution of the Bill in the House. While the Bill in question was not distributed to Members, the Minister did have the opportunity to explain the purpose of the Bill to the House in his remarks at First Reading on March 15th. As I was not at the press briefing on this Bill I have no way of knowing if the Minister shared many more details about the Bill at that time, but if his remarks outside the House were general in nature he would not have crossed any lines according to our current practice. This is a crucial point. In the absence of such proof, as your Speaker I have no basis to rule that any privileges were breached.

Accordingly, after careful consideration of all that I have related to the House I must find that a prima facie case of privilege has not been established in this matter.

However, I would strongly urge all Members to reflect on the information I have presented today. I would echo Speaker Walding's sentiments and note that while this circumstance does not constitute a breach of privilege, it could be considered discourteous to the Assembly. Should a similar situation occur in the future, as your Speaker I would remain obligated to carefully consider all of the evidence presented and deliver a ruling.

I would also like to note once more for the House that we live in an era when human communications have experienced unprecedented growth and evolution. The modes of communication available to us, and the pace and manner of our interactions, move at a speed unimaginable to our predecessors. With that in mind I would repeat a suggestion I made to the House last year in a similar ruling, that the Standing Committee on the Rules of the House may want to meet to consider whether or not disclosure of Bill contents prior to the introduction and distribution of the Bill should be allowed. I am not stating a preference on this question, I am simply suggesting that the Committee could either confirm the traditional practice, or re-evaluate it in light of modern communication methods. This discussion could also be extended to consider other potential modernizations of our processes and practices.

Finally, as is evident from this ruling, the issue of Members sharing information about pending legislation outside of the House prior to the distribution of Bills to Members is not new. As I have noted there have been many Speaker's rulings from the last several decades dealing with such matters. Even in my time as your Speaker both sides of the House have levelled similar accusations against the other side, as both sides have indeed shared some information about pending legislation outside of the House prior to the introduction and distribution of a Bill. While such circumstances may not necessarily constitute a breach of privilege, as noted they could be regarded as a discourtesy to the House. As Speaker I have little control over Member's actions outside of the Chamber, but if MLAs feel aggrieved when a Member follows this path, I would urge you all to reconsider your actions. Simply put, it is within your individual and collective ability to not discuss a Bill in public until it is properly introduced and distributed to all MLAs in the House.

I hope that Members will reflect on this ruling when pondering future actions, and I thank Members for their attention to this important matter.

From her decision, Ms. FONTAINE appealed to the House,

And the Question being put, "Shall the ruling of the Chair be sustained?"

It was agreed to, on the following division:

YEA

BINDLE	MICHALESKI
COX	MICKLEFIELD
CULLEN	MORLEY-LECOMTE
EICHLER	NESBITT
EWASKO	PEDERSEN
FIELDING	PIWNIUK
FRIESEN	REYES
GOERTZEN	SCHULER
GRAYDON	SMITH (Southdale)
HELWER	SMOOK
ISLEIFSON	SQUIRES
JOHNSON	STEFANSON
JOHNSTON	TEITSMA
LAGASSÉ	WHARTON
LAGIMODIERE	WISHART
MARTIN	YAKIMOSKI..... 32

NAY

ALLUM	LINDSEY
ALTEMEYER	MALOWAY
FONTAINE	MARCELINO (Tyndall Park)
GERRARD	SMITH (Point Douglas)
KINEW	SWAN
LAMOUREUX	WIEBE 12

The following petitions were presented and read:

Mr. GRAYDON – Legislative Assembly of Manitoba to urge the Provincial Government to amend *The Official Time Act* to abolish daylight saving time in Manitoba effective November 4, 2019, resulting in Manitoba remaining on Central Standard Time (CST) throughout the year and in perpetuity. (L. Huston, J. McLachlan, R. Taylor and others)

Hon. Mr. GERRARD – Legislative Assembly of Manitoba to urge the Provincial Government to increase funding for licensed not for profit child care programs in recognition of the importance of early learning and child care in Manitoba which will also improve quality and stability in the workforce. (T. Burgess, T. Wittebole, A. Fergusson and others)

Mrs. SMITH (Point Douglas) – Legislative Assembly of Manitoba to urge the Provincial Government to increase funding for licensed not for profit child care programs in recognition of the importance of early learning and child care in Manitoba which will also improve quality and stability in the workforce. (L. Abraham, A. Hnytida, K. Abraham and others)

Mr. ALLUM – Legislative Assembly of Manitoba to urge the Provincial Government to increase funding for licensed not for profit child care programs in recognition of the importance of early learning and child care in Manitoba which will also improve quality and stability in the workforce. (M. Bruder, M. Zevaogly, J. Fraser and others)

Ms. FONTAINE – Legislative Assembly of Manitoba to urge the Provincial Government to increase funding for licensed not for profit child care programs in recognition of the importance of early learning and child care in Manitoba which will also improve quality and stability in the workforce. (C. Klassen, V. Savino, W. Lindblad and others)

Mr. LAMONT – Legislative Assembly of Manitoba to urge the Provincial Government to increase funding for licensed not for profit child care programs in recognition of the importance of early learning and child care in Manitoba which will also improve quality and stability in the workforce. (M. Wernham, G. Wernham, T. Wernham and others)

Mr. ALTEMEYER – Legislative Assembly of Manitoba to urge the Provincial Government to increase funding for licensed not for profit child care programs in recognition of the importance of early learning and child care in Manitoba which will also improve quality and stability in the workforce.

Mr. LINDSEY – Legislative Assembly of Manitoba to urge the Provincial Government to reinstate obstetric delivery services at Flin Flon General Hospital and work with the Government of Saskatchewan, and the Federal Government, to ensure obstetric services continue to be available on a regional basis. (J. Spellicy, S. Gilfillan, L. Squires and others)

Mr. MARCELINO (Tyndall Park) – Legislative Assembly of Manitoba to urge the Provincial Government to increase funding for licensed not for profit child care programs in recognition of the importance of early learning and child care in Manitoba which will also improve quality and stability in the workforce. (D. Fulford, J. Pushka, C. Vndi and others)

Mr. SWAN – Legislative Assembly of Manitoba to urge the Provincial Government to increase funding for licensed not for profit child care programs in recognition of the importance of early learning and child care in Manitoba which will also improve quality and stability in the workforce. (L. McBride, D. Vosper, L. Thompson and others)

Mr. WIEBE – Legislative Assembly of Manitoba to urge the Provincial Government to increase funding for licensed not for profit child care programs in recognition of the importance of early learning and child care in Manitoba which will also improve quality and stability in the workforce. (A. Rands, J. Kendrick, L. McKenzie and others)

Hon. Mr. PEDERSEN moved:

THAT Bill (No. 22) – The Business Registration, Supervision and Ownership Transparency Act (Various Acts Amended)/Loi sur l'enregistrement, la surveillance et la transparence de la propriété effective des entreprises (modification de diverses dispositions législatives), be now read a Second Time and be referred to a Committee of this House.

Monday, May 6, 2019

And a debate arising,

And Hon. Mr. PEDERSEN having spoken,

And Messrs. LINDSEY, LAMONT and SWAN having questioned the Minister,

And the debate continuing,

And Mr. LINDSEY speaking at 5:00 p.m. The debate was allowed to remain in his name.

The House then adjourned at 5:00 p.m. until 10:00 a.m. Tuesday, May 7, 2019.

Hon. Myrna DRIEDGER,
Speaker.