



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 21

THIRD SESSION, FORTY-SECOND LEGISLATURE

PRAYER

1:30 O'CLOCK P.M.

The following Bills were read a First Time and had their purposes outlined:

(No. 68) – The Legislative Assembly Amendment Act/Loi modifiant la Loi sur l'Assemblée législative

(Hon. Mr. GOERTZEN)

(No. 214) – The Universal Newborn Hearing Screening Amendment Act/Loi modifiant la Loi sur le dépistage systématique des déficiences auditives chez les nouveau-nés

(MLA ASAGWARA)

Following Introduction of Bills, Ms. FONTAINE rose on a point of order claiming that the Government was in breach of Rule 2(8) by not distributing Bills when they are introduced, indicating the intent of Rule 2(8) was not being respected.

And Hon. Messrs. GOERTZEN and GERRARD having spoken to the point of order,

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

Pursuant to Rule 27(1), Mr. SMITH (Lagimodière), Ms. ADAMS, Messrs. TEITSMA, SANDHU and EWASKO made Members' Statements.

Following Oral Questions, Madam Speaker made the following ruling:

On March 16, 2020, the Honourable Member for Keewatinook raised a Matter of Privilege alleging that the Government had infringed upon the privileges of Opposition Members because they have not called a meeting of the Standing Committee on Crown Corporations to consider annual reports from the Workers' Compensation Board since July of 2016. The Member stated that not referring these reports to Committee has prevented the Opposition from holding the Government accountable on many serious issues affecting the Workers' Compensation Board. At the conclusion of his remarks he moved "*THAT this issue be immediately referred to a committee of this House.*"

The Honourable Government House Leader and the Honourable Member for River Heights also spoke to the Matter of Privilege, which was then taken under advisement by the Deputy Speaker. I thank all Honourable Members for their advice to the Chair.

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.

In regards to raising the matter at the earliest opportunity, the Honourable Member for Keewatinook asserted a need to “take the time to critically analyze all relevant information to make sure the facts were clear and consult with relevant experts on the matter”. I should note for the House that the onus on the Member is not to verify what the facts are when raising privilege about misleading the House, rather it is to provide proof of intent to mislead the House, as a variance of facts is not necessarily proof of intention to mislead.

Further, Bosc and Gagnon advise on page 145 of the third edition of *House of Commons Procedure and Practice* that “The matter of privilege to be raised in the House must have recently occurred and must call for the immediate action of the House.” Therefore the Member must satisfy the Speaker that the matter is being brought to the House as soon as practicable after becoming aware of the situation. I ask Members to keep this in mind when assessing the aspect of timeliness in the future as I am not satisfied the condition was met in this case.

Regarding the second issue, I have stated on numerous occasions that a matter concerning the methods by which the House proceeds in the conduct of business is a matter of order, not privilege. Joseph Maingot in the second edition of *Parliamentary Privilege in Canada* states on page 14 that “allegations of breach of privilege by a Member in the House ... that amount to complaints about procedures and practices in the House are by their very nature matters of order.” He also states on page 223 of the same edition “A breach of the Standing Orders or a failure to follow an established practice would invoke a point of order rather than a question of privilege.”

It has also been ruled on numerous times in this House that the opinion of the Speaker cannot be sought about matters arising concerning Committees and that it is not competent for the Speaker to exercise procedural control over Committees. Speaker Rocan made such a ruling in 1989, in 1993 and in 1994. Speaker Hickes also made five rulings, twice in 2004, once in 2005 and twice in 2006.

In regards to the Member’s comments that he could not hold the Government to account because they did not call a meeting, Maingot further advises on page 224 of the same edition that “parliamentary privilege is concerned with the special rights of Members, not in their capacity as ministers or as party leaders, whips, or parliamentary secretaries, but strictly in their capacity as Members in their parliamentary work.”

Therefore, the Honourable Member for Keewatinook cannot claim the protection of parliamentary privilege for the performance of his duties as a Critic but only as an MLA. All of the above references from Joseph Maingot are supported by rulings from myself as well as from Speakers Rocan, Dacquay and Hickes.

Although the Honourable Member for Keewatinook may have a difference of opinion regarding the timing of calling a Crown Corporations meeting, it falls more into a category of a complaint against the Government, and not a breach of parliamentary privilege. With the greatest of respect, I therefore rule that the matter raised does not fulfill the criteria of a *prima facie* case of privilege.

The following petitions were presented and read to the Legislative Assembly of Manitoba:

Mr. ALTOMARE – To urge the Provincial Government to halt its proposed closure of CancerCare sites at the Concordia Hospital and Seven Oaks General Hospital, while guaranteeing access to high-quality outpatient cancer services in northeast and northwest Winnipeg.

MLA ASAGWARA – To urge the Minister of Justice to immediately reverse the decision to close the DCC and proceed with the previous plan to build a new correctional and healing centre with an expanded courthouse in Dauphin.

Mr. BRAR – To urge the Minister of Justice to immediately reverse the decision to close the DCC and proceed with the previous plan to build a new correctional and healing centre with an expanded courthouse in Dauphin.

Mr. BUSHIE – To urge the Minister of Justice to immediately reverse the decision to close the DCC and proceed with the previous plan to build a new correctional and healing centre with an expanded courthouse in Dauphin.

Hon. Mr. GERRARD – To urge the Provincial Government to call a Public Inquiry into the mishandling of the second wave of the pandemic and into the outbreak at Parkview Place personal care home; and to replace the current Minister of Health, Seniors and Active Living as a result of his failure to support personal care homes and his failure to adequately prepare the province for the second wave of the pandemic.

Ms. LAMOUREUX – To urge the Provincial Government to provide financing for upgrades to the cochlear implant covered under Medicare, or provide funding assistance through the Cochlear Implant Speech Processor Replacement Program, to assist with the replacement costs associated with a device upgrade.

Mr. LINDSEY – To urge the Minister of Justice to immediately reverse the decision to close the DCC and proceed with the previous plan to build a new correctional and healing centre with an expanded courthouse in Dauphin.

Mr. MALOWAY – To urge the Minister of Justice to immediately reverse the decision to close the DCC and proceed with the previous plan to build a new correctional and healing centre with an expanded courthouse in Dauphin.

Ms. MARCELINO – To urge the Minister of Justice to immediately reverse the decision to close the DCC and proceed with the previous plan to build a new correctional and healing centre with an expanded courthouse in Dauphin.

Mr. MOSES – To urge the Minister of Justice to immediately reverse the decision to close the DCC and proceed with the previous plan to build a new correctional and healing centre with an expanded courthouse in Dauphin.

Ms. NAYLOR – To urge the Minister of Justice to immediately reverse the decision to close the DCC and proceed with the previous plan to build a new correctional and healing centre with an expanded courthouse in Dauphin.

Mr. SALA – To urge the Minister of Justice to immediately reverse the decision to close the DCC and proceed with the previous plan to build a new correctional and healing centre with an expanded courthouse in Dauphin.

Mr. SANDHU – To urge the Minister of Justice to immediately reverse the decision to close the DCC and proceed with the previous plan to build a new correctional and healing centre with an expanded courthouse in Dauphin.

Mrs. SMITH (Point Douglas) – To urge the Minister of Justice to immediately reverse the decision to close the DCC and proceed with the previous plan to build a new correctional and healing centre with an expanded courthouse in Dauphin.

Mr. WASYLIW – To urge the Minister of Justice to immediately reverse the decision to close the DCC and proceed with the previous plan to build a new correctional and healing centre with an expanded courthouse in Dauphin.

Mr. WIEBE – To urge the Provincial Government to halt its proposed closure of CancerCare sites at the Concordia Hospital and Seven Oaks General Hospital, while guaranteeing access to high-quality outpatient cancer services in northeast and northwest Winnipeg.

Hon. Mr. CULLEN moved:

THAT Bill (No. 9) – The Opioid Damages and Health Care Costs Recovery Act/Loi sur le recouvrement du montant des dommages-intérêts et du coût des soins de santé imputables aux opioïdes, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. CULLEN having spoken,

And Mrs. SMITH (Point Douglas), Hon. Mr. GERRARD and Ms. FONTAINE having questioned the Minister,

And the debate continuing,

And Ms. FONTAINE, Ms. GORDON, Mrs. SMITH (Point Douglas), Hon. Mr. GERRARD, Ms. NAYLOR and Mr. SANDHU 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 4:56 p.m. until 10:00 a.m. Thursday, November 26, 2020.

Hon. Myrna DRIEDGER,
Speaker.