



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 13

THIRD SESSION, FORTY-SECOND LEGISLATURE

PRAYER

10:00 O'CLOCK A.M.

Mr. NESBITT moved:

THAT Bill (No. 300) – The United Church of Canada Amendment Act/Loi modifiant la Loi sur l'Église-unie du Canada, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Mr. NESBITT having spoken,

And Mr. WIEBE, Hon. Mr. GERRARD and Mr. JOHNSTON having questioned the Member,

And the debate continuing,

And Mr. WIEBE, Hon. Mr. GOERTZEN, Ms. NAYLOR, Hon. Mr. GERRARD, Messrs. JOHNSTON and ALTOMARE 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.

Mr. ISLEIFSON moved:

Resolution No. 1: Call on the Federal Government to increase the quota of the MPNP

WHEREAS the Provincial Government is working to protect Manitobans in these unprecedented times; and

WHEREAS the Provincial Government is preparing to restart the economy and is anticipating the reopening of the province's borders which are still closed as a result of COVID-19; and

WHEREAS the Manitoba Provincial Nominee Program is essential to restarting Manitoba's economy as new immigrants improve the economy by creating jobs; and

WHEREAS the Progressive Conservative Government created the first Manitoba Provincial Nominee Program in 1997; and

Tuesday, November 3, 2020

WHEREAS the Manitoba Provincial Nominee Program has brought in over 130,000 new Canadians to Manitoba; and

WHEREAS without the Manitoba Provincial Nominee Program the provincial GDP would be 30% lower; and

WHEREAS the Provincial Government is eager to welcome new immigrants in order to work towards protecting the economy; and

WHEREAS the current Federal Government cap on immigration places a risk of hindering the province's economic recovery which has been hampered by the closed borders.

THEREFORE BE IT RESOLVED that the Provincial Government urges the Federal Government to expand the federal quota for Manitoba allowed under the Manitoba Provincial Nominee Program.

And a debate arising,

And Mr. ISLEIFSON having spoken,

And Messrs. WIEBE, LAMONT, MICKLEFIELD and MOSES, Ms. MARCELINO and Mr. SMITH (Lagimodière) having questioned the Member,

And the debate continuing,

And Messrs. BRAR and SMITH (Lagimodière), Ms. MARCELINO, Messrs. LAMONT and MICKLEFIELD having spoken,

And Mr. SANDHU speaking at 12:00 p.m. The debate was allowed to remain in their name.

1:30 O'CLOCK P.M.

Pursuant to Rule 27(1), Messrs. JOHNSTON and BUSHIE, Ms. FONTAINE, Mr. NESBITT and Hon. Mr. GERRARD made Members' Statements.

By leave, the House reverted to "Tabling of Reports".

Hon. Mr. EICHLER presented:

Communities Economic Development Fund, Quarterly Report, Six Months, April 1, 2020 to September 30, 2020.

(Sessional Paper No. 27)

Following Oral Questions, Madam Speaker made the following ruling:

On March 11, 2020, the Honourable Official Opposition House Leader raised a Matter of Privilege regarding the lack of access to the government's education review and report and claimed that this impacted the ability of the Member to perform duties of reviewing government legislation and communicating information to constituents. The Honourable Member further contended that the Government Ministers were providing misleading information to the House. At the conclusion of the remarks, the Honourable Official Opposition House Leader moved "That this matter be moved to an all-part committee for consideration."

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. 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.

Regarding the first condition, the Honourable Official Opposition House Leader offered her opinion that the earliest opportunity does not mean the next moment in time when a Member has the ability to speak, as in her view Members need time to consult relevant authorities or study various experts on the matter.

Her opinion is not in alignment with the advice given by procedural authorities. Joseph Maingot states on page 260 of the second edition of *Parliamentary Privilege in Canada* that “It must be raised at the earliest opportunity. Matters relating to the rights, immunities and privileges of Members of the House ... are of such importance that the regular business of the House is put aside so that Members may immediately discuss the matter. Accordingly, the other condition for raising a question of privilege is that it must be raised at the first opportunity ... Members have been thwarted in initiating privilege proceedings because of not bringing the matter forward at the first opportunity.”

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 he or she is bringing the matter to the House as soon as practicable after becoming aware of the situation. When a Member has not fulfilled this important requirement, the Speaker has ruled that the matter is no a *prima facie* question of privilege.”

If there was some contextual reason provided, such as needing to wait to see words in Hansard, past Speakers have taken this into consideration, however the question of timeliness still needs to be an important criteria. There was no contextual justification provided regarding the issue of timeliness and being raised at the earliest opportunity, so I must find that the test of earliest available opportunity has not been met.

The Honourable Official Opposition House Leader also identified that in her view that the Premier and Ministers provided misleading information to the House, but as Joseph Maingot states on page 241 of *Parliamentary Privilege in Canada* “To allege that a Member has misled the House is a matter of order not privilege.” In addition previous Manitoba Speakers including Speakers Walding, Phillips, Rocan, Dacquay, Hickes and Reid have all ruled that in order to prove allegations that a Member deliberately misled the House, it is necessary to prove that there was clear intent to mislead by knowingly making statements that would mislead. Therefore the burden of proof is placed on the Member to demonstrate this by absolute proof, including a statement of intent to intentionally mislead the House by the Member so accused. Showing that some facts are at variance is not providing proof of intent to mislead.

Also in the raising of the Matter of Privilege, the Honourable Official Opposition House Leader advised that the privileges of the Member had been breached because the lack of access to the educational review and report, which had the potential to impact information that would be shared with constituents. It is worth noting for the House that privilege only provides protection for proceedings or actions in Parliament and does not provide protection for an outside activity such as communications with constituents.

In assessing the comments made by the Honourable Official Opposition House Leader, the crux of the argument appears to be that the Official Opposition did not have access to an education review and report being prepared by the Department of Education. I would note for the House that at the time of the raising of the Matter of Privilege, the report had not been publically released and nor was there any official information advising that the review and report had even been completed and released. While the Honourable Member may wish to have a copy of the report, parliamentary privilege cannot compel a review to be completed and reported on and publically released. It would be a different situation if the report had been released and there was a refusal to table or share the report with the House, but that is not the circumstance faced in this instance.

I would therefore respectfully rule that the matter raised does not fulfill the criteria of a *prima facie* case of privilege.

As a final comment, I would note that in the raising of this and other Matters of Privilege, the Honourable Official Opposition House Leader has made the comment that her privileges have been molested. Although there is a heading in *House of Commons Procedure and Practice* that reads *Freedom from Obstruction, Interference, Intimidation and Molestation*, this refers to attempts to obstruct, impede, interfere, intimidate or molest Members in a physical sense. I would respectfully ask the Honourable Member to be mindful of this, as her use of the word is giving the impression that she has been improperly interfered with in a physical sense. I hope this will never happen to her or any Honourable Member, and I would ask that care is taken in the use of the word.

In accordance with Rule 33(7), the Government House Leader announced that the Private Member's Resolution titled "Inclusion of Sergeant Tommy Prince on the \$5 bill" will be considered on the next Tuesday of Private Members' Business.

By unanimous consent, the sequence for consideration of estimates, as outlined in Sessional Paper No. 26 tabled on October 29, 2020, was amended in order that the estimates of Economic Development and Training be considered in Room 254 from 4:00 p.m. to 5:00 p.m. on Tuesday, November 3, 2020, only.

The House resolving into Committee of Supply.

The House then adjourned at 5:00 p.m. until 1:30 p.m. Wednesday, November 4, 2020.

Hon. Myrna DRIEDGER,
Speaker.