



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 17

THIRD SESSION, FORTY-SECOND LEGISLATURE

PRAYER

1:30 O'CLOCK P.M.

The following Bill was read a First Time and had its purposes outlined:

(No. 215) – The Provincial Court Amendment Act (Gender-Based Violence Education Requirements)/Loi modifiant la Loi sur la Cour provinciale (formation obligatoire sur la violence fondée sur le genre)

(Ms. LAMOUREUX)

Pursuant to Rule 27(1), Mr. LAGIMODIERE, Ms. FONTAINE, Messrs. JOHNSON, MOSES and JOHNSTON made Members' Statements.

Following Oral Questions, Madam Speaker made the following ruling:

On March 12, 2020, the Honourable Member for Concordia raised a Matter of Privilege regarding the Government's decision to hire an outside consultant to conduct a commission of inquiry into Manitoba Hydro's development plan. The Member stated that his caucus had recently learned that the Government paid a former BC premier, Gordon Campbell, approximately \$600,000 over a period of months, and that the Member believed that the Government has no way of demonstrating that any work has been completed on the project. The Member added that the Official Opposition regards this commission of inquiry as being politically motivated and a demonstration of abuse of power.

The Member for Concordia concluded his remarks by moving "*THAT this matter be referred to a committee of this House.*"

The Honourable Government House Leader and the Honourable Member for River Heights both spoke to the Matter of Privilege before I took it under advisement, and I thank all Honourable Members for their advice to the Chair on this matter.

In order to be ruled in order as a *prima facie* case of privilege, Members must demonstrate that the issue has been raised at the earliest opportunity, and also provide sufficient evidence that the privileges of the House or the privileges of individual Members have been breached.

Regarding timeliness, the Member for Concordia stated that, in this instance, the requirement of earliest opportunity must be understood in a "reasonable sense," meaning that he required the "proper amount of time" to "have a good grasp on the information before delivering it here in the House."

However, the Official Opposition had knowledge of these issues on March 4, 2020, as they raised the issue during Oral Questions that day. If the Government's answers to their questions were found to be unsatisfactory, that issue could have been raised earlier. As Bosc and Gagnon advise on page 145 of the third edition of *House of Commons Procedure and Practice*, "The matter of privilege to be raised in the House must have recently occurred and must call for the immediate action of the House." Accordingly, I am ruling that the condition of timeliness was not met in this case.

Regarding the second condition of whether a *prima facie* case has been demonstrated, the Member for Concordia argued that, in order to effectively perform his duties as legislator, he required sufficient information from the Government.

For the information of all Members, parliamentary privilege is a constitutional right passed on to the Parliament of Canada and to the provincial legislatures from the United Kingdom's 1689 Bill of Rights, and was incorporated into the Canadian experience to provide protection for Members to exercise their parliamentary duties free from interference.

I would remind the House that the individual protections for Members under parliamentary privilege include:

- the freedom of speech;
- the freedom from arrest and civil actions;
- exemptions from jury duty;
- freedom from obstruction, interference, intimidation and molestation; and
- the exemption from attendance as a witness.

In order for a *prima facie* breach of privilege to be found, one or more of these individual protections would need to be demonstrated to have been violated.

Based on his comments in the House on March 12, 2020, the Member for Concordia appears to have a grievance against the Government regarding its decision-making processes, degree of transparency, and allocation of funds, but his argument did not meet the thresholds I have just described regarding his privileges as a Member of this House. Several previous Manitoba Speakers have stated that while Members may have a case for a grievance or complaint against the Government, such cases do not amount to a *prima facie* case of privilege.

Accordingly, I am ruling that this matter does not constitute a *prima facie* case of breach of privilege.

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

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 Agriculture to reconsider the changes to Crown land leases and instead create an agreeable strategy that satisfies all parties, specifically ranchers; to recognize the value of agriculture in the province of Manitoba and the value Crown land holds to farmers in sustaining their livelihood; and to understand the important role farmers play in the Manitoba economy and to allow them to take part in discussions that directly impact their livelihood.

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 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 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.

The House resumed the debate on the Proposed Motion of Hon. Mr. CULLEN:

THAT Bill (No. 42) – The Remote Witnessing and Commissioning Act (Various Acts Amended)/Loi sur l'attestation à distance (modification de diverses lois), be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Hon. Mr. GERRARD, Messrs. BUSHIE, BRAR and KINEW 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.

Hon. Mr. FIELDING moved:

THAT Bill (No. 8) – The Pension Benefits Amendment Act/Loi modifiant la Loi sur les prestations de pension be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. FIELDING having spoken,

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And Messrs. LINDSEY and LAMONT having questioned the Minister,

And the debate continuing,

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

The House then adjourned at 5:00 p.m. until 10:00 a.m. Thursday, November 19, 2020.

Hon. Myrna DRIEDGER,
Speaker.