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of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS
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(Hansard)

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MANITOBA LEGISLATIVE ASSEMBLY
Forty-Second Legislature

Member	Constituency	Political Affiliation
ADAMS, Danielle	Thompson	NDP
ALTOMARE, Nello	Transcona	NDP
ASAGWARA, Uzoma	Union Station	NDP
BRAR, Diljeet	Burrows	NDP
BUSHIE, Ian	Keewatinook	NDP
CLARKE, Eileen, Hon.	Agassiz	PC
COX, Cathy, Hon.	Kildonan-River East	PC
CULLEN, Cliff, Hon.	Spruce Woods	PC
DRIEDGER, Myrna, Hon.	Roblin	PC
EICHLER, Ralph, Hon.	Lakeside	PC
EWASKO, Wayne	Lac du Bonnet	PC
FIELDING, Scott, Hon.	Kirkfield Park	PC
FONTAINE, Nahanni	St. Johns	NDP
FRIESEN, Cameron, Hon.	Morden-Winkler	PC
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin, Hon.	Steinbach	PC
GORDON, Audrey	Southdale	PC
GUENTER, Josh	Borderland	PC
GUILLEMARD, Sarah, Hon.	Fort Richmond	PC
HELWER, Reg, Hon.	Brandon West	PC
ISLEIFSON, Len	Brandon East	PC
JOHNSON, Derek	Interlake-Gimli	PC
JOHNSTON, Scott	Assiniboia	PC
KINEW, Wab	Fort Rouge	NDP
LAGASSÉ, Bob	Dawson Trail	PC
LAGIMODIERE, Alan	Selkirk	PC
LAMONT, Dougald	St. Boniface	Lib.
LAMOUREUX, Cindy	Tyndall Park	Lib.
LATHLIN, Amanda	The Pas-Kameesak	NDP
LINDSEY, Tom	Flin Flon	NDP
MALOWAY, Jim	Elmwood	NDP
MARCELINO, Malaya	Notre Dame	NDP
MARTIN, Shannon	McPhillips	PC
MOSES, Jamie	St. Vital	NDP
MICHALESKI, Brad	Dauphin	PC
MICKLEFIELD, Andrew	Rossmere	PC
MORLEY-LECOMTE, Janice	Seine River	PC
NAYLOR, Lisa	Woleseley	NDP
NESBITT, Greg	Riding Mountain	PC
PALLISTER, Brian, Hon.	Fort Whyte	PC
PEDERSEN, Blaine, Hon.	Midland	PC
PIWNIUK, Doyle	Turtle Mountain	PC
REYES, Jon	Waverley	PC
SALA, Adrien	St. James	NDP
SANDHU, Mintu	The Maples	NDP
SCHULER, Ron, Hon.	Springfield-Ritchot	PC
SMITH, Andrew	Lagimodière	PC
SMITH, Bernadette	Point Douglas	NDP
SMOOK, Dennis	La Vérendrye	PC
SQUIRES, Rochelle, Hon.	Riel	PC
STEFANSON, Heather, Hon.	Tuxedo	PC
TEITSMA, James	Radisson	PC
WASYLIW, Mark	Fort Garry	NDP
WHARTON, Jeff, Hon.	Red River North	PC
WIEBE, Matt	Concordia	NDP
WISHART, Ian	Portage la Prairie	PC
WOWCHUK, Rick	Swan River	PC

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, March 12, 2020

The House met at 1:30 p.m.

Madam Speaker: O Eternal and Almighty God, from Whom all power and wisdom come, we are assembled here before Thee to frame such laws as may tend to the welfare and prosperity of our province. Grant, O merciful God, we pray Thee, that we may desire only that which is in accordance with Thy will, that we may seek it with wisdom and know it with certainty and accomplish it perfectly for the glory and honour of Thy name and for the welfare of all our people. Amen.

Please be seated. Good afternoon, everybody.

An Honourable Member: Point of order, Madam Speaker.

An Honourable Member: House business.

An Honourable Member: Point of order. Point of order, Madam Speaker.

Madam Speaker: Order, please.

I did hear the honourable Government House Leader indicating something about House business. So I would recognize the honourable Government House Leader.

Hon. Kelvin Goertzen (Government House Leader): Yes, thank you, Madam Speaker.

I am seeking leave of the House. I'm asking for leave of the House to not see the clock today until all stages of the budget procedure listed on page 84 of rule book—of the rule book in appendix A, including the tabling—[*interjection*]—appendix D—and I thank the Clerk for that helpful intervention—including the tabling of all budget documents, are completed.

Madam Speaker: Is there leave of the House to not see the clock today until all stages of the budget procedure listed on page 84 of the rule book and appendix D, including the tabling of all budget documents, are complete? Leave granted?

Some Honourable Members: Leave.

An Honourable Member: No.

Madam Speaker: Leave has been denied.

Ms. Nahanni Fontaine (Official Opposition House Leader): Is there leave of the House to set aside routine proceedings today, move to orders of the day

and the presentation of the budget speech, followed by the tabling of all budget documents?

Madam Speaker: Is there leave of the House to set aside routine proceedings today, move to orders of the day and the presentation of the budget speech, followed by the tablings of all budget documents?

An Honourable Member: No.

Madam Speaker: Leave has been denied.

An Honourable Member: Point of order.

An Honourable Member: Matter of privilege.

Madam Speaker: The honourable government—

An Honourable Member: Matter of privilege.

Madam Speaker: I heard the Government House Leader first. [*interjection*] I have to recognize who I heard first, and I heard the—[*interjection*]

Order. Order.

I heard the honourable Government House Leader stand first, and so I have to acknowledge him.

Point of Order

Mr. Goertzen: I assure my new colleague will have much time to obstruct, if that's what he chooses yet.

Madam Speaker, there are rules that govern this House, there are rules that ensure that all of us have the opportunity to do what our constituents sent us here to do and we all do have different functions—some in government and some in opposition. I assure you that I have respect for both of those functions, having served in both of them.

But the reason why we have routine proceedings, things such as ministerial statements, are that so important things like COVID-19 can be spoken about in a ministerial way and through information for the House. The reason we have question period is so that questions can be asked, and I know the member for River Heights (Mr. Gerrard) references yesterday, he may have questions about the government's response to the coronavirus, Madam Speaker.

And the reason that we have a number of other procedures is because it allows for a democracy to properly function. A democracy is not like a buffet where you pick a little of this, and you pick a little of

that, and you ignore that, and you don't do this. That is not how the rules of this House function. There's a reason why they all come together and should be dealt with together. For some reason, the opposition wants to treat this like some kind of a dictatorship where they want to have this, but not that. That is outside of our rules, Madam Speaker. I would ask that you call them to order and allow the government to function the way a government should. And they want to oppose things, they can do that, but in a respectful way.

Madam Speaker: Had the honourable Government House Leader (Mr. Goertzen) put that forward as a point of order?

Mr. Goertzen: I did, Madam Speaker.

Madam Speaker: The honourable Official Opposition House Leader (Ms. Fontaine), on the same point of order.

Ms. Fontaine: On the same point of order. I do want to just reiterate in the House today that we are seeking leave of the House, Madam Speaker, to set aside routine proceedings today, move to orders of the day and the presentation of the budget speech, followed by tabling of all budget documents.

Again, I want it to be very clear, that we are, on this side of the House, in support of the government and the minister to read out the budget speech and do all of the various steps and processes that this House dictates, in respect of the budget.

Also, Madam Speaker, I would just also share to the House, and make it explicitly clear, that at any given time, as we've just seen in the last hour and a half—

Madam Speaker: Order, please. Order, please. *[interjection]*

Yes, I would just ask the member to be specific to, in terms of addressing this as a point of order, to complete her comments.

Ms. Fontaine: And like my esteemed colleague, the Government House Leader, I am just sharing, Madam Speaker, that there is the opportunity for the Health Minister and the Premier (Mr. Pallister) himself, at any given time, at any given moment—at any given moment—to go outside and to hold a press conference and to disseminate important information for Manitobans.

So, Madam Speaker, again, for the third time, I would like to reiterate, on this side of the House, our support, right now, for the Minister of Finance

(Mr. Fielding) to read his budget speech and table all of the documents and proceed with all of the steps, as are outlined in our House rules.

Miigwech, Madam Speaker.

Madam Speaker: The honourable member for River Heights, on the same point of order.

Hon. Jon Gerrard (River Heights): Yes, Madam Speaker, I just wanted to indicate very briefly that Manitoba Liberals would have been fine with the government's proposal to continue to sit until—without watching the clock, and we would also see that there is some merit in the opposition's proposal.

But, we do feel that in any resolution of this, we need to have the opportunity to ask questions, to answer questions—for the government to answer questions about COVID-19, and we also feel that this is a matter of urgent public importance, which needs to be discussed as that, sometime today. And if the NDP wants to waste time, as they did yesterday, we offer an alternative: debate the COVID-19 situation as opposed to obstructing the House, as happened yesterday.

Thank you.

* (13:40)

Madam Speaker: Essentially, what the House leaders have been doing is debating an issue rather than identifying an actual breach of the rules or practices of the House.

* * *

Madam Speaker: At this point in time, I am going to ask that the House leaders please meet me in my office. I—we will call a recess, and we will have the bells ring for one minute to call members back.

After I have a—had a meeting with the House leaders so we can discuss—and I would ask the honourable member for River Heights to also attend with the House leaders so that we can have some discussion about the processes and the business of this House.

The House is now recessed.

The House recessed at 1:41 p.m.

The House resumed at 2:11 p.m.

Madam Speaker: I will now call the House back to order.

An Honourable Member: Matter of privilege.

MATTER OF PRIVILEGE

Madam Speaker: The honourable member for St. James, on a matter of privilege.

Mr. Adrien Sala (St. James): I rise on a matter of privilege.

Let me begin by reiterating what the esteemed parliamentary scholar Joseph Maingot explained in the second edition of *Parliamentary Privilege in Canada*: that a member wishing to raise a question of privilege in the House must first convince the Speaker that his or her concern is *prima facie*—on the first impression or at first glance—a question of privilege, and the member must also demonstrate that they are raising the matter at the earliest opportunity. Failure to meet any of these tests will result in a matter not being ruled as a *prima facie* case of privilege.

So, in terms of the question of timeliness, Madam Speaker, in relation to this matter of privilege, I believe that that phrase *earliest opportunity* should be understood in a reasonable sense, and that we cannot simply take *earliest opportunity* to mean that next moment in time in which a member has the ability to speak.

So let me begin, Madam Speaker, by stating that this is a *prima facie* case of privilege because the government has failed to call the Standing Committee on Crown Corporations for consideration of Manitoba Hydro's annual reports. This is deeply concerning because there are urgent matters that must be discussed regarding Manitoba Hydro, and it is impeding on our ability to adequately fulfill my responsibility to my constituents and to ensure proper management of the Crown corporation.

The Crown Corporations Governance and Accountability Act, which oversees all Crown corporations to ensure continuity and accountability in all our beloved Crown agencies states the following: that when an annual report of a corporation is laid before the Legislative Assembly—that is section 10(2) *Tabling reports in the Assembly*: that the responsible minister must table a copy of each annual report referred to in subsection (1) in the Assembly within 15 days after receiving, if the Assembly is sitting, or if not, within 15 days after the next sitting begins. The annual report subject to any other act then stands permanently referred to the Standing Committee on Crown Corporations of the Legislative Assembly unless the Assembly otherwise orders.

The last time the Standing Committee on Crown Corporations of the Legislative Assembly met regarding the annual reports for Manitoba Hydro was on June 25th, 2018. So let me put on the record, Madam Speaker, that it has been nearly two years since the standing committee has met to consider Manitoba Hydro's annual report.

There are three annual reports to still be discussed and passed by the standing committee, Madam Speaker, and this government's failure to call the standing committee of Crown corporations to consider Manitoba Hydro is unacceptable and impeding on my ability to conduct my duties as an elected member to this Legislature on behalf of my constituents.

Now, this is a *prima facie* case of privilege, Madam Speaker, because as members it is our privilege to ask questions of our Crown corporations to ensure they are being managed efficiently and equitably. *Marleau and Montpetit House of Commons Procedure and Practice* clearly define privilege as the rights and immunities that are deemed necessary for the House of Commons as an institution and its members as representatives of the electorate to fulfill their functions. Reference may also be made to *Bourinot's Parliamentary Procedure and Practice in the Dominion of Canada*, edition 1916.

So it's obvious that no legislative assembly would be able to discharge its duties with efficiency or to assure its independence and dignity unless it had adequate powers to protect itself and its members and officials in the exercise of their functions.

The British Joint Committee Report adopted a similar approach: parliamentary privilege consists of the rights and immunities which the two Houses of Parliament and their members and officers possess to enable them to carry out their parliamentary functions effectively. Without this protection, members would be handicapped in performing their parliamentary duties, Madam Speaker, and the authority of Parliament itself in confronting the executive and as a forum for expressing the anxieties of citizens would be correspondingly diminished.

While much latitude is left to each House of Parliament, such a purposive approach to the definition of privilege implies important limits. All of these sources point in the direction of a similar conclusion: in order to sustain a claim of parliamentary privilege, the Assembly or member seeking its immunity must show that the sphere of activity for which privilege is claimed is so closely

and directly connected with the fulfillment by the Assembly or its members of their functions as a legislative and deliberative body, including the Assembly's work in holding the government to account. That outside interference would undermine the level of autonomy required to enable the Assembly and its members to do their work with dignity and efficiency.

Now, Madam Speaker, I want to highlight a specific point made by Marleau and Montpetit that, quote, in order to sustain a claim of parliamentary privilege, the Assembly or member seeking its immunity must show that the sphere of activity for which privilege is claimed is so closely and directly connected with the fulfillment by the Assembly or its members of their functions as a legislative and deliberative body, including the Assembly's work in holding the government to account.

So, Madam Speaker, it is clear that the government's failure to call the Standing Committee on Crown Corporations to consider Manitoba Hydro's annual reports is limiting my ability to fulfill my function to hold the government to account with the management of our Crown corporations.

Many events have taken place regarding Manitoba Hydro over the last two years that make it deeply concerning that this government is refusing to call the committee. As it is a member's duty to hold the government to account and to ensure that these public entities are being properly managed, it is important that we have the opportunity to discuss the corporation at large to know what is functioning, what is not and understand—[interjection]

Madam Speaker: Order.

Mr. Sala: —how recent—to understand how recent developments and events are impacting their function. That is why this standing committee needs to be called immediately.

* (14:20)

For example, an important matter to discuss is the October storm and its impact on Manitoba Hydro. The expenses Manitoba Hydro acquired were significant, very substantial, Madam Speaker, and it's also important to understand how well the corporation's response to storm efforts function and whether the 900 job cuts at Manitoba Hydro impacted these efforts and delayed our ability to restore power to those communities who were impacted by that storm, and that's a really important question that I think we need

the opportunity to engage on to learn and understand further.

We also know the Premier (Mr. Pallister) has demanded for more job cuts, so the only way we can know for certain we are adequately fulfilling our parliamentary duties as members of holding the government to account for their cuts is knowing if the cuts to date at the corporation have impacted their functionality, and I can tell you, Madam Speaker, having met with individuals who work for Hydro and representatives of IBEW that there are concerns about the impacts of those job cuts and the speed with which we were able to respond to those concerns during that October storm.

We know Hydro, themselves, issued a statement that said: We believe that further staff reductions would significantly increase the risk of public and employee safety of system reliability and as well as our ability to provide reasonable levels of service to our customers. This is the public relations officer for Manitoba Hydro himself who made this statement, so, clearly, in the environment and in the context in which we're operating we need the ability to be able to ask tough questions of this government in why they are making such an aggressive attack on those employees and their—and ultimately seeking further reductions in terms of the staff complement at Hydro.

And, again, we have the public relations officer himself declaring and pulling the alarm bell here and saying that there is reason to be concerned about further job cuts, and yet we are seeing more pressure being put on Manitoba Hydro to continue those cuts.

So we need that opportunity, Madam Speaker, to be able to ask those questions and we have not been given that opportunity because that committee has not been called, so the government failing to call the standing committee to discuss the important matter is a breach of privilege.

We have also learned—recently learned—that the government paid Gordon Campbell \$600,000 for a few months of work in early 2019. This is a obviously large sum of money for a few months work that I'm sure is the envy of many, and that's a—quite a substantive amount considering that Mr. Campbell was then forced to resign due to allegations, Madam Speaker, and this is money over and above the \$4.5 million the government paid to an American consulting firm to review Manitoba Hydro.

So this question about the need for an additional report or review, I believe and we believe,

Madam Speaker, is in question, especially given there was a \$4.5-million investment—

Madam Speaker: Order, please.

I appreciate that a number of members are new in the House and may not be fully aware of what matters of privilege necessarily are, but I would urge the member to remember that what he needs to clearly outline is his breach of privilege. What he's now doing is outlining a number of items that are better suited for debate in another environment.

But for all members that are going to be thinking about raising matters of privilege today, I will say it right now: You need to be clear, you need to be concise and you need put your motion forward. It shouldn't take half an hour or 40 minutes or an hour to put forward what your breach is in terms of a breach of a matter of privilege. That needs to be very clearly articulated or I cannot easily and nor will the people that have to look at this and determine if it is a breach.

So I would ask members to pull their thoughts together, be concise, be 'complete'—clear, stay away from debate of an issue and clearly articulate what the breach of the member's privilege is.

Mr. Sala: I thank you, Madam Speaker, for the guidance.

And to be clear, and to your point, some of the facts and concerns that have been laid out here I think are important in laying out why my rights as a member have been impeded here, Madam Speaker. And it's clear that, you know, these issues are—these issues that I've outlined are critical in considering why these rights have been impeded here. So I will move—or I will continue forward here and be concluding soon.

There are just general concerns, Madam Speaker, that we have relative to government management of Hydro. But I haven't been granted the opportunity to discuss these concerns with the CEO or the minister or other members because the committee has not been called, therefore, impeding on my right as a member.

So I will just put it on the record for the House what these are. The entire board of Manitoba Hydro resigned. This government undermined the board's authority by cancelling agreements and the government didn't meet with the board in two years. More important considerations as it relates to why this committee and its delay in reconstituting it and giving us the ability to ask important questions is such a major concern for us on this side of the House, Madam Speaker.

So it's important to know how the government's mismanagement and poor relationship with the board of Manitoba Hydro has impacted the corporation to fulfill my duty to constituents, to hold the government to account. My—and the only way to do this is at a standing committee.

Therefore, as a result of the actions of the Minister of Crown Services (Mr. Wharton) and this government, I move, seconded by the member from Wolseley, that this issue be immediately referred to a committee of this House.

Thank you very much.

Madam Speaker: Before recognizing any other members to speak, I would remind the House that remarks at this time by honourable members are limited to strictly relevant comments about whether the alleged matter of privilege has been raised at the earliest opportunity and whether a prima facie case has been established.

Hon. Kelvin Goertzen (Government House Leader): Madam Speaker, this is just one in a long line of frivolous matters of privilege that neither meets the timeliness requirement or the prima facie case requirement.

The government continues to ask the opposition to follow the rules of the House that all the parties agreed to when the rules were crafted, including, of course, the NDP, who were then in government, Madam Speaker. We just simply ask to do what legislators are expected to do, and that is follow the law and follow the rules.

Hon. Jon Gerrard (River Heights): Madam Speaker, just a few comments briefly on this matter of privilege.

This matter of privilege deals with a meeting of a standing committee. Normally, where there's reasonable relationships between the House leaders, this is something that is negotiated among House leaders and, of course, it's important for the opposition parties to put pressure on the government to call these standing committees.

* (14:30)

But I would point out that today, a day after the World Health Organization's director general has called a COVID-19 pandemic, that we have the first case presumptive of COVID-19 in Manitoba that I am told that there is fire, paramedic personnel who have been put in isolation in Manitoba. There is a lot that's happening very quickly, including that the NHL has

put a pause, I believe, on its season. You know, it is really urgent that we are talking here in the Chamber about critical matters of the day, like the COVID-19 pandemic. And I would urge the official opposition to bring these points of privilege—matters of privilege to a conclusion so that we can get on to really critical matters.

It is urgent that we have this debate on COVID-19, which is why the Liberals have brought in a matter of urgent public importance. And this needs to be an open debate. We need to have the opportunity to ask questions. And, you know, the government may not be unhappy that their budget is delayed, because they can actually add a few things related to the COVID-19 epidemic into the budget.

But, be that as it may, there is something in this globe which is really important—we should be talking about because affecting us here in Manitoba. I plead with all members to have this discussion, have this debate on this matter of urgent public importance and get on to critical issues.

Thank you.

Madam Speaker: A matter of privilege is a serious concern. I'm going to take this matter under advisement to consult the authorities and will return to the House with a ruling.

MATTER OF PRIVILEGE

Ms. Lisa Naylor (Wolseley): I rise on a matter of privilege, Madam Speaker.

This is the first opportunity I have had to do—
[interjection]

Madam Speaker: Order.

Ms. Naylor: As a legislator and the critic for environment and climate change, it is my job and my responsibility to verify information provided—
[interjection]

Madam Speaker: Order.

Ms. Naylor: —and advocate for Manitobans.

Last fall, thousands—hundreds of thousands gathered across the world in a climate strike to call for climate action. In fact, thousands gathered at this Legislature. These people, Manitobans, are calling for real action now, Madam Speaker, not at some distant date. My duty as a legislator is to bring their concerns forward; however, it has become clear that I cannot fulfill my duties if the Pallister government is not accountable.

My matter of privilege is this: the Pallister government is required by legislation to prepare an annual report on the programs, policies and measures employed in that year to implement the Climate and Green Plan. The minister is also required to report on any measure—[interjection]

Madam Speaker: Order.

Ms. Naylor: —under the Climate and Green Plan that results in a reduction in greenhouse gas emissions, as well as set out emission's goals and achievements during that year. The report is also required to report on the activities of the Expert Advisory Council.

The legislation requiring this reporting was passed in 2018. The act was proclaimed in 2018. It is now 2020 and still the minister has not put forward, to the best of my knowledge, any public accountability—
[interjection]

Madam Speaker: Order.

Ms. Naylor: —in this matter. [interjection]

Madam Speaker: Order.

Ms. Naylor: This obstructs my ability as a legislator to hold the Pallister government to account for its actions, or lack thereof.

Very briefly, Madam Speaker, I would like to address the most important issue of privilege as to what an interference is in relation to my parliamentary duties, making this issue a question of privilege.

I refer to House of Commons Procedure and Practice, second edition, commonly known as O'Brien and Bosc, for guidance on this difficult question. At page 111, O'Brien and Bosc wrote: A member may also be obstructed or interfered with in the performance of his or her parliamentary functions by non-physical means. In ruling on such matters, the Speaker examines the effect of the incident or event had on the member's ability to fulfill his or her parliamentary responsibilities. If, in the Speaker's view, the member was not obstructed in the performance of his or her parliamentary duties and functions, then a prima facie breach of privilege cannot be found.

That is from page 11 of O'Brien—111 of O'Brien and Bosc which is the undisputed source of information regarding the appropriate way in which we ought to understand parliamentary privilege in this House, as well as in Houses across the country.

Several comments regarding the comments are in order. The Speaker's view of the matter is, clearly, of

the utmost importance. But, more importantly, interference should not be construed in narrowly physical terms. Interference as understood in a discussion of privilege or contempt will go beyond the mere interference, say, of a member's ability to enter this House. Rather, it will extend to any matter which impedes a member's ability to do this, do their job.

And this type of interference is one that cannot be fully enumerated in advance. As O'Brien and Bosc wrote: It is impossible to codify all incidents which might be interpreted as matters of obstruction, interference or intimidation and, as such, constitute prima facie cases of privilege.

However, some matters found to prima facie include the damaging of a member's reputation, the usurpation of the title of a Member of Parliament, the intimidation of members and their staff, and of witnesses before committees, and the provision of misleading information.

I would emphasize the last point. The most important authorities, arguably, apart from the Supreme Court of Canada, hold that the provision of misleading information constitutes a breach of the privileges of members of this House, and it is clear that this government, its Premier (Mr. Pallister) and its ministers are guilty of the provision of such misleading information.

It must be noted that information which is misleading is not the same as false information. The standard definition of misleading is that a statement or assertion gives the wrong idea or impression. However, it is clear that the partial presentation of information which on its own is not incorrect, can, nonetheless, give the wrong idea to a reasonable observer.

Thus, it bears repeating the standard of the interference of a member's ability to do her job does not require her to show that the government provided false information, only misleading information. This is a weaker test, Madam Speaker, but one which nonetheless infringes the ability of a member to do her job.

* (14:40)

It almost goes without saying, Madam Speaker, that the provision of false information is clearly a case of misleading a member. Thus, if it is established that false information has been put on the record in this House, then this will impede a member in their duty. In this instance, the failure of the government to

provide information as required by legislation misleads this House about the true state of the government's actions and, as such, breaches my privileges as a legislator.

I believe I have presented this matter at the earliest opportunity, as I have given the minister adequate time since the start of the session to place an annual report before the House, and I believe the phrase earliest opportunity must be understood in a reasonable sense. That is, earliest opportunity cannot simply mean the next moment in time in which a member has the ability to speak; this is too simple an understanding of the phrase. Rather, the earliest opportunity must be understood in a holistic or contextual manner. This holism or contextualism will allow for members to consult the relevant authorities, speak with or study various experts on the matter as the case may be, as well as review the evidence that has been compiled on the matter at hand.

This matter I raise concerns the ability of all members to do their job as legislators. More specifically, the matter constitutes a prima facie case of privilege. This interference that I speak of is not in the manner of physical terms. Interference is understood in a discussion of privilege or contempt will go beyond the mere interference, say, of a member's ability to enter this House. Rather, it will extend to any matter which impedes a member's ability to do their job.

The failure of the minister to fulfill her legislated duties has impeded on my ability to adequately perform my parliamentary duty of representing my constituents. As the critic for environment and climate change for the official opposition, I cannot properly advocate for Manitobans regarding climate change when the minister and the Pallister government will not be publicly accountable, as they have promised.

The Pallister government has misled members of this House and all Manitobans to believe they were going to take real measures to tackle climate change. But from all accounts, this government is not taking the issue seriously and they are not living up to their public commitment to account for this.

The timeliness on this issue is relevant, as the IPCC very recently informed the world we have but 12 years left and counting to take serious steps to avert a climate disaster. Unfortunately, months of my duties were hampered because I cannot get fair information from the Pallister government as to what steps, if any, it is taking to seriously address climate change.

My months of advocating on behalf of Manitobans as the critic for this portfolio would be much better served if the Pallister government were accountable, as they promised. Precious months are being wasted as this government distracts from the truth of their record.

There is not much going on to reduce our carbon footprint in this province, but the Pallister government is slow to come to the table and admit that, for obvious political reasons, it would be a political problem for them if they actually reported how little has been achieved these last few years, but violating this legal obligation for public accountability obstructs me from doing my job and holding the Pallister government to account. We need to be implementing measures to reduce emissions and ensure a sustainable future for all Manitobans.

Instead, I face many questions by concerned constituents, including many children and young people in this province. They want to know what steps are being taken to drive down our emissions and be part of a global community that is taking this issue seriously. Many of them know that climate change is the biggest threat to health for Manitobans and for people around the world. I have to honestly answer my constituents that we simply don't know. The government is not being transparent with this as their own legislation requires.

Therefore, because this government is not forthcoming with us and with Manitobans as required by legislation, and because this has impeded on my ability to conduct my duties as a member of this Legislative Assembly, I move, seconded by the member for Union Station (MLA Asagwara) that this matter be moved to an all-party committee for consideration.

Madam Speaker: Before recognizing any other members to speak, I would remind the House that remarks at this time by honourable members are limited to strictly relevant comments about whether the alleged matter of privilege has been raised at the earliest opportunity and whether a prima facie case has been established.

Hon. Jon Gerrard (River Heights): Yes, Madam Speaker, with regard to the matter of privilege which has been raised and with all due respect for the member for Wolseley (Ms. Naylor), this matter of privilege deals with an act not proclaimed and the failure of the government to address climate change. These are important matters, yes, but they are matters which could be the subject of intensive discussion at

the time of the debate on the budget, which we could be proceeding with today if the budget had been introduced yesterday.

I think the member has other opportunities. There are rallies and various other things that could be done. In fact, the member argues that it is—not addressing this is interfering with her ability to do her job. I would argue that the member taking time on this issue is interfering with the ability of all of us to address a global pandemic of 'corvid' nineteen—COVID-19, and that it is really imperative that we all better understand the nature of the epidemic and what it takes for public measures to work.

And I will, in this context, table a graph which looks at the coronavirus cases in Italy, and they have gone in the last 10 days from 1,000 to 10,000 over that short period of time, with a doubling time of 3.1 days. The number of people in intensive-care units has gone from 100 on February 29th to today close to 1,000. That is a lot of people in intensive-care units and it is causing a lot, a lot of trouble. And the number of deaths have gone from the first one—

Madam Speaker: Order, please. Order, please.

* (14:50)

I do recognize the importance of what the member is saying, but I would indicate that he is currently not speaking to the matter at hand on the table. So I would ask him to bring his comments into the matter of privilege specifically that is before us.

Mr. Gerrard: Madam Speaker, the point I am making is that, contrary to the member's assumption that the government has been interfering with her member's ability to get things done, I am arguing that the member is actually interfering with the job of all of us to address the importance of such a critical thing as the COVID-19 pandemic where deaths have gone from none 17 days ago in Italy to almost 1,000. It is a big issue which we need to be dealing with.

Thank you. Merci, Madam Speaker.

Hon. Kelvin Goertzen (Government House Leader): Like previous matters of privilege, this neither meets the timeliness issue, nor the prima facie case issue. It is just an attempt to subvert the rules—the rules, of course, that were agreed upon by the NDP and, I think, actually championed by the former leader, Greg Selinger. It's sad that we've come to the place where Greg Selinger is now the last reasonable leader of the NDP, Madam Speaker.

I would encourage the government to certainly follow the rules as been set out. I wouldn't want my friend, the Leader of the Opposition, to forever be remembered as the leader of an opposition who delayed the Legislature while a pandemic was—and an outbreak, but I suspect that that is how is legacy will be left.

I would like to say for the House, on conclusion, that invent—in the event the budget and the budget speech are not able to be considered by the Legislative Assembly today, Thursday, March 12th, it is the government's intention to bring it forward for consideration in the Legislature on Monday, March 16th.

Madam Speaker: A matter of privilege is a serious concern. I'm going to take this matter under advisement to consult the authorities and will return to the House with a ruling.

MATTER OF PRIVILEGE

Mr. Ian Bushie (Keewatinook): Matter of privilege, Madam Speaker.

Madam Speaker, I rise today on a matter of privilege—

Madam Speaker: Oh, the honourable member for Keewatinook, on a matter of privilege.

Mr. Bushie: Matter of privilege, Madam Speaker.

Madam Speaker, I rise today on a matter of privilege with regard to the Pallister government's misleading information about the Lake Manitoba and Lake St. Martin Outlet Channels project. The Pallister government provided an update on that project just recently, on Monday, and is the first opportunity I have to raise this, after having consulted the necessary texts on this matter.

I believe the phrase earliest opportunity must be understood in a reasonable sense. That is: earliest opportunity. It cannot simply mean the next moment in time in which a member has the ability to speak; this is too simple an understanding of the phrase.

Rather, the earliest opportunity must be understood in a holistic and contextual manner. The holism or contextualism will allow for members to consult the relevant authorities, speak with or study various experts on the matter as the case may well be—as well review the evidence that has been compiled on the matter at hand.

For me to properly represent the First Nation communities of Birdtail Sioux, Oak Lake, Dakota

Plains, Long Plain, Roseau River, Sandy Bay, Sioux Valley, Swan Lake, Waywayseecappo, Dauphin River, Jackhead, Lake Manitoba, Lake St. Martin, Little Saskatchewan, Peguis, Fairford, Garden Hill, Red Sucker Lake, St. Theresa Point, Wasagamack, Barren Lands, Bunibonibee, Fox Lake, God's Lake, Manto Sipi, Northlands Dene, Sayisi Dene, Shamattawa, Tataskweyak, War Lake, York Factory, Berens River, Bloodvein River, Brokenhead Ojibway Nation, Buffalo Point, Hollow Water, Black River, Little Grand Rapids, Pauingassi, Poplar River, Easterville, Grand Rapids, Marcel Colomb, Mathias Colomb, Moose Lake, Opaskwayak, Sapotaweyak, Wuskwi Sipi, Ebb and Flow, Gamblers, Keeseekoowenin, O-Chi-Chak-Ko-Sipi, Pine Creek, Rolling River, Skownan, Cross Lake, Dakota Tipi, Sagkeeng, Nelson House, Norway House, South Indian Lake, Valley River.

The matter of privilege is this: The Premier (Mr. Pallister) has repeatedly stated publicly that delays on the Lake Manitoba and Lake St. Martin outlet channels project are attributable to a new environmental assessment process put in place by the Trudeau government. The Pallister government knows that these delays are actually due to their own incompetence, and their misleading statements are an attempt at misdirection. As such, the ongoing statement of misleading information obstructs my ability to fulfill my obligations in this House.

To support my claim of a violation of privilege, I ask that you consider what an interference is in relation to my parliamentary duties. Making this issue a question of privilege, I refer to House of Commons Procedure and Practice, commonly known as O'Brien and Bosc, for guideline on this difficult and vexed question.

On page 111 O'Brien and Bosc write, and I quote: A member may also be obstructed or interfered with in the performance of his or her parliamentary functions by non-physical means. In ruling on such matters the Speaker examines the effect of the incident or event that had on the member's ability to fulfill his or her parliamentary responsibilities. If in the Speaker's view, the member was not obstructed in the performance of his or her parliamentary duties and functions, then a prima facie breach of privilege cannot be found. That is from page 111 of O'Brien and Bosc, which is the undisputed source of information regarding the appropriate way in which we ought to understand parliamentary privilege in this House as well as in Houses across the country.

Several comments regarding the comments are in order. The Speaker's view of the matter is clearly of the utmost importance, but more importantly, interference should not be construed in a narrowly physical terms. Interference, as understood in a discussion of privilege or contempt will go beyond the mere interference, say, of a member's ability to enter this House. Rather, it will extend to any matter which impedes a member's ability to do their job, and this type of interference is one that cannot be fully enumerated in advance.

As O'Brien and Bosc wrote: It is impossible to codify all incidents which might be interpreted as matters of obstruction, interference or intimidation and, as such, constitutes prima facie cases of privilege.

However, some matters found to be prima facie include the damaging of a member's reputation, the usurpation of the title of a Member of Parliament, the intimidation of members and their staff, and of witnesses before committees and the provision of misleading information.

* (15:00)

I would emphasize the last point: The most important authorities, arguably, apart from the Supreme Court of Canada, hold that the provision of misleading information constitutes a breach of the privileges of members of this House. It is clear that this government, its Premier (Mr. Pallister) and its ministers are guilty of the provision of such misleading information.

It must be noted that information which is misleading is not the same as false information. The standard definition of misleading is that a statement or assertion gives the wrong idea of impression. However, it is clear that the partial presentation of information, which on its own is not incorrect, can nonetheless give the wrong idea to a reasonable observer and, thus, impedes my matter of privilege in this House.

Thus, it bears repeating, the standard of the interference of a member's ability to do their job does not require them to show that the government provided false information, only misleading information. This is a weaker test, Madam Speaker, but none—but one which nonetheless infringes the ability of a member to do their job. It almost goes without saying that the provision of false information is clearly a case of misleading a member.

Thus, if it is established that false information has been put on the record in this House, then this will impede a member in their duty.

In this instance, the Pallister government repeatedly claim that a change in the federal environmental assessment process is impeding work on the Lake Manitoba-Lake St. Martin outlet channel. This is not true and such misdirection impedes my ability to engage in civil discourse on this matter, as misinformation is put on the record. As such, it is a breach of my privileges.

My evidence is as follows: On March 23rd, 2016, the then-opposition leader stood on the banks of Lake Manitoba and pledged to Manitobans that, on his honour, he would complete the channel and he would do so in his first term of office. He mocked necessary consultation as simply coffee parties, and explained that the necessary consultation and environmental assessment processes were already in place for the project to move forward promptly. He further explained that the environmental assessment regime put in place by the Harper government would make the project move forward quickly.

He explained clearly and I quote, I've been part of a government that actually began the process of developing better environmental protections that allow us to expedite the project in a fairer way, without unnecessary delays, but still protecting the environmental interests of our people. So, those processes are more straightforward than they have ever been. This will allow us to move forward more effectively—

Madam Speaker: Order, please.

The member is straying into debate on the issue, rather than specifically saying how these activities have actually interfered with his right as a legislator or his privilege as a legislator. So I'd ask the member to bring his comments back, stay away from the debate, and bring his comments strictly back to what he is trying to put on the table, and that is how these activities breached his right as a legislator.

Mr. Bushie: So, to be clear, when we speak about the consultation process and how the consultation and lack of consultation process has, in fact, impeded my ability in this House, it has impeded by ability because it has not allowed me to share the information, to discuss the information with some of the affected parties: Chief John Clarke, Chief Norman MacKay, Chief Ken Chalmers, Chief Sheldon Kent, Chief Roland Hamilton, Chief Deborah Smith, Chief John

Thunder, Chief Richard Hart, Chief Viola Eastman, Chief Clarence Easter, Chief David Monias, Chief Orville Smoke, Chief Eric Pashe, Chief John Stagg, Chief Wayne Desjarlais, Chief David Crate, Chief Billy Beardy—

Madam Speaker: Order, please.

I would just indicate to the member that reading out a list does not point to his breach of privilege, and I would indicate that in what he is doing right now is not speaking to his alleged breach of privilege.

So, again, I would remind the member that what he needs to be putting forward is what he feels that breach of privilege is and indicate to him that reading out a list of names does not meet the threshold for explaining his position.

Mr. Bushie: Thank you, Madam Speaker.

I list the names of the communities and their leadership that was—the lack of consultation happened in that case, and I think it's important to list the communities as individual communities, their leadership as individual leaders because they are just that. They are important processes where we're not all painted with the same brush and all communities are not looked at the same.

So, very briefly, Madam Speaker, the House needs to understand that the Lake Manitoba, Lake St. Martin is still being considered as a set of consultation and environmental assessment rules as existed back then. The Environmental Assessment Agency of Canada has explained to us that this project is grandfathered under the rules as they existed before the Trudeau government was even elected.

Just one local reporter, Dylan Robertson, has caught on and reported appropriately on this deception, saying that the Premier (Mr. Pallister) has also falsely claimed on numerous occasions the project falls under bill C-69, a controversial infrastructure law that beefed up scrutiny on expanding pipelines, dams and ports. He repeated this claim in a Globe and Mail opinion piece, yet the channel outlet falls under the 2012 regime as noted numerous times in Manitoba Infrastructure's own submission to the regulator. And this lack of information, Madam Speaker, is what impedes my right and ability to perform my duties in an efficient and respective matter as a matter of privilege.

Madam Speaker, the Premier is willing to misrepresent the nature of environmental assessment rules and his obligations to meaningfully consult with

First Nations. He's willing to do so repeatedly to local media, in this House, in opinion pieces and in national media. His mantra is that if he repeats it enough times, it'll become true. But, again, as a matter of privilege, I have not had my ability to do my due diligence on this matter and represent the people that I've selected here to represent.

So, as I mentioned, his mantra is that if he repeats it enough times, it will become true; but it will not. His attempts at misdirection and his cavalier attitude to the norms of this House stifle debate on these issues and violate my privileges. We should make all attempts to be factual, truthful about the nature of the obligations of the Crown.

Madam Speaker, I will not burden you with the consideration of why the Premier might follow such misguided approach in communicating on this issue. However, I will end with this.

After promising to get this project done by now, he has not moved one spade of dirt—

Madam Speaker: Order, please. Order, please.

The member, I would respectfully say, is moving into debate again and that is not the intent of a matter of privilege. The member has to very specifically say where he feels his privilege is breached, and right now he is moving into more debate on that issue.

So I would ask him—again, I said earlier, matters of privilege should be clear, they should be brief and then the member should get strictly to his motion on the floor. And so I would ask the member to avoid the debate and stick strictly to his breach of privilege and, if possible, move into his motion.

Mr. Bushie: Just to clarify two different things before I result to my motion: consultation, clearly defined: c-o-n-s-u-l-t-a-t-i-o-n. It's not consideration. It's consultation, and my communities and the people that I'm selected here to represent ask for that.

* (15:10)

Therefore, as a result of this action of this government and the matters of privilege that I raise here today, I move, seconded by the member from St. Johns, that this issue be immediately referred to a committee of this House.

Thank you, Madam Speaker.

Madam Speaker: Before recognizing any other members to speak, I would remind the House that remarks at this time by honourable members are limited to strictly relevant comments about whether

the alleged matter of privilege has been raised at the earliest opportunity, and whether a prima facie case has been established.

Hon. Kelvin Goertzen (Government House Leader): Madam Speaker, like previous matters of privilege, there is no prima facie case, and it has not been raised at the earliest opportunity. It's a continuation of the opposition ignoring the rules of this House and not wanting to allow the business to happen at a time when it should certainly happen for the comfort and security of Manitobans.

Hon. Jon Gerrard (River Heights): Madam Speaker, this is a matter that has been known for some time. I certainly agree that there is a major problem with the approach of this government to consultations and to dealing with the outlet from Lake Manitoba to Lake St. Martin, and that from Lake St. Martin to Lake Winnipeg.

However, I would argue that we have a very pressing situation and that the member is actually interfering with the job of other MLAs and being able to debate and discuss the COVID-19 pandemic. From Italy today, tons of patients with moderate respiratory failure that over time deteriorate to saturate ICUs first, and NIVUs and CPAP hoods and even oxygen. Staff get so sick, so it's difficult to cover for shifts, mortality spikes, also from other causes that can't be treated properly. This is a major issue; we have to deal with it. We must deal with it now. That's what I put forward, Madam Speaker.

Merci, miigwech.

Madam Speaker: A matter of privilege is a serious concern. I'm going to take this matter under advisement to consult the authorities and will return to the House with a ruling.

MATTER OF PRIVILEGE

Mr. Jamie Moses (St. Vital): A matter of privilege, Madam Speaker.

Madam Speaker: The honourable member for St. Vital, on a matter of privilege.

Mr. Moses: I understand it's been a challenging day, so I just wanted to make my matter of privilege statement here, and as I've outlined, I will try to demonstrate that it is a matter of privilege; it's a prima facie case as well that it's being raised at its most timely manner.

So I will begin by stating that this is a prima facie case of privilege because the government has failed to

call the Standing Committee on Crown Corporations for consideration of Efficiency Manitoba's annual report.

The issue of timeliness is clear that a matter of privilege must be raised at its earliest opportunity. This doesn't require that a privilege be raised in—at a certain period of time, but that it's immediately following event of happening but rather that timeliness is the best test to indicate.

Now, to put this into context in terms of timeliness, we do believe that we should as members have time to consult relevant authorities, to speak with or study experts and what they've said on these matters so that we can properly be prepared to speak on that matter at hand.

And at its essence is the most essential part to determine timeliness or, rather, the earliest opportunity has been met—you know, really a thorough review of the evidence will not only determine for myself or a particular member whether they reasonably ought to believe a matter of privilege has been raised. That is, if there is a prima facie case for believing that a member of this Chamber's privilege has been breached, but it will also form the basis of any ruling or judgment regarding that matter.

Now, Mrs. Speaker, I will say that as a result the acquisition of correct and accurate information by members must be taken into consideration in the determination as to whether or not the member has brought their concern in a timely fashion. Thus, the question of reasonableness is not fully objective in the sense there is a fixed or proper amount of time for the bringing forward of privilege to this House.

The question will depend both on objective facts, such as whether the information is forthcoming, available, comprehensive. Neither is the question fully subjective, however. It cannot be a question of speed of each individual member or their willingness to expand the time to investigate a matter to determine whether a matter of privilege has been brought to this House in a timely fashion. It is properly understood as an intersubjective standard, Madam Speaker, a standard that must reflect the true capabilities of members to acquire information and bring it forward to this House with the demands that the House may reasonably make of all members—all members—to bring forward matters at the earliest opportunity.

The question of timeliness is then best understood as contextual, as I earlier stated. This digression

helps understand the timeliness question with respect to the matter that I'm bringing forward today.

Now, Madam Speaker, the—crime—Crown Corporations Governance and Accountability Act, which, as we know, oversees all Crown corporations to ensure continuity and accountability on all of our beloved Crown corporations to have, it states the following: that when an annual report of a corporation is laid before the Assembly—the Legislative Assembly—that is, section 10(2), tabling reports in the Assembly, that the responsible minister must table a copy of each annual report referred to in section—in subsection (1) in the Assembly within 15 days after receiving if the Assembly is sitting or, if it is not, within 15 days after the sitting begins. The annual report, subject to any other act, then stands permanently referred to the Standing Committee on Crown Corporations of the Legislative Assembly, unless the Assembly otherwise orders. That's directly from The Crown Corporations government—Governance and Accountability Act.

* (15:20)

Now, the prima facie case centres around this: the Standing Committee on Crown Corporations of the Legislative Assembly has not been called to consider Efficiency Manitoba's 2019 annual report, which raise alarming concerns, Madam Speaker, especially following the release of their three-year plan this past fall. This government's failure to call the standing committee of Crown corporations to consider Efficiency Manitoba's is unacceptable and impeding on my ability to conduct my duties as an elected member to this Legislature and on behalf of my constituents. Now, this is a prima facie case of privilege because, as members, it is our privilege to ask questions of our Crown corporations to ensure that they are being managed efficiently and equitably.

I know that, as I consult with many members around my community and around the province, I am asked many questions about the governance of our government departments, agencies, Crown corporations, including Efficiency Manitoba. And, as I have these conversations, Madam Speaker, I do earnestly wish to share the progress, to provide any relevant updates or standings of any organization, Crown corporation, organization, agency, so that I can best represent my constituents and the province. And through these conversations there has been a very serious lack of information surrounding the ongoings of Efficiency Manitoba.

Now, it is clear that Efficiency Manitoba, as one of the newest Crown corporations in our province, deserves its due diligence in information-sharing so that all Manitobans can properly understand and reflect on the ongoing activity of Efficiency Manitoba. And, through my conversations, I have been—my—rather my ability to perform as an elected member has been impeded because of the lack of information and the refusal of the government, the failure of the government to call the Standing Committee on Crown Corporations of the Legislative Assembly to consider Efficiency Manitoba's 2019 annual report.

Marleau and Montpetit's House of Commons Procedure and Practice clearly defines privilege as the rights and immunities that are deemed necessary for the House of Commons as an institution and its members as representatives of the electorate to fulfill their functions. Reference may also be made to J.D. Bourinot, parliamentary procedure and practice on the Dominion of Canada, fourth edition, 1916.

It is obvious that no legislative assembly would be able to discharge its duties with efficiency or to ensure its independence and dignity unless it had adequate powers to protect itself and its members and officials in the exercise of their functions.

The British joint committee report adopted a similar approach: Parliamentary privilege consists of the rights and immunities which the two houses of Parliament and their members and officers possess to enable them to carry out their parliamentary functions efficiently.

Without this protection, members would be handicapped in performing their parliamentary duties and the authority of Parliament itself in confronting the executive and as a forum of expression—for expressing the anxieties of citizens would be correspondingly diminished. While much latitude is left to each house of Parliament, such a purposive approach to the definition of privilege implies important limits.

Mr. Doyle Pivniuk, Deputy Speaker, in the Chair

Now, all of these sources point to the direction of a similar conclusion: that in order to sustain a claim of 'parliamentary' privilege, the Assembly or member seeking its immunity must show that the sphere of activity for which privilege is claimed is so closely and directly connected with the fulfillment by the Assembly or its members of their functions as a legislative and deliberative body, including the

Assembly's work in holding the government to account. That outside interference would undermine the level of autonomy required to enable the Assembly and its members to do their work with dignity and efficiency.

* (15:30)

Now, I have experienced that issue in speaking directly with my constituents. I have had many conversations that have directly been impeded by the lack of information provided by the standing committee of the Legislative Assembly on Crown corporations because they have had a failure to present Efficiency Manitoba's 2019 annual reports.

I have travelled to various parts of the province, and this question has come up with many constituents that have not only spoken directly with me, but also through my constituency office, and this is directly impeding my ability as an elected official.

Now, I do want to highlight a specific point made by Marleau and Montpetiss—[interjection]—Montpetit—thank you from my fellow member—that in order to sustain a claim of parliamentary privilege, the Assembly or a member seeking its immunity must show that the sphere of activity to which the privilege—

Mr. Deputy Speaker: Order. I would encourage the member to bring his remarks back to the matter of privilege and not be debating other issues. Submissions regarding privilege should be clear, concise, and should conclude with a motion.

I would ask the member to focus his remarks as I would outline and to move his motion.

Mr. Moses: Mr. Deputy Speaker, thank you for the guidance. I will summarize my comments. I do, clearly, though, want to illustrate for you why my—why I'm standing up for privilege by both demonstrating that I am bringing this forward in a timely fashion and that it is truly a prima facie case that my privileges are being infringed upon.

And so let me be clear with this, Mr. Deputy Speaker, that the government's failure to call the Standing Committee on Crown Corporations is limiting my ability to fulfill my function to hold the government to account with the management of our Crown corporations.

The Pallister government has established a pattern of lack of information with our Crown corporations. We have often seen this with Manitoba

Hydro, and again, with MPI, and now, with Efficiency—

Mr. Deputy Speaker: Order. I appreciate the member's points, but he has already made this point and it's not necessary to repeat himself.

Mr. Moses: Mr. Deputy Speaker, I will look now at—directly at the issue for which I am standing today, and that is Efficiency Manitoba and the lack of their 2019 annual report—have not been presented, and the Minister of Crown Services (Mr. Wharton) has stopped Efficiency Manitoba from submitting their three-year management plan for all Manitobans who are owners of this corporation. Now, that is also a very important part of why I'm standing here, because without that three-year management plan for Efficiency Manitoba, I am lacking in my ability to communicate with constituents on the ongoing, the business of Efficiency Manitoba which, as we know, is owned by all Manitobans. My constituents have asked me about this, and I wish to be able to communicate more clearly and more directly and concisely with them in this regard. Failing this annual report being presented to the standing committee, it is directly impeding on my ability as an elected official. The minister undermined the oversight role of the PUB in this process because the minister was supposed to approve the plan after the PUB reviewed it.

Now, Mr. Deputy Speaker, this is also tied into the House, how the government has misled Manitobans on their actions regarding climate change, as Efficiency Manitoba plays a large role in—

Mr. Deputy Speaker: Order.

Again, I want to—respectfully, the member has these points already. I would encourage the member to conclude and to move on his motion.

Mr. Moses: So I have outlined clearly for you why this is a prima facie case, and I am not sure if—clearly—of whether or not the—Mr. Deputy Speaker understands the timeliness of this. That I, after consulting, clearly, with the experts on this issue, I have been able to clearly understand now, and which is why I am bringing this forward up today.

It is only reasonable that we are given the opportunity to consult with experts and consult with the ability—with the knowledge holders on various issues, specifically with Efficiency Manitoba and the lack of their 2019 report being brought forward to the standing committee of Crown corporations, but also with experts on parliamentary procedure so that

we are able to do our job both effectively in this Chamber as legislators, but also as community leaders and representatives. And it is in that role as a representative and a leader in my community where the information that has not been presented by the standing committee is impeding on my role. And after having the chance to fully understand and reflect on the impacts and the effects that this has had on myself as a legislator, I have brought this forward here today.

I know that this issue is one that many Manitobans care about and I know that my ability to communicate this with Manitobans has directly been impeded by this government's failure to call the standing committee and—of Crown corporations—and call Efficiency Manitoba to bring the 2019—

Mr. Deputy Speaker: Order.

I understand that the member is new to the House, but I am respectfully asking him again, the member to conclude his remarks and move his motion now. I would remind him to not to reflect on the authority of the Chair.

Mr. Moses: Appreciate that, Mr. Deputy Speaker. Thank you very much. Thank you for acknowledging that I am new in the Chamber and still understanding the processes.

I will like to heed the advice of Mr. Deputy Speaker and arrive shortly at the conclusion of my comments regarding matter of privilege.

* (15:40)

I will say that, just to conclude my one comment about the issue and the impact that the lack of this annual report being presented, has an impact not only on Manitobans' ability to understand the role that Efficiency Manitoba plays, but also that, because it has an emission-reducing capacity in its organization, many Manitobans who are concerned with the rising CO₂ levels across the globe and in our province, are clearly concerned with the role that Efficiency Manitoba's playing, and that's why so many are eagerly awaiting the annual report from 2019.

And my lack of ability to communicate that report is impeding my ability. We know that CO₂ levels are rising around the globe, and that's why people are asking about this report, and it is only my role as a legislator—

Mr. Deputy Speaker: I just want to remind the member he—you're repeating yourself over and over,

and I would conclude that you've come to move the motion.

Mr. Moses: Thank you, Mr. Deputy Speaker.

So I will conclude my comments now by therefore saying that, as a result, I will move a motion that, therefore, as a result of the actions of the Minister of Crown Services (Mr. Wharton) and this government, that I move, seconded by the member from The Maples, that this government be immediately—that this issue be immediately referred to a committee of this House.

Mr. Deputy Speaker: Before recognizing any other members to speak, I would like remind the House that remarks at this time by honourable members are limited to strictly relevant comments, but rather to—the alleged matter of privilege has been raised at the earliest opportunity and whether a prima facie case has been established.

Hon. Kelvin Goertzen (Government House Leader): Like all the previous matters of privilege, it neither meets the test of earliest opportunity or a prima facie case. This is a continuation of the opposition—or the opposition just wanting to break the rules, not follow the rules. At a time when the world is looking for leadership, is looking for stability, is looking for mature adults to actually step forward and lead in a responsible way, the opposition is showing that they are nowhere close to fulfilling the requirements that the public is looking for, Mr. Deputy Speaker.

Mr. Deputy Speaker: The honourable member for River Heights, on the same point of privilege.

Hon. Jon Gerrard (River Heights): Yes, member's point of privilege deals with Crown Corporation Efficiency Manitoba, its annual report and the fact that we haven't had a standing committee meeting, and all these are important. I suggest, Mr. Speaker, though, that there's a matter of relative importance and relative timeliness, and in this context I want to bring the attention of the House to the fact that there is a very timely matter.

At the moment, we are dealing with a pandemic. The lifeline that has been offered by the government is through Health Links, and, unfortunately, Health Links has been down for at least an hour this afternoon; it may still be down. Last time my staff checked, which was recently, it was down. It is very difficult to—for people to deal with an epidemic if their lifeline is gone, and this clearly needs urgent and timely attention by the government. And I would

recommend that the Minister of Health look after this very quickly because of the importance of this.

Clearly, if a government has trouble maintaining a lifeline for people during an epidemic, then it is a government which is not doing its duty. So I will table the instructions that the Minister of Health and his government is providing to people to use the lifeline of Health Links-Info Santé and, unfortunately, that has been a problem. And this clearly needs the attention, and is why we need to be able to ask questions of the government, and we need to be able to have a debate on the pandemic COVID-19.

Thank you. Merci.

Mr. Deputy Speaker: A matter of privilege is a serious concern. I'm going to take this matter to—under advisement and—to consult with authorities, and will return to the House with a ruling.

MATTER OF PRIVILEGE

Mr. Matt Wiebe (Concordia): On a matter of privilege.

Mr. Deputy Speaker: On a matter of privilege, the honourable member for Concordia.

Mr. Wiebe: I do appreciate the opportunity to rise. I do have a very important, significant issue that I would like to raise as a matter of privilege in this House. I think it's something that all members should pay very close attention to, and it is something that I think all members, certainly, on this side of the House feel is an important matter of privilege.

But, before I begin my more formal remarks, Mr. Deputy Speaker, I'd simply like to point out that the member for River Heights (Mr. Gerrard) now has, for the past number of matters of privilege that he had the opportunity to speak to as the House Leader for the independent members of the House, has put some—what I feel are pretty relevant facts on the record here in the House.

They certainly speak to what I believe is a fairly important issue that Manitobans are quite concerned about. I certainly know in my constituency that I've been hearing from constituents who are asking for information. I know that the—as the—our Opposition House Leader mentioned very clearly that the Minister of Health has the opportunity, at any point, to step out in the hallway and make a statement about the COVID-19 response here in Manitoba, and I do hope that he has in fact done that. In course, his entire department at his disposal to have the facts and deliver those in a way that is best delivered to Manitobans.

But what I wanted to mention here today is that now, multiple times, the member has stood up and has brought forward what I—you know, I presume, given his background and the way that he takes his job very seriously, the member for River Heights has brought forward important documents and important information here in the House. And so it is curious to me that it's the member for River Heights rather than the Minister of Health or even the Government House Leader (Mr. Goertzen) with the information at his disposal, not bringing that forward, and not giving us the information—

Mr. Deputy Speaker: I would just—order.

I would just remind the member that—identify the nature of the matter of privilege.

Mr. Wiebe: Well, and certainly, Mr. Deputy Speaker, as I said, I know that a matter of privilege is an important matter.

I would simply argue at this point, in my comments, where I have barely begun to explain why I am standing on matter of privilege, it would be difficult for any member of this House, or any speaker, to, you know, to give me any kind of indication as to whether this matter of privilege meets the two most important elements of a matter of privilege; in this case, timeliness and a prima facie case that is brought forward here.

That being said, I do—as I said, I have more formal remarks, which I think will help clear the issue and will bring this back to the most relevant points, but I simply wanted to point out that now we've had this information delivered informally in the House when the members who are most able to deliver that are sitting here unwilling to do that. Likewise, documents have been tabled that have been disseminated to all members and presumably are then public, and yet we have yet to see the budget come forward.

Mr. Speaker, the issue that I rise on today, the privilege that I feel has been taken advantage of, and my privilege as a member, which has not been respected, is a matter of privilege because it meets those two most important tests that we see here for matters of privilege in this House.

* (15:50)

Firstly, of course, is the issue of timeliness and whether this issue was brought forward here today—*[interjection]*

I think the advice is six feet away, Mr. Deputy Speaker. I think we're further than that, so I feel quite

comfortable, but I hope everything—I hope—wish you all the best and hope everything is fine with you and with all members here in the House.

An Honourable Member: I notice you're giving him a wide berth.

Mr. Wiebe: Very wide berth for all members, I think, today, and for going forward.

Mr. Deputy Speaker, as I said, timeliness is the most important of the tests, or at least one of the tests that is most important when bringing forward this particular matter of privilege.

Secondly, of course, does a prima facie case of privilege exist? And I believe that in my very brief remarks here this afternoon that I will make abundantly clear that I believe, certainly, that my privileges as a legislator—Legislature—legislator and those of other legislators in this House have been, in fact, impeded in this case, I believe, by the minister of Crowns and the use of what we see as very clearly a politically motivated commission of inquiry and as well as the Pallister government's abuse of power in financially rewarding their political associates for what is virtually no work.

So, first, as I said, Mr. Speaker, because I do want to adhere to the direction given by our illustrious clerks and follow the rules of this House and, in this case, the way that I would like to do that is to address the—one of the most important issues, and that is the timeliness of this issue.

Now, it is certainly true that our caucus recently—very recently, learned of the background to this particular matter of privilege, and that is that the Pallister government paid a former BC premier, Gordon Campbell, over \$600,000 over a period of just a few months, and further to that, Mr. Deputy Speaker, that there was no ability by this government to be able to show that any actual work had been completed.

So, once I heard that, once this information was disseminated to our caucus, that is certainly when we began considering how we can bring this forward and how we can bring forward that deep concern that we have with what we see as a very clear abuse of—this government's abuse of our privileges here in the House.

Now, I would concede, Mr. Deputy Speaker, that, in this case, earliest opportunity may not have been the absolute earliest opportunity that myself, as a member, would have had to bring this forward here in the House. However, and this is the key point that I

believe many members of our caucus have been making, and that is that earliest opportunity is to be understood in a reasonable sense.

Now, you know, we've gone back and we've looked through the Hansard of this place. We've gone back, we've looked through the records of other legislators—legislatures around or across the country and around the world, and we've tried to understand how this real-world application of this test could be seen in a realistic and in a reasonable sense.

Now, I—you know, I'd like to bring some background to that and so I give some context to that, because I think this is where this particular phrase, which was laid out at a time when the world certainly, I would suggest, looked very different, the roles of legislators looked very different.

You know, I look around the Chamber right now and, you know, I see—maybe I can't comment on this, but I, you know, I see a lot of people using electronic devices. That's okay. I see a lot of people using their electronic devices because it is an incredible tool that we have to get information and to share information, and it sounds like the Minister of Health might have that update I've been talking about. It might have just come through on his electronic device I was just talking about. I'd be happy to cede some times to ask for leave, maybe even to have the Minister of Health give the House that update that we've been asking for and suggesting that he could give literally at any time. It sounds like maybe the House leader will step in and do that, and I'd be very, very happy if he would do that. He could stand up at any time, give information to the people of Manitoba that they're asking for while, at the same time, understanding the important matter of privilege that I'm bringing forward here today.

Mr. Deputy Speaker, I know that the member for Steinbach (Mr. Goertzen) certainly understands how important matters of privilege are. I know he sat for many years in opposition. Now, it was a little bit easier back then, I think, to—for some of the tactics that were used by the opposition at that time. You know, not to suggest that things were easy when we had House leaders like Mavis Taillieu in the House and others, but I will say that there were certain rule changes that have come into effect which I certainly know he appreciates how the role of the—

Mr. Deputy Speaker: Order.

I would like—I would encourage the member to bring his remarks back to the matter of privilege and not be debating on other issues.

Mr. Wiebe: That is very good direction from you—

An Honourable Member: Point of order.

Point of Order

Mr. Deputy Speaker: Point of order, on—the honourable member—the honourable Minister of Health, Seniors and Active Living.

Hon. Cameron Friesen (Minister of Health, Seniors and Active Living): I rise on a point of order to respond to something that the member for River Heights (Mr. Gerrard) just recently put on the record.

The member for River Heights, in his comments in response to the point of privilege, indicated that he was saying that the Health Links website and the Health Links phone line was down for one hour.

Mr. Deputy Speaker, we are frustrated today because this day I was to give a ministerial statement in the Legislature to all members and, indeed, to all Manitobans to update them on the status of the—Manitoba's response to COVID-19, and today is a very important day in the development of this threat to Manitobans. Today was the day in which we had our first presumptive positive case confirmed by Cadham lab.

Mr. Deputy Speaker, yesterday the World Health Organization declared a pandemic and, just now, the member for River Heights made a statement which is not accurate. He made the statement that the website is down. I have no information that the website is down.

I regret today that the NDP is blockading our ability to provide good information to Manitobans. Now, I would want to commend the member for River Heights because he is not wrong as he continues to say to the NDP party that this stunt that they continue with is keeping Manitobans from the important debate on COVID-19. And with that member I side with him on that issue. But I would caution that member not to put information on the record that is knowingly misleading, and I would ask for your ruling and your support on that statement.

Mr. Deputy Speaker: Order.

I just want to remind the member—the honourable Minister of Health, that it's not a point of order; it's actually a—it's—you're—it's going into the actual debate

of—debating here. So the actual—it's debate of facts, and so it's not a point of order.

The honourable member for Concordia, on the same point of order?

Mr. Wiebe: On the same point of order, Mr. Deputy Speaker.

Mr. Deputy Speaker: The honourable member for Concordia, on the same point of order.

Mr. Wiebe: And I just want to recognize that I think some of the information that's been shared has been helpful. I'm glad to hear that the Minister of Health has now found his voice here in this Chamber. It sounds like he was able to give part of his ministerial statement—*[interjection]*

Mr. Deputy Speaker: Order.

Mr. Wiebe: —just now. I encourage him to stand up—*[interjection]*

Mr. Deputy Speaker: Order. Order. Order.

Points of order should not be used as debating, and we want to go back to—anybody else want to discuss on the point of—same point of order?

The honourable member for River Heights, on the same point of order?

Hon. Jon Gerrard (River Heights): Yes, on the same point of order. A clarification: It's not the website that was down, it was the phone line which people can't get through on because there's just such a busy signal. It's obviously not working, and people can't get through because there's not enough staff and phone lines there.

Some Honourable Members: Oh, oh.

Mr. Deputy Speaker: Order.

I just want to remind members of the House that the—that a point of order should not be used as—for debating. So I'm going to go back to the same point of privilege.

An Honourable Member: Point of order.

Mr. Deputy Speaker: The honourable member for St. Johns, on a new point of order?

Ms. Nahanni Fontaine (Official Opposition House Leader): In response to the original point of order.

Mr. Deputy Speaker: I just want to remind all members that I already ruled on the point of order. If this is going to be a new point of order—okay.

Mr. Deputy Speaker: The honourable member for Concordia, on the point of privilege—matter of 'pilverage'.

* (16:00)

Mr. Wiebe: I, once, again, appreciate your direction on this because, as I said, I do have an important matter of privilege that I do want to make sure that we have the opportunity—that I have the opportunity to read into the record and move as a motion. *[interjection]*

And I also appreciate, as I said, that all of a sudden, we have a little bit more information here. I encourage, as I said, the ministers opposite, the House leader, to stand up, to give us that information.

You know, we stood united as a legislator—Legislature to pass an emergency piece of legislation to enable funds to, you know, adequately deal with the COVID-19 situation here in Manitoba.

That was an example of where we stood together, where the opposition stood with the government to make sure that the crisis was dealt with, and yet now, it sounds like that sort of co-operation is not forthcoming from the government.

Now, as I said, Mr. Deputy Speaker—*[interjection]*—and I apologize. I feel like, you know, the comments that are coming across the way sometimes goad me into getting off track from delivering this very important matter of privilege. You know, I'm not one to respond, generally, to some of the heckling that happens in this House, but at other times, I do get sucked into that. So I will—

Mr. Deputy Speaker: I remind the member to get back on the point of—matter of privilege, and he's going beyond the matter of privilege, okay.

The honourable member from Concordia.

Mr. Wiebe: Exactly, Madam—Mr. Deputy Speaker. I do need to focus and to get back on track, so that is exactly what I hope to do here.

So, as I said, this issue of earliest opportunity must be understood in what we're calling a reasonable sense, but what I think is essentially a test that, you know, under modern circumstances with modern communications and modern flow of information, is simply different than what was considered in the past.

So it can't simply mean the exact moment that a member may, you know, get the information and be able to deliver that or have that ability to speak because it's too simple of an understanding of that

phrase. If I get a piece of information on my phone, I may have the opportunity, as a member, to stand up, you know, that day or that moment, I should say, in question period.

However, it wouldn't have given me the proper amount of time to disseminate the information, make sure the sources are clear and make sure that I have a good grasp on the information before delivering it here to the House.

So that's where we ask for some understanding on the part of the Speaker and of the clerks in this case, that there is some—what, you know, what I would maybe call wiggle room to make sure that we have that information delivered in a proper way, and that's where we're going with the idea of timeliness.

So, timeliness, I believe, has evolved and changed, and as members, we're bringing it forward at the earliest opportunity to bring it forward in a way that furthers the debate in a constructive way, and that's what we're really trying to do here today.

On the matter of privilege itself, the Supreme Court, in this case, gives us what we believe is helpful guidance that we ought to consider here as to whether or not a question of privilege exists.

It is an important decision. It is known as Vaid—I don't know if I'm pronouncing that right, Mr. Deputy Speaker, hopefully the good folks in Hansard will be able to decipher what I'm talking about, but the decision is known as Vaid, and it's Justice Ian Binnie who was writing for the court, the Supreme Court of Canada, that is, who found that, quote: Legislative bodies created by The Constitution Act, 1867—*[interjection]*—I'm glad that the Government House Leader (Mr. Goertzen) is helping me get the dates right and getting the words right.

He's a very smart person. That's why I think he understands very clearly the work that I'm doing here. *[interjection]* Absolutely, and as I said, in opposition, I think he, you know, that we—well, we had a certain term for the kind of filibuster that he brought forward as a member in the opposition. I won't share it here, but I think it was always offered in a very respectful way and we know that we respect all members in the House.

So, the year of that Constitution Act was—

An Honourable Member: Eighteen sixty-seven.

Mr. Wiebe: Mr. Deputy Speaker, 1867. Thank you to the Government House Leader. *[interjection]* Sorry, I will start the quote again because I got off track again.

Mr. Deputy Speaker, I appreciate the guidance here.

Quote, Legislative bodies created by the Constitution Act, 1867 do not constitute enclaves shielded from the ordinary law of the land. End quote.

No, sorry, the quote continues. I believe the quote continues.

The framers of that—of the Constitution and the Canadian parliamentarians, in passing the Parliament of Canada Act, thought it right to use the House of Commons at Westminster as the benchmark for parliamentary privilege in Canada.

Accordingly, Mr. Deputy Speaker, to determine whether a privilege exists for the benefit of the Senate or of the House of Commons or their members, a Court must decide whether—

Mr. Deputy Speaker: Order. Order.

The member is straying from the matter of privilege. I would 'concur' him to concisely conclude his matter of privilege and move on to the motion.

Mr. Wiebe: Well, thank you very much, Mr. Deputy Speaker.

Now, I do have the rule books that we have consulted. We have judgments that have come forward from the Supreme Court of Canada. I do believe that these are very relevant, and certainly quite clear in building the case that we need to make, in order to support this particular matter of privilege. We do hope that the Speaker will be able to rule today on this particular matter of privilege.

So, I want to make sure that we give all of the information that's necessary here. So, that is in fact what I am attempting to do.

So, as I said, and I won't read the quote again, but I will say that the framers of the Constitution, the Canadian parliamentarians, in passing the Parliament of Canada Act, thought it right to use the House of Commons at Westminster as the benchmark for parliamentary privilege in Canada.

Accordingly, to determine whether a privilege exists for the benefit of the Senate or House of Commons or their members, a Court must decide whether the category and scope of the claimed privilege have been authoritatively established in relation to our own Parliament or to the House of Commons at Westminster.

So—sorry, if so, the claim to privilege ought to be accepted by the Court.

Madam Speaker in the Chair

However, if the existence and scope of a privilege have not been authoritatively established, the Court will be required to test the claim against the doctrine of necessity, the foundation of all parliamentary privilege. In such a case, in order to sustain the privilege, the Assembly or member seeking its immunity must show that the 'spheract' of activity for which the privilege is claimed, is so closely and directly connected to the fulfillment of the Assembly or its members, of their functions as Legislative and 'deliberate' body, including the Assembly's work in holding the government to account, that outside interference would undermine the level of autonomy required to enable the Assembly and its members to do their Legislative work with dignity and efficiency.

And this, Madam Speaker, is the key point which speaks to how this matter of privilege has directly impeded my ability as a member to perform my duties which my constituents have duly elected me to be here to represent. This is a key point.

Marleau and Montpetit, editors, House of Commons Procedure and Practice in 2000, defined privilege in this case related to what I was just describing, as, quote, the rights and immunities which are deemed necessary for the House of Commons as an institution, and its members, as representatives of the electorate, to fulfill their functions. End quote.

* (16:10)

Reference may also be made to J. G. Bourinot—did I say that right? That's Bourinot?

An Honourable Member: Say it again?

Mr. Wiebe: J. G. Bourinot, Parliamentary Procedure and Practice in the Dominion of Canada. For those intrepid clerks following along at home, fourth edition, 1916—my favourite edition, I will just say. It's obvious that no legislative assembly would be able to discharge its duties with efficiency or to assure its independence and dignity unless it had adequate powers to protect itself and its members, and as well, and I—included in this is the officials who may be asked to exercise their duties and their functions.

The British Joint Committee Report adopted a similar approach. Parliamentary privilege consists of the rights and immunities which the two Houses of Parliament and their members and officers possess to enable them to carry out their parliamentary functions

effectively. Without this protection, members, we believe, would be severely handicapped in performing their parliamentary duties and the authority of Parliament itself, in confronting the executive as a forum for expressing the anxieties of citizens, would be correspondingly diminished.

While we know, Madam Speaker, that there is much latitude that is left to be decided by each House of Parliament, such a propulsive approach to the definition of privilege implies that there are important limits. All of these sources, all point in the direction of a similar conclusion, and that is in order to sustain a claim of parliamentary privilege, the Assembly, or the member, in this case, seeking its immunity, must show that the sphere of activity for which privilege is claimed is so closely and directly connected to the fulfillment by the Assembly or its members of their functions as a legislative and deliberative body, including the Assembly's work in holding the government to account, that outside information-interference would undermine the level of autonomy required to enable the Assembly and its members to do their work with dignity and efficiency.

And that, Madam Speaker, is, I believe, the most key point—that we, as members, gather here in this Chamber and seek out to do our work with dignity and efficiency and, in this case, are being impeded in doing that by the actions of this government.

You know, while we gather here, while we look to debate these issues, while we look to get more information, we are at every turn not given the information that is required in order to do our work as important legislators here in this province, and certainly that is why every single member of this Chamber was elected—was to bring those concerns forward and be effective and be useful here in the Legislature on behalf of their constituents.

So in this case in particular—and this is what we feel is important in this particular matter of privilege—is that the Pallister government has abused the use of a commission of inquiry directly to impede my rights and my privileges as a legislator in this Chamber.

Upon taking the government and becoming—forming government, the Pallister government commissioned a sole-sourced, \$4.5-million study of a—by an American consulting firm which rehashed some of the same material that had been studied and restudied by the Public Utilities Board for over a decade. So the government looked to undermine Hydro's own development plan, looked to undermine Bipole III, looked to undermine the Keeyask dam and the

Crowns minister literally defamed the corporation and incorrectly claimed that the corporation was bankrupt. That is what the minister was willing to go out to the public and say.

Of course, we know, Madam Speaker, that the financial projections for the corporation are healthy and, as a result of this development plan, have improved, in fact, compared to the modelling that was presented to the Public Utilities Board through needs-for-and-alternatives-to process.

In other words, Madam Speaker, the Pallister government has already demonstrated in its own modelling that the case for these projects has improved, not declined, as they're so desperate to claim, but, of course, these are inconvenient facts for this government and they took the unusual step of convening a commission of inquiry into the Hydro's development plan.

This is a very serious matter. At the time the government attempted to divert attention from what it was doing by calling this commission an economic review, but we know, of course, that it was no such thing at all.

Through the press release that was released at that time, it made passing reference to the—what is called the evidence act. It was concealed from the public what this review actually constitutes. It is not, as they called it, an economic review. It was a full-blown commission of inquiry empowered by Manitoba's evidence act, giving the commissioner complete and wide-ranging investigative powers.

The attempts by this government to characterize this as a more narrow economic review is a troubling start to a commission that would seriously take upon a line of questioning as to perform a proper inquiry here in this province. Such an inquiry would only be established with great judiciousness and should be applied with absolute deference to the rule of law and to maintaining public confidence that such steps are being taken in a non-partisan manner.

In short, they should not be torqued up for short-term political benefit, especially with an important corporation like Manitoba Hydro. As an example, there's only been a handful of commissions of inquiry that have been put forward in Manitoba in recent decades. They include chief judges and former chief judges. They include non-partisan—

Madam Speaker: Order. Order, please.

I would ask the member to pull his comments together. He's now strayed way off into debate on a particular issue, and I would ask him to make his comments clear, concise, and relate what he's trying to get across as to how it breaches his privilege. So I would ask the member to give some serious thought to how he might pull all of that together because he has strayed quite a bit into debate.

Mr. Wiebe: Well—and I do appreciate that guidance, Madam Speaker. I do appreciate that you understand matters of privilege to be serious and, you know, as I said, that is why we have, you know—*[interjection]*

Madam Speaker: Order. Order.

Mr. Wiebe: —there was a period during this debate this afternoon that the heckling from the government side did cause me to get off track a little bit, and maybe a little bit more than a little bit, but I've certainly tried to bring that back to the written remarks that I have because the argument that is being crafted here is an important one.

And I do know that, you know, the changing of the Chair—I'm not sure if I can reference that, but there was a portion at the beginning of this matter of privilege that I began under the deputy—okay, anyway I do recognize that the larger argument that's being made may not have been heard by all members. So I won't start from the beginning, although, you know, I'm tempted to, Madam Speaker, to make sure that all members understand it but I will, as I said, get to the point and I will focus into bringing this argument back to its conclusion.

So, as I said, there is a number of—sorry, there is only a handful of commissions that have been—of inquiry—that have been brought forward, but I won't go through all of those. And, of course, we could list all of those and, you know, I'm getting the indication from the Speaker that's maybe not where we want to go this afternoon, so we will not do that. We won't talk about the hundreds of thousands of dollars paid to—*[interjection]*

Madam Speaker: Order. Order.

* (16:20)

Mr. Wiebe: —Conservative premiers. We won't do any of that exactly—exactly, Madam Speaker. We won't want to do that.

But I do want to bring it back to the second part of my matter of privilege here this afternoon, Madam Speaker. And that is, of course, that the key point within this and what I am arguing has impeded my

work as a legislator, that my constituents have elected me to come to this place to be able to perform my duties, and I believe that my duties have been impeded by this government in that they have hired a consultant, in this case, a former premier—in Mr. Campbell, and was paid \$600,000 to do the work, but didn't do the work.

And so we, you know, on this side of the House are looking for that information, to see what the premier brought forward. What was the work that was exactly completed and how was that worth \$600,000 to the people of Manitoba—*[interjection]*

Madam Speaker: Order, please. Order.

And what I'm asking is the member to continue with that and how all of that affects his breach of a privilege. So, again, I know it's easy to stray into debate, and I would ask the member to zero very, very carefully and quickly on to what his breach of privilege is and also then to bring his motion.

Mr. Wiebe: As I said, Madam Speaker, I am so very easily distracted when the heckling starts from the government side. But I—and I'm looking at the members, but I'm going to stop doing that. I'm just going to stop looking over there because I know I should focus my comment—*[interjection]*—and see, and the heckling continues, so it just—it makes it so easy to turn back this way.

But I won't do that. I'm going to focus only—*[interjection]*

Madam Speaker: Order. Order, please.

Just for everybody's interest, in case you might not have known, you're all on camera this afternoon. This is being filmed, and so however everybody's behaving this afternoon, it's all being very visually seen by people.

So just as a—information for everybody in case that affects any of the behaviours in this House.

Mr. Wiebe: That's a great reminder, Madam Speaker, and I've just straightened my tie back up and I hope I'm looking good today because I wasn't thinking about that. So welcome to all our viewers from around the world who are tuning in today and certainly finding this—I'm sure this particular matter of privilege very engaging and very important.

And, again, I'm not going to get sucked into the heckling that continues to come from the government side because I think that that's not what the Speaker

has asked us to do. The Speaker has asked me to conclude, and that is what I am trying to do.

So I will try to be—maybe I will just read the—my paragraph which explains what the matter of privilege is, and then the motion, which is I think what the Speaker—

Madam Speaker: Okay, the member has been going on for over half an hour now, and normally matters of privilege don't take that length of time.

If people could be clear and concise they should be able to get their point across and pull together their motion fairly quickly so that, you know, others have a chance in this House and it's fair to other members to have some opportunity to also comment on that.

So, while some people may feel there's some benefit to going on and on and repeating and reiterating their comments, there really is no value to that. It is picked up in Hansard; it doesn't have to be repeated; we can all read. So I would ask the member to quickly conclude his comments in fairness to everybody in the House and to me in the Chair and put his motion forward.

Mr. Wiebe: I appreciate that. I will definitely do that, Madam Speaker. And it—because I do—I—you're right, there are others that want to speak not only to this matter of privilege but maybe there's even other matters of privilege that members would want to bring forward this afternoon.

So I'm trying to cut this down. So just to reiterate, and then I'll—will—read my—the—just the text.

For—so the matter of privilege, then, Madam Speaker, that the Pallister government's paying a former Conservative premier millions of dollars to conduct this inquiry, and this former premier, Mr. Campbell, was paid \$600,000 with no evidence whatsoever that the work was actually concluded.

So, therefore, as a result—sorry, therefore I move, seconded by the member for Burrows (Mr. Brar)—or the Burrows? Just Burrows. Just Burrows. We were calling it the Concordia earlier but I think we know that that's not correct, but the Burrows.

That we bring this forward, Madam Speaker, as I said, seconded by the member for Burrows, that this matter be referred to a committee of this House, and I have that to table here.

Madam Speaker: Before recognizing any other members to speak, I would remind the House that remarks at this time by honourable members are

limited to strictly relevant comments about whether the alleged matter of privilege has been raised at the earliest opportunity and whether a prima facie case has been established.

Hon. Kelvin Goertzen (Government House Leader): As I've indicated with past matters of privilege, now going into the second full day, clearly this is not a matter of privilege both in timeliness or in prima facie case. It's simply the opposition trying to stop the ordinary business of the House proceeding when there is a pandemic and many, many people concerned and looking for leadership from their government officials, both in opposition and in government, and they're not, unfortunately, seeing it from the opposition.

I've said to the Leader of the Opposition and I'll say it with the best friendly advice I can give him: who's ever giving him this advice to do this don't have his long-term interests and survivability of the NDP leader at heart, Madam Speaker.

Mr. Gerrard: Madam Speaker, on this point of order which deals with the—*[interjection]*

Madam Speaker: Order.

Mr. Gerrard: On—Madam Speaker, on this point of order which deals with the commission of inquiry into Hydro, which was being led by Mr. Campbell but, of course, is not being led anymore, and the fact that some \$600,000 were spent without a report being produced at this point is clearly of concern.

But the relevant issue for today, in the middle of a pandemic, is what is happening and what is the risks to Manitoba. And I tabled earlier on a graph showing the rapidly increasing number of cases in Italy, and I would just point out that Italy is not alone; that, as of the latest numbers, the increase in the United States is paralleling, but it started later than in Italy, and that in Germany is a little bit slower, and that in Britain a little bit slower.

So at this point—than Germany—but it is of great concern and we need to know what the ICU bed capacity is planned for, what the capacity for—

Madam Speaker: Order, please. Order.

I realize the comments the member is putting on the table are important comments, but I would just indicate to him that they are not relevant to this particular matter of privilege. So I would ask him to make his comments more relative to the privilege.

Mr. Gerrard: Madam Speaker, I would just conclude by saying this, that is a relative importance of matters and the fact that the member is actually impeding the work of this House and making it very difficult for us to pay attention to a very urgent issue—that is, the pandemic.

Thank you.

Madam Speaker: A matter of privilege is a serious concern. I am going to take this matter under advisement to consult the authorities, and will return to the House with a ruling.

MATTER OF PRIVILEGE

Mr. Wab Kinew (Leader of the Official Opposition): A matter of privilege.

Madam Speaker: The honourable Leader of the Official Opposition, on a matter of privilege.

Mr. Kinew: Aujourd'hui, j'avance une question de privilège, et puis ça c'est la première chance que j'ai eu l'opportunité d'avancer cette question de privilège, Madame la Présidente.

Cette matière—cet enjeu—je m'excuse, c'est un enjeu. Cet enjeu a été discuté en période de questions mardi, et puis je l'avance aujourd'hui. Je le fais aujourd'hui parce que j'ai eu la chance parmi les deux dernières journées de faire des recherches et puis de retourner à cette chambre avec la propre information. Alors, c'est-à-dire que, oui—que cette question du temps était surmontée par la question de recherche.

Alors la question de privilège, c'est ça: le gouvernement de Pallister est en train de pas discuter dans ce Chambre tout ce qu'ils ont connu au sujet d'un compagnie qui s'appelle Fresh Projects. Cette compagnie est aussi connue comme 5797501 Manitoba Ltd.

* (16:30)

Et puis, cet enjeu a beaucoup d'impact sur le peuple de Brandon, ici au Manitoba. C'était juste hier ou juste deux jours—ça fait juste deux journées que le ministre a refusé de répondre aux questions au sujet de cette compagnie et puis l'engagement—leur engagement avec le gouvernement de Pallister. Au lieu de répondre aux questions qui étaient posées, le ministre a pris le temps dans la Chambre de parler au sujet des produits qui sont utilisés pour lutter contre les inondations et d'autres sujets, mais il n'a jamais réussi à répondre aux questions qui étaient posées par l'un des députés de notre côté de Chambre.

Alors, je pense que c'est nécessaire de juste ajouter un peu de commentaires aujourd'hui pour expliquer la situation, Madame la Présidente.

Alors, la raison que j'avance, ou que je me pose cette question de privilège, est de discuter c'est quoi dans cet enjeu qui a nui à mon travail comme député.

Alors, ça, c'est ce qui forme cette question de privilège — c'est-à-dire que la manière où ce ministre n'a pas répondu aux questions ne m'aide pas beaucoup, et en fait, nuit à mes efforts comme un député ici dans cette Chambre. Alors—

Translation

Today, I am raising a matter of privilege, and this is indeed the earliest opportunity I have to raise this matter of privilege, Madam Speaker.

This matter—this issue—I apologize, it's an issue. The issue at stake was discussed during Tuesday's Question Period, and I am raising the matter of privilege today. I am raising it today because I had the opportunity over the last two days to do research so that I may come back to this Chamber with the proper information. So yes, the timing of this matter is explained by the research that was required.

So, the matter of privilege is as follows: the Pallister government is not discussing in this Chamber everything it knows about a company named Fresh Projects. This company is also known as 5797501 Manitoba Ltd.

* (16:30)

And this issue has a serious impact on the population of Brandon, right here in Manitoba. It was only yesterday or just two days ago—it was two days ago that the minister refused to answer questions about this company and its commitments to the Pallister government. Instead of answering the questions that were asked, the minister took the time, in this Chamber, to talk about flood prevention means and other topics—but he never managed to answer the questions that were posed to him by one of the MLAs on our side of the Chamber.

So I think it is necessary to add some comments today to explain the situation, Madam Speaker.

The reason for raising this matter of privilege is to discuss what aspects of this issue have been impeding my work as an MLA.

So this is the basis of this matter of privilege—this minister not answering questions does not help me

much, and in fact, it impedes my work as an MLA here in this Chamber. So—

English

Well, I'm just going to switch to English because my simultaneous translation just ran out here. I refer to House of Commons Procedure and Practice, second edition, commonly known as O'Brien and Bosc, for guidance on this difficult and vexed question.

Alors, en page 111, O'Brien et puis Bosc ont écrit—

Translation

So, on page 111, Bosc and O'Brien wrote—

English

—it's the direct quote, so I'll just quote from English: A member may also be obstructed or interfered with in the performance of his or her parliamentary functions by non-physical means. In ruling on such matters, the Speaker examines the effect of the incident or event had on the member's ability to fulfill his or her parliamentary responsibilities. If, in the Speaker's view, the member was not obstructed in the performance of his or her or their—I believe we should probably add now—parliamentary duties and functions, then a prima facie breach of privilege cannot be found. End quote.

Alors, c'est-à-dire que, s'il y a des défis qui étaient présentés à un député de cette Chambre, que le—*[interjection]*

Madam Speaker: Order.

Mr. Kinew: —gouvernement—alors je continue—que le gouvernement n'a peut-être pas respecté le privilège d'un membre de cette Chambre.

Alors, ça, c'est l'information qui était présentée sur la page 111, qui est vraiment la source très importante d'information qui nous donne des directions de comment est-ce qu'on pourrait conduire nos affaires ici dans la Chambre — et puis, dans toutes les autres Chambres des palais législatifs tout autour du pays du Canada.

Alors, il y a peut-être beaucoup de commentaires qu'on pourrait ajouter au sujet de ce point. Et puis, c'est vraiment les pensées du président d'une Chambre qui sont vraiment importantes.

Premièrement, on doit comprendre que ce défi qui était vécu par le membre n'est pas nécessairement quelque chose qui était un défi vécu—

Translation

So, if there were challenges posed to an MLA in this Chamber, the government—[interjection]—so I'm going to continue here—the government may not have respected the privilege of a member of his Chamber.

So this is the information on page 111—truly an important source of information which tells us how to conduct business right here in this Chamber and, in fact, in every Chamber of every Legislative Assembly around Canada.

So there may be a lot of comments we could add in regards to this point. But it is really the view of the Speaker of the Chamber that matters here.

First of all, it must be understood that a challenge experienced by a member is not necessarily a challenge experienced—

English

It's not necessarily that it was a physical obstacle that was surmounted by the member, Madam Speaker.

Ça pourrait être un défi plus général. Et puis quand on discute une question de privilège ou une des conceptions reliées, c'est pas juste comme s'il y avait quelque chose en train de bloquer la porte ici pour nous rendre en Chambre. Ça se peut qu'il y aura d'autre défis avant qu'on pourrait entrer ici et faire nos débats que les membres seront présentés. Aujourd'hui, il y avait beaucoup de commentaires faits le—par le premier ministre (M. Pallister) qui peut-être pourraient être interprétés comme une menace aux députés ici, juste par exemple.

Mais en retournant à cette question de privilège qui a été avancée aujourd'hui, c'est-à-dire, surtout, que s'il y a quelque chose qui est en train de bloquer un député de faire leur travail comme un membre élu de cette chambre, que c'est un défi vrai. Et c'est un défi que cette Chambre, par la Chaise et puis par la Présidente, devrait être répondu à.

Alors, O'Brien et Bosc continuent que:

Translation

It could be a challenge of a more general nature. When discussing a matter of privilege or a related notion, we are not just talking about something blocking the door we use to enter the Chamber—there are other challenges we may face between entering here and the debates MLAs face. Today, there were a lot of comments made by the Premier (Mr. Pallister) that could be interpreted as threatening to MLAs here—just as an example.

But coming back to the matter of privilege put forward today, if something is in the way of an MLA doing their work as an elected member of this Chamber, then it is a real challenge. And it is a challenge the Chamber, thru the Chair and the Speaker in particular, must address.

So O'Brien and Bosc continue as follows:

English

It is impossible to codify all incidents which might be interpreted as matters of obstruction, interference or intimidation, and as such constitute prima facie cases of privilege. However, some matters found to be prima facie include the damaging of a member's reputation, the usurpation of the title of a Member of Parliament, the intimidation of members and their staff and of witnesses before committees and the provision of misleading information. End quote.

Alors, c'est-à-dire que les experts ont conclu que ce n'est pas possible de créer une liste complète.

Alors ça nous donne un peu de difficulté parce qu'il y a pas juste dans un livre quelque part une liste complète où ce qu'on pourrait juste dire : « regarde, ça c'est le règlement qui était brisé ».

C'est pas en effet un enjeu comme ça. Alors on a besoin, dans cette Chambre, d'engager avec la question de privilège, et puis d'avancer des arguments et peut-être, faire des conclusions qui pourraient, en effet, répondre aux questions de privilège.

Par exemple, aujourd'hui le premier ministre du Manitoba (M. Pallister) a utilisé le mot « terroristes » en parlant des députés de cette Chambre. Et en regardant aux mots de O'Brien et Bosc, ça se peut que ça va être une question de privilège prima facie.

Mais les commentaires que je suis en train de discuter maintenant sont un peu moins graves, peut-être—un peu différents. Alors, je pense que c'est important de peut-être ajouter, en effet, après avoir compris ces leçons de O'Brien et Bosc, ce que cet enjeu est en train de discuter.

Alors, beaucoup d'experts—pas juste O'Brien et Bosc, mais aussi la Cour Suprême du Canada—ils ont dit que présenter des informations captieuses—des informations qui ne sont pas—et puis, je comprends que, comme ma langue secondaire—c'est pas ma langue maternelle, le français—que peut-être 'captieux' c'est pas permis dans les règlements. Mais je pense que 'captieux', ça veut dire la même chose que misleading en anglais, mais je pourrais être corrigé.

Alors, si quelqu'un avance des informations captieuses ici dans cette Chambre, ça se peut qu'il—que ce député a violé les privilèges des autres membres. Alors ce que j'avance maintenant est que les commentaires offerts par le ministre sont, en effet, des mots captieux qui ont, alors, violé les privilèges de tous les autres membres ici, et qui sont, en effet, de faits très importants parce qu'il y a beaucoup de monde à Brandon et puis au Manitoba qui ont hâte de voir la réponse aux questions.

* (16:40)

Alors, juste pour ajouter d'information pour ce que toi, comme la Présidente, pourrait faire votre décision, j'ajoute quelques autres détails aux faits.

Puis j'ajoute aussi que le test de si le privilège d'un des députés était, en fait, violé, c'est pas de montrer que quelqu'un a fait des mensonges ou que quelqu'un a fait des—quelque chose qui n'est pas correct, mais juste que les commentaires étaient captieux. C'est-à-dire que, peut-être, ils te mènent à une conclusion qui n'est pas tout à fait la plus correcte qui serait possible, si ça fait du sens.

Alors, peut-être c'est un test un peu moins grave, mais encore c'est une question assez importante pour toutes les affaires ici dans la Chambre.

Et puis aussi, je connais que vous, comme la Présidente de cette Chambre, pourrait être capable de regarder à ces commentaires que je vais ajouter dans quelques secondes et puis conclure que oui, ça serait un commentaire qui ne va pas aider le public ni les députés de faire des conclusions correctes sur cette affaire de construction d'une école à Brandon.

Alors, si dans votre rôle, vous êtes capable de conclure que les faits ne sont pas d'accord avec les commentaires, peut-être ça pourrait aussi nous aider de rendre un jugement sur cette question de privilège.

Alors, dans la question que je suis engagé avec maintenant, c'est que le gouvernement n'a pas répondu d'une façon correcte aux questions qui étaient posées au ministre, et puis aux autres députés et au premier ministre, au sujet du projet pour construire une nouvelle école à Brandon—qui a coûté à peu près 20 million de dollars— et puis en pas répondre dans cette façon directe—

Translation

Meaning that experts have concluded it is not possible to create a complete list.

So, this makes things a bit more difficult for us, because we cannot simply look up a book for a complete list and just say, "see, that's the rule that was breached".

This is not the kind of issue we are facing here. Thus, we need to discuss this issue of privilege in this Chamber—we need to put forward arguments, and then maybe we can come to a conclusion in response to matters of privilege.

For example, today the Premier of Manitoba (Mr. Pallister) used the word 'terrorists' when talking about MLAs in this Chamber. Looking at O'Brien and Bosc, it is possible that this could be considered a prima facie case of a matter of privilege.

However, the comments I am referencing right now are less serious—maybe—somewhat different. So I think that, once we understand the lessons from O'Brien and Bosc, it is important to state what is the issue we are actually discussing.

Many experts—not just O'Brien and Bosc, but also the Supreme Court of Canada—have said that putting forward misleading information—and I understand that, French being a secondary language for me, not my mother tongue, maybe the word 'captieux' is not allowed by our rules. But I think it is the French equivalent of 'misleading'—although some may wish to correct me.

So, if someone puts forward misleading information in this Chamber, it is possible this MLA breached the privilege of other members in the Chamber. And what I am saying now is that the comments made by the minister are indeed misleading information—and that was a breach of the privilege of all other MLAs here.

These are very important facts because many people in Brandon and in Manitoba are eagerly awaiting the answers to the questions that were asked.

** (16:40)*

Furthermore, I want to add some additional details to these facts, so that you, as the Speaker, can make your decision.

The purpose of this test to determine whether an MLA's privilege has been breached is not to show that someone lied or did something improper—only to show that the comments made were misleading. Which means maybe they will lead to a conclusion that is not necessarily the most correct—if I make sense here.

This test may seem less critical, but this is an important issue for all matters examined in this Chamber.

I also recognize that, as the Speaker of this Chamber, you will be able to examine the comments I will be adding in a few seconds and reach the conclusion that, indeed, the information put forward is not going to help the public or the MLAs come to correct conclusions in the matter of this school construction project in Brandon.

If, in your role, you conclude that the facts do not agree with the information put forward, it might be helpful to have a ruling on this matter of privilege.

So, the issue that I am commenting on right now is that the government did not answer adequately the questions that were addressed to the minister, to the other MLAs and then to the Premier (Mr. Pallister) about the new school construction project in Brandon—which cost approximately \$20 million—and by not answering directly—

Madam Speaker: Order. Order, please.

I would ask the honourable Leader of the Official Opposition (Mr. Kinew) that there's a lot of repetition now in what he's putting on the table, many times over, and also that he's starting to stray into some debate. And so the member has to be very careful that what he's doing now is putting forward his comments as to how he feels his privilege has been breached.

So he needs to be very specific about that because it's more about how his privilege has been breached, not about, sort of, all the problems and issues with the topic he's bringing forward. That is meant for debate for another time.

So I would ask the member to be clear, concise, pull it together and see if he could put his motion forward.

Mr. Kinew: Yes, and you are right that sometimes I do need to pull it together, and that also there are a number of problems with the school, as you have so wisely indicated, with the school project currently on hold, I would add.

And I would just further add I'm trying to provide my commentaries in French today. We know that using both of our official languages is an important exercise in bilingualism and upholding the bilingual traditions of both our province and this House. However, my French is not perfect and so sometimes, yes, I repeat myself when searching for the right words.

Alors, je continue en réponse à vos directions, Madame la Présidente

Et puis j'avance aussi que, quand le ministre a répondu aux questions au sujet de Fresh Projects, puis au sujet de cette compagnie 5797501 Manitoba Limitée, il n'a pas répondu directement, concrètement. Il n'a pas avancé des faits au sujet de cet enjeu. Il n'a pas même touché sur la question de nouvelle école à Brandon dans sa réponse.

Et puis quand on retourne aux questions des tests et la question de ce qui doit être surmonté pour rendre preuve à une question de privilège, je pense que c'est assez clair que, oui, le ministre a, en fait, violé la question de privilège.

Parce que nous connaissons maintenant qu'il y avait quelque—il y avait beaucoup de problèmes avec cette compagnie, pas juste en relation avec ce projet à Brandon mais aussi à des autres projets tout partout dans le Manitoba.

Et nous avons à faire face à ça—

Translation

I am going to move on, as per your instructions, Madam Speaker.

What I am suggesting is that, when the minister answered questions about Fresh Projects and about the 5797501 Manitoba Limited company, he did not answer directly and in a concrete manner. He did not put forward facts in regard to this issue. He did not even broach the issue of the new school in Brandon in his response.

Coming back to the issue of test and what must be done to show a breach of privilege, I think it is clear enough that yes, indeed, the minister did in fact breach privilege.

Because we now know that there were lots of problems with this company—not just in relation to this particular project in Brandon, but also with other projects all over Manitoba.

And we are faced with this—

Madam Speaker: Order. Order, please.

The member has now moved into debate again, and I would ask the member to pull his comments back to what the breach of privilege is, rather than talking about all the various issues with the contract because it has to be how that affected the member.

So I would ask the member to make his comments more relevant to the matter of privilege.

Mr. Kinew: Right. So, I guess I could switch to English, unfortunately, because I did want to conduct most of this in French.

So I think it bears—to just return again to the primary question whether or not the privilege of myself as a member of this Chamber or the privileges of all the other members of this Chamber have been, in fact, been violated.

And so, again, if the test is not just that somebody has, you know, put false information—I'm trying to choose a parliamentary word, that's what that stutter's all about there—if the question is, in fact, not whether or not somebody put facts on the record which are not correct, but actually whether somebody gave an answer that was misleading, and potentially purposely misleading, then I think this question—this matter of privilege, rather, will actually meet that test.

Now, the reason why is because I have shared the facts on the record and, as you have pointed out at some points, perhaps even verging into debate, but when I am pointing to those facts on the record, I am, in fact, highlighting what we know to be the facts of the matters.

Therefore, were somebody not to mislead this House or not to mislead the other members of this Chamber, one would expect that their answer would lead you in the direction of those facts.

On the contrary, and rather than leading towards those facts, we actually had the Education Minister leading this House and leading all of the members, including the members on this side of the House, Her Majesty's loyal opposition, leading us in a completely different direction.

And so, if we are being misled by certain information, then I think, by definition, that information ought to be concluded to be misleading.

And so, again, if we were to just conceptualize that in a different way for the purposes of clarity by using the specific examples of this case without repeating the debate, but just to plug the specific examples into that logical construction that I had just advanced there, I think we would conclude this: any reasonable person in Manitoba who is paying attention to the issue of education in our province at this point would know about the hiatus, the pause being put on the Brandon school and would understand that there are facts here.

Certainly, if any reasonable person, any lay person has access to those facts we might also expect

that somebody who has an entire staff to brief them and who likely starts every day with being presented with a roundup of stories and other facts about the education system in Manitoba each day, that that person would have an even higher standard, an even higher access to the accurate facts on the record.

* (16:50)

And so it is reasonable. The reasonable test is met in this regard because the average person out there should conclude that the Minister of Education (Mr. Goertzen) does have access to the right information, and therefore a reasonable person would also conclude that, with access to the correct information that has been shared widely and publicly but is certainly well known within the Department of Education, that the minister, when posed a direct question about those facts, ought to be able to answer concisely, accurately and in a way that actually leads that lay person, that reasonable person out there in the public, to that set of facts.

To put a finer point on it, when the question is posed about the school in Brandon, the Education Minister, by all standards—by all reasonable standards, I should further specify—ought to be able to provide an answer that leads at least towards some recognition that there is a school in Brandon whose construction is currently on hold. That's the bare minimum. One would probably expect that an Education Minister, with access to all the facts, would be able to provide further information, and that information is relevant to our conduct as members of this Legislative Assembly, because we are here as opposition members to ask questions on behalf of the citizens of Manitoba, and so therefore we are searching for information that might provide reassurance to interested parties, such as parents in Brandon or perhaps teachers or perhaps other members of the public who are interested in that issue.

However, the Education Minister did not answer the question in that way. In fact, he rose and tried to change the subject to a completely unrelated topic. I believe it was related to some sort of flood mitigation topic, but the specific topic, I don't think necessarily determines—but the fact that his answer touched on an expenditure from a completely different department highlights how, in fact, his comments led us away from the facts, away from the accurate information and away from the, I guess, fulfillment of our privileges as a member.

So, in effect, Madam Speaker, if the member for Steinbach (Mr. Goertzen)—sorry, struggled to

remember the constituency there for a quick second—if the member for Steinbach for instance—*[interjection]*

Madam Speaker: Order.

Mr. Kinew: —just made reference to me not visiting that great part of the province, and I just wanted to—I just wanted to state for the record that not only do I enjoy a great donair every time that I stop into Steinbach, not only do I enjoy stopping at the New Bothwell factory store on the drive home from Steinbach, but quite often I will pull up to the Tim Hortons drive-through in Steinbach and say give me whatever Kelvin has, and then they—you know, give me the best tasting coffee—

Some Honourable Members: Oh, oh.

Madam Speaker: I'm enjoying the quiet.

I'm sure the Leader of the Opposition recognized that he used a member's first name, and that's not allowed in the House by our rules, and I noticed he was going to try to correct himself. And I know it's very close to 5 o'clock and we're just kind of biding our time here waiting for the bells to ring.

Anyway, just a reminder to the House that proper names and—of members or constituencies are needed when we actually speak about them in the House.

Mr. Kinew: Yes, I do apologize with some degree of embarrassment for having made such a rookie mistake, as it were, in referring to my esteemed colleague by his given name. Though I would point out, before I move quickly off that apology, that when I told the people working at the drive-through at the Tim Hortons that I wanted what the member for Steinbach typically has when he pulls through, they had no idea what I was talking about. That's why I was caught up in—yes.

I just mean that the average person has no idea what the member for Steinbach actually has to say. I was thinking coffee but, you know, I guess everybody has a doughnut or something now and then when they stop at Tim's, don't they?

So, in returning to the question of privilege here, before I got so worked up about my love for all the delectable treats in the great constituency of Steinbach, I was making the point that if information provided by a member in this Chamber leads us away from the facts, then—effect, I believe they are by definition to be misleading.

Now, I think that it—an important point to touch upon before concluding this matter of privilege is the question of intent. And I would note that I have not had a chance in my research to ascertain whether or not the experts—be they the Supreme Court or O'Brien and Bosc, who have been referred to earlier in this matter of privilege—at this point, I don't have that information at hand as to whether intent is an important question in the literature on this topic.

However, I would suggest that, in this instance, a reasonable person ought to be likely to conclude that, in fact, you know, the minister was aware of the facts but also was aware of the effect that his direction of answer—answering the question would have. And, you know, I know that the minister in question is astute enough to recognize that the way that he was answering the question was, in fact, not going to help advance any of us in the pursuit of our duties as members and was not going to aid us in respecting the privileges of all members of this House.

And so that's why I'm raising this specific matter of privilege today, because not only do I think that a reasonable person would be able to quickly tell that the facts were not being provided in this answer that we're referring to in this question, but also, I believe that a reasonable person just watching from the outside would also be able to conclude that the minister was doing so knowingly and was doing so with a specific purpose in mind and, as a result, was infringing on all of our rights here as members.

And so looking to make sure that I have enough time to get to my motion here, I am going to just simply conclude by saying this: this is an important question to many people across the province. I would note that the members from Brandon were also raising their voices at this issue, so I know that they know that it matters to their constituents as well.

And I've got a motion in front of me here that I'm just getting ready to table, Madam Speaker. So, as I urge you to consider this matter more, I move, seconded by the member for Notre Dame (Ms. Marcelino), that this matter be moved to an all-party committee for consideration.

Madam Speaker: Before recognizing any other members to speak, I would remind the House that

remarks at this time by honourable members are limited to strictly relevant comments about whether the alleged matter of privilege has been raised at the earliest opportunity and whether a prima facie case has been established.

Hon. Kelvin Goertzen (Government House Leader): Madam Speaker, I'll repeat what I've said earlier, that it's neither a timely matter or one that meets the standard of prima facie case.

I would say again to my friend—and I actually do get along quite well with the Leader of the Opposition—I hope that he has a couple of days to reflect on this tactic—I won't call it a strategy—that he's engaged in. I'm sure he's getting many a piece of the correspondent from the public not supportive of what he's doing.

The public is looking for leaders to act in a time of difficulty where there's uncertainty and where they are concerned about what may happen, Madam Speaker. And I think that it is incumbent upon all of us, whether we're in government or opposition, to act like leaders.

And I would say to him, and it's not a personal reflection, but he is not acting as a leader in the way that he is allowing he and his caucus to act in a time of uncertainty and concern for many, many Canadians.

So I hope that he has a little bit of time to think and to reflect and to come back and act in the way that all of us would be expected to act as elected officials, Madam Speaker.

Madam Speaker: The honourable member—no? The hour being 5 p.m., this—[*interjection*] Oh, yes.

As a matter of privilege is a serious concern, I'm going to take this matter under advisement to consult the authorities, and will return to the House with a ruling.

* * *

Madam Speaker: The hour being 5 p.m., this House is now adjourned and stands adjourned until 1:30 p.m. on Monday.

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, March 12, 2020

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