



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 19

THIRD SESSION, FORTY-SECOND LEGISLATURE

PRAYER

1:30 O'CLOCK P.M.

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

(No. 67) – The Public Health Amendment Act/Loi modifiant la Loi sur la santé publique
(Hon. Mr. FRIESEN)

(No. 212) – The Mandatory Training for Provincial Employees (Systemic Racism and Human Rights) Act/Loi sur la formation obligatoire des employés provinciaux (racisme systémique et droits de la personne)

(Mr. MOSES)

(No. 217) – The Legislative Assembly Amendment and Legislative Assembly Management Commission Amendment Act/Loi modifiant la Loi sur l'Assemblée législative et la Loi sur la Commission de régie de l'Assemblée législative

(Hon. Mr. GERRARD)

Pursuant to Rule 27(1), Ms. MORLEY-LECOMTE, Hon. Mr. SCHULER, MLA ASAGWARA, Messrs. PIWNIUK and ALTOMARE made Members' Statements.

Following Oral Questions, Madam Speaker made the following ruling:

On March 16, 2020, the Honourable Member for Concordia raised a Matter of Privilege regarding the Government's failure to provide certain information during a line of questioning by the Honourable Member for The Maples during Oral Questions on March 10, 2020 on the subject of the rideshare and taxi industries in Manitoba. The Member for Concordia stated his belief that the Government has not been forthcoming with the necessary information to enable the Member for The Maples to report the Government's decisions to his constituents. The Member for Concordia concluded his remarks by moving "*THAT this issue be immediately referred to a committee of this House.*"

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

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

Regarding timeliness, the Honourable Member for Concordia stated that he required time to review Hansard before raising his Matter of Privilege. However, the Oral Questions period to which he referred occurred on March 10th, and the Member raised the matter before the House on March 16th. This is certainly sufficient time to review Hansard, and I am therefore ruling that the condition of timeliness was not met in this case.

Regarding the second condition of whether a *prima facie* case has been demonstrated, the Honourable Member for Concordia argued that his matter has impeded his ability to give a clear picture to his constituents and give them the opportunity to raise their concerns.

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

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

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

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

Based on his comments in the House on March 16, 2020, the Honourable Member for Concordia appears to have a grievance against the Government regarding the content of the Government's answers during Oral Questions.

As Speaker Hickey ruled in 2009, the Speaker is not responsible for the quality or contents of replies to questions. As well, a member may put a question but has no right to insist upon an answer.

Speaker Reid also explained in a 2013 ruling, "The Speaker cannot determine whether or not the answer is appropriate to the question that was asked."

Furthermore, a 1980 ruling by Speaker Sauvé of the House of Commons states that, “While I am only too aware of the multiple responsibilities, duties and also the work the member has to do relating to his constituency, as Speaker I am required to consider only those matters which affect the member’s parliamentary work. That is to say, whatever duty a member has to his constituents, before a valid question of privilege arises in respect of any alleged interference, such interference must relate to the member’s parliamentary duties. In other words, just as a member is protected from anything he does while taking part in a proceeding in Parliament, so too must interference relate to the member’s role in the context of parliamentary work.”

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

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

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

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

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

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

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

Ms. LAMOUREUX – To urge the Provincial Government to undertake a combined review of the Vivian Sand Facility processing plant and the mining/extraction portion of the operation as a Class 3 development with a review by Manitoba’s Clean Environment Commission to include the public hearings and participant funding; and to halt all activity at the mine and plant until the Clean Environment Commission’s review is completed and the project proposal has been thoroughly evaluated.

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

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

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

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

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

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

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

Mrs. SMITH (Point Douglas) – To urge the Provincial Government to increase the EIA allowances for single adults by \$383 per month and for people with disabilities by \$236 per month to bring their incomes to 75% of the poverty line; to fully exempt the CERB, CRB and other federal COVID-19 recovery measures from EIA claw backs and ensure EIA benefits are not interrupted or cut off during the remainder of the COVID-19 pandemic; and to reinstate the provincial eviction ban to prevent homelessness during the COVID-19 pandemic.

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

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

Hon. Mr. FIELDING moved:

THAT Bill (No. 4) – The Retail Business Hours of Operation Act (Various Acts Amended or Repealed)/Loi sur les heures d'ouverture des commerces de détail (modification ou abrogation de diverses lois), be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. FIELDING having spoken,

And Mr. LINDSEY having questioned the Minister,

Monday, November 23, 2020

And the debate continuing,

And Messrs. LINDSEY, REYES, WASYLIW, GUENTER, LAMONT and BRAR having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly read a Second Time and referred to a Committee of this House.

The House then adjourned at 4:57 p.m. until 10:00 a.m. Tuesday, November 24, 2020.

Hon. Myrna DRIEDGER,
Speaker.