



**LEGISLATIVE ASSEMBLY OF MANITOBA**

**VOTES AND PROCEEDINGS No. 34**

**THIRD SESSION, FORTY-SECOND LEGISLATURE**

**PRAYER**

**10:00 O'CLOCK A.M.**

In accordance with Rule 33(8), the Opposition House Leader announced that the Private Members' Resolution titled "Immediate Supports to Ensure Childcare is Affordable and Accessible." will be considered on the next Thursday of Private Members' Business.

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Mr. MOSES moved:

THAT Bill (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), be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Mr. MOSES having spoken,

And Messrs. REYES, BRAR, LAMONT, NESBITT, MARTIN and MICHALESKI having questioned the Member,

And the debate continuing,

And Messrs. REYES, BRAR, NESBITT and LAMONT having spoken,

And Mr. MARTIN speaking at 11:00 a.m. The debate was allowed to remain in their name.

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Mr. SANDHU moved:

Resolution No. 12: Creation of an Independent Seniors Advocate Office

WHEREAS seniors and older adults have contributed in so many ways to make Manitoba into the amazing province it is today and they deserve support and high quality care; and

**Thursday, March 11, 2021**

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WHEREAS there has been immense neglect and disregard for the care of seniors and older adults throughout this pandemic, and their needs are worthy of an Independent Officer of the Legislative Assembly; and

WHEREAS the Provincial Government completely failed seniors by not meaningfully preparing for the second wave of the pandemic and failing to address issues of understaffing; and

WHEREAS the Provincial Government has continued to cut long term care funding which has placed long term care homes in crises and left seniors particularly vulnerable to the COVID-19 pandemic; and

WHEREAS there have been several reports of elder abuse and long term care home neglect throughout the COVID-19 pandemic; and

WHEREAS there have been numerous, preventable deaths at personal care homes in the province throughout the pandemic, as the Provincial Government failed to provide adequate supports and refused to take over the Maples and Parkview care homes; and

WHEREAS the COVID-19 pandemic has emphasized the need to create a Seniors Advocate to oversee senior care, specifically in the health care system; and

WHEREAS creating the position and the office of the Seniors Advocate would have the power to initiate investigations, publicly and transparently release and table reports of long term care home inspections and investigations, as well as oversee government services for seniors in Manitoba.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Provincial Government to immediately create an independent Seniors Advocate to address issues related to the care of seniors in Manitoba, which will ensure that gaps in services and care for seniors in the province is meaningfully reviewed, protected, and acted upon.

And a debate arising,

And Mr. SANDHU having spoken,

And Mr. ISLEIFSON, MLA ASAGWARA, Ms. LAMOUREUX, Messrs. JOHNSTON and LAGIMODIERE and Ms. MORLEY-LECOMTE questioned the Member,

And the debate continuing,

And Mr. ISLEIFSON, MLA ASAGWARA and Mr. JOHNSTON having spoken,

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

1:30 O'CLOCK P.M.

Prior to Routine Proceedings, Ms. ADAMS rose on a Matter of Privilege alleging that the contents of a Bill before the House were shared publicly with media earlier today prior to the distribution of the Bill to Members in this House and moved:

THAT Bill 47 not be considered to be a Specified Bill for this session of the Legislature that the Minister of Families apologize for breaching the privileges of all members.

And Hon. Messrs. GOERTZEN and GERRARD having spoken.

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

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Hon. Mr. PALLISTER, the First Minister, made a statement regarding the one year anniversary of COVID-19 in Manitoba.

Mr. KINEW and, by leave, Mr. LAMONT commented on the statement.

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Pursuant to Rule 27(1), Hon. Mr. HELWER, Messrs. WIEBE and WISHART, Ms. LATHLIN and Ms. LAMOUREUX Members' Statements.

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Following Oral Questions, Madam Speaker made the following rulings:

Following Oral Questions on October 28, 2020, the Honourable First Minister raised a Matter of Privilege regarding comments made in the House by the Honourable Member for St. James. The comments in question referred to the then Treasury Board Secretary – specifically alleging a conflict of interest – and the Premier argued that these comments breached his privileges as an MLA. He also stated that these comments infringed upon his ability to perform his duties as First Minister, and to receive professional guidance from a senior civil servant.

The Honourable Leader of the Official Opposition and the Honourable Member for River Heights both spoke to this matter before I took it under advisement to consult the procedural authorities.

As Members know there are two conditions that must be satisfied in order for a matter raised to be ruled in order as a *prima facie* case of privilege: was the issue raised at the earliest available opportunity, and was sufficient evidence provided to demonstrate that the privileges of the Member or of the House were breached.

On the issue of timeliness, the Honourable First Minister indicated in his submission that this was his first opportunity to raise this matter as the statements in question were made by the Honourable Member for St. James in Question Period that same day (October 28, 2020). Based on this information I would rule that the Honourable First Minister did meet the requirement of timeliness.

Regarding the second condition, I would remind the House that when any Speaker is dealing with a Matter of Privilege, they are dealing solely with the procedural aspects of the matter. As noted by Speaker Fox in a ruling in this House on privilege in 1972, the Speaker deals only with the technical and procedural aspects of the matter and not, in any way, with the merits of the situation or the allegations. Therefore, when a Speaker makes a ruling indicating that there is or is not a *prima facie* case of privilege, the Speaker is neither condemning nor condoning any actions taken.

Regarding the question of Civil Servants being the subject of allegations made in the House, I must note that government staff are not protected by parliamentary privilege and cannot claim the protections of parliamentary privilege. Only MLAs are protected by parliamentary privilege. As identified by Joseph Maingot on page 100 of the second edition *Parliamentary Privilege in Canada*, in order for non-elected persons to claim the protection of parliamentary privilege, they must be taking part in a parliamentary proceeding, such as appearing as a witness before committees or counsel who speak on behalf of petitioners for private legislation.

Providing professional advice to a Minister would not count as participating in a parliamentary proceeding. Several Manitoba Speakers have previously affirmed this principle, including Speaker Reid in 2012.

Additionally, on page 224 of the same edition Maingot advises that parliamentary privilege is concerned with the special rights of Members not in their capacity as Ministers, Party Leaders or Whips, but strictly in their capacity as Members in their parliamentary work. Claims that privilege has been violated relating to a Member's role as a Minister of the Crown are therefore not the basis for a *prima facie* case of privilege. This perspective has been supported in numerous rulings in this House, including rulings from Speaker Rocan, Speaker Hickes, Speaker Reid, as well as in rulings I have delivered.

I would also add that when the First Minister made his remarks on this matter he did not conclude by moving a motion. As a reminder to all Members, our Rule 36(2) states that: "a submission from a Member raising a Matter of Privilege should conclude with a motion giving the House power to impose a reparation or apply a remedy."

Considering of all of these factors then, I must respectfully rule that the matter raised does not fulfill the criteria of a *prima facie* case of privilege.

Once again, I will note that in ruling this way I am not passing a value judgment on the concerns raised by the Member or the comments made in debate by any other Member, I am simply evaluating the matter on purely procedural grounds.

I will conclude with some advice that I hope will be instructive for all Members of this House. On page 92 of the Third Edition of *House of Commons Procedure and Practice*, Bosc and Gagnon wrote about the importance of freedom of speech in the parliamentary setting, and the need to exercise it cautiously:

*“Freedom of speech permits Members to speak freely in the Chamber during a sitting or in committees during meetings while enjoying complete immunity from prosecution or civil liability for any comment they might make. This freedom is essential for the effective working of the House. Under it, Members are able to make statements or allegations about outside bodies or persons which they might hesitate to make without the protection of privilege. Though this is often criticized, the freedom to make allegations which the Member genuinely believes at the time to be true, or at least worthy of investigation, is fundamental. The House of Commons could not work effectively unless its Members were able to speak and criticize without having to account to any outside body.”*

Further to that point, in 1984 House of Commons Speaker Bosley affirmed that “the privilege of a Member of Parliament when speaking in the House or in a committee is absolute, and that it would be very difficult to find that any statement made under the cloak of parliamentary privilege constituted a violation of that privilege”.

Because the privilege of freedom of speech is such an extremely powerful immunity, on occasion Speakers have had to caution Members about its misuse. I believe that Speaker Milliken aptly summarized this sentiment in 2003 when he advised the House of Commons as follows:

*“Speakers discourage members of Parliament from using names in speeches if they are speaking ill of some other person because, with parliamentary privilege applying to what they say, anything that is damaging to the reputation or to the individual... is then liable to be published with the cover of parliamentary privilege and the person is unable to bring any action in respect of those claims.”*

That quotation can be found on page 98 of Bosc and Gagnon, and this sentiment would also apply to Civil Servants as they would not be able to defend themselves in this place. I trust that all Members of this House will heed these words of caution and govern themselves accordingly

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Prior to Petitions on November 2, 2020, the Honourable Official Opposition House Leader raised a matter of privilege regarding the government’s failure to distribute printed copies of Bills that had received First Reading earlier in the same sitting day during Routine Proceedings. She noted that out of 23 Government Bills that had been introduced for First Reading, only copies of four of those Bills were available for MLAs, and that the lack of the printed copies of Bills prevented MLAs from being able to comment on legislation. The Honourable Official Opposition House Leader concluded her remarks by moving: *“THAT this matter be immediately referred to a committee for consideration.”*

The Honourable Government House Leader and the Honourable Member for River Heights also spoke to the Matter of Privilege. I then took the matter under advisement.

I thank the Honourable Members for their advice to the Chair.

There are two conditions that must be satisfied in order for a matter raised to be ruled in order as a *prima facie* case of privilege - was the issue raised at the earliest available opportunity, and was sufficient evidence provided to demonstrate that the privileges of the Member or of the House were breached.

The Honourable Official Opposition House Leader asserted that she was raising the issue at the earliest opportunity given that verification was required to see if the Bills that had been introduced earlier in the sitting day had also been distributed. After hearing this explanation, I am satisfied that the matter was raised at the earliest available opportunity.

The second issue to consider is whether the evidence provided was sufficient to demonstrate that a *prima facie* breach of privilege has occurred.

Regarding the second issue, I would like to advise the House that a matter concerning the methods by which the House proceeds in the conduct of business is a matter of order, not privilege. Joseph Maingot in the second edition of *Parliamentary Privilege in Canada* states on page 13 that “allegations of breach of privilege by a Member in the House that amount to complaints about procedures and practices in the House are by their very nature matters of order.” He also states on page 223 of the same edition “A breach of a Standing Order or failure to follow an established practice would invoke a point of order rather than a question of privilege.”

I would also like to advise the House of a 2008 ruling by Speaker Hickee where the issue of a lack of bill distribution after First Reading approval was raised as a matter of privilege. In that ruling, Speaker Hickee explained that it was not a *prima facie* case of privilege. He noted for the House:

*“Once the First Reading motion for a Bill has been agreed to, the sponsoring Member or Minister is then provided with a letter authorizing distribution of the Bill within the Chamber. Until that distribution letter has been signed and returned to the table, the Bill cannot be distributed. The sponsoring Member or Minister has the option of authorizing immediate distribution or of authorizing distribution at a later time or on a later date by providing specific instructions. There is no requirement in the rules that the distribution must take place immediately, and this is the decision of the sponsoring Member or Minister.”*

I would also remind the House that until a Bill is distributed, it does not appear on the Order Paper for the Second Reading debate, so the House would not be proceeding to debate these Bills until distribution has taken place.

I can appreciate the concern of the Honourable Official Opposition House Leader, but I must respectfully rule that it does not fulfill the criteria of a *prima facie* case of a breach of privilege.

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Following Introduction of Bills on November 25, 2020, the Honourable Official Opposition House Leader raised a Point of Order claiming that the Government was in breach of Rule 2 by not distributing Bills when they are introduced, suggesting that the intent of Rule 2 was not being respected. The Honourable Government House Leader and the Honourable Member for River Heights also spoke to the Point of Order before I took the matter under advisement.

I thank the Honourable Members for their advice on this matter.

In her submission on this Point of Order, the Honourable Official Opposition House Leader referenced our Rule 2(8) regarding Specified Government Bills. She noted that this Rule indicates that in order for Government Bills to be considered Specified, First Reading must be moved no later than the 20th sitting day after presentation of the Throne Speech. She further interpreted the Rule as meaning that for any such Bill to be considered Specified it would have to be both introduced and distributed prior to that deadline day. The Honourable Official Opposition House Leader elaborated on this point by referencing comments made in the Rules Committee in 2015 when this Rule was adopted.

On this point I will respectfully disagree with the Official Opposition House Leader. I appreciate the argument she presented on this matter, but her interpretation of Rule 2(8) is incorrect. There is no provision anywhere in that Rule, or in any of our Rules, which enforces the immediate distribution of Bills when introduced.

I reference a 2008 ruling by Speaker Hickee where the issue of a lack of Bill distribution after First Reading was raised as a Matter of Privilege. In that ruling, Speaker Hickee explained to the House the process regarding introduction and distribution of Bills:

*“Once the First Reading motion for a Bill has been agreed to, the sponsoring Member or Minister is then provided with a letter authorizing distribution of the Bill within the Chamber. Until that distribution letter has been signed and returned to the Table, the Bill cannot be distributed. The sponsoring Member or Minister has the option of authorizing immediate distribution or of authorizing distribution at a later time or on a later date by providing specific instructions. There is no requirement in the Rules that the distribution must take place immediately, and this is the decision of the sponsoring Member or Minister.”*

While I can appreciate the concerns raised by the Honourable Official Opposition House Leader, I must respectfully rule that there is no Point of Order.

There is one other matter I must raise for the attention of all Members regarding this Point of Order. In her submission, the Honourable Official Opposition House Leader quoted at some length comments regarding Rule 2 made by the Clerk of the Assembly during the meeting of the Standing Committee on the Rules of the House on June 26, 2015. While I understand why the Member referred to the transcript of that meeting as background, I must caution her on referencing a Table Officer in her arguments. This point has been made by several previous Manitoba Speakers, most notably Speaker Hickee in 2008 when he stated:

*“I also wanted to give a reminder to all Members that in raising Points of Order or Matters of Privilege in the House, it is not appropriate to be bringing the non-partisan staff of the House into disputes between the various parties in the House. The staff at the Table... are all non-political, non-partisan staff of the House and, as such, serve all Members equally and provide excellent service. They also do not have the ability to defend themselves on the record, and as Speaker, I am sure I speak for all Members on all sides of the House when I say that it is not appropriate to be dragging non-political staff into disagreements, and I hope we do not see this happen again in the future.”*

I concur with Speaker Hickes on this point in general, though I would add an important qualification. During meetings of the Standing Committee on the Rules of the House, it is the duty of the Clerk or Deputy Clerk to explain the nuances of Rule change proposals for all Members. For this reason I do understand why the Honourable Official Opposition House Leader quoted the Clerks' comments from 2015 when framing her argument regarding her interpretation of that Rule.

However, I would caution all Members to be very careful when quoting our Table Officers. I would not want any Member to make it seem (inadvertently or otherwise) that one of our Clerks was advocating for any argument raised by a Member in the House. I will echo Speaker Hickes here and remind Members that all of our Table Officers are professionals, thoroughly non-partisan, serving all Members equally at all times. It would be unfortunate and inappropriate for there to ever be any impression given that they are taking sides on any dispute or debate in this House – something they would never do.

I thank all Members for their attention to this ruling.

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During Orders of the Day on December 2, 2020, the Honourable Member for St. James raised a Matter of Privilege regarding his ability to ask questions of the Government in the House without intimidation. Specifically, he alleged that the then Secretary of the Treasury Board had used a Respectful Workplace complaint against him as a means of preventing him from asking questions in the House. The Member concluded his remarks by moving: "*THAT this Matter be immediately referred to a special committee of this House so the privileges of all Members may be respected and the Government be properly held to account.*"

The Honourable Government House Leader and the Member for River Heights both spoke to this Matter before I took it under advisement to consult the procedural authorities.

Before I proceed, I will ask Members to bear with me. This is one of the most serious and complex Matters of Privilege I have encountered as your Speaker, requiring extensive research and consultation. For that reason, this ruling is quite detailed and I ask for the patience and attention of all Members.

As Members know, there are two conditions that must be satisfied in order for a Matter raised to be ruled in order as a *prima facie* case of privilege:

1. Was the issue raised at the earliest available opportunity; and
2. Was sufficient evidence provided to support the Member's claim that their privileges, or the privileges of the House, were breached.

On the issue of timeliness, the Honourable Member for St. James correctly indicated in his submission that a Member "must satisfy the Speaker that he or she is bringing the Matter to the attention of the House as soon as practical after becoming aware of the situation."



The Member further explained that the circumstances related to the infringement of his privileges had been ongoing, and that he raised the Matter “in the most immediate and responsible way” he could. He concluded that the complicated nature of the Matter required “significant research, significant deliberation and consultation and significant examination of the authorities in order to be properly presented in this House.”

I will admit that I am concerned about many aspects of this Matter, including the timing of the Member’s submission, as the situation referred to began weeks before he raised this in the House. However, I will note that a Respectful Workplace complaint such as the one referenced here should remain entirely confidential, as the policies require both complainant and respondent to not disclose or discuss the complaint except with the independent investigators. For the information of all Members, these investigators are hired by the Legislative Assembly in accordance with the policy approved by the Legislative Assembly Management Commission, which is posted on the Assembly website. I reference the Respectful Workplace complaint here because it could explain why a Member would not have immediately raised this Matter in the House. Based on this unusual set of circumstances, I would rule that the Honourable Member for St. James did meet the test of timeliness.

On the subject of the Respectful Workplace complaint, I will note for the House that while that process is clearly linked to this Matter of Privilege, in this ruling I am not addressing in any way the content or outcome of that process. That process has been addressed in another forum and my sole focus here is the procedural merit of this submission. Accordingly, I would remind the House that when any Speaker is dealing with a Matter of Privilege, they are dealing only with the procedural aspects of the Matter, in this case based solely on the information raised in the House on December 2, 2020.

As noted by Speaker Fox in a 1972 ruling in this House regarding Privilege, the Speaker deals only with the technical and procedural aspects of such Matters and not, in any way, with the merits of the situation or the allegations. Therefore, when a Speaker makes a ruling indicating that there is or is not a *prima facie* case of privilege, the Speaker is neither condemning nor condoning any actions taken.

Further, I would like to explain to Members that in this context, the phrase *prima facie* means “at first sight” or “on the face of it”. Joseph Maingot, the pre-eminent Canadian scholar on such matters, explains this further on page 221 of the second edition of *Parliamentary Privilege in Canada* by stating that:

*“A prima facie case of privilege in the parliamentary sense is one where the evidence on its face as outlined by the Member is sufficiently strong for the House to be asked to debate the matter and to send it to a committee to investigate whether the privileges of the House have been breached or a contempt has occurred and report to the House.”*

*“While the Speaker may find that a prima facie case of privilege exists and give the matter precedence in debate, it is the House alone that decides whether a breach of privilege or a contempt has occurred, for only the House has the power to commit or punish for contempt.”*

As this is a complex situation, to explain my ruling fully I must first revisit some of the specific comments made by the Honourable Member for St. James in his submission, and then consider remarks made in response by the Honourable Government House Leader.

The Honourable Member for St. James began by asserting that there had been “a breach of my privileges as an MLA. In particular, through an attempt to intimidate me as an MLA, my freedom of speech has been undermined.” The Member then alleged that he had been “the subject of an attempt to intimidate me in order to stop me from performing my duties in the House.”

Specifically, the Member indicated that the then Secretary of the Treasury Board lodged a complaint against him under the Legislative Assembly's Respectful Workplace Policy. The Member stated that in the complaint the then Secretary “alleged I failed to display respectful behaviour toward him, that I harassed and bullied him, that I offended and embarrassed him and acted in a way that reflects negatively on this Legislature by asking questions of the Government and the Premier in the Legislature.”

The Member concluded by stating that the then Secretary demanded in the complaint that the Member stop asking questions of the Government in this House on this issue, and that the Member keep this complaint confidential.

These are indeed serious allegations, and I am sure the House can understand why I have given this Matter very careful consideration.

In responding to the allegations from the Honourable Member for St. James, the Honourable Government House Leader made the point that when Members speak in the House about Civil Servants, there should be: “a greater onus upon us to be respectful because, while they are part of the process that we are all engaged in, they are not necessarily part of that political process that we are engaged in.” The Honourable Government House Leader also noted that Members “have a responsibility as politicians to carry out our affairs in a responsible way,” and that while Members “have the unique opportunity to have privilege in this House. That privilege shouldn't be abused.”

For Members' reference, I will remind the House that Parliamentary privilege is a constitutional right that has been passed on to the Parliament of Canada and to the provincial legislatures from the United Kingdom's 1689 Bill of Rights. Parliamentary privilege was incorporated into the Canadian Constitution and has been in existence since 1867 to provide protection for Members to exercise their parliamentary duties free from interference.

More specifically, Bosc and Gagnon note on page 89 of the third edition of *House of Commons Procedure and Practice*, that: “the rights, privileges and immunities of individual Members of the House may be categorized as follows:

- freedom of speech;
- freedom from arrest in civil actions;
- exemption from jury duty;
- exemption from being subpoenaed to attend court as a witness; and
- freedom from obstruction, interference, intimidation and molestation.”

Elaborating on this point on pages 89 and 92, Bosc and Gagnon explain that:

*“By far, the most important right accorded to Members of the House is the exercise of freedom of speech in parliamentary proceedings. It has been described as: a fundamental right without which they would be hampered in the performance of their duties. It permits them to speak in the House without inhibition, to refer to any Matter or express any opinion as they see fit, to say what they feel needs to be said in the furtherance of the national interest and the aspirations of their constituents.”*

*“Freedom of speech permits Members to speak freely in the Chamber during a sitting or in committees during meetings while enjoying complete immunity from prosecution or civil liability for any comment they might make. This freedom is essential for the effective working of the House. Under it, Members are able to make statements or allegations about outside bodies or persons, which they may hesitate to make without the protection of privilege.”*

Having established the primacy of Members’ freedom of speech, I will now explore the parameters of what would constitute the obstruction of a Member’s privilege to speak freely in the House.

Joseph Maingot advises on page 14 of the second edition of *Parliamentary Privilege in Canada* that:

*“To constitute privilege generally there must be some improper obstruction to the Member in performing his parliamentary work in either a direct or constructive way.”*

Further, on page 228 of the same edition Maingot elaborates on this point, stating that “Improper interference with the personal rights of Members of the House of Commons – i.e. freedom of speech, freedom from arrest in civil Matters, and freedom from attending as a witness or as a Member of a jury in court – may constitute a breach of privilege.”

Members may or may not be aware that our Rule 1(2) advises us that when our Rules or practices do not fully address a matter raised in this House, we are to be guided by the parliamentary traditions of the House of Commons and other Legislative Assemblies in Canada. Accordingly, in order to conduct as thorough an examination as possible of this Matter, I have researched similar Matters raised and ruled on by other Canadian Speakers.

In 1994 two Opposition Members of the Legislative Assembly of New Brunswick were looking into the activities of the Provincial Workers’ Compensation Board. The Board then hired a private investigator to question the Members on where and how they received their information. In response, one of the Members raised a Matter of Privilege alleging that her privileges had been breached by this action. In ruling on the Matter, Speaker Dysart found this action to be an attempt to interfere with or intimidate the Member, and therefore ruled that a *prima facie* case had been established, stating:

*“In my view there could be a prima facie case of privilege if the activity complained of is of such a nature as to interfere with the Members in the discharge of their parliamentary responsibilities.”*

In response to Matters of Privilege raised on similar matters in the National Assembly, three Quebec Speakers offered comments in their rulings pertinent to this Matter of Privilege.

In a 1991 ruling from Speaker Saintonge it was established that sending a Member of the Assembly a formal notice telling them to stop talking about the content of a contract, specifying that they may be found personally liable notwithstanding parliamentary privilege, was ruled a *prima facie* breach of privilege.

In 2004 Speaker Bissonnet ruled that:

*“Our parliamentary jurisprudence established that pressuring a Member of the Assembly to deter him or her from asking a question or discharging his or her parliamentary duties may breach the rights of the Assembly. Pressuring a Member has been described as an influence or insistent action aimed at coercing the Member in the performance of his or her duties.”*

Finally, Speaker Chagnon ruled in 2014 that: “it is of the essence of parliamentary institutions to be a place of debate and exchange, and it will never tolerate that a Member be subjected to threats or intimidation”.

In consideration of the current Matter before this House, I found these examples compelling and relevant. Before I conclude my ruling however, I am obliged to raise several other concerns I have regarding the circumstances of this case.

First, I must note one complication with the Honourable Member for St. James raising this Matter in reference to a Respectful Workplace complaint. Such processes are intended to be, and should remain, completely confidential. These complaints are not to be shared with anyone outside of the affected parties and the investigators, both during and after the process. As Members and citizens now know, both the complainant and the Member involved spoke of the results of this investigation in the Media. While I find the actions of both parties in that regard troubling and disappointing, they are not the subject of this ruling, and as the Presiding Officer of this House they are not something I have the power to address from this Chair. Instead, I will note for all Members that due to the need for confidentiality in the Respectful Workplace process, there are complications with such an issue being raised in the House instead of attempting to seek a resolution in another forum.

For the information of all Members, in light of this situation I have already asked Assembly Administration staff to review our Respectful Workplace Policies and recommend improvements. Once that document is ready for consideration, I will ask our Legislative Assembly Management Commission to consider the revised policies as soon as possible.

Second, let me be clear when I say that a Member’s Privileges in this House take constitutional precedence over any other process or complaint raised outside of this place. This means that having a Respectful Workplace complaint raised against a Member does not supersede that Member’s right to ask questions or speak on any topic in this House. Members of the Legislative Assembly of Manitoba are governed in this House by our Rules and Practices, and by the rulings of their Speaker, but while they are in this place they are in no way governed by the opinions or directives of Civil Servants or other individuals outside of this Legislature.

This is because the parliamentary principle of freedom of speech unequivocally gives Members the freedom to raise subjects in the House without interference from outside the Assembly. For further clarity, I will add that while this ruling, and my authority as your Speaker, govern comments made by Members in this House, that authority does not extend outside of this House. As your Speaker, I do not have any authority to govern, or respond to, comments made outside of the House, nor are Members protected by the privilege of freedom of speech outside of this House.

Third, earlier in this ruling I explained the importance of Members' freedom of speech. Because this privilege is such an extremely powerful immunity, on occasion Speakers have cautioned Members about its misuse. Speaker Milliken aptly summarized this sentiment in 2003 when he advised the House of Commons as follows:

*“Speakers discourage Members of Parliament from using names in speeches if they are speaking ill of some other person because, with parliamentary privilege applying to what they say, anything that is damaging to the reputation or to the individual... is then liable to be published with the cover of parliamentary privilege and the person is unable to bring any action in respect of those claims.”*

This sentiment would also apply to Civil Servants as they would not be able to defend themselves in this place, and I would ask all Members to reflect on that. We all sign up for this business by voluntarily putting our names on a ballot, but others – whether they be Civil Servants, Assembly staff, or other individuals – do not sign up for this, nor can they defend themselves in this place. I would therefore ask all of you to consider your words very carefully whenever you stand up to speak in this House. Yes, you have the immense privilege of freedom of speech here. I advise you all to be certain that you are using that privilege wisely.

Returning to the Matter raised, in his Privilege submission in the House on December 2, 2020 the Honourable Member for St. James alleged that the then Treasury Board Secretary intimidated him and attempted to obstruct him in his duties by seeking to prevent him from asking questions of the Government in the House. Based on the allegations raised by the Member, the procedural authorities outlined in this ruling, and the rulings from other Canadian Speakers in similar situations, at first sight I am ruling that the actions alleged by the Honourable Member for St. James do constitute a *prima facie* breach of the Member's privileges.

As a result, the motion moved by the Honourable Member for St. James may take precedence in debate and should go forward today in the House as the first item of Business under Orders of the Day. It is a debatable motion, and the House must vote on and adopt the motion in order for the remedy suggested in the motion to proceed. If the motion is defeated, the Matter would be concluded.

I trust that all Members will heed my words of caution today regarding these circumstances and govern themselves accordingly in the future.

I thank you all for the courtesy of your attention.

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

Mr. MALOWAY – To urge the Provincial Government to immediately demand Dynacare maintain all the phlebotomy (blood sample) sites existing prior to the Covid-19 public health emergency, and allow all Manitobans to get their blood and urine tests done when visiting their doctor, thereby facilitating local access to blood testing services.

Hon. Mr. GERRARD – 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.

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Mr. SALA moved:

THAT this Matter be immediately referred to a special committee of this House so the privileges of all Members may be respected and the Government be properly held to account.

And a debate arising,

And Mr. SALA, Hon. Mr. GOERTZEN, Mr. KINEW and Hon. Mr. GERRARD having spoken,

And the Question being put. It was negatived, on the following division:

**YEA**

ADAMS	LINDSEY
ALTOMARE	MARCELINO
ASAGWARA	MOSES
BRAR	NAYLOR
BUSHIE	SALA
FONTAINE	SANDHU
GERRARD	SMITH (Point Douglas)
KINEW	WASYLIW
LAMONT	WIEBE ..... 19
LAMOUREUX	

NAY

CLARKE	MICHALESKI
COX	MICKLEFIELD
EICHLER	MORLEY-LECOMTE
EWASKO	NESBITT
FIELDING	PEDERSEN
FRIESEN	PIWNIUK
GOERTZEN	REYES
GORDON	SCHULER
GUENTER	SMITH (Lagimodière)
GUILLEMARD	SMOOK
HELWER	SQUIRES
ISLEIFSON	STEFANSON
JOHNSON	TEITSMA
JOHNSTON	WHARTON
LAGASSÉ	WISHART
LAGIMODIERE	WOWCHUK..... 33
MARTIN	

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Hon. Mr. FRIESEN moved:

THAT Bill (No. 5) – The Liquor, Gaming and Cannabis Control Amendment Act (Cannabis Social Responsibility Fee)/Loi modifiant la Loi sur la réglementation des alcools, des jeux et du cannabis (taxe de responsabilité sociale en matière de cannabis), be now read a Second Time and be referred to a Committee of this House.

(Recommended by Her Honour, the Lieutenant Governor)

And a debate arising,

And Hon. Mr. FRIESEN having spoken,

And Hon. Mr. GERRARD and Mr. LAMONT having questioned the Minister,

The Question Period was allowed to remain open.

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Hon. Mr. FRIESEN presented:

Message from Her Honour, the Lieutenant Governor recommending the disposition of public revenue for Bill (No. 5).

(Sessional Paper No. 40)

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The House then adjourned at 5:00 p.m. until 1:30 p.m. Monday, March 15, 2021.

Hon. Myrna DRIEDGER,  
Speaker.