



**LEGISLATIVE ASSEMBLY OF MANITOBA**

**VOTES AND PROCEEDINGS No. 31**

**SECOND SESSION, FORTY-SECOND LEGISLATURE**

**PRAYER**

**1:30 O'CLOCK P.M.**

By leave, it was agreed to have a Government Members' Statement transferred to an Independent Liberal Member for this sitting day only.

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

(No. 212) – The Health Services Insurance Amendment Act (Personal Care Home Guidelines)/Loi modifiant la Loi sur l'assurance-maladie (lignes directrices concernant les foyers de soins personnels)  
(MLA ASAGWARA)

Hon. Mr. FRIESEN, the Minister for Health, Seniors and Active Living, made a statement regarding Paramedic Services Week.

MLA ASAGWARA and, by leave, Ms. LAMOUREUX commented on the statement.

Pursuant to Rule 27(1), Messrs. WISHART and MOSES, Hon. Mr. GERRARD, MLA ASAGWARA and Mr. WOWCHUK made Members' Statements.

Following Oral Questions, Madam Speaker made the following ruling:

On March 11, 2020 the Honourable Member for St. Johns raised a Matter of Privilege regarding the fact that the Auditor General has given a qualified opinion on the last two provincial budgets, and that in her opinion the Government has been misrepresenting its financial statements. She further stated that because the Government has not been in compliance with the Auditor General, and that it has not represented the true state of provincial finances, this has interfered with her ability to perform her parliamentary duties. The Member concluded her remarks by moving: "That this matter be moved to an all party committee officiated by the Auditor General of Manitoba for discussion."

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

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

Regarding timeliness, the Honourable Member for St. Johns made a case that the phrase “earliest opportunity” should be understood in a holistic and contextual manner. I was unconvinced by this argument, and, given that the Auditor General released his most recent qualified opinion on September 26, 2019, the Member had ample time to research this matter and raise it in the House last year. Accordingly, I am ruling that the condition of timeliness was not met in this case.

Regarding the second condition, the Member argued 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 and its Ministers are guilty of the provision of such misleading information.”

In examining the matter raised I believe this to be a difference of opinion over facts, and numerous Manitoba Speakers have ruled on many occasions that a dispute between two Members as to allegations of fact does not constitute a breach of privilege.

Further, Bosc and Gagnon advise on page 148 of House of Commons Procedure and Practice - 3rd edition that if a question of privilege involves a disagreement between two (or more) Members as to facts, the Speaker typically rules that such a dispute does not prevent Members from fulfilling their parliamentary functions, nor does such a disagreement breach the collective privileges of the House. As well, Joseph Maingot, on page 223 of the second edition of Parliamentary Privilege in Canada states that a "dispute between two Members about questions of facts said in debate does not constitute a valid question of privilege because it is a matter of debate."

I would therefore rule that the Honourable Member does not have a *prima facie* Matter of Privilege.

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By leave, the following provisions were agreed to:

1. To alter the rule governing Standing Committee membership with the understanding that these arrangements will be in place for all meetings until further notice, but can be changed either by leave of the House, or by written agreement from the Government House Leader, the Opposition House Leader and the Member for River Heights (or their designates) by:
  - a. Waiving Rule 83(2) and reducing membership for all Standing Committees (except for Public Accounts and Rules of the House) from 11 to six, with proportional representation as follows:
    - four Government MLAs (including Chairperson)
    - two Official Opposition MLAs
  - b. Waiving Rule 83(2) and reducing membership for the Standing Committees on Rules of the House from eleven to eight, with proportional representation as follows:
    - Speaker (as Chairperson)
    - four Government MLAs
    - two Official Opposition MLAs
    - one Independent Liberal

2. To waive Rule 119 for the remainder of the 42nd Legislature to allow the Standing Committee on Public Accounts, either by written request from the Chairperson and Vice-Chairperson, or by leave of the Committee, to call witnesses it deems appropriate in addition to Ministers, Deputy Ministers, or the Chief Executive Officer of a Crown Corporation.
3. Until further notice, to authorize the Government House Leader, the Opposition House Leader and the Member for River Heights (or their designates) to make other changes to rules governing Standing Committees when the House is not sitting by providing a letter to the Speaker detailing any additional changes.

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The following petitions were presented and read:

Ms. NAYLOR – Legislative Assembly of Manitoba 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) – Legislative Assembly of Manitoba 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. LINDSEY – Legislative Assembly of Manitoba 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 – Legislative Assembly of Manitoba 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. FONTAINE – Legislative Assembly of Manitoba 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.

MLA ASAGWARA – Legislative Assembly of Manitoba 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 – Legislative Assembly of Manitoba 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 – Legislative Assembly of Manitoba 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.

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Prior to Grievances, Mr. LAMONT rose on a Matter of Urgent Public Importance and moved:

THAT under rule 38(1), the ordinary business of the House be set aside to discuss a Matter of Urgent Public Importance, namely the need for urgent attention to the government's refusal to discuss or provide plans for the conduct and business of the chamber for the remainder of the legislative session.

And Mr. LAMONT, Hon. Mr. GOERTZEN and Ms. FONTAINE having spoken to the urgency of the motion,

WHEREUPON Madam Speaker ruled as follows:

I thank the Honourable Members for their advice to the Chair on the motion proposed by the Honourable Member for St. Boniface. The 90 minute notice required prior to the start of Routine Proceedings under Rule 38(1) was provided, and I thank the Honourable Member for that. Under our rules and practices, the subject matter requiring urgent consideration must be so pressing that the public interest will suffer if the matter is not given immediate attention. There must also be no other reasonable opportunities to raise the matter.

I have listened very carefully to the arguments put forward, as this is an issue that Members may have a keen interest in. Unfortunately, this motion does not fit the criteria as a Matter of Urgent Public Importance as there have been other opportunities that can be used to raise this issue, including Oral Questions, Members' Statements and Grievances.

With the greatest of respect, the motion is out of order as a Matter of Urgent Public Importance.

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In accordance with Rule 29, Ms. MARCELINO rose on a Grievance.

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

THAT Bill (No. 43) – The Civil Service Superannuation Amendment Act/Loi modifiant la Loi sur la pension de la fonction publique, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Mr. WIEBE, Ms. MARCELINO, Mr. MOSES and Mrs. SMITH (Point Douglas) 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.

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**Wednesday, May 27, 2020**

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Hon. Mr. GOERTZEN moved:

THAT Bill (No. 11) – The Minor Amendments and Corrections Act, 2019/Loi corrective de 2019, be now read a Second Time and be referred to a Committee of this House.

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

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The House then adjourned at 5:00 p.m., Wednesday, May 27, 2020.

Hon. Myrna DRIEDGER,  
Speaker.