



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 13

FIRST SESSION, FORTY-THIRD LEGISLATURE

PRAYER AND LAND ACKNOWLEDGEMENT

1:30 O'CLOCK P.M.

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

(No. 201) – The Manitoba Emblems Amendment Act (Provincial Stone)/Loi modifiant la Loi sur les emblèmes du Manitoba (désignation de la pierre provinciale)

(Mr. EWASKO)

Hon. Min. SALA presented:

Report of the Public Service Group Insurance Fund (Benefits Summary, Auditor's Report and Financial Statements) for the year ending April 30, 2023.

(Sessional Paper No. 72)

Hon. Min. FONTAINE, the Minister responsible for Gender Equity, made a statement regarding the National Day of Remembrance and Action on Violence Against Women.

Mrs. STONE and, by leave, MLA LAMOUREUX commented on the statement.

Pursuant to Rule 28(1), Ms. DELA CRUZ, MLA BEREZA, Hon. Mr. SIMARD, Mr. NARTH and MLA LAMOUREUX made Member's Statements.

Following Oral Questions, the Speaker made the following ruling:

Following the Land Acknowledgement on November 27, 2023, the Honourable Official Opposition House Leader raised a Matter of Privilege alleging that on Friday November 24, 2023 during Oral Questions, the Honourable First Minister deliberately misled Manitobans when discussing the firing of Michael Swistun from the Economic Development Board Secretariat.

The Member concluded his remarks by moving:

THAT this House condemn the Premier for deliberately misleading the Legislature and that this matter immediately be referred to a permanent Standing Committee of this House for investigation.

The Honourable First Minister spoke to the matter before I took it under advisement.

For the information of the House, in order for a Matter of Privilege raised 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 while also providing sufficient evidence that the privilege of the House have been breached.

On the condition of timeliness, the Honourable Official Opposition House Leader indicated that this was his first opportunity to rise on the matter after reviewing Hansard, and I would agree with the Member on that point.

Regarding the second issue of whether a *prima facie* case of privilege has been established, it has been ruled on numerous times in this House that a Member raising such a Matter of Privilege must provide specific proof of the intent to mislead the House on the part of the Member in question. Providing information that may show the facts are at variance is not the same as providing proof of intent to mislead. Past Manitoba Speakers have ruled that without a Member admitting in the House that they had the stated goal of misleading the House when putting remarks on the record, it is impossible to prove that a Member had deliberately intended to mislead the House.

The procedural authorities also offer commentary on the issue of misleading the House. Joseph Maingot states on page 241 of the second edition of *Parliamentary Privilege in Canada* that allegations that a Member has misled the House are in fact matters of order and not Matters of Privilege. He also states on page 223 of the same edition that disputes between two Members about questions of facts said in debate do not constitute a valid question of privilege because they are a matter of debate.

Finally, multiple rulings have been delivered from this Chair over the past 40 years regarding Matters of Privilege involving the alleged misstatements by Members or the provision of misinformation or inaccurate facts by Members. Speakers PHILLIPS, ROCAN, DACQUAY, HICKES and REID and DRIEDGER have consistently ruled such situations to be disputes over facts, which according to the procedural authorities do not fulfill the criteria of a *prima facie* case of privilege.

Accordingly, I rule that a *prima facie* case of a breach of privilege has not been established in this case.

Thank you for your attention to this ruling.

By leave, Hon. Mr. KINEW moved:

THAT Bill (No. 4) – The Employment Standards Code Amendment and Interpretation Amendment Act (Orange Shirt Day)/Loi modifiant le Code des normes d’emploi et la Loi d’interprétation (Journée du chandail orange), reported from the Standing Committee on Social and Economic Development, be concurred in and be now read for a Third Time and Passed.

And a debate arising,

And Hon. Mr. KINEW, Ms. STEFANSON, Hon. Min. FONTAINE, Hon. Mr. BUSHIE and MLA CROSS having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

By leave, Hon. Mr. KINEW moved:

THAT Bill (No. 2) – The Louis Riel Act/Loi sur Louis Riel, reported from the Standing Committee on Social and Economic Development, be concurred in and be now read for a Third Time and Passed.

And a debate arising,

And Hon. Mr. KINEW, MLA LOISELLE and Hon. Min. CABLE having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

The House resumed the debate on the Proposed Motion of Hon. Min. CABLE:

THAT Bill (No. 5) – The Adult Literacy Act/Loi sur l’alphabétisation des adultes, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Mr. JACKSON, Mrs. STONE and Mr. GUENTER having spoken,

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

The House then adjourned at 5:00 p.m. until 10:00 a.m. Thursday, December 7, 2023.

Hon. Tom LINDSEY,
Speaker.