



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 50

FIRST SESSION, FORTY-THIRD LEGISLATURE

PRAYER AND LAND ACKNOWLEDGEMENT

10:00 O’CLOCK A.M.

Pursuant to Rule 34, the Deputy Opposition House Leader announced that the Private Member’s resolution titled “Respecting Middle-Income Taxpayers” will be considered on the next Thursday of Private Members’ Business.

The House resumed debate on the proposed motion of Mr. JACKSON:

THAT Bill (No. 202) – The Community Foundation Day Act (Commemoration of Days, Weeks and Months Act Amended)/Loi sur la Journée des fondations communautaires (modification de la Loi sur les journées, les semaines et les mois commémoratifs), be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And MLA MOYES and Messrs. KING and WASYLIW having spoken,

And the Question being put. It was agreed to, unanimously.

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

The House resumed debate on the proposed motion of Mr. EWASKO:

THAT Bill (No. 201) – The Manitoba Emblems Amendment Act (Provincial Stone)/Loi modifiant la Loi sur les emblèmes du Manitoba (désignation de la pierre provinciale), be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Hon. Mr. MOSES, Messrs. OXENHAM and WASYLIW and MLA DELA CRUZ having spoken,

The debate was allowed to remain open.

Mrs. COOK moved:

Resolution No. 11: Calling on the Provincial Government to Put Patients over Politics

WHEREAS there are thousands of Manitobans suffering right now who are on waitlists for surgeries and diagnostic procedures in Manitoba; and

WHEREAS dozens of constituents from across Manitoba are reaching out and expressing concern regarding the waitlists they or their family members are on as well as overall surgical capacity; and

WHEREAS one of the first things this Provincial Government did when they took office was fire the surgical and diagnostic task force, who provided over 80,000 additional surgeries and procedures that otherwise would not have been funded; and

WHEREAS the Provincial Government has cut surgical capacity in Manitoba by taking away out-of-province surgical options when waitlists in Manitoba were too long; and

WHEREAS the Provincial Government has not allocated funding to address short-term surgical capacity in Manitoba; and

WHEREAS as of April 1st, 2024, dozens of agreements signed to increase surgical and diagnostic capacity with public and private clinics in Manitoba were allowed to lapse by this Provincial Government; and

WHEREAS no immediate alternative solutions for Manitobans currently waiting for surgeries and diagnostic procedures have been provided; and

WHEREAS any progress on surgical and diagnostic wait times will require a plan to attract, train, and retain health care workers that the Provincial Government has thus far failed to present; and

WHEREAS the Provincial Government has a responsibility and duty to provide timely care for people in pain waiting for surgeries and diagnostic procedures.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Provincial Government to immediately address short-term surgical capacity issues by providing more options for patients in need right now, re-sign all agreements intended to increase surgical and diagnostic capacity in Manitoba, and create a real plan to attract, retain and train more healthcare workers in Manitoba.

And a debate arising,

And Mrs. COOK having spoken,

Thursday, April 25, 2024

And MLA DEVGAN, Mr. KHAN, Hon. Min. ASAGWARA, Mr. PERCHOTTE, Ms. BYRAM and MLA DELA CRUZ having questioned the Member,

And the debate continuing,

And Hon. Min. ASAGWARA, Mr. KHAN, MLA CHEN and Mr. PERCHOTTE and MLA DELA CRUZ having spoken,

The debate was allowed to remain open.

1:30 O’CLOCK P.M.

Hon. Mr. WIEBE tabled:

Annual Report on the Repeal of Acts Not in Force.

(Sessional Paper No. 112)

Hon. Min. FONTAINE, the Minister of Families, made a statement regarding April being National Sexual Assault Awareness Month.

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

Hon. Min. MARCELINO, the Minister of Labour and Immigration, made a statement regarding April 28, 2024, being the National Day of Mourning.

Ms. BYRAM commented on the statement.

Pursuant to sub-rule 28(1), MLA CHEN, Mr. WHARTON, MLA KENNEDY, Ms. STEFANSON and Hon. Min. NAYLOR made Member’s statements.

Following Oral Questions, the Speaker made the following rulings:

On April 17, 2024, during Orders of the Day, the Member for Midland raised a matter of privilege alleging that the Honourable Minister of Justice “consistently shouted down and attacked” the Member for Tuxedo, impeding her ability to do her duties as a Member and therefore breaching the privileges of both Members.

The Honourable Minister of Health, Seniors and Long-Term Care spoke to the matter before I took it under advisement, and I thank the Minister for their contribution.

Members are well aware that for a matter of privilege to be ruled in order a *prima facie* case of privilege, the Member must demonstrate that the issue has been raised at the earliest opportunity while also providing sufficient evidence that the privileges of the House have been breached.

The Honourable Member for Midland raised this matter while the Honourable Minister of Justice was heckling the Member for Tuxedo, and so clearly the condition of timeliness was met.

Before getting to the second issue of whether a *prima facie* case of privilege was established, I am obligated to note that the Member did not conclude their matter of privilege by moving a motion. This is an essential procedural step when raising a matter of privilege and it is required mechanism for the House to provide a remedy. I must therefore inform the House that I am ruling this matter of privilege out of order on that basis.

That being said, I am going to address the issue raised by the Member, as it demonstrates a problem that has been a growing concern for your Speaker.

I have reviewed Hansard and the Assembly broadcast for that afternoon's sitting. The actions and behaviour displayed by the Minister of Justice were not becoming someone in a position of such responsibility. By repeatedly shouting down another Member of the House who had the floor in debate, not only did he do himself and other Members a disservice, but the level of disrespect he showed the Deputy Speaker, who repeatedly tried to call him to order, was appalling. Speakers and their Deputies have been presiding over parliamentary procedures for over 600 years. When a Member takes this Chair, I expect them to be listened to and treated with the full respect this significant position deserves, and that goes for all Members.

The Member for Concordia is a Minister of the Crown and the Attorney General of Manitoba. He is also a long-serving Member of this Assembly, and I hope that he knows his behaviour in this moment was inappropriate, and I strongly recommend the Minister reflect on his behaviour in this Chamber.

I understand and recognize that Members have strong, opposing views on many issues – and that's fine, that's part of how this place works. What is not fine is yelling across the Chamber to try and make your point. That's not how this place should work. This place works when Members make such points in debate, not by incessant heckling.

This ruling is about the Minister of Justice's behaviour that afternoon, and I hope he takes this seriously. However, that Member is one of many who have taken things too far recently, and who should be asking themselves the same, hard questions. In recent weeks, a lot of Members on both sides of the House have been hollering back and forth at each other, and this behaviour has to stop.

This ruling should serve as notice that if other Members behave this way in the future, I will apply the same approach to them, and as you all know that could eventually include naming and expelling Members from this Chamber.

I have given quite a bit of leeway on this. I believe in the healthy back and forth of debate, it is part of our democracy. However, as I have said previously, the trend this Chamber seems to be moving toward is not healthy. You are not representing your constituents or your communities well when you act this way, and how we should treat each other has a huge influence on how folks outside of here treat each other.

Members are going to disagree. It is okay to be passionate, to stand up for what you believe in. But we must be respectful to each other. We must let each other have their say and argue their points in a healthy debate. We are supposed to be role models, and it is about time we gave Manitobans a good example to follow.

I believe your constituents expect better from each and every one of you.

Thank you for your attention to this ruling.

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Prior to Routine Proceedings on March 20, 2024, the Honourable Opposition House Leader raised a matter of privilege alleging that the Minister of Health, Seniors and Long-Term Care divulged information to the media about a Bill creating a seniors advocate that was not yet before the House.

The Member concluded his remarks by moving:

THAT this House refer this matter to an all-party for review.

The Honourable Government House Leader spoke to the matter before I took it under advisement.

As the House leaders know, for a matter of privilege to be ruled a *prima facie* case, the Members must demonstrate that the issue has been raised at the earliest opportunity while also providing sufficient evidence that the privileges of the House have been breached.

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

Regarding the second issue of whether a *prima facie* case of privilege has been established, I would refer the Member to the last ruling I delivered in this House on a comparable matter raised by the Member for Riding Mountain regarding the Member for Seine River. Similar sentiments apply to this matter as they did to that Matter of Privilege, namely:

1. As noted in my ruling on that matter, former House of Commons Speaker Peter Milliken made it clear that unless there is evidence that a Minister made copies of a Bill available to someone outside the House, it is hard to find any breach of privileges.

Canada's pre-eminent expert on parliamentary privilege, Joseph Maingot, advised that complaints a Minister made a statement outside the House rather than in the House may amount to a grievance against the government, but they are not a breach of privilege.

No fewer than six former Manitoba Speakers (seven counting the current Speaker) have ruled that such complaints may be a matter of discourtesy, but they are not a matter of privilege.

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

Having said that, I feel obligated to echo former Manitoba Speaker Walding’s sentiments and note that while this circumstance does not constitute a breach of privilege, it should be considered discourteous to the Assembly. The frequency with which events like this have been occurring recently suggests a troubling lack of respect for the primacy and authority of the Assembly. I find that concerning, and I trust that my rulings on these matters, and the related concerns I have shared with you, will resonate with Members and moderate future actions regarding introduction of Bills in the House.

Finally, as I indicated in a previous ruling, if Members wish to resolve this issue, it could be referred to the Standing Committee on Rules of the House for consideration.

Thank you.

From his decision, Mr. JOHNSON appealed to the House,

And the Question being put, “Shall the ruling of the Chair be sustained?”

It was agreed to, on the following division:

AYE

ASAGWARA
BLASHKO
BRAR
BUSHIE
CHEN
CROSS
DELA CRUZ
DEVGAN
FONTAINE
KENNEDY
KINEW
KOSTYSHYN
LATHLIN
LOISELLE

MALOWAY
MARCELINO
MOROZ
MOSES
MOYES
NAYLOR
OXENHAM
PANKRATZ
SANDHU
SCHMIDT
SCHOTT
SIMARD
SMITH
WASYLIW
WIEBE 29

NAY

| | |
|----------|-----------------|
| BALCAEN | JACKSON |
| BEREZA | JOHNSON |
| BYRAM | KING |
| COOK | LAGASSÉ |
| EWASKO | NARTH |
| GOERTZEN | PERCHOTTE |
| GUENTER | PIWNIUK |
| HIEBERT | SCHULER |
| | WOWCHUK..... 17 |

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

Mr. SCHULER – To urge the Provincial Government to lobby the Federal Government to stop the expansion of medical assistance in dying to those for whom mental illness is the sole condition; and to lobby the Federal Government to protect Canadians struggling with mental illness by facilitating treatment, recovery, and medical assistance in living, not death.

Mr. BALCAEN – To urge the Provincial Government to remove the punishing carbon tax on natural gas and other fuels and farm inputs for Manitoba agriculture producers and the Agri-food sector to decrease the costs of putting food on the table for Manitoba consumers.

Mr. GOERTZEN – To urge the Provincial Government to lobby the Federal Government to stop the expansion of medical assistance in dying to those for whom mental illness is the sole condition; and to lobby the Federal Government to protect Canadians struggling with mental illness by facilitating treatment, recovery, and medical assistance in living, not death.

Mrs. COOK – To urge the Provincial Government to lobby the Federal Government to stop the expansion of medical assistance in dying to those for whom mental illness is the sole condition; and to lobby the Federal Government to protect Canadians struggling with mental illness by facilitating treatment, recovery, and medical assistance in living, not death.

Mr. GUENTER – To urge the Provincial Government to lobby the Federal Government to stop the expansion of medical assistance in dying to those for whom mental illness is the sole condition; and to lobby the Federal Government to protect Canadians struggling with mental illness by facilitating treatment, recovery, and medical assistance in living, not death.

Mr. JACKSON – To urge the Provincial Government to remove the federal carbon tax on home heating bills for all Manitobans to provide them much needed relief.

Thursday, April 25, 2024

Mr. KHAN – To urge the Premier to financially assist the City of Winnipeg on building this three-lane bridge in each direction to maintain this vital link between northeast Winnipeg, Transcona and the downtown; to urge the Provincial Government to recommend that the City of Winnipeg keep the old bridge fully open to traffic while the new bridge is under construction; to urge the Provincial Government to consider the feasibility of keeping the old bridge open for active transportation in the future.

The House then adjourned at 5:00 p.m. until 1:30 p.m. Monday, May 6, 2024.

Hon. Tom LINDSEY,
Speaker.