



**LEGISLATIVE ASSEMBLY OF MANITOBA**

**VOTES AND PROCEEDINGS No. 33**

**FOURTH SESSION, FORTY-FIRST LEGISLATURE**

**PRAYER**

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

On motion of Ms. FONTAINE, Bill (No. 232) – The Election Financing Amendment Act/Loi modifiant la Loi sur le financement des élections, was read a First Time and had its purposes outlined.

Hon. Mr. CULLEN presented:

Annual Report of the Vehicle Impoundment Registry for the fiscal year ending March 31, 2018.  
(Sessional Paper No. 26)

Hon. Mrs. COX, the Minister of Sport, Culture and Heritage, made a statement regarding Sikh Heritage Month.

Mr. KINEW and Ms. LAMOUREUX commented on the statement.

Pursuant to Rule 27(1), Hon. Ms. CLARKE, Ms. LATHLIN and Messrs. LAGIMODIERE, MARCELINO (Tyndall Park) and TEITSMA made Members' Statements.

Following Oral Questions, the Honourable First Minister, in response to a Point of Order raised by the Member for St. Johns on April 2, 2019, rose to clarify that he was referring to a public document from the Public Accounts, and he tabled the document.

And Ms. FONTAINE and Hon. Messrs. GOERTZEN and FLETCHER having spoken to the point of order,

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

Subsequently following Oral Questions, Madam Speaker made the following rulings:

On the Point of Order raised by the Honourable Official Opposition House Leader, I thank all Members for their comments on this matter, as I believe the rules and practices relating to the tabling of documents in this House are important and worthy of a moment of consideration.

Before addressing the point of order, I would like to provide a little context as a point of reference for all Members.

First, our Rule 40(5) states:

*“Where in a debate a Member directly quotes from private documents, including digital representation or correspondence, any other Member may require the Member who is speaking to table a printed copy of the document quoted.”*

This rule forms the basis of our approach to the tabling of documents in our debates.

Second, we are further guided in this area by *House of Commons Procedure and Practice* (Third Edition), where on page 615 Bosc & Gagnon offer the following insights on tabling of documents referred to in debate.

*“It is not necessary to table a public document referred to but not quoted by a Minister. If a Minister quotes a private letter in debate, the letter becomes a public document and must be tabled on request. However, a Minister is not obliged to table personal or briefing notes referred to during debate or Question Period.”*

Third, rulings from previous Manitoba Speakers reinforce these sentiments. Speakers Hickes, Dacquay, Rocan, and Walding all ruled in similar circumstances that if a Member quotes a private document in debate, the Member is then obligated to table that document in the House.

There are also numerous rulings from these Speakers indicating that if a Member is referring to a private document but not quoting from it, or quoting from a public document, then they are not required to table the document.

Based on this collection of references and precedents I will remind Members of the following guidelines for Members regarding the tabling of documents in debate:

1. If a Member directly quotes from a private document in debate they are obligated to table it if requested to do so.
2. A Member is not obligated to table a public document, even if they quote from it in debate, though they may table it if they choose to do so.
3. A Member is not obligated to table documents referred to in debate but not directly quoted.
4. A Member is not obligated to table briefing notes or speaking notes.

I would note that, in reviewing the matter at hand from yesterday’s Question Period, at the time it was not completely clear to me whether the Premier was directly quoting from a document, paraphrasing information, or simply speaking to the House. I also had no knowledge of whether or not he was referring to his briefing notes – which he would not be obligated to table.

The Premier has since advised the House that he was referring to a public document.

Accordingly, there is no obligation for him to table anything, and I would rule that the Official Opposition House Leader did not have a point of order.

I thank Members for their attention to this ruling.

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Following the Daily Prayer on Friday, March 15, 2019, the Honourable Member for Flin Flon rose in the House to contend that the Honourable First Minister had wilfully misled the House regarding facts related to the Mining Community Reserve Fund during comments made on the previous day. To support his assertions, the Honourable Member for Flin Flon tabled a number of documents related to the Manitoba Prospectors Assistance Program. Following the conclusion of his remarks, the Honourable Member moved “THAT this matter of the Premier knowingly misleading Manitobans about the government’s inaction in the face of a job crisis in the North be moved to an all-party committee immediately.” The Honourable Government House Leader and the Honourable House Leader of the Second Opposition also offered advice to the Chair. I then took the matter under advisement in order to consult the procedural authorities.

I thank all Honourable Members for their contributions to the matter of privilege.

In raising privilege, Members must satisfy two conditions in order for the matter to be ruled in order as a prima facie case of privilege. It needs to be demonstrated that the issue was raised at the earliest opportunity, and that sufficient evidence has been provided to demonstrate that the privileges of the House have been breached, in order for the matter to be put to the House.

The Honourable Member for Flin Flon asserted that he needed to verify whether comments made by the Premier on the previous day were factual, hence the Member had to wait to consult Hansard to verify the facts. I should note for the House that the onus on the Member is not to verify what the facts are when raising privilege about misleading the House, rather it is to provide proof of intent to mislead the House, as a variance of facts is not necessarily proof of intention to mislead. I ask Members to keep this in mind when assessing the aspect of timeliness in the future.

Regarding the second condition, the noted authority Joseph Maingot advises on page 241 of the second edition of *Parliamentary Privilege in Canada* “To allege that a Member has misled the House is a matter of order rather than privilege.”

In addition, previous Manitoba Speakers have consistently ruled that in order to prove allegations that a Member deliberately misled the House, it is necessary to prove that there was clear intent involved to purposely mislead the House by knowingly making statements that would mislead. Speakers Walding, Phillips, Rocan, Dacquay, Hickes and Reid have all ruled that such a burden of proof is placed on the Member raising the privilege to demonstrate this.

To quote Speaker Hickes on this from a 2011 ruling:

“A burden of proof exists that goes beyond speculation or conjecture but involves providing absolute proof, including a statement of intent by the Member involved that the stated goal is to intentionally mislead the House, as it is possible Members may have inadvertently misled the House by unknowingly putting incorrect information on the record”.

In 2007, Speaker Hickee also ruled that providing information showing that some facts are at variance is not the same as providing proof of intent to mislead. Also, Speaker Dacquay ruled in 1998 that without a Member admitting in the House that he or she had stated the goal of misleading the House when putting remarks on the record, it is virtually impossible to prove that a Member had deliberately intended to mislead the House.

Therefore, with the greatest of respect I must rule there is no prima facie case of privilege.

I also wanted to note for the Member that in raising his matter he stated that the word “grumpy” is unparliamentary; however that word has not been ruled unparliamentary in this House.

From her decision, Ms. FONTAINE 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:

**YEA**

BINDLE	LAMOUREUX
CLARKE	MARTIN
COX	MAYER
CULLEN	MICHALESKI
CURRY	MICKLEFIELD
EICHLER	MORLEY-LECOMTE
FRIESEN	NESBITT
GERRARD	PEDERSEN
GOERTZEN	REYES
GRAYDON	SMITH (Southdale)
GUILLEMARD	SMOOK
HELWER	SQUIRES
ISLEIFSON	STEFANSON
JOHNSON	TEITSMA
JOHNSTON	WHARTON
KLASSEN	WISHART
LAGASSÉ	WOWCHUK
LAGIMODIERE	YAKIMOSKI ..... 37
LAMONT	

**NAY**

ALLUM	MALOWAY
ALTEMEYER	MARCELINO (Tyndall Park)
FONTAINE	SMITH (Point Douglas)
KINEW	SWAN
LATHLIN	WIEBE ..... 11
LINDSEY	

The following petitions were presented and read:

Mrs. SMITH (Point Douglas) – Legislative Assembly of Manitoba to request that the Provincial Government consider establishing a cross-departmental team to provide leadership on a culturally appropriate, coordinated response to the growing addictions crisis in our province that includes an aggressive, wide-spread education campaign on the dangers of using methamphetamine and opiates along with addictions education for front-line medical staff in health care facilities, to consider providing additional addictions services in Brandon and Western Manitoba across the continuum of care including acute response, detoxification, long-term rehabilitation, transitional housing, and support for managing co-occurring disorders, to request that the Minister of Health, Seniors and Active Living consider establishing a publicly available inventory of all addictions facilities in Manitoba and to consider providing supports for the families of people struggling with addiction including counseling, patient navigation and advocacy, and direct access to free naloxone. (C. Jacobson, M. Jacobson, R. Jacobson and others)

Mr. GRAYDON – Legislative Assembly of Manitoba to urge the Provincial Government to amend *The Official Time Act* to abolish daylight saving time in Manitoba effective November 4, 2019, resulting in Manitoba remaining on Central Standard Time (CST) throughout the year and in perpetuity. (J. Wieler, T. Bestrate, M. Stepanruk and others)

Mr. LINDSEY – Legislative Assembly of Manitoba to urge the Provincial Government to reinstate obstetric delivery services at Flin Flon General Hospital and work with the Government of Saskatchewan, and the Federal Government, to ensure obstetric services continue to be available on a regional basis. (J. Ballard, C. Ballard, A. Pearson and others)

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Hon. Mr. WHARTON moved:

THAT Bill (No. 25) – The Municipal Amendment and City of Winnipeg Charter Amendment Act/Loi modifiant la Loi sur les municipalités et la Charte de la ville de Winnipeg, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. WHARTON having spoken,

And Mr. SWAN, Ms. KLASSEN and Mr. LAMONT having questioned the Minister,

And the debate continuing,

And Mr. SWAN having spoken,

And Mr. MALOWAY speaking at 5:00 p.m. The debate was allowed to remain in his name.

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The House then adjourned at 5:00 p.m. until 10:00 a.m. Thursday, April 4, 2019.

Hon. Myrna DRIEDGER,  
Speaker.