



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 14

THIRD SESSION, FORTY-SECOND LEGISLATURE

PRAYER

1:30 O'CLOCK P.M.

The following Bills were read a First Time and had their purposes outlined:

(No. 208) – The Wildlife Amendment Act (Protecting Property from Water and Wildlife Damage)/Loi modifiant la Loi sur la conservation de la faune (protection des biens contre les dommages causés par les eaux et la faune)

(Mr. JOHNSON)

(No. 301) – The Winnipeg Humane Society Foundation Incorporation Amendment Act/Loi modifiant la Loi constituant en corporation « The Winnipeg Humane Society Foundation »

(Ms. FONTAINE)

Hon. Mr. PEDERSEN, the Minister of Agriculture and Resource Development, made a statement regarding 4-H Month.

Mr. BRAR and, by leave, Hon Mr. GERRARD commented on the statement.

Pursuant to Rule 27(1), Messrs. PIWNIUK, KINEW, ISLEIFSON and LINDSEY and Ms. GORDON made Members' Statements.

Following Oral Questions, Madam Speaker made the following ruling:

On March 12, 2020, the Honourable Member for St. James raised a Matter of Privilege alleging that the government has been infringing upon the privileges of opposition Members because they had not called a meeting of the Standing Committee on Crown Corporations to consider annual reports from Manitoba Hydro since June of 2018. The Member stated that not referring Hydro reports to Committee has prevented the opposition from holding the government accountable on many serious issues affecting Manitoba Hydro. He concluded his remarks by moving: “*THAT this issue be immediately referred to a committee of this House.*”

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

There are two conditions that must be satisfied in order for the matter raised to be ruled in order as a *prima facie* case of privilege. First, was the issue raised at the earliest opportunity, and second, has sufficient evidence been provided to demonstrate that the privileges of the House have been breached, in order to warrant putting the matter to the House.

On the issue of timeliness, the Honourable Member stated that he believed the phrase “earliest opportunity should be understood in a reasonable sense, and that we cannot simply take earliest opportunity to mean that next moment in time in which a Member has the ability to speak.” I disagree with the Member on this point, as I do not find that argument convincing. The Member indicated that the Committee in question had not met since June of 2018 to consider Hydro reports, and this in itself makes it abundantly clear that the Member, or any of his colleagues, could have raised this issue in the House many times in the previous 21 months. Accordingly, I am ruling that the test of timeliness was not met.

Regarding the second issue, I have stated on numerous occasions 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 14 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 the Standing Orders or a failure to follow an established practice would invoke a point of order rather than a question of privilege.”

It has also been ruled many times in this House that the opinion of the Speaker cannot be sought about matters arising concerning Committees and that it is not competent for the Speaker to exercise procedural control over Committees. Speaker Rocan made such a ruling in 1989, in 1993 and in 1994. Speaker Hickes also made five such rulings during his tenure, and as your current Speaker I have also delivered this same ruling, including earlier this session.

Although the Honourable Member for St. James may have a difference of opinion regarding the timing of calling Crown Corporation meetings, this falls more into the category of a complaint against the government, and not a breach of parliamentary privilege.

With the greatest of respect then, I rule that the matter raised does not fulfill the criteria of a *prima facie* case of privilege.

Wednesday, November 4, 2020

By unanimous consent, the sequence for consideration of estimates, as outlined in Sessional Paper No. 26 tabled on October 29, 2020, was further amended in order that the estimates of Agriculture and Resource Development, Municipal Relations and Conservation and Climate be considered prior to the estimates of Indigenous and Northern Relations in Room 254.

The House resolving into Committee of Supply.

The House then adjourned at 5:00 p.m. until 10:00 a.m. Thursday, November 5, 2020.

Hon. Myrna DRIEDGER,
Speaker.