



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 48

FIRST SESSION, FORTY-THIRD LEGISLATURE

PRAYER AND LAND ACKNOWLEDGEMENT

10:00 O’CLOCK A.M.

MLA PANKRATZ moved:

THAT Bill (No. 200) – The Firefighters Recognition Day Act (Commemoration of Days, Weeks and Months Act Amended)/Loi sur la Journée de reconnaissance des pompiers (Loi modifiant la Loi sur les journées, les semaines et les mois commémoratifs), 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 MLA PANKRATZ, Mr. BALCAEN, MLA LAMOUREUX and Mr. NESBITT having spoken,

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

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

Pursuant to Rule 34, the Deputy Government House Leader announced that the Private Member’s resolution titled “Respecting Seniors” will be considered on the next Tuesday of Private Members’ Business.

MLA DEVGAN moved:

Resolution No. 10: Respecting Frontline Workers

WHEREAS under the previous PC Provincial Government, Manitoba had one of the lowest ratios of doctors per capita in Canada; and

WHEREAS the previous PC Provincial Government cut its capital budget by 36% during six fiscal years since 2016; and

WHEREAS the previous PC Provincial Government closed three of six emergency rooms in Winnipeg; and

Tuesday, April 23, 2024

WHEREAS the previous PC Provincial Government's mismanagement led to a significant increase in mandatory overtime for nurses leading to exhaustion and burn out; and

WHEREAS reports found nurses were experiencing deep-seated unhappiness, very high levels of stress, and ER staff resignation increases due to the previous PC Provincial Government's decisions; and

WHEREAS the WRHA acknowledged the 'valley of despair' over significant changes in Manitoba's healthcare system in 2019; and

WHEREAS the previous PC Provincial Government failed to achieve multiple healthcare related election promises, failed to hire nurses or rural paramedics, failed to improve provincial wait times, and failed to build more personal care homes; and

WHEREAS steps were never taken under the previous PC Provincial Government to bring all partners together to streamline the process for international medical graduates to work in Manitoba, or to ensure that training pathways for allied health professionals in Manitoba were as efficient as possible; and

WHEREAS the current Provincial Government has begun the process of undoing the damage done by the previous PC Provincial Government to healthcare in Manitoba, including investing in more beds, more surgical and diagnostic capacity, and bringing together all partners to hire 1000 new health care staff in this year.

THEREFORE BE IT RESOLVED the Legislative Assembly of Manitoba urge the Provincial Government to continue respecting and working with frontline healthcare workers to repair the reckless cuts and mismanagement of the previous PC Provincial Government.

And a debate arising,

And MLA DEVGAN having spoken,

And Mrs. COOK, MLA DELA CRUZ, Mr. SCHULER and Ms. BYRAM having questioned the Member,

And the debate continuing,

And Mrs. COOK, Ms. LATHLIN, and Mr. SCHULER having spoken,

And Ms. BYRAM speaking at 12:00 p.m. The debate was allowed to remain in their name.

1:30 O’CLOCK P.M.

Prior to Routine Proceedings, Mr. BALCAEN rose on a matter of privilege alleging that the Honourable Minister of Justice shared details of proposed legislation to the media prior to its introduction in the House, thus violating the privileges of Members, and moved:

THAT the Minister of Justice be compelled to apologize to this House for his transgression and that this matter be referred to an all-party committee for review.

And Hon. Min. FONTAINE commented on the statement,

WHEREUPON the Speaker took the matter under advisement.

Hon. Min. ALTOMARE, the Minister Education and Early Childhood Learning, made a statement regarding Excellence in Education Awards.

Mr. JACKSON commented on the statement.

Pursuant to sub-rule 28(1), MLAs CROSS and LAGASSÉ, Messrs. BRAR and WOWCHUK and MLA MALOWAY made Member’s statements.

Following Oral Questions, the Speaker made the following rulings:

On March 18, 2024, immediately following the Prayer and Land Acknowledgement, the Honourable Member for Spruce Woods raised a matter of privilege alleging that the Honourable First Minister had repeatedly called him a “failed political staffer”, and this impeded his ability to serve his constituents.

The Member concluded his remarks by moving:

THAT this matter be referred to a Committee of this House.

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

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 Spruce Woods was silent on the condition of timeliness, and I would therefore rule that this requirement was not met.

On the second issue of whether a *prima facie* case of privilege had been established, it has been ruled many times in this House that a disagreement between two Members over comments spoken on the record does not qualify as a matter of privilege.

On page 148 of the third edition of *House of Commons Procedure and Practice*, Bosc and Gagnon advise that if a question of privilege involves a disagreement between two Members (or more) 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.

Further, Beauchesne citation 31(1) advises that a dispute arising between two Members as to the allegations of facts does not fulfill the conditions of parliamentary privilege.

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

The last comment I will make is that although we are all protected by parliamentary privilege while in the Chamber that grants us freedom of speech, personal attacks and disrespect will never help win an argument or debate and have no place in this Legislature.

Thank you for your attention to this matter.

From this 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

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

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

NAY

BALCAEN	KHAN
BEREZA	KING
BYRAM	LAGASSÉ
COOK	NARTH
EWASKO	NESBITT
GOERTZEN	PERCHOTTE
GUENTER	PIWNIUK
HIEBERT	SCHULER
JACKSON	STONE
JOHNSON	WOWCHUK..... 20

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Prior to Routine Proceedings on March 18, 2024, the Honourable Leader of the Official Opposition raised a matter of privilege alleging that the Premier made comments to the media and in the House that damaged his reputation as an educator, which thereby impeded his ability to serve his constituents.

The Member concluded his remarks by moving:

THAT this House call on the Member for Fort Rouge to retract his inflammatory remarks and apologize, as well as direct this matter to an all-party committee for review.

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

As the House knows, for a matter of privilege to be ruled as *prima facie* case, 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.

On the condition of timeliness, the Honourable Leader of the Official Opposition indicated that this was his first opportunity to raise the matter. However, the Member referenced multiple occasions when the alleged infractions occurred yet he didn't state any specific dates, and he also didn't raise this matter after any of those occasions. I found the Member's explanation of this condition incomplete, and accordingly I am ruling that he did not meet the test of timeliness on this matter.

For the record, I will also rule on the question of whether sufficient evidence was provided to demonstrate a breach of privilege. On this condition, I must indicate that disputes between Members regarding information put on the record are neither matters of privilege nor order, but rather matters of debate.

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."

Further, on page 148 of the third edition of *House of Commons Procedure and Practice*, Bosc and Gagnon state that:

“If the 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.”

Accordingly, I rule that the Member has not demonstrated a *prima facie* case of privilege.

Thank you for your attention to this ruling.

From this 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
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KENNEDY
KINEW
KOSTYSHYN
LATHLIN
LOISELLE

MALOWAY
MARCELINO
MOSES
MOYES
NAYLOR
OXENHAM
PANKRATZ
SANDHU
SCHMIDT
SCHOTT
SIMARD
SMITH
WASYLIW
WIEBE 28

Tuesday, April 23, 2024

NAY

BALCAEN
BEREZA
BYRAM
EWASKO
GOERTZEN
GUENTER
HIEBERT
JACKSON
JOHNSON

KHAN
KING
LAGASSÉ
NARTH
NESBITT
PERCHOTTE
PIWNIUK
SCHULER
STONE
WOWCHUK..... 19

The House then adjourned at 5:03 p.m. until 1:30 p.m. Wednesday, April 24, 2024.

Hon. Tom LINDSEY,
Speaker.