



**LEGISLATIVE ASSEMBLY OF MANITOBA**

**VOTES AND PROCEEDINGS No. 62**

**FIRST SESSION, FORTY-THIRD LEGISLATURE**

**PRAYER AND LAND ACKNOWLEDGEMENT**

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

Hon. Mr. SIMARD, the Minister of Sport, Culture, Heritage and Tourism, made a statement regarding Jewish Heritage Month.

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

Hon. Min. FONTAINE, the Minister responsible for Accessibility, made a statement regarding Manitoba Access Awareness Week, May 26 to June 1, 2024.

Mrs. HIEBERT commented on the statement.

Pursuant to sub-rule 28(1), Hon. Min. ASAGWARA, Mr. BALCAEN, MLA CROSS, Mr. JOHNSON and Hon. Mr. WIEBE made Member's statements.

Following Oral Questions, the Speaker made the following ruling:

This ruling deals with two matters of privilege raised by the Member for Brandon West. I have decided to rule on both matters in this one ruling for several reasons:

1. They were raised by the same Member on consecutive sitting days;
2. They raised the same complaint about two different incidents, and;
3. In recent rulings I have addressed in some detail the circumstance behind this complaint.

Prior to Routine Proceedings on April 23, 2024, the Member for Brandon West raised a matter of privilege alleging that the Minister of Justice shared details of proposed legislation to media prior to its introduction in the House, thus violating the privileges of Members. The Member concluded their remarks on the matter by moving:

*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.*

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

Following the Land Acknowledgement on April 24, 2024, the Member for Brandon West raised a matter of privilege alleging that the Premier had disclosed information about Bill 34, The Liquor, Gaming and Cannabis Control Amendment Act, to the media before it had been introduced to the House. The Member further alleged that the Provincial Government's continued pattern of disclosing information about Bills to the media before they had been introduced to the House infringed on the privileges of all Members. The Member concluded their remarks on this matter by moving:

*THAT the Member for Fort Rouge be held in contempt of this House, and that the matter be referred to an all-party committee for consideration.*

The Honourable Government House Leader and the Member for Tyndall Park spoke to the matter before I took it under advisement.

There are several problems with these submissions, which I must address with the Member. I will note first that in the matter raised on April 23, 2024, the Member for Brandon West spoke at great length regarding his complaint, but he failed to mention the number and the name of the Bill he was concerned about. This was problematic for me as your Speaker, as it made it harder for me to assess the Member's argument. As well, this omission did not add credibility to the Member's complaint.

Second, everyone in this House should know that a matter of privilege is a serious and significant tool available to Members, and it should be treated as such. I was extremely lenient with the Member for Brandon West as he was raising these matters, and I would note that he went on at some length in both his submissions. While it is important to be specific when stating the reasons for raising a matter of privilege, the Member repeated himself many times, which diminished the credibility of his complaint.

Third, as I indicated earlier, these matters raised the same complaint about two different incidents. I will acknowledge that the first submission was directed to the Minister of Justice and the second was directed at the Premier, and that they each referred to a different incident of an alleged disclosure of information regarding the same Bill. On this basis, I allowed the second matter to be raised and considered in the House.

For clarity, however, I will caution this Member, and all Members, that raising a matter of privilege on a topic very similar to a matter already under advisement is potentially out of order. In this case, the Member did explain the basic details of each matter, but he used a great deal of the same information in both cases, and due to this the two Matters sounded quite similar.

I would like all Members to be aware that I will be less lenient with this kind of submission in the future. I would encourage all Members raising a matter of privilege to first be certain that the matter is worthy of such a grave measure, second to ensure that the matter is distinct from other matters under advisement, and third to be concise in your arguments. Quantity matters less than quality in such submissions.

Regarding the Member's claims of a breach of privilege, as the House knows, for a matter of privilege to be ruled *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 Member for Brandon West indicated his submission on Tuesday, April 23 that before raising the matter he needed to confirm details from a media article Sunday evening – two days earlier. Accordingly, I am ruling that Member did not meet the condition of timeliness on the matter raised April 23.

In his submission on April 24, the Member from Brandon West indicated that he first learned of the alleged breach reading the news the previous evening. While the Member could have been more specific in his explanation of this circumstance, I would agree that he met the condition of timeliness for that submission.

Regarding the second issue of whether a *prima facie* case of privilege has been established, I would refer the Member to the ruling I delivered in this House on April 24, the same day he raised his second matter of privilege. Similar sentiments apply to these Matters as they did to that matter of privilege, namely:

1. 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.

2. 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.

3. No fewer than seven Manitoba Speakers have ruled that such complaints may be a matter of discourtesy, but they are not a Matter of privilege.

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

Once again, however, I must agree with 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.

I trust that my rulings on these matters and the related concerns I have shared with you will be understood by all Members and influence future actions regarding the introduction of Bills in the House.

Finally, as I have stated before, if Members wish to truly resolve this particular issue, it should be considered by the Standing Committee on Rules of the House.

Thank you for your attention.

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Hon. Min. SALA moved:

THAT Bill (No. 37) – The Budget Implementation and Tax Statutes Amendment Act, 2024/Loi d'exécution du budget de 2024 et modifiant diverses dispositions législatives en matière de fiscalité, be now read a Second Time and be referred to a Committee of this House.

(Recommended by Her Honour the Lieutenant Governor)

And a debate arising,

And Hon. Mr. SALA having spoken,

And Messrs. KHAN, JOHNSON and NESBITT and Ms. BYRAM having questioned the Minister,

And the debate continuing,

And Mr. JOHNSON having spoken,

And Mr. JOHNSON moved an amendment as follows:

*THAT the motion be amended by deleting all the words after the word "THAT" and substituting the following:*

Bill (No. 37) – The Budget Implementation and Tax Statutes Amendment Act, 2024/Loi d'exécution du budget de 2024 et modifiant diverses dispositions législatives en matière de fiscalité, be not now read a Second Time but that the Order for Second Reading be discharged, the Bill withdrawn from the *Order Paper* and the subject matter thereof referred to the Standing Committee on Legislative Affairs.

WHEREUPON the Speaker ruled the amendment in order,

And a debate arising on the amendment,

And Messrs. GOERTZEN, WASYLIW and KHAN and MLA DEVGAN having spoken,

And the Question being put. It was negatived, on the following division:

**AYE**

BALCAEN  
BEREZA  
BYRAM  
COOK  
EWASKO  
GOERTZEN  
GUENTER  
HIEBERT  
JACKSON

JOHNSON  
KHAN  
KING  
LAGASSÉ  
NARTH  
NESBITT  
PERCHOTTE  
PIWNIUK  
WHARTON  
WOWCHUK..... 19

NAY

ASAGWARA  
BLASHKO  
BRAR  
BUSHIE  
CABLE  
CHEN  
DELA CRUZ  
DEVGAN  
KENNEDY  
KINEW  
KOSTYSHYN  
LOISELLE  
MALOWAY

MARCELINO  
MOROZ  
MOSES  
MOYES  
NAYLOR  
OXENHAM  
PANKRATZ  
SALA  
SANDHU  
SCHMIDT  
SCHOTT  
SIMARD  
WASYLIW  
WIEBE .....27

The debate on the main motion was allowed to remain open.

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Hon. Min. SALA tabled:

Message from Her Honour the Lieutenant Governor recommending the disposition of public revenue for Bill (No. 37).

(Sessional Paper No. 119)

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The House then adjourned at 5:05 p.m. until 10:00 a.m. Tuesday, May 28, 2024.

Hon. Tom LINDSEY,  
Speaker.