



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 22

FOURTH SESSION, FORTY-SECOND LEGISLATURE

PRAYER AND LAND ACKNOWLEDGEMENT

1:30 O'CLOCK P.M.

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

(No. 21) – The Highway Traffic Amendment and Manitoba Public Insurance Corporation Amendment Act/Loi modifiant le Code de la route et la Loi sur la Société d'assurance publique du Manitoba
(Hon. Mr. PIWNIUK)

(No. 22) – The Environment Amendment Act (Pesticide Restrictions)/Loi modifiant la Loi sur l'environnement (restrictions applicables aux pesticides)
(Hon. Mr. WHARTON)

Hon. Mr. JOHNSON, the Minister of Agriculture, made a statement recognizing Canadian Agriculture Safety Week.

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

Pursuant to Rule 27(1), Hon. Mrs. GUILLEMARD, MLA ASAGWARA, Messrs. SMOOK and SANDHU and Hon. Mr. FRIESEN made Members' Statements.

Following Oral Questions, Madam Speaker made the following ruling:

Following the Land Acknowledgement on March 7th, 2022, the Honourable Member for Union Station raised a Matter of Privilege alleging that the Honourable Minister of Health deliberately misled the House on March 3rd, 2022. Specifically, the Member alleged that the Minister stated that the Diagnostic and Surgical Recovery Task Force would be providing an update on March 4th, 2022, but that update did not occur. The Member concluded their remarks by moving:

“That the Minister of Health be called on to apologize to this House, and that the matter of the surgical and diagnostic backlog and the failure of the government to set a deadline to clear the backlog, to be moved to a committee for immediate consideration.”

The Honourable Government House Leader and the Honourable Member for River Heights both spoke to the matter before I took it under advisement.

As Members know, two conditions must be satisfied in order for a Matter raised to be ruled in order as a *prima facie* case of privilege:

1. Was the issue raised at the earliest available opportunity; and
2. Was sufficient evidence provided to support the Member's claim that their privileges, or the privileges of the House, were breached?

On the issue of timeliness, the Honourable Member for Union Station indicated that this was their first opportunity to present the matter in the House after reviewing Hansard from the previous sitting day, March 3rd, 2022. Given that the Member raised this immediately following the Land Acknowledgement on the next sitting day, I would agree that the Member met the test of timeliness.

On the second condition, the Honourable Member for Union Station asserted that the Honourable Minister of Health deliberately misled the House by stating on March 3rd, 2022 that the Diagnostic and Surgical Recovery Task Force would provide an update on their work on Friday, March 4th, 2022, however that update did not occur on that day. The Member further asserted that, due to this sequence of events, the Minister had deliberately misled the House and therefore violated the privileges of Members as well as the House itself.

First on this point, noted parliamentary authority Joseph Maingot advises on page 241 of the second edition of *Parliamentary Privilege in Canada* that, "*To allege that a Member has misled the House is a matter of order rather than privilege.*"

Second, 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, Reid and myself have all ruled that the burden of proof to demonstrate the intention to mislead is placed solely on the Member raising the issue.

To quote Speaker Hickes on this point 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 Hickes 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 they 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.

In this case the Honourable Member for Union Station did not provide evidence that the Minister deliberately intended to mislead the House, nor have they made it clear how the House has been obstructed or impeded in the performance of its functions, nor how Members have been impeded in the discharge of their duties.

Accordingly, I am ruling that a *prima facie* case of a breach of parliamentary privilege has not been established in this case.

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

Mr. KINEW – To urge the Provincial Government to provide the services of two nurses to restore essential medical foot care treatment to the City of Thompson effective April 1, 2022.

Ms. FONTAINE – To urge the Provincial Government to immediately ensure effective and safe access to abortion services for individuals regardless of where they reside in Manitoba and to ensure that buffer zones are immediately legislated.

Mr. BRAR – To urge the Provincial Government to provide the services of two nurses to restore essential medical foot care treatment to the City of Thompson effective April 1, 2022.

Mr. BUSHIE – To urge the Provincial Government to provide the services of two nurses to restore essential medical foot care treatment to the City of Thompson effective April 1, 2022.

Mr. LINDSEY – To urge the Provincial Government to provide the services of two nurses to restore essential medical foot care treatment to the City of Thompson effective April 1, 2022.

Mr. MALOWAY – To urge the Provincial Government to immediately demand Dynacare maintain all the phlebotomy (blood sample) sites existing prior to the Covid-19 public health emergency, and allow all Manitobans to get their blood and urine tests done when visiting their doctor, thereby facilitating local access to blood testing services.

Hon. Mr. GERRARD – To urge the Provincial Government to undertake a combined review of the Vivian Sand Facility processing plant and the mining/extraction portion of the operation as a Class 3 development with a review by Manitoba's Clean Environment Commission to include public hearings and participant funding and; to urge the Provincial Government to halt all activity at the mine and plant until the Clean Environment Commission's review is completed and the project proposal has been thoroughly evaluated.

Monday, March 14, 2022

Mr. MOSES – To urge the Provincial Government to immediately provide comprehensive and free public healthcare coverage to all residents of Manitoba regardless of immigration status, including refugee claimants, migrant workers, international students, dependent children of temporary residents, and undocumented residents; to urge the Minister of Health and Seniors Care to undertake a multilingual communication campaign to provide information on expanded coverage to all affected residents; to inform all healthcare institutions and providers of expanded coverage for those without public health insurance and the details on how necessary policy and protocol changes will be implemented; and to create and enforce strict confidentiality policies and provide staff with training to protect the safety of residents with precarious immigration status and ensure they can access public health care without jeopardizing their ability to remain in Canada.

Ms. NAYLOR – To urge the Provincial Government to provide the services of two nurses to restore essential medical foot care treatment to the City of Thompson effective April 1, 2022.

Mrs. SMITH (Point Douglas) – To urge the Provincial Government to provide the services of two nurses to restore essential medical foot care treatment to the City of Thompson effective April 1, 2022.

Mr. WIEBE – To urge the Minister of Infrastructure to leave residents access to the Perimeter Highway at least every two miles along its length, especially at intersections such as Sturgeon Road which are vital to local businesses; and to listen to the needs and the opinions of the local residents and business owners who took the time to complete the Perimeter Safety Survey, while working with engineers and the technicians to ensure their concerns are addressed.

The House resumed the debate on the Proposed Motion of Hon. Mr. JOHNSON:

THAT Bill (No. 12) – The Peak of the Market Reorganization Act/Loi sur la réorganisation de Peak of the Market, be now read a Second Time and be referred to Committee of this House.

And the Question Period continuing,

And Mr. BRAR, Hon. Mr. GERRARD and Mr. MOSES having questioned the Minister,

And the debate continuing,

And Mr. BRAR, Hon. Mr. FRIESEN, Messrs. MOSES and WISHART, Hon. Mr. GERRARD and Mr. BUSHIE having spoken,

And the Question being put. It was agreed to.

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

The House then adjourned at 4:58 p.m. until 10:00 a.m. Tuesday, March 15, 2022.

Hon. Myrna DRIEDGER,
Speaker.