



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 48

FIFTH SESSION, FORTY-SECOND LEGISLATURE

PRAYER AND LAND ACKNOWLEDGEMENT

1:30 O'CLOCK P.M.

Immediately following the Prayer and Land Acknowledgement, MLA ASAGWARA rose on a Matter of Privilege regarding comments made by the Minister of Education and Early Childhood Learning during Oral Questions on April 25, 2023, when the Minister stated that the Leader of the Official Opposition “*seems to stand in this House on a day to day basis, pretending to be some kind of actor. He's no Adam Beach*”. The Member for Union Station contended that this was a deeply disrespectful and demeaning remark with a racial characteristic regarding the Leader of the Official Opposition and was a violation of privilege. The Member stated that language like this interferes with and prevents Honourable Members from doing their job and as a result breaches their privileges and moved: *THAT the House call on the Minister of Education to apologize immediately and to fully and unconditionally retract his remarks.*

And Hon. Mr. EWASKO spoke to the Matter of Privilege, offering a conditional apology while disputing the Member's allegations,

And Hon. Mr. GERRARD having spoken,

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

Mr. SCHULER, Chairperson of the Standing Committee on Justice, presented its First Report, which was read as follows:

Meetings

Your Committee met on April 25, 2023 at 6:00 p.m. in Room 255 of the Legislative Building.

Matters under Consideration

- **Bill (No. 6)** – The Manitoba Public Insurance Corporation Amendment Act/Loi modifiant la Loi sur la Société d'assurance publique du Manitoba
- **Bill (No. 12)** – The Minor Amendments and Corrections Act, 2023/Loi corrective de 2023
- **Bill (No. 15)** – The Court of King's Bench Amendment Act/Loi modifiant la Loi sur la Cour du Banc du Roi
- **Bill (No. 18)** – The Legislative Security Amendment Act/Loi modifiant la Loi sur la sécurité de la Cité législative
- **Bill (No. 19)** – The Provincial Offences Amendment Act/Loi modifiant la Loi sur les infractions provinciales

Committee Membership

- Hon. Mr. GOERTZEN
- Mr. HELWER
- Mr. SANDHU
- Mr. SCHULER
- Hon. Mr. SMITH (Lagimodière)
- Mr. WIEBE

Your Committee elected Mr. SCHULER as the Chairperson.

Your Committee elected Mr. HELWER as the Vice-Chairperson.

Public Presentations

Your Committee heard the following presentation on **Bill (No. 19)** – The Provincial Offences Amendment Act/Loi modifiant la Loi sur les infractions provinciales:

David Grant

Private citizen

Bills Considered and Reported

- **Bill (No. 6)** – The Manitoba Public Insurance Corporation Amendment Act/Loi modifiant la Loi sur la Société d'assurance publique du Manitoba

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 12)** – The Minor Amendments and Corrections Act, 2023/Loi corrective de 2023

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 15)** – The Court of King's Bench Amendment Act/Loi modifiant la Loi sur la Cour du Banc du Roi

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 18)** – The Legislative Security Amendment Act/Loi modifiant la Loi sur la sécurité de la Cité législative

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 19)** – The Provincial Offences Amendment Act/Loi modifiant la Loi sur les infractions provinciales

Your Committee agreed to report this Bill without amendment.

On motion of Mr. SCHULER, the Report of the Committee was received.

Hon. Mr. GOERTZEN presented:

Annual Report on the Repeal of Acts Not In Force dated April 2023.

(Sessional Paper No. 64)

Madam Speaker presented:

Auditor General's Report – Manitoba's Rollout of the COVID-19 Vaccines dated April 2023.

(Sessional Paper No. 65)

Pursuant to Rule 28(1), Hon. Mr. SMITH (Lagimodière), MLA FONTAINE, Hon. Min. KLEIN, Mr. MOSES and Hon. Mr. WHARTON made Members' Statements.

Following Oral Questions, Madam Speaker made the following ruling:

Following Oral Questions on April 13, 2023, the Honourable Minister of Sport, Culture and Heritage raised a Matter of Privilege regarding an incident which occurred over the lunch recess on that day during an event held in the Rotunda. The Minister alleged that during the event, the Honourable Leader of the Official Opposition attempted to physically and verbally intimidate him, including making several profane comments. The Minister concluded his remarks by moving:

That this matter be immediately referred to a permanent standing committee of this house for investigation.

The Honourable Leader of the Official Opposition spoke to the Matter of Privilege, apologizing to the Minister for the interaction but also disputing the facts as they had been related. The Honourable Member for River Heights also spoke to the matter before I took it under advisement.

As Members know, there are two conditions that must be satisfied in order for a Matter raised to be ruled in order as a *prima facie* case of Privilege: was the issue raised at the earliest opportunity, and was sufficient evidence provided to support the Member's claim that their privileges or the privileges of the House were breached?

In his submission on this Matter, the Honourable Minister of Sport, Culture and Heritage indicated that this was his earliest opportunity to raise this in the House and I accept the Member's word on that point.

On the second condition of whether the Member provided sufficient evidence to support a *prima facie* case of Privilege, there are several factors to consider.

Regarding the issue of intimidation of a Member, in order for a breach of a Member's Privileges to have occurred, Joseph Maingot advises on page 222 of the second edition of *Parliamentary Privilege in Canada* that the activity in question must involve a "proceeding of Parliament". This concept is supported by numerous rulings from Manitoba Speakers dating back as far as 1988. As was noted in those rulings, debate in this Chamber or in a Committee constitutes a proceeding of Parliament, however events taking place outside of the Chamber (such as a public event in the Rotunda) do not fall within that purview.

Further to that point, Speaker Parent of the House of Commons ruled in 1997 that in order for a Member to claim that their privileges have been breached, at the time of the alleged offence they must have been functioning as a Member actually participating in a proceeding of Parliament. As well, on page 620 of the third edition of *House of Commons Practice and Procedure*, Bosc and Gagnon state that the Speaker has no authority to rule on statements made outside of the House by one Member against another.

For these reasons I must conclude that a *prima facie* case of privilege was not established in this case.

Before I conclude this ruling though, I have some thoughts to share with Members.

I found it concerning that there were two different versions of the same event shared with this House. As noted earlier I am unable to rule on events outside of this Chamber so it is not my place as Speaker to try to mediate that difference of facts, but I am troubled that either version of the incident could have occurred at all. Whether you are serving as MLAs in a proceeding of Parliament, or whether you are out in the community, I wish that you could all treat each other respectfully, and honourably. I cannot count how many times I have stood in this spot and asked Members to do better in your interactions with one another. I have expressed this sentiment in many ways over the years, and each time I felt hopeful that the message would resonate.

I'm going to try that again now, and I truly hope that you will all take this message to heart.

The 57 people chosen by the citizens of Manitoba to represent them in this place occupy rare air. We have all been granted an exceptional opportunity to try and make this province a better place to live for all Manitobans, and I strongly believe that every single one of you wants to do that.

I understand how this place works, I have been a continuous Member of this Assembly longer than anyone in this room. So I know how and why partisan agendas drive the actions of Members, and I know that partisan behaviour is an important part of how things get accomplished here. I feel though that in recent years the temperature in this room has been rising. I feel that the balance between partisan agendas and professional courtesies has tipped in the direction of partisan divisions and away from constructive and collegial interactions.

Let me be clear about this, I am not saying that any one side of the House has caused this circumstance. Our entire political dynamic has shifted this way, in this Chamber and in our community. This is also not unique to Manitoba of course, we see this across the country and around the world. In the face of this trend however, my personal wish is that this Assembly could be an exception. I believe it is possible for all of us to take a long hard look in the mirror, and resolve to do better. To be better. To be adversaries but not enemies.

People watch what we do here in this Chamber, and in this building, and what we do here matters to the people of Manitoba. I would urge all of you to remember that while we are doing this important work that we can be civil, and even kind to one another. We can disagree, debate, criticize and advocate, but if we cannot demonstrate the kind of civility and respect to each other that we would expect of people outside of this place – work associates, constituents, even our families – how can we expect our constituents to respect us and support us?

In a few months most of you are going to be asking the good citizens of this province to cast a ballot with an X beside your name. When you are out knocking on doors and meeting folks, I hope you will be able to tell them that you have done better here, that you have done your best to represent them respectfully and capably while advocating for their best interests.

Thank you for your attention to this ruling.

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

Mr. ALTOMARE – To urge the Provincial Government to adequately fund Brandon University so that the institution can avoid making cuts and continue to serve students, faculty, Westman and the province of Manitoba as a whole.

Mr. MALOWAY – To urge the Provincial Government to adopt Right to Repair legislation requiring manufacturers of electronic devices and appliances, including washing machines and fridges, and farm machinery to make information, parts and tools necessary for repairs available to consumers and independent repair shops.

Mr. MOSES – To urge the Provincial Government to immediately provide comprehensive and free 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 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 health care without jeopardizing their ability to remain in Canada.

Mrs. SMITH (Point Douglas) – To urge the Provincial Government to take steps to implement Punjabi bilingual programs in public schools similar to existing bilingual programs and take steps to implement Punjabi language instruction in other levels of education in Manitoba.

The House resolved into Committee of Supply.

The Committee of Supply recessed to allow the House to reconvene.

By leave, it was agreed to allow the sections of the Committee of Supply in room 254 and room 255 to sit concurrently with the House while the House considers other business, with the understanding that if a recorded vote is requested in one section, the House will resolve into the Chamber section of Supply to conduct the vote.

The sections of the Committee of Supply in room 254 and room 255 resumed.

Subsequently, by leave, the House agreed to consider, without notice, a government motion regarding a request for the provision of security camera footage.

Hon. Mr. GOERTZEN moved:

THAT in accordance with sections 34 and 52.1(1) of *The Legislative Assembly Act*, the Speaker direct the Chief Legislative Security Officer to provide to the Speaker a copy of the security camera recording concerning the incident that occurred between the Member from Fort Whyte and the Member from Fort Rouge during the lunch recess at the event that was held in the rotunda of the Legislative Assembly on April 13, 2023; and that on receipt of the copy of the security camera recording, the Speaker is requested to take reasonable measures to make it available to all Members and to Members of the Manitoba Press Gallery, in a manner determined by the Speaker.

And the Question being put. It was agreed to.

The House resolved into Committee of Supply.

The House then adjourned at 5:00 p.m. until 10:00 a.m. Thursday, April 27, 2023.

Hon. Myrna DRIEDGER,
Speaker.