



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 11

SECOND SESSION, FORTY-THIRD LEGISLATURE

PRAYER AND LAND ACKNOWLEDGEMENT

1:30 O'CLOCK P.M.

The following Bill was read a First Time and had its purposes outlined:

(No. 215) – The Specialist Wait Time Reporting Act/Loi sur la présentation de rapports concernant les temps d'attente pour la consultation de spécialistes

(Mrs. COOK)

Hon. Mr. WIEBE tabled:

Copy of Regulations filed under *The Statutes and Regulations Act*, being Manitoba Regulations Nos. 144/2023 to 113/2024.

(Sessional Paper No. 5)

Pursuant to sub-rule 28(1), Hon. Mr. KOSTYSHYN, Mrs. STONE, MLA MOYES and Mrs. COOK made Member's statements.

By leave, the House reverted to Tabling of Reports.

Hon. Min. SCHMIDT tabled:

Annual Report of the Manitoba Clean Environment Commission for the fiscal year ending March 31, 2024.

(Sessional Paper No. 6)

Following Oral Questions, the Speaker made the following ruling:

During Petitions on November 22, 2024, the Honourable Member for Midland rose on a matter of privilege alleging that during Oral Questions earlier in the same sitting day, the Minister of Finance had accused her of intentionally misleading the House. Further, the Member alleged that Government Members had been allowed to conduct themselves in a manner that didn't conform with the rules of decorum, including being allowed to cast aspersions on the honesty of other Members, while Members of the opposition were not, and that this infringed on their ability to carry out their duties as Members. The Member concluded her remarks by moving:

THAT the Minister of Finance retract his comments, apologize to this House, and the matter be referred to an all-party committee.

The Honourable Minister of Labour and Immigration also spoke to the matter before the Acting Deputy Speaker took it under advisement.

As the House knows, for a matter of privilege to be ruled as a *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 minister stated that “it must be timely; I have sought some research on this matter and am back less than an hour later. This test is met”. I would note for the Member that while she stated that she could not have checked Hansard as the incident had just occurred, Manitoba Speakers have consistently allowed Members a reasonable amount of time to check Hansard or the procedural authorities before raising a matter of privilege. I would say, in this case, that the Member would have been well served to check Hansard, and I will come to the reason for that in a moment. On the main point, though, I am willing to say the Member met the test of timeliness with her submission.

Regarding the second condition of whether a *prima facie* case was demonstrated, during her submission the Member for Midland stated, “Earlier today in question period, the Minister of Finance accused me of misleading intentionally in his remarks in question period. This is a term that we all know to be unparliamentary”. The Member went on to say, “We are an Assembly governed by precedent and specific rules. Members on the government benches might not like it, but they have to follow the same playbook”. She also asked, “how can I fully participate in this House when I am held to a different and fully arbitrary standard?”

There are a number of issues with the Member's submission that must be addressed before I give my ruling.

First, it is well established in this House that concerns regarding unparliamentary language are matters of order, not privilege. On page 623 of the third edition of *House of Commons Procedure and Practice*, Bosc and Gagnon state that “any Member who feels aggrieved by a remark or allegation may also bring the matter to the immediate attention of the Speaker on a point of order”.

Many Manitoba Speakers and Deputy Speakers have reinforced this point, including Speaker Driedger and the Member for Turtle Mountain (serving as Deputy Speaker), who ruled on May 22, 2019, and November 30, 2017, respectively, that unparliamentary language is a matter of order, not privilege. Both rulings cited Joseph Maingot on page 254 of the second edition of *Parliamentary Privilege in Canada*, who wrote that “language that impugns the integrity of the Members would be unparliamentary and a breach of order contrary to the Standing Orders but not a breach of privilege”.

Second, in reviewing Hansard from that day, the comments from the Minister of Finance read as follows:

“I want to take the members opposite back to July 28, before the election, when they came forward to Manitobans with a Q2 update where they failed to reflect the actual state of affairs, financially. They misled Manitobans intentionally.”

The Minister was not referring to the Member for Midland in this remark, he was referring to the previous government as a collective. For the information of all Members, there is another well-established practice regarding unparliamentary language which distinguishes between comments directed at an individual, sitting Member and comments directed at a group, such as a caucus or a party. In our practice, language directed at a group is given much more leeway than the language directed at an individual Member. Additionally, the Minister’s comments were directed at the former government, many of whose Members are no longer MLAs in this House and are therefore outside the scope of these restrictions.

Given this information, it is clear to me that a *prima facie* case of privilege was not established in this matter. I would also urge the Member to take more care in the future when raising such matters, including waiting to review Hansard before proceeding.

I have some thoughts to share with the House regarding the Member’s assertion that the Government and the opposition are held to different standards in this House. This statement is inaccurate on two counts.

First, as noted, there were valid procedural reasons why the language the Member objected to was not called out of order during Oral Questions, as I have just explained. To be clear, if the language had been directed at the Member for Midland, as she asserted, it would certainly have been called out of order.

Second, as your Speaker, I endeavour to treat all Members fairly and without bias. Presiding over this House can be challenging, but I always strive to serve all Members of this House equally. If any Member has a problem with the way this House is operating and how I am doing my job, I invite you to meet with me in my office. Not only would such meetings provide a better forum for these discussions, they would also help Members to avoid reflecting on the Chair. As a reminder to Members on that point, I will share a passage from page 323 of the third edition of *House of Commons Procedure and Practice*:

When in the Chair, the Speaker embodies the power and authority of the office, strengthened by rule and precedent. [They] must at all times show, and be seen to show, the impartiality required to sustain the trust and goodwill of the House. The actions of the Speaker may not be criticized in debate or by any means except by way of a substantive motion [...] Reflections on the character or actions of the Speaker (an allegation of bias, for example) could be taken by the House as breaches of privilege and punished accordingly.

As I said, I am open to feedback from all Members, but it is inappropriate and out of order for any Member of this House to reflect on the Speaker, or any Presiding Officer, while serving in this Chair. This has been the practice of this House for over 150 years – regardless of who is in government and opposition and regardless of who is sitting in the Speaker’s chair – and it is a practice that must be respected. This is not about me as your Speaker, this is about the Office of the Speaker and the integrity of this institution.

I thank you all for your attention to this ruling.

From his 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	MARCELINO
BLASHKO	MOROZ
BRAR	MOSES
BUSHIE	MOYES
CABLE	NAYLOR
CHEN	OXENHAM
COMPTON	PANKRATZ
CROSS	REDHEAD
DELA CRUZ	SALA
DEVGAN	SANDHU
KENNEDY	SCHMIDT
KOSTYSHYN	SCHOTT
LATHLIN	SIMARD
LOISELLE	WIEBE28

NAY

BALCAEN	KING
BEREZA	LAGASSÉ
BYRAM	NARTH
COOK	NESBITT
GUENTER	PERCHOTTE
HIEBERT	SCHULER
JACKSON	STONE
JOHNSON	WHARTON
KHAN	WOWCHUK..... 18

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

Mr. BALCAEN – To urge the Provincial Government to remove the federal carbon tax on home heating bills for all Manitobans to provide them much needed relief.

Mr. KHAN – To urge the Provincial Government to call on the Federal Government to remove the punishing carbon tax on natural gas and other fuels and farm inputs for Manitoba agriculture producers and the Agri-food sector to decrease the costs of putting food on the table for Manitoba consumers.

MLA BEREZA – To urge the Provincial Government to support the investment and placement of an MRI machine in the Portage Regional Health Facility in Portage la Prairie, Manitoba.

Ms. BYRAM – To urge the Provincial Government to address the conditions of Provincial Trunk Highway 34, making the necessary upgrades to RTAC standard and to resurface the road once the new bridge has been completed.

Mr. EWASKO – To urge the Provincial Government to remove the federal carbon tax on home heating bills for all Manitobans to provide them much needed relief.

Mrs. COOK – To urge the Provincial Government to proceed with the planned renovation and expansion of Phoenix School without further delay.

Mr. GUENTER – To urge the Provincial Government to remove the federal carbon tax on home heating bills for all Manitobans to provide them much needed relief.

Mrs. HIEBERT – To urge the Provincial Government to support the investment and placement of an MRI machine in the Portage Regional Health Facility in Portage la Prairie, Manitoba.

Mr. NESBITT – To urge the Provincial Government to support the investment and placement of an MRI machine in the Portage Regional Health Facility in Portage la Prairie, Manitoba.

Wednesday, December 4, 2024

Mr. JACKSON – To urge the Minister of Education and Early Childhood Learning to reverse recent amendments to the Teaching Certificates and Qualifications Regulation that weaken subject-area requirements for teacher certification, and to reinstate teachable majors and minors and early-middle years requirements, which are essential for ensuring teachers have strong knowledge in core subject areas; and to urge the Provincial Government to address teacher shortages through alternative measures that uphold rigorous subject-area standards, which are critical for providing quality education to all Manitoba students.

Mr. JOHNSON – To urge the Premier to financially assist the City of Winnipeg on building this three-lane bridge in each direction to maintain this vital link between northeast Winnipeg, Transcona and the downtown; to urge the Provincial Government to recommend that the City of Winnipeg keep the old bridge fully open to traffic while the new bridge is under construction; and to urge the Provincial Government to consider the feasibility of keeping the old bridge open for active transportation in the future.

Mr. KING – To urge the Minister of Education and Early Childhood Learning to reverse recent amendments to the Teaching Certificates and Qualifications Regulation that weaken subject-area requirements for teacher certification, and to reinstate teachable majors and minors and early-middle years requirements, which are essential for ensuring teachers have strong knowledge in core subject areas; and to urge the Provincial Government to address teacher shortages through alternative measures that uphold rigorous subject-area standards, which are critical for providing quality education to all Manitoba students.

MLA LAGASSÉ – To urge the Provincial Government to immediately put forward a plan to increase breast cancer screening capacity and lower the breast cancer screening age to 40.

Mr. WOWCHUK – To urge the Provincial Government to address the much needed rehabilitation of Provincial Road 275 to ensure public safety; provide results of the MTI investigation into the Town and Municipality and provide immediate funding for the repairs of PR 275; and address the drainage issues on PR 275 and create permanent solutions so that flooding can be avoided.

Mr. NARTH – To urge the Minister of Education and Early Childhood Learning to immediately bring back the three portable classrooms to help alleviate the stress and overcrowding classrooms; and to urge the Provincial Government to reinstate the expansion project for Green Valley School.

The House then adjourned at 5:00 p.m. until 10:00 a.m. Thursday, December 5, 2024.

Hon. Tom LINDSEY,
Speaker.