

**Fourth Session – Forty-First Legislature**  
of the  
**Legislative Assembly of Manitoba**  
**DEBATES**  
and  
**PROCEEDINGS**  
**Official Report**  
**(Hansard)**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Forty-First Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
ALLUM, James	Fort Garry-Riverview	NDP
ALTEMEYER, Rob	Wolseley	NDP
BINDLE, Kelly	Thompson	PC
CLARKE, Eileen, Hon.	Agassiz	PC
COX, Cathy, Hon.	River East	PC
CULLEN, Cliff, Hon.	Spruce Woods	PC
CURRY, Nic	Kildonan	PC
DRIEDGER, Myrna, Hon.	Charleswood	PC
EICHLER, Ralph, Hon.	Lakeside	PC
EWASKO, Wayne	Lac du Bonnet	PC
FIELDING, Scott, Hon.	Kirkfield Park	PC
FLETCHER, Steven, Hon.	Assiniboia	Man.
FONTAINE, Nahanni	St. Johns	NDP
FRIESEN, Cameron, Hon.	Morden-Winkler	PC
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin, Hon.	Steinbach	PC
GRAYDON, Clifford	Emerson	Ind.
GUILLEMARD, Sarah	Fort Richmond	PC
HELWER, Reg	Brandon West	PC
ISLEIFSON, Len	Brandon East	PC
JOHNSON, Derek	Interlake	PC
JOHNSTON, Scott	St. James	PC
KINEW, Wab	Fort Rouge	NDP
KLASSEN, Judy	Kewatinook	Lib.
LAGASSÉ, Bob	Dawson Trail	PC
LAGIMODIERE, Alan	Selkirk	PC
LAMONT, Dougald	St. Boniface	Lib.
LAMOUREUX, Cindy	Burrows	Lib.
LATHLIN, Amanda	The Pas	NDP
LINDSEY, Tom	Flin Flon	NDP
MALOWAY, Jim	Elmwood	NDP
MARCELINO, Flor	Logan	NDP
MARCELINO, Ted	Tyndall Park	NDP
MARTIN, Shannon	Morris	PC
MAYER, Colleen, Hon.	St. Vital	PC
MICHALESKI, Brad	Dauphin	PC
MICKLEFIELD, Andrew	Rossmere	PC
MORLEY-LECOMTE, Janice	Seine River	PC
NESBITT, Greg	Riding Mountain	PC
PALLISTER, Brian, Hon.	Fort Whyte	PC
PEDERSEN, Blaine, Hon.	Midland	PC
PIWNIUK, Doyle	Arthur-Virden	PC
REYES, Jon	St. Norbert	PC
SARAN, Mohinder	The Maples	Ind.
SCHULER, Ron, Hon.	St. Paul	PC
SMITH, Andrew	Southdale	PC
SMITH, Bernadette	Point Douglas	NDP
SMOOK, Dennis	La Verendrye	PC
SQUIRES, Rochelle, Hon.	Riel	PC
STEFANSON, Heather, Hon.	Tuxedo	PC
SWAN, Andrew	Minto	NDP
TEITSMA, James	Radisson	PC
WHARTON, Jeff, Hon.	Gimli	PC
WIEBE, Matt	Concordia	NDP
WISHART, Ian	Portage la Prairie	PC
WOWCHUK, Rick	Swan River	PC
YAKIMOSKI, Blair	Transcona	PC

## LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, March 18, 2019

*The House met at 1:30 p.m.*

**Madam Speaker:** O Eternal and Almighty God, from Whom all power and wisdom come, we are assembled here before Thee to frame such laws as may tend to the welfare and prosperity of our province. Grant, O merciful God, we pray Thee, that we may desire only that which is in accordance with Thy will, that we may seek it with wisdom and know it with certainty and accomplish it perfectly for the glory and honour of Thy name and for the welfare of all our people. Amen.

Please be seated.

**An Honourable Member:** Madam Speaker, matter of privilege.

### MATTER OF PRIVILEGE

**Madam Speaker:** The honourable member for Concordia, on a matter of privilege.

**Mr. Matt Wiebe (Concordia):** I appreciate the opportunity to rise in the Legislature—[*interjection*]

**Madam Speaker:** Order, please.

**Mr. Wiebe:**—once again. Appreciate the opportunity to have my colleagues listen intently as I present a very serious matter of privilege that I'd like to bring forward here in the Legislature and as we, I know, had an opportunity to discuss on Friday how very important these matters of privilege are and how important it is for all members to be attentive and listening to all members as they speak to these particular matters of privilege.

The matter of privilege I'd like to reference this afternoon, Madam Speaker, is a serious one, and I humbly request an opportunity to properly lay out the facts of the matter as I understand them. I understand that this will take several minutes, but, as I said, it is of utmost importance as it concerns one of the most important matters for us as legislators here in the Legislature, and that is our privileges here in the House.

This is, indeed, the first opportunity that I have to rise on this matter, Madam Speaker. It is the first opportunity because the matter concerns the last act that took place in this House since we last met. It concerns the bill that was introduced on Friday, but not distributed to this House at that time. And so,

since this House has not met since last Friday, it is true when I say that this is the first opportunity I have to raise this matter for the House as there has been no other opportunity afforded to me.

What's more, Madam Speaker, last Friday, once the Minister of Finance (Mr. Fielding) introduced the bill which concerns the matter of privilege I am raising, he proceeded to discuss the bill with media prior to it being distributed in this House. This was done today, as we can all see we have the printed bill now before us on our desks. But it was not on our desks as of Friday afternoon. So the question is—of timeliness is clear. This is, indeed, the very first opportunity that I have to raise this matter before the House.

While the question may be clear, I think it's worth pausing at this stage to consider some preliminary remarks.

The issue of timeliness is of the utmost importance. I want to take a moment to discuss this issue in order to make clear why I believe the important matter of privilege that I am raising is being raised in a timely fashion, even if there are reasonable questions that might be raised regarding this matter.

The phrase—earliest opportunity—must be understood in a reasonable sense; that is, the earliest opportunity cannot simply mean the next moment in time in which the member has the ability to speak. This is too simple an understanding of the phrase. Rather, the earliest opportunity must be understood in a holistic or contextual manner. This holism or contextualism will allow for members to consult the relevant authorities, speak with or study various experts on the matter, as the case may be, as well as review the evidence that has been compiled on the matter at hand. This last point is, perhaps, the most essential in determining whether or not the question of timeliness or earliest opportunity has been met.

A thorough review of the evidence will not only determine for a particular member whether they reasonably ought to have believed it—a matter of privilege has indeed been raised; that is, if there is a prima facie case for believing that a member of this Chamber's privilege has been breached. But it will also form the basis of any ruling or judgment regarding that matter that the Speaker and ultimately

this House may make. As a result, the acquisition of correct and accurate information by members must be taken into consideration in the determination as to whether or not member—a member has brought their concern in a timely fashion.

Thus, the question of reasonableness is not fully objective in the sense there is a fixed or proper amount of time for the bringing forward of a matter of privilege to this House. The question will depend on the objective facts as well as whether the information is forthcoming, whether it is available, whether it is comprehensible, et cetera.

Neither is the question fully subjective either. It cannot be a question of the speed of each individual member or their willingness to expend the time to investigate a matter to determine whether a matter of privilege has been brought to this House in a timely fashion. It is properly understood as an intersubjective standard, Madam Speaker, a standard that must reflect the true capabilities of members to acquire information and bring it forward to this House with the demands that this House may reasonably make of all members.

The question of timeliness is then best understood as contextual, as I earlier stated. This digression helps understand the timeliness question with respect to the matters I am bringing forward today.

I want to take the opportunity to read the relevant facts into the record. It is important that they are clear, so I ask for the Speaker's indulgence on this matter. I will endeavour to be succinct as possible on this matter.

A press release that was sent out by the government of Manitoba at 2:30 p.m. on Friday, March 15th, 2019, after the House had risen for the day and during which the government was briefing members of the media regarding the contents of the bill they had attempted to introduce and distribute in the House earlier that day, the press release reads as follows, and it's important that we read it in its entirety so that it may be recorded in Hansard and presented for this House.

Quote: Province to Begin Regular Maintenance of the Manitoba Legislative Building: Repairs, revitalization needed to ensure building's heritage remains intact: Fielding—my apologies, Madam Speaker, the Minister for Finance's name, it is listed there.

The Manitoba government is taking action to enable ongoing, regular maintenance and repairs of the Manitoba Legislative Building to preserve the unique building for future generations, Finance Minister announced today. The Manitoba Legislative Building opened in July 1920 and it is our responsibility to ensure it stands for another 100 years, said the minister. Today we are making the maintenance of this historic building a priority and providing funding to reduce its operating costs over the long term.

\* (13:40)

For many years the repairs have—sorry, let me begin again. For many years, repairs have been made to meet standards of the day or deferred because of costs. The minister noted past deferral of much-needed investment in building and grounds infrastructure has resulted in the need for more expensive and urgent repairs and upgrades today.

Previous governments have deferred more than \$150 million in needed maintenance to the Legislature, meaning small problems have grown into critical ones and led to increased costs, said the minister. This internationally renowned site deserves to be cared for so that we can reduce the risk of losing the building's irreplaceable heritage.

The 250,000-square-foot historically significant building is designed—is a designated provincial heritage site and recognized as a magnificent example of beaux arts architecture. The Manitoba government is allocating \$10 million annually for the next 15 years to address the much-needed restoration and preservation of the Manitoba Legislative Building, the grounds and associated infrastructure.

The minister noted a review in 2016 identified the need for significant work to restore and maintain the building, including addressing water leaks that are causing damage to the exterior stonework and extensive water leaks inside the building; repairing the metalwork, along with balconies on the north and south sides of the building to prevent further heritage loss; replacing deteriorating and missing mortar on the stonework, which is leading to significant damage on the building and grounds; cleaning and restoring the building's exterior and reinstalling metal flashing and waterproof membranes to protect the building from further damage. In addition, the heating and ventilation, plumbing and electrical systems are at the end of their service life and will need to be addressed over time.

Project planning is underway, which will—with work starting this year and continuing through 2033-34.

The first phase of work will include masonry repairs and revitalization of the north side of the building, as well as some maintenance—sorry, main entrance facade improvements, to be completed by 2020, the building's centennial year.

Beginning in 2034, \$2.5 million will be provided annually to pay for ongoing maintenance to the building and precinct. This is a building that belongs to all Manitobans, and we want to be transparent and accountable to the public about the need for this important work, said the minister. We will ensure timely and appropriate repairs are done to restore or preserve the building for future generations.

The minister noted an advisory committee will be established to provide oversight and guide the development of long-term plans and annual maintenance plans to revitalize the building. Previous repairs to the legislator—Legislature included restoring the tower dome and Golden Boy in 2002, replacing the flat roof in 2010 and reconstructing the skylight over the main staircase in 2012. In total, these repairs cost more than \$10.5 million.

For more information on the Legislative Building, visit [www.manitoba.ca/chc/hrv/prov/p040.html](http://www.manitoba.ca/chc/hrv/prov/p040.html). End quote, Madam Speaker.

That was the press release sent out by the government's representative, the Minister of Finance (Mr. Fielding). If the Speaker so wishes, I do have copies of that press release which I'd be happy to table, if so needed, here in the Legislature.

But I've read the copy of that particular press release in its entirety for the House so that we have all of the facts on the record—facts as the government has presented them. The media did, indeed, note and write about the announcement that the government made.

To take one example, The Winnipeg Free Press, the most prominent newspaper in our province, which dwarfs the distribution of its competitors, wrote, in part—I and I will not read all of it, so as to keep my remarks as brief as possible.

I hear the minister opposite protesting that I would read the entire article. I will not, but I will

make reference to it and just quote one part of that, Madam Speaker, which is, quote: Just shy of its 100th birthday, the Manitoba Legislative Building is getting a facelift the provincial government says is long overdue. The Finance Minister tabled the bill in the House, Friday, to legislate about \$10 million annually in infrastructure maintenance costs over the next 15 years. He said about \$150 million in deferred maintenance costs have accumulated under the previous governments and need to be looked after.

Under Bill 21, The Legislative Building Centennial Restoration and Preservation Act, Fielding—my apologies, again, Madam Speaker—the Minister of Finance is proposing the creation of a legislative advisory committee to provide oversight on future repairs and take into account any fixes Manitobans suggest. The bill was tabled, but not distributed Friday due to a procedural delay by the opposition. The Province's top priorities include addressing water leaks in the building, maintaining and repairing metal work on balconies, and replacing deteriorating or missing pieces of stonework. End quote.

Those were the words written by the reporter for the Winnipeg Free Press. Those words were published Friday and appear in the Saturday edition of the Winnipeg Free Press, the most widely distributed edition of that paper which is the most read in our province.

There were no members of the House invited to that media event. There was no attempt on the part of the government to include members of the House in the provision of the information regarding a bill that was to be sent—and will be debated in the Chamber. Indeed, the press release was sent to all people or groups who have subscribed to an emailed newsletter and was not first sent to members of this Chamber.

It is a long-standing and clearly understood tradition of this House, a tradition and practice that has been affirmed and reaffirmed on many occasions, that bills are to be introduced in this House and debated in this House, and they must be first presented to the House prior to any other person or venue. This is a principle which is long-standing and clearly established. It offends the dignity of this House to have this principle impugned or questioned. It offends the authority of this House to have the question of legislation first proposed to individuals rather than to those who have been duly elected by the people of this province to consider, debate and vote on these important matters.

On our most important authority, the House of Commons Procedure and Practice, second edition, by O'Brien and Bosc, page 85, are very clear. They note: The dissemination of a bill to media prior to members of the media constitutes a breach of privilege. They write, quote: For example, in 2001 a question of privilege was raised regarding a briefing of the Department of Justice held for members of the media on a bill not yet introduced in the House while denying members access to the same information. Speaker Milliken at that time ruled that the provision of information concerning legislation to the media without any effective measures to secure the rights of the House constituted a prima facie case of contempt. And that was quoted from debates, March 19th, 2001, pages 1839 to 1840.

Madam Speaker, the matter was referred to the standing committee on procedure and House affairs. In its 14th report, presented to the House on May 9th, 2001, the committee found that the privileges of the House had, in fact, been breached. Quote: This case should serve as a warning that our House will insist on the full recognition of its constitutional function and historic privileges across the full spectrum of government. However, the committee did not recommend any sanctions in light of the apology of the minister of Justice and the corrective actions that were being taken to ensure that such actions did not reoccur.

A prima facie case of breach of privilege was found in a similar case, found that same year, and the matter was referred to the procedure and House affairs committee. In this case, however, the responsible minister has not yet apologized for the breach, nor has any responsible department taken any corrective action to ensure the actions that constitute the breach do not take place again. They denied members of this House access to this information insofar as they not only did not provide it to them, but refused to invite them to the same informational briefing they provided to media.

To be clear, the information provided to the media in advance of the members of this Chamber was not general in nature. It did not concern solely the general principle or principles of the bill. It concerned the details of the legislation of the bill. I quote from the press release to make clear the issue to the members of this House.

\* (13:50)

Quote: The minister noted an advisory committee will be established to provide oversight

and guide the development of a long-term plan and annual maintenance plans to revitalize the building. End quote. This is a specific provision of the bill which is before us. It is a specified provision of legislation which has yet to be presented to the members of this Chamber for consideration. It is a consequence of the principles on which this bill is based, not the principle itself. It is the substance of the bill.

The government, the Premier (Mr. Pallister) and his ministers, in a haste to try to score cheap and petty partisan political points, as they are wont to do, attempted to do so indirectly, which is not what it can do directly—circumvent the process of first presenting the bill to the House before it presents legislation to the broader public and media. It is a long-standing principle of this House that one cannot go indirectly—sorry—one cannot do indirectly what one cannot do directly. This is another principle that cannot be subjected to question.

The members of this Chamber have been duly elected by the people of this—[interjection]

**Madam Speaker:** Order.

**Mr. Wiebe:** —province. They are—they have a constitutionally mandated role to fulfill. Their parliamentary function demands that they be presented with the details of legislation which they must debate and vote on.

As constitutional convention, the practice of this House, the procedural authorities who guide our work as legislators and parliamentarians, the courts who interpret our work all demand collectively that we condemn a practice which undermines our privileges as members.

To summarize—[interjection]

**Madam Speaker:** Order, please. Order, please.

The member's gone on almost 20 minutes and that is quite unprecedented that we take that length of time to do a matter of privilege, and in courtesy to all members here I don't think we need a lot of repetition. We have heard what the member is saying and I would urge him to get to his final points because I'm not going to allow this. We've got a lot of people in the gallery and I would not like to see any disabuse of rules here and common practices.

So I would ask the member to please get to his final point and make his motion.

**Mr. Wiebe:** Absolutely, Madam Speaker, and as I said I was just getting to that point, so I appreciate the further guidance in terms of our time here this morning—or, sorry, this afternoon.

The minister presented information regarding a government bill to media in advance of members of this House. This breaches the long-standing and clearly recognized privileges of members of this House to have the legislation presented in advance of any other individual or venue. I believe this offends the Chamber. This minister has behaved in such a flagrant fashion without any attempt to brief members of this House. We believe that this should not be proceeded with.

I should ask—add for context, Madam Speaker, this issue is not new to the House. This is an issue that has been raised recently in this House for consideration by you, Madam Speaker. You have admonished all members on all sides of this House to respect the long-standing tradition of this House that details of legislation appear before members of this House before they are disseminated to members of the media.

Indeed, the government members supposedly accepted this claim. I quote for the Chamber the former House leader of the government caucus on May 9th, 2018. Quote: The contents of legislation being shared with both the public and the media before members of this Legislature have had a chance to review and receive shows that the official opposition now has a history of disrespecting your traditions and practices of this Assembly and the rights of MLAs receiving information first before we are asked to offer comment or debate. This has been a long-standing parliamentary tradition and one that is observed by this Chamber and its members.

Those were the words of the representative of the government caucus less than a year ago, Madam Speaker, but the government's own ministers now are failing to heed those words in their actions. When faced with this decision as to whether or not to allow the long-standing tradition they previously recognized, the government decided their short-term political interests were more important than respecting the traditions of privilege afforded to this House.

So, Madam Speaker, this is a contemptuous issue. It needs to be called out as such and stopped immediately. This needs to be addressed in a fashion that will ensure that government, its departments and officials do not engage in this manner in the future.

So I move, seconded by the member for Point Douglas (Mrs. Smith), that this issue, as outlined and laid out in my previous statements, be immediately referred to a committee of this House.

### Introduction of Guests

**Madam Speaker:** Prior to recognizing any other members, as we're 25 minutes already into routine proceedings, we have a lot of guests in the gallery that I would like to take the opportunity to introduce to you now.

I would like to draw the attention of all honourable members to the Speaker's Gallery where we have with us today His Excellency Mr. Ayikoi Otoo, the high commissioner of Ghana; the high commissioner's spouse, Patricia; and his daughter, Emily; and Mr. Benjamin Tanko, the head of Chancellory, Ghana Mission.

And also we have from the Ghanaian community in Winnipeg—we have a number of members from the Ghanaian community.

On behalf of all of us, we'd like to welcome you all to the Legislature.

And seated in the public gallery from Dawson Trail we have Will Bergmann, who is the guest of the honourable member for Dawson Trail (Mr. Lagassé).

And also seated in the public gallery from Peguis Central School we have 13 grade 8 students under the direction of Cheryl Swampy, and this group is located in the constituency of the honourable member for the Interlake.

And also we have—in the gallery we have Bryn Lavergne, Isaiah Friesen, Brooke Adams, Austin Ginter, John Gellert, students of Rosenort School and part of Rosenort Broadcasting Club. Vice-Principal Tyler Cornelson is also attending with them, and these are the guests of the MLA for Morris.

On behalf of all members here, we welcome all of you to the Manitoba Legislature.

\* \* \*

**Madam Speaker:** Before recognizing other members to speak, I would remind the House that remarks at this time by honourable members are limited to strictly relevant comments about whether the alleged matter of privilege has been raised at the earliest opportunity and whether a prima facie case has been established.

I think the honourable House leader for the second opposition was standing, so I will acknowledge him first.

**Hon. Jon Gerrard (Second Opposition House Leader):** Madam Speaker, first I join all the members here in welcoming the high commissioner from Ghana and members of the 'Ghanese' community.

On this matter of privilege: as the Speaker is well aware, this matter has been on occasion—before the House on previous occasions dealing with the premature release of critical information which is in a bill. Obviously, one of the important questions is to what extent the information within the bill was released.

I think, in this case, the member for Concordia (Mr. Wiebe) has made a good case that this is an important issue which should be considered as—for a matter of privilege and be referred to a legislative committee, and we would certainly support that.

Thank you.

**Hon. Kelvin Goertzen (Government House Leader):** If I understand the member's matter of privilege correctly, he is concerned that a bill wasn't able to be distributed because he filibustered and didn't allow the bill to be distributed, Madam Speaker.

If he were to read the budget, or even be willing to debate the budget, he would know that the information that was provided to the media by the member—or, the Minister of Finance (Mr. Fielding) was information that is provided in the budget, and so it's public information.

But it is clear that he doesn't want to debate the budget because it lowers the PST, and the long-standing opposition of the NDP to provide any tax relief to Manitobans continues under their new leader, Madam Speaker.

**Madam Speaker:** I think I have probably heard sufficient argument. I'm not sure if the other members are also rising to speak to this same matter of privilege.

The honourable member for Elmwood—if the honourable member is rising because he feels that there's some point that has not been touched on, I will hear him very briefly, but I do think we should move on.

\* (14:00)

**Mr. Jim Maloway (Elmwood):** I support this matter of privilege. I concur with the member that points of privilege are serious matters. They also require significant understanding of the issues.

Now, I support the member's assertions as a member of this House. On the issue of timeliness I support the member's assertion that the first opportunity to bring this matter before the House is actually now. Since this House has not met since last Friday, I concur with the member that this was their first opportunity to raise the matter—

**Madam Speaker:** Order, please.

I am only going to hear new information. I don't believe the House needs to have a rehash of what the member for Concordia has already put on the record. As I indicated, I will only hear new information, so if the member has new information, then we—I will hear him. Otherwise, I would ask him to sit down.

The honourable member for Elmwood, on new information related to this matter of privilege.

**Mr. Maloway:** Well, Madam Speaker, the reality is that there is lots of points that have to be dealt with on this particular matter as the member—the opposition House leader for the second opposition party has pointed out that this issue has been—happened before in the past and this is an issue that has to be dealt with and not replicated in the future. And so I'm simply trying to put some points on the record—

**Madam Speaker:** Order, please. I've been very clear. I will hear the member only if he has new information. If he has no new information, I think it would be a disabuse of the House privileges of all members here. So unless he's got new information, I don't think I'm going to recognize the member. So he's indicating no.

The honourable member for Flin Flon, on the same point of order?

**Mr. Tom Lindsey (Flin Flon):** On the same point of order, Madam Speaker.

**Madam Speaker:** I mean, same matter of privilege.

**Mr. Lindsey:** Or matter of privilege.

**Madam Speaker:** And I'm going to give the member the same warning: unless he's got new information, I am not going to allow this to continue. Does the member have new information to put on the record?

**An Honourable Member:** I believe so.

**Madam Speaker:** The honourable member indicates that he has new information.

**Mr. Lindsey:** Thank you, Madam Speaker.

This matter of privilege, as all matters of privilege are extremely important and, particularly, while we have guests in the House, Madam Speaker, that come to our House to watch democracy in action, I believe that the matter of privilege that the member brought forward and the debate we're having about that matter of privilege are, in fact, the best demonstration of democracy in action.

Now, Madam Speaker, the Government House Leader (Mr. Goertzen) stood up a couple of minutes ago and talked about, well, it's got something to do with the budget; it has got something to do with this and it has got something to do with that. And his comments weren't specifically pointed to this matter of privilege. And I object, of course, to what he is trying to put on the record, that we're merely doing this to somehow do something with the PST, which this matter of privilege has got absolutely nothing whatsoever to do with that.

What it does have to do with is the rules of this House—

**Madam Speaker:** Order, please.

I'm very clear about what I'm saying, and there is something such as corporate parliamentary privilege and that means that there is parliamentary privilege to be recognized for all members of this House. I'm being very clear here that I will only hear new information. It's long-standing practice that that is a rule in this House by any Speaker, whether it was an NDP Speaker or a Progressive Conservative Speaker.

The only exception to allowing more members to speak is if they're bringing forward new information that is not already on the record. That is a long-standing practice and I am not going to hear any members that just want to reiterate comments that have already been made. That would not be in keeping with the rules and practices of the House.

So I will continue to hear the member only—if he has something new to add to this matter of privilege. If he does not, I would ask him to sit.

**Mr. Lindsey:** I just have one further comment, that the minister had pre-booked media for that day. The minister went ahead with that pre-booking of his media event in contravention of the rules of this

House. Because, in fact, the bill had not been seen by members of this House, the minister could very well have cancelled that media event, but he chose not to. And that is what really is the meat and potatoes of this, Madam Speaker, is that the minister thought it was more important to stand in front of cameras and media and talk about something than it was to bring that something to the members of this Chamber to talk to us first. Nowhere did we ever talk about what the formation of the committee was that the minister was going to talk about at his media event.

Madam Speaker, that should be the particularly egregious thing from this whole fiasco, if you will, is that the minister thought it was more important to talk to the media and try and say what a wonderful thing he was doing and his government was doing rather than come to this Chamber and talk to the people that are supposed to be informed and have a debate before it ever goes to the media.

So that really is the new information that I bring on this particular matter, Madam Speaker. The previous House leader has talked previously about the importance of members of this Chamber being able to discuss something before it gets disseminated, before it gets somewhere else. So I want to just make sure that everybody understands the importance of that particular point in this whole debate.

As to the timeliness: absolutely this is the first opportunity that we've had because the minister ran out from the House and went directly to the media as soon as we were done.

Thank you, Madam Speaker.

**Madam Speaker:** I believe I have enough information on this to make a ruling.

A matter of privilege is a serious concern. I'm going to take this matter under advisement to consult the authorities and will return to the House with a ruling.

#### ROUTINE PROCEEDINGS

**Madam Speaker:** Oh, actually, I see a couple of members speaking. Is somebody else rising on a matter of privilege?

**An Honourable Member:** Yes.

**Madam Speaker:** Yes?

### MATTER OF PRIVILEGE

**Madam Speaker:** The honourable member for The Pas, on another matter of privilege.

**Ms. Amanda Lathlin (The Pas):** I rise today on a matter of privilege and to raise to you a matter of contempt of this Legislature by the Premier (Mr. Pallister) and the Pallister government.

It is important, as legislators, that we do our best to provide information that is factual. Issues of privilege are serious and must meet two tests: firstly, whether the issue was brought forward to the attention of the House at the earliest opportunity and, secondly, does a prima facie case of privilege exist. In my brief remarks today, I believe my privileges have been violated, as this government has shown contempt towards this Legislature.

The substance of my claim is this: On July 7th, 2017, a fire broke out in a pile of recycling and cardboard boxes at the back of the Town Centre Hotel in the town of The Pas. Volunteer firefighters responded to this fire and put down the flames. Unfortunately, as sometimes does occur in firefighting efforts, the fire rekindled. Volunteer firefighters returned to the hotel to fight the blaze, but the building was ultimately destroyed. Media reports on Friday alerted me and our community to the fact that the Manitoba Liquor & Lotteries, under the guidance of the Pallister government, has sued the Town of The Pas and named six firefighters involving in fighting this blaze. These six volunteer firefighters were helping their community.

Madam Speaker, that the Premier would individually name volunteer firefighters for doing their job is contemptuous of our job as legislators and an affront to the dignity of this legislator—and in doing so, he violates my privileges as a legislator.

To support my claim, I want to take a moment to discuss the important distinction between privilege and contempt. While over the past several hundred years, the privileges of members of this Chamber have become more and more determined, both in relation to the nature of the parliamentary functions of members as well as to the question of statutory and 'constituentia'—constitutorial—sorry—questions, there remains many matters which may not intuitively fall within the category commonly understood as privilege.

\* (14:10)

On this question I think it is instructive to refer to O'Brien and Bosc, page 83, who offer important remarks regarding the question of difference.

They write, I quote: It is important to distinguish between a breach of privilege and contempt of Parliament. Any disregard of or attack on the rights and powers of—and immunities of the House and its members either by an outside person or a body or by a member of the House is referred to as a breach of privilege and is punishable by the House.

There are, however, other offences against the dignity and authority of Parliament which may not fall within one of the specifically defined privileges. Thus, the House also claims the right to punish as a contempt any action which thought—not a breach of a specific privilege, tends to obstruct or impede the House in the performance of its functions, obstructs or impedes any member or officer of the House and the discharge of their duties, or is an offence against the authority or dignity of the House such as disobedience of its legitimate commands or libels upon itself or members or its officers.

As the authors of Odgers' Senate Practice state, I quote: The rationale of the power to punish contempts, whether a contempt of court or contempt of the Houses, is that the courts and the two Houses should be able to protect themselves from acts which directly or indirectly impede them in the performance of their functions. End quote. In that sense, all breaches of privilege are contempts of the House, but not all contempts are necessarily breaches of the privilege. This is well said, Madam Speaker, and there's—and there is a further point which bears emphasizing.

O'Brien and Bosc continue on page 84 of House of Commons Procedure and Practice, quote: While our privileges are defined, contempt of the House has no limits. When new ways are found to interview—interfere with our proceedings, so, too, will the House, and in appropriate cases will be able to find that a contempt of the House has occurred. End quote.

In this instance, Madam Speaker, the Premier and the Pallister government's authorization of a lawsuit that individually names volunteer firefighters leaves a stain on the reputation of this Legislature. It is an affront and a contemptuous of our duty to Manitobans. Further, it breaches my privileges as a legislator, as this act paints a brush over all those who serve the public.

Madam Speaker, I also contend that this matter has been brought to your attention at the earliest opportunity to. Phrase—earliest opportunity—must be understood in a reasonable sense. In this instance, I learned about this issue after our last sitting of question period. I took the time to understand the issue and now bring it before the Legislature.

Timeliness is properly understood as an intersubjective standard, Madam Speaker, a standard that must respect the true capabilities of members to acquire information and bring it forward to this House with the demands that this House may reasonably make of all members to bring forward matters at the earliest opportunity. The question of timeliness is then understood as contextual.

In conclusion, Madam Speaker, I contend that the Premier (Mr. Pallister) and the Pallister government have been contemptuous of this House, and in so doing have violated my privileges as a legislator.

Consequently, I move, seconded by the member for Flin Flon, that this issue be immediately referred to a committee of this House.

**Madam Speaker:** Before recognizing any other members to speak, I would remind the House that remarks at this time by honourable members are limited to strictly relevant comments about whether the alleged matter of privilege has been raised at the earliest opportunity and whether a prima facie case has been established.

**Hon. Kelvin Goertzen (Government House Leader):** Madam Speaker, the member opposite knows this is a matter before the courts, so it would be inappropriate for government to speak to it.

This is nothing more than a veil that will not—although a particularly transparent attempt to stop the government from continuing to debate the budget, which reduces the PST, which the NDP are obviously objecting to.

**Hon. Jon Gerrard (Second Opposition House Leader):** Madam Speaker, my understanding of this matter is that it began with the government cutting funding for the fire department. The result was that the fire department was in a position where it was difficult to carry out its duty as quickly as it could. And now the government, or one arm of the government, the Liquor & Lotteries Corporation, is suing the Town of The Pas for a problem which was partly the cause of the—of this government to begin with.

So I—certainly, we're ready to support the member from The Pas in this effort in bringing forward this matter of privilege.

**Madam Speaker:** The honourable member for Flin Flon, only if there is new information to add.

**Mr. Tom Lindsey (Flin Flon):** Well, I certainly hope there is, Madam Speaker. As to the timeliness, I concur with the member from The Pas that this is the first opportunity that any of us have had to discuss this matter in the House, and we should be discussing it here.

I understand a private corporation, the owner of the hotel, wants to sue the Town of The Pas, but I fail to understand how a Crown corporation and how the minister responsible for that Crown corporation can take it to sue individual firefighters who are volunteers. They're not professionals. They're not people that would be carrying a bunch of insurance to cover them from frivolous and vexatious lawsuits, particularly when they're brought by a Crown corporation in attempt to recover some money for lost lottery terminals.

Now, I understand the hotel owner may think it's within their rights, and that is the system that we have. But certainly, I believe that the Crown corporation minister could've, should've and hopefully will intervene in this case to tell her Crown corporation that this lawsuit against individual firefighters—individual firefighters who are volunteers who go above and beyond anything that any of us have done in this House, Madam Speaker, to try and protect people's lives, to try and keep people safe—that she will direct the Crown corporation to please withdraw from that lawsuit.

The Crown corporation, Madam Speaker, is not going to go broke if they lose nine video terminals, or whatever the number is, but some of these firefighters, who may very well land up being held accountable for something for which they're not accountable, may very well land up going broke. And that's the particularly egregious part of this whole action by a Crown corporation that is, in fact, under the review of a minister of this Crown and the Pallister government.

Certainly, we've seen other instances where the ministers of Crown corporations have stepped in and offered direction, particularly when it comes to things that they want to see done. So there's no reason whatsoever, Madam Speaker, why this

minister of this Crown corporation can't step in and say, stop what you're doing, it's egregious, it's wrong.

The public is not onside with this, Madam Speaker. We've certainly heard from any number of sources already that they hold this Crown and this—

**Madam Speaker:** Order, please. Order, please.

I think I have enough information to make a ruling on this particular matter of privilege.

On the condition of whether a prima facie case of privilege was established, Joseph Maingot advises, on page 222 of the second edition of *Parliamentary Privilege in Canada*, that when considering a question of privilege, the activity in question must involve a proceeding of Parliament.

This concept is supported by numerous rulings from Speakers Rocan, Hickes, Reid, as well as several rulings I have made from this Chair. As noted in those rulings, debate in this Chamber or in the committee rooms when the House or a committee is in session constitutes a proceeding of Parliament. However, a lawsuit against firefighters clearly does not fall within the scope of a proceeding of Parliament.

On the matter of privilege raised, therefore, by the honourable member, I would like to inform the House that it has been ruled a number of times that comments made outside of the House cannot form the basis for a prima facie case of privilege.

Beauchesne's, citation 31(1), advises that statements made outside the House by any member may not be used as the basis for a question of privilege. On page 614 of the *House of Commons practice and procedure*, O'Brien and Bosc state that the Speaker has no authority to rule on statements made outside of the House by one member against another.

Therefore, I must respectfully rule that the honourable member does not have a matter of privilege.

\* (14:20)

**Mr. Matt Wiebe (Deputy Official Opposition House Leader):** Madam Speaker, with respect, I challenge the ruling of the Chair.

**Madam Speaker:** The member is attempting to challenge the ruling of the Chair.

The ruling of the Chair has been challenged.

The question before the House is shall the ruling of the Chair be sustained.

### Voice Vote

**Madam Speaker:** All those in favour, please say yea.

**Some Honourable Members:** Yea.

**Madam Speaker:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Madam Speaker:** In my opinion, the Yeas have it.

### Recorded Vote

**Mr. Wiebe:** Madam Speaker, a recorded vote.

**Madam Speaker:** A recorded vote having been called, call in the members.

\* (15:20)

Order. The one hour provided for the ringing of the division bells has expired. I am therefore directing that the division bells be turned off and the House proceed to the vote.

The question before the House is shall the ruling of the Chair be sustained.

### Division

*A RECORDED VOTE was taken, the result being as follows:*

#### Yeas

*Cox, Cullen, Curry, Eichler, Ewasko, Fielding, Goertzen, Guillemard, Helwer, Isleifson, Johnson, Johnston, Lagassé, Lagimodiere, Martin, Mayer, Michaleski, Micklefield, Morley-Lecomte, Nesbitt, Pedersen, Pivniuk, Reyes, Schuler, Smith (Southdale), Smook, Squires, Teitsma, Wharton, Wishart, Wowchuk, Yakimoski.*

#### Nays

*Allum, Altemeyer, Fontaine, Gerrard, Graydon, Kinew, Klassen, Lamont, Lamoureux, Lathlin, Lindsey, Maloway, Marcelino (Logan), Marcelino (Tyndall Park), Smith (Point Douglas), Swan, Wiebe.*

**Deputy Clerk (Mr. Rick Yarish):** Yeas 32, Nays 17.

**Madam Speaker:** The ruling of the Chair has been sustained.

### MATTER OF PRIVILEGE

**Madam Speaker:** The honourable member for Flin Flon, on a matter of privilege.

**Mr. Tom Lindsey (Flin Flon):** Thank you, Madam Speaker, on a matter of privilege, yes.

I rise on this matter of privilege, Madam Speaker. The timeliness of the issue is quite clear. I have consulted the procedural authorities on the matter. Most importantly, I have endeavoured to inquire the relevant facts as best I can—*[interjection]*

**Madam Speaker:** Order.

**Mr. Lindsey:** —in order to determine for this House the important question before it and the facts that question the dignity and authority of this House.

Now, I readily acknowledge the question I've put before the House is not one that falls comfortably within the traditional bounds of the question of privilege, but, Madam Speaker, this should not prevent consideration of this matter before this House.

I want to take a moment to discuss the important distinction between privilege and contempt. While over the past several hundred years, the privileges of members of this Chamber have become more and more determined, both in relation to the nature of the parliamentary functions of members as well as the question of statutory and constitutional questions, there remains many matters which may not intuitively fall within the category commonly understood as privilege. On this question, I think it is instructive to refer to O'Brien and Bosh *[phonetic]*, page 83, who offer important remarks regarding the question of the difference between privilege and contempt.

They write, and I quote: "It is important to distinguish between a 'breach of privilege' and 'contempt of Parliament.' Any disregard of or attack on the rights, powers and immunities of the House and its Members, either by an outside person or body, or by a Member of the House, is referred to as 'a breach of privilege' and is punishable by the House."

There are, however, other affronts against the dignity and authority of Parliament which may not fall within one of the specifically defined privileges. Thus, the House also claims the right to punish, as a contempt, any action which, through—though not a breach of a specific privilege, tends to obstruct or impede the House in the performance of its functions; obstructs or impedes any member or officer of the House in the discharge of their duties; or is an offence against the authority or dignity of the House, such as disobedience of its legitimate

commands or libels upon itself as members, or its officers.

As the authors of Odgers' senate practice, Australia, state: The rationale of the power to punish contempts, whether contempt of court or contempt of the House, is that the courts and the two Houses should be able to protect themselves from acts which directly or indirectly impede them in the performance of their functions. In that sense, all breaches of privilege are contempts of the House, but not all contempts are necessarily breaches of privilege, Madam Speaker.

This is well said, Madam Speaker, and there is one further point which bears emphasizing. O'Brien and Bosc continue on page 84 of House of Commons Procedure and Practice, second edition: Throughout the Commonwealth most procedural authorities hold that contempts, as opposed to privileges, cannot be enumerated or categorized. Speaker Sauvé explained in a 1980 ruling: While our privileges are defined, contempt of the House has no limits. When new ways are found to interfere with our proceedings, so too will the House, in appropriate cases, be able to find that a contempt of the House has in fact occurred.

I would now like to read into the record of this House the basis for the question of privilege I would like to raise today. On February 14th, 2019, the government of Manitoba released the following press release, which I will now read: Manitoba enters into an agreement for general transportation air services. The government of Manitoba has entered into an agreement with Exchange Income Corporation to provide services for general transportation under air services, including air travel for judges, sheriffs and accused persons. Infrastructure Minister Ron Schuler announced today—

**Some Honourable Members:** Oh, oh.

**Madam Speaker:** Order. Order, please.

\* (15:30)

As the member, I'm sure, realizes now, members' names are not to be stated in the House, but instead, their constituency names or their ministerial roles. So I would ask the member for Flin Flon (Mr. Lindsey) to please correct that little mistake that was just made.

**Mr. Lindsey:** Thank you, Madam Speaker, for your wise words on that.

My mistake was reading verbatim from the press release, and I apologize for that. The Minister of Infrastructure (Mr. Schuler).

So—now, where was I—oh, yes. Infrastructure Minister announced today the transition is the result of a competitive request for proposal, RFP, process, initiated in 2018. Our government is committed to public safety above all, and this agreement ensures that safer service is accomplished at a lower cost for Manitobans, said the minister.

This agreement will also reduce the number of occasions where court is rescheduled or cancelled in northern parts of our province so the criminal justice system is administered in a timely fashion.

Exchange Income Corporation is a Winnipeg-based company focused on opportunities—and again, this is from the press release. Exchange Income Corporation is a Winnipeg-based company focused on opportunities in aerospace, aviation and manufacturing. The company has resources across the province, including hangars and aircraft, operating under carriers such as Bearskin Lake Air Service, Calm Air, Custom Helicopters, Keewatin Air and Perimeter Aviation.

Under the previous system, general transportation under Air Services was fulfilled by carriers 97 per cent of the time. There were no set rates, meaning the Manitoba government was paying rates determined by carriers with no cost certainty on a given flight, the minister noted. Further, no accountability or service standards were set, meaning flights were rescheduled or cancelled with very little notice and little explanation as to cause, delaying the justice system in courts, he added. A single court delay in the northern region of Manitoba costs on average \$10,000, and extended delays can lead to cases being thrown out of court.

Manitoba Treasury Board Secretariat, the lead government agency on the RFP process, assembled aviation experts with decades of experience to review the safety management system, certification documents, safety alerts and safety reports of all proponents, including Exchange Income Corporation.

As part of the terms of the contract, Exchange Income Corporation is required to follow a strict reporting structure, with daily, weekly and monthly reporting to the Manitoba government. An RFP process remains under way for air ambulance services, the minister noted, adding that once those

RFP processes are completed, all Air Services agreements will be publicly disclosed. The terms of this contract are for 10 years and for \$4.5 million per year.

**Madam Speaker:** Order, please.

The member is well past 10 minutes now, and he still has not been able to put forward what the specific breach of privilege is to him, as a member. From the sounds of it, it is an event that took place outside of this Legislative sitting. It was not something that occurred in this room, so I'm finding it somewhat difficult to zero in on what that member thinks his breach of parliamentary privilege is.

So I wonder if the member could zero in on what, specifically, he means by his privileges being breached, because this has nothing to do with something that happened to him in the House or in a committee room where the Legislature was gathered.

So can the member zero in on what the specific breach is in his statement?

**Mr. Lindsey:** In the process of trying to get the facts on the record, I have to finish reading the press release because it does speak very specifically to what my breach of privilege is.

**Madam Speaker:** I would just interject there with the member that that was a public document, so it is out there already in the public realm. I'm not sure that reading it in the House is absolutely necessary. I understand what's happening here, but the member could certainly summarize that for the House so that everybody's privilege here is respected as well.

So I would ask the member to try to zero in and get to his breach of—point of privilege.

**Mr. Lindsey:** Thank you for that clarification, Madam Speaker, and, yes, I will get to the matter of privilege.

So, after the press release came out—where was I now—moving on. In media reports regarding the announcement, the minister responsible made the following comments. The minister said, and I quote: There was no political interference, end quote, during the request for proposal process which started in July 2018.

Deliberations happened at the independent Treasury Board Secretariat, with no elected officials or political staff present, the minister went on to say. The secretariat later provided its recommendations. Those comments were made in the Winnipeg Free Press the following day, on February 15th. Madam

Speaker, this is the heart of the matter: these facts are deeply misleading.

Such statements are clear breaches of privilege of the members of this House. And, to show this, I would have to quote the relevant procedural authorities. And I realize, Madam Speaker, that this takes longer than what all of us would like it to, but I think it is important.

So I refer to House of Commons Procedure and Practice, second edition, commonly known as O'Brien and Bosc, for guidance on this difficult next question. At page 111, O'Brien and Bosh [*phonetic*] write: "A Member may also be obstructed or interfered with in the performance of his or her parliamentary functions by non-physical means. In ruling on such matters, the Speaker examines the effect of the incident or event had on the Member's ability to fulfil his or her parliamentary responsibilities. If, in the Speaker's view, the Member was not obstructed in the performance of his or her parliamentary duties and functions, then a prima facie breach of privilege cannot be found." That is from page 11 of O'Brien and Bosc, which is the undisputed source of information regarding the appropriate way in which we ought to understand parliamentary privileges in this House, as well as in Houses across the country.

Several comments regarding the comments are in order, but the Speaker's view of the matter is clearly of the utmost importance. But perhaps more importantly, interference should not be construed in narrowly physical terms. Interferences understood in a discussion of privilege or contempt will go beyond the mere inference to say a member's ability to enter this House, rather it will extend to any matter which impedes a member's ability to do their job. And this type of interference is one that cannot be fully enumerated in advance, Madam Speaker.

So, as O'Brien and Bosh [*phonetic*] note, it's impossible to codify all incidents which may be interpreted as matters of obstruction, interference or intimidation, and such constitute prima facie cases of privilege. However, some matters found to be prima facie include the damaging of a member's reputation, the usurpation of the title of a Member of Parliament, the intimidation of members and their staff of witnesses before committees, and provision of misleading information. And I would emphasize, Madam Speaker, that last point.

The most important authorities, arguably—apart from the Supreme Court of Canada—hold the

provision of misleading information constitute a breach of privilege of members of this House, and it is clear that this government, its Premier (Mr. Pallister) and its ministers are guilty of the provision of such misleading information.

\* (15:40)

The standard definition of misleading is that a statement or assertion gives the wrong idea or impression. It almost goes without saying, Madam Speaker, that the provision of false information is clearly a case of misleading a member. Thus, if it is established that false information has been put on the record in this House, then this will impede a member in their duty, and this is what the question in this case.

The false information in question concerns the nature of Treasury Board, Madam Speaker. The minister has stated that deliberations occurred at Treasury Board without any elected officials or political staff present. The implication the minister attempted to convey was that the decision to award a \$20-million, five-year contract to a company with clear and long-standing ties to the PC Party of Manitoba was made by officials who were not influenced by political considerations.

This is laughable, and it demands reprimand by this House. It is contemptuous behaviour on the part of the minister. The reason why is because the minister's statements fundamentally misrepresents the role of—that Treasury Board plays in government. Madam Speaker, the Treasury Board is a committee of Cabinet.

The Financial Administration Act, C.C.S.M. c.F55, states, Treasury Board, 4(1) The committee of the Executive Council called Treasury Board is continued and consists of the Minister of Finance and other ministers appointed by the Lieutenant Governor-in-Council.

Madam Speaker, the Department of Finance website describes Treasury Board as follows: "Treasury Board is a sub-committee of Cabinet responsible for the overall fiscal management and reporting of the Manitoba government and the establishment of policies required for the effective management of public funds to meet government objectives."

Treasury Board is a subcommittee of Cabinet of all responsible governments in our system of government, Madam Speaker.

**Madam Speaker:** Order, please.

I think the member is straying a bit of a distance from what he's trying to put forward in terms of a matter of privilege, so I would actually ask the member to please move forward and come to a conclusion. We're probably now 20 minutes into this, and, again, as I've stated several times over the last few days, this is getting to be a little bit—*[interjection]*—yes, a little bit much, I guess, in terms of anybody, you know, taking this length of time to try to speak to a matter of privilege. It's not common in this House that we take that amount of time.

So I would urge the member to please wrap up his matter of privilege and put forward his motion.

**Mr. Lindsey:** It's very unfortunate that these matters of privilege do take as long as they do to explain in detail so that every member can understand those details. And I apologize to you, Madam Speaker, for taking longer than perhaps we're used to seeing, but I think it's important to get the facts out there.

So not—what the minister has done is not only misleading, it's false. Treasury Board is an extension of the political decision making of the political party currently in power, PC Party of Manitoba. So, when the minister stands up and says that there is no connection between Treasury Board and the government, that is patently false.

So it's a sad fact that the minister can award massive, multi-million-dollar contracts to potentially friends of the government, but he does not have the right to mislead this House, to be contemptuous of his obligation as a member to provide information which does not mislead other members. And he has ignored this obligation, and because of the severity of this issue among public funds involved, demands a clear response from this House.

As a result of the Minister of Infrastructure's (Mr. Schuler) misleading of this House regarding the awarding of large contracts, I move, seconded by the member from Elmwood, that this issue be immediately referred to a committee of this House.

**Madam Speaker:** Before recognizing any other members to speak, I would remind the House that remarks at this time by honourable members are limited to strictly relevant comments about whether the alleged matter of privilege has been raised at the earliest opportunity and whether a *prima facie* case has been established.

**Hon. Kelvin Goertzen (Government House Leader):** Madam Speaker, on the issue of earliest opportunity, this news release was from weeks ago,

but, more than that, of course, this is not an issue that happened in the House, as you stated, quite some time ago.

This is an obvious attempt of the government—or, the opposition to not debate the budget because the budget reduces taxes and, just like the former leader, the current Leader of the NDP wants to do everything he can to keep taxes high on Manitobans.

We won't allow them to do that, either here or somewhere else, Madam Speaker.

**Hon. Jon Gerrard (Second Opposition House Leader):** Madam Speaker, we in the Liberal Party believe that it is a serious matter when government ministers provide erroneous information on the record, and that we need to have a mechanism that is more effective than we have had in the past, and to make sure that the government MPs are accountable when they tell us information which is not correct.

And, certainly, a matter of privilege is an opportunity to make sure that the government MLAs can be reminded that it is important to put accurate information on the record.

And we would hope, Madam Speaker, that you would rule that this is, indeed, a matter of privilege and needs to be taken seriously so that there can be a very strong message sent to members of the government—indeed, to all MLAs—that in this Chamber, we should be accountable, that we should be putting accurate information on the record and that we should not be misleading other MLAs by putting information which turns out to be incorrect later on.

Thank you.

**Madam Speaker:** The honourable Minister of Finance, on the same matter of privilege.

**Hon. Scott Fielding (Minister of Finance):** No.

**Madam Speaker:** Was the minister—or, the member for Tyndall Park rising on the same matter of privilege?

**Mr. Ted Marcelino (Tyndall Park):** Yes, Madam Speaker.

**Madam Speaker:** I will only hear the member if he is bringing forward some new information; otherwise, we are not going to go into a repeat of what has already been said. That would be a disservice to all members in this House.

So, if the member has new information, I will hear him. Only then.

**Mr. Marcelino:** I was reluctantly invited into the fray because I think that what we need to do as an Assembly of reasonable men, elected equally by the—

**Some Honourable Members:** Oh, oh.

**Mr. Marcelino:** I'm not finished yet, but I'll say it the way I want to. In this Assembly of men—  
[interjection]

**Madam Speaker:** Order.

**Mr. Marcelino:** —and women—I stand corrected—we have to realize that everything that we're doing here has a context. The context of the Mace, the symbolism of the Mace: that the Mace is the final authority that brings us together here, giving me a chance to speak to you, Madam Speaker.

**Madam Speaker:** Order, please.

The chance the member has to speak to the Speaker according to the rules, and practices and procedures of this House is related to our rules, and I'm asking the member to follow our rules. And I will only listen if the member has new information to add to this topic.

So I would ask the member to please zero in on his new information; otherwise, I would ask him to sit down.

**Mr. Marcelino:** My new information relates exactly to what the rules require, that the context of what we are raising is related entirely to the solemnity of the proceedings that we have here. And, when speeches and when answers are given, when debate is held, it is in the solemnity of this Chamber that we ought to take it.

We are raising this as a matter of conscience, not anything else.

Thank you.

\* (15:50)

**Madam Speaker:** On the matter of privilege raised by the honourable member for Flin Flon (Mr. Lindsey), as I noted in my last ruling this afternoon, Joseph Maingot advises on page 222 of the second edition of *Parliamentary Privilege in Canada* that when considering a question of privilege, the activity in question must involve a proceeding of Parliament.

This concept is supported by numerous rulings from Speakers Rocan, Hickes, Reid, as well as several rulings I have made from this Chair.

As noted in those rulings, debate in this Chamber, or in the committee rooms when the House or a committee is in session, constitutes a proceeding of Parliament. However, a government news release is not related to something that happened in this House; it happened outside of the proceeding of the House and clearly does not fall within the scope of a proceeding of Parliament.

Also I would like to inform the House that it has been ruled a number of times by Manitoba Speakers that comments made outside the House cannot form the basis for a prima facie case of privilege. Beauchesne's citation 31(1) advises that statements made outside the House by a member may not be used as a basis for a question of privilege.

On page 614 of the House of Commons practice and procedure, O'Brien and Bosc, state that the Speaker has no authority to rule on statements made outside of the House by one member against another.

Therefore, I must respectfully rule that the honourable member does not have a matter of privilege.

**Ms. Nahanni Fontaine (Official Opposition House Leader):** Madam Speaker, respectfully, I challenge your ruling.

**Madam Speaker:** The ruling of the Speaker has been challenged.

The question before the House is shall the ruling of the Chair be sustained.

#### Voice Vote

**Madam Speaker:** All those in favour, please say yea.

**Some Honourable Members:** Yea.

**Madam Speaker:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Madam Speaker:** In my opinion, the Yeas have it.

#### Recorded Vote

**Ms. Fontaine:** Madam Speaker, a recorded vote, please.

**Madam Speaker:** A recorded vote having been called, call in the members.

\* (16:50)

Order, please. The one hour provided for the ringing of the division bells has expired. I am therefore directing that the division bells be turned off and the House proceed to the vote.

The question before the House is shall the ruling of the Chair be sustained.

### Division

*A RECORDED VOTE* was taken, the result being as follows:

#### Yeas

*Cox, Cullen, Curry, Eichler, Ewasko, Fielding, Goertzen, Guillemard, Helwer, Isleifson, Johnson, Johnston, Lagassé, Lagimodiere, Martin, Mayer, Michaleski, Micklefield, Morley-Lecomte, Nesbitt, Pedersen, Piwniuk, Reyes, Schuler, Smith (Southdale), Smook, Squires, Teitsma, Wharton, Wishart, Wowchuk, Yakimoski.*

#### Nays

*Allum, Altemeyer, Fontaine, Gerrard, Kinew, Klassen, Lamont, Lamoureux, Lathlin, Lindsey, Maloway, Marcelino (Logan), Marcelino (Tyndall Park), Smith (Point Douglas), Swan, Wiebe.*

**Deputy Clerk (Mr. Rick Yarish):** Yeas 32, Nays 16.

**Madam Speaker:** The ruling of the Chair has been sustained.

### Speaker's Statement

**Madam Speaker:** I have a statement for the House.

Given the numerous matters of privilege raised in recent days, I feel it is incumbent on me as your Speaker to provide some further essential information regarding the process for raising matters of privilege in the House. As the esteemed parliamentary scholar, Joseph Maingot, explained on page 217 in the second edition of *Parliamentary Privilege in Canada*, and I quote: The purpose of raising matters of privilege in either House of Parliament is to maintain the respect and credibility due to and required of each House in respect of these privileges, to uphold its powers, and to enforce the enjoyment of the privileges of its members. A genuine question of privilege is therefore a serious matter not to be reckoned with lightly and accordingly ought to be rare, and thus rarely raised in the House of Commons. End quote.

As well, in the third edition of *House of Commons Procedure and Practice*, it is noticed on page 142 that, and I quote: "A Member wishing to raise a question of privilege in the House must first convince the Speaker that his or her concern is *prima facie* (on the first impression or at first glance) a question of privilege." End quote.

To be clear, this means a member must demonstrate precisely and clearly which privileges have been breached. Beyond that, the member must also demonstrate that they are raising the matter at the earliest opportunity and they must crucially conclude their remarks with a motion suggesting a remedy to the problem they have identified. Failure to meet any of these tests will result in the matter not being ruled as a *prima facie* case of privilege.

I would urge all honourable members to consider all of these factors before they stand in the House to raise a matter of privilege.

I thank members for their attention to this important information.

The honourable member for Emerson? Oh—Elmwood. Elmwood.

### Point of Order

**Mr. Jim Maloway (Elmwood):** Thank you—

**Madam Speaker:** My apologies.

**Mr. Maloway:**—Madam Speaker. I rise on a point of order.

As you know, misleading the House is a serious matter. I'm rising—raising the issue of misleading information that has been put on the record in this House by the Minister of Infrastructure (Mr. Schuler), as well as his obstruction in providing necessary information pertinent to debate in this Chamber.

I want to make it clear that I understand that this is a matter that you have previously considered and ruled on in regard to the issue as a matter of privilege.

However, in your guidance on the matter, you said the matter was best referred to as a point of order, not a privilege. I note that there has not been a subsequent point of order raised on this matter. Following your direction, Madam Speaker, I raise this issue as a point of order.

Firstly, Madam Speaker, the minister put false and misleading information forward to this Chamber on April the 11, 2018, during Committee of Supply. The Minister of Infrastructure (Mr. Schuler) was facing significant pressure from the opposition and rightly so in regard to an untendered contract that he awarded to a party donor. The minister was pressed on at least 11 occasions to explain when this untendered contract went to Treasury Board.

The minister stonewalled after obscuring and sidestepping the questions the minister said—he said if—the contract was done all the right way, it went through all the proper process, the professionals did a great job; congratulations, Department of Manitoba Infrastructure.

Madam Speaker, the minister has since—*[interjection]*—the minister has since admitted to the media that this contract had, in fact, not been done the right way and had not gone through the proper process.

In fact, not only was the contract sole sourced to a party donor, it had not even gone to Treasury Board or been signed off by the Deputy Minister.

By admitting this to the press, the minister also has admitted that he deliberately misled the House, which, of course, is a breach of our rules, requires an apology from the minister, not just to the media but also to this House.

This breach by the Minister of Infrastructure (Mr. Schuler) is particularly galling because for years the Premier (Mr. Pallister), his Cabinet ministers and his entire caucus railed against any use of untendered contracts. Yet, in this case, the contracts—

**Madam Speaker:** Order, please. Order, please.

When this matter is again before the House, I understand that the honourable member for Elmwood (Mr. Maloway) will have the opportunity to continue his comments tomorrow at 1:30.

The hour being 5 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow—*[interjection]* Oh.

Oh, this is lovely; we don't sit tomorrow morning. So this House is adjourned and stands adjourned until 1:30 p.m. tomorrow.

**LEGISLATIVE ASSEMBLY OF MANITOBA**

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