



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 30

SECOND SESSION, FORTY-SECOND LEGISLATURE

PRAYER

1:30 O'CLOCK P.M.

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

(No. 216) – The Abortion Protest Buffer Zone Act/Loi sur les zones d'interdiction des manifestations contre l'avortement

(Ms. FONTAINE)

(No. 300) – The Winnipeg Humane Society Foundation Incorporation Amendment Act/Loi modifiant la Loi constituant en corporation « The Winnipeg Humane Society Foundation »

(Ms. FONTAINE)

Madam Speaker presented:

Auditor General's Report – Quarry Rehabilitation Program Investigation – Independent Investigation Report, dated May 2020.

(Sessional Paper No. 34)

Hon. Mrs. COX, the Minister for Sport, Culture and Heritage, made a statement regarding Vyshyvanka Day

Mr. WASYLIW and, by leave, Ms. LAMOUREUX commented on the statement.

Pursuant to Rule 27(1), Messrs. MARTIN, MALOWAY and REYES, Mrs. SMITH (Point Douglas) and Mr. EWASKO made Members' Statements.

Following Oral Questions, Madam Speaker made the following ruling:

Immediately following the Prayer on March 11, 2020, the Honourable Leader of the Official Opposition raised a Matter of Privilege contending that the Government was violating his privileges and the privileges of all Manitobans by having a large number of Government Bills placed on the Notice and Order Papers. He stated that this was undermining democratic processes and was intended to suppress debate and discussion. At the conclusion of his remarks he moved "THAT the issue of the Pallister government's abuse of the rules of this House and its undemocratic practices be immediately referred to a committee of the House."

The Honourable Government House Leader and the Honourable Member for River Heights also spoke to the Matter of Privilege, which was then taken under advisement. I thank all Honourable Members for their advice to the Chair.

There are two conditions that must be satisfied in order for the matter raised to be ruled in order as a *prima facie* case of privilege. First, was the issue raised at the earliest opportunity, and second, has sufficient evidence been provided to demonstrate that the privileges of the House have been breached, in order to warrant putting the matter to the House.

On the first issue of timeliness, the Honourable Leader of the Official Opposition advised that he was raising the issue at the earliest opportunity on Wednesday, March 11, however the Government Bills he was referring to appeared on the Notice Paper on Tuesday, March 10, therefore I conclude that the issue of timeliness was not met.

Regarding the second issue, I would like to advise the House that a matter concerning the methods by which the House proceeds in the conduct of business is a matter of order, not privilege. Joseph Maingot in the second edition of *Parliamentary Privilege in Canada* states on page 14 that “allegations of breach of privilege by a Member in the House ... that amount to complaints about procedures and practices in the House are by their very nature matters of order.” He also states on page 223 of the same edition “A breach of the Standing Orders or a failure to follow an established practice would invoke a point of order rather than a question of privilege.”

I should also note that the protection of parliamentary privilege only applies to Members of the Legislative Assembly and is not applicable to the public.

Although the Honourable Leader of the Official Opposition may have a difference of opinion regarding the timing of and volume of Government legislation coming forward, it falls more into a category of a complaint against the Government, and nor has it been demonstrated that a breach of parliamentary privilege has occurred. With the greatest of respect I therefore rule that the matter raised does not fulfill the criteria of a *prima facie* case of privilege.

The following petitions were presented and read:

Mr. WIEBE – Legislative Assembly of Manitoba to urge the Minister of Justice to immediately reverse the decision to close the DCC and proceed with the previous plan to build a new correctional and healing centre with an expanded courthouse in Dauphin.

Mr. WASYLIW – Legislative Assembly of Manitoba to urge the Minister of Justice to immediately reverse the decision to close the DCC and proceed with the previous plan to build a new correctional and healing centre with an expanded courthouse in Dauphin.

Mrs. SMITH (Point Douglas) – Legislative Assembly of Manitoba to urge the Minister of Justice to immediately reverse the decision to close the DCC and proceed with the previous plan to build a new correctional and healing centre with an expanded courthouse in Dauphin.

Mr. SALA – Legislative Assembly of Manitoba to urge the Minister of Justice to immediately reverse the decision to close the DCC and proceed with the previous plan to build a new correctional and healing centre with an expanded courthouse in Dauphin.

MLA ASAGWARA – Legislative Assembly of Manitoba to urge the Minister of Justice to immediately reverse the decision to close the DCC and proceed with the previous plan to build a new correctional and healing centre with an expanded courthouse in Dauphin.

Ms. FONTAINE – Legislative Assembly of Manitoba To urge the Minister of Justice to immediately reverse the decision to close the DCC and proceed with the previous plan to build a new correctional and healing centre with an expanded courthouse in Dauphin.

Prior to Grievances, Mr. LAMONT rose on a Matter of Urgent Public Importance and moved:

THAT under rule 38(1), the ordinary business of the House be set aside to discuss a Matter of Urgent Public Importance, namely the need for urgent attention to the recently announced appointment of David McLaughlin, campaign manager for the Progressive Conservative Party of Manitoba in 2016 and 2019, to the role of Clerk of the Executive Council.

And Mr. LAMONT, Hon. Mr. GOERTZEN and Ms. FONTAINE having spoken to the urgency of the motion,

WHEREUPON Madam Speaker ruled as follows:

I thank the Honourable Members for their advice to the Chair on the motion proposed by the Honourable Member for St. Boniface. The notice required by Rule 38(1) was provided. Under our rules and practices, the subject matter requiring urgent consideration must be so pressing that the public interest will suffer if the matter is not given immediate attention. There must also be no other reasonable opportunities to raise the matter.

I have listened very carefully to the arguments put forward, as this is an issue that some Members may have a keen interest in.

Unfortunately, this motion does not fit the criteria as a Matter of Urgent Public Importance, as there are other opportunities that can be used to raise this issue, including Oral Questions, Members' Statements and Grievances.

With the greatest of respect, the motion is out of order as a Matter of Urgent Public Importance.

In accordance with Rule 29, Ms. ADAMS and Hon. Mr. GERRARD rose on a Grievance.

Mr. KINEW moved the following Opposition Day Motion:

THAT, pursuant to section 27(1) of The Public Utilities Board Act, the Legislative Assembly of Manitoba requests that the Public Utilities Board immediately hold an extraordinary hearing into the proposed \$86 million dollars in cuts from Manitoba Hydro's operations and workforce, including up to 700 layoffs, that have been directed by the Provincial Government and further requests the Provincial Government's directive be suspended until the PUB's hearing has taken place.

And a debate arising,

And Messrs. KINEW and SALA, Hon. Mr. WHARTON, Ms. FONTAINE, Messrs. LAMONT and WASYLIW, Ms. ADAMS, Mrs. SMITH (Point Douglas), MLA ASAGWARA and Mr. LINDSEY having spoken,

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

YEA

ADAMS	SALA
FONTAINE	SMITH (Point Douglas)
KINEW	WIEBE..... 7
LAMONT	

NAY

CULLEN	MORLEY-LECOMTE
EWASKO	NESBITT
ISLEIFSON	PIWNIUK
JOHNSON	REYES
MARTIN	TEITSMA
MICKLEFIELD	WHARTON..... 12

Mr. KINEW asked Written Question (No. 3) for reply to the following:

3. Could the Minister of Crown Services provide all information regarding the contents of the May 8th, 2020 memo from Jay Grewal, President and CEO of Manitoba Hydro, in regards to the \$86 million in potential cuts and layoffs at Manitoba Hydro as well as advise how the Provincial Government responded to that memo?

The House then adjourned at 4:58 p.m. until 1:30 p.m. Wednesday, May 27, 2020.

Hon. Myrna DRIEDGER,
Speaker.