



**LEGISLATIVE ASSEMBLY OF MANITOBA**

**VOTES AND PROCEEDINGS No. 55**

**FIFTH SESSION, FORTY-SECOND LEGISLATURE**

**PRAYER AND LAND ACKNOWLEDGEMENT**

**10:00 O'CLOCK A.M.**

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

THAT Bill (No. 239) – The Residential Tenancies Amendment Act (Application Fees and Deposits)/Loi modifiant la Loi sur la location à usage d'habitation (frais de demande et dépôts), be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And leave having been denied to have the matter remain in the name of Mr. SALA,

And Mr. SANDHU having spoken,

And the Question being put. It was agreed to.

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

Mr. WISHART moved:

THAT Bill (No. 229) – The Farmers' Markets Week Act (Commemoration of Days, Weeks and Months Act Amended)/Loi sur la Semaine des marchés fermiers (modification de la Loi sur les journées, les semaines et les mois commémoratifs), be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Mr. WISHART having spoken,

And Ms. NAYLOR and Hon. Mr. GERRARD having questioned the Member,

And the debate continuing,

And Ms. NAYLOR and Hon. Mr. GERRARD having spoken,

And the Question being put. It was agreed to.

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

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

THAT Bill (No. 237) – The Advanced Education Administration Amendment Act/Loi modifiant la Loi sur l'administration de l'enseignement postsecondaire, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Mr. WASYLIW and Hon. Mr. GERRARD having spoken having spoken,

And the Question being put. It was agreed to.

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

Mr. HELWER moved:

Resolution No. 15: Committing to Balancing Future Budgets while Keeping Life Affordable for Manitoba Families

WHEREAS this Provincial Government balanced the budget in 2019 before the pandemic after years of NDP mismanagement; and

WHEREAS the COVID-19 pandemic caused unprecedented pressure on Manitoba's finances; and

WHEREAS in contrast, the NDP ran massive deficits during good economic times; and

WHEREAS this Provincial Government has provided historic help to Manitobans through record tax relief; and

WHEREAS the previous NDP Provincial Government raised taxes 14 times on Manitobans, causing families undue financial hardship; and

WHEREAS Manitobans expect a government who is fiscally responsible, and one that makes life more affordable; and

WHEREAS the NDP have a hidden agenda to raise taxes and the Provincial Sales Tax on Manitobans and cancel the school tax rebate; and

WHEREAS Manitobans save \$5,500 in taxes compared to the dark days of the NDP.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Provincial Government to affirm its commitment to balancing the budget by 2027 without raising taxes on Manitobans.

And a debate arising,

And Mr. HELWER having spoken,

And Messrs. WASYLIW, SCHULER, LAMONT and Hon. Mr. GERRARD having questioned the Member,

And the debate continuing,

And Messrs. WASYLIW and SCHULER having spoken,

And MLA ASAGWARA speaking at 12:00 p.m. The debate was allowed to remain in their name.

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During the debate, the Official Opposition House Leader rose on a Point of Order regarding comments made by the Honourable Member for Brandon West, including the use of the words “lying” and “lied”.

And Mr. HELWER having spoken,

WHEREUPON the Assistant Deputy Speaker, having previously ruled on that language twice, advised the House that these words do cause disorder and asked the Member to refrain from using them in debate.

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**1:30 O’CLOCK P.M.**

Pursuant to Rule 28(1), Hon. Ms. MORLEY-LECOMTE, MLA FONTAINE, Hon. Min. KLEIN, Mr. BUSHIE and Ms. LAMOUREUX made Members’ Statements.

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Following Oral Questions, Madam Speaker made the following ruling:

Prior to Routine Proceedings on Wednesday, April 19, 2023, the Honourable Official Opposition House Leader raised a Matter of Privilege contending that the Honourable First Minister and the Honourable Minister of Health had deliberately misled the House by questioning the existence and legitimacy of letters on the subject of health care tabled in the House on the previous day by the Official Opposition. The Honourable Official Opposition House Leader concluded by moving “*THAT this matter be immediately referred to a Standing Committee of this House for debate and review.*”

The Honourable Government House Leader and the Honourable Member for River Heights also offered contributions to the Chair.

I took the matter under advisement in order to consult the procedural authorities.

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

On the first issue of whether the issue was raised at the earliest opportunity, the Honourable Official Opposition House Leader indicated that the issue was raised at the earliest opportunity, and I accept the word of the Honourable Member.

On the second issue, whether sufficient evidence was provided, there are a number of considerations to explore, particularly with regard to charges of deliberately misleading the House.

The first consideration is that allegations of deliberately misleading the House should be raised as a point of order and not as a matter of privilege.

Joseph Maingot in the second edition of *Parliamentary Privilege in Canada* advises on page 241 that “To allege that a Member has misled the House is a matter of order rather than privilege.” He goes on to advise on the same page “To allege that a Member has deliberately misled the House is also a matter of order.”

Second, as I ruled on April 19, 2023, the Member so accused needs to say on the record that it is their intended purpose to deliberately mislead the House. Short of such an admission, the onus of proof cannot be satisfied. There is a lengthy body of precedence from Manitoba Speakers supporting this finding, including Speakers Rocan, Dacquay, Hickes, Reid and the current Speaker, as well as the findings from the 50<sup>th</sup> report of the House of Commons Standing Committee on Procedure and House Affairs.

Third, it was ruled by Speaker Hickes on December 6, 2005 and March 8, 2006 and also by Speakers in the Canadian House of Commons that in situations concerning whether or not answers offered by Ministers are false in comparison with other information, it is not the role of the Speaker to adjudicate on matters of fact. Instead, this is something that is left up to the House to form an opinion on.

For all of these reasons, I must respectfully rule that a *prima facie* case of privilege has not been demonstrated.

Although I was not able to rule that a *prima facie* case of privilege was demonstrated, I would like to share the observation that it would not be a good look for our democracy if a Minister were to say one thing in the Assembly Chamber, and then say something completely different outside of the Chamber to the media. It could give the appearance that an answer provided in the Chamber was not completely accurate, and it could also lead to confusion as to whether accountability has been provided.

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

Mr. ALTOMARE – To urge the Provincial Government to take steps to implement Punjabi bilingual programs in public schools similar to existing bilingual programs and take steps to implement Punjabi language instruction in other levels of education in Manitoba.

Mr. MALOWAY – To urge the Provincial Government to work with municipalities to establish a province wide tax rebate or other incentive program to encourage residents and businesses to purchase approved home and business security protection systems.

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

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In accordance with Rule 34(7), the Government House Leader announced that the Private Members' Resolution titled "Committing to Balancing Future Budgets while Keeping Life Affordable for Manitoba Families" will be considered on the next Tuesday of Private Members' Business.

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Hon. Ms. GORDON moved:

THAT Bill (No. 17) – The Regulated Health Professions Amendment Act (2)/Loi n° 2 modifiant la Loi sur les professions de la santé réglementées, reported from the Standing Committee on Justice, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Hon. Ms. GORDON, MLA ASAGWARA, Hon. Mr. GERRARD and Mr. MOSES having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

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Hon. Mr. GOERTZEN moved:

THAT Bill (No. 7) – The Liquor, Gaming and Cannabis Control Amendment Act/Loi modifiant la Loi sur la réglementation des alcools, des jeux et du cannabis, reported from the Standing Committee on Justice, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Hon. Mr. GOERTZEN, Mr. WIEBE and Ms. LAMOUREUX having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

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Hon. Mr. GOERTZEN moved:

THAT Bill (No. 16) – The Domestic Violence and Stalking Amendment Act/Loi modifiant la Loi sur la violence familiale et le harcèlement criminel, reported from the Standing Committee on Justice, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Hon. Mr. GOERTZEN, MLA FONTAINE and Ms. LAMOUREUX having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

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Hon. Mr. GOERTZEN moved:

THAT Bill (No. 27) – The Intimate Image Protection Amendment Act/Loi modifiant la Loi sur la protection des images intimes, reported from the Standing Committee on Justice, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Hon. Mr. GOERTZEN, MLA FONTAINE and Ms. LAMOUREUX having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

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Hon. Mr. GOERTZEN for Hon. Mr. NESBITT moved:

THAT Bill (No. 8) – The Off-Road Trails Safety and Maintenance Act/Loi sur la sécurité et l'entretien des sentiers pour véhicules à caractère non routier, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Hon. Mr. GOERTZEN, MLA LINDSEY and Hon. Mr. GERRARD having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

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Hon. Mr. GOERTZEN for Hon. Mr. NESBITT moved:

THAT Bill (No. 13) – The Wildlife Amendment Act/Loi modifiant la Loi sur la conservation de la faune, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Hon. Mr. GOERTZEN, MLA LINDSEY and Hon. Mr. GERRARD having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

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Hon. Mr. GOERTZEN for Hon. Mr. NESBITT moved:

THAT Bill (No. 24) – The Wildfires Amendment Act/Loi modifiant la Loi sur les incendies échappés, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Hon. Mr. GOERTZEN, MLA LINDSEY and Hon. Mr. GERRARD having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

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Hon. Mr. JOHNSON moved:

THAT Bill (No. 31) – The Animal Care Amendment Act (2)/Loi no 2 modifiant la Loi sur le soin des animaux, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a Third Time and passed.

And a debate arising,

**Tuesday, May 16, 2023**

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And Hon. Mr. JOHNSON, MLA FONTAINE and Hon. Mr. GERRARD having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

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The House then adjourned at 4:59 p.m. until 1:30 p.m. Wednesday, May 17, 2023.

Hon. Myrna DRIEDGER,  
Speaker.