



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 49

FIRST SESSION, FORTY-THIRD LEGISLATURE

PRAYER AND LAND ACKNOWLEDGEMENT

1:30 O'CLOCK P.M.

Immediately following the Prayer and Land Acknowledgement, Mr. BALCAEN rose on a matter of privilege alleging that the Premier had disclosed information about Bill (No. 34) – The Liquor, Gaming and Cannabis Control Amendment Act, to the media before it had been introduced to the House, and that this continued the Provincial Government's pattern of disclosing information about Bills to the media before they had been introduced to the House, thereby infringing on the privileges of all Members, and moved:

THAT the Member for Fort Rouge be held in contempt of this House, and that the matter be referred to an all-party committee for consideration.

And Hon. Min. FONTAINE and MLA LAMOUREUX having spoken.

WHEREUPON the Speaker took the matter under advisement.

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

(No. 34) – The Liquor, Gaming and Cannabis Control Amendment Act/Loi modifiant la Loi sur la réglementation des alcools, des jeux et du cannabis

(Hon. Mr. WIEBE)

Hon. Min. SCHMIDT tabled:

Annual Report of the Watershed Districts Program, including audited financial statements, for the fiscal year ending March 31, 2023.

(Sessional Paper No. 111)

Pursuant to sub-rule 28(1), Hon. Min. SCHOTT, Mr. NARTH, MLA MOROZ, Mr. JOHNSON and MLA LAMOUREUX made Member's statements.

Following Oral Questions, the Speaker made the following rulings:

During Routine Proceedings on March 19, 2024, the Honourable Member for Riding Mountain raised a matter of privilege alleging that during a debate in Private Members' Business on March 14, 2024, the Member for Seine River revealed details of a Bill in the Chamber before the Bill had been introduced in the House and before Members of the Assembly had the opportunity to review it. The Member concluded his remarks by moving:

THAT the Honourable Speaker immediately direct the Government to no longer use debate to discuss bills that have not been introduced, and secondly, to immediately refer this matter to the Rules committee.

The Honourable Minister of Justice spoke to the matter before I took it under advisement.

As Members know, in order for a matter of privilege to be ruled in order a *prima facie* case of privilege, a Member must demonstrate that the issue has been raised at the earliest opportunity while also providing sufficient evidence that the privileges of the House have been breached.

On the condition of timeliness, the Honourable Member for Riding Mountain indicated that this was his first opportunity to raise this matter after taking time to research. Given that the incident in question occurred on March 14 and the Member raised it on March 19 – five calendar days and two sitting days later – I would respectfully disagree with his contention that he raised this matter at his earliest opportunity, and I would rule that he did not meet the threshold of timeliness.

Despite that failing, the Member did raise some important points in his submission. Accordingly, for the record, I will address the question of whether a *prima facie* case of privilege has been established.

The Member quoted Hansard from the morning of Thursday, March 14, when the Member for Seine River stated that there was a Bill on notice which would hold polluters accountable and require them to notify all affected parties when there is a spill.

The question of whether or not this is general or detailed information about a Bill is, of course, subjective. In my analysis, the first part of this quote – that the Bill will hold polluters accountable – is quite general, whereas the information about notifying the affected parties could be considered more detailed.

Former House of Commons Speaker Peter Milliken offered some useful information on the distinction between general and detailed information in this context. As has been referenced in rulings by previous Manitoba Speakers, in 2003 Speaker Milliken ruled that a significant burden of proof existed in order to achieve a finding of a *prima facie* breach of privilege in relation to a claim of disclosure of a Bill to the media before distribution to Members of Parliament. He stated that “unless there is some considerable evidence that the Minister has made available copies of the Bill to someone else, it’s hard for the Chair to find any breach of privileges of the House.”

The primary Canadian procedural authority on privilege also has some useful information to share in this regard. On page 224, the second edition of *Parliamentary Privilege in Canada*, Joseph Maingot advises that:

“A complaint that a Minister of the Crown has made a statement outside the House rather than in the House ... may amount to a grievance against the government, but in the absence of an order in the House forbidding such activity, there is no personal or corporate privilege that has been breached in the doing.”

On June 2, 1983, former Manitoba Speaker Walding ruled that such a complaint “may be a matter of discourtesy, but it is not a matter of privilege”. Manitoba Speakers Phillips, Rocan, Hickers, Reid and Driedger have all supported this sentiment in subsequent rulings.

With all of this in mind, I am ruling that a *prima facie* case of a breach of privilege has not been established in this case. As your Speaker, however, I do feel the need to share a further thought with the House on this matter.

The underlying principle in this discussion is the primacy and authority of the Assembly. We all share a duty to carefully consider the business before us so that we may make informed decisions on behalf of our constituents. Any matter destined for consideration by this House – including legislation – should be introduced and explained here first before being shared with the public or the media. This has been the practice of this place for many decades.

That being said, in the last 20 years it has become more commonplace for Members on both sides of the House to discuss, in general or conceptual terms, potential legislation outside of the House in advance of introduction. This has led to a gradual but noticeable erosion in respecting the primacy and authority of the House in this regard. I believe this is a crucial point to make in the context of this ruling, as well as the other matters of privilege which have been raised recently regarding similar circumstances.

Over the last two decades in this House, MLAs from both the New Democratic Party and the Progressive Conservative Party have raised a comparable number of matters of privilege alleging that Members of the other party breached the privileges of the House by sharing information about a Bill before it had been introduced in the House. In each and every one of these instances, the Speaker ruled that a *prima facie* case of privilege had not been established.

Given that Members of both parties have at one time expressed the sentiment that disclosing any information about a Bill before introduction is inappropriate, perhaps Members on either side of this House should govern themselves accordingly. Further, if Members wish to settle this once and for all, the issue could be referred to a Standing Committee on Rules of the House, where a clearer practice could be considered and adopted.

Thank you for your attention to this ruling.

From his decision, Mr. JOHNSON appealed to the House,

And the Question being put, “Shall the ruling of the Chair be sustained?”

It was agreed to, on the following division:

AYE

ASAGWARA	MALOWAY
BLASHKO	MARCELINO
BRAR	MOROZ
BUSHIE	MOSES
CHEN	MOYES
CROSS	NAYLOR
DELA CRUZ	OXENHAM
DEVGAN	PANKRATZ
FONTAINE	SANDHU
KENNEDY	SCHMIDT
KINEW	SCHOTT
KOSTYSHYN	SIMARD
LATHLIN	SMITH
LOISELLE	WASYLIW
	WIEBE 29

NAY

BALCAEN	KHAN
BEREZA	KING
BYRAM	LAGASSÉ
COOK	NARTH
EWASKO	NESBITT
GOERTZEN	SCHULER
GUENTER	STEFANSON
HIEBERT	STONE
JOHNSON	WHARTON
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The following petitions were presented and read to the Legislative Assembly of Manitoba:

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

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

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

By leave, the House agreed to interrupt Petitions to allow for Royal Assent of Bill (No. 200), and then return to Petitions at the conclusion of Royal Assent.

Her Honour Anita NEVILLE, Lieutenant Governor of the Province of Manitoba, having entered the House at 4:26 p.m., and being seated on the Throne:

The Speaker addressed Her Honour in the following words:

“Your Honour,

At this sitting, the Legislative Assembly has passed a Bill that I ask Your Honour to give assent to.”

The Journals Clerk of the Legislative Assembly read the title of the Bill to be assented to as follows:

(No. 200) – The Firefighters Recognition Day Act (Commemoration of Days, Weeks and Months Act Amended)/Loi sur la Journée de reconnaissance des pompiers (Loi modifiant la Loi sur les journées, les semaines et les mois commémoratifs)

To this Bill, the Royal Assent was announced by the Clerk of the Legislative Assembly as follows:

“In His Majesty’s name, Her Honour assents to this Bill.”

At 4:29 p.m., Her Honour was then pleased to retire.

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

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

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

Wednesday, April 24, 2024

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

Mr. GOERTZEN – To urge the Provincial Government to lobby the Federal Government to stop the expansion of medical assistance in dying to those for whom mental illness is the sole condition; and to lobby the Federal Government to protect Canadians struggling with mental illness by facilitating treatment, recovery, and medical assistance in living, not death.

The House then adjourned at 5:00 p.m. until 10:00 a.m. Thursday, April 25, 2024.

Hon. Tom LINDSEY,
Speaker.