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Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS
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(Hansard)

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MANITOBA LEGISLATIVE ASSEMBLY
Forty-Second Legislature

Member	Constituency	Political Affiliation
ADAMS, Danielle	Thompson	NDP
ALTOMARE, Nello	Transcona	NDP
ASAGWARA, Uzoma	Union Station	NDP
BRAR, Diljeet	Burrows	NDP
BUSHIE, Ian	Keewatinook	NDP
CLARKE, Eileen, Hon.	Agassiz	PC
COX, Cathy, Hon.	Kildonan-River East	PC
CULLEN, Cliff, Hon.	Spruce Woods	PC
DRIEDGER, Myrna, Hon.	Roblin	PC
EICHLER, Ralph, Hon.	Lakeside	PC
EWASKO, Wayne	Lac du Bonnet	PC
FIELDING, Scott, Hon.	Kirkfield Park	PC
FONTAINE, Nahanni	St. Johns	NDP
FRIESEN, Cameron, Hon.	Morden-Winkler	PC
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin, Hon.	Steinbach	PC
GORDON, Audrey	Southdale	PC
GUENTER, Josh	Borderland	PC
GUILLEMARD, Sarah, Hon.	Fort Richmond	PC
HELWER, Reg, Hon.	Brandon West	PC
ISLEIFSON, Len	Brandon East	PC
JOHNSON, Derek	Interlake-Gimli	PC
JOHNSTON, Scott	Assiniboia	PC
KINEW, Wab	Fort Rouge	NDP
LAGASSÉ, Bob	Dawson Trail	PC
LAGIMODIERE, Alan	Selkirk	PC
LAMONT, Dougald	St. Boniface	Lib.
LAMOUREUX, Cindy	Tyndall Park	Lib.
LATHLIN, Amanda	The Pas-Kameesak	NDP
LINDSEY, Tom	Flin Flon	NDP
MALOWAY, Jim	Elmwood	NDP
MARCELINO, Malaya	Notre Dame	NDP
MARTIN, Shannon	McPhillips	PC
MOSES, Jamie	St. Vital	NDP
MICHALESKI, Brad	Dauphin	PC
MICKLEFIELD, Andrew	Rossmere	PC
MORLEY-LECOMTE, Janice	Seine River	PC
NAYLOR, Lisa	Woleseley	NDP
NESBITT, Greg	Riding Mountain	PC
PALLISTER, Brian, Hon.	Fort Whyte	PC
PEDERSEN, Blaine, Hon.	Midland	PC
PIWNIUK, Doyle	Turtle Mountain	PC
REYES, Jon	Waverley	PC
SALA, Adrien	St. James	NDP
SANDHU, Mintu	The Maples	NDP
SCHULER, Ron, Hon.	Springfield-Ritchot	PC
SMITH, Andrew	Lagimodière	PC
SMITH, Bernadette	Point Douglas	NDP
SMOOK, Dennis	La Vérendrye	PC
SQUIRES, Rochelle, Hon.	Riel	PC
STEFANSON, Heather, Hon.	Tuxedo	PC
TEITSMA, James	Radisson	PC
WASYLIW, Mark	Fort Garry	NDP
WHARTON, Jeff, Hon.	Red River North	PC
WIEBE, Matt	Concordia	NDP
WISHART, Ian	Portage la Prairie	PC
WOWCHUK, Rick	Swan River	PC

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, March 11, 2020

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: On a matter of privilege, Madam Speaker.

MATTER OF PRIVILEGE

Madam Speaker: The honourable Official Opposition Leader, on a matter of privilege.

Mr. Wab Kinew (Leader of the Official Opposition): Madam Speaker, I rise on a matter of privilege, and one that affects my rights as a member and, indeed, the rights of every working Manitoban, student, teacher, child and many pensioners.

As you have noted for this House, Madam Speaker, and I quote, parliamentary scholar Joseph Maingot explained on page 217 in the second edition of *Parliamentary Privilege in Canada*—quoting here from their text: 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.

As well, in the third edition of *House of Commons Procedure and Practice*, it is noticed on page 142, that a—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.

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.

So those are the tests, and failure to meet any of these tests will result in the matter not being ruled as a *prima facie* case of privilege.

So these are the different parts of the matter that you have outlined very helpfully, and it's clear that if the matter fails to meet these tests it will not be accepted.

Now, the matter I am raising today is one that I am raising at the earliest opportunity. It is clear from yesterday's Notice Paper that the government intends on abusing our rules and undermining the democratic checks and balances of our system by ramming through dozens of pieces of legislation in the manner that is meant to suppress debate and discussion. That is undemocratic. This isn't proper and it is denying the people of Manitoba and their representatives a proper voice in the matter.

Now, there are real questions to be asked about the government's legislation they placed on the Notice Paper yesterday, and as this is the first opportunity whereby the legislation has appeared on the Order Paper, this is indeed the first opportunity I have to raise the matter before the House.

But the Pallister government is attempting to abuse the rules of this House, the spirit of those rules and the best traditions of this House by ramming through this agenda with as little debate as possible. That is an—undemocratic and it denies Manitobans and their representatives a real voice in the affairs that will touch their lives.

Make no mistake, Madam Speaker—[*interjection*]

Madam Speaker: Order.

Mr. Kinew: —the scope and scale of the legislation will be extensive. It will affect pensioners, students in K-to-12 schools, university students, teachers, educators and professors, health-care workers, nurses, doctors and, indeed, every other working person in Manitoba. These Manitobans deserve to have their voices heard. And, as a result, limiting debate and discussion will only inhibit the privileges of all members of this House of all party backgrounds to debate and discuss these important matters as a result of the Pallister government's decision to try and ram legislation through without debate or discussion. We object.

Therefore, I move, seconded by the member for Notre Dame (Ms. Marcelino), 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.

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): I will attempt to keep all of my comments relevant. I hope you give me some latitude, because it might be difficult because I'm not actually quite sure what the Leader of the Opposition is actually talking about.

Madam Speaker, if I understand what he was saying, he is concerned that bills that have yet to be introduced, but that were properly put on the Notice Paper yesterday and which may be introduced today, and that we have until June 3rd to debate—of course, they can also then hold over five bills 'til October and continue to debate them into November—that he somehow doesn't think there's going to be enough debate on bills that we haven't even introduced.

Now, the only reason that there might not be enough time for debate is if the opposition would be unnecessarily delaying things, like they actually just did now, Madam Speaker.

So I hope that you'll take my own comments as meaningful, but I am struggling to try to understand what it is the Opposition Leader is trying to say. Bills were put on the Notice Paper. Yes, we're going to introduce them, and then if they don't continue to delay, we're going to have a fantastic budget speech. And then tomorrow we'll continue to debate the budget, and then we'll go on and we'll debate bills in this legislative session, and we'll go on to summer and the birds will be singing and the grass will be growing, and they're going to have all sorts of time to debate.

But I think this only means one thing: they're very, very concerned and very, very worried about what a great budget is coming down in about an hour and a half.

Some Honourable Members: Oh, oh.

Madam Speaker: Order.

Hon. Jon Gerrard (River Heights): Yes, I rise to speak briefly on this matter of privilege.

Madam Speaker: Does the member have—oh, he doesn't need leave.

Mr. Gerrard: There, of course, were, several years ago, some changes in the rules, and one of the tasks that we have to make sure is that there's adequate time to debate the legislation. Of that there's no doubt. And we, the Liberal Party, are very determined to do whatever we can to make sure there's adequate time for debate.

On the other hand, we have 32 bills so far on the Order Paper. I have been in this Chamber when there was an NDP government and we occasionally had up to 50 or so bills on the Order Paper. So the number of bills that we have is not extraordinary, and although I think it is too premature right now to say that we won't have time to debate these, I think it's going to be very important that we work together as House leaders and in other ways to make sure that the government is pushed to be sure that there's adequate time to debate every piece of legislation that is produced.

Thank you. [*interjection*]

Madam Speaker: Order.

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

* (13:40)

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

MATTER OF PRIVILEGE

Madam Speaker: The honourable House leader for the official opposition, on a matter of privilege.

Ms. Nahanni Fontaine (St. Johns): Madam Speaker, I rise on a matter of privilege.

I bring this forward as a serious matter that affects all Manitobans and impedes my ability to do my duty as a legislator. It is the first opportunity I have to rise, this after having consulted the relevant authorities and experts on the matter.

Madam Speaker, I believe the phrase earliest opportunity must be understood in a reasonable sense. That is, 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 that phrase. Rather, the earliest opportunity must be understood in a holistic and contextual matter. This

holism or contextualism will allow for members to consult with the relevant authorities, speak with or study various experts on the matter, as is the case may well be, in reviewing the evidence that has been compiled on the matter at hand.

My matter of privilege is this. The Pallister government has presented two budgets which have resulted in a qualified opinion by the Auditor General. This is the first time in Manitoba history that reoccurring qualified Public Accounts have been put forward in Manitoba, and the Pallister government has made clear that this behaviour will continue.

Misrepresenting the financial statements in this fashion undermines the ability for the public to know what is actually going on in the government's reporting. But, unfortunately, the Pallister government says that they will continue to not be in compliance with the recommendations of the Auditor General when it comes to the Manitoba Agricultural Services Corporation. That means we will go three years and more with qualified opinions on Manitoba's Public Accounts, and my privilege as a legislator will be violated as the government has provided me with no reasonable means to understand the true state of the public finances before considerations of this year's budget.

Very briefly, I would like to address the most important issue of privilege as to what an inference is in relation to my parliamentary duties, making this issue a question of privilege.

I refer, Madam Speaker, to the House of Commons procedural and practice, second edition, commonly known as O'Brien and Bosc, for guidance on this difficult and vexed question.

At page 111, O'Brien and Bosc 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 fulfill his or her parliamentary responsibilities.

And I continue to quote, Madam Speaker: If, in the Speaker's view, the member has not obstructed in the performance of his or her parliamentary duties and functions, then a prima facie breach of privilege cannot be found. End quote. That is from page 111 of O'Brien and Bosc, which is the undisputed source of information regarding the appropriate way in which we ought to understand parliamentary privilege in this House as well in Houses across the country.

Several comments regarding the comments are in order. The Speaker's view of the matter is clearly of the utmost importance, but more important, interference should not be construed as in narrowly physical terms. Interference as understood in a discussion of privilege or contempt will go beyond the mere interference, say, of 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. As O'Brien and Bosc note, and I quote, Madam Speaker: It is impossible to codify all incidents which might be interpreted as matters of obstruction, interference or intimidation, and as such constitute prima facie cases of privilege. However, some matters found to be prima facie include the damaging of a member's reputation, the 'usurption' of the title of a Member of Parliament, the intimidation of members and their staff and of witnesses before committees and the provision of misleading information. End quote.

So, Madam Speaker, I would emphasize the last point. The most important authorities—arguably—apart from the Supreme Court of Canada—hold that the provision of misleading information constitutes a breach of the privileges 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.

It must be noted that information which is misleading is not the same, Madam Speaker, as false information. The standard definition of misleading is that a statement or assertion gives the wrong idea or impression. However, it is clear that the partial presentation of information which is, on its own, not correct can nonetheless give the wrong idea to a reasonable observer. Thus, it bears repeating the standard of the interference of a member's ability to do their job does not require them to show that the government provided false information, rather only misleading information. This is a weaker test, but one which nonetheless infringes on the ability of me to be able to do my job in this House.

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. In this instance, the government's continued presentation of an—incomplete financial information

misleads the public and members of this Chamber of their true state of the government's finances.

* (13:50)

Madam Speaker, it is a breach of my privilege. This means that Manitobans are not getting a clear reflection of the government's finances, and as a member of this Legislature and as a member of the official opposition I am not receiving the information I need to make an informed decision with regard to the public finances.

The Pallister government asks us to vote on a budget and on budget matters, yet the true state of the public finances are not presented in this government's own financial documents. It is an—the antithesis to past practice in this province, in Manitoba. More importantly, it is an abuse of the rules of this House. It impedes my ability to make informed decisions about the future of the province, about the future of our province that we all love.

To be very brief, Madam Speaker, we know, clearly, that the Pallister government has breached generally accepted accounting rules. The Finance Minister authorized moving money around after the end of the fiscal year and defied the auditor's direction about what organizations must account in the summary budget. This is not in dispute. The Pallister government has greatly impeded the public's understanding of the government's own budget and their ability to trust the accuracy of the Pallister government's books.

Now, if this was just a one-time issue, I think the Pallister government might be able to make the case that the books are now solid, that they can be understood and that we can move on from there, but as I stand here today we know this is not the situation or the reality.

The Pallister government continues to defy the Auditor General, removing entries from the general reporting entity to change the nature of what counts as part of the Province's summary budget. In plain language, they are cooking the books for their own benefit—*[interjection]*—and while the members opposite can laugh, this is a serious matter of privilege. This circumstance—*[interjection]*

Madam Speaker: Order.

Ms. Fontaine: —is right in front of us, Madam Speaker. We cannot simply look at the recently released third quarter financial report based on what the Pallister government has put forward and based on

what the Pallister government has communicated to the media, that they would suggest there is little fiscal room to address the priorities that Manitobans care deeply about, including investments in our classrooms and in our hospitals. In short order, the Pallister government would have us debate a budget and vote upon it based on false information, but these figures aren't based on generally accepted accounting rules. They aren't worth the paper that they are written on. It's an abuse. It's an 'aggrevous' breach of my privilege as a proud legislator in this House.

We need financial reporting that plays within the bounds of the rules as accepted by the Auditor General; yet, we know two things happen between the time the Pallister government puts forward its interim reports and public accounts: first, the amount of cuts actually made by this government are finally revealed; and, secondly, the actual deficit position of the Province will be clarified by the Auditor General in a qualified opinion rather than explained by this Premier (Mr. Pallister) and the Pallister government to the public at the time of that very budget.

This all happened six months too late, which is of limited value for the public in understanding the true nature of the government's budget and, certainly, Madam Speaker, it's an attempt by this government to prevent a proper debate on these important issues. It is, quite simply, a breach of my privileges.

So, to summarize, Madam Speaker and, in conclusion, the Pallister government is departing repeatedly, consciously, from the norms of this House, putting forward continued financial documents that do not respect generally accepted accounting principles.

How can we be called on to consider, speak to and vote on this year's budget, which I am sure the government will table in short order, when the true state of the government's finances will not be revealed for another six months in Public Accounts?

I ask this government sincerely why they continue to impede a public discourse about the true nature of their devastating and egregious cuts to important and critical public services for Manitobans, and I ask you, Madam Speaker, to consider this issue as a serious violation and breach of the rules of this Chamber.

As such, Madam Speaker, I move, seconded by the member for Concordia (Mr. Wiebe), that this matter be moved to an all-party committee officiated by the Auditor General of Manitoba for consideration.

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, it is neither at the earliest opportunity nor a prima facie case. I would say, as trying to give good advice to the opposition, as a member who has been here for 17 years in this Legislature, oppositions that have tried to stall the budget have never done well by stalling the budget.

I would ask the Leader of the Opposition to consider that. He thinks that he is doing himself a favour politically or in some other way, or doing the province a favour. He is only going to be harmed politically by this little stunt of trying to delay the budget, and I hope that he can get his caucus into order, Madam Speaker.

Hon. Jon Gerrard (River Heights): Madam Speaker, I rise to comment on this matter of privilege, which of course is a serious matter.

We, too, share the concern of the MLA for St. Johns about deceptive practices being used by the Pallister government in the presentation of their budget, but we are awaiting the presentation of the actual budget to see what's in it before we advance our criticisms and our concerns.

Some Honourable Members: Oh, oh.

Madam Speaker: Order.

Mr. Gerrard: Madam Speaker, in the context of what is happening today, I reflect on a previous occasion when I moved a matter of privilege immediately before the presentation of a budget. It was about an extremely serious matter when a former NDP Finance minister—from Cabinet records we had become aware of the fact that he knew that Crocus was in big, big trouble, and yet he and his government went on promoting the sale of Crocus shares.

It was recognized as a serious matter. There was discussions among all parties about why this was important to be presented and there was agreement that it was presented and it was accepted as a serious matter that had to be brought up just then.

* (14:00)

I'm afraid, Madam Speaker, although these are serious matters, they don't fall in quite the same category and I believe that we should move on and have the budget presented, have the question period, where we will have chances to answer questions and move on with the business of the House.

Thank you.

Madam Speaker: 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.

An Honourable Member: Matter of Privilege, Madam Speaker.

MATTER OF PRIVILEGE

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

Mr. Matt Wiebe (Concordia): It is a very serious matter of privilege that I rise here today in the House on—and I do hope that all members will take this as seriously as I know you are, Madam Speaker, and that it's considered in a serious way as you've instructed us here today, as well as in the past.

I raise this particular matter of privilege after having consulted with the relevant authorities, after some research and some work that's been done to ensure that this is, indeed, a matter of privilege.

I do believe, though, in the same vein as my colleague, that the phrase earliest opportunity must be understood in a reasonable sense, and in this case the earliest opportunity cannot simply mean the next moment in time in which a member has the ability to speak. This is, as we said, a—too simple of an understanding. It doesn't take into account the realistic ebb and flow of this Chamber, and it does not, of course, consider how it is applied in the real world and the functioning of this Legislature.

We believe that that context and that overall understanding of the functioning of this Legislature does allow for members to consult with the relevant authorities—as I said that I did—and it also allows us to speak with or to study various experts on the matter in the case, as the case may be, as well as review the evidence that has been compiled on the matter at hand.

The matter of—sorry, this matter of privilege is very clear, and it is this: The Pallister government has failed to put a first-quarter financial report before the people of Manitoba. This we know is a departure of public accountability unlike anything that we've seen

in this province before. It's certainly not something we've seen in this province, but it's also something we have not seen across the entire country. So in doing so they are impeding my ability to do my job and to hold the Pallister government to account.

Very briefly, then, Madam Speaker, I would like to address the most important issue of privilege as to what an interference is in relation to my parliamentary duties, making this an issue or a question of privilege. I refer now to the House of Commons Procedure and Practice, second edition, commonly known as O'Brien and Bosc for guidance on this difficult and vexed question.

Once again, on page 111, O'Brien and Bosc write: Quote: 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 that it had on the member's ability to fulfill his or her parliamentary responsibilities. If in the Speaker's view, the member has not obstructed in the performance of—or, sorry—was not obstructed in the performance of his or her parliamentary duties and functions, then a prima facie case of breach of privilege cannot be found. End quote.

Madam Speaker, as I said, that is from page 111 of O'Brien and Bosc, which is the undisputed source of information regarding the appropriate way in which this House and all of us must understand parliamentary privilege. It is also, as we know, this way across all Houses across the country. Several comments regarding the comments are in order. The Speaker's view of the matter is clearly of the utmost importance.

But, more importantly, interference should not be construed in narrowly physical terms. Interference, as understood in a discussion of privilege or contempt, will go beyond the mere interference—[*interjection*]

Madam Speaker: Order.

Mr. Wiebe: —say, of 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. As O'Brien and Bosc note, quote: It is impossible to codify all incidents which might be interpreted as matters of obstruction, interference or intimidation and, as such, constitute a prima facie case of privilege. However, some matters found to be prima facie including—include the damaging of a member's reputation, the usurp-

usurpation of the title of the Member of Parliament, the intimidation of members and their staff and of witnesses before committees, as well as the provision of misleading information. End quote.

I would emphasize this last point, Madam Speaker. The most important authorities—arguably, apart from the Supreme Court of Canada—hold that the provision of misleading information constitutes a breach of the privileges of the member of this House, and it is clear that this government, its Premier (Mr. Pallister) and its ministers are guilty of that provision of such misleading information.

It must be noted that information which is misleading is not the same as false information, as my colleague has also pointed out. The standard definition of misleading is that a statement or assertion gives the wrong, quote, the wrong idea or impression, end quote, and that it is a statement or assertion that does that. However, it is clear that the partial presentation of information, which, on its own, is not incorrect, can nevertheless give the wrong idea to a reasonable observer. Thus, it bears repeating the standard of interference of a member's ability to do his or her job does not require his or—him or her to show that the government provided false information, only misleading information.

This is a weaker test, Madam Speaker, but one which nonetheless infringes the ability of a member to do their job. It almost goes without saying 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.

In this instance, the government's continued presentation of incomplete financial information misleads the public and, thus, misleads members of this Chamber of the true state of this government's finances. It is, therefore, Madam Speaker, clearly a breach of my privileges.

My evidence for this is as follows. In the last fiscal year, the Pallister government refused to put forward a first quarter financial report. This is a complete departure from past practice and the approach of every other province across this country. This is so important, Madam Speaker, because this is an abuse of the public's trust in our institutions. By whittling away at public accountability, the Pallister government is removing our ability to hold the government to account.

This is a hallmark, of course, of this Pallister government, to attack the unwritten norms and ongoing practices of our democracy. We depend on these rules for good government. But, withholding the first quarter financial report, the government withholds important information that all of us need to understand the government's actions. And I remind you that no other government in Canada has withheld these reports in this fashion.

* (14:10)

Every day the official opposition is called upon to consider serious matters of the direction of our province. Can we take actions to mitigate a looming financial crisis, for instance? Can we bring resources to bear to address serious deterioration of services under the Pallister government? How are we to make informed decisions on these issues when the government refuses to disclose the most basic of financial information required under generally accepted accounting rules?

We need the government to provide this information, to provide all accurate information that we need in order to do our jobs. Without this information it is clear that we are being obstructed in doing our job and, therefore, my privileges as a legislature–legislator–have been breached.

Now, the Pallister government, obviously, has political reasons for why it wanted to withhold the first quarter financial report. We know this, Madam Speaker. They called a snap election, we know, of course, and they certainly did not want the public to gain a better grasp of the depths of the cuts that this government has made to our public services. But that is not a good enough reason to withhold information that has always been available to Manitobans in the past.

We're committed to responsible government and to holding the Pallister government to account. But we must have transparency and accountability in order to do so.

Therefore, Madam Speaker, because this government is not forthcoming with us and with Manitobans about the Province's finances in the first quarter financial report, and because this has impeded on my ability to conduct my duties as a member of this Legislature, I move, seconded by the member for St. Johns (Ms. Fontaine), that this matter be moved to an all-party committee for consideration.

Thank you.

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, it was neither raised at the earliest opportunity nor a prima facie case.

I would again say to the Leader of the Opposition, he could look at the long faces behind him in his caucus who don't believe this is a good strategy and who know this is not going to go over well with Manitobans, not just those who are gathered here today to hear the budget—to I implore him to live up to the standard of what a leader should do and actually let the budget come forward.

Madam Speaker: The honourable member for River Heights. [*interjection*]

Order. The honourable member for River Heights. [*interjection*] Order.

Hon. Jon Gerrard (River Heights): Madam Speaker, I am respectful of the points that the official opposition is trying to make. But I think we stand today at a rather critical moment.

The WHO has just declared COVID-19 a pandemic. This is a global pandemic now acknowledged to be such. We need to have question period. We need, even if we may not like it, to have a budget presented because the government needs to show us that they are actually listening to people with respect to issues like this 'grobal' pandemic.

We are very concerned, as I've already said, about the deceptive nature of some of the government's budgetary practices. We are very concerned about the adequacy of their response to the now global pandemic, but we believe that we need to proceed and have question period so that government can answer to some of the concerns that we and others have.

And I would put that forward respectfully, Madam Speaker, as an important issue that must be considered.

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

An Honourable Member: Matter of privilege.

MATTER OF PRIVILEGE

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

Mr. Tom Lindsey (Flin Flon): I could not agree more wholeheartedly that a matter of privilege is a very serious matter, as is everything else that we do in this House, and it is certainly something that I accept as my responsibility as a representative of the official opposition and, as importantly, as an MLA representing the people of my constituency.

And that's why I rise today to talk about a very serious matter, and that matter is going to take some time. I will be as short as possible because I know that Madam Speaker wants us to keep it as short as possible, but we do need to make sure that we get the facts out there, to establish the prima facie case. So as—I will proceed through this as quickly as I can.

So, as you have noted in this Chamber previously, esteemed parliamentarian scholar Joseph Maingot has explained on page 217 in the second edition of *Parliamentary Privilege in Canada* that: 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 privilege 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.

And I will carry on, Madam Speaker. So let me begin by saying that the government has failed to call the Standing Committee on Crown Corporations for consideration of Manitoba Public Insurance Corporation annual reports. This is deeply concerning because there are urgent matters that must be discussed regarding MPI and it is impeding my ability to adequately fulfill my responsibility to my constituents to ensure proper management of their Crown corporations.

And, as I said earlier, Madam Speaker, I take that responsibility to represent not just my constituents, but the people of Manitoba, I take that responsibility very seriously. So this, The Crown Corporations Governance and Accountability Act, which oversees all Crown corporations to ensure continuity and accountability—and really, those are some pretty critical words, is continuity and accountability.

So The Crown Corporations Governance and Accountability Act, which oversees all Crown

corporations to ensure continuity and accountability in all of our beloved Crown corporations—The Crown Corporations Governance and Accountability Act sees—oversees all Crown corporations to ensure—I'm sorry. I've already read that line.

So let me say that when an annual report of a corporation is laid before the Legislative Assembly, that is section 10(2), Tabling reports in the Assembly, that the responsible minister must table a copy of each annual report referred to in subsection (1) in the Assembly within 15 days after receiving, if the Assembly is sitting or, if it is not, Madam Speaker, within 15 days after the next sitting begins.

* (14:20)

The annual report, subject to any other act, then stands permanently referred to the Standing Committee on Crown Corporations of the Legislative Assembly, unless the Assembly otherwise orders.

Now, the last time the Standing Committee on Crown Corporations of the Legislative Assembly of Manitoba met regarding the annual report on MPI was, well, September 27th, 2017. So let me put on the record, Madam Speaker, that it has been over two years since the standing committee has met to consider MPI's annual report—shameful.

There are two annual reports to still be discussed and passed by the standing committee, Madam Speaker, and this government's failure to call the standing committee of Crown corporations to consider MPI is unacceptable and it is impeding on my ability to conduct my duties as an elected member of this Legislature on behalf of all of my constituents and the constituents in Manitoba.

Now, Madam Speaker, this a prima facie case of privilege because, as members, it is our privilege to ask questions of our Crown corporations to ensure that they are being managed efficiently and equitably.

Now, in R. Marleau and C. Montpetit, *House of Commons Procedure and Practice*, 2000, clearly defined privilege as, and I'm quoting here: The rights and immunities that are necessary—that are deemed necessary for the House of Commons as an institution and its members as representatives of the electorate to fulfill their functions.

Reference may also be made to J.G. Bourinot, *Parliamentary Procedure and Practice in the Dominion of Canada*, fourth edition, 1916: It is obvious that no legislative assembly would be able to discharge its duties with efficiency or to assure its

independence and dignity unless it had adequate powers to protect itself and members and officials in the exercise of their functions.

The British joint committee report adopted a similar approach, Madam Speaker: Parliamentary privilege consists of the rights and immunities which the two Houses of Parliament and their members and officers possess to enable them to carry out their parliamentary functions effectively. Without this protection, members would be handicapped in performing their parliamentary duties and the authority of Parliament itself confronting the executive and as a forum for expressing the anxieties of citizens would be correspondingly diminished. While much latitude is left to each House of Parliament, such a purpose—such a propulsive approach to the definition of privilege implies important limits.

All of these sources point in the direction of a similar conclusion. In order to sustain a claim of parliamentary privilege, the Assembly or a member seeking its immunity must show that the sphere of activity for which privilege is claimed is so closely and directly connected with the fulfillment by the Assembly or its members of their functions as a legislative and deliberative body, including the Assembly's work in holding the government to account, that outside interference would undermine the level of authority required to enable the Assembly and its members to do their work with dignity and efficiency.

Now, I want to highlight a specific point made by R. Marleau and C. Montpetit, that, and I quote here: In order to sustain a claim of parliamentary privilege the Assembly or member seeking its immunity must show that the sphere of activity for which privilege is claimed is so closely and directly connected with the fulfillment by the Assembly or its members of their functions as legislative and deliberative body, including the Assembly's work—and this is important—including the Assembly's work in holding the government to account. And, really, that's what this is all about, isn't it? As official opposition members it is our duty, our responsibility to hold the government to account and we should not be impeded or prevented from doing that. And yet, by the very actions—or lack of actions with this Pallister government we are, in fact, being denied, restricted in our ability to hold the government to account.

So, Madam Speaker, it is clear that the government's failure to call the Standing Committee on

Crown Corporations to consider MPI's annual reports is limiting my ability to fulfill my function to hold the government to account with the management of our Crown corporations. So many events have taken place regarding MPI over the last two years. There's been a lot of them. These events that have taken place over the last two years have made it deeply concerning that this government is refusing to call that committee—that committee—which provides us as members of the official opposition to fulfill our function in this Legislative Assembly to hold the government to account. We are being denied very clearly and very, very succinctly our ability to do our jobs.

So of top concern is, of course, this government's interference with MPI's service delivery and rate setting, and that very clearly affects everyone in Manitoba and is very clearly within our realm of responsibility to talk to MPI at committee and find out information on that, and hold the government to account.

So MPI had a plan geared at making rates and services more affordable for Manitobans by moving services online. Now, we learned last year that the government interfered and directed MPI to give complete control of its future online sales to insurance brokers. And, Madam Speaker, at this point in time I will table an article which very clearly provides a thorough analysis of this interference so we can read in the press the articles about interference, but because this government—this Pallister government refuses to call the committee, we can't fulfill our obligation to question them and hold them to account.

So now the government also passed a regulation in 2019 which required MPI to increase the size of its reserve fund. This, of course, leads to higher rates for Manitobans, which the Public Utilities Board then ruled that the government had no authority to do so. Which, I guess, explains why now they want to potentially change the rules of the Public Utilities Board, but that's a conversation for another day.

* (14:30)

So, given the many instances of political interference, many of which we've shown—I've shown here today in my matter of privilege, Madam Speaker, given the many instances of political interference in the affairs of our Crown corporation these past several years, it is, in fact, long past time that the Pallister government allow Manitobans to have a say by calling a standing committee and allowing members to discuss annual reports.

And, again, I must reiterate that failing to do so very directly impedes my ability to do my job as a member of this Legislative Assembly. Every day that we do not have these committees called is another day without answers and a further disrespect to our democracy and its privilege of its members.

Madam Speaker, the actions of this government are very clearly undemocratic and by the act of their—of the omission of their act impedes my ability—and my colleagues on the opposition benches—it impedes all of our abilities to do our job. And, again, as I said at the beginning, I take those responsibilities very seriously, as I know every member on this side of the House does. To be a member who is in opposition is a very serious role and it's a very important role in the entire democratic process of our government in this province and in this country.

When the ability of members is restricted it really is, at that point in time, an attack on democracy, and that's something, Madam Speaker, that none of us should sit quietly and allow to happen. Our ability as opposition MLAs has to be to ask questions and to get answers, and particularly in this case on MPI, it's been far too long that this government has restricted our ability to ask questions and our ability to get answers. In the process they've restricted our democratic rights as opposition MLAs to do our jobs.

And, Madam Speaker, I'm sure you'll agree that nothing should be more important to this institution, to this building, to this Chamber, to these members, than protecting the democratic rights, particularly of members in here who have been elected by their respective constituencies, but I'm sure you'll agree that protecting the very basic of democracy has to be so important that we would never allow anything that would take away from our democratic processes.

So I'm going to wrap up here now because—*[interjection]* If the members opposite would like, I could probably go on, but I do not wish to try your patience, Madam Speaker.

So, therefore, as a result of the actions of the Minister of Crown Services (Mr. Wharton) and this government, I move, seconded by the member from Burrows—*[interjection]*—I hear chirping—

Madam Speaker: Order.

Mr. Lindsey: Madam Speaker, I'll start again.

Therefore, as a result of the actions of the Minister of Crown Services (Mr. Wharton) and this government, I move, seconded by the member from

the Burrows, that this issue be immediately referred to a committee of this House.

Thank you.

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): I want to indicate that we are ready to proceed to routine proceedings and the normal course of this House—and while I have the brief opportunity to apologize to those who have come to the Legislature to see the normal proceedings of the House and have to be watching this spectacle by the opposition, I apologize on behalf of the government.

Hon. Jon Gerrard (River Heights): Yes, Madam Speaker, I want to speak briefly to this matter of privilege.

Today is a very important day in the history of the world. We have had a pandemic declared, a global, worldwide concern about a coronavirus infection, a coronavirus pandemic. As WHO director general Tedros Adhanom Ghebreyesus said Wednesday, we have never before seen a pandemic sparked by a coronavirus.

Here in Manitoba on CBC this morning, Dr. Bhardwaj, who was commenting, said the coronavirus COVID-19 situation can move from not very bad to holy cow, we have a major problem very quickly. This is really important. We need a question period. We need to be able to hold this government to account to make sure they are really going to make sure to deliver and keep Manitobans safe.

Thank you, Madam Speaker.

Madam Speaker: 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.

An Honourable Member: Matter of Privilege.

MATTER OF PRIVILEGE

Madam Speaker: The honourable member for Union Station.

MLA Uzoma Asagwara (Union Station): I rise today, Madam Speaker, on a matter of privilege.

It is my very first opportunity to rise on this specific matter. I have taken a few days to review the comments made on: Wednesday, March the 4th; the comments made on Monday, March the 9th; and the comments made on Tuesday, March the 10th, in this House. And I've had the opportunity over that period of time to consult the relevant information, to do some research and to go over publications regarding to this very complex matter.

To the matter of privilege of which I—to which I am raising, it's most properly understood as a form of contempt for this House. The matter I am raising concerns a very serious matter, a matter dealing, in fact, with the health and well-being of Manitoba children, a matter that put information of the record that misleads this House, Madam Speaker, and also misleads Manitobans, and a matter that ultimately interferes with my ability to serve my own constituents in my capacity as a legislator in this House.

On Wednesday—and I referenced that date previously—on Wednesday, March 4th; Monday, March 9th; and Tuesday, March 10th, the Premier (Mr. Pallister) and the minister made several comments alleging that the government—that this Pallister government—feeds hungry kids and also provides funding directly for doing so.

* (14:40)

These were false, and not only false, these were misleading comments, Madam Speaker, comments which mislead members of this House in what—in what the government is doing, which is very serious. A matter of contempt, though, is—it is a serious issue and this matter of contempt is of the utmost importance. And, as such, it involves the—or in this matter, rather, it involves the health and it involves the well-being of our children in Manitoba, which all of us—all of us—in this House are, in fact, here to represent.

So, before continuing, I would like to take a moment to discuss the very important distinction between privilege and contempt, because it is important to put all of the relevant information on the record as it pertains to our argument so that you can fully analyze this matter, Madam Speaker.

Now, while over the past several hundred years the privileges of members in this Chamber have become more and more an increasingly determined, both in relation to the nature of parliamentary functions of members, as well as to the question of statutory and constitutional questions. There remains

yet many matters which may not intuitively fall within the category commonly understood as privilege.

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

And specifically referring to O'Brien and Bosc, page 83, is where 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, 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, its members or its officers.

As the authors of Odgers' Senate Practice, Australia, states, and I quote: The rationale of the power to punish contempts, whether 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. Madam Speaker, in that sense, all breaches of privilege are contempts of the House, but not all contempts are necessarily breaches of the House. But not—oh, rather—and I apologize—rather—but not all contempts are necessarily breaches of privilege. My apologies there. End quote.

This is well said, and there is, on further point—which bears emphasizing. O'Brien and Bosc actually continue on page 84 of House of Commons Procedure and Practice, second edition. O'Brien and Bosc state on page 84, and I quote: 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, and I quote: While our privileges are defined, contempt of the House has no limits. When new ways are found to interfere with our proceedings, Madam Speaker, so, too, will the House—in

appropriate cases—be able to find that a contempt of the House has occurred.

I believe that it is critically important to provide some background to the matter of contempt being raised today. As these comments continue and continue and continue—and I say that three times, Madam Speaker. It was on three separate days in this House that we heard these comments, and these comments continue to put false information on the record and mislead not only this House, but these comments that continue to be put on the record, and it was—*[interjection]*

* (14:50)

Madam Speaker: Order.

MLA Asagwara: —comments made on Wednesday the 4th, March the 4th. It was comments, Madam Speaker, made on Monday, March the 9th in this House, and it was comments made on Tuesday, March the 10th: three separate dates, in this House, comments were made. And so it is important to provide background to the matter of contempt using the—coming from the comments that were made on those three separate dates in this House.

And, again, it's false information that's put on the record and that misleads, as I said, not only this House, but misleads all Manitobans, Madam Speaker. These statements make it difficult for me to perform my own duties for representing my constituents in this House, and in order to advocate for parents and to advocate for children and for families because they are not being provided with clear—and members of this House aren't being provided with clear and factual—and that's so important—factual information by this government in order to formulate a true opinion on this matter.

The House and Manitobans are being misled that the government 'disrectly' feeds children, Madam Speaker. Well, this is simply—it's simply not the case, and we've heard this government say it several times and I'm standing up here in the House today to put on the record that this is simply just not the case, but members of this House are being misled to think there is some sort of government-ran snack or meal program in place which, again, just simply not happening, simply not the facts. It is not the case.

And so, Madam Speaker, putting this false information on the record impacts members' abilities to do their jobs, including my own. It impacts my ability to do my job in this House and my job in my constituency with my constituents.

And I will defer, Madam Speaker, to the House of Commons Procedure and Practice, second edition, commonly known, as you've—I'm sure you're well aware, commonly known as O'Brien and Bosc, for guidance on this very difficult and vexed question.

On page 111, O'Brien and Bosc write: However, some matters found to be prima facie include the damage—the damaging of a member's reputation, the usurpation of the title of a member of Parliament—I struggle with that word—*[interjection]*—thank you—the intimidation of members and their staff and of witnesses before committees, and the provision of misleading information. End quote.

Madam Speaker, I would emphasize the last point. The most important authorities, arguably apart from the Supreme Court of Canada, hold that the provision of misleading information constitutes a breach of the privileges of members of this House, and it's clear that this government and its Premier (Mr. Pallister) and its ministers are guilty of the provision of such misleading information.

It must be noted that information which is misleading is not the same as false information. The standard definition of misleading is that a statement or assertion gives the wrong idea or impression. However, it is clear that the partial presentation of information, which on its own is not incorrect, can nonetheless give the wrong idea to a reasonable observer.

Thus, it bears repeating: The standard of the interference of a member's ability to do her job or his job or their job does not require her or him or they to show that the government provided false information—only misleading information. This is a weaker test, Madam Speaker, but one which, nonetheless, infringes the ability of a member to do her job, his job or their job.

It almost goes without saying, Madam Speaker, that the provision of false information is clearly—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, in fact, what is the question in this case. So, ultimately, I would like to set the record straight.

I will—I'll table for the House today—just. I need you to get my copies here. I'll table—thank you—for the House today, copies of the Child Nutrition Council's annual report—thank you—which is the charitable organization that actually works hard to provide our

kids with snacks and meals. I think that's a really important point to reiterate, that the Child Nutrition Council is the charitable organization that actually works hard to provide our kids with snacks and with meal programs. They actually work hard to ensure that our children have the snacks and the nutrition and the food that they need in order to function and to be able to focus and to engage.

So it should be further clarified for the House, Madam Speaker—and I'm very happy to be able to do so, to provide that clarification for the House—that, in fact, the Child Nutrition Council provided 4.8 million snacks and meals—4.8 million snacks and meals to children in the 2018-2019 school year; not this government. The Child Nutrition Council also predominantly receives their funding from charitable donations; not this government.

* (15:00)

The Premier (Mr. Pallister) and the minister have also continued to expressly state that child nutrition programs provide unintended consequences. Wow, Madam Speaker.

But, again, the Premier and the minister continually and expressly stating that child nutrition programs provide unintended consequences for Manitoba children and Manitoban families is, again, them simply providing false information—false information that is being put on the record and misleading all members of this House—every single member of this House, Madam Speaker.

So, Madam Speaker, there was, you know, another study done out of the Toronto District School Board which found that eating morning meals improved students' behaviour. Certainly, I would argue that eating morning meals improves, you know, my behaviour, probably improves the behaviour of members of this very House—but this Toronto District School Board found that it improves not only the students' behaviour, but it also reduced tardiness, which is something that I hear from teachers and educators, early childhood educators in my own constituency.

Madam Speaker: Order, please.

I would urge the member that in speaking on this—on a matter of privilege, that she needs to presenting information towards a prima facie case—*[interjection]*—they need to be presenting the information in a prima facie case and not going down the road of debating the issue.

So the member needs be very careful about, you know, the content right now and needs to ensure that what they are doing is related to actually presenting the fact that their privileges have been breached. And there is to be no debate on the value of any of this issue.

So I would ask that this member try to bring that around to just the prima facie case.

MLA Asagwara: Thank you for clarifying that.

I just wanted to make sure that I tabled those documents previously for everyone in this House, just to ensure that all members had all relevant information to consider—to form opinions and to adequately be able to perform their parliamentary duties of representing their constituents and the interests of their constituents, Madam Speaker.

One last time, Madam Speaker, I would like to reiterate the difference between privilege and contempt so that all relevant information is on the record. O'Brien and Bosc continued on page 84 of House of Commons Procedure and Practice, second edition, and I quote: 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, and I quote: 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 occurred. End quote.

Now, Madam Speaker, I'm glad that I was able to put important remarks and factual information on the record and that all members of this House will have documentation and information that will allow them to better represent their constituents. And given that the Premier and his ministers' wilfulness to put false information on the record regarding the funding and the effectiveness of nutrition programs; given that they have on repeated occasions put that false information on the record and have repeatedly made those comments in this House, I move, seconded by the member for Wolseley (Ms. Naylor), that the matter be moved to an all-party committee for consideration.

Thank you, Madam Speaker.

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): Of course, this is neither the earliest opportunity nor a prima facie case.

I—wasn't that long ago, though it feels that way, that the Leader of the Opposition was saying he didn't have enough time to debate bills, and now he's trying to do everything he can to stop bills from actually being introduced and debated.

Madam Speaker, I would say that, you know, these are challenges and maybe uncertain times in Canada. We have a budget that will address many of the needs, I think, that Manitobans are looking for. And, while the opposition doesn't want those resources to be brought forward, those solutions to be brought forward, I can assure Manitobans that while some are going to act like they do, our government will continue to act like mature adults and a government and work on the issues that Manitoba like for us to do.

Hon. Jon Gerrard (River Heights): I want to put a brief comment on this matter of privilege which has been raised. I thank the member for raising it.

But I point out that we have today just had a global pandemic called that the death toll from COVID-19 in Italy has risen in the last 24 hours by 31 per cent to 827 people now dead in Italy. The director general of the World Health Organization has been assessing this outbreak around the clock, and says, we are deeply concerned by both by the alarming levels of spread and severity and by the alarming levels of inaction. He goes on to say, we cannot say this loudly enough or clearly enough or often enough: all countries can still change the course of this pandemic.

Madam Speaker, we need to be focused on the major issue that we have in the world today and in Manitoba today, which is on COVID-19 and addressing this pandemic.

We should be having question period; we should be having the budget instead of these matters of privilege.

Thank you.

Madam Speaker: 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.

The honourable Official Opposition House Leader.

MATTER OF PRIVILEGE

Ms. Nahanni Fontaine (St. Johns): On a matter of privilege.

Madam Speaker: On a matter of privilege.

Ms. Fontaine: Miigwech, Madam Speaker, for recognizing me.

I rise today on a matter of privilege, which, in this case, I think, is also best understood as a matter of contempt. It is my first opportunity to rise on this matter. I have taken a couple of days to review the Premier (Mr. Pallister), the Pallister government's public comments with regard to its intentions on the summary budgeting and the powers it provides itself, Madam Speaker, in Bill 18, The Summary Budgeting Act.

* (15:10)

Mr. Doyle Pivniuk, Deputy Speaker, in the Chair

I believe the phrase earliest opportunity must be understood in a reasonable sense. That is: earliest opportunity cannot simply mean the next moment in time in which a member has the ability to speak. That is too simple an understanding, Deputy Speaker, of the phrase. Rather, the earliest opportunity must be understood in a holistic or contextual manner.

Deputy Speaker, this holism or contextualism will allow for members to consult with the relevant authorities, speak with or study various experts on the matter as the case may be, as well review the evidence that has been compiled on the matter at hand.

The matter of contempt is this, Deputy Speaker: the Premier and all of his ministers in earlier years, stated repeatedly to the public and in this very House that the autonomy of local organizations needs to be respected. Yet, before this House sits a bill that would bring to heel literally any decision of an entity funded by the Manitoba government. It's a substantial over-reach and, for your deliberations at present, represents a matter of contempt towards this very Chamber.

It's important to make a distinction between privilege and contempt, Deputy Speaker, because it is important to put all of the relevant information on the record as it pertains to our argument so that you can fully analyze the matter. While over the past several hundreds of years, the privilege of members of this Chamber and chambers have become more and more determined, both in relation to the nature of the

parliamentarian functions of members as well as to the question of statutory and constitutional questions, there remain many matters which may not intuitively fall within the category commonly understood as privilege.

Deputy Speaker, on this question I think it is instructive to refer to O'Brien and Bosc—again, page 83—who offer us important remarks regarding the question of difference. They write, and I quote: It is important to distinguish between a breach of privilege and contempt of Parliament. End quote. 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 members of the House, is referred to as a breach of privilege and is punishable by the House.

There is, however, other affronts against the dignity and authority of Parliament which may not fall within one of the specifically defined—pardon me, Deputy Speaker—privileges.

Thus, the House also claims the right to punish as a contempt any action which, 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 Deputy Speaker, is an offence against the authority or dignity of the House, such as disobedience of its legitimate commands or libels upon itself, its members or its officers.

As the authors of Odgers' senate practice—that's in Australia, Deputy Speaker—state and I quote: The rationale of the power to punish contempts, whether 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.

And in that sense, Deputy Speaker, all breaches of privilege are contempts of the House, but not all contempts are necessarily breaches of privilege. This is well said, and there is one further point which bears emphasizing; O'Brien and Bosc continue on page 84, of the House of Commons Procedure and Practice, second edition, and I quote: Throughout the Commonwealth, most procedural authorities hold that contempts, as opposed to privileges, cannot be enumerated or categorized.

Speaker Sauve, Sauve—

An Honourable Member: Sauvé.

Ms. Fontaine: Sauvé—miigwech, miigwech—explained in a 1980 ruling, and I quote: While our privileges are defined, contempt of the House has no limits. End quote.

When new ways—oh, actually, sorry, Deputy Speaker, I wasn't—there's still a quote here, so I apologize. Let me start.

So, as Speaker Sauvé explained in 1980—in a 1980 ruling—and I quote: While our privileges are defined, contempt of the House has no limits. When new ways are found to interfere with our proceedings, too—so too will the House, in appropriate cases, be able to find that a contempt of the House has occurred. End quote, Deputy Speaker.

With that in mind, Deputy Speaker, I believe it is clear that the Premier (Mr. Pallister) and the Pallister government, and all of his ministers, are 'complicit' in showing contempt for this House by misleading the very House—this House—about their intentions for many years, actually only to do the exact opposite of what they said was their intention upon their election. These statements make it difficult for me to perform my duties, and represent my amazing St. Johns constituents, and advocate for our local institutions, and actually for all Manitobans.

* (15:20)

And so, Deputy Speaker, my evidence is as follows: Only a few years ago when debating the appropriate role for the council on post-secondary education, the then-opposition leader called for what he considered the respect of local autonomy. He said, and I—on June 2nd, 2014, that it is, and I quote, inappropriate and offensive for a government to micromanage the programs and purpose of schools across this province. End quote. And he stated his support for, and I quote, the long-standing authority of our universities and colleges to control their operations. End quote. Again, that was by the leader of the official opposition back in June, 2014.

Yet now, Deputy Speaker, this same very member, now as the Premier has provided new mandate letters to our post-secondary institutions. In it, this same very member—now the Premier—demands that universities and colleges, and I quote, cease programs, end quote, that in the eyes of the Pallister government, i.e., the Premier, and I quote, lack value in a modern context. End quote.

These mandate letters give no reference to how the Pallister government places its values. But, Deputy Speaker, based on their actions to date that we

have seen year after year since 2016 by this Premier (Mr. Pallister), this seems that the Premier and the Pallister government and his ministers value activity that results in directly measurable short-term economic activity, discounting activities that hold strong economic value over the long term.

Madam Speaker in the Chair

We must ask ourselves, then, Madam Speaker, do the fine arts hold value? Do the humanities? What about social sciences, or what about pure sciences?

And, Madam Speaker, so before the House is Bill 18, The Summary Budgeting Act. In it, the government— and I think we can all be candid here, the Premier—gives itself unheard of powers to override the decision-making of any institution or organization that he, the Pallister government, touches. In section 6(4) of Bill 18, The Summary Budgeting Act: It can establish any mechanism of control they want at any time. This is particularly egregious and particularly overreaching and, quite honestly, scary. Is this contempt?

I remind the House and I remind—again, let me say, Madam Speaker, how this very Premier described a much less significant increase of government's authority. Just a few years ago, when the member was the leader of the official opposition, and I quote: inappropriate and offensive. End quote.

Madam Speaker, the hypocrisy is breathtaking, and in a clear demonstration of the contempt the Premier and the Pallister government has for this institution and, really, the people of Manitoba, it is important today that we stand up and consider this matter of contempt in respect of the Premier's understanding of what he wants to see with our university and our institutions and what can only be described as a need for absolute control, not only over his caucus and his backbenchers but over Manitobans in general.

So, therefore, Madam Speaker, I move, seconded by the member for Flin Flon (Mr. Lindsey), that this matter be moved to an all-party committee for consideration.

Miigwech, Madam Speaker.

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. Jon Gerrard (River Heights): Yes, Madam Speaker, I rise to comment on this. Matters of privilege are important and have to be taken seriously, but, quite frankly, today we should be focusing on the pandemic which has just been declared by the World Health Organization.

I note—I have just received word that there has been modelling done of this pandemic in Germany, and the modelling in Germany suggests that up to 70 per cent of the population could get COVID-19. This, of course, is extremely serious. The fact is that countries like China and South Korea have demonstrated that there is the potential to control this with sufficient action.

As the director general for the World Health Organization said, this word pandemic should not be used lightly or carelessly, nor should it be misused. It doesn't change what countries can do—should do, but this pandemic is unlike any others, is that it can be controlled, as we've seen in China and South Korea, where the number of cases are falling.

But the director general says many countries are not doing what is necessary. He says, we've called every day for countries to take urgent and aggressive action. We have rung the alarm bell loud and clear. Countries can still change the course. He called on countries to detect, test, treat, isolate, track contacts and mobilize their people in response to the pandemic.

He said it wasn't enough to limit testing to small numbers of people who fitted a risk criteria that might be out of date, like people who—with a history of travel from China. Now, we have moved in this direction here in Manitoba, but my understanding—it may be another week or two before that's fully in place to adequately test people.

We need to be treating this as a very urgent matter, Madam Speaker, and I believe that that's what we should be focusing on this afternoon because of the extreme urgency of the pandemic which the world is now facing.

Thank you.

Madam Speaker: 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.

MATTER OF PRIVILEGE

Mr. Mark Wasyliv (Fort Garry): I rise on a matter of privilege. This is the first opportunity I've had to raise this matter after having consulted the relevant authorities and experts on this matter.

* (15:30)

In relation to the issue of timeliness, I certainly would urge Madam Speaker to take an expansive approach, one that looks at the context of the privilege and its purpose: namely, to preserve the ability of a democratically elected member of this Legislature to engage in their duties in order to fulfill their democratic representative function to their constituents.

A narrow or very rigid technical approach I would urge to be avoided. That may have the effect of diminishing the privilege to the point where it has very little meaning for members of this Legislature.

So, to that end, I believe the phrase earliest opportunity must be understood in a reasonable sense, and what I mean by that is that earliest opportunity cannot simply mean the next moment in time in which a member has ability to speak. We, as members individually or part of caucuses, we don't always have the opportunity to dictate our order of ability to address this body, and I think that is an important contextual aspect of our business here in the House that always has to be kept in mind.

So simply retreating to the idea that next opportunity in time is maybe too simple of a parsing of that phrase. We would—obviously, I would ask, Madam Speaker, that you view earliest opportunity to be understood in a holistic or contextual matter, one that would allow members to do their due diligence, to consult with the relevant authorities, speak with or study various experts on the matter, and that always can't be done with immediate dispatch.

So we certainly would urge that that be allowed to happen, as the case may be, as well as review the evidence that's been compiled—compiled, sorry, on the matter at hand. And I say that that's what, in fact, has happened here, and that is what we wish to impart on you.

Now, the matter of privilege that I speak to is this: the Pallister government is misleading the people of Manitoba by changing the so-called mid-year financial report, we say, to mask the true scale of the cuts that they are making to our public services. They are removing public accountability for these actions.

This, in turn, impedes my ability to do my job and hold the Pallister government to account for their cuts.

Very briefly, Madam Speaker, I'd like to address the most important issue of privilege as to what an interference is in relation to my parliamentary duties, making this issue a question of privilege. I wish to refer to the House of Commons Procedure and Practice, second edition, commonly known as O'Brien and Bosc, for guidance on this difficult and vexing question.

At page 111 of O'Brien and Bosc, second edition, they write, quote: 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 fulfill his or her parliamentary responsibilities. Now 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. End quote.

That's from page 11 of O'Brien and Bosc, second edition, which I think there would probably be some consensus in this Legislature, is the undisputed source of information regarding the appropriate way in which we ought to understand parliamentary privilege in this House as well as in the Houses across this country. Close quote.

Several comments regarding the comments are in order. The Speaker's view of the matter is clearly of the utmost importance, but more importantly, interference should not be construed in narrowly physical terms—think interference as understood, and in discussion of privilege or contempt, will go beyond the mere interference, say, of 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 is the quietest this Chamber's ever been.

So—and this type of interference is one that cannot be fully enumerated in advance. As O'Brien and Bosc note in their second edition, it is impossible to codify all incidents which might be interpreted as matters of obstruction, interference or intimidation, and, as such, constitute prima facie cases of privilege. However, some matters found to be prima facie include the damaging of a member's reputation, the 'usurption' of the title of a Member of Parliament, the intimidation of members and their staff, and of witnesses before committees and the provision of misleading information. Close quote.

* (15:40)

I would emphasize the last point. The most important authorities, arguably, apart from the Supreme Court of Canada, hold that the provision of misleading information constitutes a breach of the privileges 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.

It must be noted that information which is misleading is not the same as false information, and that the standard definition of misleading is that a statement or assertion, quote, gives the wrong idea or impression. Closed quote.

However, it is clear that the partial presentation of information which, on its own, is not incorrect and can, nonetheless, give the wrong idea to a reasonable observer. Thus, it bears repeating. The standard of the interference of a member's ability to do her job does not require her to show that the government provided false information, only misleading information. I think that's key and I'm going to repeat it, that it's not required to show that the government provided false information, only misleading information.

And, of course, I think, Madam Speaker, you would agree that this is a weaker test but one which, nonetheless, infringes the ability of a member to do her job.

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. In this instance, the government's continued presentation of incomplete financial information misleads the public and members of this Chamber of the true state of the government's finances. It is a breach of my privileges.

So I want to outline for the Chamber my evidence in this regard: The Pallister government has steadily removed comparative financial information from its quarterly financial report. Then, in fiscal year 2019-2020, their so-called mid-year financial report removed many of the financial indicators that have always been included—a complete departure from past practice and the approach of every province across the country.

So, Madam Speaker, why is this important and why is this a matter of privilege?

Well, because through time and history, ongoing practices become normative and part of the institution of this Legislature, and should be understood as just important as the laws that we write. We all depend on the norms and unwritten rules of conduct in order to maintain peace, order and good government.

A government that withholds vital public information about the government's finances impedes the opposition's ability to hold the government accountable for its action. In this way, the government breaks the traditions of government and impedes my rights as a legislator.

Now, every day, as opposition, we are called upon to debate the state of the government's finances, its ability to withstand a looming economic downturn, the fiscal room of the Province to stimulate economic demand during a financial shock or the ability of the government to put additional dollars forward to deal with such things as a potential public health crisis.

These are all urgent issues that Manitobans need good information to rely upon and, as legislators, we need the government to provide accurate information to be able to do our jobs. Manitobans need to see regular and accountable financial reporting throughout the fiscal year to understand what is going on with public finances, but the Pallister government has greatly diminished this reporting.

* (15:50)

This is an aberration, compared to the past and every other province—[interjection]

Madam Speaker: Order.

Mr. Wasyliv: And it makes it virtually impossible for me to do my job and hold the Pallister government to account. It's easy to understand why the Pallister government is doing this. They need to obscure just how hard they are cutting. They want to reduce the number of reports that demonstrate that the budget documents are really not an accurate reflection of this government's actions, and as most of the cuts have occurred in year after the budget is put forward.

So, since they came to power, thousands of people have left or been fired from government and our Crown corporations. Emergency rooms have been closed and health clinics shuttered—

Madam Speaker: Order. Order, please.

I would ask the member that, in speaking to a privilege, that the member's responsibility is to show the House or demonstrate to the House how privilege

is being—how his privilege is being affected, and there's not to be any debate in matters of privilege. It is a—it's very strictly contained in terms of the definition, so I would ask the member to please bring his comments back to how he feels his privileges have been restricted by some things, and stay out of debate on issues.

Mr. Wasyliw: Thank you, Madam Speaker, for that guidance.

We're committed to responsible government, and holding the Pallister government to account, but we must have transparency and accountability to do so. Therefore, because this government is not forthcoming with us and with Manitobans about the province's finances in their mid-year financial statement, and because this has impeded on my ability to conduct my duties as a member of this Legislative Assembly, I want to make a motion, and I move, and this motion will be seconded by the member for St. Vital (Mr. Moses), and I'm going to read the motion into the record.

It states: Mid-year report: Therefore, because this government is not forthcoming with us and with Manitobans about the province's finances in their mid-year financial statement, and because this has impeded on my ability to conduct my duties as a member of this Legislative Assembly, I move, seconded by the member for St. Vital, that this matter be moved to an all-party committee for consideration.

Thank you, Madam Speaker.

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. Jon Gerrard (River Heights): Madam Speaker, with respect to this issue, I believe that the evidence that has been provided is not sufficient to accord this as a matter of privilege.

But I do believe that there is an urgent matter that we should be debating instead, and that is the pandemic.

We are faced with a situation where, I understand, Seattle has just closed schools for two weeks; where Mark Woolhouse, a professor of infectious diseases at the University of Edinburgh, has said there's a world-word missing from the World Health Organization's

statement that we need urgent and aggressive action, and that is sustainable—that the action must be sustainable.

For example, that we need to be changing the way we do things. The university in—of Toronto and the University of British Columbia are already moving to be able to put their courses online so that if students are not able to attend because of the pandemic, they are going to continue to function. Well, we need to be able to make sure that with the pandemic that the Legislature can continue to function, that other activities can continue to function, that we have a sustainable outlook.

Those are my comments, Madam Speaker.

Madam Speaker: 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.

MATTER OF PRIVILEGE

Ms. Nahanni Fontaine (St. Johns): Madam Speaker, on a matter of privilege.

Madam Speaker: On a matter of privilege.

Ms. Fontaine: I rise on a matter of privilege this afternoon.

This is a serious matter, Madam Speaker, and I humbly request the opportunity to properly lay out the 'fact'—the facts of the matter as I understand them.

This matter I raise concerns the ability of all members to do their job as legislatures—legislators, pardon me. This interference that I speak of is not in the manner of physical terms. Interference, as understood in a discussion of privilege or contempt, will go beyond the mere interference, say, of 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.

We are presenting important matters before this House today, matters that concern the breach of my privileges as a proud member of this House. But we know all members have the ability to table documents before this House as part of their remarks.

Indeed, I think it is important to point out and highlight there is absolutely nothing preventing my esteemed colleague, the Government House Leader (Mr. Goertzen), from tabling the budget papers before this House today, right now, particularly if he and his cohorts, his colleagues are so proud of this budget.

But, before the Government House Leader (Mr. Goertzen) is able to do that, if he so desires, again, it is the Government House Leader's prerogative—or any member opposite—to get up and table the budget documents.

* (16:00)

I must return to my concerns about the breach in my privileges. Again, Madam Speaker, as a proud member of this Manitoba Legislature, it is my job and my responsibility to properly lay out the facts of this matter as I understand them. This will take several minutes. I will try my best to expedite my speech and lay out my concerns in respect of my matter of privilege.

However, Madam Speaker, I do think it is of utmost importance, as it concerns one of the most important matters pertaining to our children, all of our children in Manitoba, which I would suggest every single member in the House would agree that it is our responsibility and our duty and our sacred responsibility to fight on behalf of Manitoba children and to protect Manitoba children and to protect Manitoba children's education.

It is also my job and privilege to advocate for the education of our most precious and vulnerable Manitobans and it is troublesome that this government, this Premier (Mr. Pallister), this Pallister government continues to mislead members of this House, including, I would suggest and submit, Madam Speaker, members of his own caucus alongside Manitobans by attempting to introduce legislation regarding education before the government's, the Premier's costly education review is complete.

This is, indeed, the first opportunity I have to rise on this matter, Madam Speaker, as it concerns bills that were only put on notice yesterday. And I took some time to very thoughtfully and methodically and thoroughly and comprehensively analyze the facts and the relevant information prior to raising this matter of privilege in the House this afternoon.

So, in respect of the question of timeliness, it's clear, Madam Speaker, that this is indeed the very first opportunity that I have to raise this important matter before the Manitoba Legislature. While the question may be clear, I think it is important to pause at this stage in my matter of privilege to put some very critical facts on the record, not only for your consideration but for all Manitobans' considerations.

The issues of timeliness is of 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, Madam Speaker, in a timely fashion even if there are reasonable questions that are raised regarding this matter.

Madam Speaker, the phrase earliest opportunity must be understood in a reasonable sense. That is, earliest opportunity cannot simply mean the next moment in time which a member has the ability to speak. This, too, is a simple understanding of the phrase. Rather, the earliest opportunity must be understood from within 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, alongside and as well, review the evidence that has been compiled on the matter at hand.

It is clear that this government, this Pallister government, this Premier and his ministers are guilty of the provision of such misleading information. It is clear, Madam Speaker, they have misled Manitobans into believing that the education review will provide some guidance into changes and improvements to Manitoba public schools when, in truth, the Pallister government, the Premier and the ministers have already made up their minds and have brought forward education legislation prior to the report being publicly released.

Madam Speaker, I would suggest to you this is in contravention of our rules and responsibilities as legislatures—legislators. We have heard repeatedly that the education review will inform and provide insight into legislation that the Premier and the Pallister government and the ministers would undertake.

It is seemingly impossible that any of us who have gone through the production or establishment of legislation for this House—which, Madam Speaker, takes several months—could have been drafted over the weekend. It doesn't make sense.

Case in point: The Minister of Education (Mr. Goertzen), Madam Speaker, stated to CBC News on November 25th, 2019, and I quote: Their report is due back to government this spring and they look forward to looking at their recommendations. End quote.

How is it, Madam Speaker, that we have legislation that will fundamentally impact on the education of our children without thoroughly reviewing the education—the Manitoba education review? We, in addition, we have repeatedly heard the Premier (Mr. Pallister) and the government—the Pallister government and the ministers dismiss the idea of implementing a universal school breakfast program over the last week, which means they have already made up their minds before publicly releasing the K-to-12 education review.

Madam Speaker, again I think it is important, in respect of putting facts on the record, how is it that the government has tabled legislation that will fundamentally impact on our education system for years to come without having had access to the education review? As I stated earlier, any one of us who have produced legislation knows that it takes several months and it is a back and forth between legal counsel.

So one could surmise, Madam Speaker, that the legislation has been in the works for months, even prior to the education review being formally disseminated to the minister, the Premier and the rest of his caucus.

And it is incredibly problematic, that Manitobans participated in what they thought was going to be a thorough, equitable, comprehensive and open education review, providing their recommendations, their experiences, their desires, their visions for the education of their children, and that none have—of those recommendations have been equitably or thoroughly included or digested into the education review, and we are facing legislation tabled by the Premier and the Pallister government, that again, Madam Speaker, I would suggest to you was thought up well before the education review report was disseminated.

* (16:10)

It is critical in our roles as legislators that we understand we have a responsibility to ensure the best for Manitoba children, and I would suggest to you, Madam Speaker, that the universal breakfast program is in the best interest of Manitoba children, and yet, we've heard this last week from members of the Pallister government, including the Premier himself, who have repeatedly dismissed the recommendations and the need—the critical need for a universal breakfast program. In fact, I think we—it is important to put on the record that we were all shocked to learn that the member for Radisson (Mr. Teitsma) has developed

the policy in respect of children eating in the province of Manitoba, and that it is thoroughly endorsed by the Premier himself and his ministers.

So, again, Madam Speaker, I believe this meets the prima facie case test of privilege, but to clarify my point even further, I will refer to the House of Commons Procedure and Practice, second edition, page 111, which states, and I quote: It is impossible to codify all incidents which might be interpreted as matters of obstruction, interference or intimidation, and as 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 and of witnesses before committees, and the provision of misleading information. End quote.

Thus, I would emphasize the last point, Madam Speaker. The most important authorities, arguably apart from the Supreme Court of Canada, hold that the provision of misleading information constitutes a breach of the privileges of members of this House, and it is clear that this government, the Premier himself and his ministers, are guilty in the provision of such misleading information.

It must be noted, Madam Speaker, that information which is misleading is not the same as false information. The standard definition of misleading is that a statement or assertion gives the wrong idea or impression.

However, it is clear that the partial presentation of information, which on its own is not incorrect, can nonetheless give the wrong idea to a reasonable observer.

Now, Madam Speaker, as Joseph Maingot explained on page 217 in the second edition of *Parliamentary Privilege in Canada*, and I quote: Failure to meet any of these tests will result in the matter not being rules as prima facie case of privilege. End quote.

But, Madam Speaker, I believe, as a member of the opposition—as a member of the official opposition, as a member—a proud member—of the official opposition, I cannot properly 'fulfill' my duties to advocate for Manitobans, particularly Manitoba children, regarding education when the minister and the Premier and all of the ministers, the Pallister government, appear to be—have not been very forthcoming about their education reform. And I

would suggest to you that Manitobans are quite concerned with this as well.

Many—my months of advocating on behalf of Manitobans as a member of the opposition on this issue would be much better served if the minister and the Premier (Mr. Pallister) and Pallister government as a whole were transparent, as they promised.

The minister and the Premier and all of the ministers have misled members of this House and Manitobans that they were going to thoughtfully review recommendations put forward by the K-to-12 commission and make the report publicly available before making any decisions on education reform, Madam Speaker.

Madam Speaker, I think it's important to note that none of us on this side of the House have seen the education review, and yet we are being asked by this Premier and this Pallister government to debate legislation before this House that will have generational impacts on the education of Manitoba children.

Months were wasted by this Pallister government, by this Premier, by the ministers, distracted from the truth, Madam Speaker, that they already made their decisions on education reform, and the K-to-12 education commission really is just for show. It is very difficult for members on this side of the House to sit up and debate on education that we know and suggest to the House has not been considered in respect of the education review. We know that the legislation has been established and constructed well in advance of receiving the official education review report.

I would suggest to the House, Madam Speaker, that this prevents me from doing my job as a legislator in this House. I do not—I simply do not have the information that I need to be able to debate the education bills. We have not seen the education review.

So we have faced many questions by concerned constituents, alongside parents, teachers, students, EAs, about what the government plans on doing with education reform. We've had many questions on this side of the House about what was ultimately determined in the education review report and, unfortunately, we have repeatedly had to advise that we have not seen the education report and therefore cannot share with our constituents or with teachers or with principals or with students themselves some of the things that the government ought to be considering in the establishment of their legislation and their

legislation reform, which I have said, Madam Speaker, will impact on generations to come.

*(16:20)

So, Madam Speaker, for us to be sitting up here today, it is important for the record to show we do not simply have the information that we need to be able to debate these bills. Myself and my colleagues have been forthcoming to teachers and parents and principals and EAs and concerned members of our various constituencies saying that, unfortunately, they will have to just wait and see until the K-12 commission's report is released in March.

But clearly, myself and members on this side of the House, including Manitobans, Madam Speaker, were misled by the Premier and the ministers and the Pallister government, since the Premier is attempting to bring in legislation, again, prior to the K-12 review being publicly available.

I am very concerned, Madam Speaker. Manitobans are very concerned. Teachers are very concerned. Students are very concerned. Madam—students—grandparents are very concerns. *[interjection]*

Madam Speaker: Order.

Ms. Fontaine: Guardians are very concerned, Madam Speaker. EAs are very concerned. Principals are very concerned. Gym teachers are very concerned.

And I'm concerned because I cannot provide Manitobans, I cannot provide St. Johns constituents, the member for Concordia (Mr. Wiebe) cannot provide Concordia constituents with holistic robust truthful information on what this Premier and the minister and the whole Pallister government's intentions are, in respect of the future of education for Manitoba students.

I will share that I have had several parents say to me, Madam Speaker, that it is inconceivable that legislation would be coming, brought forth or tabled in this House without having seen the formal educational review and without taking into consideration and being informed by what parents and experts and teachers and principals and students have shared with, supposedly, the commission, in respect of what they would like to see in education reform.

I will share, Madam Speaker, that parents in particular are vexed, are concerned that the very future of their children's education, the very trajectory of their children's lives and paths are being compromised

by what the government has tabled in respect of education reform in Manitoba.

And everybody that we have spoken to on this side of the House has made it clear that the legislative changes, the education reform that the Pallister government, the Premier (Mr. Pallister) himself is dictating in this province will have detrimental impacts for generations to come.

And, therefore, it is in that spirit, in that sacred responsibility of sticking up and fighting for Manitoba children—and again, Madam Speaker, I think it bears repeating, Manitoba children who the member for Radisson (Mr. Teitsma) and the Premier don't believe should have food to eat when they're hungry—it is important that we have that robust and full information to be able to do what is best and in the best interests for Manitoba children.

This matter I have brought 'forad' is serious because it really does call into question the integrity of this House and this government, this Pallister government, and one of the roles of the official opposition is to bring the government to account for decisions that they are making on behalf of all Manitobans.

I know that it is a responsibility that members on this side of the House take very seriously, particularly when we are talking about Manitoba children.

And I think that it was made abundantly clear last week—or, in the last couple of weeks when we've seen the comments coming forward for the member of—from the member of Radisson who, again, Madam Speaker, I do want to remind everybody we were quite shocked to learn was in charge of the government's policy in respect of feeding children. We didn't realize that the member for Radisson has so much policy—decision-making policy and powers for the Pallister government.

And we didn't imagine that that could be actually true when the member for Radisson, you know, tweeted #ABadIdea to feed Manitoba children. I'm not sure where that hashtag came from—*[interjection]*

Madam Speaker: Order.

Ms. Fontaine: —but, Madam Speaker, we were exponentially shocked when we saw that the Premier—*[interjection]*

Madam Speaker: Order.

Ms. Fontaine: —actually stood by his backbencher and agreed with the comments that the member for

Radisson (Mr. Teitsma) tweeted out. And we didn't realize that the Pallister government was going to be now starting to tweet out policy in the same similar way that we've seen down south, but I can tell you that we are now starting to follow the member for Radisson's tweets because if we want to find out whether or not Manitoba children are going to be fed, we will just simply go to the member for Radisson's Twitter account and find out if he actually thinks now it's a good idea to feed children.

So, Madam Speaker, again it is important to bring forward the—this matter of privilege because it is impeding on my ability to do my job as a member of this legislator—legislation—Legislature, excuse me—to do my job in the best interests of Manitoba children. I know, and I would imagine that this is something on all sides of the House, that even members opposite can support this matter of privilege because I think that we understand we are elected to do what is in the best interest of future generations in Manitoba. And surely, surely members opposite will not stand by when we know that legislation has been drafted and informed and constructed, divorced from the formal education review that has not been released.

Surely members opposite will not sit by and be complicit in education that will, for generations, have an impact on Manitoba children. Surely members opposite will stand up to the Premier and say there's not enough money in the world that will make us vote for legislation on the backs of Manitoba children. Surely, Madam Speaker, members opposite will say we understand the Premier's desire for austerity and cuts, but surely they will—

Madam Speaker: Order, please. Order.

The member is straying quite a bit now into some debate, and I would ask her to please bring her back—bring back her comments to where she feels her privileges have been breached in this House.

Ms. Fontaine: Miigwech, Madam Speaker, for your direction.

Again, in respect of my matter of privilege, I do want to reiterate how important it is for members of this House—not only on this side, on all sides of the House—that we have all of the information that we need to be able to debate and support or not support legislation that comes before this House. And I would suggest to you, Madam Speaker, the educational review has not been disseminated. Nobody has seen it save for maybe a couple of folks opposite, and yet we are about to—we are being required to debate and

either support or nay or yea legislation that we don't know what parents have said.

We've been there. The member for Concordia (Mr. Wiebe) went to many education consultations and heard firsthand from parents, but not all of us had that privilege, and we have not seen the education review.

Madam Speaker, my privileges as a member of this Legislature are being impacted and molested in me not having the information that I need to be able to either yea or nay this legislation. And again, it is because of this government's misleading information in regards to the educational review. This has fundamentally impeded on my ability to do my job.

* (16:30)

And, Madam Speaker, I would suggest that it is incumbent on all of us who have been elected to be able to execute our duties and our roles and responsibilities to the best of our ability, and with the information that we need to be able to do the job in question.

I have, Madam Speaker, finally—let me briefly just note in presenting my matter of privilege, that—again, we have heard from many, many Manitobans, many parents, and many principals, particularly in communities that are economically disadvantaged—

Madam Speaker: Order, please.

The member is once again moving into the direction of debate, and needs to stay strictly on the topic of how this particular—how she wants to present that her privileges are being affected, and so I would ask the member to bring her comments strictly on to how she feels there's a breach of privilege, and stay away from the whole issue of debate.

Ms. Fontaine: Madam Speaker, if you will allow me just a little bit—I wanted to just share how it is impeding on my ability to do my job.

If—Madam Speaker, respectfully, if I can just share one story in respect of a—

Madam Speaker: Order. Order. Order. Order.

I would ask the member to be very careful about moving into the area of showing disrespect for the Chair and the Chair's comments, because the member's coming very close to that. So I would ask the member, and remind her again, that her job right now is to show a breach of privilege, and should not at all be heading in the direction of debating an issue.

Ms. Fontaine: Miigwech, Madam Speaker, for your direction.

Madam Speaker, I believe I have laid out my matter of privilege succinctly and comprehensively to warrant perhaps, for myself, to wrap it up in a couple of minutes.

I do want to take a moment, Madam Speaker, as you know, we are presenting very important matters before this House, matters that concern the breach of my privileges and members—office—or, members on this side of the House, but we also know that members have the ability to table documents before this House as part of their remarks.

Indeed, again, I want to reiterate there is nothing preventing the—my esteemed colleague, the Government House Leader (Mr. Goertzen), from tabling the budget papers before this House. If he is actually indeed very proud of the budget, we are more than willing to see the budget and digest the budget, but before the Government House Leader is able to do that, again, Madam Speaker, if he so desires, I will finalize my comments in respect of my matter of privilege.

So, Madam Speaker, I know it has been a long matter of privilege. There is much more that I can say in respect of not having access to the education review, having not seen it and yet being expected to debate education legislation in pursuit of educational reform in the province without having the full and complete picture of what Manitobans, of what parents and students and teachers and educators and administrators and principals and EAs—what they have shared with the Pallister government and with the Premier (Mr. Pallister) on the changes and the vision that they would like to see. We are not able to do our jobs—we are not able to execute our functions as legislators to be able to debate these bills without having seen the education review, the formal education review.

I know that it is difficult sometimes for members opposite to understand that information is important, and the access to all the information is important to be able to debate legislation in this House. This is what we are elected to do, Madam Speaker, in this House. This—not having seen the education review, not having it formally released by the Premier or the minister or the Pallister government, fundamentally impacts on my ability to stand up in this House in a fully informed and educated manner to be able to debate the bills that are before this House.

Again, Madam Speaker, I think that most would agree. I know that Manitobans agree, that it is important to see all of the information that comes before the government that should, in theory, inform any legislation or any reviews that the Pallister government, the Premier (Mr. Pallister) and the minister have been pretty complicit in not sharing that information. And we have seen that repeatedly since the Pallister government took office in 2016. We've seen repeatedly legislation being informed or drafted way before any reports have been released or even gathered by the government themselves.

And here we are in what I would suggest to the House is a very important reform that is taking place in respect of our children's education, and it is important that we all have that information—all of the information to be able to debate the bill and to be able to inform what our support or lack thereof will be in respect of the legislation. And we still do not have that to this day.

So let me just take a quick minute just to reiterate again some of my concerns. We have seen this Pallister government refuse to even consider a universal breakfast program. Without even having seen the educational review—the formal educational review, we have seen this Pallister government and the Premier himself, along with the—oh, I almost said minister of Radisson, but the member for Radisson (Mr. Teitsma), who is in the process of developing their policy on a universal breakfast program. We have not seen that, Madam Speaker.

So, yes. I think that it is important to ensure that, in respect of my matter of privilege, that we do talk about the universal breakfast program because it is important. What we've seen in the last many years, Madam Speaker, is cuts to programs and—

Madam Speaker: Order, order.

I have warned the member a few times already, and I would urge the member for St. Johns to make her comments relevant to how her privilege is being breached. She is now gone—going quite far down the road of actually debating the issues, and I have asked twice already. This is the third time and I do not think that that is responsible behaviour on her part when she has been given a couple of warnings already to stay away from debate and not abuse the process of matter of privilege, because that is her chance to actually say how her privilege is being abused.

So I'm going to caution the member a last time here and ask the member to stick to strict comments on how her privilege is being abused in this House.

Ms. Fontaine: Thank you for your direction, Madam Speaker.

I know that it is incomprehensible sometimes that a member would stand up and actually try to assert my rights as a member of this Legislature, but that is, Madam Speaker, what I am doing. And let me just share again so that we're all clear on why I'm standing up today in my matter of privilege.

It is very clear that when the Pallister government took government, very quickly there was discussion of an education review. We understood, on this side of the House, that an education review was coming; we understand that. But today, on March 11th, 2020, we find ourselves in the position—as legislators—in a position where we have to debate legislation—education reform legislation. We either have to support this legislation or we have to oppose this legislation, Madam Speaker.

* (16:40)

Madam Speaker, I would respectfully suggest to you it is entirely difficult to be—*[interjection]*

Madam Speaker: Order.

Ms. Fontaine: —able to have an informed debate and discussion on legislation when, apparently, that education reform, that legislation reform, apparently was informed by the education review.

The question becomes how am I or any member of this side of the House able to debate, how are we able to have that discussion on this legislation. The education review—we have not seen it. For all we know in executing our duties as legislators—for all we know, it may be that the education review is found in the legislation that's being tabled before this House, at which case—if that were the case and we have the information in respect of the educational review, we would applaud the government's stand on legislation and the education review knowing one hundred per cent, Madam Speaker, that the Pallister government—the Premier and the ministers—took the education review and they listened to parents, they listened to students, they listened to administrators, they listened to EAs and they constructed legislation based on that education review.

But, Madam Speaker, we have not seen the education review. The question becomes how are we

to debate this legislation without that key, critical information.

And so I know, Madam Speaker, that members opposite want to trivialize the matter of privilege. That's okay. The bottom line is we don't have all of the information. My duties—my opportunity to execute my duties as a proud member of this House—of which I will say time and time again I am so proud and blessed to be elected to this House—are compromised—are compromised by not having that information, by not having the education review that we are told supposedly informed the crafting of these education legislations that are coming before us.

And we have seen this tactic time and time again by—

Madam Speaker: Order. Order, please.

The member is now repeating herself about four or five times on the same subject, and I think everybody's kind of got the gist of what is being—is—you know, she's trying to say. And I don't know that there's much relevance to keep repeating the same thing over and over again. That doesn't—I don't think that necessarily shows a lot of respect for the whole Chamber.

And so I think once her—you know, once an—information has been put forward, it's fine to, you know, explain it a little bit, but just going around in circles for—you know, four or five times on the same issue I don't think is really the point of a matter of privilege.

So I would ask the member if she could, you know, in respect for the whole House and what this is all meant to stand for, is if the member could try to get to her motion as quickly as we can so that we can move on with the afternoon.

Ms. Fontaine: So, in conclusion, let me just share with the House in respect of my matter of privilege that I raised today, I fully believe that this meets the prima facie test of privilege, Madam Speaker.

But to clarify again, I just want to refer to the House of Commons Procedure and Practice, second edition. And again, on page 111, which states—and again, I quote, it is impossible to codify all the incidents which might be interpreted as matters of obstruction, interference or intimidation or, as 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 Member of Parliament, the intimidation of

members and their staff and of witnesses before committees, and the provision of misleading information. End quote.

The Pallister government, along with the members opposite, have misled myself, as a member of this Legislature, in respect of their intent for the education review, Madam Speaker. They have misled members on this side of the House, and I would include the members for the Liberal caucus, on their intention for the education review and the education reform for Manitoba. They have misled Manitobans and, more importantly, they have misled Manitoba children.

It is my job to attempt to get all of the information to have an informed discussion and debate on the education reform that the Pallister government is steadfastly moving towards, divorced from any concerns from parents or students or, Madam Speaker, concerns from myself, as expressed in this matter of privilege, in my ability to do my job as a member of this Legislature.

Madam Speaker, it is important to have all the information and, again, I would say that members opposite can table documents, and so if the member—if the Minister for Education—

Madam Speaker: Order. Order, please.

I'm going to just ask the member for St. Johns (Ms. Fontaine) to please reach the point where she can put her motion. I think she's already repeated a number of things again after I cautioned her not to. I would ask the member now to please put her motion forward so that we can move on.

Repeating all of these issues, re-reading a number of things from, you know, rule books is not the purpose of a matter of privilege. A matter of privilege is indeed a very, very significant issue and they are rarely brought up in Canada.

I'm afraid that what we're seeing in Manitoba has become, maybe, a record in matters of privilege over the last couple of years, and in fact, matters of privilege are rarely used in Canada, and when they're used, they are used very, very carefully and very cautiously because they do have special meaning, and I don't want to see it trivialized in this Chamber.

I think it's important that everybody maybe take some time, especially our new members, and learn what matters of privilege—what it means and how often it should be used or not used. It isn't—it shouldn't

be used as a strategy to delay a House for hours and hours or days and days.

There is a point, you know. If people want to make a point, I agree that, you know, there's opportunities to make points, but I'm not sure that matters of privilege are the best way to do that, and I would just ask everybody to, you know, give some thought to that if this tactic is going to continue, because I'm not sure it is in the best interest of Manitobans, because that's what this Chamber should be about, is, you know—while it's fine if there's a legitimate breach of a privilege, to have solid and good debate on that, we are here for another purpose as well, and that is to ensure that Manitobans have a good life and that we are bringing forward policies and ideas that in—that make their lives better.

So I would just urge members to please respect the comments of this Chair, because I am trying to do this in the best interests of Manitobans and what my role is as a Speaker in upholding our democratic process.

So, the honourable member for St. Johns (Ms. Fontaine).

Ms. Fontaine: Miigwech, Madam Speaker, and miigwech for your counsel, and I do want to just say miigwech for your patience this afternoon. You have been very gracious and I appreciate it.

* (16:50)

I know, Madam Speaker, that you have noted that matters of privilege are rarely used across Canada, and I think it is important to note that we, on this side of the House, do take matters of privilege very seriously, and I—*[interjection]*—sorry, I'm having a hard time hearing. Sorry.

Madam Speaker: Order.

Ms. Fontaine: We do take matters of privilege very seriously, and I think that the matter that I am bringing up in my matter of privilege is a very serious matter, Madam Speaker.

So, to wrap up, it is at this point, Madam Speaker—miigwech, thank you—that we must examine the central point on which the question of parliamentary privilege often hangs. What are the parliamentary functions of the members of this Chamber? If we can determine to a greater or lesser degree what are the proper duties or functions of the members of this House and other houses, then we can determine to what extent certain actions or events infringe on the

rights and privileges necessary for members to discharge those very same duties or functions.

It must be said that one of the very most important functions of a member of this House is the ability to enter this House. Absent such an ability, no member would be able to put words on the record or vote on matters that come before this House, or move motions in the Chamber. This right to not be physically prevented from entering this Chamber must be one of the most important parts of the duties of a member of this House.

Related to such is a right—is the right to speak in this House, Madam Speaker. It is often stated that the privilege to make statements in this House is among the most important of the privileges that members of this House have. Those sources and experts who have made such a statement were right to make this affirmation. They were right to affirm our place that the freedom of speech has, among the various privileges according—

Madam Speaker: Order.

I think it would be a courtesy for the member to move her motion so that other members can comment and that I have time before the end of the day to actually make—put forward the comments about whether or not this is a prima facie case or not.

I think we've reached the point, and I have reached the point where—the member's right. I have been very gracious, and it's also taxing my graciousness at this point because I don't think this is serving Manitobans very well, to be repetitive and repetitive and repetitive on the same points that all of us are aware of because we are aware of the rule books.

And we are a rule—aware of all—the rules that have been put forward over the years through the House of Commons and elsewhere. We've heard them many times in this House from a previous member, and I really hope we're not going down that road of hearing, you know, continuing matters of privilege, as we have been subjected to over the last number of years. That really almost did a disservice to this whole House, and I don't want to see that happen here.

I do have a responsibility to control the House. I do have a responsibility to make sure everyone gets a fair chance to speak. I think this member has had a fair chance to speak, and I would ask her now to put her motion forward so that we can hear the comments from other members, and so that I can then determine whether or not this is a prima facie case.

So, the honourable member for St. Johns (Ms. Fontaine), to put her motion forward.

Ms. Fontaine: Before I end, if I can make—

Madam Speaker: Order. Order. No. Order.

I can recall some of the warnings that were given to the previous member that was here and is no longer here. I'm reaching the point where those same types of advice from me is going to be coming forward. I do not think that continuing with what we're hearing on a matter of privilege that goes on for an hour is in anybody's interest, especially Manitobans, and I have reached the end of my patience for the day.

I would ask the member for St. Johns (Ms. Fontaine) to put her motion on the floor now, and that is also as a courtesy to all members in this Chamber, because all members have rights in this Chamber and I don't want to see everybody's rights abused by us not moving forward in the most respectful manner.

So I would ask the member now, very respectfully, to please, for courtesy to all, put her motion forward so that we can hear from others before 5 o'clock.

Ms. Fontaine: Madam Speaker, I move, seconded by the member for Union Station (MLA Asagwara), that, as a member of the official opposition, I cannot properly fulfill my duties to advocate for Manitobans regarding education when the minister and the Premier (Mr. Pallister) and the Pallister government appear to have not been forthcoming about their educational review.

The Premier has misled members of this House and Manitobans that he was going to thoughtfully review recommendations put forward by the K-to-12 education commission and make the educational review commission's report public and make it available before making any decisions on education reform, Madam Speaker.

Madam Speaker, we have faced many questions—

Madam Speaker: Order.

The motion has been read and there is no room for comment. I believe that—the honourable member for St. Johns, to conclude.

Ms. Fontaine: To conclude my motion, Madam Speaker.

Madam Speaker, my—I believe this is a prima facie case and I—that this matter be moved to an all-part committee for consideration at the earliest opportunity and with members of the official opposition in attendance alongside parents and educators.

Miigwech, Madam Speaker.

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, while I know that the opposition wants us to treat the budget like a paper airplane and throw it on the floor, even in a time of a pandemic, and that might be very irresponsible ways, we are going to act like adults on this side of the House, and in the event the budget and budget speech are not able to be considered by the Legislative Assembly on Wednesday, March 11th, it will be the government's intention to bring forward—bring it forward for consideration in the Legislature on Thursday, March the 12th.

Hon. Jon Gerrard (River Heights): Yes, on the matter of privilege.

Just very briefly, the member from St. Johns talks about the provision of misleading information by the government. Part of the problem is that if every bit of misleading information was addressed by a point-of-matter of privilege we'd be here 'til Christmas. We need—and there are better ways of dealing with this.

The member, in fact, is interfering with the ability to discuss really critical points like the pandemic, which was declared today.

Those are my comments, Madam Speaker.

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

The hour being 5 p.m., this House is adjourned and stands adjourned until 1:30 p.m. tomorrow.

LEGISLATIVE ASSEMBLY OF MANITOBA

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