



**LEGISLATIVE ASSEMBLY OF MANITOBA**

**VOTES AND PROCEEDINGS No. 44**

**FIFTH SESSION, FORTY-SECOND LEGISLATURE**

**PRAYER AND LAND ACKNOWLEDGEMENT**

**1:30 O'CLOCK P.M.**

Immediately following the Prayer and Land Acknowledgement, MLA FONTAINE rose on a Matter of Privilege alleging that the Premier and Minister of Health deliberately misled the House yesterday by denying that letters tabled by the Leader of the Official Opposition were real or factual. The Member for St. Johns alleged that the Health Minister had full knowledge of the letters and therefore deliberately misled the House and moved:

THAT this matter be immediately referred to a Standing Committee of this House for debate and review.

And Hon. Messrs. GOERTZEN and GERRARD having spoken.

WHEREUPON Madam Speaker informed the House she would take the matter under advisement.

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

(No. 237) – The Advanced Education Administration Amendment Act/Loi modifiant la Loi sur l'administration de l'enseignement postsecondaire

(Mr. MICKLEFIELD)

Hon. Mr. TEITSMA presented:

Actuarial Report of the Public Service Group Insurance Fund as of December 31, 2021.

(Sessional Paper No. 60)

Madam Speaker presented:

Annual Report of the Conflict of Interest Commissioner for the year ending December 31, 2022.

(Sessional Paper No. 61)

Hon. Mr. EWASKO, the Minister of Education and Early Childhood Learning, made a statement regarding Education Week.

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

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Pursuant to Rule 28(1), Messrs. WISHART and BUSHIE, Mrs. COX, Mr. WIEBE and Hon. Mr. EWASKO made Members' Statements.

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Following Oral Questions, Madam Speaker made the following ruling:

Prior to Routine Proceedings on Monday, April 3, 2023, the Honourable Member for Union Station raised a Matter of Privilege contending that the Honourable Minister of Health had deliberately misled the House by saying that the NDP had paid nurses to resign from the Sexual Assault Nurse Examiner program. The Honourable Member concluded by moving "*THAT this House condemn the Minister of Health for deliberately misleading the Legislature and that this matter be immediately referred to a permanent Standing Committee of this House for investigation.*"

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

The Deputy Speaker took the matter under advisement in order to consult the procedural authorities.

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

On the first issue of whether the issue was raised at the earliest opportunity, the Honourable Member indicated that they were raising the issue at the earliest opportunity, and I accept the word of the Honourable Member.

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

When bringing forward an allegation of deliberately misleading the House, there is an onus of proving intent to deliberately mislead. It is not sufficient to state that a Member has deliberately misled the House, there is also a need to demonstrate the proof of intent to mislead. This is a standard that Manitoba Speakers Rocan, Dacquay, Hickes, Reid and the current Speaker have maintained. As Speaker Rocan ruled in 1991, a Member must support their charge with proof of intent. Speaker Dacquay ruled that without a Member admitting in the House that they had the stated goal of misleading the House when putting remarks on the record, it is virtually impossible to prove that a Member had deliberately intended to mislead the House. Speakers Hickes and Reid made similar findings in rulings, as has the current Speaker.

Similarly, the *House of Commons Standing Committee on Procedure and House Affairs* in its 50<sup>th</sup> report reiterated that when it is alleged that a Member is in contempt for deliberately misleading the House, the statement must in fact, have been misleading and it must be established what the Member making the statement knew at the time that the statement was made, that it was incorrect and that in making the statement the Member intended to mislead the House. The Committee went on to state “Intent is always a difficult element to establish in the absence of an admission or confession.”

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

The difficulty also facing the Presiding Officer in this situation is that the words complained of do not appear in Hansard. It does not mean the words were not said, however if the words do not appear in Hansard, the Speaker really does not have the scope to make a ruling about the language used.

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

Although I was not able to rule that a *prima facie* case of privilege was demonstrated, I would like to take this opportunity to address some of the actions that have taken place in the Chamber over the past number of months. I am well aware that there is a provincial general election scheduled to take place in October, and perhaps due to this fact, rhetoric and accusations on both sides of the House have been ramping up.

Politics can be a tough and demanding profession at times, however we all need to be mindful that we have the watching public and the media who observe what we do and say in this Chamber. We are the center of democracy in this province, and the health of our democracy is judged by what the public observes here. Whether correctly or not, it provides the opportunity for those outside of this Chamber to form opinions of politicians and what goes on in this Chamber.

Sadly, we are reaching a place where there is a loss of public confidence in governments at all levels and in democratic institutions. We must be more vigilant and aware that some of the actions taken in this House may be viewed in the eyes of the watching public as going too far, which can tarnish the image of our institution and the esteem by which we are all held. I am challenging all of us to do better when it comes to respectfully disagreeing, and that would include being careful about making allegations attributing motives, such as when heckling.

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

Hon. Mr. GERRARD – To urge the Provincial Government to work with the Federal Government to prioritize the evacuation of the immediate and extended family of Afghans who now call Canada home and to facilitate their coming to Manitoba including helping Afghan refugees in other countries such as Pakistan; to expand the Manitoba Provincial Nominee Program and reevaluate the accreditation of education and jobs to ensure all immigrants and refugees can utilize their skills more easily and readily in Manitoba for work; to have fewer rigid criteria for Afghans under the Provincial Nominee Program, and having a connection to Manitoba, family members or friends should be a key criteria; and to enhance adequate acclimation services for newcomers through community-based support programs and increase their health care coverage to meet their urgent health care necessities.

Ms. LATHLIN – To urge the Minister of Infrastructure to complete an assessment of PR 224 and implement the appropriate repairs using public funds as quickly as possible.

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

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The House resolved into Committee of Supply.

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The House then adjourned at 5:00 p.m. until 10:00 a.m. Thursday, April 20, 2023.

Hon. Myrna DRIEDGER,  
Speaker.