



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 63

FIFTH SESSION, FORTY-SECOND LEGISLATURE

PRAYER AND LAND ACKNOWLEDGEMENT

1:30 O'CLOCK P.M.

Hon. Mr. GOERTZEN presented:

Review of *The Regulatory Accountability Act*, dated 2023

(Sessional Paper No. 72)

Annual Report of the Vehicle Impoundment Registry for the fiscal year ending March 31, 2023.

(Sessional Paper No. 73)

Hon. Mr. KHAN, the Minister of Sport, Culture and Heritage, made a statement regarding Filipino Heritage Month.

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

Hon. Ms. SQUIRES, the Minister responsible for Accessibility, made a statement regarding Manitoba Access Awareness Week.

MLA FONTAINE and, by leave, Hon. Mr. GERRARD commented on the statement.

Pursuant to Rule 28(1), Hon. Ms. GORDON, Mr. SANDHU, Hon. Mr. EWASKO, Mr. REDHEAD and Hon. Mr. PIWNIUK made Members' Statements.

Following Oral Questions, Madam Speaker made the following ruling:

Following Oral Questions on May 15, 2023, the Honourable Member for St. Boniface raised a Matter of Privilege alleging that on May 11, 2023 the Honourable Government House Leader and the Honourable Member for Elmwood had attempted to intimidate him. The Member claimed that these two Members told his colleague in the Chamber that he would face retaliation if he kept asking questions in the House about issues and policies related to allowances for MLAs, and what could be purchased with those allowances. The Member contended that being told that he should not ask questions in the House is a *prima facie* violation of his privilege and his freedom of speech as a Member of this House. The Member concluded his remarks by moving:

That the Member for Elmwood and Steinbach be asked to apologize to the House for their violation of privilege, and that it be referred to an all-party committee for immediate consideration.

The Honourable Government House Leader and the Honourable Official Opposition Leader spoke to the Matter of Privilege before the Deputy Speaker took it under advisement. As Members know, there are two conditions that must be satisfied in order for a Matter raised to be ruled 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?

Regarding the condition of timeliness, in his submission on this Matter the Honourable Member for St. Boniface stated that it concerned remarks made in the House on the previous sitting day, and therefore this was his first opportunity to raise the issue. However, that is not exactly accurate, as the Member could have raised the Matter at 1:30 p.m. on May 15, after the Prayer and Land Acknowledgement. Our rules do prohibit Matters of Privilege from being raised during Oral Questions, but not before QP, so the Member could have raised this earlier than he did. I am not saying this Matter of Privilege is out of order because it was not raised at the earliest opportunity, I am simply noting that it would have been possible to raise this Matter of Privilege earlier that day, and I would ask Members to note this for the future.

On the second condition of whether the Member provided sufficient evidence to support a *prima facie* case of Privilege, I would note that the Honourable Member for St. Boniface related that the comments in question were shared with a colleague of his and not with him directly. As well, the remarks were not made on the record. I am concerned that such remarks could have been shared between Members, and I would concur that if such comments were in fact made then they could have had the effect of potentially causing a Member of this House to feel intimidated. However, there is a significant grey area in what the Member related in his submission. The fact that the comments were not first hand, and that they were off the record makes it more challenging to draw any conclusions from this alleged interaction.

Bosc and Gagnon affirm this sentiment on page 109 of the Third Edition of *House of Commons Procedure and Practice* when they note that: "In order to find a *prima facie* case of privilege, the Speaker must be satisfied that there is evidence to support the Member's claim that he or she has been impeded in the performance of his or her parliamentary functions..."

In the current case, I am not satisfied that sufficient evidence was shared with the House to validate the case raised by the Honourable Member for St. Boniface. Accordingly, I am ruling that a *prima facie* case of privilege was not established in this case.

Thank you for your attention to this ruling.

The following petition was presented and read to the Legislative Assembly of Manitoba:

Mr. MALOWAY – To urge the Provincial Government to adopt catalytic converter theft prevention measures that would require new and used cars being sold in Manitoba to have their catalytic converters marked with their vehicle's Vehicle Identification Number.

As previously agreed to by the House on May 30, 2023, the House considered the following Condolence Motions:

Mr. MARTIN moved:

THAT this House convey to the family of the late Edward Joseph (Joe) WILLIAMS, who served as a Member of the Legislative Assembly of Manitoba, its sincere sympathy in their bereavement and its appreciation of his devotion to duty in a useful life of active community and public service; and that Madam Speaker be requested to forward a copy of this resolution to the family.

And Messrs. MARTIN and REDHEAD, Hon. Mr. GERRARD and Mr. MICHALESKI having spoken,

The motion was agreed to, the House standing.

Mr. BUSHIE moved:

THAT this House convey to the family of the late Jean René ALLARD, who served as a Member of the Legislative Assembly of Manitoba, its sincere sympathy in their bereavement and its appreciation of his devotion to duty in a useful life of active community and public service; and that Madam Speaker be requested to forward a copy of this resolution to the family.

And Mr. BUSHIE, Hon. Ms. MORLEY-LECOMTE and Mr. LAMONT having spoken,

The motion was agreed to, the House standing.

Hon. Mr. GERRARD moved:

THAT this House convey to the family of the late James Gordon (Jim) CARR, who served as a Member of the Legislative Assembly of Manitoba, its sincere sympathy in their bereavement and its appreciation of his devotion to duty in a useful life of active community and public service; and that Madam Speaker be requested to forward a copy of this resolution to the family.

And Hon. Messrs. GERRARD and GOERTZEN and Messrs. KINEW and LAMONT having spoken,

The motion was agreed to, the House standing.

Mr. BRAR moved:

THAT this House convey to the family of the late Michael KAWCHUK, who served as a Member of the Legislative Assembly of Manitoba, its sincere sympathy in their bereavement and its appreciation of his devotion to duty in a useful life of active community and public service; and that Madam Speaker be requested to forward a copy of this resolution to the family.

And Mr. BRAR and Hon. Messrs. TEITSMA and GERRARD having spoken,

The motion was agreed to, the House standing.

Mr. LAMONT moved:

THAT this House convey to the family of the late Joseph Paul MARION, who served as a Member of the Legislative Assembly of Manitoba, its sincere sympathy in their bereavement and its appreciation of his devotion to duty in a useful life of active community and public service; and that Madam Speaker be requested to forward a copy of this resolution to the family.

And Messrs. LAMONT, MALOWAY and MARTIN having spoken,

The motion was agreed to, the House standing.

Mr. ALTOMARE moved:

THAT this House convey to the family of the late Clifford Brian EVANS, who served as a Member of the Legislative Assembly of Manitoba, its sincere sympathy in their bereavement and its appreciation of his devotion to duty in a useful life of active community and public service; and that Madam Speaker be requested to forward a copy of this resolution to the family.

And Messrs. ALTOMARE and WISHART, Hon. Mr. GERRARD, MLA LINDSEY and Mr. BRAR having spoken,

The motion was agreed to, the House standing.

MLA LINDSEY moved:

THAT this House convey to the family of the late Jay Marine COWAN, who served as a Member of the Legislative Assembly of Manitoba, its sincere sympathy in their bereavement and its appreciation of his devotion to duty in a useful life of active community and public service; and that Madam Speaker be requested to forward a copy of this resolution to the family.

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

The motion was agreed to, the House standing.

Wednesday, May 31, 2023

The House then adjourned at 5:19 p.m. until 10:00 a.m. Thursday, June 1, 2023.

Hon. Myrna DRIEDGER,
Speaker.