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of the
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

Monday, March 16, 2020

The House met at 1:30 p.m.

Clerk (Ms. Patricia Chaychuk): It is my duty to inform the House that the Speaker is unavoidably absent.

Therefore, in accordance with the statutes, I would ask the Deputy Speaker to please take the Chair.

Mr. Deputy Speaker (Doyle Piwniuk): O Eternal and Almighty God, from Whom all power and wisdom come, we are assembled here before Thee to frame such laws to—may tend to the welfare and prosperity of our province. Grant, O merciful God, we pray Thee, that we may desire only in which is in accordance with Thy will, that we seek it with wisdom, know it with certainty and accomplish it perfectly for the glory and honour of Thy name, for the welfare of all our people. Amen.

Please be seated.

ROUTINE PROCEEDINGS

Hon. Kelvin Goertzen (Government House Leader): I am seeking leave of the House to not see the clock today until all stages of the budget procedure listed on page 84 of the rule book in appendix D, including the tabling of all budget documents, are completed.

Mr. Deputy Speaker: Is there will of the House to not look at the clock until all budget documents are read and the budget been read itself?

Some Honourable Members: Agreed.

An Honourable Member: No.

Mr. Deputy Speaker: I hear a no. The honourable member for—the leave is denied.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I would ask if there's lead of—leave of the House to first deal with a—an all-important resolution which we have dealing with the operations of the House, and followed by the matter of urgent public importance, which is the discussion of COVID-19, before moving on to the rest of the business of the House.

Clearly, we have a major issue in terms of a pandemic, and at least this would allow that discussion to happen before there is any more obstruction of the House. Thank you.

Mr. Deputy Speaker: I just want to remind the member for River Heights to ask for leave before he can present this to the House. *[interjection]*

Has—for leave for the honourable member for—*[interjection]*

The honourable member for River Heights has asked leave to look at the topic that he has discussed, and also the MUPI that he actually also presented today in the House.

The honourable member—is it a leave for—the honourable member for River Heights asked for leave?

Some Honourable Members: No.

Mr. Deputy Speaker: I hear no. Leave is denied.

Point of Order

Mr. Goertzen: On a point of order, Mr. Chairperson—Madam—Mr. Deputy Speaker.

I just want to say to my colleague, and I guess this would apply to the government—Opposition House Leader, that I'm certainly happy to have discussions regarding any potential motions or the motion, particularly, that the member opposite, I think, was referring to. I'd rather not do it right now on the House—or the floor, but I'll make myself available to discuss that when it's appropriate.

And now I'm sure that you will tell me that this is not a point of order because it's a matter of House business and I will take your admonition for that, Mr. Deputy.

Mr. Deputy Speaker: Anybody else on that point of order? Point of—okay.

The honourable member for—Government House Leader, it wasn't a point of order.

* * *

Mr. Deputy Speaker: The honourable member for St. Johns (Ms. Fontaine), on the same point of order?

Ms. Nahanni Fontaine (Official Opposition House Leader): No, House business.

Mr. Deputy Speaker: On House business. The honourable member for Point Douglas—or, for St. Johns.

Ms. Fontaine: I would like to canvass the House for leave to set aside routine proceedings today, move to orders of the day and the presentation of the budget speech, including all stages of the budget procedure listed on page 84 of the rule book in appendix D, including tabling all of the budget documents.

Mr. Deputy Speaker: Is there leave for the House to set aside routine proceedings today and move to orders of the day and presentation of the budget speech, including the stages of the budget procedure listed on page 84 of the rule book on apprentice D, including the tabling of all budget documents?

Some Honourable Members: Agreed.

An Honourable Member: No.

Mr. Deputy Speaker: I hear a no. Relieve to—request denied.

House Business

Mr. Goertzen: I'm back, Mr. Deputy Speaker.

I have a motion that I'd like to move for the House—*[interjection]*—by leave; I'm now seeking leave.

Mr. Deputy Speaker: Is there leave for the Government House Leader (Mr. Goertzen) to put a motion to the House? *[Agreed]*

Mr. Goertzen: I move, seconded by the Minister of Justice (Mr. Cullen), that during any sitting of the Manitoba Legislative Assembly called under the sessional calendar or by government emergency recalls or by agreement of the House leaders to sit outside the sessional calendar periods, the Speaker, the government and opposition House leaders and the honourable member for River Heights (Mr. Gerrard), as a group, are authorized to vary the sitting hours, days and location of sittings of the Manitoba Legislative Assembly as required by emergency public health measures, with the authorization to be in effect until rescinded by the Legislative Assembly.

Motion presented.

Mr. Deputy Speaker: All agreed? *[interjection]* Is there any debate on this motion brought forward?

Mr. Gerrard: I just want to say that there has been consultation among House leaders, that this is a measure to be put in place just so that we have the flexibility of the legislative Chamber to operate well

and to do the business of the Province well while we have this COVID-19 pandemic.

* (13:40)

Mr. Deputy Speaker: The honourable member for St. Johns (Ms. Fontaine), on the same motion.

Ms. Fontaine: Again, I am in agreement with the Government House Leader and with the honourable member for River Heights that it is an opportunity for all of us to come together and work collectively in respect of anything that we need to do in respect of the sitting of the House.

Miigwech.

Mr. Goertzen: Obviously, in these somewhat unprecedented times, we are wanting to ensure that the Legislature and the work of legislators continues on in the best way possible. Certainly Manitobans are looking to us to be an example to ensure that we are doing the right things and doing them the right way, Mr. Deputy Speaker. And so I appreciate the agreement of the opposition party and of the member for River Heights and his caucus, and I hope that the new-found desire to ensure that the Legislature operates in a mature and respectful way during this pandemic continues on as we move into the rest of the day.

Mr. Deputy Speaker: Is it the pleasure of the House to adopt the motion? *[Agreed]*

MATTER OF PRIVILEGE

Ms. Nahanni Fontaine (St. Johns): Miigwech, deputy House leader, on a matter of privilege.

Mr. Deputy Speaker: On a matter of privilege.

Ms. Fontaine: What did I say? *[interjection]* Sorry, no, I'm the House leader. Deputy House Speaker—Deputy Speaker. *[interjection]* Oh, why am I saying House? Sorry, I apologize.

On a matter of privilege.

Mr. Deputy Speaker: The honourable member on St. Johns, on a matter of privilege.

Ms. Fontaine: Deputy Speaker, during the social and economic development committee meeting on December 5th, 2019, the Minister of Infrastructure (Mr. Schuler) inferred—interfered on our members' abilities to do our jobs; that is, to hold the Pallister government to account by asking questions regarding the Poverty Reduction Strategy's annual report.

Deputy Speaker, before I proceed any further, I do just want to clarify for the record that committees constitute as regular proceeding in Parliament, and, therefore, we as members of this Manitoba Legislative Assembly are to fulfill our roles and responsibilities in said committees as well as to hold the Pallister government to account.

I also want to clarify that this is my earliest opportunity to raise this issue, as I have taken the time to consult with relevant authorities, conduct research and evaluate relevant information, while also consulting with other members of the Manitoba Legislative Assembly who were impacted by the Minister of Infrastructure's (Mr. Schuler) actions before bringing this matter of privilege before this Chamber here today.

Deputy Speaker, the—with the government—the Pallister government implementing a new Poverty Reduction Strategy only a mere two years ago, it is important that we as members of this House, as elected members of the Manitoba Legislative Assembly, that we are granted and ensured the time we deserve on behalf of our constituents and on behalf of all Manitobans to fulfill our parliamentary duties.

Deputy Speaker, to be clear and to clarify this afternoon what those parliamentary duties are and why this is a question of privilege, I will refer to the Vaid decision made by the Supreme Court Justice Ian Binnie—Binnie.

Deputy Speaker, Justice Binnie found that, and I quote: Legislative bodies created by the constitutional act, 1867, do not constitute enclaves shielded by the ordinary law of the land. The framers of the constitution and Canadian parliamentarians, in passing the Parliament of Canada Act, thought it right to use the House of Commons at Westminster as the benchmark for parliamentary privilege in Canada.

It goes on, Deputy Speaker: Accordingly, to determine whether a privilege exists for the benefit of the Senate or House of Commons or their members, a court must decide whether the category and scope of the claimed privilege have been authoritatively established in relation to our own Parliament or to the House of Commons at Westminster.

It goes on, Deputy Speaker: If so, the claim to privilege ought to be accepted by the court. However, if the existence and scope of a privilege have not been authoritatively established, the court will be required to test the claim against the doctrine of necessity. That

is the foundation of all parliamentary privilege. In such a case, in order to sustain a claim of 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 fulfilment of the Assembly or its members of their functions as a legislative and deliberate body, including the Assembly's work in holding the government to account, that outside interference would undermine the level of autonomy required to enable the Assembly and its members to do their legislative work with dignity and efficiency. End quote.

Deputy Speaker, R. Marleau and C. Montpetit edition's House of Commons Procedure and Practice, 2000, defines privilege as, and I quote, the rights and immunities that are deemed necessary for the House of Commons as an 'institute'—institution, pardon me—and its members as representatives of the electorate to fulfill their functions—members as representatives of the electorate to fulfill—oh, pardon me.

*(13:50)

Reference may also be made to J.G. Berneau [*phonetic*]-Burneau [*phonetic*]-Bourinot, parliamentary procedure and practice in the domain of Canada, fourth edition, 1916, Deputy Speaker: It is obvious that no Legislative Assembly would be able to discharge its duties with efficiency or to ensure its independence and dignity unless it had adequate powers to protect itself and its members and officials in the exercise of their functions.

The British Joint Committee Report adopted a similar approach: 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 in confronting the executive and as a forum for expressing the anxiety of citizens would be correspondently diminished.

While much latitude is left to each House of Parliament, such a 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 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 autonomy required to enable the Assembly and its members to do their work with dignity and efficiency.

Deputy Speaker, I will just emphasize to the House this afternoon, the Manitoba Legislative Assembly, the point on duties constituting the Assembly's work in holding the government—the current government, the Pallister government—to account, which failed to be satisfied when the Minister of Infrastructure (Mr. Schuler) interfered in committee proceedings and had the committee rise when it was not a consensus decision.

You can see—the House can see how our privileges as Manitoba legislators in this Chamber would be hampered and molested in not having the opportunity to review the government's—the Pallister government's—Poverty Reduction Strategy's annual report, which I'm sure the House will agree is an incredibly important document, particularly at this time when we understand that Manitobans are facing a myriad of hardships under the last four years under the administration of the Pallister government and decisions that have been made.

So, Deputy Speaker, as part of my parliamentary duties, it is important—and I would submit to yourself it is imperative—that I have the opportunity, alongside every member of the official opposition, to ask the government, to ask the minister responsible, to ask the Premier (Mr. Pallister) questions regarding the annual report of the Poverty Reduction Strategy, specifically, the 2019 Poverty Reduction Strategy annual report. It had many changes and areas of concern in comparison of the 2018 report.

Deputy Speaker, in raising this matter of privilege, I would suggest to the House that it is important to be able to dissect and deconstruct annual reports from year to year, as things shift and ebb and flow in respect of policies and changes and reductions in government allocations to organizations change year by year. We know this to be true.

For example, the 2018 report used 21 indicators of poverty reduction, while the 2018/2019 Poverty Reduction Strategy annual report only used 13 indicators of poverty reduction. We did not get the opportunity to thoroughly examine and review the government's—the Pallister government's—2019 Poverty Reduction Strategy, and we certainly did not get the opportunity to ask all of the questions

that needed to be asked of those responsible in the administration of the 2019 Poverty Reduction Strategy. We did not get those opportunities to ask those questions. And I would submit and I would share with the House that every single member of the NDP caucus, the official opposition, had questions that were very important to explore with the minister and with the committee, and unfortunately we did not get our opportunity.

Deputy Speaker, the reason why I myself and every single member on the opposition did not get the opportunity to ask these questions and to explore the 2019 Poverty Reduction Strategy annual report was because the Minister of Infrastructure did so choose to methodically and very strategically and consciously interfere with our duties and caused the committee to rise before those questions and exploration of the report could be concluded. We did not get to ask those questions on the work being done by the minister, which I would suggest to the House is in—extremely important in understanding where the government of Manitoba—where the Pallister government—is attempting to go in respect of poverty in Manitoba. And we did not, more importantly, get those opportunities to ask the questions and explore what actions are currently being pursued by the Pallister government in an attempt—in some attempt, we would hope, to reduce poverty for Manitoba citizens.

I know that for myself and the member for Point Douglas (Mrs. Smith) and the member for Union Station (MLA Asagwara) and the member for Notre Dame (Ms. Marcelino), these are extremely important discussions. We have some of the highest levels of poverty, in our constituencies, in Manitoba, and unfortunately we did not have those opportunities to dissect and deconstruct that report further.

I would suggest to you, Deputy Speaker, that my rights and our rights as members of this Manitoba Legislative Assembly were molested on December 5th, 2019.

* (14:00)

Deputy Speaker, further, I think it is important in the deliberation for yourself on my matter of privilege to understand that these questions in respect of a provincial Poverty Reduction Strategy are so important to discuss and to see questions on, and once again to deconstruct, because, as members know—of this Manitoba Legislative Assembly, the Pallister government's Throne Speech did not have even one mention of poverty. Not once in the Throne Speech did the Pallister government mention poverty and

what its plans were to eliminate or tackle or address poverty on behalf of Manitoban citizens.

So it only left members opposite on this side of the House the opportunity for committee to be able to explore the—

Mr. Deputy Speaker: Order.

I just want to remind the member for St. Johns (Ms. Fontaine) that you're going into debate. If you could just stay with the matter of privilege.

The honourable member for St. Johns, on a matter of privilege.

Ms. Fontaine: Deputy Speaker, I am—I'm simply attempting to lay down the arguments and highlight in a very methodical and comprehensive way why my privileges were molested by the Minister of Infrastructure (Mr. Schuler) on December 'teh'—December 5th—pardon me—2019. And I would suggest that highlighting the omission of poverty or highlighting the omission of a poverty strategy not being referred to in the Throne Speech is an argument in respect of, and highlights how my privileges as a Manitoba Legislative Assembly member were molested by the Minister of Infrastructure on December 5th, 2019.

Thank you, Deputy Speaker, I will continue.

However, just before I continue, I just want to remind the House, members in the Manitoba Legislative Assembly, of the right of members to speak in this House. That is one of the greatest privileges that we have is the opportunity to speak in the House. It is often stated that one of the most important privileges that we have in this House as Manitoba Legislative Assembly members is the ability to make statements in this House on behalf of our constituents and also on behalf of Manitobans that are all—often whose voices we do not hear or who are divorced from this space. And so, you know, I—we recognize it is the most important of privileges that we all have in this House.

And I would suggest to you that an argument could be made that this privilege, the privilege—our most privileged of privileges, to be able to speak in the House—could also be—translates into committees, and the ability of each legislative—Manitoba Legislative Assembly member to be able to speak in committees. Deputy Speaker, I would suggest that committee is often where we have the—well, we should in theory have the ability to find out information on any given discussion that we're—we

are exploring that particular evening/day. And so it is often—therefore, the Minister of Infrastructure not only interfered with my duty to hold the Pallister government to account, he interfered with my ability to freely speak and ask the minister questions.

So I think we are—I am trying, Deputy Speaker, for the purposes of your deliberations, trying to indicate the importance of the ability to speak and hold statements in this House should be the same in committees.

And, unfortunately, on December 5th, 2019, we were not able to—I was not able to do so in respect of exploring and asking questions on the Pallister government's 2019 Poverty Reduction Strategy in the annual report.

And certainly, Deputy Speaker, there—you know, now the reason for this is even more concerning because it could be suggested, and we understand it to be so, that the Pallister government has a poor track record when dealing with poverty, and we know that poverty is one of the most important issues facing Manitoba right now.

We know that folks are—Manitobans are dealing with an enormous amount of levels of—

Mr. Deputy Speaker: Order.

I'm just going to remind the member, too, that you're debating the—you're more of a debate here instead of a prima facie situation here, so if the member from St. Johns can continue with her matter—'mander' of 'pliverage,' please.

An Honourable Member: Deputy Speaker, I am attempting to, again, as I previously noted, comprehensively layout the concerns of with respect of this particular matter of privilege—

Mr. Deputy Speaker: The honourable member for St. Johns.

Ms. Fontaine: Is my mic on now?

Mr. Deputy Speaker: Now it is.

Ms. Fontaine: Oh, there we go. Was my mic on the whole time? Do I need to start from the very beginning? No? Okay. *[interjection]* I can. *[interjection]* Okay.

Well, it's important sometimes to ensure, Deputy Speaker, that everybody has an opportunity to hear what I have to say in respect of this matter of privilege, and have the opportunity to discuss matters of privilege in this House and show and highlight, in a

very comprehensive way and robust way, the way that my privileges of a Manitoba legislator in this Manitoba Legislative Assembly have been molested by the Minister of Infrastructure (Mr. Schuler).

I think it's important to highlight, again, for the purposes of your deliberations, Deputy Speaker, in respect of a poor track record on poverty for the Pallister government, we know that the Pallister government has raised the deductible for non-employment income assistance to 30 per cent—

Mr. Deputy Speaker: Again, just to remind the member for St. Johns (Ms. Fontaine) that you're basically bringing up the debate on poverty reduction, and the thing is, what we need to do with *prima facie* case that you've been—matter of privilege, if you can continue with the manner of 'plivverage'.

Ms. Fontaine: Miigwech, Deputy Speaker. I am attempting to outline my matter of privilege, but also provide the information on why it was important for members in the official opposition to be able to, again, explore the 2019 Poverty Reduction Strategy's annual report on December 5th, 2019.

Deputy Speaker, I would suggest to you that it's important to provide the information as it relates to Manitobans for the purposes of your deliberations on why this matter of privilege is so important and why my rights as a legislature were molested, which is why I am raising the issue and putting on record actions that the Pallister government has definitively taken in the last four years, certainly even in the last year, that go to support why this is a matter of privilege and why my rights were molested.

Deputy Speaker, it is important to put the facts on the record. The facts that I am attempting to share, I would suggest, are not debating the issue, rather supporting the evidence in respect of why this matter of privilege is valid and should be taken seriously in allowing myself, as the member of St. Johns, to be able to execute my roles and my responsibilities as a member of the legislator—Legislature, pardon me.

* (14:10)

And so, again, I will attempt to share and highlight why it was important to be able to ask these questions and explore the 2019 Poverty Reduction Strategy annual report, and it is because, for a fact, we know that the Pallister government has raised the deductible for non-employment income assistance to 30 per cent. Deputy Speaker, that is a fact. I am not attempting to debate the facts. I am merely presenting

the facts in the submission of my member—matter of privilege.

We also know as a fact that the Pallister government has frozen Rent Assist benefits. We also know as a fact that the Pallister government decreased eligibility for Rent Assist. We know that the—not having the ability to ask the minister responsible, simply just in these first three, but the reduction in income assistance by 30 per cent, freezing Rent Assist benefits and decreasing the eligibility of Rent Assist—we were not able to ask these questions at committee. We were not able to ask and explore why these have been undertaken by the Pallister government.

We were not able to ask these questions so that in some good conscious we could provide the Pallister government's rationale for these decreases to our very constituents. We were not able to explore that. Not only were we not able to explore those three realms that fundamentally contribute to poverty levels—or, fundamentally contribute to relieving the poverty levels that Manitobans face, including in very substantial ways constituents for St. Johns, Point Douglas, Notre Dame, Union Station, for which, Deputy Speaker, these are very serious issues. We did not have the ability to ask these questions.

Deputy Speaker, we know for a fact that the Pallister government has increased Manitoba Housing rents. That is a fact. I am not debating. That is a simple fact we did not have the ability to ask in committee on December 5th, 2019. We did not have the ability to ask those questions on why the Premier (Mr. Pallister), of all the things the Premier could do, chose to increase Manitoba Housing rents, Manitoba Housing rents that we know as fact are—is so important to Manitobans that are struggling financially and are vulnerable and disenfranchised. We know that that's so important to keep Manitoba Housing rents lower. It is a fact that the Pallister government raised Manitoba Housing rents. We did not have the opportunity to explore and ask those questions.

Deputy Speaker, these are just a few examples. I could provide additional examples that should have been explored and that our members should have had the opportunity to ask questions in the—in committee, as is our right, as is our privilege in this House, on December 5th, 2019, but we were not able to do so.

I would suggest to you in respect of my evidence for this matter of privilege and in your deliberations, it is important to understand that I represent constituents to where these issues are very important, to where raising Manitoba Housing rents or reducing

Rent Assist is the difference between somebody paying their rent and somebody eating, or somebody paying their rent and somebody being able to buy their medication, or somebody paying their rent and being able to pay for their phone bill. I was not able to ask these questions and provide information or rationales as to why the Pallister government has made these changes.

I do also want to, for a quick second, put on the record that I think it's important, as well—we know that every report that is tabled in this House is the hard work of staff and government staff and departmental staff. And I would suggest to you, Deputy Speaker, that staff put a lot of thought and effort and research into producing annual reports.

And when we are not given an opportunity to ask those questions and deconstruct and dissect those reports, I would suggest to you that it is also an opportunity where the government is not allowing the good, hard work of staff to be shown and to be highlighted. So we did not have that opportunity.

So—sorry, Deputy Speaker. I just also want to provide a little bit more information for the record relating to this matter of privilege. We know that last April, a very important organization that does phenomenal work in the community, called Make Poverty History, gave the Pallister government's record on poverty a failing grade. And I'll table for the House in a minute—no, I will not. Sorry, I—pardon me. I will not table anything. I will just share that the—Make Poverty History has done an analysis in respect of Manitoba's poverty reduction strategy and has shown that Manitoba has the highest poverty rate in Canada, at 27.9 per cent.

This, coupled with the Pallister government's—

Mr. Deputy Speaker: Order.

With the greatest respect, the member should be focusing on how the privilege of the member or the House has been breached, privileges such as freedom of speech; freedom of arrest; of civil action; exemption from jury duty; freedom of obstruction, intimidation, molestation; and dealing with—excuse me here—the rights of the House as a collective; and including the regulations of internal affairs of the House; the authority to maintain in—attendance; and the—serve as its member; the power of discipline; and the right of institution—requires to be called witnesses and demands papers; the right to raise and trying to prove the prima facie breach has been—of privilege—occurred, rather than debating a social poverty issue.

The honourable member for St. Johns, on the matter of privilege.

Ms. Fontaine: Again, I—let me just share—and I am trying to map out for the Deputy Speaker, in your deliberations, that my rights as a member of this Manitoba Legislature have been definitively molested by the Minister of Infrastructure (Mr. Schuler) on December 5th, 2019, because, as I was attempting to lay out and map out for the House and for the purposes of your deliberation, we know that Manitoba has the highest poverty rate in Canada. And again, let me just share with the House that we know that that's at 27.9 per cent.

Deputy Speaker, I would suggest to you that there are many within the St. Johns constituency that are facing—many children—that are actually making up this 27.9 per cent. And, therefore, it is my role and my responsibility as a member of this House and, most importantly, as the MLA for St. Johns to be able to ask these questions in committee or in this House.

And as I tried to lay out, Deputy Speaker, those questions were not allowed and were thwarted by the Minister for Infrastructure on December 5th, 2019, when he—without consensus—rose committee. And so what that—the consequence of that is that I was not able to explore in any comprehensive or substantial manner the levels of poverty that are affecting my constituents.

*(14:20)

Deputy Speaker, it is not only about constituents in St. Johns, but I would suggest to you, as I've highlighted before, constituents in Point Douglas, constituents in Notre Dame, constituents in Union Station, constituents in Keewatinook. We have not had the opportunity to understand in any great depth what the Pallister government is doing and where the Pallister government is taking this province and Manitoba children in respect of reducing poverty. It is incredibly important to be able to explore those questions and understand where the government is taking us in respect of reducing poverty, and we did not have that opportunity. I did not have that opportunity. We did not—Manitobans as a whole did not have that opportunity to, in any way, shape or form, understand where we are situated in respect of poverty levels in Manitoba. But we certainly did not have the opportunity to understand the rationale for the decisions that the Pallister government is making and we certainly did not see—

Mr. Deputy Speaker: Order. Again, with the greatest respect, I've—several times I've asked the honourable member for St. Johns (Ms. Fontaine) to deal with whether this is a prima facie case or—as noted, getting into debate as a social policy issues are straying from the proving that there was a prima facie case. And I would ask that her to deal with the aspects of the parliamentary privilege, as I already outlined before to her.

Ms. Fontaine: Deputy Speaker, miigwech for your counsel.

I am attempting to raise social policy issues as they relate to the 2019 Poverty Reduction Strategy annual report. That is precisely what I am attempting to raise in the House and outline how my privileges have been molested as the MLA for St. Johns in respect of not having the opportunity to ask those questions on the—on Pallister—on the Pallister government's social policy regime.

It's important to highlight the facts as we know them, and I've stated just a few, Deputy Speaker. I will not go back and reiterate those. I could if you would like, or I could add some additional facts as we know them that fundamentally impact on poverty in Manitoba.

But the material point—and why I rise today on a matter of privilege—the material point is that we did not have those opportunities to discuss those social policy issues that the Pallister government is undertaking. We have not had those opportunities. And I think that it's important to understand, and again, I—we will say this again and again, that we represent constituents who are some of the most marginalized and vulnerable of Manitoba—not only the most marginalized and vulnerable of Manitoba, but all across Canada. And it is our role and our responsibility, it is imperative on us as elected officials to the Manitoba Legislature, to be able to ask those questions. Those are important questions, and I simply was not able to ask those questions because, in contravention of this side of the House and what members on this side of the House would have liked to have seen, the member—the Minister for Infrastructure rose committee on December 5th, 2019.

Deputy Speaker, before I continue, I also just want to share, if I just go back a little bit to the matter of privilege. I do just want to also share, and for the purposes of your deliberation, Collitte [*phonetic*]-Colette—I don't know how to say this name—Mireille Langlois—I apologize, I'm pretty sure that I just butchered that name, I apologize—in Parliamentary

privilege: a rationale approach, in the Journal of Parliamentary and Political Law, from March 2012, writes, and I quote: While for decades the understanding of parliamentary privilege was reasonably uniform and standard throughout the British Commonwealth, the evolution of parliamentary democracy has impacted the development of the law of privilege both in Canada and abroad. No longer are concerns about privilege centred on the relationship between Parliament and the Crown; rather, in the late 20th and now 21st century, discourse about parliamentary privilege centres on how privilege should function in a rights-based legal system, exemplified here in Canada by the Canadian Charter of Rights and Freedoms and where the public expects increased transparency and accountability for the decisions made by parliamentarians. End quote.

As well, for the purposes of your deliberation, Deputy Speaker, I also want to highlight the 2013 UK joint committee report on parliamentary privilege in July 2013. In the 2013 report of—the committee adopted the position that parliamentary privilege must be reviewed and assessed as a flexible concept capable of adapting to the changing needs and working practices of Parliament. It is also acknowledged the new constitutional reality of the UK being subject to a bill of rights following the UK's incorporation of the European Convention on Human Rights in 1998. Recommendations made in the 2013 report to clarify privilege include that the House of Commons and the House of Lords should reassert their power to investigate and, if necessary, punish those who interfere with or obstruct the work of committees while, at the same time, setting out procedural safeguards to ensure that such investigations are entirely fair.

The 1999 UK Joint Committee on Parliamentary Privilege also expressed necessity in terms of Parliament's needs in fulfilling its constitutional role. Parliament and its members need certain rights and legal protections in order to carry out their essential public duties in scrutinizing legislation, enacting laws, holding the executive to account, and in the House of Commons, to grant supply to the government. Parliament was also characterized by the committee as, and I quote, the grand inquest of the nation where any grievance may be aired, however great or small.

Deputy Speaker, I think it's important to put those on the record because it highlights what we—what my matter of privilege is here this afternoon.

I want to reiterate, because I think that this is important, as you—as I lay out the facts and the argument for this matter of privilege, and I quote again, Deputy Speaker: Parliament and its members—that would be members of the Manitoba Legislative Assembly in this context—need certain rights and legal protections in order to carry out their essential public duties as I've attempted to highlight for the purposes of this matter of privilege. We have roles and responsibilities as elected members to the Manitoba Legislative Assembly. We have roles and responsibilities to our constituents, to the—to everybody within our constituency and, I would suggest, to all Manitobans.

* (14:30)

Those are—and they are essential, as it is said here, again, to—in scrutinizing legislation, enacting laws and holding the executive to account. Deputy Speaker, I think it is important that, just as the UK Joint Committee on Parliamentary Privilege expressed this back in 1999, in 2020 this is an important consideration. It is an important question to ask in respect of privilege of being an elected member of the Manitoba Legislative Assembly. And as I have tried to map out very succinctly, my roles and responsibilities, my privilege as a member of this Manitoba Legislature have been molested in not being able to ask the questions on the 2019 Poverty Reduction Strategy annual report.

As the UK—as this 1999 UK Joint Committee on Parliamentary Privilege says—and, again, it is our right, it is our public duty to be able to scrutinize legislation, 'act' laws, hold the executive to account and grant supply to government. We are attempting to do that on this side of the House. We take our roles and responsibilities very seriously as the official opposition.

As members opposite know and understand, the role of the opposition is to hold the government to account—the same language that we find in the 1999 UK Joint Committee on Parliamentary Privilege. It is our role to hold this government to account, and part of that role and part of that exercise of holding the government to account is to be able to explore annual reports as they are presented and as they come up in committee. It is our role and responsibility to—it is our duty. It's our public duty to ask those questions and, unfortunately, Deputy Speaker, I was not able to ask those questions and continue to explore those important issues as they affect members—citizens in St. Johns—in the St. Johns constituency.

So, Deputy Speaker, I want to highlight just some of the consequences of not being able to explore the annual report. Often, you know, we will have citizens—Manitoba citizens, members of our various constituencies and actually also members of the government caucus's constituents as well ask us questions in respect of social policy that the Pallister government has undertaken in the last four years.

You know, questions can range from, you know, why is the Pallister government raising Manitoba Housing rents. And, you know, we attempt to answer those questions to the best of our ability, but, quite honestly, we are often left with, we're not sure why the Pallister government is decreasing Rent Assist or we're not sure why—

Mr. Deputy Speaker: I just want to remind the member we're going back to debating again. And if she can just carry on moving the motion forward, and if she doesn't want—if—wants to go back debating, please go back to the prima facie violation that thee had.

Ms. Fontaine: I do have quite a bit to say in formulating the validity of the matter of privilege that I'm trying to present and ensure that the House understands how my roles and responsibilities have been molested today, but I will attempt to wrap it up soon, Deputy Speaker.

As I was sharing, I'm just trying to map out for the purposes of your deliberation the consequences of not having the opportunity and being thwarted and prevented from asking questions on the 2019 Poverty Reduction Strategy annual report. I'm just simply trying to share with the House and for yourself, Deputy Speaker, the consequences of not having those questions answered or the consequences of not being able to even ask those questions.

And so, again, when I—when we have folks that come up to us and ask us why the Pallister government has enacted certain social policy directives, it is my role and responsibility to try and answer those questions to the best of my ability, but often I'm not able to, Deputy Speaker, because I just simply do not have the rationale into—I mean, other than, I mean, one could suggest to the House that the rationale is simply in respect of an austerity measure here in Manitoba, but I don't know.

I don't know and that's—what I'm trying to highlight here this afternoon is I don't know definitively why Rent Assist has been, you know, decreased and why social income assistance has been decreased and

why Manitoba Housing rents—and that's just to name a few, Deputy Speaker.

And so it was imperative and important for me to be able to participate in a committee which has the structure and the infrastructure of the Manitoba Legislative Assembly to be able to explore these questions and have those answered. That was my opportunity to ask those questions and I simply was not able to.

And so, Deputy Speaker, it really thwarts my ability as a member of this Manitoba Legislature, to do my job properly and comprehensively in respect of answering St. Johns constituents' questions. And I can say that we get those questions—*[interjection]*

Mr. Deputy Speaker: Order.

Ms. Fontaine: —day in and day out, Deputy Speaker. In fact, we're getting lots of questions in respect of daycares today, and I don't have that information as well. I'm not able to answer those questions.

So—

An Honourable Member: How about a question period?

Ms. Fontaine: And, Deputy Speaker, I know that my esteemed colleague is, you know, asking about question period, and we would love to ask those questions in question period. Unfortunately, they—*[interjection]*

Mr. Deputy Speaker: Order.

Ms. Fontaine: —they don't get answered, though, Deputy Speaker.

Mr. Deputy Speaker: Yes. Order.

I just want to remind—the member's really straying from the prima facie privilege and is repeating the—her information. I would ask her to move forward on moving this motion.

Ms. Fontaine: Sorry, Deputy Speaker. I apologize for that. I was just—I heard some questions being posed opposite, by members opposite and I just wanted to kind of explore that a little bit and indicate it actually highlights why committees are so important, because often we're not able to get our questions met in question period. So it's an opportunity, in a smaller, non-performative space, to be able to ask those questions and seek the answers and, unfortunately, as I've indicated, those opportunities were not allowed on December 5th, 2019, by the Minister of Infrastructure (Mr. Schuler).

And I don't know why the Minister of Infrastructure would choose to rise the committee when we still had so many questions and—seeking so much understanding in respect of the Pallister government's social policy on reducing poverty here in Manitoba, particularly in respect of a lot of the issues that we've seen develop and just grow exponentially over the last four years. I did not have that opportunity, Deputy Speaker.

So that is the crux of my matter of privilege, Deputy Speaker. I hope that I have been able to outline, as much as possible, my privilege as a member of this Manitoba Legislature and how that privilege has been molested by the Minister of Infrastructure in not being able to answer—or, ask those important questions, in respect of the 2019 Poverty Reduction Strategy's annual report, on December 5th, 2019, and how I was not able to explore, and further, really unpacked what we saw in the Poverty Reduction Strategy, particularly when we know that from 2018 to 2019, we know that the Pallister government—someone in the Pallister government, the directive came somewhere to reduce the number of poverty indicators from 21 to 13.

* (14:40)

We don't know why that was though, Deputy Speaker. We weren't able to fully and comprehensively explore that. So I am left, as a Manitoba legislator, with so many questions in the policy in reducing poverty in Manitoba, not only for myself, but I'm left with so many questions that I am forced to attempt to answer by St. Johns constituents and by Manitobans as a collective.

As you know, Deputy Speaker, Manitobans are caring people and care about everybody and come together when we know that things are not good. When we know that things—when people need support, Manitobans come together, and so we do get a lot of questions in respect of some of the things that Manitobans are seeing in respect of poverty levels and, again, particularly when we talk about children and I think that we—

Mr. Deputy Speaker: I want to remind the member, again, that—straying from the prima facie privilege—manner of 'pliverage,' and if the member for St. Johns (Ms. Fontaine) would like to put forward the motion. *[interjection]*

Ms. Fontaine: I know that the—my—the member opposite is anxious to get up on his own matter of privilege. I'm sure he'll have an opportunity soon.

But I do just want to wrap it up in respect of my matter of privilege, and I think that, again, it is important to understand that we all have the right to ask questions. That is our privilege; that is what we get elected to be able to do and to hold. Particularly when you are in the official opposition, the—your piece is to hold the government to account, and simply, Deputy Speaker, that is what we are trying to do. We are trying to understand the social policy regime that the Premier (Mr. Pallister) is currently taking Manitobans under. We're trying to ascertain that. We're trying to—our best to be able to ask questions and answer those questions on behalf of Manitobans.

And so, Deputy Speaker—*[interjection]*—just—pardon me.

I do want to move my motion. I apologize; I am trying to find my motion. The member opposite—*[interjection]* Where? Oh, here we go. Sorry, Deputy Speaker.

My esteemed colleague, the Government House Leader, made me confused here for a second.

So, Deputy Speaker, in respect of my matter of privilege this afternoon, I move, seconded by the member for Union Station (MLA Asagwara), that this matter be referred to an all-party committee for further consideration.

Mr. Deputy Speaker: Before recognizing any other members to speak, I would remind the House and—that remarks at this time by the honourable members are limited to strictly relevant comments, rather, than alleged matters of privilege, have been raised by the earliest opportunity and whether the prima facie case has been established.

Hon. Kelvin Goertzen (Government House Leader): This is a matter that, from the member's own comments, I understand happened about three months ago. I would suggest that probably could have been dismissed immediately, just based on that, because it certainly doesn't meet the time limits and earliest opportunity requirement.

I would also note that it relates to a committee in which the member herself, in her role as the Opposition House Leader, agreed for the committee to go only one hour, and now she seems to be raising a matter of privilege against herself, Mr. Deputy Speaker. So that is both concerning and interesting, I suppose. There's not much other word for it.

I would say also, in repeating some of what I said last week, that not only is this a frivolous matter of

privilege, as has already been shown, but there'll come a time somewhere down the road where there'll be significant judgment on the techniques and the tactics—the tactics but no strategy—of the NDP when it comes to this particular effort.

Mr. Deputy Speaker, I remember the flood of 1997, and after the flood was over, that emergency, people often would talk about where they were and what they did to help out their neighbours and the things that they did as Manitobans to try to get us through that crisis at the time in the flood of the century in 1997. And I think long after the fear of the flood—*[interjection]*

Mr. Deputy Speaker: Order.

Mr. Goertzen:—long after fear of the flood had subsided and the water had gone away, those memories were enduring and everlasting for many Manitobans.

And I hope that these members opposite will remember this time when Manitobans were worried and concerned about the pandemic that we're facing, what were they doing? They were busy trying to filibuster the House and to put a stick into the spokes of government, Mr. Deputy Speaker.

We'll remind them that they are the only opposition in the Western democracies in the world that are trying to undertake to stop the Legislature from functioning in a time of pandemic. We'll remind them in individual meetings, we might remind them in the media, we might even have to remind them in more significant ways to ensure that Manitobans are reminded that this should never be an opposition that is trusted with government, because if they're willing to do this in an emergency, one only wonders what else they would be willing to do. So we'll make sure that Manitobans are always reminded that when they needed—when Manitobans needed the most, this is what they did.

Mr. Deputy Speaker, I would say that, in the event that the budget and the budget speech are not able to be considered by the Legislative Assembly on Monday, March 16, that it'll be brought forward for consideration in the Legislature on Tuesday, March 17th.

Hon. Jon Gerrard (River Heights): Some comments on this matter of privilege which deals with how committee meetings were handled and with poverty.

First of all, as the Government House Leader has already alluded to, this—matters of privilege need to be

brought forward at the earliest possible opportunity and this matter dates back to the middle of December, which was some time ago, and there was plenty of opportunity to bring it after that.

I'm going to get to the importance of the comments and the committee meetings and the poverty, whether this constitutes a prima facie case; but I must first say that it's very clear, Mr. Deputy Speaker, that the NDP are determined to obstruct the normal business of the Manitoba Legislature by bringing in a never-ending series of matters of their privilege.

The Conservatives, it must also be said, have shown absolutely no willingness to compromise, not even in a small way, until we were at a complete impasse. It is completely unacceptable that our Legislature is at this impasse when we have a 'corvid'-nineteen pandemic which all of us must collectively deal with. I call on the official opposition and the government to find a way to end this impasse so we can get to the critical business of this Legislature and discussing the 'corvid'-nineteen pandemic and what we are going to be doing here in Manitoba to make sure that Manitobans come through this and that we, as a province, and people in our province do well.

Now, the NDP are bringing forward issues of poverty. I suggest that the critical issues of people who are poor right now are actually related to the susceptibility and the vulnerability of people who are disadvantaged and people in poverty to the coronavirus, COVID-19. In this respect, the government has been largely missing in action in terms of addressing the needs of those who are poor, but, fortunately, we have Rick Lees and others who are showing leadership in this area and are bringing together a coalition of people to try and make sure that everything that can be done is being done for those who are poor and those who need particular help because they are particularly vulnerable.

And so the matter of poverty has a unique importance right now, but I don't think as the minute—as the MLA for St. Johns and the Official Opposition House Leader (Ms. Fontaine) is bringing it forward, I think it's not being 'brofoward' in the right context. If it were a matter dealing with the lack of the government in dealing with people who are vulnerable and the COVID-19 'epilemic', it might have some merit, but this—this particular matter of privilege does not.

Thank you.

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

* (14:50)

MATTER OF PRIVILEGE

Mr. Matt Wiebe (Concordia): On a matter of privilege.

Mr. Deputy Speaker: On a matter of privilege, the honourable member for Concordia.

Mr. Wiebe: I just wanted to begin and maybe just ask for a little bit of leeway from yourself just to quickly offer our thoughts to all members, first of all, of this Chamber, who are ill at this time, and we do hope that the illnesses that we're seeing are simply the normal course of the kinds of illness that we can expect at this time of year, and there is no reason to believe why that isn't the case. But I do know that, certainly, peoples are at high alert.

So people's attention to this is very high, and just as a general course of being in this Chamber, wanted to offer that on behalf of our caucus and, I'm sure, all members of this Chamber. And we do hope that everybody is on their path to being—to recovery and to getting better and rejoining us here in the House, and that includes, you know, Mr. Deputy Speaker. It sounds like you've got an extra gravelly voice. Well, it also commands some extra gravitas here in the House. We do hope that that's simply just passing and not indicative of anything else in terms of your own health.

I also wanted to just quickly note that it did sound like maybe other members did want to get up in terms of matters of privilege. We would certainly welcome that. I think there's a lot that could be discussed, whether as a matter of privilege or point of order or in any other context. We've, you know, repeatedly invited the government, whether it be ministers or others, if statements need to be made within the House that we certainly are allowing and hoping that that would come forward here.

But most importantly, the work that we're doing here in this Chamber is completely separate from the important work that's being done on the front lines by our health-care staff, by our first responders and by so many people in Manitoba. So I just wanted to offer my hope that everybody who is operating on the front lines is also staying safe and staying healthy. Again, I

appreciate the indulgence, Mr. Deputy Speaker. I thought it was important to add my voice on that.

The reason that I rise today, Mr. Deputy Speaker, on this particular matter of privilege is with regards to this government's handling and the Province's handling of ride-sharing and of the taxi industry and how that has impeded on my ability as a legislator to hold this government to account.

I wanted to note, firstly, Mr. Deputy Speaker, that this is, in fact, my first opportunity that I have had to rise to address this issue. The issue, as you may remember, was raised on Tuesday in question period, but, unfortunately, as I said, the government continues to avoid accountability to the hundreds of taxi drivers and others who are involved in the industry who are very significantly impacted by this government's decisions. They look to us, I believe, as the official opposition, to then take every opportunity—and I would argue that this is one of the best ones available to us at this moment—to raise this as the official opposition and to represent their voices here in the Legislature.

However, it's the fact that the government—the Pallister government—doesn't even address these questions that are being asked of them that does this disservice to our community, and that is what I believe is a clear and unquestionable breach of my privileges as a legislator.

So, Mr. Deputy Speaker, my matter of privilege is this: on Tuesday in question period, the minister was asked repeatedly as to why his government allows an uneven playing field between two parties that are in direct competition. This question, at the time, I believe, was raised by my colleague for The Maples—in this case there is a the before the constituency name, so this one we've got right, The Maples—and he is doing incredible work, I would add, to ensure that this issue which is of importance, of course, to his own community, his constituency and beyond—that this issue is raised through us in question period as the official opposition. He's doing absolutely stellar work.

So, as I said on Tuesday, here in the House on—during question period, the minister was asked repeatedly as to why his government allowed this particular uneven playing field to play out. In this instance, the two parties, of course, that I'm referring to are a regulated taxi industry and a ride-share industry, which, we know, bears very little of the same costs.

Now, it's important here, I think, to note, Mr. Deputy Speaker, that the ride-sharing industry is just that: it is an industry. And it is big business that is in—coming into our province and into our city and, of course, we know that they bear very little of the same costs associated with the regulated taxi industry, but we do know that they compete essentially in the same industry and in the same market, which puts the regulated industry at a severe disadvantage.

Unfortunately, and this is—really speaks to the matter of privilege that I'm bringing forward here, the minister's answers that were given completely ignored the question and therefore did not provide the answers to hundreds of business owners whose livelihoods are at risk because of this government's actions.

But, in addition, and most importantly for this particular matter of privilege, they also impede my ability as a legislator, or the member for The Maples (Mr. Sandhu), or any other member on the opposition benches to properly hold this government to account—no potential for discerning what steps individuals within this industry might take, and we don't have the ability then to communicate that with them through the tool of question period.

On the matter of timeliness, Mr. Deputy Speaker: as I mentioned, this incident happened on Tuesday during question period. I did, of course, take the opportunity at that time, along with my colleague and many others, to review Hansard. And that is why, now, I am taking this opportunity to bring it forward here in the House.

On the matter of privilege: it's very clear that our abilities as legislators—legislatures—legislators are being impeded, because the questions that were posed by my friend from The Maples were very clear. It pertained, in this case, to basic insurance as well as special vehicle-for-hire insurance and how that coverage would be offered through MPI. It was, of course, based on the announcement that came through on—from—in this case, from Uber, that they were in fact moving into Manitoba and that they were seeking a special concession from this government to allow them to get their vehicle-for-hire insurance coverage through those private companies.

And this, Mr. Deputy Speaker, is an important question because, as I said, members of the taxi industry right now are fully regulated. They are very much following the rules that have been set out before them, and that includes obtaining their insurance through MPI in a way that adheres with the rules that

have been set out over the years with regards to this industry.

Uber, in this case, has come forward and they are saying that, you know, they need a special consideration, and this minister has created this uneven playing field by entertaining this idea and really not listening to the concerns that the members of the industry have.

Now, we certainly know some of those concerns because, of course, we had hearings in this very Legislature on this issue. And, at that time, you know, we had hundreds and hundreds of people come to this Legislature. I actually think that this may have been one of the few times in the history of this institution that the number of presenters that came for this particular bill exceeded the capacity and the ability for us, as legislators, to get through all of the presenters before the bill came for a vote here in the Legislature.

*(15:00)

So, certainly, I would imagine every person that's here sitting in this Chamber today that was here when this bill came forward in the last Legislature, and even some of those like—a know—my friend from The Maples who, at that time, came forward as a private citizen to argue on behalf of his colleagues in that industry to say that this was an important issue. We heard from them very clearly where their stance was on some of the issues that they foresaw coming with this ride-sharing move into Manitoba.

However, I guess, in terms of what this matter of privilege is bringing forward, the most important part of that is that we also heard questions. We heard dozens and dozens and hundreds of questions about what sort of moves the government would make and whether they would respect that level playing field that the drivers at that time were asking for.

And I would say that the hundreds of presenters that came forward, I think, left without answers to those questions, and they were very concerned at that time, and they said, you know, they asked us, as the official opposition, to raise this in question period. We did at that time, answers more forthcoming at that point.

But what has changed from that time until this—because, of course, we were fighting this here in the Legislature saying, you know, a level playing field was at the very minimum what the drivers were expecting out of this government. What's changed since then is now the announcement has been made that Uber is coming forward. So at that time it was a

hypothetical and the government could hide behind this idea that, well, nothing has been decided; there has been no decisions made, and so there could be, you know, a question about how it would roll out, but we'll cross that bridge when we get there, so to speak.

But here we are. We are on the bridge and the answers are certainly known by the government. They're known by the minister. And so, again, rightfully, the member for The Maples (Mr. Sandhu) brings them forward in the venue that he has been given and the ability that he has to represent his constituents, has brought that forward here in question period and expects some semblance of answers.

Now, I understand, Mr. Deputy Speaker, that this is what I think the clerks often refer to as a dispute over the facts, and I can certainly understand how it would be very difficult to on the fly, so to speak, monitor what the questions are, the veracity of the questions and the veracity of the answers on a day-to-day basis in this Legislature. I can understand how that's not only difficult to do, but maybe territory that the Speaker would not want to venture into and the clerks would probably advise the same.

However, in this case what we're arguing is—is not that the information that was given was incorrect, but simply that the information was not forthcoming in the first place, and so it gave no opportunity for the member for The Maples or any of us, any other members of the official opposition, to go back to our constituents and report back what the government has decided.

And this has really impeded our ability to give a clear picture to our constituents, give a clear picture to the people of Manitoba, and really give them a sense of what the government's plans are in this case and then give them the opportunity to, you know, raise their opposition to that either through us in terms of the bills that we either block or let go through, or simply in terms of debate and action outside of this building. And that's where this matter of privilege stems from, where it grows from and where, I think, I have an ability to make a strong case here this afternoon.

So, as I said, on this matter of privilege, it is at this point that we really must examine what is the central point on which a question of parliamentary privilege often hangs. What are the parliamentary functions of members in this Chamber? If we can determine to a greater or lesser degree what are the proper duties or functions of 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 and functions.

The right to speak in this House, as was mentioned earlier by my colleague, is certainly one of the most fundamental privileges that we have in this place. We often—it is often stated, rather, that the privilege to make statements in this House is among the most important privileges that members of this House, in fact, have.

Those sources and the experts who have made such—such a statement were right to make this affirmation. They were right to affirm that, the primordial place that freedom of speech has among the various privileges according—accorded to members. But speech without information is unable to fulfill the central function of speech, which is to make the very perspective of the parliamentarian clear.

Now, you know, some may argue, Mr. Deputy Speaker, that some of the words put on this—the record in this place are not always the most succinct—not to suggest that I would be held in that same category, but I do understand that for some it could be said that sometimes the—I mean, brevity is one thing, but also making sure that the information is factual, that is, as I said, sometimes difficult to ascertain, especially in the give-and-take of this place.

However, I think it's very clear that without proper information and without the kind of facts that we need in order to execute our duties as legislators, we are put at a distinct disadvantage and in fact then put in the place where sometimes those—that information that's put on the record is not up to the standard, I think, that our constituents would hold us to and that folks would expect us to execute as members of this Legislature.

So that is the central tenet of this particular matter of privilege, and I think it's an important one. I do. I think that without this information it makes it incredibly difficult for anyone, whether it be a member from our side or, you know, quite frankly, Mr. Deputy Speaker, it could be a member of the government side.

I know we often sort of have a little bit of fun with, it in terms of the level of heckling in the House, but members of the government that sit in the—what's called the backbench, members who are not in Cabinet, do have the ability to bring forward questions during question period.

And I would venture to say that there's probably some members of the backbench who are sitting back there and they're sort of maybe squirming a bit in their seat when some of the answers that come forward from the government come out. And, you know, they're feeling the heat because they know that their constituents are asking the same questions that we are. And they're saying—

An Honourable Member: That there's no squirming.

Mr. Wiebe: There's no squirming, maybe. I—you know, I'm not sure that that's the case. I hope that there are members on the opposite side who are—have more—

An Honourable Member: Instructed not to squirm.

Mr. Wiebe: Oh, they're instructed not to. Well, that could be the—very much the case. However, I would say that, certainly, internally at the very least, if not externally, they may want to ask these questions. However, if they're not given the information, and, you know—

Mr. Deputy Speaker: Order.

I just want to remind the member to speak through the Speaker. And if also if he can be on relevance to the prima facie case that he's getting at.

Mr. Wiebe: Thank you very much, Mr. Deputy Speaker. I appreciate your guidance. And, as always, the heckling gets me off track, and—even when it comes from members of my own team. So I'm just going to—I'm going to put that out there because it—I'm very easily distracted. And, in this case, even my own colleagues can sometimes get me off track, but we'll save some of those conversations maybe for the caucus table.

What I will say, though, is that I bring this matter of privilege forward, not just on behalf of members of the opposition caucus, but also on behalf of members of the government caucus who may, in fact, want to ask questions that are important to their constituents, and in this case, this matter of privilege would then apply—excuse me—it would apply to the work that they're trying to do on behalf of their constituents as well, and that would be a real frustration.

* (15:10)

So I can imagine that there may be others. I could, you know, I could maybe canvass the House to see if anyone would—from the government side—would like to second my motion, my matter of privilege here. But I don't see any takers quite yet, so we'll see, but they

could certainly speak to it and support this because I think it is an important one.

So, to the question at hand, Mr. Deputy Speaker—and I appreciate your patience in this matter of privilege because I do think it is important. We would simply like to point out—or I would simply like to point out that the minister's unwillingness to meaningfully answer the questions that were posed of him represent a very clear and very important breach of my privilege here in this House.

In this instance, I would argue that, in fact, that has taken place and as opposition, as we are called to represent the voices, of course, of thousands of Manitobans who are asking the same questions of this government. We know that hundreds of Manitobans are now currently facing significantly financial risk because of the decision of this government, and yet are still unable to get an answer to the question as the minister cannot see fit to directly answer a very simple question that was posed to him.

So I think it's a very clear matter of privilege, Mr. Deputy Speaker. I do hope that it's one that is considered thoughtfully and carefully, and I believe that it's very clear that this government's actions have been disrespectful of hardworking taxi drivers, been disrespectful of everyone who's affected in that industry and, ultimately, it's been disrespectful of this Chamber and, therefore, it is a breach of my privileges.

So here I'd like to move, which is the part most interesting to our clerks, I think—although the entire argument is important, but the part that they're looking for—and I will move, seconded by the member for Union Station (MLA Asagwara)—once again, therefore, as a result of the actions of the Minister of Crown Services (Mr. Wharton) and the government, I move, seconded by the member for Union Station, that this issue be immediately referred to a committee of this House.

And I do have that in writing, Madam Speaker—or, Mr. Deputy Speaker, I'm sorry, so that it could be much clearer.

Mr. Deputy Speaker: Before recognizing any other to speak—members to speak, I would remind the House that remarks at this time for honourable members are limited to strictly relevant comments about whether an alleged matter of privilege has been raised at the earliest opportunity, and whether the prima facie case has been established.

The honourable member for River Heights, on the matter of privilege.

Hon. Jon Gerrard (River Heights): Mr. Deputy Speaker, I rise to put a few comments on the record on this matter of privilege.

This is—deals with the government handling of the ride-share and the taxi industries. This is clearly an important area. It's not the first time it was possible for the member to bring this up, as many of these issues date back some time.

The member has made a prima facie case to demonstrate that his privileges as an MLA have been interfered with, and I would comment on, you know, his privileges as an MLA in this context being interfered with versus the interference which is happening with many other MLAs being able to address what is the—a crisis at the moment—the situation of the covid 19 pandemic.

We have just learned that three more Canadians have died. So that's four deaths, and they're all in the Lynn Valley Care Centre in British Columbia. We, clearly, need strong measures to be taken with regard to personal-care homes—and, as Connie Newman has pointed out, we also need a major effort for people, family and friends to stay in touch, even if they can't visit the personal-care homes to stay in touch with people who are there.

These are urgent matters, and they reflect—and it is important to note that we are talking about not only the members' privilege, but now about the privilege which is important for all of us as MLAs to be able to debate and discuss and ask questions related to the COVID-19 pandemic.

There are now seven cases in Manitoba. We have seen a situation where things got away in Italy. We need to be able to address critical issues here. One of those critical issues relates to child care and whether child-cares should be closed and many, me among them, feel that, if we're closing schools, that we should be considering also closing child-cares, but there are some issues. Whereas the arrangements with closing schools seems to be being made so that teachers can still get paid because they're still working, we need to discuss this matter for those who are child-care workers to make sure that they won't all of a sudden lose all their income.

We also need to address the critical needs of child care for parents who are in essential occupations like health care and so we may need to have ways that perhaps small child-care centres or child-care centres

which can manage things by having children in small groups can stay open to make sure that there is child care for those who are working in essential jobs or essential businesses or industries. These are the sorts of matters that we should be discussing.

And, also, there are critical issues about northern Manitoba. The member, I would suggest, may be failing to deal adequately with the privileges of people in northern Manitoba. Perhaps we should be screening people before they go north so that we limit the opportunity for the virus, COVID-19, to get into communities like St. Theresa Point.

I hear there's a situation in Keeyask, where there's 1,500 people working—you've got people coming from—to work from all over the place from many different areas. They only have one nurse and there's not any effort for social distancing, as they're all getting together for a common lunch in a crowded hall.

These are matters which the government should be answering questions about, they should be paying attention to, and I suggest, Mr. Deputy Speaker, that we should be talking not just about the privileges of this member but about the privileges of all Manitobans and the needs of all Manitobans in this dire crisis time.

Thank you. 'Mershay'. Miigwech.

Mr. Andrew Micklefield (Rossmere): It's not a matter of privilege. *[interjection]*

Mr. Deputy Speaker: Usually we hear from the Government House Leader, the House leader, and the Opposition House Leader.

The honourable member for Rossmere (Mr. Micklefield), like—*[interjection]*—is acting House leader? Okay.

Mr. Micklefield: I'd also argue this is hardly a usual situation, Mr. Deputy Speaker. This is not a matter of privilege. It's not the first opportunity. It's completely bogus. The last few days' theatrics have been completely bogus. It's an insult to what Manitobans send us here to do, and I just want to put those few words on the record.

Thank you, Mr. Deputy Speaker.

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

MATTER OF PRIVILEGE

MLA Uzoma Asagwara (Union Station): On a matter of privilege.

Mr. Deputy Speaker: The honourable member of Union Station, on a matter of 'piverege'.

MLA Asagwara: The matter of privilege that I am raising today is—I'm raising at the earliest opportunity, and thank you for this opportunity to do so, to bring this forward in this Chamber to all members, certainly all members of this side of the House. Thank you for being, in advance, so attentive in myself bringing this forward today.

Mr. Deputy Speaker, I have taken some time to review the government's comments with regard to delays in Manitobans, many Manitobans at this point—and I think given, you know, our conversations and our awareness around what's going on with coronavirus and COVID-19, this is a particularly important issue and matter of privilege that I bring forward, specific to Manitobans receiving their Manitoba Health cards.

* (15:20)

I think it's a very relevant issue right now and it's certainly something that, you know, not only have I taken the time to review the government's comments with regard to these delays, I've also taken a significant amount of time to consult with many of my own constituents in the constituency of Union Station which captures the core of downtown Winnipeg. I've heard from many of my own constituents. I've consulted with many of my own constituents in many different forums in terms of, you know, their comfort level, whether it's coming down here to the Legislature—*[interjection]* Hopefully, you're okay there Mr. Deputy Speaker. It's—*[interjection]*—okay—or if it's in community in many different ways.

Obviously, you know, there are many different ways that one can consult with their constituents, and in my own constituency we make every effort to ensure that critical issues for folks in our province, in our constituency are able to be brought forward so that all members of this Chamber can access that information. And in order to effectively do that it's critical that, you know, we're able to be as accessible as possible.

And so, certainly, in my many consultations with my constituents and, quite frankly, many, many citizens of Manitoba, many folks residing in Manitoba, we've definitely done our due diligence or

made every effort to do our due diligence to get this information that is a big part of, you know, supporting facts for this matter—this particular matter of privilege.

And so, as I stated, many constituents, many Manitobans in many different ways have been contacting me regarding their particular delays in receiving this very, very important and necessary Manitoban document. And as I stated, given what we're seeing now, in the face of global—a global health crisis with COVID-19, it is particularly important that this matter of privilege really—in my bringing it forward, that every member of this Chamber understand the full breadth of what folks are experiencing in Manitoba.

And, Mr. Deputy Speaker, when I speak about constituents, it's really important for me to also identify specifically who those folks are. It is not simply—not to minimize, certainly, that experience, but it is newcomers; it is migrant workers. It is, you know, folks who have historically been a part of categories that—demographically, that would have received that information in terms of their Manitoba Health cards, that physical document, you know, within a—typically within a week.

And so, Mr. Deputy Speaker, I'm going to take a few minutes to clarify as to why this is a prima facie case of privilege, and I hope that you will see the value in all of the information that I will be providing in the same level of regard that I certainly see the value.

So, as the member for union—as the member of Union Station—as the member for Union Station, as I said, I've had many constituents come to me. You know, I was in the community only a few weeks ago, actually, at a mom-and-baby educational event. It's regularly held in the constituency at—actually, Knox United Church and I had a mother approach me there, even, regarding this issue. And so, you know, it is so important that I ensure that, you know, her voice is being heard on this issue as well.

So the difficulties that folks are experiencing are regarding delays in actually receiving their health card, and when these concerns have previously been brought forward in the House, the government dismissed those concerns, dismissed those claims and, ultimately, failed to provide not only myself as the member for Union Station, but failed to provide each and every member of this House, whether that's the member for St. Johns (Ms. Fontaine), or the member for Fort Garry (Mr. Wasyliw), the member for Notre Dame (Ms. Marcelino), the member for Wolseley (Ms. Naylor).

Mr. Greg Nesbitt, Acting Speaker, in the Chair

You know, Mr. Deputy Speaker, the member for Radisson (Mr. Teitsma), the member for Tuxedo (Mrs. Stefanson), you know, failed to provide each member of this House a clear and a concise and, I would actually argue that there's a lacking of even factual information and an explanation which, ultimately, interfered and, quite frankly, interferes with my ability and with me being able to serve not only my own constituents in Union Station, but all Manitobans.

And that, Mr. Deputy Speaker, is, in my opinion and experience, unacceptable. It is critically important information and, again, talking about the realities of what we're experiencing right now in health care in Manitoba, in Canada, and globally—and I'm very proud to represent a constituency, the Union Station, that, you know, our population of newcomer folks is almost 37 per cent in our constituency—so, really, representing constituents who represent the world is wonderful.

It is not wonderful to hear from these many constituents and Manitobans broadly. And this is, you know, why I bring this matter of privilege forward. It is not wonderful to hear from these folks that they're waiting not what used to be typically about a week to receive their Manitoba Health card so that they can, you know, without barrier access health care in Manitoba; you know, many folks are waiting upwards of not only several weeks, but we're talking several months.

And during a period of time such as this, you can imagine, Mr. Deputy Speaker, that pre-existing anxieties that people have as they try to access health care, pre-existing stressors that people endure as they attempt to access health care for themselves, maybe a loved one in their family; could be someone who falls into an even more vulnerable population right now with what we're seeing with this particular crisis around COVID-19. It could be an elderly person in the family.

I can't imagine the impact of the accumulation of those stressors on somebody who falls into the category of being 65-plus, and there's some discussion around what that number actually looks like, if it's a 70-plus, 65-plus, 60-plus, even as young as 50, Mr. Deputy Speaker, but all of that to say I think I'm really illustrating my point that, you know, folks having to wait on their Manitoba Health cards, even during a period such as this, is quite concerning.

And, in fact, now that I expressed that I actually wonder, you know, and I feel an increasing level of concern for the folks who, at this very moment, and I'm sure, you know, my colleagues have heard from their own constituents that have those challenges, but I think about the folks who, right at this very moment, are still waiting for their Manitoba Health cards and maybe falling through a more vulnerable demographic health-wise.

And so this is just a—that is just a small part of the information that I feel really helps to eliminate the significance of why I'm bringing this forward and, ultimately, it is, you know, unacceptable that this government is not being forthcoming as to why these delays are occurring. You know, I certainly would suggest, Mr. Deputy Speaker, that in being forthcoming about why these delays are occurring that would allow us collectively as legislators to, you know, table ideas and strategy as to how to ensure that those wait times are no longer in the—several months duration.

* (15:30)

I—you know, I believe, Mr. Deputy Speaker, that as a member of the opposition and the member for Union Station and as a member of our beautiful province of Manitoba, you know, as a member of our collective society and communities, I truly cannot—I am unable to fulfill my duties to advocate for Manitobans regarding accessing health services when this government is not being forthcoming. I really—I've thought about it. I've constructively had conversations with many folks who are—who have a level of expertise in this area that I don't possess having not specifically worked in the capacity of ensuring that Manitobans can access health cards in a timely manner—certainly, not in the conditions that we're seeing now with this current health crisis in terms of COVID-19 global pandemic.

But I do know that one of the ways that we can individually and collectively and effectively do our work not only as legislators, but really and truly as community advocates, as collective community members, that in order to that work we need factual information. We need the actual information to be presented accurately so that we can collaborate and ensure that we're coming up with solutions.

So now, again, I just want to reiterate for the record and for your consideration, Mr. Deputy Speaker, what constitutes a prima facie case of privilege. And as much as I believe it is important to provide supplementary details and information,

experiences, even anecdotal at times—although I am a nurse. I still hold my degree—not my degree, rather, my licence in terms of being a registered psychiatric nurse, and so I believe in evidence-based approach. I also think that anecdotal evidence is—has significant importance, and so that's why I share those prior details and I'll share some more information moving forward.

But, in terms of this being a prima facie case of privilege, I—and I believe this meets the prima facie test of privilege—I'd like to clarify my point, and I'm going to refer to the House of Commons Procedure and Practice, second edition. There was a first edition, Mr. Deputy Speaker. The priority, though, however, specific to this matter of privilege is in the second edition, and page 111 specifically 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 which—if I could just go back to my—I'm just going to pause there for a moment—go back to my earlier points in regards to having factual information, and which we haven't had from this government. You know, when we talk about the damaging of a member's reputation, I would say that, you know, whenever we go out in public—certainly, when I go to my constituents or when I go to members of our communities and I'm supposed to advocate or provide answers with information that is inaccurate, that certainly does not accurately represent what is actually going on. I would say, Mr. Deputy Speaker, that is certainly damaging to my reputation as a member of this House, and certainly doesn't lend itself to me being able to build responsible relationships with my constituents, trust-based relationships with my constituents, many of which have—all of which, actually, is, you know, foundational in order to be doing good work for—as a representative for our communities.

And so just back to, sorry, what I was reading here in terms of House of Commons Procedure and Practice, second edition, page 111. And so I was saying, and I quote: it is impossible to codify all incidents which might be interpreted as matters of obstruction, interference or intimidation and such constitute prima facie cases of privilege. However, some matters found to be prima facie include—and that was what I was speaking to is this next point—the damaging of a member's reputation—this word gets

me, unfortunately—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. And that is really the point, and that is what I, you know, will continue to highlight with a bit more information—this provision of misleading information.

And, you know, Mr. Deputy Speaker, it is challenging to ask a question in regards to Manitoba health cards, it is challenging to ask a question about the delay in regards to folks receiving their Manitoba health cards, to be given misleading information in regards to the delay of constituents receiving their Manitoba health cards. And because that information is misleading, and—I simply cannot just go forward and present this information as fact to my constituents or greater Manitobans because, you know, as I stated earlier going back to an earlier point in this very quote—specifically, damaging of a member's reputation—it would damage my reputation as a member to do so.

And so, in fact, what happens is I have to go back into the comments, the government's comments, I have to review the government's comments, I have to research, Mr. Deputy Speaker, I have to consult, I have to do work to ensure that, in fact, when I bring this information forward, I'm not bringing forward misleading information. And it is because we have been provided, in this very Chamber, misleading information, that is part of why I reiterate for your record and for your consideration that this does constitute a prima facie case of privilege.

So I would emphasize—I'll continue to emphasize the last point. The most important authorities arguably, Mr. Deputy Speaker, 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 so I not only identify, you know, myself as a member of this House who, you know, in the provision of misleading information it impacts, actually, all members and privileges of this House. And so I think it's important for all members of this House to have as much information as possible so that they, too, can understand the significance of what this misleading information does and, you know, it is clear that this government, its Premier (Mr. Pallister) and its ministers are, in fact, guilty of the provision of such misleading information.

* (15:40)

It should also be noted—it must be noted that information which is misleading is not the same as false information. I should make that very, very clear. So information that is misleading is, in fact, not the same 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. I certainly would say that the folks who are bringing concerns forward in regards to their Manitoba health cards taking so long to be delivered, there certainly, I would say, are reasonable observers, most definitely.

Mr. Deputy Speaker, I'll talk a bit about what Joseph May—Maigot [*phonetic*] 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 ruled as a prima facie case of privilege.

So further to the statement I've just made, further to that direct quote from the second edition of Parliamentary Privilege in Canada, which was explained on page 217, I'd like to provide a bit more evidence in regards to this matter of privilege as follows, Mr. Deputy Speaker. A process, and I—but I mentioned this earlier, that a process that typically would take a week is now taking at the very least—at the very least—six weeks for Manitobans who are trying simply to get a health card.

Now, a week—and that's at least—thank you—six weeks. Mr. Deputy Speaker, I've heard from constituents in Union Station of this process taking several, several months, upwards of six and seven months for a Manitoba health card. And so it's unfortunate that we are in a time under this government that six weeks is the minimum and that folks are actually—I don't even like to say this. But folks are relieved to get their health cards and it's such an extreme amount of time—six weeks—because they hear from other people in communities that it's taking upwards of three, four, five, six months. It's unacceptable.

And we should really acknowledge the realities of what it means when folks—and I think this is so pertinent to this, so important—the realities, the lived realities for those who are waiting a minimum of six weeks for their Manitoba health cards. Because in even a week, we know what can happen. Look what's going on right now. We know that health can turn on a dime, that someone who, you know, is healthy right

now and today, something can happen and this person isn't healthy in 10 minutes or tomorrow, Mr. Deputy Speaker, and so even that duration of a week, although fairly quick, things can happen. People know that. Minimum of six weeks, incredibly stressful. Six months, you're going to have a health issue. It's—no, there's no doubt about it almost. You're going to have some reason—something.

You know, and for folks, many of which live in the constituency that I represent, Union Station, certainly, folks who arrive here to Manitoba may have health issues arise due to the stress of being new to Manitoba, due to another of things. Acclimating to our weather—that in and of itself can create and can trigger health-related issues for folks; could be respiratory-related issues like asthma, as an example; could be even someone not having a fulsome understanding or appreciation for what our winters are like or our change in seasons and, as a result, struggling to acclimate, and maybe they deal with some sort of frostbite issue or something, you know, in terms of just their bodies adjusting. And a Manitoba Health card would be critical and essential to anyone being able to access health care and address those needs.

Now, the reality of folks not having their Manitoba Health card is that people are scared to access health care. People delay and prolong health-care issues simply because they don't have a way to pay for health care, which they shouldn't have to in the first place. And so, as a result, you know, whereas somebody who had received their Manitoba Health card in a reasonable amount of time, you know, now due to unfortunately receiving misleading information from this government about not only duration of receiving their health card but also what the delays are in receiving their health card, now these very same people are—who could have gone to—I mean, there are a number of health-care sites and points of access; could be a clinic, ACCESS clinic; could be an emergency room; could be even this Manitoba Health card being utilized to access primary care.

Mr. Doyle Piwniuk, Deputy Speaker, in the Chair

So, if the issue presented itself on, let's say today, Monday, and this person is unable to access health care because this government—and this is the reason for this matter of privilege, going back to—

Mr. Deputy Speaker: Order. I just want to remind—with the greatest respect, I want the—what the member should be focusing on the—is how the privilege of the member or the House has been breached: privilege such as freedom of speech; freedom of arrest and civil

action; exemption from jury duty; freedom of obstruction, intimidation or 'malestiation;' and—dealing with the rights of the House or of—as a collective, including a regulation of the internal affairs of the House; the authority of maintaining attendance and service of its members and how to discipline; and the right to institute—requires—to call witnesses and demand papers; and the right to administrate oaths to witnesses and the right to publish papers, which are things that should be raised when trying to prove a prima facie breach of privilege has occurred, rather than debating on policy issues.

MLA Asagwara: Thank you, Mr. Deputy Speaker. I appreciate that clarification. I certainly can appreciate ensuring that I'm providing the information that is pertinent to this matter of privilege, so thank you for clarifying that.

Mr. Deputy Speaker, I do think it is pertinent information. I think it is actually critical information in order to really illustrate, you know, why this constitutes a prima facie case of privilege. This evidence, you know, comes directly from folks who are living this experience. This evidence comes directly from folks who are dealing, you know, especially in this current climate of COVID-19, who are dealing right now with the lived realities of not having a Manitoba Health card. And the lack of a fulsome, clear explanation in—from this government in regards to why that is the case is certainly relevant to my abilities as a member of this Legislature to go out and work in our communities and my constituency and work on behalf of the constituents that I represent to ensure that something as basic as accessing health care is addressed.

* (15:50)

And so, further to that evidence in regards to, you know, what constitutes this case that I bring to you in terms of prima facie, you know, I feel it important to also include the reality of newcomers who, you know, who have no private health insurance and who are at significant risk of being left responsible for very, very expensive medical bills while they continue to wait for a Manitoba Health card.

There are a number of examples that I could share in terms of folks not being able to pay money upfront. Some folks are actually being asked to pay—being told—being actually demanded to pay money upfront to access health care in Manitoba regardless, actually, of whether or not they have insurance.

Now, the minister has tried to attribute delays to changes in regulation. Mr. Deputy Speaker, we know that at least four counters on any given day at the Carlton office can be closed. That is—that's not dealing with change in regulation, and that is a clear example of, you know, that lack of clarity and information, misleading information for the minister to try to actually attribute delays of upwards of two months and three months and four months and five months and six months and seven months of receiving from a—previously a week of receiving a Manitoba Health card. The minister, to actually try to attribute these delays, these marked and unreasonable delays, to changes in regulation when we concretely know that on any given day four counters can be closed at the Carlton office—misleading information.

Now, Mr. Deputy Speaker, some of my constituents have actually had to go, as I've mentioned earlier—but I want to provide a bit more information around that—have actually had to go to a hospital without a health card and others have flat out refused—just refused to see a doctor for fear of medical bills. You can imagine what that means. Not only do you have a medical issue that is entirely valid for you to go and see a doctor, but on top of that you're delaying because you're afraid of what it means when you don't have a health card to present. And, as such, these health-care issues only get worse and you get sicker and sicker and sicker, and now an issue that simply would have cost our medical system maybe dollars to address could be in the thousands and thousands and take a significant amount of time.

Mr. Deputy Speaker, this is not related to what the minister provided in terms of information to all members of this House stating that it's in regards to—or the changes, rather, are due to changes in regulation. It's simply not the case, and I think it's important to make that very, very clear.

Mr. Deputy Speaker: With the greatest of respect to the member for Union Station, I would have asked the member to deal with whether the—if it's a prima facie case, as noted, and getting to the debate—into a debate of policy issues is straying from providing there a prima facie case. I would ask the member to deal with the aspects of the parliamentary privilege as we have outlined.

MLA Asagwara: Thank you, Mr. Deputy Speaker.

Speaking to exactly what you've just—you just outlined for me, and I appreciate that very much, I'll go back to, you know, the minister, in not providing some clarity around information. So the minister

failing to be forthcoming on why there are delays and increases in delays are what's—it's the minister failing to provide clear information; it's the minister failing to be forthcoming as to why these delays are occurring.

That is what is impeding my ability to provide an explanation to my constituents, directly interfering with, and most definitely impeding my ability to ensure that my constituents have clear and accurate information, a true representation of why what's happening is taking place. And every time the minister has provided this information it has only further impeded my ability as a member of this House, as a representative for Union Station, to ensure that, you know, I can provide an explanation to not only my constituents, because I don't only hear from my constituents in regards to this issue; I hear from folks, you know, all around the province, and I actually also hear from folks who are presenting this information in concern on behalf of members of community who are dealing with these issues. And that is part of the challenge, as well, you know, the—what gets generated in communities when you—when I—the minister provides, you know, information that is not clear to me, it actually contributes to constituents and citizens not being able to come forward with, you know, clarity in their own concerns.

And I certainly appreciate, with that being said, of the many people in community who have been bringing these issues forward to me on behalf of my constituents and, actually, many of these same folks bringing concerns forward on behalf of my constituents and, you know, citizens and constituents of Manitoba as a whole to members on this side, to some of my colleagues who then, actually, do their own research and I appreciate that they do so and, although I think it is, at this point, I think it's clear that it's unreasonable that members on this side of the House, even outside of myself, should have to do that research, you know, upon hearing information from the minister that is clearly not representative and reflective of what's actually going on in terms of the front lines of ensuring that folks have access to equitable health care. That's really what it comes down to, but I appreciate that my colleagues certainly do their own research and their own due diligence to ensure that there's actually clear information that they're bringing to me and that is how I'm actually—I'm finding that I'm able to bring clear information and good explanation to my constituents. And so the minister has provided information that has impeded my ability—

Mr. Deputy Speaker: Order. With respect, I think that the member has made their case and—on this matter and I would encourage the member to conclude their comments and move on this motion now.

MLA Asagwara: At this point, I will definitely simply lay out the information and lay out the facts in regards to this matter of privilege. I'll just spell it out clearly, and I know that I've been able and—thank you—I've been able to provide some clear information in terms of what I'm hearing directly from constituents and from Manitobans and there's definitely, you know, good opportunity now to really just lay it all out for, you know, members of this Chamber and certainly for yourself, Mr. Deputy Speaker.

And so, in clearly laying out these facts, it'll reiterate for the record and for—certainly, for your consideration what constitutes this prima facie case of privilege. And so, specifically speaking to—*[interjection]*—specifically speaking to, you know, the minister not providing clear information, so that's one very clearly, I think, outlined and articulated fact that I present to you. Now, the minister, you know, providing comments and information in this Chamber, responses to questions that have been asked and that information has not—just simply not been fulsome, has not been clear, hasn't been an explanation that makes any sense, actually, in regards to what's actually going on.

My second point, my second fact in regards to this prima facie case of privilege is specific to the information that has been brought forward in terms of the actual experiences of folks, including the fact that on any given day, office on Carlton, four counters closed. That's another clear, clear point.

The third that I'd like to also just clearly state, information from constituents of my own and advocates on their behalf—

* (16:00)

Mr. Deputy Speaker: Again, I just want to remind—once again and with respect, the member seems to be disregarding the 'instructure' of the Chair, so I would say again, the member has to make their case on this matter, and I would encourage them to conclude their matter—this comments, and move to the motion right now without delay.

MLA Asagwara: To summarize and conclude, then, and thank you for the opportunity to do so, this is interfering with all members of the House. It interferes with me being able to fulfill my duty as their elected representative. My months of advocating on behalf of

Manitobans as the member of the opposition on this specific issue would be much better served if the minister and if the Pallister government were as transparent as they promised. And I am concerned for Manitobans, Mr. Deputy Speaker, because simply I cannot provide them with the truthful information on what this government's intentions are and why these long, long, long waits are occurring and continue to occur.

A government that withholds vital information, vital public information about a government service that people depend on to receive documents that allow them to receive health care impedes the opposition ability—the opposition's ability to hold this government accountable for its own actions, Mr. Deputy Speaker.

Therefore, I move—sorry, oh, I'll have to just go back to my motion here.

Therefore, I move, seconded by the member for St. Johns (Ms. Fontaine), that this issue be taken under consideration by an all-party committee.

Mr. Deputy Speaker: Before recognizing any other members to speak, I would remind the House that the remarks at this time by the honourable members are limited 'restrictly' relevant comments about whether an alleged matter privilege has been raised and the earliest opportunity, and whether the prima facie case has been established.

Hon. Jon Gerrard (River Heights): Mr. Speaker, just a few comments on this matter of privilege.

First of all, this is a matter which appears to have been raised at the earliest possible time, because it's very recent. It also is a matter which, as the MLA for Union Station points out, directly impacts people's health in relationship to the COVID-19 pandemic, so it is a matter which needs to be taken very seriously in the context of what's happening in Manitoba.

Just to point out the relevance and the importance of people having health cards and being covered under Manitoba's health insurance or other insurance plans, this is becoming a broader issue. I am hearing that people who are snowbirds in the United States are being told by some insurance companies that they will stop coverage within the next 10 days if—and so people who stay down in the United States are at risk of losing their health coverage. And this, Madam—Mr. Speaker, is very unfortunate.

And all cases where people may be losing their health coverage—either through delays, as the

member for Union Station (MLA Asagwara) has brought up, or through what I would say is questionable approaches by insurance companies given the situation and the difficulty for some people to get back very quickly.

In some cases, for example, I was in touch and talking with a woman who has a significant health condition. She's been recommended that she not drive by herself back and—to Canada, and she has to wait for somebody else to go down there and be able to drive back with her, and that may take a few days to arrange this.

There are also people who, I understand, are having trouble getting flights back. People should not be—have their insurance taken away on this—such short notice, and this is a matter which the government needs to be taking very seriously. And I would hope that the Minister of Health will take up this issue and make sure that Manitobans are not put at risk or their health put at risk because of the lack of health-care coverage, whether it's due to the inability to get health-care cards quickly or whether it's due to the actions of insurance companies.

There's, I'm sure, much more to learn about this matter, but for many people who are Canadians in the United States, even if they are not necessarily in Canada—I'm hearing this may be more of a problem for people from Ontario or Nova Scotia or elsewhere but it may well apply to Manitobans and it's something that needs to be looked into.

And we need to get some answers from the government, which is why we should be having question period today, and it's not acceptable to have the business of the Legislature obstructed in this way so we can't have question period.

Thank you. Merci. Miigwech.

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

MATTER OF PRIVILEGE

Mr. Ian Bushie (Keewatinook): I rise on a matter of privilege, Deputy Speaker.

Mr. Deputy Speaker: The honourable member for Keewatinook, on a matter of privilege.

Mr. Bushie: Let me begin, Deputy Speaker, by first stating that this a prima facie case of privilege because the government has failed to call the Standing

Committee on Crown Corporations for consideration of the Workers Compensation Board's annual report.

Now, Johnson [*phonetic*] Maingot explains 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.

This is my earliest opportunity to raise this issue, as much information has recently come to light regarding the management of the Workers Compensation Board, and I had to take the time to critically analyze all relevant information to make sure the facts were clear and consult with relevant experts on the matter, Deputy Speaker, and I will provide further information as I go on why this is my earliest opportunity, but first, let me state that the government has failed to call the Standing Committee on Crown Corporations for consideration of the Workers Compensation Board.

The Crown corporate's governance and accountability act—[*interjection*]

Mr. Deputy Speaker: Order.

Mr. Bushie: —oversees all Crown corporations to ensure continuity and accountability in all our beloved Crown agencies states the following: 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, within 15 days after the next sitting begins. 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.

As it pertains to my matter of privilege, the last time the Standing Committee on Crown Corporations of the Legislative Assembly met regarding the annual reports on the Workers Compensation Board was on July 19th, 2016. There are several annual reports and five-year operating plans that still need to be discussed and passed by the standing committee, Deputy Speaker, and this government's failure to call

the Standing Committee of Crown Corporations to consider the Workers Compensation Board is unacceptable and impeding on my ability to conduct my duties as an elected member to this Legislature on behalf of my constituents.

* (16:10)

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

R. Marleau and C. Montpetit House of Commons Procedure and Practice clearly defined privilege as the rights and immunities that are deemed necessary for the House of Commons as an institution and its members as representatives of the electorate to fulfill our 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 its members and officials in the exercise of their functions.

The British joint committee report adopted a similar approach. 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 in 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 purposive approach to the definition of privileges 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 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 allowing the government to account that outside interference would undermine the level of autonomy 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 in order to sustain a claim of parliamentary privilege the Assembly or members 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.

So, as my matter of privilege, Mr. Deputy Speaker, it is clear that the government's failure to call the Standing Committee on Crown corporations is limiting my ability to fulfill my function to hold the government to account with the management of our Crown corporations.

First, constituents are concerned that the government is not being held to account regarding workplace health and safety. There are still outstanding five-year operating plans for the Workers Compensation Board, and now, before those and the annual reports are passed, the minister has attempted to pass legislation in the House. That is Bill 21, Mr. Deputy Speaker.

But myself and other members don't have a clear idea how the Workers Compensation Board is functioning today and whether these amendments Bill 21 brings forward will benefit—will be of benefit to them and all Manitobans.

Therefore, it is difficult to fulfill my duty of holding the government to account regarding their management of the Workers Compensation Board and know whether these amendments will benefit my constituents since we haven't had a proper discussion in almost four years since the committee has not been called. Therefore, as a matter of privilege, it is difficult to conduct my duties of supporting or refusing legislation on behalf of Manitobans if I do not know how it will affect them.

But delaying and obstructing the committee from occurring is also not the first time they have tried to obstruct the function of the Workers Compensation Board, Mr. Deputy Speaker. The Auditor General has made not one but two qualified opinions of the Pallister government's public accounts because they removed the Workers Compensation Board from the government reporting entity.

This is troubling to anyone who cares about government accountability and this establishes a pattern of behaviour on behalf of the government. They are prepared to take any step to avoid public accountability, even removing entities from the summary budget and financial disclosure that the Auditor General says must be included.

And now there's a bill before this House that removes government functions from the Workers Compensation Board, but these steps aren't being taken because they are good public policy; they're only being done so that the Pallister government can remove the Workers Compensation Board from the government-reporting entity to the satisfaction of the AG. That's not good governance, that's making decisions about hundreds of millions of dollars so that the government can express the finances to their own favour. And they are attempting to do so when we have not had the opportunity to sit down and meet with the head of the Workers Compensation Board and have an in-depth conversation.

So, as a matter of privilege, Mr. Deputy Speaker, I therefore, as a result of the actions of the Minister of Crown Services (Mr. Wharton) and this government, seconded by the member for Concordia—I move, seconded by the member for Concordia (Mr. Wiebe), that this issue be immediately referred to the committee of this House.

Mr. Deputy Speaker: Before recognizing any other members to speak, I would remind the House that remarks at this time from the honourable members are limited to strictly relevant comments about whether the alleged matter of privilege has been raised at the earliest opportunity and whether the prima facie case has been established.

Hon. Jon Gerrard (River Heights): Mr. Deputy Speaker, this matter of privilege raises significant concerns. I am not convinced that this was brought forward at the first possible opportunity, but I do think that the member should be aware that this is the only Legislature to my knowledge in Canada where the business of the Legislature and the ability to address the COVID-19 pandemic is being held up and obstructed by an opposition party.

I would call on the NDP opposition and the government to get together and find a solution so that we can formally address and ask questions about and get into debate and discussions which are highly relevant relative to the COVID-19 pandemic.

Hon. Kelvin Goertzen (Government House Leader): I would remind the member for River Heights that a solution was found. It was found in the new rules that were crafted and approved by this House about three—about five years ago and approved by every party of this House.

I know the member for River Heights or the member or the—part of those discussions when the new rules were crafted. And every political party that is represented today in this House approved of those rules. And now only one political party doesn't actually want to follow them and isn't concerned about talking about—*[interjection]*

Well, I hear the member for Flin Flon (Mr. Lindsey) speaking. I look forward to him explaining to his constituents why he didn't care about the pandemic that's going on.

Mr. Deputy Speaker: Order.

A matter of 'privilege' is a serious concern. *[interjection]* Order.

I am going to take this matter before—to advisement to consult with authorities, and I will return with a—to the House with a ruling.

MATTER OF PRIVILEGE

Mr. Mark Wasyliv (Fort Garry): This is a matter of privilege. *[interjection]*

Mr. Deputy Speaker: Order.

The matter of privilege, by the honourable member from Fort Garry. *[interjection]* Order.

Mr. Wasyliv: I rise this afternoon on a matter of privilege.

As you well know, matters of privilege are serious matters that require the most serious of consideration. They require the attention of all members of this House—indeed, of all interested parties—because they concern the fundamental freedoms and rights of members of this Chamber.

* (16:20)

The case before us that concerns a breach of my privileges as a member of this House is clear: the intentional withholding of important information regarding payment to officials in the health-care system prevent the ability of a legislator to conduct their affairs. It fundamentally impedes the ability of a legislator to do their job. That is because it effectively leaves legislators blind with respect to what the actual facts they must make decisions regarding.

Now, in particular, I am referring to the fact—*[interjection]*

Mr. Deputy Speaker: Order.

Mr. Wasyliv: —that the government and the Winnipeg Regional Health Authority have refused to disclose how much they are paying KPMG for the implementation of their phase 2 review. There is no basis for this refusal. The provision of public funds is one of the most central functions of this body, and if legislators are denied the ability to offer views that are based on factual and detailed information, then legislators such as myself are denied the ability to actually perform their duties.

So it is important to reflect on the words of the authorities here, Mr. Deputy Speaker. I will direct you to the House of Commons Procedure and Practice note in—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 prima facie—I think it should read, 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. Close quote.

Now, this is true, and debates regarding the direction of our health-care system must be informed by important factual information and if the actions of the government fundamentally undermine the ability of legislatures to have accurate information, then this is no different, in our view, than the provision of misleading information and that is a very serious matter.

In relation to the issue of timeliness, Mr. Deputy Speaker, I want to elaborate on that because that may be of concern. 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. This is too simple in understanding of the phrase.

Rather, the earliest opportunity must be understood in a holistic or contextual manner. This holism or contextualise will allow for members to consult the relevant authorities, now 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.

Now, a thorough review of the evidence will not only determine for a particular member whether they reasonably ought to believe if a matter of privilege has indeed been raised, that is, if there is a prima facie case for believing that a member of this Chamber's privilege has been breached, but it will also form the basis of any ruling or judgment regarding that matter that a Speaker and ultimately this House may make.

* (16:30)

As a result, the acquisition of correct and accurate information by members must be taken into consideration in the determination as to whether or not a member has brought their concern in a timely fashion. Thus, the question of reasonableness is not fully objective, in the sense that there is a fixed or proper amount of time for the bringing forward of a matter of privilege to this House.

The question will depend both on the objective facts, such as whether the information is forthcoming, available, comprehensible, et cetera. Neither is the question fully subjective. However, it cannot be a question of the speed of each individual member or their willingness to expand the time to investigate a matter to determine whether a matter of privilege has been brought to this House in a timely fashion.

It is properly understood as a inter-subjective standard, Mr. Deputy Speaker, a standard that must reflect the true capabilities of members to acquire information and bring it forward to this House with the demand that this House may reasonably make of all members to bring forward matters at the earliest opportunity. The question of timeliness is then best understood as contextual, as I earlier stated.

This digression helps understand the timeliness question with respect to the matter I am bringing forward today. So this is indeed the first opportunity I have to raise this matter before the House after consulting with various authorities and experts on this matter.

I have also had the opportunity to consult various other experts and people with relevant information about the matter. This was all needed in order to make sure I had the proper information before bringing this matter to the House for its consideration and contemplation here today.

So, since the government has refused to even deign to offer the necessary information to debate its regressive plans for our health-care system I intend to move that the government be condemned for refusing

to reveal how much money it is paying KPMG for the second phase of the health-care review.

I have before me, Mr. Deputy Speaker, a motion. It reads as follows: Since the government has refused to even deign to offer the necessary information to debate its regressive plans for our health-care system, I move, seconded by the member from St. Vital, that the government be condemned for refusing to reveal how much money it is paying KPMG for the second phase of the health-care review and a committee be struck to examine the issues of consultant pay in our province.

Thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker: Before recognizing any other members to speak, I would remind the House that remarks at this time by honourable members are limited strictly to relevant comments about whether the alleged matter of privilege has been raised by the earliest opportunity and whether the prima facie case has been established.

Hon. Kelvin Goertzen (Government House Leader): I often wondered why the member for Fort Garry (Mr. Wasyliv), when he decided to leave the Winnipeg School Division, received so much support from trustees on the division to leave his work there and to come to the Legislature. I think I know why they were so eager to see him go and I want to assure the member opposite that if he ever wants to run for another level of government and leave the Manitoba Legislature, he will have my full support, Mr. Deputy Speaker.

Hon. Jon Gerrard (River Heights): I want to put a few comments on the record with regard to this matter of privilege. It is certainly important that the government provide adequate information, but I think it's questionable about whether this is the first possible time this could've been brought forward and, given the context of what we are facing at the moment, a crisis which is a health-care crisis but also becoming quickly an economic crisis, that we should be much more focused on addressing the COVID-19 pandemic.

I note that the member for Steinbach (Mr. Goertzen) talked about the rule changes. Yes, I was present with the member when those changes were made. I recall back when some years before, when Gary Doer was the premier, there were rule changes made and we thought we had, you know, covered up some of the loopholes and problems with the previous rule changes, but the Conservative opposition of the day found lots of ways to pull holes

in those rules and what we're seeing is the same thing here.

* (16:40)

Now I think that it needs all of us to get together to resolve this and to make sure we have a functional Legislature. It is important that the government can actually introduce bills at first reading. And surely, that should be, you know, not blocked and blocked and blocked so that we're—end up with a situation where some members are debating bills which have not even been introduced.

But, be that as it may, and talking about why it is important to discuss the ability of MLAs to interfere with the ability of other MLAs to do their job, what we're seeing today is the NDP MLAs interfering with our ability to deal effectively with a COVID-19 pandemic. We need to have a sustainable Assembly, because this may go on for a number of months and we want to make sure that it operates and that we've got rules to make it operate well. But we also need a sustainable economy, and we're seeing a quick drop in stock markets.

It is interesting to note that the country whose stock market is performing the best right now is China, which has done the best job of getting the COVID-19 pandemic under control.

We need to focus, if we want to save our economy and protect our economy, on getting the COVID-19 outbreak pandemic under control here in Manitoba and in Canada so that our economy can do well.

Madam—Mr. Deputy Speaker, those are my remarks at the moment. Thank you.

Mr. Deputy Speaker: A matter of 'pliverage' is a serious concern. I am now going to take this matter under advisement to consult with authorities, and will return with—to the House with a ruling.

MATTER OF PRIVILEGE

Mrs. Bernadette Smith (Point Douglas): I rise on an important matter of privilege. The—

Mr. Deputy Speaker: The honourable member for Point Douglas, on a matter of privilege.

Mrs. Smith: The care and concern shown to children is of the utmost importance, and this informs the privilege of all members here in this House.

The matter I wish to bring forward today is serious and of—is of long-standing concern. The matter concerns the fact that the government has

failed to proclaim the provisions of the Manitoba child and youth advocate act for far too long.

This act was duly passed by this Legislative Assembly. The act was given royal assent over a year ago. And here we are today still talking about the proclamation and then instituting it. And yet, you know, this government has refused to proclaim it.

We think it's important. Manitobans think it's important. And it's our duty for our children of Manitoba to be able to access the Manitoba Advocate to advocate on their behalf.

This—I want to take a moment to outline different ways in which the actions of this government has impacted me and, indeed, all members of this House. As a matter of timeliness, I bring 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. It is too important—too simple an understanding of the phrase. Rather, the earliest opportunity must be understood in a holistic or contextual manner. The holism or contextualise will allow for members to consult the relevant authorities, speak with or study various experts on the matter, as the case may be, as well reviewed—review the evidence that has been compiled on the matter at hand.

A thorough review of the evidence will not only determine for a particular member whether they reasonably ought to be or if a matter has indeed been raised. That is, if there's a prima facie case for believing that a member of this Chamber's privilege has been breached. But it will also form the basis of any ruling or judgment regarding the—that matter that the Speaker and, ultimately, this House makes.

As a result, the acquisition of correct and accurate information by members must be taken into consideration in the determination as to whether or not a member has broken—or, has brought their concern in a timely fashion. Thus, the question of reasonableness is not fully objective in the sense there is a fixed or proper amount of time for bringing forward of a matter of privilege to this House.

The question will depend both on the objective facts, such as whether the information is forthcoming, available, comprehensible. Neither is the question fully subjective, however. It cannot be a question of the speed of each individual member or their willingness to expand—or expend the time to investigate a matter to determine whether a matter of

privilege has been brought to this House in a timely fashion.

It is properly understood as an intersubjective standard, Deputy Speaker, a standard that must reflect the true capabilities of members to acquire information and bring it forward to this very House with the demands that this very House may reasonably make of all members to bring matters at the earliest opportunity. The question of timeliness is best understood as contextual. As I stated earlier, Deputy Speaker, this digression helps understand the timeliness question with respect to the matter that I am bringing forward.

I referred to the House of Commons Procedure and Practice, second edition, commonly known as O'Brien and Bosc—Bosc or Bosch [*phonetic*]? Bosc? Bosc—for guidance on this difficult and vexed question. On page 111, O'Brien and Bosc writes, and I quote: A member may 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 effects of—the incident or events had on the member's ability to fulfill his or her parliamentary responsibilities. 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 or—of privilege cannot be found.

The fact that a member can be obstructed in the provisions of their duties by non-physical means is clearly outlined by the authorities, and the fact that we cannot ensure that the child and youth advocate is properly entrusted with powers duly provided by this very Legislature effectively means that the ability of legislators of this House to have their legislative implementation is fettered, Deputy Speaker.

We are doing—not doing our due justice for children in this province. The only child that is allowed to go and get the services of the child and youth advocate are kids that are in care. Well, Deputy Speaker, there are many—maybe thousands of kids in this very province that need advocacy and the child and youth advocate has called on this Province to implement these very acts so that they can do their job properly and work with all children that need help in this province.

* (16:50)

It's unfortunate, though, that this government has taken a political—has made a political decision to interfere with the operations of an independent officer

of the Legislature, and we've had Daphne Penrose ask this government to do the right thing and institute this into legislation so that they may do the job properly and reach every single kid in this province that needs advocacy, not just kids in care. We know that there's kids that are out there that need advocacy, but they have not proclaimed this important and needed provision into the act.

So I am not able to do my job as a legislator when people are calling my office to say that they need to access the Manitoba Advocate and they've gone to the office and they've been refused because this has not been instituted into—proclaimed into legislation. That prohibits me from doing my job, and it's not only—*[interjection]*—it's not only my office, I know there's many more offices and that I'm sure on that side, they've had families, children come into their office asking for help and I hear the Families Minister chiming in there and that Families Minister can do the right thing and proclaim important the needed provisions of this act so that the Manitoba child and advocacy office can do a due diligence for all children in Manitoba and not just the children that are in the child and family services system. The fact that the government continues to use this as a political decision and frustrated—

Mr. Deputy Speaker: Order. With the greatest respect, what the member should be focusing on is the privilege of the member and the House has been breached. A privilege such as freedom of speech, freedom from arrest or civil action, exemption from jury duty, freedom of obstruction, intimidation and molestation or dealing with the rights of the House as a collective, including the regulation of internal affairs of the House, the authority to maintain and attendance in service of its members, power of discipline, and the right of institute inquiries and call witnesses and demand papers, the right to administrator oaths, to witnesses or the rights of published papers—these are things that should be raised at this trying to prove a prima facie breach of privilege has occurred, rather than debating the policies and issues.

The honourable member for Point Douglas (Mrs. Smith), on a matter of privilege.

Mrs. Smith: The act was passed duly right here in this House by this Legislative Assembly. The act was given royal assent over a year ago. It's unfortunate that this government has taken a political decision to interfere with the operations of an independent officer of the Legislature. The fact that the government has taken this political decision and frustrated the efforts

of the children's advocate has undermined the ability of legislators to see the impact of their work completed in this very Chamber. Deputy Speaker, it impedes my ability as an MLA to perform my functions.

This issue of earliest opportunity is serious and important to the children that have visited my office and the children that live in Manitoba that require these services, and I have to tell them, I'm sorry, I can't do my job as an MLA because this has not, you know, this government has not put it into legislation. I've taken the time to consult authorities and experts on this matter and observed the actions of government officials and other officials on this issue, and I've taken the time to form—in order to form my opinion which I want to be able to service the hundreds, if not thousands, of children here in this province and do research on the matter.

Therefore, so when those kids visit my office and those families come to my office, and they say this was brought into legislation for the Manitoba Child Advocate and the government passed it and it's been far too long. It was passed here in this, Deputy Speaker, in this very House. The act was given royal assent over a year ago, and this government has refused even when the child's advocate office has come knocking on their door and saying, hey, I have, you know, hundreds of kids that need support here. What has this government said? Well, not at this moment. Maybe in a little while, but not right now.

So, you know, I bring this here today because it's a serious—and it's been long-standing. Deputy Speaker, it was over a year ago in this House, and, you know, as a former critic for Families and as the MLA for Point Douglas, when people come into my office or they come to the Manitoba Legislature to see me because they want to access the child and youth advocate and they go to the office and they're told by the office that they can't access them because the legislation prohibits them from being able to use their service, that is, in fact, impeding my ability to do my job as an MLA.

I'm going to continue to stand up so that all children in this province has access to the services that they need and continue to, you know, bring this as a matter of privilege until this government actually brings it and actually brings it into royal assent and proclaims those two pieces of legislation that allows other children to access them besides children that are in care.

Children in care aren't the only ones that are in need of protection. They're not the only ones that are in need of advocacy. They should be able to, just like any child that's in Child and Family Services, be able to go to the Manitoba child's advocate office and say, I need to see someone; something's happening and I need some help and support.

But what do I have to tell them as an MLA of Point Douglas? That I can't do my job because it's out of—it's not been proclaimed, that this government has held it up.

So that's why I'm here today, standing up on a matter of privilege, because this government has—stops me from being able to help the very kids in this province that need the help and support that they need and even speaking with the Manitoba child's advocacy and hearing that they've also asked the government. I need to be able to, as a legislator, help and support the constituents that come to my office or that come to the office here to see me in getting advocacy from this very organization that was set up to support kids.

But, by this not being proclaimed, and it was given royal assent—they proclaimed one part of the legislation, still holding up two other parts of the legislation that prohibit me, as an MLA, to do my job. I can't advocate for children when this hasn't been proclaimed, and you've heard the same from the child's advocate's office, who sends them to me as their MLA to advocate for them.

So, you know, I impede and, again, you know, I'm asking that you take this under advisement. This is a

matter of importance. This is a matter that families—and I'm sure, you know, I'm not the only one that has been stopped from doing their job as an MLA because they can't help kids, so when they come and they say, you know, I'm—I need some support; I need you to help me, and I can't send them to the Manitoba child's advocacy office for support, or I can't help them because this isn't legislated, and I'm a legislator and I'm an MLA and I can't do my job, what am I supposed to tell them?

So I'm going to continue standing up for our kids in Manitoba and continue to push this government to put these other two acts into legislation so that kids other than kids—children other than kids that are in the CFS system may access Child and Family Services and I may do my job as an MLA of Point Douglas and help these children and help these families to get the help and support that they need, as the child's advocate would like to do as well.

So I'm—government, you know, has continually, you know, refused to proclaim this important and needed legislation and the provisions of this act for what? So us, as legislators, can't do our job to help kids? I mean, we need to help these kids. These kids are kids that are in families that might be being, you know, abused—

Mr. Deputy Speaker: Order.

When this matter's before the House—the hour being 5 p.m., the House is adjourned and stands adjourned until 1:30 p.m. tomorrow.

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, March 16, 2020

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