

**PILOT STUDY**

Investigating the Rulings on 'Misinformation' in Canada's  
Legislative Assemblies

**REPORT 3**

**Responses from Speakers to the  
Survey on 'Misinformation' Rulings  
in Canada's Legislative Assemblies**

**Dr. Barry Wellar, C.M.**

Professor Emeritus, University of Ottawa

President, Information Research Board

<http://wellar.ca/informationresearch/>

Ottawa, Canada

April 2, 2021

## **A. Introduction to Responses from Speakers to the Survey on 'Misinformation' Rulings in Canada's Legislative Assemblies**

Report 1, [Terms of Reference for a Survey of Speakers about 'Misinformation' Rulings in Canada's Legislative Assemblies](#) was posted January 25, 2021, and [REPORT 2: Survey of Speakers about 'Misinformation' Rulings in Canada's Legislative Assemblies](#) was posted February 14, 2021.

Report 2 presents the materials sent to Speakers in early February, 2021. It was decided to post report 2 while awaiting responses, so that it was available for interested readers in Canada and abroad at the earliest moment.

As noted in the terms of reference this is a pilot study, so it is appropriate to put materials into the public domain when they are ready for review, as well as for possible consideration by other researchers.

Information about the posting of report 2 was sent to Speakers and/or their delegated agent(s) on February 17.

Report 3 presents the replies received from Speakers and/or their delegated agents. Materials began to be received on February 04. With regard to timing, it was decided to complete writing report 3 by March 28.

The amount of time provided for responses is at least four weeks in all cases, which should be sufficient unless something like a rash of COVID-19 outbreaks occurs.

Further, a timely report date respects the reciprocal relationship that arose over the course of the survey whereby Speakers and/or their agent(s) expressed interest in the findings.

And, of course, it is always possible to amend a report via revision should that become necessary.

The research design, therefore, is to present the responses to the survey communications in report 3, and in a subsequent report to provide the results of pursuing the suggestions, instructions, directions, etc., provided by Speakers and/or their agents.

## **B. Speakers of Canada's Legislative Assemblies**

The Speakers of Canada's 15 legislative assemblies are identified in Table 1. This table previously appeared in report 2, but it is repeated because this is one of the few listings that I have found which contains the names of Speakers for all of Canada's legislative assemblies. And, it is also repeated because examination of the popular literature

indicates that Canadians as a group have limited knowledge about and, hence, limited appreciation of the Speaker function in Canadian governance. (**Endnote 1**)

**Table 1. Speakers of Canada's Legislative Assemblies**

**Federal Assemblies**

House of Commons: Hon. Anthony Rota

Senate: Hon. George Furey

**Provincial/Territorial Assemblies**

Alberta Legislative Assembly: Hon. Nathan Cooper

British Columbia Legislative Assembly: Hon. Raj Chouhan

Manitoba Legislative Assembly: Hon. Myrna Driedger

New Brunswick Legislative Assembly: Hon. Bill Oliver

Newfoundland and Labrador House of Assembly: Hon. Scott Reid

Northwest Territory Legislative Assembly: Hon. Frederick Blake Jr.

Nova Scotia House of Assembly: Hon. Kevin Murphy

Nunavut Legislative Assembly: Hon. Paul Quassa

Ontario Legislative Assembly: Hon. Ted Arnott

Prince Edward Island Legislative Assembly: Hon. Colin LaVie

Assemblée nationale du Québec: L'Hon. François Paradis

Saskatchewan Legislative Assembly: Hon. Randy Weekes

Yukon Legislative Assembly: Hon. Nils Clarke

As discussed in report 2, survey communications are directed to Speakers, who in turn may delegate responsibility for the responses to officials responsible for administering the Speaker office.

I am extremely grateful to Speakers and officials for the instructions, directions, suggestions, etc., about referring to Hansard and other documentation. The result of following those instructions, directions, suggestions, etc., is presented in report 4.

## C. Letter of Inquiry to Speakers about 'Misinformation' Rulings

For the convenience of readers, the communication to The Hon. Scott Reid, Speaker, Newfoundland and Labrador House of Assembly, is presented as the letter of context seeking responses from all Speakers.

**From:** Barry Wellar [mailto:wellar.barry@gmail.com]

**Sent:** Monday, February 1, 2021 5:07 PM

**To:** scottreid@gov.nl.ca

**Subject:** Misinformation Project, Report 1 Speaker Reid

Honourable Scott Reid, MHA, Speaker  
Newfoundland and Labrador House of Assembly

Dear Speaker Reid,

I write to seek your assistance regarding the project, **Investigating the Rulings on 'Misinformation' in Canada's Legislative Assemblies.**

It is my impression that The Speaker of a legislative assembly is a powerful force for improved communications throughout Canada, hence this request.

My research on the topic of 'misinformation' is reaching out to The Speaker of Canada's provincial and territorial legislative assemblies, as well as to The Speaker of the federal House of Commons and the federal Senate.

I am asking Speakers to contribute their expertise and experience to what may be the first study of its kind in Canada, and perhaps anywhere in the world.

By way of brief background, several months ago I published the report, [The Inescapable Truth about Disinformation and Misinformation? They have NOTHING at all to do with Information.](#) The Information Research Board (IRB) document is available via this link.

That production is consistent with the research that have I done over the past 50+ years, and for which I was named Member, Order of Canada, in 2018. Although I am "near-retired", I still enjoy doing research, serving the public interest, and engaging in social and broadcast discourse on matters of the day.

Based on my research and that of research colleagues, I am very uneasy about the frequency with which the term 'misinformation' appears in both social media and broadcast media (about 58 million 'results' in a recent Google search), and all the more so because research findings reveal that at best 'misinformation' and 'disinformation' are concocted nonsense terms which are falsely portrayed as having a connection to information.

In truth, upon deconstruction of statements the finding is that they are not derived from empirical or archival data.

Rather, the statements and motivations are accurately described by terms such as con, deceit, deceive, deception, dissemble, distort, fabricate, fakery, falsehood, fantasy, fiction, fraud, hoax, lie, misrepresentation, propaganda, rant, rave, scam, and sham, none of which involve information derived from data through methodologically designed analysis or synthesis. **(Endnote 2)**

As noted, this is my first venture into the domain of legislative assemblies in Canada and, in particular, into making inquiries of Speakers who rule on matters involving the acceptability of language used in each Assembly.

The reasons for undertaking this pilot study and the details of its design are presented in the document, [REPORT 1: Terms of Reference for a Survey of Speakers about 'Misinformation' Rulings in Canada's Legislative Assemblies](#).

I hasten to add that full credit for prompting this inquiry is given to a meeting of the Ontario Legislative Assembly, during which I first witnessed a Speaker ruling on the term 'misinformation'.

It is my perception that if a Speaker rules that 'misinformation' is not a term to be used in the Assembly, then there is a reason to believe that there could be less usage of the term by politicians outside the legislature. And, should that occur then there could be fewer such mentions in social and broadcast media and, perhaps, a transition to an increase in straightforward communications in society.

Speaker, this communication was preceded by inquiries of your legislature's Hansard record, but I was unable to locate any references to 'misinformation' or 'disinformation'.

I would be most grateful, therefore, if you could kindly direct me to any rulings in Hansard regarding the term 'misinformation', or the term 'disinformation'.

A citation of any provided material will be included in the report.

And, if you are not aware of any related ruling(s), I would be most grateful if you could direct me to the person responsible for your Assembly's Hansard keyword searches, as he or she no doubt knows better than I how to conduct digital searches of your Hansard records.

Speaker Reid, thank you kindly for your consideration of my inquiry.

Sincerely,

*Barry Wellar*

Dr. Barry Wellar C.M., GISP  
Professor Emeritus, University of Ottawa  
President, Information Research Board  
133 Ridgfield Crescent,  
Nepean, ON K2H 6t4 CANADA  
<http://wellar.ca/informationresearch/>

## D. Responses to the Inquiry about 'Misinformation' Rulings

Responses and acknowledgements of receipt are presented in chronological order. In the event of questions arising, for example, or other reasons for an exchange of communications, those materials are added to the record of that Assembly.

### 1. Nova Scotia House of Assembly

**From:** Charlton, James A [mailto:James.Charlton@novascotia.ca]  
**Sent:** Thursday, February 4, 2021 4:28 PM  
**To:** wellar.barry@gmail.com  
**Subject:** FW: Misinformation Project, Report 1 Speaker Murphy

Dear Dr. Wellar,

Speaker Murphy has asked me to respond to your inquiry.

There have been no Speaker's rulings in the Nova Scotia House of Assembly regarding whether the words "misinformation" or "disinformation" constitute unparliamentary language. As Speaker Rota indicated in his correspondence to you, there are a number of factors that must be considered in assessing whether language is unparliamentary. Indeed, the passage of [Bosc & Gagnon, House of Commons Procedure and Practice, Third Edition, 2017 at p. 624](#), cited by Speaker Rota in his correspondence with you, has been cited by rulings of the Speaker here in Nova Scotia. See [Nova Scotia Hansard, p. 6016, 9 March 2020](#) and [Nova Scotia Hansard, p. 4905, 30 October 2019](#).

The words "misinformation" and "disinformation" have both appeared in debate in the House of Assembly without comment. That does not preclude the possibility of a ruling that, in a particular context, either such word constitutes unparliamentary language. Indeed, there was a ruling in 2013 regarding the following question, asked during Question Period: "What taxpayers want to know is, who knew and why did they allow a deliberate misinformation to take place?" However, the issue there was the characterization of the misinformation as "deliberate". The Speaker ruled that the use of "deliberate" in this context was unparliamentary. See [Nova Scotia Hansard, p. 79, 27 March 2013](#).

Sincerely,

James



James Charlton

**Chief Clerk**

Nova Scotia House of Assembly

1726 Hollis Street

Halifax, NS B3J 2Y3

Tel: (902) 424-5978

Cell: (902) 221-7481

Fax: (902) 424-0632

Email: [James.Charlton@novascotia.ca](mailto:James.Charlton@novascotia.ca)

**From:** Speaker's Office <speaker@novascotia.ca>

**Sent:** February 4, 2021 9:03 AM

**To:** Charlton, James A <James.Charlton@novascotia.ca>

**Subject:** FW: [PROBABLE-SPAM] Misinformation Project, Report 1 Speaker Murphy

Scott J. Burke

Legislative Assistant to the Speaker

Nova Scotia House of Assembly

Province House

PO Box 1617

Halifax, NS B3J 2Y3

(902) 424-5707

(902) 424-0632 Fax

[scott.j.burke@novascotia.ca](mailto:scott.j.burke@novascotia.ca)

<https://nslegislature.ca/>

## **2. Legislative Assembly of British Columbia**

**From:** Sourial, Susan [mailto:Susan.Sourial@leg.bc.ca]

**Sent:** Monday, February 8, 2021 11:38 AM

**To:** wellar.barry@gmail.com

**Cc:** The Speaker; Kerr, Dan

**Subject:** FW: Misinformation Project, Report 1 Speaker Chouhan

Good morning Dr. Wellar,

Thank you for your inquiry to the Office of the Speaker which has been forwarded to the Office of the Clerk for response.

We have reviewed Speaker's rulings and could not find any rulings prohibiting the use of the words 'misinformation' or 'disinformation' – or commenting on their use.

There are numerous examples in our Hansard transcripts of the use of those terms by Members in debate.

Below is a partial list (with links) of examples of the use of the word 'misinformation' from 2020, 2018, 2010 and 2003. If you click on the link, and then search using 'Control+F' and the word 'misinformation', you will see where in the transcript the word appears.

<https://www.leg.bc.ca/documents-data/debate-transcripts/41st-parliament/5th-session/20200730pm-CommitteeA-n18>

<https://www.leg.bc.ca/documents-data/debate-transcripts/41st-parliament/5th-session/20200706am-Hansard-n332>

<https://www.leg.bc.ca/documents-data/debate-transcripts/42nd-parliament/1st-session/20201214pm-Hansard-n9>

<https://www.leg.bc.ca/documents-data/debate-transcripts/39th-parliament/2nd-session/20100415pm-Hansard-v14n5>

<https://www.leg.bc.ca/documents-data/debate-transcripts/41st-parliament/3rd-session/20180219pm-Hansard-n80>

<https://www.leg.bc.ca/documents-data/debate-transcripts/37th-parliament/4th-session/20031117pm-Hansard-v18n7>

And below is a partial list of examples of the use of the word 'disinformation' from 2019, 2018, and 1998:

<https://www.leg.bc.ca/documents-data/debate-transcripts/41st-parliament/4th-session/20191022am-Hansard-n277>

<https://www.leg.bc.ca/documents-data/debate-transcripts/41st-parliament/3rd-session/20181101am-Hansard-n175>

<https://www.leg.bc.ca/documents-data/debate-transcripts/41st-parliament/3rd-session/20181101pm-Hansard-n176>



<https://www.leg.bc.ca/documents-data/debate-transcripts/36th-parliament/3rd-session/19980416am-Hansard-v8n17>

Should you wish to conduct a more fulsome keyword search of our Hansard transcripts, an advanced search feature for the Legislative Assembly website is available at <https://www.leg.bc.ca/advanced-search>. In the search field, please enter your 'keyword'. Under Document Type, select "parliamentary debates and transcripts"; and under Time Period, select "All". This will provide you with a list of links to the specific transcripts where the keyword you are searching is used. The links, as above, are to the full transcript for the morning or afternoon sitting; you can search within the transcript by using Control+F and entering the keyword.

Should you need assistance with the advanced search feature, please do not hesitate to contact Dan Kerr, Manager, Publishing Systems with Hansard Services at [dan.kerr@leg.bc.ca](mailto:dan.kerr@leg.bc.ca); he is also copied on this email.

Kind regards,

Susan Sourial

Clerk Assistant, Committees and Interparliamentary Relations| Parliamentary Committees Office| [Legislative Assembly of British Columbia](#) | Victoria, BC V8V 1X4 | t: 250.356.0823| Follow us on [Facebook](#), [Twitter](#) and [Instagram](#)

### **3. l'Assemblée nationale du Québec**

**From:** Lefrancq, Béatrice [mailto:Beatrice.Lefrancq@assnat.qc.ca]

**Sent:** Thursday, February 11, 2021 9:19 AM

**To:** Barry Wellar

**Subject:** Investigating the Rulings on 'Misinformation' in Canada's Legislative Assemblies

Bonjour M. Wellar,

Pour effectuer une recherche dans les journaux des débats de l'Assemblée nationale du Québec, je vous invite à utiliser la Banque des débats de l'Assemblée nationale, qui répertorie tous les journaux des débats depuis 1867. J'ai pu rapidement constater 4 occurrences pour le terme «mésinformation» dans cette banque. Je vous suggère donc fortement de la consulter : <http://www.bibliotheque.assnat.qc.ca/fr/6964-recherche---debats-de-l-assemblee-nationale-1867>

Si vous voulez avoir un portrait des mots dont l'utilisation est proscrite à l'Assemblée lorsqu'ils visent à blesser ou à injurier une personne, vous pouvez consulter la liste des propos non parlementaires que vous trouverez à la fin de chacun des recueils de

décisions concernant la procédure parlementaire (assemblée et commissions) :  
<http://www.assnat.qc.ca/fr/publications/fiche-recueil-decisions-assemblee-commissions.html>

Enfin, si vous avez besoin d'orientation dans vos recherches ou d'aide concernant les outils de recherche disponibles à l'Assemblée nationale, vous pouvez communiquer avec la Bibliothèque de l'Assemblée nationale, qui offre certains services d'aide à la recherche aux citoyens : <http://www.bibliotheque.assnat.qc.ca/fr/>

Espérant le tout à votre convenance, je vous prie de recevoir mes sincères salutations.

Béatrice Lefrancq | Adjointe du président 



Cabinet du président

1045, rue des Parlementaires | 1<sup>er</sup> étage, bureau 1.30  
Québec (Québec) G1A 1A4  
[beatrice.lefrancq@assnat.qc.ca](mailto:beatrice.lefrancq@assnat.qc.ca)

#### **4. Senate of Canada**

**From:** Heyde, Till [mailto:Till.Heyde@sen.parl.gc.ca]

**Sent:** Monday, February 15, 2021 2:24 PM

**To:** wellar.barry@gmail.com

**Subject:** Re: Misinformation Project, Report 1 Speaker Furey

Mr. Wellar,

Thank you very much for your recent question concerning misinformation, which was forwarded to me for follow-up. While the Speaker of the Senate does assist the Senate in maintaining order during proceedings, this is typically done in response to concerns raised by senators.

For your research purposes, you may wish to have a look at the [\*Debates of the Senate\*](#), which can be [searched](#) using specific keywords back to the third session of the 40<sup>th</sup> Parliament. By way of example, please find below the results of a search in the *Debates of the Senate* (from the Third Session of the Fortieth Parliament to the current session) for each of the terms you mention in your email:

[Search results - Misinformation](#)

[Search results - Disinformation](#)

An index to the Debates of sessions 35-2 to 40-3 is available on the website, below the calendar of the selected session.

Thank you,



**Till Heyde**

Clerk Assistant | Greffier adjoint

**SENATE OF CANADA | SÉNAT DU CANADA**

Chamber Operations and Procedure Office | Bureau de la procédure et des travaux de la Chambre

t: 613-992-5084

[SenCanada.ca](https://www.sen.parl.gc.ca/SenCanada.ca)

[till.heyde@sen.parl.gc.ca](mailto:till.heyde@sen.parl.gc.ca)

## **5. Yukon Legislative Assembly**

**From:** Allison.Lloyd@yukon.ca [mailto:Allison.Lloyd@yukon.ca]

**Sent:** Monday, February 15, 2021 3:09 PM

**To:** wellar.barry@gmail.com

**Subject:** Misinformation Project, Report 1 Speaker Clarke

Good afternoon,

The following response is provided on behalf of the Hon. Nils Clarke, Speaker of the Yukon Legislative Assembly.

Hansard for the Yukon Legislative Assembly can be search online at <https://yukonassembly.ca/house-business/hansard/hansard-search>.

A search for the term “misinformation” in the 34<sup>th</sup> Legislative Assembly produced 26 results in Hansard, most of which raised no points of order.

There was a point of order raised on [October 23, 2017 page 1251](#) – the Speaker ruled it a dispute amongst members.

There was a point of order raised on [November 6, 2018 page 3374](#) – the Speaker ruled no point of order (“I heard nothing with respect to an allegation of having uttered a deliberate falsehood.”)

On [November 21, 2018 page 3703](#) the Speaker made a statement regarding terms including “misinformation” the crux of which was “members are not to be called to order because they assert that another member has furnished the House with information that is false, inaccurate or wrong. Members are called to order when they are found to have accused another member of having deliberately furnished the House with information that is false, inaccurate or wrong.”

There was a point of order raised on [April 25, 2019 page 4609](#) – the Speaker ruled no point of order.

The term “disinformation” was not found in a search of our Hansard.

## Allison Lloyd

### Clerk of Committees



**Yukon Legislative Assembly**

Telephone (867) 667-5494

[Allison.Lloyd@yukon.ca](mailto:Allison.Lloyd@yukon.ca)

## **6. Legislative Assembly of Alberta**

**From:** Katja Oosthuis [mailto:Katja.Oosthuis@assembly.ab.ca]

**Sent:** Wednesday, February 17, 2021 4:46 PM

**To:** wellar.barry@gmail.com

**Cc:** Office of the Speaker; Olds-Didsbury-Three Hills

**Subject:** FW: Misinformation Project, Report 1 Speaker Cooper

Dr. Wellar,

On behalf of Speaker Nathan Cooper, thank you for contacting our office, and for your query.

Research on Speakers' rulings did not produce a result in which either “misinformation” or “disinformation” was found to be unparliamentary language. However, the attachment demonstrates a case in which a former Speaker found that “misinformation” was used in such a way as to create disorder in the Assembly. The Speaker ruled that there was a point of order on that basis (but he did not rule that the term was unparliamentary *per se*), which resulted in an apology by the Government House Leader on behalf of the Minister who used the term.

It should also be noted that Speakers in Alberta have been reticent to rule any single word unparliamentary, since the context in which the word is used plays an important role in determining whether it will cause disorder or not.

If you wish to search the Assembly's *Hansard* database for the terms and their derivatives, you may do so by clicking on the following link: [Legislative Assembly of Alberta Document Search](#)

We trust that this information is helpful.

Office of the Speaker, Legislative Assembly of Alberta

325 Legislature Building, 10800 – 97 Ave NW

Edmonton AB, T5K 2B6

Office: 780-427-2464

## **7. House Assembly of Newfoundland and Labrador**

**From:** Barnes, Sandra M. [mailto:sbarnes@gov.nl.ca]

**Sent:** Thursday, February 18, 2021 11:15 AM

**To:** 'Barry Wellar'

**Subject:** Misinformation Project

Good afternoon Dr. Wellar,

Thank you for your emails. No rulings have been identified in this jurisdiction as responsive to your inquiry. However, attached are some rulings on points of order based on matters which may have been considered “inaccurate”. They could be of some interest to you.

As your project proceeds further, you may wish to explore our Hansard database, linked here: <https://www.assembly.nl.ca/HouseBusiness/Hansard/>

All the best as you continue your research.

Kind regards,

Sandra Barnes

Clerk of the House of Assembly

Province of Newfoundland and Labrador

P.O. Box 8700

St. John's, NL, Canada

A1B 4J6

709-729-3405

709-729-4820 (fax)

## **8. Legislative Assembly of Prince Edward Island**

**From:** Joseph Jeffrey [mailto:jajeffrey@assembly.pe.ca]

**Sent:** Thursday, February 18, 2021 11:44 AM

**To:** Colin LaVie; wellar.barry@gmail.com

**Subject:** Re: Fw: 'Misinformation' Report 2

Good afternoon Mr. Wellar,

On behalf of Speaker LaVie, thank you for your interest in the Legislative Assembly of PEI. While we have not found any specific rulings regarding misinformation or disinformation in the House, I would like to offer that our Hansard is available online and fully searchable.

As you know, Hansard is the complete transcript of the proceedings of the House. It can be found at this address:

<https://www.assembly.pe.ca/legislative-business/house-records/debates#/home/LegislativeAssemblyDebates/LegislativeAssemblyDebates>

While the keyword search function is a work in progress and is not as precise as it should be, each day's transcript can be opened and searched for the terms you are seeking.

Should you have any questions on this, please let me know. I wish you all the best in your research.

Regards,

Joseph Jeffrey  
Clerk of the Legislative Assembly  
Greffier de l'assemblée législative  
197 Richmond Street

[jaJeffrey@assembly.pe.ca](mailto:jaJeffrey@assembly.pe.ca)

Tel: 902-368-5970

Fax: 902-368-5175

## **9. House of Commons, Government of Canada**



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

THE SPEAKER  
LE PRÉSIDENT

---

OTTAWA, CANADA  
K1A 0A6

February 22, 2021

Dr. Barry Wellar  
Professor Emeritus, University of Ottawa  
President, Information Research Board Inc.  
133 Ridgfield Crescent  
Nepean, ON K2H 6T4  
CANADA  
[wellar.barry@gmail.com](mailto:wellar.barry@gmail.com)

Dear Dr. Wellar:

I am writing in response to your electronic message of February 1, 2021, regarding the project, "Investigating the Rulings on 'Misinformation' in Canada's Legislative Assemblies."

While there are no Speaker's rulings on the use of the word "misinformation" or "disinformation," an intervention by Speaker Parent took place [May 4, 2000](#), when the term had been used in the House and subsequently called into question as unparliamentary.

More recently, I have made several rulings in response to questions of privilege dealing with an allegation of deliberating misleading the House of Commons.

See the rulings of:

[February 3, 2020](#), [February 27, 2020](#), [July 22, 2020](#), [October 1, 2020](#), and [November 26, 2020](#), in the House *Debates*.

To aid in your research, I invite you to contact the House of Commons Information Unit for reference assistance. The team can be reached at 613-992-8976 or [indref@parl.gc.ca](mailto:indref@parl.gc.ca).

You may also wish to use the advanced publication [search tool](#), which offers the possibility of accessing and sharing information published in the House *Debates* (Hansard), Committee Evidence and the *Journals* as far back as September 2001.

Thank you for your interest in the work of the House of Commons.

Sincerely,

A handwritten signature in blue ink, appearing to be 'A. Rota', with a stylized flourish at the end.

Hon. Anthony Rota, M.P.

## **10. Legislative Assembly of New Brunswick**

**From:** Dunn, Patrick (LEG) [mailto:Patrick.Dunn@gnb.ca]

**Sent:** Tuesday, February 23, 2021 10:01 AM

**To:** wellar.barry@gmail.com

**Subject:** "Misinformation" Report

Dr. Wellar:

Your inquiry to the Speaker of the Legislative Assembly of New Brunswick regarding rulings on the terms “misinformation” or “disinformation” has been referred to me for response.

I can advise that, to this office’s knowledge, there has been no recent Speaker’s ruling in New Brunswick regarding the specific terms “misinformation” or “disinformation”.

Speakers’ rulings, including those regarding language alleged to be unparliamentary, are reproduced and indexed in the *Journals of the Legislative Assembly*.

The *Journals* dating back to the 1995-1996 session are available online by following this link: <<https://www.gnb.ca/legis/business/pastsessions/pastsessions-e.asp>>.



Should you wish to carry out further research in the *Journals* from prior sessions, or in other sources, I suggest that you contact the Legislative Library of New Brunswick, contact information for which is available here:

<<https://www1.gnb.ca/leglibbib/en/home.aspx/index>>.

I trust the above is satisfactory.

Regards,

**Patrick Dunn**

Committee Clerk and Acting Law Clerk / greffier aux comités et juriste intérimaire

Legislative Assembly of New Brunswick / Assemblée législative du Nouveau-Brunswick

(506) 453-4242

### **11. Legislative Assembly of Manitoba**

**From:** LaPointe-Dixon, Michele [mailto:Michele.LaPointe-Dixon@leg.gov.mb.ca]

**Sent:** Thursday, March 18, 2021 10:20 AM

**To:** 'Barry Wellar'

**Subject:** RE: 'Misinformation' Report 3

Dear Mr. Wellar:

I am pleased to provide you with information regarding interventions by Manitoba Speakers regarding the use of the word “misinformation.”

There have been 2 rulings that were the subject matter for the word “misinformation” that have been included below.

The word has not been the subject of many comments or interjections by Presiding Officers. Instead, the terms “misleading” and “deliberately misleading” are more commonly raised in points of order and matters of privilege as language of concern.

**MATTER OF PRIVILEGE - NO PRIMA FACIE EVIDENCE OF A BREACH - NO PROOF OF INTENTIONAL MISLEADING - STATEMENTS OF MEMBERS MUST BE ACCEPTED - MINISTERIAL RESPONSIBILITIES DO NOT FORM THE BASIS FOR PRIVILEGE**

April 29, 1996 - Madam Speaker DACQUAY - 1995/96 Journals, pp. 167 & 191-193 - Hansard, pp. 1071-1076 & 1440-1441

Background:

Prior to Routine Proceedings on April 22, 1996, Mr. CHOMIAK (Kildonan) rose on a matter of privilege and moved "THAT this House do censure the Minister of Health for a breach of the privileges of its Members in the matter of information made available about the privatization of Home Care and the misrepresentation of reports and background documents on this issue, and that this matter be referred to the Standing Committee on Privileges and Elections."

Mr. CHOMIAK contended that the Minister of Health (Hon. Mr. McCRAE - Brandon-West), through contradictory statements about the existence of a report on Home care, was obstructing him in his ability to obtain proper information in order to do his job as an MLA. In addition, Mr. CHOMIAK contended that a document, related to the issue, tabled by the Minister of Health, appeared to be "doctored". Overall, Mr. CHOMIAK stated that the Minister of Health had demonstrated an inability to handle the home care issue that was facing the province.

In his remarks to the matter of privilege, Hon. Mr. McCRAE rejected the allegations of Mr. CHOMIAK. In terms of the "doctored" document, the Minister stated that he had been aware that some of the pages had been misnumbered and that he had specifically stated this when he tabled the document in the Committee of Supply.

After hearing from other Members on this matter, Speaker DACQUAY took the matter under advisement.

#### Issues:

Was the matter raised by Mr. CHOMIAK in order as a matter of privilege? Was there *prima facie* evidence of a breach of parliamentary privilege? Are allegations of mismanagement or misjudgment of a Minister, in his or her Ministerial work, the basis for a matter of privilege?

#### Ruling:

On April 29, 1996, Speaker DACQUAY ruled that there was no *prima facie* evidence of a breach of privilege and that allegations of mismanagement or misjudgment of a Minister, in his or her Ministerial work, do not form the basis for a matter of privilege.

#### Reasons Given by the Speaker:

On April 22 the Honourable Member for Kildonan raised a matter of privilege and moved "THAT this House do censure the Minister of Health for a breach of the privileges of its Members in the matter of information made available about the privatization of home care, a misrepresentation of reports and background documents on this issue, and that this matter be referred to the Standing Committee on Privileges and Elections."

In his submission on the matter the Honourable Member for Kildonan I believe made three points:(one), he alleged that the Minister had said one thing in the Chamber and something else outside the Chamber in regard to the existence of reports on contracting out of home care services; (two) he alleged that a document tabled by the Minister during Committee of Supply on April 19 appeared to have been altered because pages were missing; and (three) he referenced the inability or incapacity of the Minister to deal with issues.

In speaking to the matter of privilege the Honourable Minister of Health noted that when he tabled the document in question he had told the committee that the pages were misnumbered and that the pagination was incorrect but that he had been assured by people in his department that all of the pages that were part of the original document were included in the document the Minister tabled on April 19. I have reviewed the Hansard of that day and it confirms that the Minister had clearly referenced the pagination errors in the document he was tabling.

A matter of privilege is a serious matter. Beauchesne citation 26(3) indicates that the Speaker cannot rule on a question of privilege; the Speaker's function is limited to deciding if a *prima facie* case has been established - that is, whether the matter is of such a character as to entitle the motion, which the Member who has raised the question desires to move, to priority over Orders of the Day. Beauchesne also in citations 115 and 117 states that the matter must be brought to the attention of the House at the first possible opportunity. I am satisfied that the Honourable Member for Kildonan did raise the matter at the earliest opportunity.

That leaves us with the question of whether a *prima facie* case has been made. There are a number of Speakers' Rulings on this point, but in particular, I would reference the March 16, 1993 ruling which has some similarities to the matter before us at present. That ruling cites the Canadian authority on the subject of privilege, Joseph Maingot. He clearly states that: "An allegation of misleading the House is not out of order or unparliamentary; nor does it amount to a question of privilege." The ruling just referred to and several earlier ones dealing with circumstances similar to the current issue include the statement that a motion of privilege should be worded in such a way that another Member is alleged to have deliberately or intentionally misled the House and that a Member must support his or her charge with proof of intent. In the arguments put forward by the Honourable Member for Kildonan he did not put forward any evidence to show that the Minister of Health had deliberately misled the House or intended to do so when making statements about the existence of certain reports. As to the question of the document tabled by the Minister on April 19, again there is no proof that the Minister deliberately gave the House an altered document. And the third point made by the Honourable Member for Kildonan concerned the competence of the Minister. Maingot, on page 191 of his book *Parliamentary Privilege in Canada*, says

“... allegations of misjudgement, or mismanagement or maladministration on the part of a Minister in the performance of his ministerial duties do not come within the purview of parliamentary privilege.”

For these reasons, I must rule that the Honourable Member for Kildonan has failed to establish a *prima facie* case of privilege.

**MATTER OF PRIVILEGE – SPREADING MISINFORMATION – IMPUGNS  
INTEGRITY OF A MEMBER – MATTER OF ORDER, NOT PRIVILEGE – NO MOTION  
MOVED**

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Speaker: Hon. Mrs. DRIEDGER (PC – Speaker –  
Charleswood)

Hansard page reference:  
2086-2088

May 22, 2019

Votes page reference: 260-  
261

Members:

4<sup>th</sup> Session – 41<sup>st</sup> Legislature

§ Hon. Mr. GERRARD (Liberal – Second Opposition House Leader – River Heights)

§ Hon. Mr. PALLISTER (PC – Premier – Fort Whyte)

§ Mr. LAMONT (Liberal – Second Opposition Leader – St. Boniface)

§ Hon. Mr. GOERTZEN (PC – Minister of Education and Training – Government  
House Leader – Steinbach)

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Background:

Following Petitions, Hon. Mr. GERRARD rose on a Matter of Privilege regarding the fact that Hon. Mr. PALLISTER made comments directed at Mr. LAMONT in regards to his career stating “if there was one.” Hon. Mr. GERRARD alleged that the Premier was spreading misinformation and appeared to do so deliberately. He did not conclude with a motion.

Hon. Mr. GOERTZEN also spoke to the Matter of Privilege.

Issues:

Was a *prima facie* case of privilege established?

Ruling:

No Matter of Privilege. Language that impugns the integrity of members would be unparliamentary and a breach of order, not privilege. Member did not follow his remarks with a substantive motion.

Reasons given by Speaker:

*“On the matter of privilege raised by the honourable member for River Heights (Mr. Gerrard), I would like to inform the House that Joseph Maingot advises, on page 254 of the Second Edition of Parliamentary Privilege in Canada, that language that impugns the integrity of members would be unparliamentary and a breach of order, contrary to the standing orders but not a breach of privilege.*

*Therefore, the honourable member does not have a prima facie case of privilege, and I would also indicate that since there was no motion moved, that is another reason why this issue is out of order as a prima facie case of privilege.”*

Notes:

The ruling was challenged and sustained on vote of yeas 32, nays 9.

I am also enclosing a link that will take you directly to the Hansard Information page that provides explanations on how best to search Hansard:

[https://www.gov.mb.ca/legislature/hansard/hansard\\_howtouse.html#top](https://www.gov.mb.ca/legislature/hansard/hansard_howtouse.html#top)

I send my best wishes for a successful project.

With kind regards,

Hon. Myrna Driedger

Speaker of the Manitoba Legislative Assembly

## **E. Non-Responses to the Inquiry about 'Misinformation' Rulings**

On or about mid-February a reminder communication was sent to all Speakers from whom a response had not been received regarding the inquiry about 'misinformation' rulings.

At the time of this writing, responses have not been received from the following Speakers:

Northwest Territory Legislative Assembly: Hon. Frederick Blake Jr.

Nunavut Legislative Assembly: Hon. Paul Quassa

Ontario Legislative Assembly: Hon. Ted Arnott

Saskatchewan Legislative Assembly: Hon. Randy Weekes

As indicated, we have responses from 11 of 15 Speakers: 2 of 2, federal, and 9 of 13, provincial/territorial. Materials received after this report is posted will be incorporated as time and resources permit.

## **F. Has Any Reason Arisen to Curtail the Pilot Study?**

Feedback from Speakers and their officials is positive, encouraging, informative, and constructive, and the message taken is "Carry on".

In addition, there is a message from the U.S. which supports continuing the pilot study.

For the past year or so there have been congressional hearings dealing with matters involving 'misinformation' and 'disinformation', with more hearings scheduled for this month (March 2021).

However, past performances suggest that the hearings will likely have more to do with the Internet platforms of five or six major corporations and concerns about various kinds of 'clout' – financial, economic, political, ideological, power, market share etc., – that they have as a result of their corporate philosophies and computer-communications capabilities.

Or, to re-phrase, I have seen little evidence to date that the hearings will actually have much to do with those aspects of the 'misinformation' pandemic which are being addressed through this project and related IRB projects.

Consequently, I am persuaded more than ever that engaging Speakers of Canada's legislative assemblies is an important initiative.

## **G. Conclusion**

The first objective of the inquiry of Speakers was to obtain their assistance in charting out how to design the review of their respective legislative productions which are referred to in various ways, including Hansard, les journaux des débats, records, debates, and journals. That objective was fully satisfied by officials associated with Speakers' who provided an extensive set of productions to be reviewed.

And, a second objective was to 'get a handle' on the kind of reaction this project might receive from members of the 'parliamentary community', bearing in mind that in the absence of prior experience with this group my approach could be wanting. Worse, the inquiry could be considered ill-advised, not warranted, etc.

Based on the constructive remarks and suggestions to date, the reaction is rated as very positive, and I look forward to further assistance when the examination of suggested readings begins in earnest.

## H. Endnotes

**Endnote 1.** Examination of social and broadcast media reports suggest that many Canadians engage in more communications about U.S. politicians and U.S. politics than those about Canada. It would therefore surprise me if even 1% of the adults in any province or territory could name their Speaker of the legislative assembly, and I offer up the same number for naming the Speaker of the House of Commons or the Senate. As a result, it seems appropriate to repeat Table 1 in all reports. This approach will not necessarily make Speakers household names, but it may serve to convey the idea that perhaps Canadians should pay more attention to those who are directly responsible for ensuring productive debates in our own legislative assemblies.

**Endnote 2.** This topic is discussed in [Initial Thoughts about 'Fauxinfo' as an Antidote to the 'Misinformation' Pandemic](#) and [Using the Powers of Geographic Information and GIS to Expose the Myth of 'Misinformation'](#).