

Wednesday, December 10, 1997



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 10

FOURTH SESSION, THIRTY-SIXTH LEGISLATURE

PRAYERS

1:30 O'CLOCK P.M.

The following petitions were read and received:

Mr. MACKINTOSH - Long Term, Adequate and Stable Funding for the Evergreen Women's Resource Centre, and Other Women's Resource Centres (C. Hutchinson, A. Gudmunds, S. Bjarnason and others)

Ms. McGIFFORD - Long Term, Adequate and Stable Funding for the Evergreen Women's Resource Centre, and Other Women's Resource Centres (A. Reilly, N. McPherson, J. Masson and others)

Ms. WOWCHUK - Long Term, Adequate and Stable Funding for the Evergreen Women's Resource Centre, and Other Women's Resource Centres (M. Stratton, V. Bjornsson, H. Thorkelson and others)

Ms. BARRETT - Long Term, Adequate and Stable Funding for the Evergreen Women's Resource Centre, and Other Women's Resource Centres (M. Sigurdson, E. Sigurdson, A. Disbrowe and others)

Mr. EVANS (Interlake) - Long Term, Adequate and Stable Funding for the Evergreen Women's Resource Centre, and Other Women's Resource Centres (M. Sigurdson, G. Fridfinnson, S.L. Van Dreses and others)

Hon. Mr. STEFANSON presented:

Annual Report of Manitoba Lotteries Corporation for the fiscal year ended March 31, 1997.
(Sessional Paper No. 96)

Also:

Manitoba Lotteries Corporation, Quarterly Report, Three Months, April 1, 1997 - June 30, 1997.

(Sessional Paper No. 97)

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Also:

Manitoba Lotteries Corporation, Quarterly Report, Six Months, April 1, 1997 - September 30, 1997.

(Sessional Paper No. 98)

Also:

Manitoba Public Insurance Corporation, Quarterly Report, Six Months, April 1, 1997 to August 31, 1997.

(Sessional Paper No. 99)

Also:

Annual Report of the Crown Corporations Council for the year ended December 31, 1996.

(Sessional Paper No. 100)

Also:

Quarterly Financial Report, Three Months, April - June 1997.

(Sessional Paper No. 101)

Also:

Annual Report of the Department of Finance for the fiscal year ended March 31, 1997.

(Sessional Paper No. 102)

Also:

Annual Report of the Special Operating Agencies Financing Authority for the fiscal year ended March 31, 1997.

(Sessional Paper No. 103)

Also:

Annual Report of Other Appropriations for the fiscal year ended March 31, 1997.

(Sessional Paper No. 104)

Also:

Annual Report of Canada/Manitoba Infrastructure Works for the fiscal year ended March 31, 1997.

(Sessional Paper No. 105)

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Annual Report of Community Support Programs for the fiscal year ended March 31, 1997.
(Sessional Paper No. 106)

Also:

Annual Report of Sport for the fiscal year ended March 31, 1997.
(Sessional Paper No. 107)

Also:

Annual Report of the Fiscal Stabilization Fund for the fiscal year ended March 31, 1997.
(Sessional Paper No. 108)

Also:

Annual Report of The Manitoba Foundation for the fiscal year ended March 31, 1997.
(Sessional Paper No. 109)

Also:

Public Accounts of the Province of Manitoba for the fiscal year ended March 31, 1997
(Volumes 1, 2, 3 and 4).
(Sessional Paper No. 110)

Also:

Annual Report of the Operations of the Office of the Provincial Auditor for the fiscal year
ended March 31, 1997.
(Sessional Paper No. 111)

Also:

Provincial Auditor's Report - Value-for-Money Audits dated October 1997.
(Sessional Paper No. 112)

Also:

Annual Report of The Manitoba Hospital Capital Financing Authority for the fiscal year
ended March 31, 1997.
(Sessional Paper No. 113)

Also:

Report pursuant to Section 7(2) of The Loan Act for the fiscal year ended March 31, 1997.
(Sessional Paper No. 114)

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Return under Section 20 of The Public Officers Act - December 1997.

(Sessional Paper No. 115)

Hon. Mr. McCRAE presented:

Annual Report of the Department of Environment for the fiscal year ended March 31, 1997.

(Sessional Paper No. 116)

Also:

Annual Report of the Sustainable Development Innovations Fund for the fiscal year ended March 31, 1997.

(Sessional Paper No. 117)

During Oral Questions, Mr. ASHTON rose on a point of order regarding the words "man of the cloth" used by the Honourable First Minister in reference to the Honourable Member for Burrows,

WHEREUPON Hon. Mr. FILMON voluntarily withdrew his remarks.

Following Oral Questions, Madam Speaker made the following rulings:

I took under advisement on April 9 a point of order about the answer provided by the Premier to a question posed by the Honourable Member for Wellington. The point of order was raised by the Opposition House Leader and both the First Minister and the Leader of the Official Opposition spoke to the matter.

I have reviewed Hansard and am ruling that there was a valid point of order. The Premier did contravene citation 417 of Beauchesne because he was not dealing with the matter raised and he was provoking debate. I would ask the First Minister when answering questions to comply with the provisions of Beauchesne citation 417.

I would also like to draw to the attention of the House that our Rule 38(2) states that debate must be strictly relevant to the point of order. Neither the Premier nor the Leader of the Official Opposition were strictly relevant in their submissions, and a portion of the Opposition House Leader's submission went beyond the procedural matter he was raising in his point of order. I ask for all Members when raising and when speaking to points of order to follow our Rule 39(2) and keep their comments strictly relevant to the point or order.

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I am ruling on a matter of privilege taken under advisement on April 18, 1997. The Honourable Member for Radisson raised a matter of privilege concerning a news release issued for the Minister of Urban Affairs, and in doing so stated that the Minister had put incorrect information in the news release and had not corrected it despite having been given the opportunity to do so when questions had been asked of him during more than one Question Period. Thereby, the argument continued, the Minister had misled the House. The Honourable Member for Radisson then moved: "THAT this matter be referred to the Committee on Privileges and Elections."

The Member did raise the matter of privilege at the earliest opportunity and did conclude her remarks with a motion. The other condition required for a matter of privilege to proceed is that sufficient evidence that a breach of the privileges of the House may have occurred must be presented to warrant giving the matter precedence over all other business then before the House.

Having re-read Hansard, it is clear that this is a dispute over the facts. The Member for Radisson believes that the news release indicates that the value of the materials to be reclaimed from the housing complex on Behnke Road was \$100,000, while the news release issued on behalf of the Minister could be interpreted to read that the value of the materials is \$540,000.

Past Manitoba Speakers have ruled on several similar cases. Speaker Graham on March 6, 1980 ruled that a dispute between two Members as to allegations of fact did not constitute a breach of privilege. Speaker Phillips on August 21, 1986 in her ruling referred to page 205 of Maingot's *Parliamentary Privilege in Canada* which reads

"To allege that a member has misled the House is a matter of order rather than privilege and is not unparliamentary whether or not it is qualified by the adjective 'unintentionally' or 'inadvertently'. To allege that a Member has deliberately misled the House is also a matter of 'order' .

Speaker Phillips went on to say "it is clear that a Member has breached the privileges of the House or committed a contempt against the House by misleading the House only if the Member has clearly done so deliberately." "A Member raising a matter of privilege which charges that another Member has 'deliberately misled' the House must support her or his charge with proof of intent. No such proof was presented by the Honourable Member."

Speaker Rocan reiterated these points in his ruling of June 13, 1991 when he said "To allege that a Member has misled the House is a matter of order rather than privilege and a motion of privilege should be worded in such a way that another Member is alleged to have deliberately or intentionally misled the House." Speaker Rocan also stressed that the Member raising the matter of privilege must furnish proof of intent to support the charge.

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I must therefore rule, based on the parliamentary authorities and past rulings of Manitoba Speakers, that a prima facie case of privilege has not been established by the Honourable Member for Radisson.

From her decision, Mr. ASHTON appealed to the House.

And the Question being put,

“Shall the ruling of the Chair be sustained?”

It was agreed to, on division.

— — —

The Honourable Member for Broadway on April 11 raised a matter of privilege respecting his resolution #5 being ruled out of order on the previous day. Advice was received from the Honourable Member for Broadway, the Government House Leader, the Honourable Member for Inkster, the Opposition House Leader, the Honourable Member for St. John's, the Honourable Member for The Maples, and from the Honourable Leader of the Official Opposition for which I thank them.

When a matter of privilege is raised it is necessary for the Speaker to examine two issues; first, was the matter raised at the earliest opportunity. I am satisfied that the Member for Broadway did rise on his matter early enough to comply with this requirement. Second, the Presiding Officer must be satisfied that privilege appears to be sufficiently involved to justify giving the matter precedence (or as *Beauchesne* puts it, that there is a prima facie case that a breach of privilege has been committed.)

I believe there were two major points made by the Honourable Member for Broadway in his submission. I will address first his argument that his privilege of freedom of speech had been removed because he was unable to debate Private Member's Resolution #5 as it had been ruled out of order. Joseph Maingot in his book *Parliamentary Privilege in Canada* at page 31 reads “Freedom of speech cannot be a true freedom to a Member if he is not able to speak free of all constraints *save those imposed by the legislature itself.*” On the matter of limitations on freedom of speech, J.A.G. Griffith and Michael Ryle in the publication *Parliament: Functions, Practice and Procedures* on page 88 say that freedom of speech “does not mean that Members can say whatever they like at all times, because the House itself, *and the Speaker on behalf of the House*, can restrict the content of speech in debate and other proceedings, *such as motions and questions.*”

The Honourable Member for Broadway had a second point I believe should be commented on--that point being his procedural question of how could his Private Member's Resolution be ruled out of order when it had been placed on the Order Paper. I wish to assure the Honourable Member that at the time his resolution was filed (March 3) indeed it was in order. However events which occurred after the receipt of his resolution did render his motion out of order. Let me explain, perhaps in more detail than I did on April 10. On March 4, the Honourable Member for The Maples moved an amendment to a matter of privilege which read “that this House move immediately to the election of a new Speaker by secret ballot, following the current Standing Orders of the Legislative Assembly of British Columbia regarding the election of a Speaker.” This

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House made a decision on that amendment when it was voted upon. Also another matter, that being Bill 200 sponsored by the Honourable Member for Thompson, appeared on the Notice Paper on March 5. On March 20 Bill 200 was listed on the Order Paper under Second Readings during Private Members' Business. So, even although the text of the Private Members Resolution of the Honourable Member for Broadway was seen by all Members before the content of Bill 200, Beauchesne citation 566(7) is clear that "a motion dealing with the same subject-matter as a bill, standing on the Order Paper for second reading, cannot be considered."

In the Griffith and Ryle publication cited earlier, respecting the ability of a Presiding Officer to rule on the admissibility of motions, on page 204 reads:

"...motions which repeat motions which have already been agreed to or negated in the current session, or which anticipate a matter already due to be considered by the House which is likely to be debated in the reasonably near future...may all be ruled out of order and not called for debate even though they have been allowed on the (notice and order) paper...Members can table motions on almost anything: whether they have a chance to move them and have a debate is quite another matter."

A review of past Manitoba Speakers' rulings shows that a number of Speakers have ruled on Private Members' Resolutions; five were ruled out of order for anticipating a bill and seven were ruled out of order for reviving debate.

Therefore, for two procedural reasons Private Members' Resolution #5 was ruled out of order when it was brought forward by the Honourable Member for Broadway on April 10. According to the parliamentary authorities cited earlier in this ruling (Maingot and Griffith and Ryle) there was not a breach of the privilege of freedom of speech. I must therefore find that the Honourable Member for Broadway has not made a prima facie case for a matter of privilege to proceed.

I am ruling on a matter taken under advisement by the Deputy Speaker during question period on May 6, 1997. The Opposition House Leader raised a point of order concerning the content of an answer provided by the Honourable First Minister to a question placed by the Honourable Member for Crescentwood. The First Minister said:

"I am not going to make ad hoc policy here based on a critic's desire to get some publicity."

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The Opposition House Leader's point of order was that the First Minister in contravention of Beauchesne citation 484 was imputing unworthy motives to the Honourable Member for Crescentwood.

I am ruling that indeed there was a point of order and I am calling on the Honourable First Minister to withdraw the words in question.

WHEREUPON Hon. Mr. FILMON withdrew his remarks.

Pursuant to Rule 20(1), Messrs. McALPINE, ROBINSON and DYCK, Ms. McGIFFORD and Mr. JENNISSEN made Members' Statements.

Hon. Mr. FILMON moved:

THAT Bill (No. 2) - The Elections Amendment Act; Loi modifiant la Loi électorale, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. FILMON having spoken,

The debate was, on motion of Mr. DOER, adjourned.

Hon. Mr. FILMON moved:

THAT Bill (No. 3) - The Elections Finances Amendment and Consequential Amendments Act; Loi modifiant la Loi sur le financement des campagnes électorales et modifications corrélatives, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. FILMON having spoken,

The debate was, on motion of Mr. DOER, adjourned.

By leave, Hon. Mr. McCRAE moved:

THAT the French title of Bill (No. 15) - The Dutch Elm Disease Act as it appears in the order paper, be altered to read "Loi sur la graphiose"

Hon. Mr. STEFANSON moved:

THAT Bill (No. 11) - The Treasury Branches Repeal Act; Loi abrogeant la Loi sur les

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caisses d'épargne, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. STEFANSON having spoken,

The debate was, on motion of Ms. BARRETT, adjourned.

Hon. Mrs. MITCHELSON moved:

THAT Bill (No. 4) - The Child and Family Services Amendment and Consequential Amendments Act; Loi modifiant la Loi sur les services à l'enfant et à la famille et modifications corrélatives, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mrs. MITCHELSON having spoken,

The debate was, on motion of Mr. REID, adjourned.

Hon. Mr. ENNS moved:

THAT Bill (No. 5) - The Agricultural Credit Corporation Amendment Act; Loi modifiant la Loi sur la Société du crédit agricole, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. ENNS having spoken,

The debate was, on motion of Ms. WOWCHUK, adjourned.

Hon. Mr. ENNS moved:

THAT Bill (No. 6) - The Animal Liability and Consequential Amendments Act; Loi sur la responsabilité des propriétaires d'animaux et modifications corrélatives, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

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And Hon. Mr. ENNS having spoken,

The debate was, on motion of Ms. WOWCHUK, adjourned.

Hon. Mr. RADCLIFFE moved:

THAT Bill (No. 7) - The Public Utilities Board Amendment Act; Loi modifiant la Loi sur la Régie des services publics, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. RADCLIFFE having spoken,

The debate was, on motion of Mr. HICKES, adjourned.

Hon. Mr. RADCLIFFE moved:

THAT Bill (No. 8) - The Real Property Amendment Act; Loi modifiant la Loi sur les biens réels, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. RADCLIFFE having spoken,

The debate was, on motion of Mr. STRUTHERS, adjourned.

Hon. Mr. NEWMAN moved:

THAT Bill (No. 9) - The Mines and Minerals Amendment Act; Loi modifiant la Loi sur les mines et les minéraux, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. NEWMAN having spoken,

The debate was, on motion of Mr. STRUTHERS, adjourned.

Hon. Mr. NEWMAN moved:

THAT Bill (No. 10) - The Mining Tax Amendment Act; Loi modifiant la Loi sur la taxe minière, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

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And Hon. Mr. NEWMAN having spoken,

The debate was, on motion of Mr. STRUTHERS, adjourned.

Hon. Mr. CUMMINGS moved:

THAT Bill (No. 15) - The Dutch Elm Disease Act; Loi sur la graphiose, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. CUMMINGS having spoken,

The debate was, on motion of Mr. STRUTHERS, adjourned.

Hon. Mr. CUMMINGS moved:

THAT Bill (No. 16) - The Water Resources Administration Amendment Act; Loi modifiant la Loi sur l'aménagement hydraulique, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. CUMMINGS having spoken,

The debate was, on motion of Mr. STRUTHERS, adjourned.

Hon. Mr. PRAZNIK moved:

THAT Bill (No. 12) - The Addictions Foundation Amendment Act; Loi modifiant la Loi sur la Fondation manitobaine de lutte contre les dépendances, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. PRAZNIK having spoken,

The debate was, on motion of Mr. SALE, adjourned.

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Hon. Mr. PRAZNIK moved:

THAT Bill (No. 13) - The Prescription Drugs Cost Assistance Amendment Act; Loi modifiant la Loi sur l'aide à l'achat de médicaments sur ordonnance, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. PRAZNIK having spoken,

The debate was, on motion of Mr. DEWAR, adjourned.

Hon. Mr. McCRAE moved:

THAT Bill (No. 17) - The Legislative Assembly Amendment Act; Loi modifiant la Loi sur l'Assemblée législative, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. McCRAE having spoken,

The debate was, on motion of Mr. DEWAR, adjourned.

Hon. Mr. RADCLIFFE moved:

THAT Bill (No. 18) - The Registry Amendment Act; Loi modifiant la Loi sur l'enregistrement foncier, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. RADCLIFFE having spoken,

The debate was, on motion of Mr. JENNISSEN, adjourned.

Hon. Mr. TOEWS moved:

THAT Bill (No. 14) - The Executions Amendment Act; Loi modifiant la Loi sur l'exécution des jugements, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

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And Hon. Mr. TOEWS having spoken,

The debate was, on motion of Mr. DEWAR, adjourned.

Hon. Mr. TOEWS moved:

THAT Bill (No. 19) - The Public Trustee Amendment and Consequential Amendments Act; Loi modifiant la Loi sur le curateur public et modifications corrélatives, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. TOEWS having spoken,

The debate was, on motion of Mr. DEWAR, adjourned.

Mr. HELWER moved:

Resolution No. 2: Parental Involvement

WHEREAS the government places high importance on the involvement of parents and the community in the education of Manitoba's young people; and

WHEREAS Advisory Councils for School Leadership were created and are operating in over 200 schools in the province; and

WHEREAS this government hosts annual forums for parents to encourage their continued involvement as important partners in the educational process.

THEREFORE BE IT RESOLVED that the Members of the Legislative Assembly support the involvement of parents and communities in education through such activities as in-service programs, information sharing with parents, parent forums and a continued partnership between the Department of Education, school divisions and schools in supporting parental involvement.

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And a debate arising,

And Mr. HELWER, Hon. Mrs. McINTOSH and Ms. FRIESEN having spoken,

And Mr. STRUTHERS speaking at 5:25 p.m.,

The debate was allowed to remain in his name.

The House then adjourned at 5:25 p.m. until 10:00 a.m. tomorrow.

Hon. Louise Dacquay,
Speaker.