

Tuesday, March 17, 1998



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 19

FOURTH SESSION, THIRTY-SIXTH LEGISLATURE

PRAYERS

1:30 O'CLOCK P.M.

The following petitions were presented:

Mr. HICKES - Minister of Health to consider immediately cancelling the hospital food proposal and concentrate on delivering quality health care instead of using health dollars to provide contracts for private firms (R. Schlamp, P. Doiron, G. Porter and others)

Ms. BARRETT - Minister of Health to consider immediately cancelling the hospital food proposal and concentrate on delivering quality health care instead of using health dollars to provide contracts for private firms (H. M. Reuben, L. A. Fossey and M. Sutherland)

The following petitions were read and received:

Mr. DEWAR - Minister of Health to put an end to the centralization and privatization of Winnipeg hospital food services (L. McBain, L. Griffin and L. Anderson Boyd)

Mr. MALOWAY - Minister of Health to put an end to the centralization and privatization of Winnipeg hospital food services (V. Milinkovic, A. Horner, D. Naskar and others)

Mr. SANTOS - Minister of Health to consider immediately cancelling the hospital food proposal and concentrate on delivering quality health care instead of using health dollars to provide contracts for private firms (T. R. Horn, S. F. Fowler, G. Robinson and others)

Hon. Mr. CUMMINGS presented:

Financial Statements of Venture Manitoba Tours Ltd. for the fiscal years ended March 31, 1997 and March 31, 1996.

(Sessional Paper No. 135)

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Following Oral Questions, Madam Speaker made the following ruling:

I am ruling on a matter of privilege raised by the Honourable Member for Inkster on December 2, 1997. I thank Honourable Members for their advice to the Chair on this matter.

The motion put forward by the Honourable Member for Inkster is that the Speaker convene an intersessional meeting of House Leaders and a representative of the Independent MLAs to resolve the issues facing the Speaker's chair. I believe the key point in the case put forward by the Honourable Member in his matter of privilege is that the business of the House was being improperly interfered with or obstructed because of matters being raised by Members of the Official Opposition and the ensuing ringing of division bells.

As Beauchesne sets out, when considering a matter of privilege, a Speaker has to consider two principles: one, was the matter raised at the earliest opportunity, and two, is there a prima facie case for a matter of privilege? Respecting the principle of timeliness, I would say that yes, the matter was raised at the earliest opportunity because the Honourable Member for Inkster rose on his matter of privilege immediately following a division on a challenge to a Speaker's ruling. With respect to whether a prima facie case exists, I would rule that no, it does not. By way of precedent, I refer to rulings of June 2, 1995 and May 23, 1996, and in particular to references from the Canadian authority, Joseph Maingot in his book *Parliamentary Privilege in Canada*. *"While it will be seen that the Member enjoys all the immunity necessary to perform his parliamentary work this privilege or right . . . is nevertheless subject to the practices and procedures of the House. Thus, allegations of breach of privilege by a Member . . . which amount to complaint about procedures and practices in the House are by their very nature matters of order."* Maingot also states that questions of order are not generally considered to be matters of privilege. While our Rule 14 indicates that persistent and willful obstruction of the House could lead to a Member being named by the Speaker, I do not believe the Honourable Member for Inkster has made a case that the Official Opposition in raising a matter of privilege on December 1 and in challenging a ruling of the Speaker on December 2 have obstructed the business of the House. Speaker Walding in February 1984 pointed out in a ruling that *"since our Rules and precedents have not been disobeyed, it is difficult to argue a matter of privilege . . . the use of the rules cannot be considered a matter of privilege."*

I must therefore rule that the Honourable Member for Inkster has not established a prima facie case and his motion is not in order.

Pursuant to Rule 20(1), Messrs. SVEINSON, ASHTON, TWEED and JENNISSEN made Members' Statements.

The House resumed the Interrupted Debate on the Proposed Motion of Hon. Mr. STEFANSON:

THAT this House approve in general the budgetary policy of the government.

And the Proposed Motion of Mr. DOER in amendment thereto:

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THAT the motion be amended by deleting all the words after "House" and substituting the following:

Therefore regrets this Budget ignores the present and future needs of Manitobans by:

- (a) failing to address the crisis in health care;
- (b) failing to relieve the stresses in our education system;
- (c) failing to provide new hope for Manitoba children; and,
- (d) failing to provide new opportunities for Aboriginal Manitobans.

And the debate continuing on the amendment,

And Mr. HICKES concluding his remarks,

And Hon. Mr. FILMON, Messrs. REID, MACKINTOSH, KOWALSKI and LAMOUREUX and Hon. Mr. STEFANSON having spoken,

And the Question being put on the amendment,

It was negated, on the following division:

YEA

ASHTON	LAMOUREUX
BARRETT	MACKINTOSH (St. Johns)
CERILLI	MALOWAY
CHOMIAK	MARTINDALE
DEWAR	McGIFFORD
DOER	MIHYCHUK
EVANS (Brandon East)	REID
EVANS (Interlake)	ROBINSON
FRIESEN	SALE
GAUDRY	SANTOS
HICKES	STRUTHERS
JENNISSON	WOWCHUK..... 24

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NAY

CUMMINGS	MITCHELSON
DERKACH	NEWMAN
DOWNEY	PENNER
DRIEDGER	PITURA
DYCK	PRAZNIK
FAURSCHOU	RADCLIFFE
FILMON	REIMER
FINDLAY	RENDER
GILLESHAMMER	ROCAN
HELWER	STEFANSON
LAURENDEAU	SVEINSON
McALPINE	TOEWS
McCRAE	TWEED
McINTOSH (Assiniboia)	VODREY 28

And the Question being put on the main motion,

It was agreed to, on the following division:

YEA

CUMMINGS	MITCHELSON
DERKACH	NEWMAN
DOWNEY	PENNER
DRIEDGER	PITURA
DYCK	PRAZNIK
FAURSCHOU	RADCLIFFE
FILMON	REIMER
FINDLAY	RENDER
GILLESHAMMER	ROCAN
HELWER	STEFANSON
KOWALSKI	SVEINSON
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McCRAE	VODREY 29
McINTOSH (Assiniboia)	

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Pursuant to Rule 22.(3), Hon. Mr. McCRAE announced that Opposition Day would be held on Wednesday, March 25, 1998.

By unanimous consent, it was agreed that the House would not sit on Easter Monday, April 13, 1998.

The House then adjourned at 5:41 p.m. until 1:30 p.m. tomorrow.

Hon. Louise Dacquay,
Speaker.