



PRAYERS

1:30 O’CLOCK P.M.

Immediately following Prayers, Mr. LOEWEN rose on a matter of privilege and moved:

THAT the Member for the Interlake withdraw his remarks and apologize to the House and to the constituents of Fort Whyte.

Mr. NEVAKSHONOFF voluntarily withdrew his remarks.

Ms. KORZENIOWSKI, Deputy Chairperson of the Committee of Supply, presented the Report of the Proceedings of the Committee of July 13, 2000 as follows:

IN THE COMMITTEE

The following Resolution was adopted:

21.2 RESOLVED that there be granted to HER MAJESTY a sum not exceeding TWENTY-EIGHT MILLION, SEVEN HUNDRED EIGHTY-TWO THOUSAND, ONE HUNDRED DOLLARS for HEALTH:

PROGRAM SUPPORT SERVICES \$28,782,100.00

for the fiscal year ending the 31st day of March, 2001.

Resolution was reported.

Report was received and the Committee of Supply obtained leave to sit again.

Ms. ASPER, Chairperson of the Standing Committee on Public Utilities and Natural Resources presented its Third Report, which was read as follows:

Your Committee met on Friday, July 14, 2000 at 10:00 a.m. in Room 255 of the Legislative Building to consider the Annual Report for the Manitoba Hydro-Electric Board for the year ending March 31, 1998, and the Annual Report for the Manitoba Hydro-Electric Board for the year ending March 31, 1999, the Annual Report for the Crown Corporations Council for the year ending December 31, 1994, the Annual Report for the Crown Corporations Council for the year ending December 31, 1995, the Annual Report for the Crown Corporations Council for the year ending December 31, 1996, the Annual Report for the Crown Corporations Council for the year ending December 31, 1997, the Annual Report for the Crown Corporations Council for the year ending December 31, 1998, and the Annual Report for the Crown Corporations Council for the year ending December 31, 1999.

Mr. Bob Brennan, President and Chief Executive Officer and Mr. Vic Schroeder, Chairman, provided such information as was requested with respect to the Annual Reports and business of the Manitoba Hydro-Electric Board.

Mr. Arthur V. Mauro, Chairman and Mr. Garry M. Hoffman, President and Chief Executive Officer, provided such information as was requested with respect to the Annual Reports and business of the Crown Corporations Council.

Your Committee has considered the Annual Report for the Manitoba Hydro-Electric Board for the year ending March 31, 1998, and the Annual Report for the Manitoba Hydro-Electric Board for the year ending March 31, 1999, the Annual Report for the Crown Corporations Council for the year ending December 31, 1994, the Annual Report for the Crown Corporations Council for the year ending December 31, 1995, the Annual Report for the Crown Corporations Council for the year ending December 31, 1996, the Annual Report for the Crown Corporations Council for the year ending December 31, 1997, the Annual Report for the Crown Corporations Council for the year ending December 31, 1998, and the Annual Report for the Crown Corporations Council for the year ending December 31, 1999, and has adopted the same as presented.

On motion of Ms. ASPER, the Report of the Committee was received.

Hon. Mr. DOER, the Honourable First Minister, made a statement regarding the devastating tornado that struck the community of Green Acres campground at Pine Lake, Alberta on Friday, July 14, 2000,

Mrs. MITCHELSON and, by leave, Hon. Mr. GERRARD commented on the statement.

By leave, Hon. Mr. LATHLIN presented:

Supplementary Information for Legislative Review 2000-2001 – Departmental Expenditure Estimates – Sustainable Development Innovations Fund.

(Sessional Paper No. 195)

Following Oral Questions, Mr. Speaker made the following ruling:

During Oral Questions on July 4, 2000, I took under advisement a point of order raised by the Honourable Government House Leader, concerning the request made to the Honourable First Minister by the Honourable Member for Lac du Bonnet to table a legal opinion. The Honourable Member for Lac du Bonnet, the Honourable Minister of Health and the Honourable Official Opposition House Leader also spoke to the point of order. I took the matter under advisement in order to consult the procedural authorities.

Regarding the request for tabling of legal opinions, Beuchesne citation 408(1)(c) advises that a question should not require an answer involving a legal opinion, while citation 409(3) states that a question cannot seek an opinion, legal or otherwise. Beuchesne citation 410(13) indicates that questions should not seek a legal opinion or inquire as to what legal advice a Member has received.

A review of rulings by previous Manitoba Speakers indicates that prior to 1990, the practice of the Manitoba Legislative Assembly was in conformity with the Beuchesne citations, in that questions asking for the tabling of legal opinions were either ruled out of order, or were requested to be rephrased. Mr. Speaker Graham intervened on the following dates to either rule questions out of order or to request that the question be rephrased: July 18, 1978, May 8, 1979, April 22, 1980, May 27, 1980, June 27, 1980, July 4, 1980, July 8, 1980, July 21, 1980 and February 16, 1981. Mr. Speaker Walding ruled a question out of order on April 25, 1985. Madam Speaker Phillips intervened on May 19, 1987, July 9, 1987, and June 12, 1987 to rule questions out of order or to ask that questions seeking a legal opinion be rephrased.

However, since 1990, the practice of the Manitoba Legislative Assembly regarding requests for tabling of legal opinions has changed. On March 14, 1990, Mr. Speaker Rocan noted in a ruling that it was becoming common practice for Ministers to table written legal opinions. On that basis, he ruled that as a compromise between the practices of the House and the procedural authorities, he would allow questions that inquire if a Minister has received a written legal opinion, and would also allow requests to table the opinion, but that he would not allow questions that would call upon a Minister to state his or her own opinion of a question of law.

Since the time of the March 14, 1990 ruling by Speaker Rocan, questions referring to legal opinions or requesting a legal opinion or the tabling of legal opinions have been allowed on at least 53 occasions without intervention by the Chair or without a point of order being raised. On this basis, I am ruling that since the recent practice of the House has been to permit questions regarding the tabling of legal opinions, that the Honourable Government House Leader did not have a point of order. I am also ruling that it has been the contemporary practice of the House to ask if a Minister has received a legal opinion or to ask that the opinion be tabled, however it is up to the Minister to decide to answer the question or to decide to table the opinion if asked to do so. It is also not in order to ask a Minister to state his or her opinion of the legal opinion.

Being mindful that the recent practice has seen a gradual departure from the pronouncements of the procedural authorities and previous Manitoba practice, if the House wishes to revisit the practice of requesting legal opinions of Ministers in the House, the Standing Committee on the Rules of the House may wish to examine this issue.

Monday, July 17, 2000

Pursuant to Rule 23(1), Messrs. JENNISSON, SCHULER, NEVAKSHONOFF, PENNER (Emerson) and MARTINDALE made Members' Statements.

On motion of Mr. DYCK:

ORDERED that the composition of the Standing Committee on Public Utilities and Natural Resources be amended as follows:

Mr. ENNS for Mr. HELWER.

On motion of Mr. DEWAR:

ORDERED that the composition of the Standing Committee on Law Amendments be amended as follows:

Ms. ASPER for Ms. ALLAN,
Hon. Mr. MACKINTOSH for Hon. Mr. SELINGER.

The House resumed the Adjourned Debate on the Proposed Motion of Hon. Mr. MACKINTOSH:

THAT Bill (No. 25) – The Interpretation and Consequential Amendments Act/Loi d'interprétation et modifications corrélatives, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And leave having been denied to have the matter remain in the name of Mrs. DACQUAY,

And Mr. PRAZNIK having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly read a Second Time and referred to a Committee of this House.

The House resumed the Adjourned Debate on the Proposed Motion of Hon. Mr. MACKINTOSH:

THAT Bill (No. 32) – The Victims' Rights Amendment Act/Loi modifiant la Loi sur les droits des victimes, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And leave having been denied to have the matter remain in the name of Mr. PENNER (Steinbach),

And Mr. PRAZNIK having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly read a Second Time and referred to a Committee of this House.

The House resumed the Adjourned Debate on the Proposed Motion of Hon. Mr. MACKINTOSH:

THAT Bill (No. 33) – The Highway Traffic Amendment and Consequential Amendments Act/Loi modifiant le Code de la route et modifications corrélatives, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Mr. PRAZNIK having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly read a Second Time and referred to a Committee of this House.

The House resumed the Adjourned Debate on the Proposed Motion of Hon. Mr. MACKINTOSH:

THAT Bill (No. 34) – The Statute Law Amendment Act, 2000/Loi de 2000 modifiant diverses dispositions législatives, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And leave having been denied to have the matter remain in the name of Mr. LAURENDEAU,

And Mr. PRAZNIK having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly read a Second Time and referred to a Committee of this House.

The House resumed the Adjourned Debate on the Proposed Motion of Hon. Mr. MACKINTOSH:

THAT Bill (No. 36) – The Summary Convictions Amendment Act/Loi modifiant la Loi sur les poursuites sommaires, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And leave having been denied to have the matter remain in the name of Mr. LAURENDEAU,

And Mr. PRAZNIK having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly read a Second Time and referred to a Committee of this House.

The House resumed the Adjourned Debate on the Proposed Motion of Hon. Mr. LEMIEUX:

THAT Bill (No. 39) – The Insurance Amendment Act/Loi modifiant la Loi sur les assurances, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And leave having been denied to have the matter remain in the name of Mr. DYCK,

And Mr. PENNER (Steinbach) having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly read a Second Time and referred to a Committee of this House.

On motion of Mr. DYCK:

ORDERED that the composition of the Standing Committee on Law Amendments be amended as follows:

Mr. PRAZNIK for Mrs. DACQUAY,
Mr. PITURA for Mr. STEFANSON.

The House resumed the Adjourned Debate on the Proposed Motion of Hon. Mr. LATHLIN:

THAT Bill (No. 5) – The Wildlife Amendment Act/Loi modifiant la Loi sur la conservation de la faune, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Messrs. ENNS, HELWER, CUMMINGS, PENNER (Emerson), DERKACH and PRAZNIK having spoken,

And the Question being put. It was agreed to, on division.

The Bill was accordingly read a Second Time and referred to a Committee of this House.

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

THAT Bill (No. 42) – The Public Schools Amendment and Consequential Amendments Act/Loi modifiant la Loi sur les écoles publiques et modifications corrélatives, be now read a Second Time and be referred to a Committee of this House.

Monday, July 17, 2000

And the debate continuing,

And Mr. ENNS having spoken,

And the Question being put. It was agreed to, on division.

The Bill was accordingly read a Second Time and referred to a Committee of this House.

By unanimous consent, the sequence for consideration of estimates, as outlined in Sessional Paper No. 138 tabled on May 17, 2000, and subsequently amended, was further amended in order that Executive Council be considered in the Chamber until further notice.

By unanimous consent, the sequence for consideration of estimates, as outlined in Sessional Paper No. 138 tabled on May 17, 2000, and subsequently amended, was further amended in order that Health, Sport and Community Support Programs be considered in Room 255 prior to Education and Training until further notice.

Pursuant to Rule 12(5), Mr. Speaker appointed Mr. NEVAKSHONOFF, the Honourable Member for Interlake and Mr. RONDEAU, the Honourable Member for Assiniboia, Deputy Chairpersons of the Committee of Supply for Monday, July 17, 2000, only.

Mr. Speaker having left the Chair and the House resolving itself into a Committee to consider of the Supply to be granted to Her Majesty;

And the House continuing in Committee.

The House then adjourned at 6:01 p.m. until 1:30 p.m. Tuesday, July 18, 2000.

Hon. George HICKES,
Speaker.