



PRAYERS

10:00 O'CLOCK A.M.

The House resolving into Committee of Supply.

And the House continuing in Committee, the Proceedings were interrupted at 12:00 p.m. with the understanding that the Committee of Supply would resume following Routine Proceedings.

1:30 O'CLOCK P.M.

The following petitions were presented:

Mr. SCHULER – Legislative Assembly of Manitoba request the Minister of Education to reverse the decision to split the Transcona-Springfield School Division and allow it to remain as a whole or to consider immediately convening the Board of Reference to decide the matter. (A. Sayer, T. Robinson, G. Sinclair and others)

Mr. MAGUIRE – Legislative Assembly of Manitoba request that the Minister of Transportation and Government Services consider making the completion of the twinning of the Trans Canada Highway between Virden and the Saskatchewan border an immediate fiscal priority for his government and to consider taking whatever steps are necessary to ensure that work begins in the 2002 construction year. (I. Zorn, E. Hutchison, J. Johnston and others)

The following petitions were read and received:

Mr. SCHULER – Legislative Assembly of Manitoba request the Minister of Education to reverse the decision to split the Transcona-Springfield School Division and allow it to remain as a whole or to consider immediately convening the Board of Reference to decide the matter. (G. Sedo, E. Edie, G. Edie and others)

Mr. MAGUIRE – Legislative Assembly of Manitoba request that the Minister of Transportation and Government Services consider making the completion of the twinning of the Trans Canada Highway between Virden and the Saskatchewan border an immediate fiscal priority for his government and to consider taking whatever steps are necessary to ensure that work begins in the 2002 construction year. (B. Canart, I. Cousins, L. Shepherd and others)

Mr. MARTINDALE, Chairperson of the Standing Committee on Law Amendments, presented its Ninth Report, which was read as follows:

Meetings:

Your Committee met on Wednesday, July 31, 2002 at 6:30 p.m. in Room 255 of the Legislative Building.

Matters Under Consideration:

- **(No. 35)** – The Child and Family Services Authorities Act/Loi sur les régies de services à l'enfant et à la famille

Membership Resignations / Elections:

Your Committee elected Mr. SANTOS as Vice-Chairperson.

Substitutions received prior to commencement of meeting held on July 31, 2002:

- Mr. CUMMINGS for Mr. LAURENDEAU
- Mr. REIMER for Mrs. SMITH (Fort Garry)
- Mr. NEVAKSHONOFF for Ms. CERILLI
- Ms. KORZENIOWSKI for Mr. RONDEAU
- Mr. SANTOS for Hon. Mr. SMITH (Brandon West)
- Hon. Mr. LEMIEUX for Hon. Mr. MACKINTOSH

Substitutions made, by leave, during committee proceedings:

- Mr. DYCK for Mr. MAGUIRE

Public Presentations:

Your Committee heard 13 presentations on Bill (No. 35) – The Child and Family Services Authorities Act/Loi sur les régies de services à l'enfant et à la famille from the following individuals and/or organizations:

Maître Marianne Rivoalen	Présidente, Société franco-manitobaine Association des juristes
Bobbi Pompana	Dakota Ojibway Child and Family Services
Sydney Garrioch	MKO (Manitoba Keewatinowi Okimakanak)
Grand Chief Francis Flett	MKO (Manitoba Keewatinowi Okimakanak)
Trudy Lavallee on behalf of Chief Louis Stevenson, Acting Grand Chief	Assembly of Manitoba Chiefs
David Chartrand	Manitoba Metis Federation
Leslie Spillett	Mother of Red Nations Women's Council of Manitoba
Carla Engel	Metis Child and Family and Community Services Program

Rosemarie McPherson
Burma Bushie
Donna Harris-Kirby
Elizabeth Fleming
Leona Freed

Metis Women of Manitoba
Southeast Child and Family Services
Private Citizen
Provincial Council of Women of Manitoba Inc.
First Nations Accountability Coalition of Manitoba, Inc.

Bills Considered and Reported:

(No. 35) – The Child and Family Services Authorities Act/Loi sur les régies de services à l'enfant et à la famille

Your Committee agreed to report this Bill, without amendment.

On motion of Mr. MARTINDALE, the Report of the Committee was received.

Mr. MARTINDALE, Chairperson of the Standing Committee on Law Amendments, presented its Tenth Report, which was read as follows:

Meetings:

Your Committee met on Thursday, August 1, 2002 at 6:30 p.m. in Room 255 of the Legislative Building.

Matters Under Consideration:

- **Bill (No. 17)** – The Cooperatives Amendment Act/Loi modifiant la Loi sur les coopératives
- **Bill (No. 40)** – The Highway Traffic Amendment Act/Loi modifiant le Code de la route
- **Bill (No. 48)** – The Legal Profession Act/Loi sur la profession d'avocat
- **Bill (No. 50)** – The Resource Tourism Operators Act/Loi sur les exploitants d'entreprises touristiques axées sur la nature
- **Bill (No. 51)** – The Statutes Correction and Minor Amendments Act, 2002/Loi corrective de 2002
- **Bill (No. 54)** – The Legislative Assembly and Executive Council Conflict of Interest Amendment (Conflict of Interest Commissioner) Act/Loi modifiant la Loi sur les conflits d'intérêts au sein de l'Assemblée législative et du Conseil exécutif (commissaire aux conflits d'intérêts)

Committee Membership:

Substitutions received prior to commencement of meeting:

- Mr. DEWAR for Mr. NEVAKSHONOFF
- Hon. Mr. LATHLIN for Hon. Ms. BARRETT
- Hon. Mr. SMITH (Brandon West) for Ms. KORZENIOWSKI
- Hon. Mr. ASHTON for Hon. Mr. SALE
- Hon. Mr. MACKINTOSH for Hon. Mr. LEMIEUX
- Mr. FAURSCHOU for Mr. DYCK
- Mr. LAURENDEAU for Mrs. MITCHELSON

Bills Considered and Reported:

Bill (No. 17) – The Cooperatives Amendment Act/Loi modifiant la Loi sur les coopératives

Your Committee agreed to report this Bill without amendment.

Bill (No. 40) – The Highway Traffic Amendment Act/Loi modifiant le Code de la route

Your Committee agreed to report this Bill without amendment.

Bill (No. 48) – The Legal Profession Act/Loi sur la profession d'avocat

Your Committee agreed to report this Bill without amendment.

Bill (No. 50) – The Resource Tourism Operators Act/Loi sur les exploitants d'entreprises touristiques axées sur la nature

Your Committee agreed to report this Bill without amendment.

Bill (No. 51) – The Statutes Correction and Minor Amendments Act, 2002/Loi corrective de 2002

Your Committee agreed to report this Bill without amendment.

Bill (No. 54) – The Legislative Assembly and Executive Council Conflict of Interest Amendment (Conflict of Interest Commissioner) Act/Loi modifiant la Loi sur les conflits d'intérêts au sein de l'Assemblée législative et du Conseil exécutif (commissaire aux conflits d'intérêts)

Your Committee agreed to report this Bill without amendment.

On motion of Mr. MARTINDALE, the Report of the Committee was received.

Hon. Mr. SMITH (Brandon West) presented:

Annual Report of The Liquor Control Commission for the fiscal year ending March 31, 2002.
(Sessional Paper No. 205)

By leave, Mr. STRUTHERS introduced Bill (No. 304) – The Winnipeg Real Estate Board Incorporation Amendment Act/Loi modifiant la Loi constituant en corporation « The Winnipeg Real Estate Board », and outlined the purposes thereof, it was read a First Time.

By leave, Mr. ROCAN introduced Bill (No. 204) – The Smoke-Free Places Act (Non-Smokers Health Protection Act Amended)/Loi sur les lieux sans fumée (modification de la Loi sur la protection de la santé des non-fumeurs), which was read a First Time.

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

During Oral Questions on July 25, 2002, the Honourable Member for Russell raised a point of order concerning remarks spoken by the Honourable Minister of Aboriginal and Northern Affairs while answering a question. The Honourable Member for Russell asserted that the Honourable Minister of Aboriginal and Northern Affairs had uttered a threat to the Member to step out into the hallway. The Honourable Minister for Aboriginal and Northern Affairs, the Honourable Member for Turtle Mountain and the Honourable Government House Leader also spoke to the point of order. I took the matter under advisement in order to peruse Hansard.

The alleged intimidation of Members is a serious issue. Beauchesne citation 93 advises that it is generally accepted that any threat or attempt to influence the vote of, or actions of a Member is a breach of privilege. Similarly, Beauchesne citation 99 states that direct threats which attempt to influence Members' actions in the House are undoubtedly breaches of privilege. It is for this reason that I took the matter under advisement.

Turning to the remarks made on July 25, page 3867 identifies the Honourable Minister of Aboriginal and Northern Affairs as saying “we will talk about it outside, Mr. Speaker” prior to the raising of the point of order by the Honourable Member for Russell. In his contribution to the point of order, the Honourable Minister is also recorded as saying on page 3868 of Hansard “If he would like to talk to me about that on a personal level, I am certainly free to talk to him. I can talk to him in the Loge or outside, and that is what I was referring to...If he wants to talk to me, we will talk about it outside. Mr. Speaker, that is simply what I was implying.”

After having read the comments of clarification from the Honourable Minister of Northern and Aboriginal Affairs, I am satisfied that the Honourable Minister was not intending to convey a threat to the Honourable Member for Russell. As Beauchesne citation 494 advises, “it has been formally ruled by Speakers that statements by Members respecting themselves and particularly within their own knowledge must be accepted...on rare occasions, this may result in the House having to accept two contradictory

accounts of the same incident.” There may be a difference of opinion between the two Members as to the intent of the comment, but I accept the word of the Honourable Minister that he did not mean to imply a threat. I would therefore rule that there is no point of order, but I would also like to remind the House of the importance of Members treating each other with dignity, respect and courtesy, as we are all Honourable Members.

* * *

Following Oral Questions on July 25, 2002, the Honourable Member for Russell rose on a matter of privilege to assert that the Minister responsible for Transportation and Government Services had deliberately misled the House regarding the Dakota Tipi Gaming Commission being in compliance with gaming regulations. After offering comments on the issue, the Honourable Member for Russell moved “THAT this House censure the Minister of Transportation and Government Services for deliberately misleading the Legislative Assembly of Manitoba and that this matter be referred to the Standing Committee on Privileges and Elections for review.” The Honourable Minister of Transportation and Government Services, the Honourable Member for Turtle Mountain and the Honourable Government House Leader also offered advice on the orderliness of the motion. I took the matter under advisement in order to consult the procedural authorities.

There are two conditions that must be satisfied in order for a matter to be ruled in order as a matter of privilege. First, was the issue raised at the earliest opportunity, and second, is there sufficient evidence that the privileges of the House have been breached to warrant putting the matter to the House.

On the first condition, the Honourable Member for Russell advised that he did indeed raise the matter at the earliest opportunity, and I am satisfied that this condition has been met.

Regarding the second condition, whether there is sufficient evidence that the privileges of the House have been breached, Joseph Maingot advises on page 224 of *Parliamentary Privilege in Canada* that an admission that a Member had intentionally misled the House would be required in order to establish a prima facie case of a matter of privilege. This concept is supported in Manitoba precedents by a ruling from Speaker Walding in 1985, a ruling from Speaker Phillips in 1987, by seven rulings from Speaker Rocan from the period 1988 to 1995, and by nine rulings from Speaker Dacquay from the period 1995 to 1999.

In her 1987 ruling, Speaker Phillips stated a Member raising a matter of privilege which charges that another Member has misled the House must support his or her charge with proof of intent. And, as ruled by Speaker Dacquay on April 20, 1999, short of a Member acknowledging to the House that he or she deliberately and with intent set out to mislead, it is virtually impossible to prove that a Member deliberately misled the House. I would note that the Honourable Minister of Transportation and Government Services did not identify to the House that he had intentionally misled the House.

Although the Honourable Member for Russell cited that the Honourable Minister of Transportation and Government Services provided different information to the House on several occasions, he did not provide proof that the Minister purposefully intended to mislead the House. Nor did the Minister admit that he set out to deliberately mislead the House. I would therefore rule that the matter is not in order as a prima facie case of privilege.

From his decision, Mr. DERKACH appealed to the House,

And the Question being put. "Shall the ruling of the Chair be sustained?"

It was agreed to, on the following division:

YEA

AGLUGUB	MALOWAY
ALLAN	MARTINDALE
ASHTON	MCGIFFORD
ASPER	MIHYCHUK
BARRETT	NEVAKSHONOFF
CALDWELL	REID
CERILLI	ROBINSON
DEWAR	RONDEAU
DOER	SALE
FRIESEN	SANTOS
JENNISSON	SHELLENBERG
KORZENIOWSKI	SELINGER
LATHLIN	SMITH (Brandon West)
LEMIEUX	STRUTHERS
MACKINTOSH	WOWCHUK..... 30

NAY

CUMMINGS	LOEWEN
DERKACH	MAGUIRE
DRIEDGER	MITCHELSON
DYCK	PENNER (Emerson)
ENNS	PENNER (Steinbach)
FAURSCHOU	PITURA
GERRARD	REIMER
GILLESHAMMER	ROCAN
HAWRANIK	SCHULER
HELWER	SMITH (Fort Garry)
LAURENDEAU	TWEED 22

Pursuant to Rule 23(1), Messrs. HELWER, RONDEAU and PENNER (Emerson), Ms. ASPER and Mr. PITURA made Members' Statements.

By leave, it was agreed to waive Private Members' Business for Tuesday, August 6, 2002.

By unanimous consent, it was agreed to have two sections of Committee of Supply to meet concurrently with the House for Tuesday, August 6, 2002.

Tuesday, August 6, 2002

By leave, it was agreed that Committee of Supply would meet in three sections, one in the Chamber and two sections outside the Chamber from 6:30 p.m. to 12:00 a.m. for Tuesday, August 6, 2002.

By unanimous consent, it was agreed that the House would sit from 8:30 a.m. to 12:00 p.m. and resume at 1:30 p.m. on Wednesday, August 7, 2002 and Thursday, August 8, 2002.

The House resumed the Adjourned Debate on the Proposed Motion of Hon. Ms. BARRETT:

THAT Bill (No. 27) – The Safer Workplaces Act (Workplace Safety and Health Act Amended)/Loi visant à accroître la sécurité dans les lieux de travail (modification de la Loi sur la sécurité et l'hygiène du travail), 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. FAURSCHOU,

And Hon. Mr. GERRARD 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. SELINGER:

THAT Bill (No. 41) – The Manitoba Hydro Amendment Act/Loi modifiant la Loi sur l'Hydro-Manitoba, 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. LOEWEN, Mrs. MITCHELSON, Hon. Mr. GERRARD, Messrs. FAURSCHOU and MAGUIRE 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.

Tuesday, August 6, 2002

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

THAT (No. 49) – The Purchase of Winnipeg Hydro Act/Loi sur l'achat de Winnipeg Hydro, 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. LOEWEN 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. Ms. FRIESEN:

THAT (No. 39) – The City of Winnipeg Charter Act/Loi sur la Charte de la ville de Winnipeg, 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 Mrs. MITCHELSON, Hon. Mr. GERRARD and Mr. LAURENDEAU 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.

By Leave, Mr. STRUTHERS moved:

THAT Bill (No. 304) – The Winnipeg Real Estate Board Incorporation Amendment Act/Loi modifiant la Loi constituant en corporation « The Winnipeg Real Estate Board », be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Messrs. STRUTHERS and LAURENDEAU 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.

By Leave, Mr. ROCAN moved:

THAT Bill (No. 204) – The Smoke-Free Places Act (Non-Smokers Health Protection Act Amended)/Loi sur les lieux sans fumée (modification de la Loi sur la protection de la santé des non-fumeurs), be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Mr. ROCAN, Hon. Mr. GERRARD, Messrs. MAGUIRE and, by leave, LAURENDEAU having spoken,

Mr. STRUTHERS moved:

THAT the debate be now adjourned.

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

YEA

AGLUGUB	MARTINDALE
ALLAN	MCGIFFORD
ASHTON	MIHYCHUK
ASPER	NEVAKSHONOFF
BARRETT	REID
CALDWELL	ROBINSON
CHOMIAK	RONDEAU
DEWAR	SALE
DOER	SANTOS
FRIESEN	SCHELLENBERG
JENNISSEN	SELINGER
KORZENIOWSKI	SMITH (Brandon West)
LATHLIN	STRUTHERS
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MACKINTOSH	

NAY

DERKACH	MAGUIRE
DRIEDGER	MITCHELSON
DYCK	MURRAY
FAURSCHOU	PENNER (Emerson)
GERRARD	PITURA
GILLESHAMMER	REIMER
HAWRANIK	ROCAN
HELWER	SCHULER
LAURENDEAU	STEFANSON
LOEWEN	TWEED20

Tuesday, August 6, 2002

By leave, it was agreed that the Standing Committee on Municipal Affairs would meet at 8:30 a.m., Thursday, August 8, 2002, concurrently with the House.

By unanimous consent, the sequence for consideration for estimates, as outlined in Sessional Paper No. 124 tabled on April 30, 2002, was further amended in order that the estimates of Consumer and Corporate Affairs be considered in the Chamber following the estimates of Industry, Trade and Mines for Tuesday, August 6, 2002.

By unanimous consent, it was agreed to waive Rule 74(2) for the remainder of the session.

Bill (No. 46) – The Elections Finances Amendment Act/Loi modifiant la Loi sur le financement des campagnes électorales, was considered in Committee of the Whole and reported without amendment.

And the House continuing in Committee. The Proceeding were temporarily interrupted to permit Mr. Deputy Speaker to resume the Chair.

By unanimous consent, the sequence for consideration for estimates, as outlined in Sessional Paper No. 124 tabled on April 30, 2002, was further amended in order that the estimates of Intergovernmental Affairs be considered in the Chamber following the estimates of Capital Investment.

And the House continuing in Committee.

The House then adjourned at 12:00 a.m. until 8:30 a.m. Wednesday, August 7, 2002.

Hon. George HICKES,
Speaker.