



**LEGISLATIVE ASSEMBLY OF MANITOBA**

**VOTES AND PROCEEDINGS No. 46**

**SECOND SESSION, THIRTY-EIGHTH LEGISLATURE**

**PRAYERS**

**1:30 O'CLOCK P.M.**

The following petitions were presented and read:

Mr. EICHLER – Legislative Assembly of Manitoba to request that the Minister of Transportation and Government Services to consider having Highway 227 paved from the junction of Highway 248 and 227 all the way to Highway 16 the Yellow Head route and to request the Premier of Manitoba to consider supporting said initiatives to ensure for the safety of our Manitobans and all Canadians who travel along Manitoba Highways. (T. Hoepfner, R. Cantin, P. Hoepfner and others)

Mrs. DRIEDGER – Legislative Assembly of Manitoba to request the Minister of Health to ensure that his attempts to balance his department's finances are not at the expense of the health and well-being of seniors and other vulnerable Manitobans suffering from this debilitating disease; to consider reversing his decision to deny Alzheimer's patients in personal care homes access to certain medications; and to consider implementing a provincial Alzheimer's strategy. (T. Franchewski, K. Turner, S. Pieri and others)

Mr. LAMOUREUX – Legislative Assembly of Manitoba to request the Legislative Assembly of Manitoba to consider recognizing the need to sit for a minimum of 80 days in any given calendar year. (A. Pacete, P.U. Tibay, E. Lee)

Mr. MURRAY – Legislative Assembly of Manitoba to request the Premier of Manitoba to consider ending his government's forced unionization plan of companies involved with the Red River Floodway expansion and to consider entering into discussions with business, construction and labour groups to ensure any qualified company and worker, regardless of their union status, is afforded the opportunity to bid and work on the floodway expansion project. (G. Harris, J. Harris, A. Macdonald and others)

Ms. IRVIN-ROSS – Legislative Assembly of Manitoba to replace The Jewish Foundation of Manitoba Act. (Y. Gold, E. Shinewald, S. Kroft)

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Hon. Mr. ROBINSON presented:

Report on the review of the operations of The Freedom of Information and Protection of Privacy Act dated May 2004.

(Sessional Paper No. 72)

Hon. Mr. BJORNSON presented:

Annual Report of the Teachers' Retirement Allowances Fund for the year ending December 31, 2003.

(Sessional Paper No. 73)

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The following Bills were respectively read a First Time:

(No. 53) – The Statutes Correction and Minor Amendments Act, 2004/Loi corrective de 2004  
(Hon. Mr. MACKINTOSH)

(No. 54) – The Budget Implementation and Tax Statutes Amendment Act, 2004/Loi d'exécution du budget de 2004 et modifiant diverses dispositions législatives en matière de fiscalité  
(Hon. Mr. SELINGER)

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

Following the daily Prayer on Tuesday, May 18, 2004, the Honourable Member for Inkster rose on a matter of privilege based on answers to questions placed to the Honourable Minister of Labour and Immigration during committee consideration of Bill 9 – The Manitoba Immigration Council Act. The Honourable Member for Inkster contended that the Honourable Minister already had names of persons to appoint to the Immigration Council before the Bill had completed consideration in the House. The Honourable Member for Inkster concluded his remarks by moving “THAT this issue be addressed by the Standing Committee on the Rules of the House.” The Honourable Government House Leader, the Honourable Official Opposition House Leader and the Honourable Member for Fort Whyte also offered advice to the Chair on this matter. I then took the matter under advisement in order to consult the procedural authorities.

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

Regarding the first condition of timeliness, the Honourable Member for Inkster asserted that he did raise the matter at the earliest opportunity, and I will accept the word of the Honourable Member.

Regarding the second condition, I must advise the House that according to the procedural authorities and rulings of Manitoba Speakers, matters of privilege that are raised in the House regarding events in committees must be raised in the House by way of a committee report. Beauchesne citation 107 states "breaches of privilege in committee may be dealt with only by the House itself on report from the committee." Marleau and Montpetit state on page 128 of *House of Commons Procedure and Practice* that "Speakers have consistently ruled that, except in the most extreme situations, they will only hear questions of privilege arising from committee proceedings upon presentation of a report from the committee which deals directly with the matter and not as a question of privilege raised by an individual Member."

**Monday, May 31, 2004**

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Similarly, Speaker Rocan ruled in 1989, in 1993 and in 1994, that the opinion of the Speaker cannot be sought in the House about matters arising in committee, and that that it is not competent for the Speaker to exercise procedural control over committees. In these three cases, he ruled that the proper course of action to be taken is for the issue to be raised in the appropriate committee at the earliest opportunity. In addition, I had ruled in the House on March 4, 2004, that matters of privilege that are raised in the House regarding events in committees must be raised in the House by way of a committee report, and that it is not appropriate for Speakers to exercise procedural control over committees.

On this basis, I must therefore rule that the matter raised does not fulfil the conditions of a prima facie case of privilege; however this does not preclude the matter from being raised in the appropriate committee.

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Pursuant to Rule 26(1), Mr. ALTEMEYER, Mrs. ROWAT, Ms. IRVIN-ROSS, Mr. MAGUIRE and Ms. OSWALD made Members' Statements.

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In accordance with Rule 27, Mr. FAURSCHOU rose on a grievance.

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The House resolving into the Committee of Supply.

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The House then adjourned at 5:30 p.m. until 1:30 p.m. Tuesday, June 1, 2004.

Hon. George HICKES,  
Speaker.