



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS

FOURTH SESSION, THIRTY-EIGHTH LEGISLATURE

PRAYERS

1:30 O'CLOCK P.M.

Immediately following the Prayer, the House resumed contributions to a point of order raised by Mr. DERKACH on March 13, 2006 regarding the Government's truthfulness and honesty with the people of Manitoba.

And Mr. DERKACH concluding his remarks,

And Hon. Mr. MACKINTOSH and Mr. LAMOUREUX having spoken to the point of order,

WHEREUPON Mr. Speaker ruled that there was no point of order.

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 motion of Hon. Mr. SELINGER, Bill (No. 24) – The Consumer Protection Amendment Act (Government Cheque Cashing Fees)/Loi modifiant la Loi sur la protection du consommateur (frais d'encaissement des chèques du gouvernement), was read a First Time and had its purposes outlined.

The following petitions were presented and read:

Mr. LAMOUREUX – Legislative Assembly of Manitoba to request the Legislative Assembly of Manitoba to consider the need to seek clarification on why the Government did not act on fixing the Crocus fund back in 2001 and to urge the Premier and his Government to cooperate in making public what really happened. (I. J. Ramdass, M. Ramdass, S. Lauze and others)

Mrs. ROWAT – Legislative Assembly of Manitoba to request the Minister of Transportation and Government Service to consider providing sufficient resources to enhance driver and vehicle safety on Highway 10 and to consider upgrading Highway 10. (N. Mackay, F. Johnson, J. Nylen and others)

Mrs. STEFANSON – Legislative Assembly of Manitoba to request the Premier of Manitoba and the Minister of Health to consider providing CancerCare Manitoba with the appropriate funding necessary so that they may provide leading edge care for patients in the same manner as other provinces and to consider accelerating the process by which new cancer treatment drugs are approved so that more Manitobans are able to be treated in the most effective manner possible. (C. Battagha, R. Copping, S. Bonney and others)

Mr. Speaker presented:

Auditor General's Report – Aiyawin Corporation: The Consequences of Mismanagement in a Shared Responsibility Framework dated March 2006.

(Sessional Paper No. 41)

During Oral Questions, Mr. LAMOUREUX rose on a point of order regarding comments spoken by the Honourable First Minister.

And Mr. DERKACH having spoken to the point of order,

WHEREUPON Mr. Speaker ruled that there was no point of order.

From his decision, Mr. LAMOUREUX 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
ALTEMEYER	MCGIFFORD
ASHTON	MELNICK
BJORNSON	NEVAKSHONOFF
BRICK	OSWALD
CALDWELL	REID
CHOMIAK	RONDEAU
DEWAR	SALE
DOER	SANTOS
IRVIN-ROSS	SCHELLENBERG
JENNISSON	SELINGER
JHA	SMITH
KORZENIOWSKI	STRUTHERS
LATHLIN	SWAN
LEMIEUX	WOWCHUK..... 33
MACKINTOSH	

NAY

CULLEN	MAGUIRE
CUMMINGS	MITCHELSON
DERKACH	MURRAY
DRIEDGER	PENNER
DYCK	REIMER
EICHLER	ROCAN
GERRARD	ROWAT
GOERTZEN	SCHULER
HAWRANIK	STEFANSON
LAMOUREUX	TAILLIEU..... 20

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

During Oral Questions on Wednesday, March 8, 2006, the Honourable Member for River Heights raised a matter of privilege to complain about comments spoken by the Honourable Minister of Finance while answering a question. The Honourable Member for River Heights contended that the comments suggested that he was part of a federal cabinet which actively promoted the sponsorship scandal; comments which the Member for River Heights asserted were false. He concluded his remarks by moving "That the Minister of Finance be asked to apologize and withdraw his comments." The Honourable Government House Leader, the Honourable Official Opposition House Leader and the Honourable Member for Inkster also offered commentary to the Speaker on this issue. I took the matter under advisement in order to peruse the procedural authorities.

I thank all Members for their advice to the Chair on this matter.

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.

The Member for River Heights asserted that he was raising the issue at the earliest available opportunity, and since the words he complained about had just been put on the record, I would agree that the Member did raise the issue at the earliest opportunity.

Regarding the second issue of whether a prima facie case was demonstrated, I would note for the House that Joseph Maingot advises on page 253 of the second edition of Parliamentary Privilege in Canada that allegations from one Member to another constitutes a matter of order not privilege. In addition, Maingot also states on page 14 that to constitute privilege, there must be some improper obstruction to the Member in performing his or her parliamentary work in either a direct or constructive way, as opposed to mere expressions of public opinion or of criticisms of the activities of the Members. Although in his submissions to the Chair, the Honourable Member for River Heights explained how he took issue with the comments of the Honourable Minister of Finance; the Honourable Member for River Heights did not explain how his parliamentary work was obstructed due to the comments in question.

Also, Beuchesne citation 69 states that it is very important to indicate that something can be inflammatory, can be disagreeable, can even be offensive, but it may not be a question of privilege unless the comments actually impinge upon the ability of Members of Parliament to do their jobs properly.

Turning to our past Manitoba precedents regarding allegations raised as privilege, Speaker Rocan ruled in 1988, 1992 and 1995 that the matters were out of order as privilege because the items should have been raised as order, not privilege, and that it must be demonstrated that improper obstruction preventing a Member from performing his or her parliamentary work had taken place. In addition, Speaker Dacquay also ruled in 1995 that improper reflections are matters of order, not privilege.

I would therefore rule with the greatest of respect that the issue raised is out of order as a prima facie case of privilege.

From his decision, Mr. LAMOUREUX 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
ALTEMEYER	MCGIFFORD
ASHTON	MELNICK
BJORNSON	NEVAKSHONOFF
BRICK	REID
CALDWELL	ROBINSON
CHOMIAK	RONDEAU
DEWAR	SALE
DOER	SANTOS
IRVIN-ROSS	SCHELLENBERG
JENNISSEN	SELINGER
JHA	SMITH
KORZENIOWSKI	STRUTHERS
LATHLIN	SWAN
LEMIEUX	WOWCHUK..... 33
MACKINTOSH	

Tuesday, March 14, 2006

NAY

CULLEN	LAMOUREUX
DERKACH	MAGUIRE
DRIEDGER	MITCHELSON
DYCK	PENNER
EICHLER	REIMER
GERRARD	ROWAT
GOERTZEN	STEFANSON
HAWRANIK	TAILLIEU..... 16

Pursuant to Rule 26(1), Messrs. DYCK, NEVAKSHONOFF, EICHLER, JENNISSEN and CULLEN made Members' Statements.

Prior to Orders of the Day, Mr. DERKACH rose on a point of order regarding the decorum in the Chamber.

And Hon. Mr. ASHTON and Mr. LAMOUREUX having spoken to the point of order,

WHEREUPON Mr. Speaker ruled that there was a point of order.

The House then adjourned at 5:02 p.m. until 1:30 p.m. Wednesday, March 15, 2006.

Hon. George HICKES,
Speaker.