



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 17

SECOND SESSION, THIRTY-EIGHTH LEGISLATURE

PRAYERS

1:30 O'CLOCK P.M.

The following petition was presented:

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. (M. Bell, L. Sarin, F. McKendry and others)

Hon. Mr. SELINGER presented:

Orders in Council 137/2001 and 115/2003 filed in accordance with section 114 of The Insurance Act.

(Sessional Paper No. 26)

The following Bills were severally read a First time and had their purposes outlined:

(No. 24) – The Travel Manitoba Act/Loi sur la Société Voyage Manitoba

(Hon. Mr. ROBINSON)

(No. 30) – The Safe Schools Charter (Various Acts Amended)/Charte de la sécurité dans les écoles (modification de diverses dispositions législatives)

(Hon. Mr. BJORNSON)

(No. 33) – The Public Servants Insurance Amendment Act/Loi modifiant la Loi sur l'assurance des employés du gouvernement

(Hon. Mr. SELINGER)

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

Following the Prayer on March 2, 2004, the Honourable Official Opposition House Leader rose on a matter of privilege regarding comments spoken by the Honourable Minister of Energy, Science and Technology concerning the Official Opposition and its position regarding ethanol legislation passed by the government. At the conclusion of his remarks, the Honourable Official Opposition House Leader moved "THAT this matter be investigated by the Speaker of the House and that the Speaker report back to this House on the specific passage and support by all parties of the ethanol legislation." The Honourable Government House Leader also offered advice to the Chair on this issue. I 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 Official Opposition House Leader 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, it appears to me what exists is a situation where remarks have been uttered that have caused offence to some Members in the House, however these remarks are based on a different interpretation of the same set of facts. Beauchesne citation 31(1) advises that a dispute arising between two Members as to allegations of facts does not fulfill the conditions of parliamentary privilege. Joseph Maingot on page 223 of the second edition of *Parliamentary Privilege in Canada* states "a dispute between two Members about questions of facts said in debate does not constitute a valid question of privilege because it is a matter of debate." Regarding Manitoba practice, in 1980, Speaker Graham ruled that a dispute between two Members as to allegations of facts did not constitute a breach of privilege.

I therefore rule, with the greatest respect, that the matter raised does not satisfy the conditions of a prima facie case of privilege. I would however, like to remind Members that from time to time, our comments may unfortunately have the effect of causing offence in others. Even if the offence caused is unintended, it is important to remember that words can be very powerful, and can be understood by people in different ways. Yes, debate and discussion in the House can get heated, but it is important to keep our comments and contributions temperate and worthy of the important parliamentary institution that we belong to.

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	MACKINTOSH
ALLAN	MCGIFFORD
ALTEMEYER	MELNICK
ASHTON	MIHYCHUK
BJORNSON	NEVAKSHONOFF
BRICK	OSWALD
CHOMIAK	RONDEAU
DEWAR	SALE
IRVIN-ROSS	SANTOS
JENNISSSEN	SCHELLENBERG
JHA	SELINGER
KORZENIOWSKI	SMITH
LATHLIN	STRUTHERS27
LEMIEUX	

NAY

CUMMINGS	MITCHELSON
DERKACH	MURRAY
DRIEDGER	PENNER
DYCK	REIMER
EICHLER	ROCAN
FAURSCHOU	ROWAT
HAWRANIK	SCHULER
LOEWEN	TAILLIEU 16

Subsequently following Oral Questions, Mr. SCHULER rose on a Matter of Privilege and moved:

THAT this matter be now referred to the Committee on Legislative Affairs and be reported back to this House.

And Hon. Mr. MACKINTOSH, Mr. DERKACH, Mrs. MITCHELSON, Hon. Mr. ASHTON, Mrs. ROWAT, Mrs. TAILLIEU, Messrs. LAMOUREUX and CUMMINGS having spoken.

WHEREUPON Mr. Speaker informed the House he would take the matter under advisement.

Pursuant to Rule 26(1), Messrs. HAWRANIK, JENNISSSEN and EICHLER, Ms. OSWALD and Mr. LAMOUREUX made Members' Statements.

In accordance with Rule 27, Messrs. DERKACH, CUMMINGS and PENNER rose on Grievances.

Hon. Mr. SELINGER moved:

THAT Bill (No. 26) – The Certified Management Accountants Act/Loi sur les comptables en management accrédités, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. SELINGER having spoken,

The debate was, on motion of Mr. DERKACH, adjourned.

Hon. Mr. SELINGER presented:

Message from His Honour, the Lieutenant Governor recommending the disposition of public revenue for Bill (No. 26).

(Sessional Paper No. 27)

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

THAT Bill (No. 17) – The Domestic Violence and Stalking Prevention, Protection and Compensation Amendment Act/Loi modifiant la Loi sur la violence familiale et la protection, la prévention et l'indemnisation en matière de harcèlement criminel, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Ms. IRVIN-ROSS having spoken,

The debate was allowed, by leave, to remain in the name of Mr. MAGUIRE.

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

THAT Bill (No. 20) – The University College of the North Act/Loi sur le Collège universitaire du Nord, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Hon. Mr. ASHTON having spoken.

The debate was allowed, by leave, to remain in the name of Mr. DERKACH.

Tuesday, March 9, 2004

The House then adjourned at 5:30 p.m. until 1:30 p.m. Wednesday, March 10, 2004.

Hon. George HICKES,
Speaker.