



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 20

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. (B. Hilderman, R. Hilderman, E. Chipilski and others)

Mr. REID, Chairperson of the Standing Committee on Legislative Affairs, presented its Third Report, which was read as follows:

Meetings:

Your Committee met on the following occasions in Room 255 of the Legislative Building.

- November 13, 2003 at 2:00 p.m.
- April 6, 2004 at 10:00 a.m.

Matters under Consideration:

- **Bill (No. 6)** – The Cross-Border Policing Act/Loi sur les services de police interterritoriaux
- **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
- **Bill (No. 18)** – The Improved Enforcement of Support Payments (Various Acts Amended) Act/Loi visant à faciliter la perception des paiements alimentaires (modification de diverses dispositions législatives)
- The Report and Recommendations of the Judicial Compensation Committee dated March 12, 2003

Committee Membership:

During the April 6, 2004 meeting your Committee elected Ms. BRICK as the Vice-Chairperson.

Substitutions made, by leave, during committee proceedings on November 13, 2003:

- Ms. KORZENIOWSKI for Mr. DEWAR
- Hon. Mr. SELINGER for Hon. Mr. BJORNSON
- Mrs. TAILLIEU for Mr. TWEED
- Mr. GOERTZEN for Mrs. MITCHELSON

Substitutions made, by leave, during committee proceedings on April 6, 2004:

- Mr. MARTINDALE for Hon. Mr. DOER
- Mr. FAURSCHOU for Mr. PENNER
- Mr. HAWRANIK for Mrs. TAILLIEU
- Mr. REIMER for Mr. MURRAY
- Hon. Mr. SELINGER for Mr. AGLUGUB

Motions:

Your Committee agreed to the following motion:

- *THAT the Standing Committee on Legislative Affairs adopt the proposal outlined in Schedule A and recommend the same to the Legislative Assembly of Manitoba.*

SCHEDULE A

1. That effective April 1, 2002, salaries for Provincial Court Judges be increased to \$152,000 per annum (\$5,826.66 bi-weekly); that effective April 1, 2003, salaries be increased to \$156,560 per annum (\$6,001.46 bi-weekly); and that effective April 1, 2004, salaries be further increased to \$161,257 per annum (\$6,181.51 bi-weekly).
2. That effective April 1, 2002, salaries for Associate Chief Judges be increased to \$157,000 per annum (\$6,018.32 bi-weekly); that effective April 1, 2003 salaries be increased to \$161,560 per annum (\$6,193.12 bi-weekly); and that effective April 1, 2004 salaries be further increased to \$166,257 per annum (\$6,373.17 bi-weekly).
3. That effective April 1, 2002, the salary for the Chief Judge be increased to \$162,000 per annum (\$6,209.99 bi-weekly); that effective April 1, 2003 that salary be increased to \$166,560 per annum (\$6,384.79 bi-weekly); and that effective April 1, 2004 that salary be further increased to \$171,257 per annum (\$6,564.84 bi-weekly).
4. That effective April 1, 2002, the current 2.61% pension plan accrual rate for Judges be increased to 3.0% to allow a full pension after 23.5 years.
5. That the life insurance plan for Judges be amended to provide for a reduction in coverage beginning at age 66 rather than the current age 56.

6. That vision care plan for Judges be established which will provide coverage up to a maximum of \$200.00 each 24 month period.
7. That the current maximum \$200.00 per year prescription drug coverage for Judges under the Extended Health Benefits Plan be eliminated (Judges pay premium).
8. That the Extended Health Benefits Plan for Judges be amended to provide coverage for hearing aids up to a maximum of \$1,000 every 5 years (Judges pay premium).
9. That all Judges be entitled to 30 days vacation calculated on the basis of two and one-half (2½) days per complete month of judicial service per vacation year.
10. That all newly appointed Judges have an advance of 85 days sick leave on their appointment and that the credits continue but will be eroded until fully erased.
11. That an allowance of \$1,500 per Judge to be paid on the approval of the Chief Judge in accordance with guidelines to be developed similar to those presently in use in the Province's of Saskatchewan and Ontario.
12. That the Province pay 75% of the Judges legal costs and fees for the Judicial Compensation Committee process, up to a maximum aggregate payment by the Province of \$30,000.00.
13. That unless otherwise stated, all changes shall be effective on the date of approval by the Legislative Assembly of Manitoba.

Public Presentations:

By leave, your Committee heard one presentation on the Report and Recommendations of the Judicial Compensation Committee from the following organization at the November 13, 2003 meeting:

Susan Dawes

Provincial Judges Association of Manitoba

Written Submissions:

Your Committee received one written submission on **Bill (No. 18)** – The Improved Enforcement of Support Payments (Various Acts Amended) Act/Loi visant à faciliter la perception des paiements alimentaires (modification de diverses dispositions législatives), from the following organization:

Paul Griffin

Canadian Bankers Association

Reports Considered:

Your Committee has completed consideration of the Report and Recommendations of the Judicial Compensation Committee dated March 12, 2003.

Bills Considered and Reported:

- **Bill (No. 6)** – The Cross-Border Policing Act/Loi sur les services de police interterritoriaux

Your Committee agreed to report this Bill without amendment.

- **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

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 18)** – The Improved Enforcement of Support Payments (Various Acts Amended) Act/Loi visant à faciliter la perception des paiements alimentaires (modification de diverses dispositions législatives)

Your Committee agreed to report this Bill without amendment.

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

Hon. Mr. ASHTON, the Minister of Water Stewardship made a statement regarding an update on the recent flooding conditions in Southeast Manitoba and the Interlake,

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

On Motion of Hon. Ms. MCGIFFORD Bill (No. 34) – The University of Winnipeg Amendment Act/Loi modifiant la Loi sur l'Université de Winnipeg, was read a First Time and had its purposes outlined.

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

Following Oral Questions on Tuesday, March 9, 2004, the Honourable Member for Springfield rose on a matter of privilege to advise the House of comments made in the hallway by the Honourable Minister of Labour and Immigration concerning the Honourable Member for Springfield. He concluded his remarks by moving “THAT this matter be now referred to the Committee on Legislative Affairs and be reported in this House.” The Honourable Government House Leader, the Official Opposition House Leader, the Member for River East, the Deputy Government House Leader, the Member for Minnedosa, the Member for Morris, the Member for Inkster and the Member for Ste. Rose also offered advice to the Chair on this matter. 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.

The Honourable Member for Springfield asserted that he did raise the matter at the earliest opportunity, and I do accept the word of the Honourable Member.

Regarding the second condition, whether sufficient evidence has been provided to demonstrate that the privileges of the House have been breached, Beauchesne citation 31(1) advises that statements made outside of the House by a Member may not be used as the basis for a question of privilege. Marleau and Montpetit on page 522 of *House of Commons Practice and Procedure* state that the Speaker has no authority to rule on statements made outside of the House by one Member against another.

Rulings from Manitoba Speakers support these findings from the procedural authorities. It has been ruled a number of times by Manitoba Speakers that comments made outside the Assembly Chamber cannot form the basis for a prima facie case of privilege. Speaker Walding ruled so in 1983, while Speaker Phillips made similar rulings in 1986 and 1987. Speaker Rocan ruled six times between 1988 and 1995 that statements made outside the House cannot form the basis of privilege, while Speaker Dacquay also ruled the same way in 1995.

On the basis of commentary from the procedural authorities and from rulings of previous Manitoba Speakers, I must therefore respectfully rule that there is no 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
ALTEMEYER	MELNICK
ASHTON	MIHYCHUK
BJORNSON	NEVAKSHONOFF
BRICK	OSWALD
CHOMIAK	REID
DEWAR	ROBINSON
DOER	RONDEAU
IRVIN-ROSS	SALE
JENNISSEN	SANTOS
JHA	SHELLENBERG
KORZENIOWSKI	SELINGER
LATHLIN	SMITH
LEMIEUX	STRUTHERS
MACKINTOSH	WOWCHUK..... 32

NAY

CUMMINGS
DERKACH
DRIEDGER
DYCK
EICHLER
GOERTZEN
HAWRANIK
LAMOUREUX
LOEWEN

MAGUIRE
MITCHELSON
MURRAY
PENNER
REIMER
SCHULER
STEFANSON
TAILLIEU 17

Pursuant to Rule 26(1), Messrs. DEWAR and DYCK, Ms. IRVIN-ROSS, Messrs. MAGUIRE and LAMOUREUX made Members' Statements.

Hon. Ms. MIHYCHUK moved:

THAT Bill (No. 40) – The Planning Amendment Act/Loi modifiant la Loi sur l'aménagement du territoire, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Ms. MIHYCHUK having spoken,

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

Hon. Mr. SELINGER moved:

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

Hon. Mr. SELINGER presented:

Message from His Honour, the Lieutenant Governor recommending the disposition of public revenue for Bill (No. 33).

(Sessional Paper No. 28)

Hon. Mr. SELINGER moved:

THAT Bill (No. 35) – The Credit Unions and Caisses Populaires Amendment Act/Loi modifiant la Loi sur les caisses populaires et les credit unions, 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. DYCK, adjourned.

Hon. Mr. SELINGER moved:

THAT Bill (No. 39) – The Residential Tenancies Amendment Act/Loi modifiant la Loi sur la location à usage d'habitation, 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. DYCK, adjourned.

Hon. Mr. ROBINSON moved:

THAT Bill (No. 24) – The Travel Manitoba Act/Loi sur la Société Voyage Manitoba, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. ROBINSON having spoken,

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

Hon. Mr. ROBINSON presented:

Message from His Honour, the Lieutenant Governor recommending the disposition of public revenue for Bill (No. 24).

(Sessional Paper No. 29)

Hon. Mr. ASHTON moved:

THAT Bill (No. 23) – The Red River Floodway Act/Loi sur le canal de dérivation de la rivière Rouge, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. ASHTON having spoken,

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

Hon. Mr. ASHTON presented:

Message from His Honour, the Lieutenant Governor recommending the disposition of public revenue for Bill (No. 23).

(Sessional Paper No. 30)

Hon. Mr. ASHTON moved:

THAT Bill (No. 31) – The Floodway Authority Act/Loi sur la Commission du canal de dérivation, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. ASHTON having spoken,

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

Hon. Mr. ASHTON presented:

Message from His Honour, the Lieutenant Governor recommending the disposition of public revenue for Bill (No. 31).

(Sessional Paper No. 31)

Hon. Mr. ASHTON moved:

THAT Bill (No. 38) – The Fisheries Amendment Act/Loi modifiant la Loi sur la pêche, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. ASHTON having spoken,

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

Hon. Mr. BJORNSON moved:

THAT Bill (No. 30) – The Safe Schools Charter (Various Acts Amended)/Charte de la sécurité dans les écoles (modification de diverses dispositions législatives), be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. BJORNSON having spoken,

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

Hon. Mr. LEMIEUX moved:

THAT Bill (No. 32) – The Provincial Railways Amendment Act/Loi modifiant la Loi sur les chemins de fer provinciaux, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. LEMIEUX having spoken,

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

Hon. Mr. LEMIEUX moved:

THAT Bill (No. 36) – The Highway Traffic Amendment Act/Loi modifiant le Code de la route, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. LEMIEUX having spoken,

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

Hon. Ms. ALLAN moved:

THAT Bill (No. 37) – The Labour Relations Amendment Act/Loi modifiant la Loi sur les relations du travail, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Ms. ALLAN having spoken,

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

Wednesday, April 14, 2004

Hon. Mr. SMITH moved:

THAT Bill (No. 42) – The Mines and Minerals Amendment Act/Loi modifiant la Loi sur les mines et les minéraux, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. SMITH having spoken,

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

Hon. Mr. MACKINTOSH moved:

THAT Bill (No. 41) – The Profits of Criminal Notoriety Act/Loi sur les profits découlant de la notoriété en matière criminelle, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. MACKINTOSH and Mr. HAWRANIK having spoken,

And Mr. PENNER speaking at 5:30 p.m. The debate was allowed to remain in his name.

The House then adjourned at 5:30 p.m. until 10:00 a.m. Thursday, April 15, 2004.

Hon. George HICKES,
Speaker.