



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 30

SECOND SESSION, THIRTY-EIGHTH LEGISLATURE

PRAYERS

10:00 O'CLOCK A.M.

By leave, Mr. ROCAN moved:

Resolution No. 1: Agriculture Awareness Day

WHEREAS agriculture is one of Manitoba's top five industries contributing approximately ten per cent annually to the provincial gross domestic product and almost one job in eleven in Manitoba depends on agricultural production; and

WHEREAS for every dollar of net farm income produced in Manitoba, almost two dollars is generated in the overall provincial economy; and

WHEREAS Manitoba's agricultural sector and consumers alike would benefit from an increased public understanding of how the industry operates, including its role in providing a safe and affordable food supply, and its importance to the local, provincial and national economies; and

WHEREAS a number of governments and national agricultural groups have attempted to cultivate a better understanding of the agricultural industry through a variety of programs, including Agriculture in the Classroom, Open Farm Days, AgFests, Strategic Partnership Programs and Ag Ambassador Programs; and

WHEREAS for nearly 30 years, the Agriculture Council of America has helped organize National Agriculture Day in order to increase Americans' public awareness and knowledge about agriculture so that every American has a better understanding of how food and fiber products are produced.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Provincial Government to consider partnering with producers, agricultural organizations, agribusinesses, educational institutions and government agencies in order to develop programs to help increase public awareness and understanding of the importance of Manitoba's agricultural sector; and

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BE IT FURTHER RESOLVED that the Legislative Assembly of Manitoba urge the Provincial Government to consider setting aside the first day of spring as Manitoba Agriculture Awareness Day in order to acknowledge the critical role Manitoba producers play not only as providers of safe, abundant and affordable food products, but also in their role as key drivers of the provincial economy.

And a debate arising,

And Mr. ROCAN, Hon. Ms. WOWCHUK, Mr. MURRAY, Hon. Mr. SMITH, Messrs. PENNER, NEVAKSHONOFF, CUMMINGS and ALTEMEYER having spoken,

And Mr. EICHLER speaking at 12:00 p.m. The debate was allowed to remain in his name.

1:30 O'CLOCK P.M.

The following petitions were 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. (P.S. Brar, V. Stark, L. Wagar)

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. (K. Tully, V.M. Tully, D. Tully and others)

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. (A. Heyens, J. Sallows, J. Doiron 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. (K. Von Hacht, R.J. Sampson, R. Stacey and others)

Mr. GOERTZEN – Legislative Assembly of Manitoba to request the Premier of Manitoba to consider ending his government's plan to force all workers involved in the floodway expansion to pay union dues even if they are not part of a union; and to consider ensuring any qualified company and worker, regardless of their union status, is afforded the opportunity to bid and work on the floodway expansion project. (G. Coleman, B. Dayment, R. Courcelles and others)

Mrs. TAILLIEU – 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. (P. Caron, A. Hardy, R. Palsor and others)

Hon. Mr. SMITH presented:

Manitoba Liquor Control Commission, Quarterly Report, Nine Months, April 1 to December 31, 2003.

(Sessional Paper No. 42)

Manitoba Lotteries Corporation, Quarterly Report, Nine Months, April 1 to December 31, 2003.

(Sessional Paper No. 43)

Hon. Mr. SELINGER presented:

Supplementary Information for Legislative Review 2004-2005 – Departmental Expenditure Estimates – Finance.

(Sessional Paper No. 44)

The following Bills were respectively read a First Time and had their purposes outlined:

(No. 19) – The Public Schools Amendment Act/Loi modifiant la Loi sur les écoles publiques

(Hon. Mr. BJORNSON)

(No. 48) – The Human Tissue Amendment Act/Loi modifiant la Loi sur les tissus humains

(Hon. Mr. CHOMIAK)

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

Following Oral Questions on Thursday, April 15, 2004, the Honourable Official Opposition House Leader raised a point of order concerning answers to questions provided by the Honourable Minister for Water Stewardship, the Honourable Minister of Labour and the Honourable First Minister, answers which the Honourable Official Opposition House Leader contended were misleading the House. He requested that the Speaker review the answers provided during Question Period. The Honourable Government House Leader also spoke to the point of order and suggested that a dispute over the facts does not constitute a point of order. I took the matter under advisement in order to peruse Hansard.

It has previously been ruled by Manitoba Speakers Walding, Phillips, Rocan and Dacquay that a deliberate misleading of the House involves intent to mislead and/or knowledge that the statement would mislead. Further, these Speakers have also ruled that when one Member charges that another Member has deliberately misled the House, the Member making the charge must furnish proof of intent. Also, 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 has deliberately misled the House.

I have carefully read the Hansard transcript for April 15, and can find no indication of an admission by the Honourable Minister of Water Stewardship, the Honourable Minister of Labour and Immigration, or the Honourable First Minister of intent to mislead the House. Nor was proof of the intention to mislead provided by the Honourable Official Opposition House Leader.

I am therefore ruling that the point of order is out of order.

* * *

Following the daily Prayer on Monday, April 19, 2004, the Honourable Member for Steinbach rose on a matter of privilege concerning answers provided in the House by the Honourable Minister of Labour and Immigration on the previous sitting day. At the conclusion of his remarks, the Honourable Member for Steinbach moved “THAT the Minister of Labour issue to this House and to the people of Manitoba an apology for putting forward incorrect information regarding the existence of and details on a proposed Master Labour Agreement in relation to expansion of the floodway project; and THAT this matter be now referred to the Committee on Legislative Affairs and be reported to this House.” The Honourable Government House Leader, the Honourable Member for Inkster, and the Honourable Official Opposition House Leader 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 considered a prima facie case of privilege. First, was the matter 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.

Regarding the first condition, the Honourable Member for Steinbach asserted that he raised the issue at the earliest opportunity after having had a chance to peruse the Hansard from April 15, and I do accept the word of the Honourable Member that he did rise at the earliest opportunity.

Concerning the second condition of whether a prima facie case of privilege exists, there are a number of factors to consider. The crux of the argument by the Honourable Member for Steinbach was that answers provided by the Honourable Minister of Labour and Immigration appeared, according to the Member for Steinbach, to be at odds with comments from the CEO of the Floodway and from a Federal Member of Parliament that appeared in a newspaper article.

In a comparable situation, where a matter of privilege was raised in the Canadian House of Commons concerning whether a response given by the President of the Treasury Board was false in comparison with other available information, Speaker Milliken ruled on February 19, 2004 that it is not the Speaker's role to adjudicate on matters of fact, as this is something on which the House itself can form an opinion on during debate.

In addition, when Manitoba Speakers have been asked to rule on matters of privilege involving the alleged misstatements by Ministers or the provision of misinformation or inaccurate facts by Ministers, Speakers Phillips, Rocan and Dacquay have ruled that such situations appeared to be disputes over facts, which according to Beauchesne citation 31(1) does not fulfil the criteria of a prima facie case of privilege.

It was also asserted that the information provided by the Honourable Minister of Labour and Immigration impeded and prevented Members from doing their jobs properly as Members. As was noted for the House in a March 21, 1991 ruling by Speaker Rocan, Beauchesne citation 92 states "a valid claim of privilege in respect to interference with a Member must relate to the Member's parliamentary duties and not to the work that the Member does in relation to that Member's constituency". Joseph Maingot in his book *Parliamentary Privilege in Canada* elaborates on this point "there must be some act that improperly interferes with the Member's rights, such as freedom of speech. The interference, however, must not only obstruct the Member in his (or her) capacity as a Member, it must be shown that the Member was obstructed in his (or her) work relating to a proceeding in Parliament and not simply while he (or she) was performing his (or her) representative duties in his (or her) constituency or in other myriad areas."

Though the Honourable Member for Steinbach claimed that he was impeded and prevented from doing his job properly as a Member, he did not explain how he was impeded, so it is difficult to ascertain whether the Member's privileges were indeed breached. Just to be clear on this point, according to Marleau and Montpetit in *House of Commons Practice and Procedure*, the individual parliamentary privileges of Members are: freedom of speech, freedom from arrest in civil action, exemption from jury duty, exemption from appearing as a witness, and freedom from obstruction, interference, intimidation and molestation. On the basis of the information provided, the complaint does not appear to fall in any of the enumerated categories of privilege.

I therefore rule that the matter raised does not satisfy the prima facie conditions of a matter 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 division.

Pursuant to Rule 26(1), Ms. KORZENIOWSKI, Mrs. TAILLIEU, Messrs. JHA, DYCK and MALOWAY made Members' Statements.

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Prior to Orders of the Day, Mr. PENNER rose on a Matter of Urgent Public Importance and moved:

THAT under Rule 36(1) the regular business of the House be set aside to deal with a Matter of Urgent Public Importance, that being the issue of the hardship being faced by the agricultural industry and rural communities and families as a result of the BSE crisis and the continued closure of the U.S. border to live cattle.

And Mr. PENNER and Hon. Mr. MACKINTOSH having spoken to the urgency of the motion,

WHEREUPON Mr. Speaker ruled as follows:

I thank Honourable Members for their advice to the Chair on whether the motion proposed by the Honourable Member for Emerson should be debated today. The notice required by Rule 36(1) was provided.

Under our Rules and practices, the subject matter requiring urgent consideration must be so pressing that the public interest will suffer if it is not given immediate attention. There must also be no other reasonable opportunities to raise the matter.

Although the Honourable Member for Emerson has already used his grievance, I would suggest that there are other opportunities where this issue could be raised. I would note from the estimates sequence that was tabled in the House on April 27, that the estimates of the Department of Agriculture, Food and Rural Initiatives are first on the list in the sequence of consideration in committee room 254, and the issue could be raised there. In addition, questions could be addressed during Question Period. There is also the option of having this topic presented as the subject of an Opposition Day motion.

Respecting the second aspect, will the public interest suffer if the matter is not given immediate attention, although this undoubtedly is a serious issue that the Member has brought forward, I do not believe the public interest will be harmed if the business of the House is not set aside to debate the motion today.

Therefore, I must rule that this matter does not meet the criteria set by our Rules and precedents, and I rule the motion out of order as a Matter of Urgent Public Importance.

The House resolving into the Committee of Supply. The Proceedings were interrupted at 5:30 p.m. with the understanding that the Committee of Supply would resume Friday, April 30, 2004 at 10:00 a.m.

The House then adjourned at 12:31 p.m. Friday, April 30, 2004 until 1:30 p.m. Monday, May 3, 2004.

Hon. George HICKES,
Speaker.