



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 8

THIRD SESSION, THIRTY-EIGHTH LEGISLATURE

PRAYERS

1:30 O'CLOCK P.M.

The following petitions were presented and read:

Mrs. DRIEDGER – Legislative Assembly of Manitoba to request the Provincial Government to consider redirecting administrative cost savings to front line health care workers and to treat front line health care workers with the respect they deserve and to consider supporting the Healthcare Employees' Pension Plan by not cutting pension benefits. (V. Bakker, D. Lahr, H. Green and others)

Mrs. TAILLIEU – Legislative Assembly of Manitoba to request that the Minister of Transportation and Government Services to consider paving Highway 200 between Highways 205 and 305 to ensure a smooth, safe and uninterrupted use of Highway 200. (E. Ritchot, H. Verrier, J. Trudeau 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. (J. Lukovich, A. Dalayoan, J. Dalayoan)

Mr. REIMER – 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 vulnerable Manitobans suffering from addiction and to consider monitoring the waiting lists for addiction treatment and to consider ensuring that timely treatment for Manitobans with addictions is not compromised by the Provincial Government's decision to cut the AFM's annual budget. (G. Nixon, J. Olynyk, B. Hercina and others)

Mr. FAURSCHOU – Legislative Assembly of Manitoba to request the Provincial Government to consider redirecting administrative cost savings to front line health care workers and to treat front line health care workers with the respect they deserve and to consider supporting the Healthcare Employees' Pension Plan by not cutting pension benefits. (L. Klyne, K. Clark, J. Rempel and others)

Mr. CULLEN – Legislative Assembly of Manitoba to strongly urge the Minister of Health to consider taking charge and ensuring that he will improve long-term planning efforts to develop a lasting solution to the chronic problem of pediatrician and other specialist shortages in Brandon and to treat this as the crisis that it is and consider consulting with front-line workers, particularly doctors, to find solutions and to strongly urge the Minister of Health and the Premier of Manitoba to consider ending highway medicine now. (E. Arason, S. Arason, A. Jamieson)

Hon. Ms. OSWALD, the Minister responsible for Healthy Living made a statement regarding today, December 1, 2004, being Worlds AIDS Day.

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

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

(No. 7) – The Personal Investigations Amendment Act/Loi modifiant la Loi sur les enquêtes relatives aux particuliers

(Hon. Mr. SELINGER)

(No. 202) – The Health Services Amendment and Health Services Insurance Amendment Act/Loi modifiant la Loi sur les services de santé et la Loi sur l'assurance-maladie

(Hon. Mr. GERRARD)

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

Following Oral Questions On November 23, 2004, the Honourable Official Opposition House Leader rose on a matter of privilege regarding the 4th report of the Standing Committee on Public Accounts that had been presented during Routine Proceedings, and that had been received on a motion to receive the report. The Honourable Official Opposition House Leader raised a concern that certain actions that had been adopted by the Standing Committee on Public Accounts were not going to be acted on because the committee report had been received, and that there was no mechanism for those actions in the committee report to be extracted for action. At the conclusion of his remarks, the Honourable Official Opposition House Leader moved

“THAT when matters under consideration for a particular Public Accounts Committee meeting have been determined, that the Chair shall notify by letter, the administrative heads of organizations whose mandate relates to the Auditor General reports under consideration, requesting them to attend the meeting with such other officials from their organizations as they deem necessary to respond to questions the Committee may wish to ask them; and the above motion be referred to the House Leaders and the House Rules Committee for consideration; and request the Rules Committee report back to this Committee by September 30, 2004.

THAT the Public Accounts Committee recommend to the House that PAC meet a minimum of 20 occasions each year and more often as required to clear up the backlog of reports before the Committee.

THAT the Public Accounts Committee recommend to the House that the Committee's Chairperson and Vice-Chairperson be given responsibility for determining when meetings are convened, proposing meeting agendas, and determining who to call upon to attend the meetings in order to answers questions from the members”.

The Honourable Government House Leader and the Honourable Member for Fort Whyte also offered advice to the Chair on the 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.

Regarding the first condition, the Honourable Official Opposition House Leader asserted that he was raising the matter at the earliest opportunity, and I accept the word of the Honourable Member.

Regarding the second condition, whether there is sufficient evidence that the privileges of the House have been breached, it is important to determine whether parliamentary privilege has been breached in the actions complained of.

Joseph Maingot, in the second edition of *Parliamentary Privilege in Canada* advises on pages 13 and 14 that allegations of breaches of privilege by a Member in the House of Commons that amount to complaints about procedures and practices in the House are by their very nature matters of order. Also, on page 261, Maingot advises that the traditional acceptable motion for dealing with a matter of privilege should refer simply and briefly to the complaint raised by the Member, and except in the case of the House disposing of the matter forthwith, then refer the complaint to the committee on privileges. I should note that in the case of Manitoba, the applicable committee would be the Standing Committee on Legislative Affairs.

On the basis of these references, I must respectfully rule that there is no prima facie case of privilege. I would, however like to note for the Honourable Official Opposition House Leader that the motion to receive the report of the Public Accounts Committee, which was the motion that had been adopted by the House, simply means that the report is in the possession of the House. This does not prohibit further action from being taken with regard to the content of the committee report. For example, it would be possible for a motion to be moved in the House to concur in the report of the Committee, which means that the House endorses the recommendations contained within the report. Nor does the motion to receive the report prevent any other body, such as the Rules Committee, from dealing with the issues contained within the recommendations of the committee report.

Pursuant to Rule 26(1), Messrs. PENNER, AGLUGUB, ROCAN and JENNISSON and Hon. Mr. GERRARD made Members' Statements.

The House resumed the Adjourned Debate on the Proposed Motion of Mr. SCHELLENBERG:

THAT the following address be presented to His Honour the Lieutenant Governor:

We, the Members of the Legislative Assembly of Manitoba thank your Honour for the gracious speech addressed to us at this Third Session of the Thirty-Eighth Legislature of Manitoba.

And the proposed amendment moved by Mr. MURRAY as follows:

THAT the Motion be amended by adding at the end of the sentence the following words:

But this House regrets

- (a) the government's failure to commit to elimination of all education tax off of residential property and farmland; and
- (b) the government's failure to commit to not closing or converting rural hospitals; and
- (c) the government's failure to commit to addressing the pediatric doctor shortage in Brandon; and
- (d) the government's failure to provide any strategy to address growing wait lists throughout Manitoba; and
- (e) the government's failure to initiate a review of health care regionalization; and
- (f) the government's failure to meaningfully address the growing concerns related to organized crime including the fact that since November 2000 Manitoba has been the scene of 37 biker-related murders and attempted murders; and
- (g) the government's failure to develop a long-term economic strategy to address anemic job growth and make Manitoba a "have" province; and
- (h) the government's failure to adequately address the BSE crisis and to provide any plan to increase slaughter capacity in Manitoba, thereby threatening not only the stability of the livestock sector but all those other sectors in Manitoba's economic that are so reliant on its well-being; and
- (i) the government's failure to recognize and encourage the important role private sector involvement has in growing Manitoba's economy; and
- (j) the government's failure to acknowledge that balanced budgets have only been achieved through significant raids on Manitoba Hydro and the Fiscal Stabilization Fund; and
- (k) the government's failure to acknowledge their raid on Manitoba Hydro contributed to a 10% increase in Hydro rates; and

(l) the government's failure to commit to calling an independent public inquiry into the spending of taxpayer money at Hydra House; and

(m) the government's failure to commit to strengthening the role and function of the Public Accounts Committee.

AND HAS THEREBY lost the trust and confidence of the people of Manitoba and this House.

And the debate continuing on the amendment,

And Messrs. AGLUGUB, FAURSCHOU, MALOWAY and SCHULER having spoken,

During the debate, Hon. Mr. ASHTON rose on a point of order requesting that the words "if the shoe fits, wear it" spoken by the Honourable Member for Springfield, be withdrawn,

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

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

And Mr. SCHULER concluding his remarks,

And Ms. BRICK having spoken,

And the Question being put on the amendment. It was negatived, on the following division:

YEA

CULLEN
CUMMINGS
DERKACH
DRIEDGER
EICHLER
FAURSCHOU
GERRARD
GOERTZEN
HAWRANIK
LAMOUREUX

LOEWEN
MAGUIRE
MITCHELSON
MURRAY
PENNER
REIMER
ROCAN
SCHULER
STEFANSON
TAILLIEU.....20

NAY

AGLUGUB	MALOWAY
ALLAN	MARTINDALE
ALTEMEYER	MCGIFFORD
ASHTON	MELNICK
BJORNSON	NEVAKSHONOFF
BRICK	OSWALD
CALDWELL	REID
CHOMIAK	ROBINSON
DEWAR	RONDEAU
DOER	SALE
IRVIN-ROSS	SANTOS
JENNISSEN	SCHELLENBERG
JHA	SELINGER
KORZENIOWSKI	SMITH
LATHLIN	STRUTHERS
LEMIEUX	SWAN
MACKINTOSH	WOWCHUK..... 34

And the debate continuing on the main motion.

And Mr. LAMOUREUX 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, December 2, 2004.

Hon. George HICKES,
Speaker.