



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS

FOURTH SESSION, THIRTY-EIGHTH LEGISLATURE

PRAYER

1:30 O'CLOCK P.M.

On motion of Mr. HAWRANIK, Bill (No. 212) – The Historic Trans-Canada Highway Act/Loi sur l'ancienne route transcanadienne, was read a First Time and had its purposes outlined.

The following petitions were presented and read:

Mr. EICHLER – Legislative Assembly of Manitoba to urge the Minister for Agriculture, Food and Rural Initiatives to consider holding consultations with Manitoba's cattle producers and representatives from agricultural groups before this levy is put in place. (L. Boulton, M. Quane, R. Banks and others)

Mr. CULLEN – Legislative Assembly of Manitoba to urge the Minister for Agriculture, Food and Rural Initiatives to consider holding consultations with Manitoba's cattle producers and representatives from agricultural groups before this levy is put in place. (A. Smith, D. Champion, C. Deacon and others)

Mr. DYCK – 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. (J. Siwik, H. Ferguson, K. McKinnon and others)

Mrs. TAILLIEU – Legislative Assembly of Manitoba to request the Provincial Government to consider calling a public inquiry into all aspects of the delivery of child welfare services throughout Manitoba. (R. Palsan, R. Reidy, R. Dagg and others)

Hon. Mr. GERRARD – Legislative Assembly of Manitoba to request the Provincial Government to immediately cancel its plans to support the construction of the OlyWest Hog Plant and Rendering Factory near any urban residential area. (C. Valmested, N. Sparvier, M. Manion and others)

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. (R. M. Stokes, G. Green, M. Lewis and others)

Hon. Ms. MCGIFFORD presented:

Supplementary Information for Legislative Review 2006-2007 – Departmental Expenditure Estimates – Advanced Education and Training.

(Sessional Paper No. 62)

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

Following Oral Questions on April 27, 2006, the Honourable Member for River Heights raised a matter of privilege contending that the Honourable Minister of Family Services and Housing had deliberately misled the House by tabling a press release when the Honourable Member for River Heights had asked that the terms of reference for the external Child and Family Services review. He concluded his remarks by moving “THAT this matter be referred to a standing committee of this House.” The Honourable Member for Morris, the Honourable Minister of Water Stewardship and the Honourable Member for Russell also offered contributions to the Chair. I took the matter under advisement in order to consult 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 Honourable Member for River Heights asserted that he was raising the issue at the earliest opportunity, and I accept the word of the Honourable Member.

Regarding the second issue of whether a prima facie case was demonstrated, it is important to determine whether parliamentary privilege has been breached in the actions complained of.

I would note, in looking at pages 1679 and 1680 of Hansard, that although the Honourable Member for River Heights requested that the terms of reference be tabled, the Honourable Minister of Family Services did not indicate that she was tabling the terms of reference – she indicated that she was tabling the press release. Nor did she give an undertaking that she was tabling the terms of reference. Although the Member for River Heights may be displeased that the Minister did not table the document he requested, the Speaker is not in a position to force the document to be tabled, based on our Manitoba rules and practices.

The procedural authorities also offer commentary on the issue of misleading the House. Joseph Maingot makes the point on page 241 of the second edition of *Parliamentary Privilege in Canada* that allegations that a Member has misled the House are in fact matters of order and not matters of privilege. In addition, when Manitoba Speakers have been asked to rule on whether matters of privilege involving the alleged misstatements by Members or the provision of misinformation or inaccurate facts by Ministers, Speakers Phillips, Rocan and Dacquay have ruled numerous times that such situations appeared to be disputes over facts, which according to Beauchesne citation 31(1) does not fulfill the criteria of a prima facie case of privilege.

I would therefore rule with the greatest of respect that the matter raised is not in 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	MARTINDALE
ALTEMEYER	MCGIFFORD
ASHTON	MELNICK
BJORNSON	NEVAKSHONOFF
BRICK	OSWALD
CALDWELL	REID
CHOMIAK	ROBINSON
DEWAR	RONDEAU
DOER	SALE
IRVIN-ROSS	SANTOS
JENNISSEN	SHELLENBERG
JHA	SELINGER
KORZENIOWSKI	SMITH
LATHLIN	STRUTHERS
LEMIEUX	SWAN
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MALOWAY	

NAY

CULLEN	MAGUIRE
DERKACH	MCFADYEN
DRIEDGER	PENNER
DYCK	REIMER
EICHLER	ROWAT
GERRARD	SCHULER
GOERTZEN	STEFANSON
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Pursuant to Rule 26(1), Messrs. SWAN and ROCAN, Ms. IRVIN-ROSS, Mr. SCHULER and Ms. BRICK made Members' Statements.

Monday, May 15, 2006

Prior to Grievances, Mr. LAMOUREUX rose on a Matter of Urgent Public Importance and moved:

THAT in accordance with Rule 36(1), the ordinary business of the House be set aside to discuss a Matter of Urgent Public Importance, namely the refusal of the Government of Canada to honour its commitment to improve the quality of life of aboriginal peoples in Manitoba under the Kelowna Accord as signed by Canada's First Ministers, Territorial Leaders, and aboriginal organizations in November 2005.

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

WHEREUPON Mr. Speaker ruled as follows:

I thank the Honourable Members for their advice to the Chair on whether the motion proposed by the Honourable Member for Inkster 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 the matter is not given immediate attention. There must also be no other reasonable opportunities to raise the matter.

I have listened very carefully to the arguments put forward, however I was not persuaded that the ordinary business of the House should be set aside to deal with this issue today.

Additionally, I would like to note that there are other avenues for Members to raise this issue, including questions in Question Period, raising the item under Members' Statements, raising the item under Grievances and raising the issue during the consideration of Estimates for Executive Council or during consideration of the Estimates for Aboriginal and Northern Affairs.

Therefore, with the greatest of respect, I rule the motion out of order as a Matter of Urgent Public Importance.

In accordance with Rule 27, Messrs. DERKACH, DYCK and MAGUIRE rose on Grievances.

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

THAT Bill (No. 22) – The Elections Reform Act/Loi sur la réforme électorale, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Mr. GOERTZEN speaking at 5:00 p.m. The debate was allowed to remain in his name and, by leave, in the name of Mr. DYCK.

The House then adjourned at 5:00 p.m. until 10:00 a.m. Tuesday, May 16, 2006.

Hon. George HICKES,
Speaker.