



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 48

SECOND SESSION, THIRTY-NINTH LEGISLATURE

PRAYER

1:30 O'CLOCK P.M.

On motion of Mrs. DRIEDGER, Bill (No. 236) – The Domestic Violence Death Review Committee Act/Loi sur le comité d'examen des décès liés à la violence familiale, was read a First Time and had its purposes outlined.

The following petitions were presented and read:

Mrs. TAILLIEU – Legislative Assembly of Manitoba to urge the Minister charged with the administration of The Liquor Control Act to consider allowing the owners of Headingley Foods to sell alcohol at their store, thereby supporting small business and the prosperity of rural communities in Manitoba. (B. Russell, E. Siwak, J. Peasgood and others)

Mr. LAMOUREUX – Legislative Assembly of Manitoba to urge the Provincial Government to consider establishing a 90 day guarantee for processing an application for a minimum of 80% of applicants that have family living in Manitoba and to consider removing the use of the restrictive job list when dealing with the family sponsor stream. (A. Galow, D. Cabaltera, S. Reyes and others)

Mr. BRIESE – Legislative Assembly of Manitoba to urge the Minister of Family Services and Housing to consider addressing the shortage of Early Childhood Educators by enabling child care centres to provide competitive wages and benefits; and to consider adequately planning for the future child care needs of growing communities, and to consider making the development of a sustainable and accessible child care system a priority; and to consider the development of a governance body that would provide direction and support to the volunteer boards of child care centres and to consider the development of regionalized central wait lists for child care; and to encourage all Members of the Legislative Assembly to consider becoming more closely involved with the operations of the licensed daycare facilities in their constituencies. (R. Castillo, K. Parada, C. Wojikoski and others)

Mr. DYCK – Legislative Assembly of Manitoba to request the Minister of Health to strongly consider giving priority for funding to develop and staff a new 100 bed long-term-care facility so that clients are not exposed to unsafe conditions and so that Boundary Trails Health Centre beds remain available for acute care patients instead of waiting placement clients. (S. Hildebrand, D. Wiebe, G. Derksen and others)

During Oral Questions, Mr. Speaker interjected and requested that the word "damn" spoken by the Honourable Minister of Culture, Heritage, Tourism and Sport be withdrawn.

WHEREUPON Hon. Mr. ROBINSON withdrew his remarks.

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

During Oral Questions on May 7, 2008, the Honourable Member for Russell raised a matter of privilege regarding a letter sent to all MLAs by the Honourable Minister of Finance indicating that paper copies of Volume 4 of the Public Accounts would no longer be available. The Honourable Member for Russell asserted this action would have an impact on the ability of MLAs to do their jobs. At the conclusion of his remarks, the Honourable Member for Russell moved "THAT this matter be referred to the Committee on Legislative Affairs and be reported back to this House." The Honourable Minister of Finance, the Honourable Member for Inkster, the Honourable Member for River East, the Honourable Government House Leader, the Honourable Leader of the Official Opposition and the Honourable First Minister offered advice to the Chair. 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 Russell indicated that he was raising the matter at the earliest opportunity, and I accept the word of the Honourable Member.

Regarding the second issue, of whether a prima facie case of privilege has been established, the ability of Members to do their jobs is an important issue. There are various protections provided by parliamentary privilege which are in place in order to ensure that Members are able to perform their parliamentary duties in the House. I should note, however, that there are distinctions in the protection provided by privilege, and that not all duties and functions performed by Members are protected by privilege. For example, privilege provides the protections of freedom of speech, but only in the context of comments made in the House during a parliamentary proceeding. As the House well knows, comments made outside of the House are not protected by privilege.

Privilege also provides the protections of freedom from arrest in civil actions, exemption from jury duty, exemption from appearing as a witness, and freedom from obstruction, interference, intimidation and molestation. Privilege, however, as noted by Joseph Maingot, concerns a Member in the capacity as a Member, and not as a Minister, Party Leader, Whip, Parliamentary Secretary or Critic. Therefore, when looking at allegations of breaches of privilege, it is important to assess in what context the action complained of has taken place, and whether it involves a proceeding of the Legislature, and whether it involves the duties of an MLA performing as an MLA in the Legislature, and not as performing the duties of a Minister, Leader, Whip or Critic.

The Honourable Member for Russell indicated that a letter circulated by the Honourable Minister of Finance stated that Volume 4 of the Public Accounts would no longer be available in paper form, and that the material would alternatively be available on the internet and in CD format. During the discussion of the issue, the Honourable Minister of Finance indicated that yes, paper copies would be made available to Members. I am glad that the Honourable Minister of Finance did make this distinction, because according to *The Financial Administration Act*, the Volumes of the Public Accounts, including Volume 4, are required to be tabled in the Legislature, and by practice are also referred to the Standing Committee on Public Accounts. I should note for the information of the House that it is not acceptable to table reports in the House in CD format only – paper copies of reports are necessary when reports are being tabled in the House. So given that Volume 4 of the Public Accounts is a report that is required to be tabled in the Legislature, and has yet to be tabled, when it is tabled, it will be necessary for the Minister of Finance to provide paper copies. In addition, paper copies will also need to be provided by the Department of Finance to the Journals Office when the report is tabled, so that there are sufficient copies of the report for referral to committee and to also comply with the regular distribution of sessional papers as conducted by the Legislative Assembly Offices.

Given that assurances were given by the Minister of Finance that paper copies of Volume 4 of the Public Accounts will be made available, at this stage I would find that this is more properly a matter of order and not privilege. Therefore, I do not find there is a prima facie case of privilege, but I would encourage the government and government departments to be mindful of the requirement for paper copies when reports are tabled in the Legislature.

Pursuant to Rule 26(1), Messrs. DERKACH, SARAN and GRAYDON, Ms. KORZENIOWSKI and Hon. Mr. GERRARD made Members' Statements.

In accordance with Rule 27, Messrs. CULLEN and GRAYDON rose on Grievances.

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

THAT Bill (No. 3) – The Highway Traffic Amendment Act/Loi modifiant le Code de la route, reported from the Standing Committee on Justice, be concurred in and be now read for a Third Time and passed.

And the debate continuing,

And Mr. GOERTZEN having spoken,

During the debate, Mr. GOERTZEN rose on a point of order regarding the comments spoken by the Honourable Member for Burrows.

And Hon. Mr. ASHTON having spoken to the point of order,

WHEREUPON Mr. Speaker ruled that there was no point of order.

From his decision, Mr. GOERTZEN appealed to the House,

And the Question being put, "Shall the ruling of the Chair be sustained?" It was agreed to.

YEA

ALLAN	MALOWAY
ASHTON	MARCELINO
BLADY	MARTINDALE
BJORNSON	MCGIFFORD
BRICK	MELNICK
CALDWELL	OSWALD
DEWAR	REID
HOWARD	ROBINSON
IRVIN-ROSS	RONDEAU
JENNISSON	SARAN
JHA	SELINGER
KORZENIOWSKI	STRUTHERS
LEMIEUX	SWAN
MACKINTOSH	WOWCHUK..... 28

NAY

BOROTSIK	LAMOUREUX
BRIESE	MAGUIRE
CULLEN	MCFADYEN
DERKACH	MITCHELSON
DRIEDGER	PEDERSEN
DYCK	ROWAT
EICHLER	SCHULER
FAURSCHOU	STEFANSON
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GRAYDON	

And Mr. GOERTZEN concluded his remarks.

And Mr. LAMOUREUX having spoken,

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

By unanimous consent, it was agreed to have Bill (No. 4) – The Provincial Court Amendment Act (Family Mediators and Evaluators)/Loi modifiant la Loi sur la Cour provinciale (médiateurs et enquêteurs familiaux), remain standing in the name of the Honourable Member for Pembina.

Wednesday, May 28, 2008

By unanimous consent, it was agreed to have Bill (No. 5) – The Witness Security Act/Loi sur la sécurité des témoins, remain standing in the name of the Honourable Member for Pembina.

By unanimous consent, it was agreed to have Bill (No. 7) – The Child and Family Services Amendment Act (Child Pornography Reporting)/Loi modifiant la Loi sur les services à l'enfant et à la famille (obligation de signaler la pornographie juvénile), remain standing in the name of the Honourable Member for Pembina.

By unanimous consent, it was agreed to have Bill (No. 8) – The Phosphorus Reduction Act (Water Protection Act Amended)/Loi sur la réduction du phosphore (modification de la Loi sur la protection des eaux), remain standing in the name of the Honourable Member for Pembina.

By unanimous consent, it was agreed to have Bill (No. 9) – The Protection for Persons in Care Amendment Act/Loi modifiant la Loi sur la protection des personnes recevant des soins, remain standing in the name of the Honourable Member for Pembina.

By unanimous consent, it was agreed to have Bill (No. 11) – The Optometry Amendment Act/Loi modifiant la Loi sur l'optométrie, remain standing in the name of the Honourable Member for Pembina.

By unanimous consent, it was agreed to have Bill (No. 12) – The Securities Transfer Act/Loi sur le transfert des valeurs mobilières, remain standing in the name of the Honourable Member for Pembina.

By unanimous consent, it was agreed to have Bill (No. 18) – The Testing of Bodily Fluids and Disclosure Act/Loi sur l'analyse de fluides corporels et la communication des résultats d'analyse, remain standing in the name of the Honourable Member for Pembina.

By unanimous consent, it was agreed to have Bill (No. 20) – The Gunshot and Stab Wounds Mandatory Reporting Act/Loi sur la déclaration obligatoire des blessures par balle et par arme blanche, remain standing in the name of the Honourable Member for Pembina.

The House resolving into Committee of Supply.

The House then adjourned at 5:01 p.m. until 10:00 a.m. Thursday, May 29, 2008.

Hon. George HICKES,
Speaker.