



**LEGISLATIVE ASSEMBLY OF MANITOBA**

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**VOTES AND PROCEEDINGS No. 35**

**FIRST SESSION, FORTIETH LEGISLATURE**

**PRAYER**

**1:30 O'CLOCK P.M.**

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

(No. 23) – The Local Government Statutes Amendment Act/Loi modifiant certaines lois d'administration locale

(Hon. Mr. LEMIEUX)

(No. 32) – The Highway Traffic Amendment Act (Powers of Traffic Authorities over Cycling Traffic)/Loi modifiant le Code de la route (pouvoirs des autorités chargées de la circulation à l'égard des bicyclettes)

(Hon. Mr. LEMIEUX)

(No. 214) – The Freedom of Information and Protection of Privacy Amendment Act/Loi modifiant la Loi sur l'accès à l'information et la protection de la vie privée

(Mrs. TAILLIEU)

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The following petitions were presented and read:

Mr. GOERTZEN – Legislative Assembly of Manitoba to request that the Minister of Health to ensure additional personal care homes and long-term care space are made available in the City of Steinbach on a priority basis. (B. Fender, J. Chornoboy, S. Woods and others)

Mr. GRAYDON – Legislative Assembly of Manitoba to urge the appropriate Provincial Government departments to consider working with all stakeholders to develop a strategy to swiftly address the serious challenges posed by limited cellular phone service in southeastern Manitoba in order to ensure that people and property can be better protected in the future. (B. Dueck, E. Gosselin, J.P. Gosselin and others)

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

Following Grievances on Thursday, May 3, 2012, the Honourable Official Opposition House Leader raised a point of order regarding incorrect information being brought to the House in relation to the issue of a Cabinet minister breaking a law. She stated that when the Premier defended the Minister of Health during Oral Questions he “did not bring factual information to this House.” The Honourable Minister of Justice also spoke to this point of order. I took the matter under advisement to review Hansard and consult the procedural authorities.

I would first like to respectfully advise the House that the Speaker has no authority to determine questions of law, as the Chair can only decide whether we are following our own rules. This principle is supported by long-standing and consistent Manitoba practice, including rulings from Speaker Rocan in 1994, Speaker Dacquay in 1996, and Speaker Hickes in 2006 and 2009. Each of these Manitoba rulings affirms that the Speaker has no authority to determine questions of law.

At the root of this point of order are disputes over the interpretation of a ruling from the Elections Commissioner, and over information the Premier brought to the House. While these points may be valid matters of debate, as is noted on page 634 of the second edition of *House of Commons Procedure and Practice*, Members “may not direct remarks to the House or engage in debate by raising a matter under the guise of a point of order.”

Further, as previous occupants of this Chair have noted, it is not the Speaker’s role to decide on questions of facts, or to determine whether or not information brought before the House is correct. Speaker Hickes offered this advice to the House on at least seven occasions during his time. Additionally, as Speaker Dacquay stated in a 1996 ruling, “all Members of this Chamber are Honourable Members, and I, as Speaker, and indeed this House must accept the word of each Honourable Member.”

As well, House of Commons Speaker Peter Milliken stated in 2004 that “it is not the role of the Speaker to adjudicate on matters of fact, as this is something that the House itself can form an opinion on during debate.”

Finally, *Beauchesne* citation 494 indicates that statements by Members within their own knowledge must be accepted. On rare occasions, *Beauchesne* reminds us, this may result in the House having to accept two contradictory accounts of the same incident.

For all of these reasons I must respectfully rule that there is no point of order.

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Pursuant to Rule 26(1), Mr. EWASKO, Hon. Ms. SELBY, Messrs. MAGUIRE and ALLUM and Hon. Mr. GERRARD made Members' Statements.

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Hon. Mr. RONDEAU moved:

THAT Bill (No. 12) – The Consumer Protection Amendment Act (Motor Vehicle Work and Repairs)/Loi modifiant la Loi sur la protection du consommateur (travaux et réparations concernant les véhicules automobiles), be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Messrs. RONDEAU and GERRARD having spoken,

The debate was, on motion of Mrs. TAILLIEU, adjourned.

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Hon. Mr. RONDEAU moved:

THAT Bill (No. 16) – The Consumer Protection Amendment Act (Improved Enforcement and Administration)/Loi modifiant la Loi sur la protection du consommateur (amélioration des dispositions d'application), be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Messrs. RONDEAU and GERRARD having spoken,

The debate was, on motion of Mrs. TAILLIEU, adjourned.

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Hon. Mr. RONDEAU moved:

THAT Bill (No. 8) – The Highway Traffic Amendment Act (Use of Child Safety Seats)/Loi modifiant le Code de la route (utilisation de sièges de sécurité pour enfants), be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Messrs. RONDEAU and GERRARD having spoken,

The debate was, on motion of Mrs. TAILLIEU, adjourned.

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Hon. Mr. RONDEAU moved:

THAT Bill (No. 17) – The Non-Smokers Health Protection Amendment Act/Loi modifiant la Loi sur la protection de la santé des non-fumeurs, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Messrs. RONDEAU and GERRARD having spoken,

The debate was, on motion of Mrs. TAILLIEU, adjourned.

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**Wednesday, May 16, 2012**

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Hon. Mr. RONDEAU moved:

THAT Bill (No. 28) – 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. Messrs. RONDEAU and GERRARD having spoken,

The debate was, on motion of Mrs. TAILLIEU, adjourned.

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Hon. Mr. RONDEAU moved:

THAT Bill (No. 26) – The International Interests in Mobile Equipment Act (Aircraft Equipment)/Loi sur les garanties internationales portant sur des matériels d'équipement mobiles (matériels d'équipement aéronautiques), be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Messrs. RONDEAU and GERRARD having spoken,

The debate was, on motion of Mrs. TAILLIEU, adjourned.

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Hon. Mr. SWAN moved:

THAT Bill (No. 4) – The Missing Persons Act/Loi sur les personnes disparues, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. SWAN having spoken,

And Hon. Mr. GERRARD speaking at 5:00 p.m. The debate was allowed to remain in his name.

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The House then adjourned at 5:00 p.m. until 10:00 a.m. Thursday, May 17, 2012.

Hon. Daryl REID,  
Speaker.