



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 28

SECOND SESSION, THIRTY-SEVENTH LEGISLATURE

PRAYERS

10:00 O'CLOCK A.M.

By leave, Hon. Mr. SMITH (Brandon West) presented:

Supplementary Information for Legislative Review 2001-2002 – Departmental Expenditure Estimates – Consumer and Corporate Affairs.

(Sessional Paper No. 141)

By unanimous consent, the sequence for consideration of estimates, as outlined in Sessional Paper No. 113 tabled on April 23, 2001, was further amended in order that Advanced Education and Consumer and Corporate Affairs be considered in the Chamber prior to Executive Council.

By unanimous consent, the sequence for consideration of estimates, as outlined in Sessional Paper No. 113 tabled on April 23, 2001, was further amended in order that Family Services and Housing be considered in Room 254 for Thursday, May 10, 2001, only.

Hon. Mr. SELINGER moved:

THAT Bill (No. 7) – The Manitoba Hydro Amendment Act/Loi modifiant la Loi sur l'Hydro-Manitoba, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. SELINGER having spoken,

The debate was, on motion of Mr. GILLESHAMMER, adjourned.

Hon. Mr. SALE moved:

THAT Bill (No. 13) – The Social Services Appeal Board and Consequential Amendments Act/Loi sur la Commission d'appel des services sociaux et modifications corrélatives, be now read a Second Time and be referred to a Committee of this House.

Thursday, May 10, 2001

And a debate arising,

And Hon. Mr. SALE having spoken,

The debate was, on motion of Mr. CUMMINGS, adjourned.

Hon. Ms. WOWCHUK moved:

THAT Bill (No. 16) – The Farm Practices Protection Amendment Act/Loi modifiant la Loi sur la protection des pratiques agricoles, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Ms. WOWCHUK having spoken,

The debate was, on motion of Mr. ENNS, adjourned.

Hon. Ms. MCGIFFORD moved:

THAT Bill (No. 17) – The Student Aid Act/Loi sur l'aide aux étudiants, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Ms. MCGIFFORD having spoken,

The debate was, on motion of Mr. DERKACH, adjourned.

Hon. Ms. WOWCHUK moved:

THAT Bill (No. 19) – The Crown Lands Amendment Act/Loi modifiant la Loi sur les terres domaniales, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Ms. WOWCHUK having spoken,

The debate was, on motion of Mr. ENNS, adjourned.

Thursday, May 10, 2001

Mr. Speaker having left the Chair and the House resolving itself into a Committee to consider of the Supply to be granted to Her Majesty;

And the House continuing in Committee. The Proceedings were interrupted at 12:00 p.m. with the understanding that the Committee of Supply would resume following Routine Proceedings.

1:30 O'CLOCK P.M.

The following petitions were presented:

Mr. SCHULER – Legislative Assembly of Manitoba request that the Minister responsible for Manitoba Hydro consider alternative routes for the additional 230KV and 500KV lines proposed for the RM of East St. Paul (E. Wiens, S. Karpiak, V. Jaworski and others)

Mr. LOEWEN – Legislative Assembly of Manitoba request that the Premier of Manitoba consider reversing his decision to not support construction of an underpass at Kenaston and Wilkes (M. Gannon, L. Wight, K. Halko and others)

Mr. PITURA – Legislative Assembly of Manitoba request that the Premier of Manitoba consider reversing his decision to not support construction of an underpass at Kenaston and Wilkes (M. Provencher, K. Kateryniuk, D. Radics and others)

The following petitions were read and received:

Mr. SCHULER – Legislative Assembly of Manitoba request that the Minister responsible for Manitoba Hydro consider alternative routes for the additional 230KV and 500KV lines proposed for the RM of East St. Paul (Y. Desender, S. Vigin, J. Bell and others)

Mr. LOEWEN – Legislative Assembly of Manitoba request that the Premier of Manitoba consider reversing his decision to not support construction of an underpass at Kenaston and Wilkes (S. Lemon, C. Melvor, D. Fox and others)

Mr. PITURA – Legislative Assembly of Manitoba request that the Premier of Manitoba consider reversing his decision to not support construction of an underpass at Kenaston and Wilkes (G. LeGras, F. Friesen, J. MacDonald and others)

Hon. Mr. SALE, the Minister of Family Services and Housing made a statement regarding the Northern Housing Forum, "Building Consensus", held on May 7 and 8, 2001,

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

Thursday, May 10, 2001

Hon. Ms. MIHYCHUK, the Minister of Industry, Trade and Mines made a statement regarding Provincial Mining Week, May 11 to 17, 2001,

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

Hon. Mr. SMITH (Brandon West) presented:

Annual Report of The Public Utilities Board for the year ending December 31, 2000.
(Sessional Paper No. 142)

During Oral Questions, Mr. LAURENDEAU rose on a point of order regarding comments spoken by the Honourable Minister of Health,

And Hon. Messrs. CHOMIAK and MACKINTOSH having spoken to the point of order,

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

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

After the daily prayer on April 19, 2001, and following a point of order raised by the Minister of Family Services and Housing, the Honourable Member for River East rose on a matter of privilege and moved "THAT the Minister of Family Services did break the privileges of all Opposition members by accusing those MLAs of condoning and participating in one of society's most heinous crime, that being the physical assaulting of women and that this House finds the Minister of Family Services in contempt of this House for casting aspersions against members of the Opposition; and furthermore that this Minister be directed to withdraw his comments and apologize; and that this matter be referred to the Committee on Privileges and Elections for the Committee's consideration." The Honourable Member asserted that remarks spoken by the Honourable Minister of Family Services and Housing, "we do not think you have to take a stick and beat them like the Opposition does" were an affront to all Members. Contributions to the matter raised were also made by the Honourable Government House Leader, the Honourable Official Opposition House Leader, and the Honourable Member for Lakeside. I took the matter under advisement in order to consult the procedural authorities.

When a matter of privilege is raised in the House there are two aspects that the Speaker must decide. The first is whether the matter was raised at the earliest available opportunity, and second, whether a prima facie case of privilege has been established.

On the first issue, I accept the word of the Honourable Member for River East that she did not find out about the remarks in question until after the fact. However, I would encourage Members to try and raise issues in a timely manner, if at all possible. Failure to do so can have an impact on the determination of the orderliness of the issue raised.

On the second point, I must rule that the matter raised does not qualify as a prima facie case of privilege. Joseph Maingot, on pages 254 and 255 of the second edition of Parliamentary Privilege in Canada states “language spoken during a parliamentary proceeding that impugns the integrity of Members would be unparliamentary and a breach of order contrary to the Standing Orders but not a breach of privilege.” This statement is supported by two rulings from former Speaker Rocan. On June 28, 1994, he ruled that the words “she needs a slap” were not a prima facie case of privilege, as the complaint should have been raised as a point of order and not a matter of privilege. Similarly, on March 20, 1995, he ruled that a matter of privilege raised about one Member accusing another Member of promoting racism was not a prima facie case of privilege, as the matter should have been raised as a point of order and not a matter of privilege.

I am not unmindful of the fact that this issue has been taken very seriously by Members in this House, and on that basis, Members may have a grievance or a complaint or a point of order, but it is not a prima facie case of privilege.

From his decision, Mr. LAURENDEAU 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	MALOWAY
ALLAN	MARTINDALE
ASHTON	MCGIFFORD
ASPER	MIHYCHUK
BARRETT	NEVAKSHONOFF
CALDWELL	REID
CERILLI	RONDEAU
CHOMIAK	SALE
DEWAR	SANTOS
DOER	SCHELLENBERG
FRIESEN	SELINGER
JENNISSIN	SMITH (Brandon West)
KORZENIOWSKI	STRUTHERS
LEMIEUX	WOWCHUK.....29
MACKINTOSH	

NAY

CUMMINGS	MURRAY
DACQUAY	PENNER (Emerson)
DERKACH	PENNER (Steinbach)
DRIEDGER	PITURA
HELWER	ROCAN
LAURENDEAU	SCHULER
LOEWEN	SMITH (Fort Garry)
MAGUIRE	TWEED 17
MITCHELSON	

* * *

During Oral Questions on April 30, 2001, the Honourable Official Opposition House Leader rose on a point of order concerning comments spoken by the Honourable Minister of Health while responding to a question asked by the Leader of the Official Opposition. The Honourable Official Opposition House Leader contended that the Honourable Minister of Health was provoking debate and was making allegations against Members. The Deputy Speaker took the matter under advisement.

I have reviewed the comments in question of the Honourable Minister of Health. Although his comments consisted of some strong language, the remarks do not contain any personal charges or imputation of motives. I would therefore find that there is no point of order. I would, however, ask all Honourable Members to be mindful of the fact that even though Members have strong differences of opinion, we should keep our remarks and comments temperate and worthy, and treat each other with respect as Honourable Members.

* * *

During Members' Statements on April 30, 2001, a point of order was raised by the Honourable Official Opposition House Leader concerning a Members' Statement being given by the Honourable Minister of Advanced Education. The Official Opposition House Leader indicated that from her comments, the Minister was representing another Minister, and that the comments should have been raised as a Ministerial Statement, and not as a Members' Statement. The Minister of Transportation and Government Services, the Member for River East, and the Honourable Government House Leader also spoke to the point of order. The Deputy Speaker took the matter under advisement.

I have had the opportunity to review the remarks that were made by the Honourable Minister of Advanced Education while speaking to the Members' Statement. In her remarks she does indicate that she had represented the Minister of Culture, Heritage and Tourism at the 13th Annual Manitoba Writing and Publishing Awards, and she also indicates that on behalf of the Minister, that she wished to thank a number of people.

Rule 23.(2) states that "A Minister of the Crown may not use the time allotted for Members' Statements to comment on government policy or ministerial or departmental action." I would note that the Honourable Minister of Advanced Education is listed on Order in Council number 13-2001 as the first Acting Minister for the Department of Culture, Heritage and Tourism.

Thursday, May 10, 2001

I would further note that looking back at the past Manitoba practice for the last four years regarding Members' Statements, it has been infrequent for Ministers to rise on Members' Statements, but when they have risen, the comments have been made in connection to a matter dealing with the Minister's constituency, and not with a government department or government policy or actions. In the 1st Session of the 37th Legislature, no Ministers rose under the category of Members' Statements. In the 5th Session of the 36th Legislature, three Members' Statements were delivered by Ministers, and these statements were on the Kinsman Reh-Fit Centre, the Poppy Trust Fund, and the Whyte Ridge Community Club. In the 4th session of the 36th Legislature, two Members' Statements were delivered by Ministers, and they were on the topics of the Millenium Project, and St. John's Ravenscourt School.

I would therefore rule that there is a point of order. I would suggest to Honourable Ministers that if they are rising to speak on Members' Statements, that the comments should be pertaining to the Minister's constituency, and should not be used to comment on government policy or ministerial or department action.

Pursuant to Rule 23(1), Ms. CERILLI, Mrs. SMITH (Fort Garry), Ms. KORZENIOWSKI, Messrs. PENNER (Steinbach) and MARTINDALE made Members' Statements.

In accordance with Rule 24, Mrs. MITCHELSON and Mr. MURRAY rose on Grievances.

Following Grievances, Hon. Mr. SALE rose on a point of order and unequivocally withdrew his remarks made on April 19, 2001.

And the House continuing in Committee.

By leave, the Proceedings of the Committee of Supply were temporarily interrupted to permit Mr. Speaker to resume the Chair.

By leave, it was agreed to waive Private Members' Business for Thursday, May 10, 2001.

By leave, Mr. Speaker having left the Chair and the House resolving itself into a Committee to consider of the Supply to be granted to Her Majesty;

And the House continuing in Committee.

The House then adjourned at 6:00 p.m. until 1:30 p.m. Monday, May 14, 2001.

Hon. George HICKES,
Speaker.