

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, June 19, 1990.

The House met at 1:30 p.m.

PRAYERS

ROUTINE PROCEEDINGS

Hon. James McCrae (Government House Leader): Mr. Speaker, I wonder if there would be agreement to proceed directly to Orders of the Day?

Mr. Speaker: Is it the will of the House to proceed directly to Orders of the Day?

Some Honourable Members: Agreed.

Mr. Speaker: Agreed.

ORDERS OF THE DAY

SPEAKER'S RULING

Mr. Speaker: Prior to recognizing the Honourable First Minister, I have a ruling for the House.

On Thursday, June 14, I took under advisement a matter of privilege raised by the Honourable Member for Rupertsland (Mr. Harper) respecting events which occurred at the north entrance to this building and in and adjacent to the public galleries on Tuesday, June 12.

As the House will recall from other rulings, Erskine May defines privilege as "the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by Members of each House individually, without which they could not discharge their functions."

Maingot states that parliamentary privilege does extend not only to Members, but also to House Officers and to witnesses, legal counsel and petitioners participating in some parliamentary proceeding, including the parliamentary activities of the House or its committees. It is not apparent from the authorities, however, that privilege extends to visitors to a Legislature.

Research failed to identify any relevant Manitoba precedents. However, in the House of Commons of Canada, in 1980, a Member rose on a matter of privilege based on the fact that five of his constituents had been refused access to his office and to the public galleries of the House. Madam Speaker Sauvé ruled immediately that the question raised was one of security not privilege.

The Honourable Member has raised a most serious complaint but it does not satisfy the conditions of privilege. Additionally, the events on which the Honourable Member's claim is based occurred on Tuesday but were not brought to the attention of the House until Thursday. As Beauchesne Citation 115

points out, matters of privilege must be raised at the earliest opportunity.

Therefore, I must rule this matter out of order as a matter of privilege because the Honourable Member has failed to establish a prima facie case and because it was not raised at the earliest opportunity.

I should perhaps say to the House and to the Honourable Member that I have had several meetings with the officials of the Government department which is responsible for security to consider the events which prompted the Honourable Member to raise his very legitimate concerns. One result of these meetings is that Room 254 has now been set up with TV monitors to accommodate any overflow from the public galleries.

* (1335)

In 1971, the Standing Committee on Procedure and Organization of the House of Commons of Canada reported to the House respecting security measures in the public galleries. The following statement was contained in the report:

"Your Committee was governed at all times by the belief that Parliament should not be isolated from the people as a result of exaggerated security measures and that it is important in a democratic society that Members of Parliament should continue to have direct communication with the public. Consequently, your Committee has concluded that whatever security measures are provided to protect the House of Commons and its Committees in session and Members within the precincts of Parliament must be reasonable and consistent with the right of the public to come to Parliament to see their Members and attend sittings of the House and its Committees. It is not easy to reconcile these two imperatives but your Committee feels that the balance should always be in favour of permitting the public reasonable and proper access to Parliament and within this limit to achieve somewhat greater control of movements within the buildings by the public without intruding in any obvious way on the undoubted rights of the citizens to approach their Parliament."

Members will feel, I believe, that this statement is generally as valid today as it was when made in 1971.

As Members know, the Department of Government Services is responsible for security in all Government operated buildings, including this one. The Legislative Assembly Management Commission has a shared responsibility with that department respecting this Chamber and the Assembly offices. Therefore, it is my intention to have the matter raised at the next meeting of the Commission.

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SPEAKER'S STATEMENT

Mr. Speaker: I have another statement for the House.

As all Honourable Members will have noticed, the major interest by the media in the matters currently before this House has resulted in serious congestion in the corridors to the east and west of the Chamber immediately after the adjournment of the House each day. The space limitations in these areas make it almost impossible to move through them at these times and increase the possibility of personal injury.

To correct this situation I would like to ask all members of the media to gather in the rotunda outside the north doors of the Chamber for the daily post-adjournment scrum with Members of the House.

I would also appreciate it if all Members of the House wishing to meet with the media at that time would leave the Chamber through the east and west exits to the Chamber or through the message room exits and thence to the rotunda.

The co-operation of both Members and media in this respect will assist in correcting a situation which has been getting steadily more difficult. I thank everyone for their co-operation.

INTRODUCTION OF GUESTS

Mr. Speaker: I would like to draw Honourable Members' attention to the loge to my left where we have with us this afternoon Mr. Jack Anawak who is an M.P. for the Northwest Territories.

On behalf of all Honourable Members, I welcome you here this afternoon, sir.

Also with us this afternoon, we have from the Viscount Alexander School fifty Grade 3 students. They are under the direction of Caroline Spry. This school is located in the constituency of the Honourable Member for Fort Garry (Mr. Laurie Evans).

On behalf of all Honourable Members, I welcome you here this afternoon.

Hon. Gary Filmon (Premier): Mr. Speaker, I wonder if I might have leave to move the resolution concerning the Constitution Amendment, 1987?

Mr. Speaker: Does the Honourable First Minister have leave?

Some Honourable Members: Agreed.

Mr. Speaker: Agreed?

An Honourable Member: No.

Mr. Speaker: No? Leave is denied.

Order, please; order, please. As I have advised the public in the last number of days, to participate in the proceedings of this House is totally contrary to our Rules. I have told you this on several occasions. This will be the last time that I advise the public that this is the way this House will proceed. You are not to participate in any manner, either with applauding or heckling of the Members. I will not tolerate any such incidents.

Hon. James McCrae (Government House Leader): Mr. Speaker, I move, seconded by the Honourable Minister of Finance (Mr. Manness), that this House do now adjourn.

Mr. Speaker: It has been moved by the Honourable Government House Leader, seconded by the Honourable Minister of Finance, that this House do now adjourn. Agreed?

Some Honourable Members: Agreed.

Mr. Speaker: Agreed.