

Tuesday, April 14, 1998



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 30

FOURTH SESSION, THIRTY-SIXTH LEGISLATURE

PRAYERS

1:30 O'CLOCK P.M.

The following petitions were presented:

Ms. BARRETT - Minister of Health to put an end to the centralization and privatization of Winnipeg hospital food services (C. Schulkins, C. Nowicki, K. Medwid and others)

Ms. FRIESEN - Minister of Health to put an end to the centralization and privatization of Winnipeg hospital food services (J. Brown, J. Dobbie, B. King and others)

The following petition was read and received:

Ms. FRIESEN - Minister of Health to put an end to the centralization and privatization of Winnipeg hospital food services (M. Masserey, C. Valera, L. Lemoine and others)

Mr. LAURENDEAU, Chairperson of the Committee of Supply, presented the Report of the Proceedings of the Committee of April 9, 1998, as follows:

IN THE COMMITTEE

The following Resolution was adopted:

13.2 RESOLVED that there be granted to HER MAJESTY a sum not exceeding SEVEN HUNDRED FIFTY-SIX THOUSAND, FIVE HUNDRED DOLLARS for RURAL DEVELOPMENT:

BOARDS \$756,500.00

for the fiscal year ending the 31st day of March, 1999.

Resolution was reported.

Report was received and the Committee of Supply obtained leave to sit again.

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Prior to Orders of the Day, Madam Speaker made the following ruling:

During Members' Statements on March 19, 1998, the Leader of the Official Opposition, on a point or order, asked that the Speaker take under advisement a previous ruling concerning use of the terms "racist" and "racist policies." He indicated that the Official Opposition would like the ruling in question expunged from the record.

I would like to draw to the attention of the House citation 119 of Beauchesne (Fifth Edition) which states that Speakers' rulings, once given, belong to the House. The Speaker is not vested with the power to alter them of his or her own accord. If they have been given under misrepresentation, the House itself, and not the Speaker, should take the initial steps to avoid the consequences of implications.

The record of meetings of the Standing Committee on Rules of the House indicates that on February 7, 1983 Speaker Walding stated: "We have two procedures that the House can adopt with regard to Speakers' Rulings: one is the appeal . . . and the other is a substantive motion having to do with a Speaker's Ruling." Speaker Walding went on to say: "That is all the House can do, it is specifically forbidden for the House to reflect on a Speaker's Ruling, unless it is by means of one of those two things."

The Honourable Leader of the Opposition did not have a point of order. I believe that it is clear what options are available to the House, based on the two references I have cited.

Pursuant to Rule 20(1), Mr. McALPINE, Ms. FRIESEN, Messrs. DYCK, EVANS (Brandon East) and HELWER made Members' Statements.

By unanimous consent, the sequence for consideration of estimates, as outlined in Sessional Paper No. 142 was amended as follows:

<u>Chamber</u>	<u>Room 254</u>
Rural Development Education & Training Northern Affairs	Labour Energy & Mines Civil Service Commission Employee
Benefits and Other Payments	Family Services

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Madam 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 5:00 p.m. for Private Members' Business.

Mr. SALE moved:

Resolution No. 12: Financial Figures Used In Pre-Budget Consultations

WHEREAS the process of consulting with citizens of Manitoba concerning the upcoming budget is a valuable process which was begun under the New Democrat Government; and

WHEREAS concerns have been raised about the current pre-budget consultation process regarding whether it is truly an open public process; and

WHEREAS the citizens of Manitoba rights hold many and diverse views about questions of revenue and expenditures of their Government; and

WHEREAS such an exercise of consultation can only be useful if it is based on factual information concerning the state of the finances of the Province at the time of the consultation; and

WHEREAS it is clear that in the 1998/99 consultations the Minister of Finance has misled Manitobans in regard to the level of revenues expected in 1997/98 and the level of the accumulated deficit and the level of employment creation here in Manitoba.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba direct the Provincial Government to use current and correct financial information in all pre-budget consultations, to be made widely and publicly available at the time of the consultations; and

BE IT FURTHER RESOLVED that this Assembly direct the Minister of Finance to ensure that current misleading practices are stopped immediately, prior to any future consultations.

WHEREUPON Madam Speaker ruled as follows:

Resolution No. 12 as put forward by the Honourable Member for Crescentwood regrettably is not in order. Beauchesne citation 566(3) obligates the Speaker to call to the attention of the mover and of the House to the irregularity of a motion; whereupon the motion is usually withdrawn or so modified as to be no longer objectionable. The procedural difficulty with the resolution occurs in the two "Be It Resolved" portions, and in particular the phrase "that the Legislative Assembly direct the Provincial Government" and the phrase "that this Assembly direct the Minister of Finance."

Citation 553(1) of Beauchesne states that "by its resolutions the House declares its own opinions and purposes." It is not in order for a resolution of the Assembly to direct the actions of any institution or group, other than itself.

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A review of past resolutions debated by this House showed that it is not Manitoba practice to include in Private Members' Resolutions phraseology which would amount to the Assembly directing the government to take some action. The review did reveal that wherever the words "direct" or "directing" have been used with reference to the Government or individual Governments departments or Ministers they have been qualified by words such as "urge the Minister to consider (directing)."

The Honourable Member does have some options; he can move the resolution again after having made the necessary corrections and having given a new notice, or the Member may wish to seek unanimous consent of the House to submit and have debated a corrected resolution in the near future (perhaps even today).

At this time, however, I am ruling Resolution No. 12 as it presently reads out of order and therefore to be removed from the Order Paper.

And leave having been granted to amend the wording in the final clauses to read as follows:

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba request the Provincial Government to consider using current and correct financial information in all pre-budget consultations, to be made widely and publicly available at the time of the consultations; and

BE IT FURTHER RESOLVED that this Assembly request the Minister of Finance to ensure that current misleading practices are stopped immediately, prior to any future consultations.

And a debate arising,

And Mr. SALE having spoken,

And Hon. Mr. DOWNEY speaking,

WHEREUPON Madam Speaker interjected regarding the words "the Duke of Doom" spoken by the Honourable Minister of Industry, Trade & Tourism and reminded the Honourable Minister that all Members were to be referred to as Honourable Members,

Hon. Mr. DOWNEY voluntarily withdrew his remarks.

And the debate continuing,

And Hon. Mr. DOWNEY concluding his remarks,

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And Mr. EVANS (Brandon East) having spoken,

And Hon. Mr. GILLESHAMMER speaking at 6:00 p.m.,

The debate was allowed to remain in his name.

The House then adjourned at 6:00 p.m. until 1:30 p.m. tomorrow.

Hon. Louise Dacquay,
Speaker.