

Tuesday, December 2, 1997



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 4

FOURTH SESSION, THIRTY-SIXTH LEGISLATURE

PRAYERS

1:30 O'CLOCK P.M.

Hon. Mr. ENNS, the Minister of Agriculture, made a statement concerning the Maple Leaf Foods' announcement to build a pork processing plant in Brandon,

Mr. EVANS (Brandon East) commented on the statement.

Hon. Mr. TOEWS presented:

Copy of Regulations filed under The Regulations Act, being Regulations Nos. 32/97 to 227/97.

(Sessional Paper No. 29)

Hon. Mrs. McINTOSH presented:

Annual Report of the Manitoba Education Research and Learning Information Networks for the year ended June 30, 1997.

(Sessional Paper No. 30)

Hon. Mr. GILLESHAMMER presented:

Annual Report of the Department of Labour for the fiscal year ended March 31, 1997.

(Sessional Paper No. 31)

Also:

Annual Report of the Manitoba Labour Board for the fiscal year ended March 31, 1997.

(Sessional Paper No. 32)

Also:

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Annual Report of The Manitoba Labour Management Review Committee for the period of January 1, 1994 - December 31, 1996.

(Sessional Paper No. 33)

Also:

Annual Report of the Office of the Fire Commissioner for the fiscal year ended March 31, 1997.

(Sessional Paper No. 34)

Also:

Annual Report of the Civil Service Commission for the fiscal year ended March 31, 1997.

(Sessional Paper No. 35)

Also:

Annual Report of Organization and Staff Development for the fiscal year ended March 31, 1997.

(Sessional Paper No. 36)

Also:

Auditor's Report and Financial Statements for the Public Service Group Insurance Fund for the year ended April 30, 1997.

(Sessional Paper No. 37)

Hon. Mr. DERKACH presented:

Annual Report of the Conservation Districts of Manitoba for the fiscal year ended March 31, 1997.

(Sessional Paper No. 38)

Madam Speaker presented:

Annual Report of the Chief Electoral Officer on the Elections Finances Act for the year ended December 31, 1996.

(Sessional Paper No. 39)

Also:

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Report pursuant to Section 38(1) of the Indemnities, Allowances and Retirement Benefits Regulation for the fiscal year ended March 31, 1997.

(Sessional Paper No. 40)

During Oral Questions, Mr. ASHTON rose on a point of order regarding the words “slimy kinds of tactics that the Member for St. Johns uses” spoken by the Honourable Minister of Justice when responding to the Member for St. Johns’ Question, and requested the words be withdrawn.

And Hon. Mr. TOEWS having spoken,

WHEREUPON Madam Speaker ruled that the words spoken caused a disruption in the proceedings and requested the words be withdrawn,

Hon. Mr. TOEWS withdrew his remarks.

Following Oral Questions, Madam Speaker made the following ruling:

I took under advisement on November 25, 1996 a matter of privilege raised by the Honourable Member for St. Johns about my ruling of November 21, 1996 respecting the timing of votes on Bill 67.

There are three conditions to be met in order for a Speaker to find that there is a prima facie evidence of a matter of privilege

First, was the matter raised by the Honourable Member for St. Johns at the earliest opportunity? I believe that November 25 was indeed his first opportunity because after I delivered my ruling on November 21 the House considered a matter of privilege raised by the Honourable Member for Thompson and then adjourned. The House then did not meet until November 25.

The second condition for a matter to proceed is that the Member raising a matter of privilege must provide the House with a reparation or remedy. The Honourable Member did propose a motion that the matter be referred to the Standing Committee on Privileges and Elections, so the second condition has been complied with.

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The third condition to be met is that sufficient evidence must be presented to suggest that a breach of the privileges of the House has occurred. I must find that the third condition has not been met. My ruling of November 21 was challenged but sustained by the House on a recorded vote. Immediately thereafter the Honourable Member for Thompson rose on a matter of privilege that was a non-confidence motion in the presiding officer and that matter arose directly from my November 21 ruling and that non-confidence motion was defeated on a recorded vote that day. The November 21 ruling has already been challenged and sustained twice. In reading the comments of the Honourable Member for St. Johns when he raised his matter of privilege on November 25, I can locate no substantially different perspectives in his arguments than those which had been put forward by the Official Opposition House Leader on November 21 when he raised a matter of privilege. Citation 558 in Beauchesne, which is based on a statement by the parliamentary authority Sir John Bourinot, states "That a question being once made and carried in the affirmative or negative, cannot be questioned again but must stand as the judgment of the House. Unless such a rule were in existence, the time of the House might be used in the discussion of a motion of the same nature and contradictory decisions would be sometimes arrived at in the course of the same session." The decision of Speaker Graham of April 15, 1981 in a similar matter is also, I believe, a relevant Manitoba precedent.

Because no new evidence was presented to the House between November 21 and 25, I must rule that the motion of the Honourable Member for St. Johns does not meet the requirements of a matter of privilege and must be ruled out of order.

From her decision, Mr. ASHTON 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

CUMMINGS
DERKACH
DRIEDGER
DYCK
ENNS
FAURSCHOU
FINDLAY
GAUDRY
GILLESHAMMER
HELWER
KOWALSKI
LAURENDEAU
McALPINE
McCRAE

McINTOSH (Assiniboia)
MITCHELSON
NEWMAN
PENNER
PITURA
PRAZNIK
RADCLIFFE
REIMER
RENDER
ROCAN
STEFANSON
SVEINSON
TOEWS
TWEED 28

NAY

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ASHTON	MACKINTOSH (St. Johns)
BARRETT	MALOWAY
CERILLI	MARTINDALE
DEWAR	McGIFFORD
DOER	MIHYCHUK
EVANS (Brandon East)	REID
EVANS (Interlake)	ROBINSON
FRIESEN	SALE
JENNISSEN	SANTOS
LATHLIN	STRUTHERS..... 20

Prior to Orders of the Day, Mr. LAMOUREUX rose on a matter of privilege and moved:

THAT the Speaker convene a meeting of the House Leaders and a representative of the Independent Members' Caucus intersessionally to resolve the issues facing the Speaker's Chair.

And Mr. ASHTON, Hon. Messrs. TOEWS and McCRAE and Mr. KOWALSKI having spoken,

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

Pursuant to Rule 20(1), Mr. HELWER, Ms. McGIFFORD and Messrs. FAURSCHOU, KOWALSKI and LAMOUREUX made Members' Statements.

The House resumed the Interrupted Debate on the Proposed Motion of Mr. DYCK:

For an Address to His Honour, the Lieutenant Governor in answer to His Speech at the Opening of the Session.

And the Proposed Motion of Mr. DOER in amendment thereto as follows:

THAT the motion be amended by adding to it, after the word "session," the following words:

But this House regrets that this government has failed to meet the goals of Manitobans by:

- a) failing to provide adequate and timely compensation to Manitobans who were driven from their homes by the Red River flood, while holding the flood victims themselves responsible for the losses they suffered; and

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- b) failing to respect the rights of Manitobans victimized by crime, in particular by making it mandatory (as it is in most other provinces) that crime victims be given opportunities to present victim impact statements to the court prior to sentencing; and
- c) forcing Manitobans to bear the costs of privatizing the Manitoba Telephone System, through escalating local phone rates intended to boost the profits of private shareholders; and
- d) failing to respond to Manitoban's frustrations over the lengthy waiting lists for medical procedures and surgeries; and
- e) failing to implement the key recommendations of the Pedlar Commission, many of which were repeated in the recent report of the Lavoie Inquiry; and
- f) failing to implement the key recommendations of its own report on the Health of Manitoba Children; and
- g) failing to prepare Manitoba youth for the 21st Century by committing to stable funding for the public school system; and
- h) failing to support the Canadian Wheat Board as a single desk seller, despite the overwhelming support for the Wheat Board's role among Manitoba producers and its strategic position in the Manitoba economy; and
- i) failing to implement the recommendations of the AJI, while cutting funding to Friendship Centres and to the ACCESS and BUNTEP programs; and

has thereby lost the trust and confidence of the people of Manitoba and this House.

And the debate continuing,

And Mr. PENNER concluding his remarks,

And Mr. SALE and Hon. Mr. PITURA having spoken,

The debate was allowed to remain open.

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

Hon. Louise Dacquay,
Speaker.