

Tuesday, June 9, 1998



## LEGISLATIVE ASSEMBLY OF MANITOBA

### VOTES AND PROCEEDINGS No. 61

FOURTH SESSION, THIRTY-SIXTH LEGISLATURE

#### PRAYERS

1:30 O'CLOCK P.M.

The following petition was presented:

Ms. WOWCHUK - Estey Grain Transportation Review Report (K. Behrmann, S. Behrmann, G. Silverthorn and others)

The following petition was read and received:

Ms. WOWCHUK - Estey Grain Transportation Review Report (K. Edwards, M. Hall, J. Marchuk and others)

Mr. LAURENDEAU, Chairperson of the Committee of Supply presented the Report of the Proceedings of the Committee of June 8, 1998 as follows:

#### IN THE COMMITTEE

The following Resolution was adopted:

26.2 RESOLVED that there be granted to HER MAJESTY a sum not exceeding THREE MILLION, FOUR HUNDRED THOUSAND DOLLARS for ENABLING APPROPRIATIONS:

SUSTAINABLE DEVELOPMENT INNOVATIONS FUND .....	\$3,400,000.00
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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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Hon. Mr. TOEWS presented:

Annual Report of The Fatalities Inquiry for the year ended December 31, 1997.  
(Sessional Paper No. 204)

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During Oral Questions, Hon. Mr. McCRAE rose on a point of order indicating that it was a requirement of this House to table three copies of documents,

And Mr. LAMOUREUX having spoken to the point of order,

WHEREUPON Madam Speaker ruled there was a point of order and reminded all Honourable Members that Members, when tabling documents in the House, are required to table three copies.

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Following Oral Questions, Madam Speaker made the following ruling:

The Honourable Member for St. Johns on May 12 rose on a matter of privilege asserting that the Minister of Justice had deliberately misled the House, because of the inconsistencies in the Minister's versions of events regarding the appointment of judges to the Provincial Court of Manitoba, and moved that the matter be referred to the Standing Committee on Privileges and Elections.

I wish to thank the Honourable Member for St. Johns, the Government House Leader, the Opposition House Leader, the Minister of Justice, and the Honourable Member for Inkster for their advice to the Chair on the matter of privilege.

The two tests for a matter of privilege are: one, was the matter raised at the earliest opportunity, and two, is there sufficient evidence that the privileges of the House have been breached to warrant putting the matter to the House. With respect to the first test, the Honourable Member did raise his matter at the earliest opportunity.

With respect to whether the Member has made a prima facie case, I would refer Members to precedents established by rulings of Speakers Walding, Phillips and Rocan, as I did on March 13 of this year when ruling on another matter of privilege. These rulings clearly indicated that a deliberate misleading of the House involves an **intent** to mislead and/or **knowledge** that the statement would mislead. Perhaps more importantly, Speakers Walding, Phillips and Rocan have ruled that when one Member charges that another Member has deliberately misled the House, the Member making the charge must furnish **proof of intent**.

*Parliamentary Privilege in Canada* by Joseph Maingot sustains this opinion; on page 234 he states that an admission that a Member of the House was intentionally misled, and a direct relationship between the misleading information and a proceeding in Parliament would be necessary to establish a prima facie case of a matter of privilege.

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I wish to say at this point, that short of a Member acknowledging to the House that she or he deliberately and with intent set out to mislead, it is virtually impossible to prove that a Member deliberately misled the House.

In reading the Hansard, I would agree, as the Member for St. Johns phrased it, there was "a series of inconsistencies" in the statements of the Minister of Justice between May 7 and May 11. However, that is not sufficient to establish a prima facie case of privilege. Speaker Rocan on June 19, 1991 was very clear on this matter when ruling on two different matters of privilege; in the first instance a Minister had asserted one set of facts in Committee of Supply but made a contradictory statement later during Question Period, and in the second instance a statement in Supply was later repudiated in a press release. To paraphrase from one of those rulings: while the Minister may well have contradicted himself, the Member for St. Johns has not furnished proof that the Minister deliberately set out to mislead the House.

Although the Member for St. Johns may have a grievance or a complaint against the Minister, I must rule that he has not established a prima facie case of privilege and rule his motion 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	McINTOSH (Assiniboia)
DERKACH	MITCHELSON
DRIEDGER (Charleswood)	NEWMAN
DRIEDGER (Steinbach)	PENNER
DYCK	PITURA
ENNS	PRAZNIK
FAURSCHOU	..... RADCLIFFE
FILMON	REIMER
FINDLAY	RENDER
GILLESHAMMER	STEFANSON
LAURENDEAU	SVEINSON
McALPINE	TOEWS
McCRAE	TWEED ..... 26

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NAY

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

Pairs: Mr. GAUDRY stated he was paired with Mr. ROCAN; had he voted he would have voted in the affirmative.

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Pursuant to Rule 20(1), Mr. DYCK, Ms. MIHYCHUK, Messrs. LAURENDEAU, EVANS (Brandon East), and LAMOUREUX made Members' Statements.

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On motion of Mr. McALPINE:

ORDERED that the composition of the Standing Committee on Public Utilities and Natural Resources be amended as follows:

Tuesday, June 9, 1998 at 10:00 a.m.:  
Mr. TWEED for Mr. SVEINSON.

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By leave, it was agreed that the Standing Committee on Law Amendments would meet at 10:00 a.m., Thursday, June 11, 1998, concurrently with the House.

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By leave, it was agreed that Thursday morning, June 11, 1998 would consist of two separate Private Members' Business hours.

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By leave, it was agreed to waive Private Members' Business on Wednesday, June 10, 1998 only.

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The House resumed the Adjourned Debate on the Proposed Motion of Hon. Mr. ENNS:

THAT Bill (No. 22) - The Veterinary Services Amendment Act; Loi modifiant la Loi sur les soins vétérinaires, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And leave having been denied to have the matter remain in the name of Mr. MARTINDALE,

And Ms. WOWCHUK and Mr. LAMOUREUX having spoken,

And the Question being put,

It was agreed to.

The Bill was accordingly read a Second Time and referred to a Committee of this House.

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The House resumed the Adjourned Debate on the Proposed Motion of Hon. Mr. ENNS:

THAT Bill (No. 24) - The Crop Insurance Amendment Act; Loi modifiant la Loi sur l'assurance-récolte, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And leave having been denied to have the matter remain in the name of Mr. MARTINDALE,

And Ms. WOWCHUK, Mr. LAMOUREUX and Hon. Mr. ENNS having spoken,

And the Question being put,

It was agreed to.

The Bill was accordingly read a Second Time and referred to a Committee of this House.

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The House resumed the Adjourned Debate on the Proposed Motion of Hon. Mr. ENNS:

THAT Bill (No. 37) - The Farm Machinery and Equipment and Consequential Amendments Act; Loi sur les machines et le matériel agricoles et modifications corrélatives, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And leave having been denied to have the matter remain in the name of Mr. DEWAR,

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And Ms. WOWCHUK, Messrs. LAMOUREUX and TWEED and Hon. Mr. ENNS having spoken,

And the Question being put,

It was agreed to, on division.

The Bill was accordingly read a Second Time and referred to a Committee of this House.

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The House resumed the Adjourned Debate on the Proposed Motion of Hon. Mr. RADCLIFFE:

THAT Bill (No. 41) - The Life Leases and Consequential Amendments Act; Loi sur les baux viagers et modifications corrélatives, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And leave having been denied to have the matter remain in the name of Mr. JENNISSEN,

And Ms. CERILLI, Messrs. MARTINDALE and LAMOUREUX and Hon. Mr. RADCLIFFE having spoken,

And the Question being put,

It was agreed to.

The Bill was accordingly read a Second Time and referred to a Committee of this House.

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The House resumed the Adjourned Debate on the Proposed Motion of Hon. Mr. TOEWS:  
THAT Bill (No. 19) - The Public Trustee Amendment and Consequential Amendments Act; Loi modifiant la Loi sur le curateur public et modifications corrélatives, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And leave having been denied to have the matter remain in the name of Mr. DEWAR,

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And Messrs. MACKINTOSH and LAMOUREUX and Hon. Mr. TOEWS having spoken,

And the Question being put,

It was agreed to, on division.

The Bill was accordingly read a Second Time and referred to a Committee of this House.

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The House resumed the Adjourned Debate on the Proposed Motion of Hon. Mr. TOEWS:

THAT Bill (No. 44) - The Statute Law Amendment Act, 1998; Loi de 1998 modifiant diverses dispositions législatives, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And leave having been denied to have the matter remain in the name of Mr. JENNISSEN,

And Mr. MACKINTOSH and Hon. Mr. TOEWS having spoken,

And the Question being put,

It was agreed to.

The Bill was accordingly read a Second Time and referred to a Committee of this House.

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The House resumed the Adjourned Debate on the Proposed Motion of Hon. Mr. REIMER:

THAT Bill (No. 36) - The City of Winnipeg Amendment and Consequential Amendments Act; Loi modifiant la Loi sur la Ville de Winnipeg et modifications corrélatives, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Mr. REID having spoken,

The debate was allowed to remain in his name and, by leave, in the name of Mr. DEWAR.

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Mr. JENNISSEN moved:

Resolution No. 40 - Passenger Rail Transportation

WHEREAS passenger rail service is the most environmentally friendly form of transportation; and

WHEREAS in many rural communities, particularly in Northern Manitoba, rail transportation is the only practical means of transporting passengers, food, and goods; and

WHEREAS despite the severe cuts to VIA Rail by both the former Conservative Government and the current Liberal Government, thousands of Manitobans continue to depend upon VIA Rail; and

WHEREAS VIA Rail has repeatedly ignored the pleas of tourists, businesses and communities to make a commitment to improve service on the Bayline and Sherridon line; and

WHEREAS as a result, the communities of Churchill, Thicket Portage, Pikitownei, Lynn Lake, and Pukatawagan amongst others have had to put up with second rate service and tourism has suffered; and

WHEREAS VIA Rail, with the permission of the Federal Government, has repeatedly cut back on maintenance; and

WHEREAS the accident at Biggar, Saskatchewan in 1997 once again pointed out the need to keep a high standard of maintenance, but VIA was allowed to make further cuts to maintenance at the Winnipeg and Vancouver centres in October of 1997; and

WHEREAS the Federal Government brought in the Canada Transportation Act which gave railways the right to abandon rail lines at will with no allowable appeals; and

WHEREAS as a result of that Act, thousands of kilometers of rail lines have been abandoned including the Cowan, Inwood and Steep Rock lines in Manitoba; and

WHEREAS even the extremely popular Prairie Dog Central lost its line as a result of these cuts and was unable to operate in 1997; and

WHEREAS despite public outcry the Federal Government has shown no interest in making passenger rail service a priority in this country; and



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WHEREAS by making a commitment to national passenger rail transportation the Federal Government would create countless jobs across the country, boost tourism and allow Canadians to have a better understanding of their country.

THEREFORE BE IT RESOLVED THAT the Legislative Assembly of Manitoba go on record asking the Federal Government to make rail passenger transportation a priority, and to review the current level of service to see where schedules could be altered and increased; and

BE IT FURTHER RESOLVED THAT this Assembly request VIA Rail to improve service on the Bayline and Sherridon line including using more mixed trains carrying goods such as fresh fish on ice and other products and restore maintenance staff cut in 1997; and

BE IT FURTHER RESOLVED THAT this Assembly request the Federal Government to allow VIA Rail Canada and other passenger train carriers to operate mail, parcel, and express service; and

BE IT FURTHER RESOLVED THAT this Assembly request that the Provincial Minister of Industry, Trade and Tourism consider highlighting passenger rail transportation in future advertising campaigns promoting Manitoba.

And a debate arising,

And Mr. JENNISSEN, Hon. Mr. FINDLAY and Mr. ASHTON having spoken,

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

The debate was allowed to remain in his name.

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

Hon. Louise Dacquay,  
Speaker.