



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 26

FOURTH SESSION, THIRTY-EIGHTH LEGISLATURE

PRAYERS

1:30 O'CLOCK P.M.

On motion of Hon. Ms. WOWCHUK, Bill (No. 20) – The Family Farm Practices Protection Amendment and Farm Lands Ownership Amendment Act/Loi modifiant la Loi sur la protection des exploitations agricoles familiales et la Loi sur la propriété agricole, was read a First Time and had its purposes outlined.

The following petitions were presented and read:

Mr. PENNER – Legislative Assembly of Manitoba to consider temporarily lifting the road restrictions on roads in the storm-affected areas of the R.M. of Piney and to consider providing aid to the R.M. of Piney and to individual property owners to assist with the cleanup and recovery efforts. (K. Prociw, J. Prociw, O. Kuchma and others)

Mr. LAMOUREUX – Legislative Assembly of Manitoba to request the Legislative Assembly of Manitoba to consider the need to seek clarification on why the Government did not act on fixing the Crocus fund back in 2001. (N. Bagge, D. Duhamel, L. Pink and others)

Mrs. ROWAT – Legislative Assembly of Manitoba to request the Minister of Transportation and Government Service to consider providing sufficient resources to enhance driver and vehicle safety on Highway 10 and to consider upgrading Highway 10. (G. Bradco, A. Dalton, G. Mackling and others)

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

During Oral Questions on November 29, 2005, the Honourable Official Opposition House Leader raised a point of order regarding the authenticity of a document tabled by the Honourable Minister of Health. I took the matter under advisement.

I am now returning to the House with a ruling on the matter. First, I believe that it is important to remind the House of two important principles that are applied in the House. The first principle is that all Members are Honourable Members and I as Speaker accept the word of Honourable Members. This principle is supported by Beauchesne citation 494 which states that it has been formally ruled by Speakers that statements by Members respecting themselves and particularly within their own knowledge must be accepted.

The second principle is that it is not up to the Speaker to adjudicate matters of fact.

In a similar case which arose in this Legislature in 1996, when a government minister raised matter of privilege accusing an Opposition Member of misleading the House by tabling an allegedly false document in the House, Madam Speaker Dacquay ruled against the matter of privilege on the basis that the word of Honourable Members must be accepted, and that statements by Members respecting themselves and within their own knowledge must be accepted.

Also, I would like to remind the House that when the Honourable Member for Russell tabled an audio cassette in the House, I ruled on April 25, 2002 that it was not the function of the Speaker to identify the authenticity of the tape or the information on the tape, as the authentication of material is not the responsibility of the Speaker.

Based on the principles that it is not the role of the Speaker to verify the authenticity of material, and that the word of Honourable Members must be accepted, I would therefore rule that there is no point of order.

* * *

During Private Members' Business on Thursday, December 1, 2005, the Honourable Member for River East rose on a matter of privilege concerning a vote that had just been held regarding the Second Reading of Bill 200 – The Manitoba Public Insurance Corporation Amendment Act. The Honourable Member contended that it would have been more appropriate to allow the Bill to continue at debate or to let the Bill die on the Order Paper rather than having the Bill being defeated at Second Reading. At the conclusion of her remarks Honourable Member for River East moved “THAT this matter be referred to the Committee on Legislative Affairs and report back to this House.” The Honourable Government House Leader, the Honourable Member for River Heights, the Honourable Member for Ste. Rose, and the Honourable Member for Carman also offered contributions to the Chair. I took the matter under advisement in order to consult the procedural authorities.

I thank all Members for their advice to the Chair on this matter.

There are two conditions that must be satisfied in order for the matter raised to be ruled in order as a prima facie case of privilege. First, was the issue raised at the earliest opportunity, and second, has sufficient evidence been provided to demonstrate that the privileges of the House have been breached, in order to warrant putting the matter to the House.

Regarding the first condition, the Honourable Member for River East asserted that she was raising the matter at the earliest opportunity, and I accept the word of the Honourable Member.

Regarding the second condition, whether there is sufficient evidence that the privileges of the House have been breached, it is important to determine whether parliamentary privilege has been breached in the actions complained.

Joseph Maingot, in the second edition of Parliamentary Privilege in Canada states on page 14 “allegations of breach of privilege by a Member in the House of Commons that amount to complaints about procedures and practices in the House are by their very nature matters of order.” He also states on page 223 of the same edition “A breach of the Standing Orders or a failure to follow an established practice would invoke a point of order rather than a question of privilege.”

In addition, Speaker Rocan ruled on March 12, 1993, that a matter concerning the methods by which the House proceeds in the conduct of business is a matter of order, not privilege. Speaker Dacquay made a similar ruling on April 22, 1999, and as Speaker, I made a same finding in the House on April 21, 2005.

Therefore, with the greatest of respect, I would rule that the matter raised does not fulfil the criteria for a prima facie case of privilege.

Pursuant to Rule 26(1), Messrs. MURRAY and JENNISSEN, Mrs. DRIEDGER, Messrs. NEVAKSHONOFF and LAMOUREUX made Members' Statements.

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

THAT Bill (No. 11) – The Winter Heating Cost Control Act/Loi sur la limitation des frais de chauffage en hiver, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Mr. PENNER having spoken,

The debate was allowed to remain, by leave, in the name of Mr. DERKACH.

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

THAT Bill (No. 5) – The Dental Hygienists Act/Loi sur les hygiénistes dentaires, reported from the Standing Committee on Human Resources, be concurred in and be now read a Third Time and passed.

And the debate continuing,

And Mr. MARTINDALE having spoken,

The debate was allowed to remain, by leave, in the name of Mrs. STEFANSON.

Hon. Ms. MELNICK moved:

THAT Bill (No. 6) – The Dental Association Amendment Act/Loi modifiant la Loi sur l'Association dentaire, reported from the Standing Committee on Human Resources, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Ms. MELNICK and Mr. LAMOUREUX having spoken,

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

Hon. Ms. MELNICK moved:

THAT Bill (No. 8) – The Official Time Amendment Act/Loi modifiant la Loi sur le temps réglementaire, reported from the Standing Committee on Justice, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Ms. MELNICK and Mr. REIMER having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

Hon. Mr. MACKINTOSH moved:

THAT Bill (No. 10) – The Convention Centre Corporation Amendment Act/Loi modifiant la Loi sur la Corporation du Centre des congrès, reported from the Standing Committee on Justice, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. MACKINTOSH and Mrs. MITCHELSON having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

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

THAT Bill (No. 16) – The Corporations Amendment Act/Loi modifiant la Loi sur les corporations, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Messrs. FAURSCHOU and 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.

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

THAT Bill (No. 17) – The Securities Amendment Act/Loi modifiant la Loi sur les valeurs mobilières, 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. DYCK,

And Mr. FAURSCHOU having spoken,

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

By unanimous consent, it was agreed that the Standing Committee on the Rules of the House would meet at 4:15 p.m. on Wednesday, December 7, 2005, concurrently with the House.

By unanimous consent, it was agreed to waive the quorum requirement and any recorded votes arising in the House for the duration of the meeting of the Standing Committee on the Rules of the House on Wednesday, December 7, 2005.

By leave, the House resumed the Adjourned Debate on the Proposed Motion of Hon. Mr. CHOMIAK:

THAT Bill (No. 11) – The Winter Heating Cost Control Act/Loi sur la limitation des frais de chauffage en hiver, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Mr. FAURSCHOU having spoken,

And Mrs. TAILLIEU speaking at 5:00 p.m. The debate was allowed to remain in her name and, by leave, in the name of Mr. DERKACH.

By leave, Mr. SANTOS, Vice-Chairperson of the Standing Committee on Rules of the House, presented its First Report, which was read as follows:

Meetings:

Your Committee met on Tuesday, December 7, 2005 at 4:15 p.m. in room 254 of the Legislative Building.

Matters under consideration:

Amendments to the Rules, Orders and Forms of Proceedings of the Legislative Assembly of Manitoba

Committee Membership:

- Ms. BRICK
- Mr. DERKACH
- Mr. DEWAR
- Hon. Mr. HICKES (Chairperson)
- Ms. KORZENIOWSKI
- Mr. LAMOUREUX
- Hon. Mr. MACKINTOSH
- Mr. SCHELLENBERG
- Mr. ROCAN
- Mr. REIMER
- Mr. SANTOS (Vice-Chairperson)

Agreements:

Your committee agreed:

THAT the Clerk may re-number the Rules, Orders and Forms of Proceedings of the Legislative Assembly and make other minor corrections that in no way alter the intended meaning of these Amendments.

THAT the Clerk may prepare revised Rules incorporating these Amendments.

THAT these Amendments will come into force immediately.

THAT these Amendments will be permanent changes to the rules.

THAT the Public Accounts Committee review the rule changes relating to their procedures by March 31, 2006 and report their conclusions to the House.

Amendments to Rules Considered and Reported:

Your committee agreed to report the following amendments to the Rules, Orders and Forms of Proceedings of the Legislative Assembly of Manitoba:

THAT the Rules, Orders and Forms of Proceedings of the Legislative Assembly of Manitoba be amended as follows:

(a) by replacing Rule 104 with the following:

104(1) Members on the PAC shall serve for a term that is equal to the duration of the Legislature.

104(2) Despite Rules 85(2) and 104(1) each caucus may make up to two membership substitutions per meeting.

(b) by replacing Rule 111 with the following, effective January 1, 2006:

Meetings and Hearings

111(1) After consulting with the PAC Chairperson and Vice-Chairperson, the Government House Leader shall call from six to eight meetings of the PAC per year. To the extent practicable, the meetings shall be held at regular intervals.

111(2) The Chairperson and Vice-Chairperson must set the agenda for a meeting and provide a copy of the agenda to the Government House Leader before the meeting is called.

(c) in Rule 114, by adding "and answer questions" after "provide advice and opinions";

(d) by adding the following after Rule 118:

Minister and deputy minister may be called as witnesses

118.1(1) If an Auditor General's report relates to a government department or agency, the PAC may call as a witness the minister currently responsible for that department or agency.

118.1(2) If an Auditor General's report makes a recommendation relating to a government department, the PAC may call as an additional witness the current deputy minister for that department, to appear with the minister. The deputy minister may be questioned on matters related to the Auditor General's report recommendations and related matters of administration within the department. Questions of policy must be directed to the minister.

118.1(3) If an Auditor General's report makes a recommendation relating to a Crown corporation whose annual report stands permanently referred to the Standing Committee on Crown Corporations, the PAC may call as an additional witness the chief executive officer of the corporation, to appear with the minister responsible for the corporation. The officer may be questioned on matters related to the Auditor General's report recommendations and related matters of administration within the corporation. Questions of policy must be directed to the minister.

118.1(4) Despite subrule (1), if the report makes recommendations affecting more than one government department or agency, the chair and vice-chair, on the advice of PAC, may designate the current minister responsible for any of the affected department or agency as the lead minister. If there are areas not yet addressed by the lead minister or deputy minister, the chair and vice-chair, on the advice of PAC, may call as witnesses, to deal with matters not yet addressed,

(a) the minister of any other department affected by the recommendations and, under subrule(2), the deputy minister of that department; or

(b) in the case of a Crown corporation referred to in subrule (3), the minister responsible for the corporation and, under that subrule, the chief executive officer of the corporation.

118.1(5) The minister and deputy minister may bring to the PAC one or more members of their staff, selected by the minister or deputy minister, to provide advice to the minister or deputy minister on questions posed by committee members.

118.1(6) The minister responsible for a Crown corporation referred to in subrule (3) and the chief executive officer of the corporation may bring to the PAC one or more members of the minister's or corporation's staff, selected by the minister or the officer, as the case may be, to provide advice to the minister or the officer on questions posed by committee members.

THAT Rule 23(1) be repealed and replaced with the following:

Daily Routine

23(1) The daily routine of business in the House at 1:30 p.m., and at 10:00 a.m. when it sits on a Friday, is as follows, unless the House orders otherwise:

- Introduction of Bills
- Petitions
- Committee Reports
- Tabling of Reports
- Ministerial Statements
- Oral Questions
- Members' Statements
- Grievances

THAT Rule 23(3) be amended by adding the following before the last sentence:

For the purpose of listing Bills on the Order Paper during Private Members' Business, Concurrence and Third Readings shall precede Debate on Concurrence and Third Readings, while Second Readings shall precede Debate on Second Readings.

THAT Rule 136(2) be repealed and replaced with the following:

Bill must be distributed before Second Reading

136(2) A bill must be printed and distributed in the House at least one day before Second Reading.

On motion of Mr. SANTOS, the Report of the Committee was received.

By leave, Hon. Mr. MACKINTOSH moved:

THAT the First Report of the Standing Committee on the Rules of the House received on December 7, 2005, be concurred in.

And a debate arising,

Wednesday, December 7, 2005

And Hon. Mr. MACKINTOSH having spoken,

And the Question being put. It was agreed to.

By unanimous consent, it was agreed that the Standing Committee on Public Accounts would meet at 3:00 p.m. to 6:00 p.m. on Thursday, December 8, 2005, concurrently with the House.

By unanimous consent, it was agreed to waive the quorum requirement and any recorded votes arising in the House for the duration of the meeting of the Standing Committee on Public Accounts on Thursday, December 8, 2005.

The House then adjourned at 5:36 p.m. until 10:00 p.m. Thursday, December 8, 2005.

Hon. George HICKES,
Speaker.