



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS

FOURTH SESSION, THIRTY-EIGHTH LEGISLATURE

PRAYER

1:30 O'CLOCK P.M.

On motion of Hon. Mr. SELINGER, Bill (No. 42) – The Budget Implementation and Tax Statutes Amendment Act, 2006/Loi d'exécution du budget de 2006 et modifiant diverses dispositions législatives en matière de fiscalité, was read a First Time and had its purposes outlined.

The following petitions were presented and read:

Mr. FAURSCHOU – Legislative Assembly of Manitoba to urge the Minister of Family Services and Housing and the Premier to consider amending legislation to improve the process by which grandparents can obtain reasonable access to their grandchildren. (C. Eichkorn, H. Eichkorn, D. Morrisseau and others)

Mr. MAGUIRE – Legislative Assembly of Manitoba to request the Provincial Government to consider stopping the removal of these positions from our community (Neepawa), and to consider utilizing current technology (ie: Land Management Services existing satellite sub-office in Dauphin, MB) in order to maintain these positions in their existing location. (D. Bennet, M. Drinkwater, N. Jackson and others)

Hon. Mr. GERRARD – Legislative Assembly of Manitoba to request the Provincial Government to immediately cancel its plans to support the construction of the OlyWest Hog Plant and Rendering Factory near any urban residential area. (K. Regier, K. Regier, R. Mason and others)

Mrs. TAILLIEU – Legislative Assembly of Manitoba to urge the Minister of Family Services and Housing and the Premier to consider amending legislation to improve the process by which grandparents can obtain reasonable access to their grandchildren. (A. Marcinkow, M. Marcinkow, A. Marcinkow and others)

Mrs. ROWAT – Legislative Assembly of Manitoba to request the Provincial Government to consider stopping the removal of these positions from our community (Minnedosa), and to consider utilizing current technology in order to maintain these positions in their existing location. (D. Saler, D. Marnock, K. Bruce and others)

Mr. LAMOUREUX – Legislative Assembly of Manitoba to urge the Premier and his NDP Government to cooperate in uncovering the truth in why the Government did not act on what it knew and to consider calling a public inquiry on the Crocus Fund Fiasco. (C. Labuick, P. Labuick, M. Harrison and others)

Mr. REID, Chairperson of the Standing Committee on Legislative Affairs, presented its Third Report, which was read as follows:

Meetings:

Your Committee met on Thursday, June 1, 2006 at 6:00 p.m. in Room 255 of the Legislative Building.

Matters under Consideration:

- **Bill (No. 4)** – The Dangerous Goods Handling and Transportation Amendment Act/Loi modifiant la Loi sur la manutention et le transport des marchandises dangereuses
- **Bill (No. 37)** – The Labour-Sponsored Investment Funds Act, 2006 (Various Acts Amended)/Loi de 2006 sur les fonds de placement des travailleurs (modification de diverses dispositions législatives)

Committee Membership:

- Mr. ALTEMEYER
- Ms. BRICK
- Mr. CUMMINGS
- Mr. DEWAR
- Mr. EICHLER
- Mr. FAURSCHOU
- Mr. REID (*Chairperson*)
- Mr. REIMER
- Hon. Mr. RONDEAU
- Mr. SANTOS
- Hon. Mr. STRUTHERS

Your Committee elected Ms. BRICK as the Vice-Chairperson.

Bills Considered and Reported:

Bill (No. 4) – The Dangerous Goods Handling and Transportation Amendment Act/Loi modifiant la Loi sur la manutention et le transport des marchandises dangereuses

Your Committee agreed to report this Bill, with the following amendment:

THAT *the proposed clauses 18(1)(b) and (c), as set out in Clause 5(1) of the Bill, be replaced with the following:*

(b) to determine compliance with this Act or a regulation or order,

(i) inspect and test any installation, equipment or machinery, or any process of handling or disposal relating to a dangerous good or contaminant, at or in a place, premises or means of transport entered under clause (a),

(ii) open, inspect and test any container, or its contents, located at or in a place, premises or means of transport entered under clause (a), and

(iii) take and retain, for purposes of testing or analysis, samples of any raw or manufactured substance or material used in or relating to an installation, equipment, machinery, process, container or its contents inspected or tested under subclause (i) or(ii);

Bill (No. 37) – The Labour-Sponsored Investment Funds Act, 2006 (Various Acts Amended)/Loi de 2006 sur les fonds de placement des travailleurs (modification de diverses dispositions législatives)

Your Committee agreed to report this Bill without amendment.

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

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

After the Prayer on May 5, 2006, the Honourable Member for Portage la Prairie raised a matter of privilege to note that the Honourable Minister of Finance had decided to no longer publish the fourth quarter reports any longer, which would have an impact on the ability of Members to do their jobs, given resource constraints on the office of the Auditor General. 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 whether the matter was raised at the earliest opportunity, the Honourable Member for Portage la Prairie did not address this point in his remarks to the Chair.

Regarding the second issue of whether a prima facie case was demonstrated, I would note that the Honourable Member for Portage la Prairie did not conclude his remarks by moving a motion, which as Manitoba Speakers Forbes, Graham, Walding, Phillips, Rocan and Dacquay have ruled, is a requirement for a matter of privilege.

I would also note that the publishing of fourth quarter reports is not a matter that falls within the purview of the Speaker, as it is not a requirement in the Manitoba rules or House practices that these reports are published. I appreciate that the report in question may be an issue of concern to the Member, however it is not the role of Speakers to interpret or enforce matters of statutory law. This finding is supported by a February 5, 1992 ruling by House of Commons Speaker John Fraser, by Manitoba rulings from Speaker Rocan in 1994 and Speaker Dacquay in 1996, and by Beauchesne citation 31(9).

I would therefore rule with the greatest of respect that the matter raised is not in order as a prima facie case of privilege.

Pursuant to Rule 26(1), Hon. Mr. BJORNSON, Messrs. ROCAN, DEWAR, DYCK and MARTINDALE made Members' Statements.

In accordance with Rule 27, Hon. Mr. GERRARD rose on a Grievance.

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

THAT Bill (No. 27) – The Tobacco Damages and Health Care Costs Recovery Act/Loi sur le recouvrement du montant des dommages et du coût des soins de santé imputables au tabac, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Mr. LAMOUREUX and Hon. Mr. GERRARD 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. Ms. MCGIFFORD:

THAT Bill (No. 29) – The Degree Granting Act/Loi sur l'attribution de grades, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Messrs. LAMOUREUX and DERKACH having spoken,

And Hon. Mr. GERRARD speaking at 5:00 p.m. The debate was allowed to remain in his name.

Monday, June 5, 2006

The House then adjourned at 5:00 p.m. until 10:00 a.m. Tuesday, June 6, 2006.

Hon. George HICKES,
Speaker.