



PRAYERS

1:30 O'CLOCK P.M.

The following petition was presented:

Mr. HELWER – Minister of Transportation and Government Services consider upgrading Provincial Trunk Highway #9 and the Selkirk Corridor thoroughfares immediately. (L. Hastings, S. Hastings, T. Wall and others)

By leave, Hon. Mr. SMITH (Brandon West) introduced Bill (No. 21) – The Partnership Amendment and Business Names Registration Amendment Act/Loi modifiant la Loi sur les sociétés en nom collectif et la Loi sur l'enregistrement des noms commerciaux, and outlined the purposes thereof, it was read a First Time.

By leave, Mr. RONDEAU introduced Bill (No. 301) – The Assiniboine Memorial Curling Club Holding Company Ltd. Additional Powers Act/Loi sur les pouvoirs additionnels accordés à l'Assiniboine Memorial Curling Club Holding Company Ltd., and outlined the purposes thereof, it was read a First Time.

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

Following the daily prayer on Tuesday, April 30, 2002, the Honourable Member for Lakeside raised a matter of privilege, contending that the Honourable Premier and the Honourable Minister of Finance were in contempt of the House because budget documents, advertising and press releases issued by the government failed to note the requirement for enabling legislation in order to transfer money from Manitoba Hydro to the general operating fund of the Province of Manitoba. He concluded his remarks by moving “THAT this House censure the Minister of Finance and the Premier for their disregard for the traditions and practices of the Legislative Assembly of Manitoba and their contempt for the people of Manitoba. The Honourable Government House Leader, the Honourable Leader of the Official Opposition, the Honourable Premier, the Honourable Member for River Heights, the Honourable Minister of Finance, the Honourable Member for Fort Whyte and the Honourable Official Opposition House Leader also spoke to this issue. I took the matter under advisement in order to consult the procedural authorities.

When a matter of privilege is raised in the House, there are two aspects that the Speaker must decide. The first is whether the matter was raised at the earliest available opportunity, and second, whether a prima facie case of privilege has been established.

Regarding the first aspect, whether the matter was raised at the earliest opportunity, the Honourable Member for Lakeside contended that the matter was raised following answers given in Question Period by the Honourable Premier and the Honourable Minister of Finance on April 29. However, the budget material was released on April 22, as were the accompanying press releases, so if there was a concern about the need for enabling legislation and a lack of publicizing the same, the issue could have been raised earlier than April 30. Therefore it is conceivable that the issue could have been raised earlier.

Concerning the second aspect, whether a prima facie case of privilege has been established, it was necessary to consult precedents from other jurisdictions, as there are no Manitoba Speakers' rulings on this exact point.

Reference had been made during the raising of this matter of privilege, to comments made by House of Commons Speaker Fraser on October 10, 1989, concerning the alleged misrepresentation of Parliament's role in Government communications respecting newspaper advertisements concerning the proposed Goods and Services Tax. Although in his ruling Speaker Fraser found that the ad was objectionable and should not be repeated, he stated that a prima facie case breach of privilege had not been committed, because specific privileges of the House had not been breached. He noted that freedom of speech was not affected, as Members did have the ability to raise questions in Question Period, to discuss the report of the Finance Committee, and to debate and amend any bills that the government proposed to the House in order to bring the GST into effect. He further found that Members were not obstructed in the performance of their duties, and were not impeded in their ability to fulfil their responsibilities.

On the subject of whether a contempt of Parliament had been committed, Speaker Fraser did state that the ad was "drafted in a cavalier manner", however he did accept the explanations from the government that the intention of the ad was not to diminish the dignity of the House. On this basis, he found there was no prima facie case of contempt. The finding of no prima facie case of privilege or of contempt of Parliament in relation to government advertising was reinforced by rulings delivered by Speaker Fraser on December 18, 1989, May 7, 1990, October 24, 1990, and by Speaker Parent on March 13, 1997 and February 9, 1998. I would note that during the raising of the matter of privilege, it was not demonstrated that Members would be obstructed in performing their duties or would not have the ability to ask questions or to speak freely on the matter once the enabling legislation is brought forward.

During the raising of the matter of privilege, reference was made to January 22, 1997 ruling by Ontario Speaker Stockwell on the subject of government advertising where a prima facie case of contempt was found. It should be noted that Speaker Stockwell ruled that commercials, which explain in a simple and general way, the government's philosophy and broad reform agenda, were not found to be prima facie cases of contempt. He did find that there was a prima facie case with a ministry pamphlet that was not written in a general philosophy and broad manner. He did rule there was a prima facie case because the ministry that had produced the pamphlet had received a warning from the previous Speaker, Speaker Warner. On the basis of the previous warning having been ignored, a prima facie contempt was found. I would note in the Manitoba instance, Speakers have given no warnings on the topic of government advertising.

I would also like to note for the benefit of the House on the subject of budgets and legislation, that Marleau and Montpetit state on page 748 of *House of Commons Procedure and Practice* it is conventional practice for legislation that is required as a result of changes in the budget to be brought forward after and not before the budget. The budget motion seeks to approve the budgetary policy of the government, while legislation sets out the terms and conditions of the proposed measures. Generally, the legislation can be introduced at any time during the session. This makes it clear that implementing legislation can follow the presentation of the budget and the budget debate.

Although Members may have a grievance that the press releases and government ads did not clearly specify that enabling legislation was required, the privileges of the House were not violated nor did a contempt of the House occur, based on the precedents from the House of Commons. I find that there is no prima facie case of privilege.

From his decision, Mr. LAURENDEAU 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

AGLUGUB	MARTINDALE
ALLAN	MCGIFFORD
ASHTON	MIHYCHUK
ASPER	NEVAKSHONOFF
BARRETT	REID
CALDWELL	ROBINSON
CERILLI	RONDEAU
CHOMIAK	SALE
DEWAR	SANTOS
DOER	SCHELLENBERG
FRIESEN	SELINGER
JENNISSIN	SMITH (Brandon West)
KORZENIOWSKI	STRUTHERS
MACKINTOSH	WOWCHUK.....29
MALOWAY	

NAY

CUMMINGS	MAGUIRE
DACQUAY	MITCHELSON
DRIEDGER	MURRAY
DYCK	PENNER (Emerson)
ENNS	PENNER (Steinbach)
FAURSCHOU	PITURA
GERRARD	REIMER
GILLESHAMMER	SCHULER
HAWRANIK	SMITH (Fort Garry)
HELWER	STEFANSON
LAURENDEAU	TWEED23
LOEWEN	

Pursuant to Rule 23(1), Mr. HELWER, Ms. KORZENIOWSKI, Mr. ROCAN, Ms. ALLAN and Mr. FAURSCHOU made Members' Statements.

The House resolving into the Committee of Supply.

And the House continuing in Committee, the Proceedings were interrupted at 5:00 p.m. for Private Members' Business.

Mr. RONDEAU moved:

Resolution No. 7: Alternative Energy Options

WHEREAS the impacts of climate change and other environmental issues are being recognized around the world as well as in Manitoba; and

WHEREAS this province's natural resources are not infinite and the importance for our society to develop alternative energy sources is a irrefutable reality; and

WHEREAS this government supports practical, Manitoba-based actions that respond to environmental and energy usage issues; and

WHEREAS the recent Manitoba Climate Change Task Force explains the importance of Manitoba leading by example and participating in national and international efforts; and

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WHEREAS among its key recommendations, the Task Force calls for a provincial energy policy that ensures future energy needs are met by developing renewable and alternative energy options, and maximizing the energy sector's potential as an economic development tool, especially in the areas of hydro, biofuels, geothermal, wind and hydrogen; and

WHEREAS the Premier of Manitoba and the governors of North Dakota and Minnesota agreed this October to share information on promoting the use of alternative fuels such as ethanol.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Provincial Government to consider following the vital recommendations put forward by the Manitoba Climate Change Task Force and to consider exploring alternative energy options; and

BE IT FURTHER RESOLVED that this Assembly urge the Provincial Government to consider continuing its leadership role when dealing with this issue.

And a debate arising,

And Messrs. RONDEAU, CUMMINGS, STRUTHERS and MAGUIRE having spoken,

And Mr. FAURSCHOU 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. Wednesday, May 22, 2002.

Hon. George HICKES,
Speaker.