



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 16

THIRD SESSION, THIRTY-EIGHTH LEGISLATURE

PRAYERS

1:30 O'CLOCK P.M.

The following petitions were presented and read:

Mrs. TAILLIEU – Legislative Assembly of Manitoba to request that the Minister of Transportation and Government Services consider paving Highway 200 between Highways 205 and 305 to ensure a smooth, safe and uninterrupted use of Highway 200. (M. Waddingham, D. Murray, G. Ginn and others)

Mrs. ROWAT – Legislative Assembly of Manitoba to request the Minister of Transportation and Government Services to consider upgrading PR #355 from the western edge of the RM of Minto to PR #270 (including the hill out of the Minnedosa valley) and to request the Premier of Manitoba to consider supporting the said initiative to ensure the safety of our Manitobans and all Canadians who travel along Manitoba Highways. (H. Duncan, G. Duncan, D. Baker and others)

Mr. LAMOUREUX – Legislative Assembly of Manitoba to request the Legislative Assembly of Manitoba to consider recognizing the need to sit for a minimum of 80 days in any given calendar year. (F. Pineda , R. Operana, C. Mendoza and others)

Mr. CULLEN – Legislative Assembly of Manitoba to strongly urge the Minister of Health to consider taking charge and ensuring that he will improve long-term planning efforts to develop a lasting solution to the chronic problem of pediatrician and other specialist shortages in Brandon and to treat this as the crisis that it is and consider consulting with front-line workers, particularly doctors, to find solutions and to strongly urge the Minister of Health and the Premier of Manitoba to consider ending highway medicine now. (C. Ramage, C. Jefferies, T. Minchuk, and others)

Mr. SCHULER – Legislative Assembly of Manitoba to request the Provincial Government to consider providing East St. Paul with local ambulance service which would service both East and West St. Paul and to consider improving the way that ambulance service is supplied to all Manitoba's by utilizing technologies such as GPS in conjunction with a Medical Transportation Co-ordination Center (MTCC) which will ensure that patients receive the nearest ambulance in the least amount of time and to consider ensuring that appropriate funding is provided to maintain superior response times and sustainable services. (R. Unruh, C. Scarth, L. Scarth and others)

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

Meetings:

Your Main Committee met on the following occasions:

Thursday, December 2, 2004 at 10:00 a.m. in Room 254 of the Legislative Building
Tuesday, December 21, 2004 at 1:00 p.m. in Room 255 of the Legislative Building
Thursday, March 3, 2005 at 9:30 a.m. at 1023 – 405 Broadway (in camera)

Your Sub-Committee met on the following occasions. All meetings took place in Room 1023 – 405 Broadway:

Thursday, January 6, 2005 at 10:00 a.m.
Monday, January 31, 2005 at 1:00 p.m.
Tuesday, February 1, 2005 at 10:00 a.m.
Monday, February 7, 2005 at 2:00 p.m.
Wednesday, February 9, 2005 at 9:00 a.m.
Thursday, February 10, 2005 at 1:00 p.m.

Matters Under Consideration:

- Recruitment and Selection of the Children’s Advocate
- Recruitment and Selection of the Ombudsman

Committee Membership:

Substitutions made prior to the December 2, 2004 meeting:

- Hon. Mr. MACKINTOSH for Hon. Mr. SMITH

At the December 21, 2004 meeting, your committee elected Ms. KORZENIOWSKI as Chairperson.

Substitutions made prior to the December 21, 2004 meeting:

- Mrs. TAILLIEU for Mr. EICHLER
- Ms. KORZENIOWSKI for Mr. REID
- Mr. SCHELLENBERG for Mr. NEVAKSHONOFF
- Mr. SANTOS for Mr. MARTINDALE

At the March 3, 2005 meeting, your committee elected Mr. REID as Chairperson.

Substitutions made prior to the March 3, 2005 meeting:

- Mr. SCHELLENBERG for Hon. Mr. ASHTON
- Mr. REID for Ms. KORZENIOWSKI
- Mr. AGLUGUB for Hon. Mr. DOER
- Mr. ALTEMEYER for Hon. Mr. CHOMIAK
- Mr. GOERTZEN for Mr. MURRAY

- Mr. EICHLER for Mr. LOEWEN
- Mr. DYCK for Mr. EICHLER
- Mr. LOEWEN for Mr. DYCK

Motions Adopted and Reported:

Motion adopted at the December 21, 2004 meeting

THAT a Sub-Committee of the Standing Committee on Legislative Affairs consisting of:
Kerri Irvin-Ross
Greg Dewar
Kevin Lamoureux
Kelvin Goertzen
Daryl Reid, as Chairperson

be struck to establish the selection criteria, the advertisement, conduct the screening and interviews and provide to this Committee their recommendation of the appointment of the individuals to fill the positions of the Ombudsman and of the Children's Advocate.

Sub-Committee Report

At the March 3, 2005 meeting, the Sub-Committee reported that it had met in camera on Thursday, January 6, 2005 at 10:00 a.m., Monday, January 31, 2005 at 1:00 p.m., Tuesday, February 1, 2005 at 10:00 a.m., Monday, February 7, 2005 at 2:00 p.m., Wednesday, February 9, 2005 at 9:00 a.m., and Thursday, February 10, 2005 at 1:00 p.m.

The Sub-Committee reported that one hundred and fifty-eight applications were received for the position of the Ombudsman, and from these applications, interviews were held with six (6) candidates. Interviews were held on February 7 and 9. Following from these interviews, on February 10, the sub-committee agreed to recommend to the Standing Committee of Legislative Affairs that Irene Hamilton be the nominee for the position of the Ombudsman in Manitoba.

Items agreed to at the March 3, 2005 Meeting

Your Committee has agreed to make its report to the Lieutenant Governor in Council with the recommendation that Irene Hamilton be appointed as the Ombudsman for the Province of Manitoba.

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

On motion of Hon. Mr. SMITH, Bill (No. 15) – The Emergency Measures Amendment Act/Loi modifiant la Loi sur les mesures d'urgence, was read a First Time and had its purposes outlined.

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

During the Throne Speech debate on Wednesday, December 1, 2004, a point of order was raised by the Honourable Minister for Water Stewardship regarding comments spoken in debate by the Honourable Member for Springfield that appeared to be a reflection on a ruling just given by the Deputy Speaker. The Deputy Speaker did advise the House that the Speaker should be protected from reflections on his or her actions, and ruled there was a point of order. Subsequently in resuming debate, the Honourable Member for Springfield said "if the shoe fits, wear them", in response to the ruling. The Honourable Minister for Water Stewardship then raised another point of order on the subject of reflecting on the Chair, which was also spoken to by the Honourable Member for Springfield. Deputy Speaker Santos took the matter under advisement.

I have had a chance to read the entire exchange, including the point of order raised by the Honourable Member for Portage La Prairie, and the two points of order raised by the Honourable Minister of Water Stewardship.

Although at times Members can get carried away in the heat of debate, and strong emotions are often expressed by both sides of the Chamber, I am truly troubled by what I read, for a number of reasons. To paraphrase what I had earlier advised the House on that same day after delivering a ruling regarding the report of the Public Accounts Committee, when a Speaker makes a ruling, and if Members disagree with that ruling, Members have the option of challenging the ruling, but it is not appropriate to be questioning or commenting on the ruling after it has been given. If Members do not like the ruling, they can either challenge it, or discuss it with the Speaker outside of the Chamber.

It is a long standing practice of this and other Legislatures that it is not appropriate to reflect on the Speaker or presiding officer. This principle is supported by a number of procedural authorities. Beauchesne citation 71(1) states that the Speaker should be protected against reflections on his or her actions. Marleau and Montpetit advise on page 266 of *House of Commons Procedure and Practice* that the actions of the Speaker are not to be criticized in debate or by any means except by way of a substantive motion. They continue by indicating that reflections on the character or actions of the Speaker, such as an allegation of bias, for example, could be taken by the House as breaches of privilege and punished accordingly. Joseph Maingot in the second edition of *Parliamentary Privilege in Canada* advises on page 253 that any suggestion of partiality or bias on the part of a presiding officer such as the Speaker, a chairman of a Committee of the Whole or a chairman of a standing or special committee automatically shows disrespect and amounts to contempt. Other improper reflections on the Speaker are also subject to House action. The twenty-third edition of Erskine May advises on page 220 that reflections on the character or actions of the Speaker may be punished as breaches of privilege. His actions cannot be criticized incidentally in debate or upon any form of proceeding except by a substantive motion.

There are also numerous rulings from previous Manitoba Speakers, including Speakers Murray, Hanuschak, Walding, Phillips, Rocan and Dacquay which indicate that it is inappropriate to be reflecting on the Chair, and in each case where a Member was found to be reflecting on the Chair, the Member in question was called upon to withdraw.

I would also like to note for the House that in his comments, the Honourable Member for Springfield also said the following "I do not care what advice you got from the Table in front of you." I take issue with this, because as non-partisan employees of the entire Legislature, they should not be dragged into disputes that occur in the Chamber.

After carefully reading the comments of the Honourable Member for Springfield I do find that his comments did reflect on the Chair, and that there was indeed a point of order. I therefore call upon the Honourable Member for Springfield to withdraw his remarks and apologize.

Mr. SCHULER withdrew his remarks and apologized.

Pursuant to Rule 26(1), Mrs. DRIEDGER, Messrs. JHA, MAGUIRE and REID and Hon Mr. GERRARD made Members' Statements.

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

THAT this House approves in general the budgetary policy of the government.

And the debate continuing,

And Mr. MURRAY having spoken,

And Mr. MURRAY moved an amendment as follows:

THAT the motion be amended by deleting all the words after "House" and substituting the following:

therefore regrets this Budget ignores the present and future needs of Manitobans by:

- (a) Failing to offer any vision and to reflect the priorities of Manitoba; and
- (b) Failing to provide a long-term economic strategy and tax reduction strategy that addresses the fact that Manitobans are now, under the Doer NDP government, the highest taxed west of New Brunswick, and make Manitoba a "have" province; and
- (c) Failing to address the debt of Manitoba which has grown under the Doer NDP government, thereby mortgaging our children's future; and
- (d) Failing to eliminate education taxes off of residential property and farmland; and
- (e) Failing to offer a "New Deal" which will meet the needs of Manitoba's municipalities; and
- (f) Failing to provide adequate funding for post-secondary institutions; and

- (g) Failing to provide relief for Manitoba's livestock producers and failing to provide for sufficient slaughter capacity; and
- (h) Failing to provide for a meaningful review of the operation and administration of Manitoba's Regional Health Authorities; and
- (i) Failing to provide a long-term plan for the reduction of health care waiting lists; and
- (j) Failing to provide an opportunity for publicly funded health care services in privately-managed clinics; and
- (k) Failing to provide child care options for parents by failing to support for-profit child care centers as well as not-for-profit centers, and failing to provide a tax credit for stay-at-home parents; and
- (l) Failing Manitoba's sick and elderly by increasing Pharmacare deductibles by 20% over the past four years; and
- (m) Failing to support Manitoba's environment by failing to provide for the long-term sustainability of Manitoba's recycling and product stewardship programs; and
- (n) Failing to deal with record numbers of auto thefts and record numbers of murders; and
- (o) Failing to provide a plan or strategy to break up existing gangs and prevent new gangs from coming to Manitoba; and
- (p) Failing to deal with the high number of grow-ops and labs manufacturing illegal drugs and the proliferation of drugs; and
- (q) Failing to acknowledge their raid on Manitoba Hydro contributed to a 10% increase in Hydro rates.

As a consequence, the Government has thereby lost the confidence of this House and the people of Manitoba.

WHEREUPON Mr. Speaker ruled the amendment in order.

By leave, during the debate, the House reverted to "Members' Statements" to allow Mr. MAGUIRE to conclude his Member's Statement.

And the debate continuing on the amendment,

And Hon. Mr. SALE, Mr. PENNER and Hon. Mr. ASHTON having spoken,

And Mr. LOEWEN speaking at 5:30 p.m. The debate was allowed to remain in his name.

Wednesday, March 9, 2005

The House then adjourned at 5:30 p.m. until 1:30 p.m. Thursday, March 10, 2005.

Hon. George HICKES,
Speaker.