



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS

FOURTH SESSION, THIRTY-EIGHTH LEGISLATURE

PRAYERS

1:30 O'CLOCK P.M.

The following petitions were presented and read:

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 and to urge the Premier and his Government to cooperate in making public what really happened. (D. Goodman, I. Goodman, H. Ezinicki and others)

Mrs. ROWAT – 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. (V. Cameron, R. Cameron, P. Shacklady and others)

Hon. Ms. ALLAN, the Minister responsible for the Status of Women made a statement regarding today, March 8, 2006, being International Women's Day,

Mrs. DRIEDGER and, by leave, Hon. Mr. GERRARD commented on the statement.

During Oral Questions, Hon. Mr. MACKINTOSH rose on a point of order regarding the orderliness of a question posed by the Honourable Leader of the Official Opposition.

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

WHEREUPON Mr. Speaker ruled that there was a point of order.

From his decision, Mr. DERKACH 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
ALTEMEYER	MELNICK
ASHTON	NEVAKSHONOFF
BJORNSON	OSWALD
BRICK	REID
CALDWELL	ROBINSON
CHOMIAK	RONDEAU
DEWAR	SALE
DOER	SANTOS
IRVIN-ROSS	SCHELLENBERG
JENNISSEN	SELINGER
KORZENIOWSKI	SMITH
LATHLIN	STRUTHERS
LEMIEUX	SWAN
MACKINTOSH	WOWCHUK..... 33
MALOWAY	

NAY

CULLEN	MAGUIRE
CUMMINGS	MCFADYEN
DERKACH	MITCHELSON
DRIEDGER	MURRAY
DYCK	PENNER
EICHLER	REIMER
FAURSCHOU	ROCAN
GERRARD	ROWAT
GOERTZEN	SCHULER
HAWRANIK	STEFANSON
LAMOUREUX	TAILLIEU..... 22

During Oral Questions, Hon. Mr. GERRARD rose on a Matter of Privilege and moved:

THAT the Minister of Finance be asked to apologize and withdraw his remarks.

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

WHEREUPON Mr. Speaker informed the House he would take the matter under advisement.

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

Prior to Members' Statements on December 6, 2005, the Honourable Opposition House Leader rose on a matter of privilege regarding statements made by the Honourable Minister of Health regarding the Maples Surgical Clinic. The Honourable Official Opposition House Leader noted that he was dealing with an unusual matter and did not want the situation to be viewed as a precedent regarding the provision of accurate information in the Chamber. He asserted that the Chamber should not be setting a precedent where Members can make statements that are erroneous, and be aware that the statements are erroneous, and not correct the record. He concluded his comments by moving "THAT the matter of the Minister of Health's statements as to not receiving a letter from Maples Surgical Clinic dated May 12, 2005 and then his quoting from the very same letter in this Chamber and as recorded in Hansard be referred to the Committee on Legislative Affairs." The Honourable Government House Leader and the Honourable Member for Inkster also offered advice to the Chair on the matter. 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 Opposition House Leader did not address the issue of timeliness in his remarks to the Chair.

Regarding the second condition, the Honourable Opposition House Leader raised the issue immediately after a vote had been conducted to sustain the ruling of the Chair regarding a matter of privilege moved by the Honourable Member for Tuxedo which dealt with the issue of the Minister of Health purposely misleading the House in answers provided to the House. In that ruling, I had noted for the House that it is not the role of the Speaker to adjudicate on matters of fact, nor, according to the rulings of previous Manitoba Speakers and to Beauchesne citation 31(1) are allegations of Members misleading the House matters of privilege.

I can appreciate that this is an issue that is of serious concern to the Member, however, I as Speaker, am obligated to follow the guidance of procedural authorities as well as the precedents of previous Manitoba Speakers. It could potentially be a very dangerous state of affairs if presiding officers disregard established practice and precedents, and autonomously set their own practices. In my view, the most that a presiding officer could do, without a Member admitting on the record that he or she, on purpose set out to mislead the House, is to encourage Ministers, as I did on September 15, 2003, that if they have inadvertently provided incorrect information, to advise the House accordingly and correct the error as soon as possible.

In terms of a remedy, if the Honourable Official Opposition House Leader is not satisfied with the precedents that have been established in this Chamber and by the procedural authorities, he may wish to raise the matter at Rules Committee and encourage the Committee to adopt or recommend new practices for the House to follow regarding the provision of incorrect information to the House.

I therefore rule that there is no prima facie case of privilege.

Prior to Members' Statements, Mr. LAMOUREUX rose on a point of order regarding discrepancies and bringing forward accurate information to the House.

WHEREUPON Mr. Speaker ruled that there was no point of order.

From his decision, Mr. LAMOUREUX 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	MALOWAY
ALLAN	MARTINDALE
ASHTON	MELNICK
BJORNSON	NEVAKSHONOFF
BRICK	REID
CALDWELL	ROBINSON
CHOMIAK	RONDEAU
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LEMIEUX	SWAN
MACKINTOSH	WOWCHUK..... 30

NAY

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DYCK	REIMER
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GERRARD	ROWAT
GOERTZEN	SCHULER
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Wednesday, March 8, 2006

Pursuant to Rule 26(1), Mr. CALDWELL, Mrs. ROWAT, Mr. JENNISSEN, Mrs. TAILLIEU and Hon. Mr. GERRARD made Members' Statements.

The House then adjourned at 5:02 p.m. until 1:30 p.m. Thursday, March 9, 2006.

Hon. George HICKES,
Speaker.