



**LEGISLATIVE ASSEMBLY OF MANITOBA**

**VOTES AND PROCEEDINGS No. 14**

**FIFTH SESSION, THIRTY-EIGHTH LEGISLATURE**

**PRAYER**

**10:00 O'CLOCK A.M.**

By leave, on motion of Ms. KORZENIOWSKI, Bill (No. 214) – The Good Samaritan Protection Act/Loi sur l'immunité du bon samaritain, was read a First Time and had its purposes outlined.

By leave, Ms. KORZENIOWSKI moved:

THAT Bill (No. 214) – The Good Samaritan Protection Act/Loi sur l'immunité du bon samaritain, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Ms. KORZENIOWSKI, Hon. Mr. GERRARD, Messrs. GOERTZEN, SCHULER, LAMOUREUX and REIMER 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.

By unanimous consent, Bill (No. 201) – The Good Samaritan Act/Loi du bon samaritain, was withdrawn from Second Reading.

Hon. Mr. GERRARD moved:

THAT Bill (No. 202) – The Health Services Amendment and Health Services Insurance Amendment Act/Loi modifiant la Loi sur les services de santé et la Loi sur l'assurance-maladie, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. GERRARD having spoken,

And Mr. DEWAR speaking at 11:00 a.m. The debate was allowed to remain in his name.

Mr. JENNISSEN moved:

Resolution No. 2: Cross Lake Cadet Program

WHEREAS Cadets is a program for young Canadians who are interested in participating in a variety of challenging and rewarding activities, and learning more about the Canadian Forces; and

WHEREAS Cadets encourages youth to become active, responsible members of their communities; and

WHEREAS Cadets learn valuable life and work skills like teamwork, leadership, citizenship as well as reap the personal benefits of increased self-confidence and physical fitness, learning how to take initiative, and how to make decisions; and

WHEREAS Cadets make valuable contributions to Canadian society on a daily basis in terms of environmental, citizenship and community activities; and

WHEREAS the first Cadet Program in Manitoba began in 1909 and there are now 42 Cadets Programs across the province benefiting Manitoba youth; and

WHEREAS the Cross Lake Cadet program is the first Cadet Program in Manitoba located on a reserve bringing this opportunity to youth on reserves for the first time; and

WHEREAS the Cadet Program provides the only organized activity for youth in Cross Lake aside from winter hockey; and

WHEREAS children who participate in organized activities outside of school tend to have higher self-esteem, interact better with friends and perform better in school; and

WHEREAS teachers and schools report a positive impact in many youth involved in the program; and

WHEREAS the local RCMP detachment in Cross Lake is reporting a turnaround in problem youth who are in the Cadet Program; and

WHEREAS the program has instilled pride in the cadets and the whole community and is ensuring that youth feel they are also important in society; and

WHEREAS it is through the hard work and efforts of volunteers such as Bob Smith, founder of the Cross Lake Cadet program, that Cadets Programs are established and benefit communities.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba congratulate Bob Smith and the other volunteers who worked so long to get the first remote Cadet Program in Manitoba; and

BE IT FURTHER RESOLVED that the Legislative Assembly of Manitoba urge the Provincial Government to consider supporting efforts to establish other Cadet Programs in northern and remote communities

**Tuesday, December 5, 2006**

---

And a debate arising,

And Messrs. JENNISSEN and GOERTZEN having spoken,

And Mr. GOERTZEN moved an amendment as follows:

THAT the Resolution be amended by deleting the words "in northern and remote communities" and substituting with "throughout Manitoba".

And the Question being put on the amendment. It was agreed to.

And the debate continuing on the main motion (as amended),

And Mr. SWAN, Mrs. ROWAT, Messrs. NEVAKSHONOFF, DYCK and SALE, Hon. Messrs. GERRARD and ROBINSON having spoken,

And the Question being put. It was agreed to.

---

**1:30 O'CLOCK P.M.**

The following Bills were severally read a First Time and had their purposes outlined:

(No. 13) – The Securities Amendment Act/Loi modifiant la Loi sur les valeurs mobilières  
(Hon. Mr. SELINGER)

(No. 207) – The Teachers' Pensions Amendment Act/Loi modifiant la Loi sur la pension de retraite des enseignants  
(Mrs. STEFANSON)

(No. 210) – The Personal Health Information Amendment Act/Loi modifiant la Loi sur les renseignements médicaux personnels  
(Hon. Mr. GERRARD)

---

The following petitions were presented and read:

Mr. LAMOUREUX – Legislative Assembly of Manitoba to request the Premier of Manitoba and all Manitoba MLA's to consider supporting the need to establish a fixed price for milk in the province of Manitoba. (D. Poulin, J. Hayward, H. Magnuson-Ford 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. LaCoste, R. Laming, B. Popien and others)

Mrs. TAILLIEU – Legislative Assembly of Manitoba to urge the Minister charged with the administration of The Liquor Control Act to consider allowing the owners of Headingley Foods to sell alcohol at their store, thereby supporting small business and the prosperity of rural communities in Manitoba. (S. Craig, P. Fossay, G. Fossay and others)

---

Hon. Mr. ROBINSON, the Minister of Culture, Heritage and Tourism made a statement announcing Winnipeg to be the host for the 2008 Canadian Country Music Week and Awards,

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

---

During Oral Questions, Mr. Speaker interjected and requested that the words "backward leader" spoken by the Honourable Minister of Conservation be withdrawn.

WHEREUPON Hon. Mr. STRUTHERS withdrew his remarks.

---

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

Following the Prayer on November 24, 2006, the Honourable Member for River Heights rose on an alleged matter of privilege regarding the cancellation of a meeting of the Public Accounts Committee. At the conclusion of his remarks, the Honourable Member for River Heights moved "THAT this matter of privilege be referred to a committee of this Legislature." The Honourable Official Opposition House Leader, the Honourable Government House Leader, and the Honourable Member for Inkster also offered contributions to the Chair. I took the matter under advisement in order to consult the procedural authorities.

I thank all Honourable Members for their advice to the Chair.

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.

The Honourable Member for River Heights asserted that he was raising the issue at the earliest opportunity, and I accept the word of the Honourable Member.

Regarding the second issue, of whether a prima facie case of privilege has been established, it has been ruled on numerous times in this House that the opinion of the Speaker cannot be sought in the House about matters arising in committee and that it is not competent for the Speaker to exercise procedural control over committees. Speaker Rocan made such a ruling in 1989, in 1993 and in 1994. As Speaker, I have made similar rulings, twice in 2004, once in 2005 and once in 2006.

Also, Marleau and Montpetit state on page 128 of *House of Commons Procedure and Practice* that Speakers have consistently ruled that, except in the most extreme situations, they will only hear questions of privilege arising from committee proceedings on presentation of a report from a committee which deals directly with the matter and not as a question of privilege raised by an individual Member.

Similarly, 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. This finding is supported by Joseph Maingot in the second edition of *Parliamentary Privilege in Canada*, who states on page 14 that allegations of breaches of privileges 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. Maingot also states on page 223 of the same edition “A breach of the Standing Orders or failure to follow an established practice would invoke a point of order rather than a question of privilege.” Therefore, the matter is not in order as a prima facie case of privilege and is out of order.

I would also note for the House that when I ruled on a point of order on April 25 of this year, regarding complaints about the calling of committee meetings, I advised the House that there was no point of order, and what had been raised was an issue of negotiation and scheduling, which should not be raised as a point of order and should not be discussed or negotiated on the floor of the Chamber.

I would also encourage Members to exercise caution in the raising of matters of privilege. While I would never deny a Member the right to raise privilege in the House, I fear that we are beginning to see the trivialization and devaluation of what parliamentary privilege is claimed to be. As stated on page 220 of *Parliamentary Privilege in Canada*, in the Canadian House of Commons, “questions of privilege are frequently raised but few are found to be prima facie cases. Members have a tendency to use the rubric of privilege to raise what is really a matter of order, or in the words of the Speaker of the House of Commons, a grievance against the government.”

Parliamentary privilege is a constitutional right that has been passed on to the Parliament of Canada and to the provincial Legislatures from the United Kingdom’s 1689 Bill of Rights and was incorporated into the Canadian experience to provide protection for Members to exercise their parliament duties free from interference. I would also remind Members that the individual protections for Members under parliamentary privilege are the freedom of speech; the freedom from arrest in civil actions; exemption from jury duty; freedom from obstruction, interference, intimidation and molestation; and the exemption from attendance as a witness. The rights and powers of the House as a collective are categorized as: the power to discipline persons guilty of breaches of privileges or contempt and the power to expel Members guilty of disgraceful conduct; the regulation of its own internal affairs; the authority to maintain the attendance and service of its Members; the right to institute inquiries and call witnesses and demand papers; the right to administer oaths to witnesses; and the right to publish papers containing defamatory material. I would ask Members to reflect on this.

---

Pursuant to Rule 26(1), Messrs. FAURSCHOU, JHA and DERKACH, Hon. Ms. MELNICK and Mr. LAMOUREUX made Members' Statements.

---

Hon. Mr. CHOMIAK moved:

THAT Bill (No. 39) – The Court of Queen's Bench Small Claims Practices Amendment Act/Loi modifiant la Loi sur le recouvrement des petites créances à la Cour du Banc de la Reine, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. CHOMIAK, Messrs. GOERTZEN 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. ROBINSON:

THAT Bill (No. 28) – The Manitoba Museum Amendment Act/Loi modifiant la Loi sur le Musée du Manitoba, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Mr. LAMOUREUX and Mrs. ROWAT 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.

---

Hon. Mr. BJORNSON moved:

THAT Bill (No. 12) – The Public Schools Amendment Act (Regional Vocational Schools)/Loi modifiant la Loi sur les écoles publiques (écoles professionnelles régionales), be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. BJORNSON having spoken,

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

---

Hon. Mr. SELINGER moved:

THAT Bill (No. 11) – The Insurance Amendment Act/Loi modifiant la Loi sur les assurances, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

**Tuesday, December 5, 2006**

---

And Hon. Mr. SELINGER having spoken,

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

---

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

THAT Bill (No. 8) – The Public Accounts Committee Meeting Dates Act (Legislative Assembly Act Amended)/Loi sur les dates de réunion du Comité des comptes publics (modification de la Loi sur l'Assemblée législative), 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 Hon. Mr. SELINGER, Messrs. LAMOUREUX, PENNER, CUMMINGS and DERKACH 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 then adjourned at 5:00 p.m. until 1:30 p.m. Wednesday, December 6, 2006.

Hon. George HICKES,  
Speaker.