



## LEGISLATIVE ASSEMBLY OF MANITOBA

### VOTES AND PROCEEDINGS No. 52

SECOND SESSION, THIRTY-NINTH LEGISLATURE

#### PRAYER

1:30 O'CLOCK P.M.

The following petitions were presented and read:

Mr. DYCK – Legislative Assembly of Manitoba to request the Minister of Health to strongly consider giving priority for funding to develop and staff a new 100 bed long-term-care facility so that clients are not exposed to unsafe conditions and so that Boundary Trails Health Centre beds remain available for acute care patients instead of waiting placement clients. (J. Peters, J. Penner, C. Peters and others)

Mr. LAMOUREUX – Legislative Assembly of Manitoba to urge the Manitoba Legislature to consider acting on the 1999 Alfred Monnin report and include the principles of a Shared Code of Ethical Conduct into The Elections Act. (R. Lacap, A. Velano, E. Quindara and others)

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

During Oral Questions on May 29, 2008, the Honourable Member for Russell raised a Matter of Privilege regarding a situation where a “closed” sign was displayed on the front door of the Legislative Building even though evening committee meetings receiving submissions from the public were still in progress. At the conclusion of his remarks, the Honourable Member for Russell moved “THAT this serious matter be referred to the Committee on Legislative Affairs and then be reported back to the House and that an extension be given to Manitobans registering for Committee.” The Honourable Government House Leader, the Honourable Member for River Heights and the Honourable Leader of the Official Opposition offered advice to the Chair. I took the matter under advisement in order to consult the procedural authorities.

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 Russell indicated that he was raising the issue at the earliest opportunity, and I accept the word of the Honourable Member.

Regarding the second issue, whether the privileges of the House have been breached, I must advise the House that there is a problem with the process used by the Honourable Member for Russell. According to Beaudesne citation 107, breaches of privilege in committee may be dealt with only by the House itself on report from the committee. Also, as stated by Marleau and Montpetit on page 128 of *House of Commons Procedure and Practice*, 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. This finding is supported by rulings from Manitoba Speakers. 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, twice in 2007. Therefore, on the basis of the procedural authorities and given the long standing practice requiring committee issues to be raised in the House by way of a report from the committee, I would therefore have to rule that there is no prima facie case of privilege.

That having been said, I believe the issue of access to the Legislative Building for committee meetings is an issue of concern to all Members of the House, and as Speaker, I will be writing to the Minister of Infrastructure and Government Services, and to the government staff person charged with responsibility for security in the Legislative Building to bring this issue to their attention. I also intend to meet with these individuals to recommend the implementation of procedures to ensure that the Legislative Building is not locked during the holding of meetings of Standing Committees where presentations from the public are being received.

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Pursuant to Rule 26(1), Mrs. ROWAT, Ms. BRAUN, Mrs. DRIEDGER, Ms. SELBY and Hon. Mr. GERRARD made Members' Statements.

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By leave, it was agreed for the Minister of Health to substitute for the Minister of Justice on the list of Ministers who may be called for questioning in the debate on the concurrence motion pursuant to Rule 78(4).

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Hon. Mr. SELINGER moved:

THAT Bill (No. 44) – The Budget Implementation and Tax Statutes Amendment Act, 2008/Loi d'exécution du budget de 2008 et modifiant diverses dispositions législatives en matière de fiscalité, be now read a Second Time and be referred to a Committee of this House.

(Recommended by His Honour, the Lieutenant Governor)

And a debate arising,

And Hon. Mr. SELINGER having spoken,

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

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**Wednesday, June 4, 2008**

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Hon. Mr. SELINGER presented:

Message from His Honour, the Lieutenant Governor recommending the disposition of public revenue for Bill (No. 44).

(Sessional Paper No. 59)

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The House resolving into Committee of Supply.

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The House then adjourned at 5:00 p.m. until 10:00 a.m. Thursday, June 5, 2008.

Hon. George HICKES,  
Speaker.