



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 10

THIRD SESSION, THIRTY-NINTH LEGISLATURE

PRAYER

1:30 O'CLOCK P.M.

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

(No. 7) – The Food Safety and Related Amendments Act/Loi sur la salubrité des aliments et modifications connexes

(Hon. Ms. WOWCHUK)

(No. 226) – The Pregnancy and Infant Loss Awareness Day Act/Loi sur la Journée de sensibilisation au deuil périnatal

(Mrs. ROWAT)

The following petitions were presented and read:

Mr. DYCK – Legislative Assembly of Manitoba to request the Minister of Education, Citizenship and Youth to consider providing the necessary facilities to Garden Valley School Division and to consider providing Garden Valley School Division an immediate date as to when to expect the necessary school facilities. (G. Neufeld, B. Neufeld, E. Neufeld and others)

Mr. GRAYDON – Legislative Assembly of Manitoba to request the Minister responsible for the administration of The Liquor Control Act to consider working with MLCC to find alternate means of addressing rising administrative costs; and to consider working with MLCC to revise the decision to implement a significant annual license fee increase; and to consider ensuring that the unique challenges faced by small businesses are better taken into account in the future. (D. McLeod, K. Sangster, P. Sholdice and others)

Mrs. ROWAT – Legislative Assembly of Manitoba to encourage the Minister of Family Services and Housing to consider establishing “Pregnancy and Infant Loss Awareness Day” in Manitoba in order to increase awareness, support and understanding of the difficulties faced by families who have lost an infant. (F. Lionetti, W. Dare, M. Scouten and others)

Mr. LAMOUREUX – Legislative Assembly of Manitoba to request the Premier of Manitoba to consider the important role that community police offices can play in making our communities safer. (C. Raill, M. Raill, J. Raill and others)

Mr. Speaker presented:

Auditor General's Report – Audit of Government Operations dated December 2008.
(Sessional Paper No. 10)

Hon. Ms. IRVIN-ROSS for Hon. Mr. ROBINSON presented:

Annual Report of the Manitoba Arts Council for the fiscal year ending March 31, 2008.
(Sessional Paper No. 11)

Annual Report of the Venture Manitoba Tours Ltd. for the fiscal year ending March 31, 2008.
(Sessional Paper No. 12)

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

Prior to Routine Proceedings on December 1, the Honourable Member for Morris raised a matter of privilege regarding information provided in the House by the Honourable Minister of Labour and Immigration on November 28, information that the Honourable Member for Morris indicated was purposefully misleading in conjunction with a letter the Honourable Member tabled from the Department of Labour and Immigration. The Honourable Deputy Government House Leader, the Honourable Member for Inkster and the Honourable Official Opposition House Leader also 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 Morris indicated that she was raising the issue at the earliest opportunity, and I accept the word of the Honourable Member.

Regarding the second issue, of whether sufficient evidence has been provided, as I had previously advised the House on a similar type of matter of privilege raised on May 5 of this year, the parliamentary authority, Joseph Maingot, advises on page 241 of the second edition of Parliamentary Privilege in Canada, allegations that a Member has misled the House are in fact matters of order and not matters of privilege. Therefore, it is not in order to raise these type of issues as matters of privilege.

In addition, it has been ruled on numerous occasions in this House that a Member raising the matter of privilege must provide specific proof of intent to mislead – providing information that may show the facts are at variance is not the same as providing proof of intent to mislead. Also, as ruled by Speaker Daquay, without a Member admitting in the House that he or she had the stated goal of misleading the House when putting the remarks on the record, it is virtually impossible to prove that a Member had deliberately intended to mislead the House. In the words of the federal Standing Committee on Procedure and House Affairs in its 50th report “intent is always a difficult element to establish in the absence of an admission or a confession.”

I would also like to remind the House as I had ruled in 2004, twice in 2005, twice in 2006 once in 2007, and on two previous occasions in the current year, it is not the role of the Speaker to decide on questions of facts. House of Commons Speaker Milliken similarly advised the House of Commons on February 19, 2004 that it is not the role of the Speaker to adjudicate on matters of fact, as this is something that the House itself can form an opinion on during debate.

In addition, it had been asserted by the Official Opposition House Leader that the Speaker stated in the House on May 12 that the Speaker would not necessarily be bound by precedent. The interpretation of the May 12 ruling as applicable to the current issue is not correct, because the ruling on May 12 dealt with the specific issue of comments being made outside the Chamber and with the ability of Members to raise concerns about comments that are hurtful, intolerant or racist, and not with the issue of whether Members have deliberately misled the House. The Manitoba precedents and rulings are very clear on the issue of deliberately misleading the House, as are the procedural authorities Joseph Maingot, Beauchesne, and Marleau and Montpetit.

I would therefore rule with the greatest of respect that the matter raised is not in order as a prima facie case of privilege.

Pursuant to Rule 26(1), Messrs. BRIESE and JHA, Mrs. MITCHELSON, Ms. BLADY and Hon. Mr. GERRARD made Members' Statements.

Prior to Grievances, Mr. MCFADYEN rose on a Matter of Urgent Public Importance and moved:

THAT under Rule 36(1) the regularly scheduled business of the House be set aside to discuss a Matter of Urgent Public Importance, namely, the immediate need for the Premier to stand up for Manitoba and to condemn the formation of a coalition among the Liberal, Bloc Québécois and New Democratic Parties in Ottawa and to call on all New Democratic Party Members of Parliament to oppose the proposed separatist coalition.

And Mr. MCFADYEN, Hon. Mr. CHOMIAK and, by leave, Hon. Mr. GERRARD having spoken to the urgency of the motion,

WHEREUPON Mr. Speaker ruled as follows:

I thank the Honourable Members for their advice to the Chair on whether the motion proposed by the Honourable Leader of the Official Opposition should be debated today. The notice required by Rule 36(1) was provided. Under our Rules and Practices, the subject matter requiring urgent consideration must be so pressing that the public interest will suffer if the matter is not given immediate attention. There must also be no other reasonable opportunities to raise the matter.

I have listened very carefully to the arguments put forward, however I was not persuaded that the ordinary business of the House should be set aside to deal with this issue today. Although this is an issue that many Members may have a concern about, I do not believe that the public interest will be harmed if the business of the House is not set aside to debate the motion today.

Additionally, I would like to note that there are other avenues for Members to raise this issue, which include questions in Question Period, Members' Statements and Grievances.

Therefore, with the greatest of respect, I must rule that this matter does not meet the criteria set by our Rules and Precedents and I rule the motion out of order as a Matter of Urgent Public Importance.

Mr. MCFADYEN moved the following Opposition Day Motion:

WHEREAS Manitoba is a diverse and beautiful province whose citizens take tremendous pride in its history, its culture and its plentiful natural attractions; and

WHEREAS Manitobans have watched their neighbours in other provinces enjoy prosperity and security as a result of those provinces' prudent financial practices and their strong efforts to help their businesses and industries thrive and be globally competitive; and

WHEREAS regrettably over the last nine years Manitoba has failed to fulfill its potential thanks to this government's ongoing failure to articulate a long-term vision aimed at making Manitoba grow and prosper; and

WHEREAS this Provincial Government's time in power can be characterized as one of missed opportunities and the failure to build Manitoba's economy and protect its finances; and

WHEREAS while Manitoba remains the only "have not" province in western Canada, the Provincial Government continues to act like a "will not" government; and

WHEREAS despite receiving unprecedented levels of funding from the Federal Government over the past nine years, the Provincial Government has not moved aggressively to pay down debt; and

WHEREAS at a time when Manitobans would like to see the province's finances improving, the province's total debt has grown to nearly \$20 billion, including crown corporations, representing \$16,600 for each person in Manitoba; and

WHEREAS Manitoba's total debt is now 30 times higher than the balance of the Manitoba's saving's account, the fiscal stabilization fund, due to the Provincial Government's poor planning and inaction;

WHEREAS as a result of the Provincial Government's failure to plan for these tough economic times, Manitoba's savings account only has \$670 million unallocated and available for use to support government services for Manitobans; and

WHEREAS according to the Conference Board of Canada consumer confidence in Manitoba is at an all time low; and

WHEREAS the Organization of Economic Cooperation and Development is predicting the worst recession since the 1980s which it predicts will lead to growing unemployment in Canada; and

WHEREAS Manitoba experienced the lowest private sector employment growth in Canada from 2003 to 2007 and remains uncompetitive in attracting and growing business; and

WHEREAS single taxpayers in Manitoba without children start paying taxes sooner in Manitoba than in any other jurisdiction in Canada and Manitobans continue to pay the highest income taxes west of Quebec; and

WHEREAS Manitobans are still waiting for the Provincial Government to provide them with an economic update akin to the updates provided in British Columbia, Alberta and Saskatchewan, an update that tells them about the state of the Province's finances today, and, just as importantly, how the Provincial Government plans to deal with the coming financial storm;

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Provincial Government to consider acknowledging that under its stewardship, Manitoba has failed to fulfill its potential over the last nine years; and

THEREFORE BE IT FURTHER RESOLVED that the Legislative Assembly of Manitoba urge the Provincial Government to consider releasing an economic plan for the Province that reassures Manitobans that they have a plan to deal with the immediate economic crisis as well as a long term economic vision for the province that will make us competitive with our western neighbours.

And a debate arising,

And Mr. MCFADYEN, Hon. Mr. SELINGER, Mr. PEDERSEN, Hon. Ms. WOWCHUK, Mr. BOROTSIK, Hon. Messrs. ASHTON and GERRARD having spoken,

And the Question being put. It was negatived, on the following division:

YEA

BOROTSIK
BRIESE
CULLEN
DERKACH
DRIEDGER
DYCK
EICHLER
FAURSCHOU
GERRARD
GRAYDON

HAWRANIK
LAMOUREUX
MCFADYEN
MITCHELSON
PEDERSEN
ROWAT
SCHULER
STEFANSON
TAILLIEU 19

NAY

ALLAN	LEMIEUX
ALTEMEYER	MARCELINO
ASHTON	MARTINDALE
BLADY	MCGIFFORD
BJORNSON	MELNICK
BRAUN	NEVAKSHONOFF
BRICK	OSWALD
CALDWELL	REID
CHOMIAK	RONDEAU
DEWAR	SARAN
DOER	SELBY
HOWARD	SELINGER
IRVIN-ROSS	STRUTHERS
JENNISSEN	SWAN
JHA	WOWCHUK..... 31
KORZENIOWSKI	

The House then adjourned at 4:50 p.m. until 10:00 a.m. Thursday, December 4, 2008.

Hon. George HICKES,
Speaker.