



**LEGISLATIVE ASSEMBLY OF MANITOBA**

**VOTES AND PROCEEDINGS No. 11**

**FIFTH SESSION, THIRTY-SIXTH LEGISLATURE**

**PRAYERS**

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

Hon. Mr. GILLESHAMMER presented:

Return under section 20 of The Public Officers Act for the year ended December 31, 1998.

(Sessional Paper No. 50)

Also:

Annual Report of the Department of Finance for the fiscal year ended March 31, 1998

(Sessional Paper No. 51)

Also:

Public Accounts of the Province of Manitoba for the fiscal year ended March 31, 1998 (volumes 1 to 4).

(Sessional Paper No. 52)

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Hon. Mr. TOEWS presented:

Annual Report of the Fatality Inquiries Report for the year 1998.

(Sessional Paper No. 53)

Also:

Annual Report of The Discriminatory Business Practices Act for the fiscal year ended March 31, 1998.

(Sessional Paper No. 54)

Also:

Annual Review of the Chief Medical Examiner for the year 1997.

(Sessional Paper No. 55)

Also:

Annual Report of the Chief Judge of The Provincial Court of Manitoba Concerning Complaints about Judicial Conduct for the year ended December 31, 1998.

(Sessional Paper No. 56)

Also:

Annual Report of the Civil Legal Services Special Operating Agency for the fiscal year ended March 31, 1998.

(Sessional Paper No. 57)

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Hon. Mr. RADCLIFFE presented:

Annual Report of the Department of Labour for the fiscal year ended March 31, 1998.

(Sessional Paper No. 58)

Also:

Annual Report of the Manitoba Labour Board for the fiscal year ended March 31, 1998.

(Sessional Paper No. 59)

Also:

Annual Report of the Office of the Fire Commissioner Special Operating Agency for the fiscal year ended March 31, 1998.

(Sessional Paper No. 60)

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Hon. Mrs. VODREY presented:

Annual Report of The Manitoba Liquor Control Commission for the fiscal year ended March 31, 1998.

(Sessional Paper No. 61)

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Following Oral Questions, Madam Speaker made the following rulings:

On June 18 I ruled on a point of order respecting language used by the Honourable First Minister in responding to the question, and asked the Premier to withdraw the comments in question.

A point of order was raised by the Opposition House Leader about the content of the withdrawal. I took the matter under advisement in order to examine the words spoken by the Premier on June 18 and to consult the authorities.

Hansard shows that the Premier said "*I recognize that, although things may be true, they can also be unparliamentary and so I accept your admonition and I withdraw the comments.*"

I have carefully consulted the authorities and reviewed Hansard and past precedents. The Opposition House Leader did have a point of order. Parliamentary practice, borne out by Manitoba Speakers' rulings, is that withdrawal of words must be unqualified or unconditional, and explanations are not required. I would therefore ask the Honourable First Minister to make an unqualified withdrawal.

Tuesday, April 20, 1999

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WHEREUPON Hon. Mr. FILMON unconditionally withdrew his remarks.

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On April 6, 1999 the Honourable Member for Thompson, the House Leader of the Official Opposition rose on a matter of privilege, claiming that the First Minister had deliberately misled the House.

I thank all Honourable Members for their advice to the chair on the matter.

The two tests for a matter of privilege are: one, was the matter raised at the earliest opportunity, and two, is there sufficient evidence that the privileges of the House have been breached to warrant putting the matter to the House. With respect to the first test, the Honourable Member did raise his matter at the earliest opportunity.

With respect to whether the Member has made a prima facie case, I would refer Members first to Manitoba precedents as established by rulings of Speakers Walding and Phillips. These rulings clearly express that a deliberate misleading of the House requires an intent to mislead and/or knowledge that the statement would mislead. Also, Speakers Walding, Phillips and Rocan have ruled that when one Member charges that another Member has deliberately misled the House, the Member making the charge must furnish proof of intent.

In the parliamentary authority, *Parliamentary Privilege in Canada*, Joseph Maingot sustains this opinion. On page 224, he states that an admission that a Member of the House was intentionally misled would be necessary to establish a prima facie case of a matter of privilege. Therefore, short of a member acknowledging to the House that she or he deliberately and with intent set out to mislead, it is virtually impossible to prove that a Member deliberately misled the House. Citation 494 of Beauchesne, quoted in rulings of past Manitoba Speakers, states that statements by Members respecting themselves and particularly within their own knowledge must be accepted.

Although the Honourable Member for Thompson may have a grievance or a complaint against the First Minister, I must rule that he has not established a prima facie case of privilege and rule his motion out of order.

From her decision, Mr. ASHTON 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**

CUMMINGS  
DERKACH  
DOWNEY  
DRIEDGER (Steinbach)  
DYCK  
ENNS  
FAURSCHOU  
FILMON  
FINDLAY  
GILLESHAMMER  
HELWER  
McALPINE  
McCRAE  
McINTOSH (Assiniboia)

MITCHELSON  
NEWMAN  
PENNER  
PITURA  
PRAZNIK  
RADCLIFFE  
REIMER  
RENDER  
ROCAN  
STEFANSON  
SVEINSON  
TOEWS  
TWEED  
VODREY ..... 28

**NAY**

ASHTON  
BARRETT  
CERILLI  
DEWAR  
DOER  
EVANS (Brandon East)  
EVANS (Interlake)  
FRIESEN  
HICKES  
JENNISSEN  
KOWALSKI

LATHLIN  
LAMOUREUX  
MACKINTOSH (St. Johns)  
MALOWAY  
MARTINDALE  
McGIFFORD  
MIHYCHUK  
REID  
ROBINSON  
SALE  
SANTOS..... 22

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Pursuant to Rule 20 (1), Messrs. ASHTON, PENNER, JENNISSEN, FAURSCHOU, and LAMOUREUX, made Members' Statements.

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The House resumed the Interrupted Debate on the Proposed Motion of the Hon. Mr. FILMON:

THAT Bill (No. 2) - The Electoral Divisions Amendment Act; Loi modifiant la Loi sur les circonscriptions électorale, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Mr. SANTOS concluding his remarks,

**Tuesday, April 20, 1999**

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And Mr. JENNISSEN 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.

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Hon. Mr. McCRAE moved:

THAT Bill (No. 7) - The Public Schools Amendment Act; Loi modifiant la Loi sur les écoles publiques, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. McCRAE having spoken,

The debate was, on motion of Ms. McGIFFORD, adjourned.

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Hon. Mr. TOEWS moved:

THAT Bill (No. 3) - The Fatality Inquiries Amendment Act; Loi modifiant la Loi sur les enquêtes médico-légales, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. TOEWS having spoken,

The debate was, on motion of Ms. McGIFFORD, adjourned.

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Hon. Mrs. McINTOSH moved:

THAT Bill (No. 8) - The Ozone Depleting Substances Amendment Act; Loi modifiant la Loi sur les substances appauvrissant la couche d'ozone, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mrs. McINTOSH having spoken,

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

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Hon. Mr. McCRAE moved:

THAT Bill (No. 13) - The University of Manitoba Amendment Act; Loi modifiant la Loi sur l'Université du Manitoba, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. McCRAE having spoken,

The debate was, on motion of Ms. McGIFFORD, adjourned.

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Hon. Mr. TOEWS moved:

THAT Bill (No. 16) - The Court of Queen's Bench Small Claims Practices Amendment and Parental Responsibility Amendment Act; Loi modifiant la Loi sur le recouvrement des petites créances à la Cour du Banc de la Reine et la Loi sur la responsabilité parentale, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. TOEWS having spoken,

The debate was, on motion of Ms. BARRETT, adjourned.

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Mr. DYCK moved:

Resolution No. 2: Job Training Programs

WHEREAS the Provincial Government and the Government of Canada have signed the Labour Market Development Agreement; and

WHEREAS the agreement provides resources and opportunities to design and coordinate an even broader – and more effective – spectrum of programs to help unemployed Manitobans to get back to work as quickly and effectively as possible; and

WHEREAS the Provincial Government will align the programs and resources to provincial economic priorities to ensure that Manitobans receive effective service in obtaining sustainable employment.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba support the Provincial Government in its ongoing efforts to fully develop and implement the labour market development strategy so that Manitobans can benefit to the greatest extent possible.

And a debate arising,

**Tuesday, April 20, 1999**

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And Messrs. DYCK and ASHTON and Hon. Mr. McCRAE having spoken,

And Ms. BARRETT speaking at 5:15 p.m.,

The debate was allowed to remain in her name.

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The House then adjourned at 5:15 p.m. until 1:30 p.m. tomorrow.

Hon. Louise Dacquay,  
Speaker.