



**LEGISLATIVE ASSEMBLY OF MANITOBA**

**VOTES AND PROCEEDINGS No. 15**

**SECOND SESSION, THIRTY-EIGHTH LEGISLATURE**

**PRAYERS**

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

Hon. Mr. DOER moved:

THAT this House convey to the family of the late Jim PENNER, who served as a Member of the Legislative Assembly of Manitoba, its sincere sympathy in their bereavement and its appreciation of his devotion to duty in a useful life of active community and public service; and that Mr. Speaker be requested to forward a copy of this resolution to the family.

And Hon. Mr. DOER, Mr. MURRAY, Hon. Mr. LEMIEUX, Messrs. GOERTZEN and MARTINDALE, Hon. Mr. GERRARD, Mr. CUMMINGS, Hon. Mr. ASHTON, Mr. TWEED, Hon. Mr. SMITH, Messrs. REIMER and CALDWELL, Mrs. MITCHELSON, Messrs. SCHELLENBERG and DERKACH, Hon. Mr. SELINGER, Messrs. DYCK, LOEWEN and SCHULER, Mrs. DRIEDGER, Messrs. MAGUIRE and FAURSCHOU, Mrs. TAILLIEU and Mrs. ROWAT having spoken,

The motion was agreed to, the House standing.

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

The following petition was presented:

Mr. LAMOUREUX – Legislative Assembly of Manitoba to request the Legislative Assembly of Manitoba to consider recognizing the need to sit for a minimum of 80 days in any given calendar year. (H. Tremblay, G. Hollard, R. Zastre and others)

Hon. Mr. LATHLIN presented:

Communities Economic Development Fund, Quarterly Report, Nine Months, April 1, 2003 to December 31, 2003.

(Sessional Paper No. 23)

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

(No. 22) – The Water Protection Act/Loi sur la protection des eaux

(Hon. Mr. ASHTON)

(No. 27) – The Agricultural Societies Act/Loi sur les sociétés agricoles

(Hon. Ms. WOWCHUK)

(No. 28) – The Agrologists Amendment Act/Loi modifiant la Loi sur les agronomes

(Hon. Ms. WOWCHUK)

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

During Oral Questions on Monday, March 1, 2004, the Honourable Member for Inkster raised an alleged matter of privilege regarding activities that had taken place during the February 20, 2004 meeting of the Standing Committee on Crown Corporations, as well as the issue of notification for the February 27, 2004 meeting of the same committee. He concluded his remarks by moving "THAT the Speaker look into this matter and report back to the Legislative Assembly." The Honourable Government House Leader, the Honourable Official Opposition House Leader and the Honourable Member for River Heights also offered advice to the Chair on this matter. I then 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.

Regarding the first condition of timeliness, the Honourable Member for Inkster asserted that he did raise the matter at the earliest opportunity, and I will accept the word of the Honourable Member.

Regarding the second condition, I must advise the House that according to the procedural authorities and rulings of Manitoba Speakers, matters of privilege that are raised in the House regarding events in committees must be raised in the House by way of a committee report. Beauchesne citation 107 states "breaches of privilege in committee may be dealt with only by the House itself on report from the committee." 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 upon presentation of a report from the committee which deals directly with the matter and not as a question of privilege raised by an individual Member."

Similarly, Speaker Rocan ruled in 1989, in 1993 and in 1994, that the opinion of the Speaker cannot be sought in the House about matters arising in committee, and that that it is not competent for the Speaker to exercise procedural control over committees. In these three cases, he ruled that the proper course of action to be taken is for the issue to be raised in the appropriate committee at the earliest opportunity.

On this basis, I must therefore rule that the matter raised does not fulfil the conditions of a prima facie case of privilege, however this does not preclude the matter from being raised in the appropriate committee.

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Pursuant to Rule 26(1), Ms. KORZENIOWSKI, Messrs. CUMMINGS, CALDWELL and EICHLER and Ms. IRVIN-ROSS made Members' Statements.

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Hon. Mr. MACKINTOSH moved:

THAT Bill (No. 7) – The Criminal Property Forfeiture Act/Loi sur la confiscation pénale de biens, as amended and reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Hon. Mr. MACKINTOSH having spoken,

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

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Hon. Mr. MACKINTOSH moved:

THAT Bill (No. 8) – The Employment and Income Assistance Amendment Act (One-Tier Assistance for Rural and Northern Manitoba)/Loi modifiant la Loi sur l'aide à l'emploi et au revenu (prestataire unique d'aide pour les régions rurales et du nord du Manitoba), reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Hon. Mr. MACKINTOSH having spoken,

The debate was, on motion of Mrs. ROWAT, adjourned.

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Hon. Mr. MACKINTOSH moved:

THAT Bill (No. 13) – The Public Schools Amendment Act (Appropriate Educational Programming)/Loi modifiant la Loi sur les écoles publiques (programmes d'éducation appropriés), reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Hon. Mr. MACKINTOSH having spoken,

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

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**Thursday, March 4, 2004**

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Hon. Mr. RONDEAU moved:

THAT Bill (No. 21) – The Non-Smokers Health Protection Act (Various Acts Amended)/Loi sur la protection de la santé des non-fumeurs (modification de diverses dispositions législatives), be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. RONDEAU having spoken,

The debate was, on motion of Mrs. DRIEDGER, adjourned.

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The House resumed the Adjourned Debate on the Proposed Motion of Hon. Ms. ALLAN:

THAT Bill (No. 9) – The Manitoba Immigration Council Act/Loi sur le Conseil de l'immigration du Manitoba, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Mr. AGLUGUB having spoken,

The debate was allowed, by leave, to remain in the name of Mr. SCHULER.

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

THAT Bill (No. 15) – The Highway Traffic Amendment Act (Police Powers Respecting Unsafe Drivers and Miscellaneous Amendments)/Loi modifiant le Code de la route (pouvoirs de la police concernant les conducteurs dangereux et modifications diverses), be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Messrs. HAWRANIK and LAMOUREUX having spoken,

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

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**Thursday, March 4, 2004**

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

THAT Bill (No. 16) – The Manitoba Public Insurance Corporation Amendment Act (Denial of Benefits for Offenders)/Loi modifiant la Loi sur la Société d'assurance publique du Manitoba (refus de versement de prestations aux contrevenants), be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Mr. DERKACH having spoken,

The debate was, on motion of Mrs. MITCHELSON, adjourned.

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By leave, the House resumed the Adjourned Debate on the Proposed Motion of Hon. Ms. ALLAN:

THAT Bill (No. 9) – The Manitoba Immigration Council Act/Loi sur le Conseil de l'immigration du Manitoba, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Mr. LAMOUREUX having spoken,

The debate was allowed, by leave, to remain in the name of Mr. SCHULER.

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By leave, Hon. Ms. WOWCHUK moved:

THAT Bill (No. 28) – The Agrologists Amendment Act/Loi modifiant la Loi sur les agronomes, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Ms. WOWCHUK having spoken,

The debate was, on motion of Mrs. MITCHELSON, adjourned.

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By leave, Hon. Ms. WOWCHUK moved:

THAT Bill (No. 27) – The Agricultural Societies Act/Loi sur les sociétés agricoles, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Ms. WOWCHUK having spoken,

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

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**Thursday, March 4, 2004**

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By leave, the House resumed the Adjourned Debate on the Proposed Motion of Hon. Ms. MELNICK:

THAT Bill (No. 8) – The Employment and Income Assistance Amendment Act (One-Tier Assistance for Rural and Northern Manitoba)/Loi modifiant la Loi sur l'aide à l'emploi et au revenu (prestataire unique d'aide pour les régions rurales et du nord du Manitoba), reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a Third Time and passed.

And the debate continuing,

And Mr. MARTINDALE having spoken,

The debate was allowed, by leave, to remain in the name of Mrs. ROWAT.

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The House then adjourned at 5:15 p.m. until 1:30 p.m. Monday, March 8, 2004.

Hon. George HICKES,  
Speaker.