



**LEGISLATIVE ASSEMBLY OF MANITOBA**

**VOTES AND PROCEEDINGS No. 43**

**SECOND SESSION, THIRTY-NINTH LEGISLATURE**

**PRAYER**

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

By leave, it was agreed to have Bill (No. 300) – The Royal Lake of the Woods Yacht Club Incorporation Amendment Act/Loi modifiant la Loi constituant en corporation « The Royal Lake of the Woods Yacht Club », remain standing in the name of the Honourable Member for Selkirk.

By leave, it was agreed for the House to deal with Second Reading of Bill (No. 221).

Mrs. TAILLIEU moved:

THAT Bill (No. 221) – The Liquor Control Amendment Act (Liquor Vendor Siting)/Loi modifiant la Loi sur la réglementation des alcools (établissement des vendeurs d'alcools), be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Mrs. TAILLIEU, Hon. Mr. SWAN, Messrs. GRAYDON, BOROTSIK, PEDERSEN and FAURSCHOU having spoken,

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

During the Debate, Mr. Speaker interjected and cautioned all Honourable Members regarding the use of the words "standing on his hind legs".

By leave, it was agreed to amend Resolution No. 11 in the sixth WHEREAS clause by deleting "May of 2000" and replacing it with "October 2001".

Ms. KORZENIOWSKI moved:

Resolution No. 11: Spanish Civil War

WHEREAS the Spanish Civil War started in 1936 and ended with the overthrow of the democratically elected government in 1939 by fascist Francisco Franco; and

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WHEREAS over 1500 Canadians went to Spain to fight against the fascist coup and supported the elected government; and

WHEREAS the Canadians formed the Mackenzie-Papineau Battalion which was the second largest contingent of international troops fighting for the elected government; and

WHEREAS these Canadians left their homes and families to stand against dictatorship and fascism in the name of liberty, democracy and freedom; and

WHEREAS all of the members of the Mackenzie-Papineau Battalion are to be commended and remembered for their willingness to fight for freedom and democracy and protect those who were unable to protect themselves; and

WHEREAS in 1996 the Government of Canada formally recognized the service of these soldiers and in October 2001 the Rt. Honourable Adrienne Clarkson unveiled a memorial to their valour; and

WHEREAS a commemorative plaque at Winnipeg's City Hall indicates that 106 volunteers from Manitoba served in the Spanish Civil War and that 21 were killed and have been buried in Spain; and

WHEREAS the last surviving Winnipeg member of the battalion was Mr. Marvin Pen who passed away in April of 2001; and

WHEREAS these soldiers are veterans like any other and deserve our recognition and admiration.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba recognize the heroism of the Mackenzie-Papineau Battalion in their fight for democracy and the rule of law against dictatorship and totalitarianism; and

BE IT FURTHER RESOLVED that the Legislative Assembly of Manitoba mark the sacrifice of the Mackenzie-Papineau Battalion with a moment of silence.

And a debate arising,

And Ms. KORZENIOWSKI, Messrs. EICHLER, JENNISSON, LAMOUREUX and MARTINDALE, Hon. Messrs. ASHTON and GERRARD having spoken,

And the Question being put. It was agreed to, unanimously.

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1:30 O'CLOCK P.M.

Prior to Routine Proceedings, Mr. HAWRANIK rose on a Matter of Privilege and moved:

THAT the Minister of Family Services and Housing apologize to this House.

And Hon. Messrs. CHOMIAK and GERRARD having spoken.

WHEREUPON Mr. Speaker ruled there was no Matter of Privilege.

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

(No. 230) – The Regulatory Accountability and Transparency Act/Loi sur la responsabilité et la transparence en matière réglementaire

(Mrs. TAILLIEU)

(No. 233) – The Jordan's Principle Implementation Act/Loi sur la mise en œuvre du principe de Jordan

(Hon. Mr. GERRARD)

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The following petitions were presented and read:

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. (B. Carson, M. McVey, R. Neufeld and others)

Mr. BRIESE – Legislative Assembly of Manitoba to urge the Minister of Family Services and Housing to consider addressing the shortage of Early Childhood Educators by enabling child care centres to provide competitive wages and benefits; and to consider adequately planning for the future child care needs of growing communities, and to consider making the development of a sustainable and accessible child care system a priority; and to consider the development of a governance body that would provide direction and support to the volunteer boards of child care centres and to consider the development of regionalized central wait lists for child care; and to encourage all Members of the Legislative Assembly to consider becoming more closely involved with the operations of the licensed daycare facilities in their constituencies. (S. Hunter, R. Ferraz, L. Tawares and others)

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. (E. Bergmann, W. Dyck, P. A. Hildebrand and others)

Mrs. STEFANSON – Legislative Assembly of Manitoba to request the Minister of Water Stewardship to consider placing a moratorium on the harvesting of any species of fish on Lake Dauphin and its tributaries for the period April 1<sup>st</sup> to May 15<sup>th</sup> annually and to consider doing regular studies of fish stocks on Lake Dauphin to help gauge the health of the fishery and to consider determining any steps needed to protect or to enhance those stocks. (D. Leduchowski, B. Miwen, D. Balanyk and others)

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Hon. Mr. BJORNSON presented:

Annual Report of the Teachers' Retirement Allowances Fund for the year ending December 31, 2007.

(Sessional Paper No. 53)

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Hon. Mr. CHOMIAK presented:

Annual Report of The Discriminatory Business Practices Act for the fiscal year ending March 31, 2008.

(Sessional Paper No. 54)

Annual Report of the Chief Judge of the Provincial Court Concerning Complaints about Judicial Conduct for the year ending December 31, 2006.

(Sessional Paper No. 55)

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

Prior to Routine Proceedings on May 5, 2008, 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 May 1, information that the Honourable Member for Morris indicated was purposefully misleading. The Honourable Government House Leader, the Honourable Minister of Labour and Immigration, the Honourable Member for River Heights, 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, the parliamentary authority, Joseph Maingot, advises on page 241 of the second edition of Parliamentary Privilege in Canada that allegations that a Member has misled the House are in fact matters of order and not 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 Dacquay, 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 50<sup>th</sup> 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 and also in 2007, 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.

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

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Prior to Routine Proceedings on May 5, 2008, the Honourable Member for Inkster raised a matter of privilege regarding information provided by the Honourable Minister of Finance in the House and during the consideration of departmental estimates, information that the Honourable Member for Inkster indicated was purposefully misleading. The Honourable Government House Leader 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 Inkster indicated that he was raising the issue at the earliest opportunity. It is difficult to determine this, as the Honourable Member for Inkster indicated that the issue initially started on April 21, and then made reference to questions he had asked during the week of April 28 to May 2, however the Honourable Member for Inkster did not indicate exactly when during that week he raised the questions. I would request in the future that Members provide more guidance to the Chair about dates and time frames, as without this preciseness, it is difficult to verify whether the issue was indeed raised in a timely manner.

Regarding the second issue, of whether sufficient evidence has been provided, the parliamentary authority, Joseph Maingot, advises on page 241 of the second edition of *Parliamentary Privilege in Canada* that allegations that a Member has misled the House are in fact matters of order and not 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 Dacquay, 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 50<sup>th</sup> report “intent is always a difficult element to establish in the absence of an admission or a confession.”

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

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Pursuant to Rule 26(1), Mr. DYCK, Ms. SELBY, Mr. GOERTZEN, Ms. BRICK and Mr. LAMOUREUX made Members' Statements.

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

THAT Bill (No. 2) – The Public Schools Amendment Act (Trans Fats and Nutrition)/Loi modifiant la Loi sur les écoles publiques (gras trans et nutrition), 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. EICHLER,

And Messrs. SCHULER and LAMOUREUX having spoken,

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

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

THAT Bill (No. 6) – The Securities Amendment Act/Loi modifiant la Loi sur les valeurs mobilières, 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 Mrs. STEFANSON,

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And Messrs. FAURSCHOU and LAMOUREUX having spoken,

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

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

THAT Bill (No. 13) – The Highway Traffic Amendment Act (Damage to Infrastructure)/Loi modifiant le Code de la route (dommages causés à l'infrastructure), 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. EICHLER,

And Messrs. MAGUIRE, GOERTZEN, LAMOUREUX and FAURSCHOU having spoken,

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

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In accordance with Rule 31(8), the Minister of Conservation announced that the National Housing Strategy Resolution will be considered on Tuesday, June 3, 2008.

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

THAT Bill (No. 17) – The Environment Amendment Act (Permanent Ban on Building or Expanding Hog Facilities)/Loi modifiant la Loi sur l'environnement (interdiction permanente visant la construction ou l'agrandissement d'installations réservées aux porcs), 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 Mr. GOERTZEN speaking at 5:00 p.m. The debate was allowed to remain in his name.

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The House then adjourned at 5:00 p.m. until 1:30 p.m. Wednesday, May 21, 2008.

Hon. George HICKES,  
Speaker.