



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 5

FOURTH SESSION, THIRTY-NINTH LEGISLATURE

PRAYER

10:00 O'CLOCK A.M.

Immediately following the Prayer, Mr. LAMOUREUX rose on a Matter of Privilege regarding the Report of the Special Committee on Senate Reform and moved:

THAT the issues surrounding the report from the Special Committee on Senate Reform be considered by the Standing Committee on Legislative Affairs and then reported back to this House.

And Hon. Mr. BLAIKIE and Messrs. HAWRANIK and DERKACH having spoken.

WHEREUPON Mr. Speaker ruled as follows:

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. In addition, I had ruled in the House on March 4, 2004, that 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, and that it is not appropriate for Speakers to exercise procedural control over committees.

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. For example the Member could file a motion to request that the committee be reconvened to reconsider the report.

From his decision, Mr. LAMOUREUX 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

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| ALLAN | MARCELINO |
| ALTEMEYER | MARTINDALE |
| ASHTON | MCGIFFORD |
| BLADY | MELNICK |
| BLAIKIE | NEVAKSHONOFF |
| BJORNSON | OSWALD |
| BRAUN | REID |
| BRICK | RONDEAU |
| CHOMIAK | SARAN |
| DEWAR | SELBY |
| HOWARD | STRUTHERS |
| JENNISSEN | SWAN |
| JHA | WHITEHEAD |
| LEMIEUX | WOWCHUK..... 28 |

NAY

| | |
|-----------|------------------|
| BOROTSIK | HAWRANIK |
| BRIESE | LAMOUREUX |
| CULLEN | MAGUIRE |
| DERKACH | MCFADYEN |
| DRIEDGER | MITCHELSON |
| DYCK | PEDERSEN |
| FAURSCHOU | ROWAT |
| GERRARD | SCHULER |
| GOERTZEN | STEFANSON |
| GRAYDON | TAILLIEU..... 20 |

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

(No. 5) – The Cottage Property Tax Increase Deferral Act (Property Tax and Insulation Assistance Act Amended)/Loi sur le report des majorations de taxes foncières visant les chalets (modification de la Loi sur l'aide en matière de taxes foncières et d'isolation thermique des résidences)

(Hon. Ms. WOWCHUK)

Friday, December 4, 2009

(No. 209) – The Greenhouse Gas Emissions Reporting Act/Loi sur l'obligation de faire rapport des émissions de gaz à effet de serre

(Hon. Mr. GERRARD)

(No. 210) – The Diabetes Reporting Act/Loi sur la déclaration obligatoire du diabète

(Hon. Mr. GERRARD)

(No. 211) – The Regulatory Accountability and Transparency Act/Loi sur la responsabilité et la transparence en matière réglementaire

(Mrs. TAILLIEU)

(No. 212) – The Legal Profession Amendment Act/Loi modifiant la Loi sur la profession d'avocat

(Mr. GRAYDON)

The following petitions were presented and read:

Mr. DYCK – Legislative Assembly of Manitoba to urge the Minister of Health to ensure that patients who are awaiting placement in a personal care home are not moved to distant communities and to consider working with the RHA and the community to speed construction and expansion of long term care facilities in the region. (J. Derksen, A. Funk, Y. Kruse and others)

Hon. Ms. HOWARD, the Minister responsible for the Status of Women, made a statement regarding December 6, 2009, being National Day of Remembrance and Action on Violence against Women,

Mrs. DRIEDGER and, by leave, Hon. Mr. GERRARD commented on the statement.

The House then adjourned at 12:32 p.m. until 1:30 p.m. Monday, December 7, 2009.

Hon. George HICKES,
Speaker.