



**PRAYERS**

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

Mr. Speaker laid upon the Table of the House:

**LEGISLATIVE ASSEMBLY OF MANITOBA**

Province of Manitoba

To the Honourable the Speaker of the Legislative Assembly of Manitoba.

I, Eric STEFANSON, Member of the Legislative Assembly of Manitoba, for the Electoral Division of Kirkfield Park, do hereby declare that it is my intention to resign my seat in the Legislative Assembly, for the Electoral Division aforesaid.

Given under my hand and seal at the Legislative Offices this 7<sup>th</sup> day of September, 2000.

(Signed) Eric Stefanson

Witness: Rick Mantey (signed)

Witness: Mark Rowan (signed)

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To His Honour, the Lieutenant Governor in Council:

I beg to advise that I have received the written resignation of Eric STEFANSON, Member for the Electoral Division of Kirkfield Park in the Legislative Assembly of Manitoba dated the 7<sup>th</sup> day of September, 2000.

Pursuant to section 24 of The Legislative Assembly Act, I do now request Your Honour in Council to pass an Order-in-Council for the filling of the vacancy in the representation of the Electoral Division of Kirkfield Park.

**Wednesday, December 6, 2000**

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Dated at Winnipeg, this 7<sup>th</sup> day of September, 2000.

(Signed) George Hickes  
Speaker  
Legislative Assembly of Manitoba

(Sessional Paper No. 1)

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**LEGISLATIVE ASSEMBLY OF MANITOBA**

Province of Manitoba

To the Honourable the Speaker of the Legislative Assembly of Manitoba.

I, Gary FILMON, Member of the Legislative Assembly of Manitoba, for the Electoral Division of Tuxedo, do hereby declare that it is my intention to resign my seat in the Legislative Assembly, for the Electoral Division aforesaid.

Given under my hand and seal at the Legislative Offices this 18<sup>th</sup> day of September, 2000.

(Signed) Gary Filmon

Witness: Tish Best (signed)  
Witness: Judy Undiks (signed)

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To His Honour, the Lieutenant Governor in Council:

I beg to advise that I have received the written resignation of Gary FILMON, Member for the Electoral Division of Tuxedo in the Legislative Assembly of Manitoba dated the 18<sup>th</sup> day of September, 2000.

Pursuant to section 24 of The Legislative Assembly Act, I do now request Your Honour in Council to pass an Order-in-Council for the filling of the vacancy in the representation of the Electoral Division of Tuxedo.

Dated at Winnipeg, this 18<sup>th</sup> day of September, 2000.

(Signed) George Hickes  
Speaker  
Legislative Assembly of Manitoba

(Sessional Paper No. 2)

Mr. Speaker presented:

Certificate of Elections respecting Mr. Stuart MURRAY, the newly elected Member for Kirkfield Park and Mrs. Heather STEFANSON, the newly elected Member for Tuxedo.

(Sessional Paper No. 3)

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Mr. Stuart MURRAY, Member for the Electoral Division for Kirkfield Park, was conducted by Mrs. MITCHELSON and Mr. GILLESHAMMER, to the floor of the House in front of Mr. Speaker.

Mrs. MITCHELSON then said:

Mr. Speaker, I have the honour to present to you Mr. Stuart MURRAY, Member for the Electoral Division of Kirkfield Park, who has taken the Oath and signed the Roll, and now claims the right to take his seat.

Mr. Speaker thereupon said:

On behalf of all Honourable Members, I wish to welcome you to the Legislative Assembly of Manitoba and to wish you well in your parliamentary career.

Mr. MURRAY then advanced to the Chair, shook hands with Mr. Speaker and took his seat.

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Mrs. Heather STEFANSON, Member for the Electoral Division for Tuxedo, was conducted by Mrs. MITCHELSON and Mr. MURRAY, to the floor of the House in front of Mr. Speaker.

Mr. MURRAY then said:

Mr. Speaker, I have the honour to present to you Mrs. Heather STEFANSON, Member for the Electoral Division of Tuxedo, who has taken the Oath and signed the Roll, and now claims the right to take her seat.

Mr. Speaker thereupon said:

On behalf of all Honourable Members, I wish to welcome you to the Legislative Assembly of Manitoba and to wish you well in your parliamentary career.

Mrs. STEFANSON then advanced to the Chair, shook hands with Mr. Speaker and took her seat.

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Hon. Ms. MCGIFFORD, the Minister responsible for the Status of Women made statement regarding today, December 6, 2000, being National Day of Remembrance Respecting Violence Against Women,

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

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Hon. Mr. DOER, the First Minister, made a statement regarding a report released by the International Joint Commission which contains its findings from an investigation into the 1997 flooding of the Red River Valley,

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

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Mr. Speaker presented:

Annual Report of the Children's Advocate for the fiscal year ending March 31, 2000.  
(Sessional Paper No. 4)

Annual Report of the Chief Electoral Officer on The Elections Act and The Elections Finances Act for the year ending December 31, 1999 which also includes the conduct of the 37<sup>th</sup> Provincial General Election dated September 21, 1999.  
(Sessional Paper No. 5)

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The following Bills were, by leave, severally introduced, had the purposes outlined thereof and were read a First Time:

(No. 2) – The Employment Standards Code Amendment Act/Loi modifiant le Code des normes d'emploi  
(Recommended by His Honour, the Lieutenant Governor)  
(Hon. Ms. BARRETT)

(No. 3) – The Civil Service Superannuation Amendment Act/Loi modifiant la Loi sur la pension de la fonction publique  
(Recommended by His Honour, the Lieutenant Governor)  
(Hon. Ms. BARRETT)

(No. 4) – The Manitoba Employee Ownership Fund Corporation Amendment Act/Loi modifiant la Loi constituant en corporation le Fonds de participation des travailleurs du Manitoba  
(Hon. Ms. MIHYCHUK)

(No. 5) – The Helen Betty Osborne Memorial Foundation Act/Loi sur la Fondation commémorative Helen Betty Osborne  
(Recommended by His Honour, the Lieutenant Governor)  
(Hon. Mr. MACKINTOSH)

(No. 6) – The Pension Benefits Amendment Act/Loi modifiant la Loi sur les prestations de pension  
(Hon. Ms. BARRETT)

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Hon. Mr. MACKINTOSH presented:

Message from His Honour, the Lieutenant Governor recommending the disposition of public revenue for Bill (No. 5).

(Sessional Paper No. 6)

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Hon. Ms. BARRETT presented:

Message from His Honour, the Lieutenant Governor recommending the disposition of public revenue for Bill (No. 3).

(Sessional Paper No. 7)

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Hon. Ms. BARRETT presented:

Message from His Honour, the Lieutenant Governor recommending the disposition of public revenue for Bill (No. 2).

(Sessional Paper No. 8)

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By unanimous consent, it was agreed to waive Rule 60(2) with regards to the printing of the Private Members' Resolutions in the Notice Paper until December 11, 2000.

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

During consideration of Orders of the Day on August 16, 2000, the Honourable Member for Lac du Bonnet rose on an alleged matter of privilege concerning the issuing of a press release on committee hearings and proposed amendments for Bill No. 44 by the Honourable Minister of Labour. The Honourable Member disputed the accuracy of information in the press release concerning the number of presenters before the Standing Committee on Industrial Relations and suggested that the Honourable Minister had deliberately not verified facts. Additionally, the Honourable Member for Lac du Bonnet contended that the Minister had placed the information on the record through the issuing of the press release by the government news service. He concluded his remarks by moving "that this House finds the Minister of Labour in contempt of this House for purposely providing untrue and improper information about the proceedings in the Standing Committee on Industrial Relations in its consideration of Bill 44, thereby effecting the collective privileges of all Members." The Honourable Member for River Heights, the Honourable Government House Leader and the Honourable Member for Russell also offered advice on the alleged matter of privilege. I took the matter under advisement in order to consult the procedural authorities.

I thank all Members for their advice to the Chair on this matter.

There are two conditions that must be satisfied in order for the matter raised to be considered a prima facie case of privilege. First, was the matter 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, I do find that the matter was raised at the earliest opportunity.

Concerning the second condition, there are a number of points to consider.

First, the Honourable Member for Lac du Bonnet contended that the Honourable Minister of Labour had put the press release on the record because the press release had been released by the government news service. In order for the privileges of the House to have been breached, the activity must involve a proceeding of Parliament. The press release in question was issued by the government outside of the Chamber. The Minister did not table the press release in the House, nor did she make a statement in the House about the press release. Although Members in the House may have access to the distribution of the press release, the press release was not distributed in the Chamber in conjunction with any parliamentary proceedings and therefore cannot be considered a proceeding of parliament. As noted by Joseph Maingot on page 99 of the second edition of *Parliamentary Privilege in Canada*, “it would be dangerous to suggest that any connection with a matter in Parliament will be considered a proceeding in Parliament.”

Also, Beaudesne citation 31(3) advises that statements made outside of the House by a Member may not be used as the basis for a question of privilege.

Similarly, Beaudesne citation 31(1) states that a dispute arising between two Members as to allegations of facts does not fulfill the conditions of parliamentary privilege.

Joseph Maingot advises on page 224 of *Parliamentary Privilege in Canada* that “parliamentary privilege is concerned with the special rights of Members, not in their capacity as ministers or as party leaders, whips or parliamentary secretaries, but strictly in their capacity as Members in their parliamentary work. Therefore, allegations of misjudgment or mismanagement, or maladministration on the part of a minister in the performance of his ministerial duties do not come within the purview of parliamentary privilege.”

Maingot also states on page 223 that “an allegation of misleading the House is not out of order or unparliamentary nor does it amount to a question of privilege. However, an admission by a Member that he misled the House would constitute a breach of privilege.” In this instance, although the Member for Lac du Bonnet has demonstrated that there could arguably be a difference in factual interpretation, he has not proven that there was deliberate intent, nor did the Minister admit intent to purposely mislead. Previous rulings by Speakers Walding, (June 13, 1985) Phillips, (March 23, 1987) Rocan (January 17, 1990; March 14, 1990; May 21, 1991; June 19, 1991; March 16, 1993; July 16, 1993) and Dacquay (April 29, 1996; May 30, 1996; September 18, 1996; November 4, 1996; July 23, 1997; March 13, 1998; May 6, 1998; June 9, 1998 and April 20, 1999) support the concept that proof of intent must be provided.

For the reasons stated, I am ruling that it has not been demonstrated that a prima facie case of privilege exists, and I must rule therefore rule the motion out of order as a matter of privilege.

**Wednesday, December 6, 2000**

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Pursuant to Rule 23(1), Mrs. STEFANSON, Mr. MARTINDALE, Mrs. SMITH (Fort Garry), Mr. RONDEAU and Hon. Mr. GERRARD made Members' Statements.

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Mr. STRUTHERS moved, seconded by Ms. KORZENIOWSKI:

THAT the following address be presented to His Honour the Lieutenant Governor:

We, the Members of the Legislative Assembly of Manitoba thank your Honour for the gracious speech addressed to us at this Second Session of the Thirty-Seventh Legislature of Manitoba.

And a debate arising,

And Mr. STRUTHERS and Ms. KORZENIOWSKI having spoken,

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

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By leave, Hon. Mr. MACKINTOSH moved:

THAT Bill (No. 5) – The Helen Betty Osborne Memorial Foundation Act/Loi sur la Fondation commémorative Helen Betty Osborne, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Messrs. MACKINTOSH and ROBINSON, Messrs. LAURENDEAU and PRAZNIK 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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By leave, Hon. Ms. MIHYCHUK moved:

THAT Bill (No. 4) – The Manitoba Employee Ownership Fund Corporation Amendment Act/Loi modifiant la Loi constituant en corporation le Fonds de participation des travailleurs du Manitoba, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Ms. MIHYCHUK and Mr. LOEWEN 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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**Wednesday, December 6, 2000**

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By leave, Hon. Ms. BARRETT moved:

THAT Bill (No. 2) – The Employment Standards Code Amendment Act/Loi modifiant le Code des normes d'emploi, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Ms. BARRETT, Messrs. MURRAY and SCHULER 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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By leave, Hon. Ms. BARRETT moved:

THAT Bill (No. 3) – The Civil Service Superannuation Amendment Act/Loi modifiant la Loi sur la pension de la fonction publique, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Ms. BARRETT and Mr. SCHULER 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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By leave, Hon. Ms. BARRETT moved:

THAT Bill (No. 6) – The Pension Benefits Amendment Act/Loi modifiant la Loi sur les prestations de pension, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Ms. BARRETT and Mr. SCHULER 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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The House then adjourned at 5:37 p.m. until 1:30 p.m. Thursday, December 7, 2000.

Hon. George HICKES,  
Speaker.