



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 11

FOURTH SESSION, THIRTY-SEVENTH LEGISLATURE

PRAYERS

1:30 O'CLOCK P.M.

Hon. Mr. SALE, the Minister of Energy, Science and Technology made a statement regarding the Ratification of the Kyoto Protocol by Canada,

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

Hon. Ms. MCGIFFORD presented:

Annual Report of the Status of Women for the fiscal year ending March 31, 2002.
(Sessional Paper No. 20)

Hon. Mr. SELINGER presented:

Return under section 20 of The Public Officers Act dated December 11, 2002.
(Sessional Paper No. 21)

Hon. Mr. MACKINTOSH presented:

Copy of Regulations filed under The Regulations Act, being Regulations Nos. 163/2001 to 183/2002.
(Sessional Paper No. 22)

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

Following the Prayer on December 5, 2002, the Honourable Member for Arthur-Virden rose on a matter of privilege to assert that the Premier had deliberately misled the House regarding financial statistics and comments that had been provided as answers in Question Period on November 28 and December 2. After offering comments on the issue and tabling several documents, the Honourable Member for Arthur-Virden moved “THAT this House censure the Premier for his contemptuous actions in knowingly placing misleading information before this House which was not accurate and based upon information already tabled in this Assembly by his own Finance Minister; and THAT the Premier be directed to apologize to the Legislative Assembly and the people of Manitoba for bringing such false information before this House and undermining the integrity and respect of this House.” The Honourable Government House Leader also offered advice on the orderliness of the motion. I took the matter under advisement in order to consult the procedural authorities.

There are two conditions that must be satisfied in order for a matter to be ruled in order as a matter of privilege. First, was the issue raised at the earliest opportunity, and second, is there sufficient evidence that the privileges of the House have been breached to warrant putting the matter to the House.

On the first condition, the Honourable Member for Arthur-Virden advised that he did indeed raise the matter at the earliest opportunity. There were no delays in the 24 hour turnaround time for the delivery of Hansard for those days, so I respectfully suggest that perhaps the matter could have been raised earlier.

Regarding the second condition, whether there is sufficient evidence that the privileges of the House have been breached, Joseph Maingot advises on page 224 of *Parliamentary Privilege in Canada* that an admission that a Member had intentionally misled the House would be required in order to establish a prima facie case of a matter of privilege. This concept is supported in Manitoba precedents by a ruling from Speaker Walding in 1985, a ruling from Speaker Phillips in 1987, by seven rulings from Speaker Rocan from the period 1988 to 1995, by nine rulings from Speaker Dacquay from the period 1995 to 1999, and by a ruling that I delivered on August 6, 2002.

In her 1987 ruling, Speaker Phillips stated a Member raising a matter of privilege which charges that another Member has misled the House must support his or her charge with proof of intent. And, as ruled by Speaker Dacquay on April 20, 1999, short of a Member acknowledging to the House that he or she deliberately and with intent set out to mislead, it is virtually impossible to prove that a Member deliberately misled the House.

Although the Honourable Member for Arthur-Virden cited that the Honourable Premier provided information that was different than the information tabled by the Honourable Member for Arthur-Virden, the Honourable Member for Arthur-Virden did not provide proof that the Honourable Premier purposefully intended to mislead the House. Nor did the Premier state during Question Period that he set out to deliberately mislead the House. In addition, Beauchesne citation 31(1) advises that a dispute arising between two Members as to allegations of facts does not fulfill the conditions of parliamentary privilege. I would therefore rule that the matter is not in order as a prima facie case of privilege.

Wednesday, December 11, 2002

Pursuant to Rule 23(1), Messrs. ROCAN and JENNISSEN, Hon. Mr. GERRARD, Mr. PENNER (Emerson) and Ms. ASPER made Members' Statements.

By Leave, Hon. Mr. MACKINTOSH moved:

THAT Bill (No. 10) – The Elections Finances Amendment Act/Loi modifiant la Loi sur le financement des campagnes électorales, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Hon. Mr. MACKINTOSH and Mr. LAURENDAU 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.

By leave, it was agreed to waive the quorum requirement in the House for Wednesday, December 11, 2002.

By unanimous consent, it was agreed that the Standing Committee on Law Amendments would meet at 10:00 a.m. on Thursday, December 12, 2002, concurrently with the House.

By leave, it was agreed to waive the quorum requirement in the House for the duration of the meeting of the Standing Committee on Law Amendment on Thursday, December 12, 2002.

By leave, it was agreed that Private Members' Resolutions will be dealt with intersessionally, in accordance with the process outlined by the new rules package, with the time frames for the process to be determined by the House Leaders.

By leave, the Order of the Day being read for consideration of Bill (No. 2) – The Civil Remedies Against Organized Crime and Liquor Control Amendment Act/Loi sur les recours civils contre le crime organisé et modifiant la Loi sur la réglementation des alcools, as reported from the Standing Committee on Law Amendments:

Mr. HAWRANIK moved:

THAT Bill 2 be amended by adding the following after section 15:

**BAN ON GANG COLOURS
IN PUBLIC PLACES**

Gang colours forbidden

15.1(1) No person shall wear gang colours in any public place.

Definition of "gang colours"

15.1(2) In subsection (1), "**gang colours**" means a sign, symbol, logo or other representation identifying, associated with or promoting a group of persons who conspire to engage in unlawful activities.

Offence and penalty

15.1(3) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction,

(a) in the case of a first offence, to a fine of not more than \$1,000. or to imprisonment for a term of not more than three months or to both; and

(b) in the case of a second or subsequent offence, to a fine of not more than \$2,000. or to imprisonment for a term of not more than six months or to both.

And a debate arising,

And Mr. HAWRANIK, Hon. Mr. MACKINTOSH and Messrs. GILLESHAMMER, PENNER (Emerson) and ENNS having spoken,

And the Question being put on the amendment. It was negatived, on the following division:

YEA

CUMMINGS	MAGUIRE
DRIEDGER	MITCHELSON
DYCK	MURRAY
ENNS	PENNER (Emerson)
FAURSCHOU	PENNER (Steinbach)
GERRARD	PITURA
GILLESHAMMER	ROCAN
HAWRANIK	SCHULER
HELWER	STEFANSON
LAURENDEAU	TWEED21
LOEWEN	

NAY

AGLUGUB	MACKINTOSH
ALLAN	MALOWAY
ASHTON	MARTINDALE
ASPER	MCGIFFORD
BARRETT	NEVAKSHONOFF
CALDWELL	REID
CERILLI	ROBINSON
CHOMIAK	RONDEAU
DEWAR	SALE
DOER	SANTOS
FRIESEN	SCHELLENBERG
JENNISSON	SELINGER
KORZENIOWSKI	SMITH (Brandon West)
LATHLIN	STRUTHERS
LEMIEUX	WOWCHUK..... 30

Hon. Mr. MACKINTOSH then moved:

*THAT subsection 1(1) be amended by replacing the definition *Apolice chief* with the following:*

"police chief" means

- (a) the chief of police of a municipality,
- (b) the commanding officer of the Royal Canadian Mounted Police in Manitoba, and
- (c) a special constable appointed under *The Provincial Police Act* who is in charge of police services for one or more First Nations communities; (* chef de police +)

And a debate arising,

And Hon. Messrs. MACKINTOSH and GERRARD having spoken,

And the Question being put on the amendment. It was agreed to.

Bill (No. 2) – The Civil Remedies Against Organized Crime and Liquor Control Amendment Act/Loi sur les recours civils contre le crime organisé et modifiant la Loi sur la réglementation des alcools, as reported from the Standing Committee on Law Amendments, and subsequently amended, was concurred in.

By leave, Hon. Mr. SELINGER moved:

THAT Bill (No. 2) – The Civil Remedies Against Organized Crime and Liquor Control Amendment Act/Loi sur les recours civils contre le crime organisé et modifiant la Loi sur la réglementation des alcools, be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. SELINGER, Mr. HAWRANIK, Hon. Messrs. GERRARD and MACKINTOSH having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly read a Third Time and passed.

By leave, the following Bills, as reported from the Standing Committee on Law Amendments were respectively concurred in.

(No. 3) – The Legislative Assembly Amendment Act/Loi modifiant la Loi sur l'Assemblée législative

(No. 4) – The Fire Departments Arbitration Amendment Act/Loi modifiant la Loi sur l'arbitrage relatif aux services de pompiers

Hon. Mr. MACKINTOSH moved:

THAT Bill (No. 3) – The Legislative Assembly Amendment Act/Loi modifiant la Loi sur l'Assemblée législative, be now read a Third Time and passed.

And a debate arising,

And Hon. Messrs. MACKINTOSH and GERRARD having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly read a Third Time and passed.

Wednesday, December 11, 2002

Hon. Mr. SELINGER moved:

THAT Bill (No. 4) – The Fire Departments Arbitration Amendment Act/Loi modifiant la Loi sur l'arbitrage relatif aux services de pompiers, be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. SELINGER and Hon. Ms. BARRETT having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly read a Third Time and passed.

The House then adjourned at 5:07 p.m. until 10:00 a.m. Thursday, December 12, 2002.

Hon. George HICKES,
Speaker.