



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 43

FIRST SESSION, THIRTY-SEVENTH LEGISLATURE

PRAYERS

1:30 O'CLOCK P.M.

Mr. SANTOS, Chairperson of the Committee of Supply, reported progress having been made on June 8, 2000. Report was received and the Committee of Supply obtained leave to sit again.

Mr. MARTINDALE, Chairperson of the Standing Committee on Law Amendments presented its Third Report, which was read as follows:

Your Committee met on Monday, May 29, 2000 at 10:00 a.m. and Wednesday, June 7, 2000 at 7:00 p.m. in Room 255 of the Legislative Building to consider Bills referred.

Your Committee heard representation on May 29, 2000, on Bills as follows:

Bill (No. 20) - The Farm Machinery and Equipment Amendment Act/Loi modifiant la Loi sur les machines et le matériel agricoles

Brian Martin	New Holland
Brian Martin	CASE IH Brand
John Schmeiser	Canada West Equipment Dealers Association
Brent Hamre	Canadian Farm and Industrial Equipment Institute
Tom McCrea	PIMA Agricultural Manufacturers of Canada
Scott MacDonald	Private Citizen
Don Dewar	Keystone Agricultural Producers
John Buhler	Buhler Versatile Inc. and Buhler Industries Inc.
Jim Gladstone	Valmar Airflo Inc.

Written Submissions:

Bill (No. 20) - The Farm Machinery and Equipment Amendment Act/Loi modifiant la Loi sur les machines et le matériel agricoles

Jennifer Fiske	Canadian Bankers Association
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Your Committee has considered:

Bill (No. 11) - The Winnipeg Stock Exchange Restructuring and Consequential Amendments Act/Loi sur la restructuration de la Bourse de Winnipeg et modifications corrélatives

and has agreed to report the same without amendment.

Your Committee has considered:

Bill (No. 20) - The Farm Machinery and Equipment Amendment Act/Loi modifiant la Loi sur les machines et le matériel agricoles

and has agreed to report the same, with the following amendments:

MOTION:

THAT the proposed section 16.1, as set out in section 5 of the Bill, be amended by striking out "16.11" in the section heading and in the section and substituting "16.12".

MOTION:

THAT the proposed section 16.3, as set out in section 5 of the Bill, be repealed and the following substituted:

Prohibition on termination of dealership agreement

16.3(1) No vendor shall terminate a dealership agreement

(a) without cause; and

(b) subject to subsection (2), without an order of the court under subsection 16.5(3).

Exceptions

16.3(2) A vendor does not require a court order to terminate a dealership agreement if

(a) the dealer has made an assignment in bankruptcy or has been petitioned into bankruptcy, and has not been discharged from bankruptcy; or

(b) the cause for termination is a cause prescribed in the regulations.

MOTION:

THAT the proposed subsection 16.5(1), as set out in section 5 of the Bill, be amended by adding ", if clause 16.3(1)(b) requires an order," after "shall".

MOTION:

THAT the proposed subsection 16.8(1), as set out in section 5 of the Bill, be repealed and the following substituted:

Mediation

16.8(1) At the request of the dealer or vendor, the court shall by order appoint a mediator, unless it is satisfied that the purpose of the request is to delay its determination under section 16.5 unnecessarily or that mediation is not in the interests of justice. The mediator shall try to facilitate a settlement of the dispute.

Length of mediation period

16.8(1.1) The court shall fix the length of the mediation period and may shorten or lengthen the period at the request of the dealer or vendor.

MOTION:

THAT the section 10 of the Bill be struck out and the following substituted:

10 *Section 62 is amended*

(a) by adding the following after clause (k):

(k.1) for the purposes of clause 16.3(2)(b), providing for circumstances that constitute cause to terminate a dealership agreement without a court order;

(k.2) for the purposes of clause 16.6(g), providing for circumstances that constitute cause to terminate a dealership agreement;

(k.3) for the purposes of clause 16.7(e), providing for circumstances that do not constitute cause to terminate a dealership agreement;

(b) by renumbering it as subsection 62(1); and

(c) by adding the following as subsection 62(2):

Retroactive regulations

62(2) A regulation made under any of clauses (1)(k.1) to (k.3) may be made retroactive to a day not earlier than the day on which sections 16.1 to 16.12 come into force.

On motion of Mr. MARTINDALE, the Report of the Committee was received.

Hon. Ms. BARRETT, the Minister of Labour, made a statement regarding Philippine Heritage Week, June 11 to June 17, 2000,

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

Monday, June 12, 2000

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

During Oral Questions on May 30, 2000, I took under advisement a point of order raised by the Honourable Government House Leader concerning the words "trying to mislead this House" spoken by the Honourable Member for Fort Whyte. The Official Opposition House Leader also spoke to the point of order. I took the matter under advisement in order to peruse Hansard.

I thank both House Leaders for their contributions to the point of order.

Previous Manitoba Speakers have ruled that it is out of order to imply that a Member is attempting to or has the intention of misleading the House. On July 15, 1987, Madam Speaker Phillips ruled that it was out of order to state that an Honourable Member knows he is misleading the House. On November 29, 1988, Mr. Speaker Rocan ruled the words "choose to mislead" out of order, and on October 30, 1990, he ruled the words "attempt to mislead" out of order. On May 28, 1997, the words "attempting to mislead" were voluntarily withdrawn.

As was referenced by House of Commons Speaker Lamoureux on March 7, 1974, it is not unparliamentary to suggest that another Member has made representations or has misled the House. What is unparliamentary, and what has been ruled on very often is to suggest that it was intentional, or willful – that kind of concept.

Based on the Manitoba precedents cited, I am ruling that the words "trying to mislead" are out of order because of the implication of intent to mislead. I am therefore respectfully requesting that the Honourable Member for Fort Whyte withdraw the words "trying to mislead."

WHEREUPON Mr. LOEWEN withdrew his remarks.

Pursuant to Rule 23(1), Messrs. JENNISSON, SCHULER, MARTINDALE, LOEWEN and SANTOS made Members' Statements.

Mr. Speaker having left the Chair and the House resolving itself into a Committee to consider of the Supply to be granted to Her Majesty;

And the House continuing in Committee.

The House then adjourned at 6:00 p.m. until 1:30 p.m. Tuesday, June 13, 2000.

Hon. George HICKES,
Speaker.