



**LEGISLATIVE ASSEMBLY OF MANITOBA**

**VOTES AND PROCEEDINGS No. 34**

**THIRD SESSION, THIRTY-EIGHTH LEGISLATURE**

**PRAYERS**

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

By unanimous consent, it was agreed to proceed with Private Members' Resolution No. 3 and that Private Members' Resolution No. 2 would be considered next Thursday morning.

Mrs. MITCHELSON moved:

THAT Bill (No. 203) – The Manitoba Public Insurance Corporation Amendment Act/Loi modifiant la Loi sur la Société d'assurance publique du Manitoba, be now read a Second Time and be referred to a Committee of this House.

And a debate arising,

And Mrs. MITCHELSON and, by leave, Mr. CUMMINGS, Mrs. TAILLIEU and Mr. LAMOUREUX having spoken,

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

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

THAT Bill (No. 201) – The Legislative Assembly Amendment Act/Loi modifiant la Loi sur l'Assemblée législative, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Mr. SWAN speaking at 11:00 a.m. The debate was allowed to remain in his name and, by leave, in the name of Mr. DYCK.

By leave, Mr. DERKACH moved:

Resolution No. 3: Democracy in Ukraine

WHEREAS the people of Ukraine have demonstrated their resolve to establish a democratic Government; and

**Thursday, April 21, 2005**

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WHEREAS democratic countries around the world applauded the determination of Ukrainian people in their pursuit of a fair and free election process; and

WHEREAS Canada, including the province of Manitoba, supported the movement of Ukrainian people to hold free and fair elections; and

WHEREAS approximately 800 Canadians agreed to leave their families and communities during the Christmas season to assist in overseeing the Ukraine election process; and

WHEREAS as a result of the December 26, 2004 election, Ukraine elected a President who is committed to a democratic form of Government; and

WHEREAS Ukraine can now move ahead in building and strengthening it's economy under a democratic system of Government.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba join with all Manitobans in congratulating the citizens of Ukraine for their determination and resolve to establish a free and fair election process in the country; and

BE IT FURTHER RESOLVED that the Legislative Assembly of Manitoba congratulate the new President and the new Prime Minister of Ukraine for their commitment to establish a democratic government within Ukraine.

And a debate arising,

And Messrs. DERKACH, MARTINDALE and MURRAY, Hon. Mr. GERRARD, Messrs. SCHULER and NEVAKSHONOFF, Hon. Mr. CHOMIAK, Mr. SANTOS and Mrs. MITCHELSON having spoken,

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

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

The following petitions were presented and read:

Mrs. ROWAT – Legislative Assembly of Manitoba to urge the Premier to consider ensuring that acute care and emergency services are available to the residents of Rivers and surrounding areas in their local hospital and to live up to his promise to not close the Rivers Hospital and to request that the Minister of Health consider developing a long term solution to the chronic shortages of frontline healthcare professionals in rural Manitoba. (R. Vassart, B. Eisler, M. Burt and others)

Mr. SCHULER – Legislative Assembly of Manitoba to request the Provincial Government to consider providing East St. Paul with local ambulance service which would service both East and West St. Paul and to consider improving the way that ambulance service is supplied to all Manitoba's by utilizing technologies such as GPS in conjunction with a Medical Transportation Co-ordination Center (MTCC) which will ensure that patients receive the nearest ambulance in the least amount of time and to consider ensuring that appropriate funding is provided to maintain superior response times and sustainable services. (B. Hebert, E. Hebert, K. Hebert and others)

Mr. LAMOUREUX – Legislative Assembly of Manitoba to request the Provincial Government to consider adopting generally accepted accounting principles in reporting Manitoba's budgetary numbers. (V. Modha, D. B. Sud, H. Sud and others)

Hon. Mr. GERRARD – Legislative Assembly of Manitoba to request the Minister of Health to allow women with options when they give birth, and to consider stopping the planned closure of the Victoria General Hospital Maternity Ward. (J. Forsyth, R. Curtis, C. Ward)

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Hon. Mr. SMITH

Supplementary Information for Legislative Review 2005-2006 – Departmental Expenditure Estimates – Intergovernmental Affairs and Trade.

(Sessional Paper No. 60)

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Hon. Mr. RONDEAU

Supplementary Information for Legislative Review 2005-2006 – Departmental Expenditure Estimates – Industry, Economic Development and Mines.

(Sessional Paper No. 61)

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On motion of Hon. Mr. SELINGER, Bill (No. 31) – The Condominium Amendment Act/Loi modifiant la Loi sur les condominiums, was read a First Time and had its purposes outlined.

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During Oral Questions, Mr. Speaker interjected and requested that the words "liar" and "lied" spoken by the Honourable Member for Tuxedo be withdrawn.

WHEREUPON Mrs. STEFANSON withdrew her remarks.

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Subsequently during Oral Questions, Mr. Speaker interjected and requested that the unparliamentary words spoken by the Honourable Member for Russell be withdrawn.

WHEREUPON Mr. DERKACH withdrew his remarks.

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

Following the calling of Orders of the Day and the announcement of House business by the Honourable Government House Leader on April 13, 2005, the Honourable Member for Inkster rose on an alleged matter of privilege regarding the calling of government business. The Honourable Member for Inkster asserted that the fact that the Honourable Government House Leader had called bills for debate instead of the consideration of departmental estimates was a breach of the privileges of the Members of the House and impacted on the ability of Members to do their jobs and hold the government accountable. He concluded his remarks by moving "THAT this matter of privilege which concerns the unorthodox ways of government be referred to the Standing Committee on Legislative Affairs." 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.

Regarding the first condition, the Honourable Member for Inkster asserted that he was raising the matter at the earliest opportunity, and I accept the word of the Honourable Member.

Regarding the second condition, whether there is sufficient evidence that the privileges of the House have been breached, it is important to determine whether parliamentary privilege has been breached in the actions complained of.

Joseph Maingot, in the second edition of *Parliamentary Privilege in Canada*, states on pages 13 and 14 "while it will be seen that the Member enjoys all the immunity necessary to perform his parliamentary work, this privilege or right, such as freedom of speech, is nevertheless subject to the practices and procedures of the House. Thus, allegations of breach of privilege by a Member in the House of Commons that amount to complaints about procedures and practices in the House are by their very nature matters of order." He also states on page 223 of the same edition "A breach of the Standing Orders or a failure to follow an established practice would invoke a point of order rather than a question of privilege."

In addition, Speaker Rocan ruled on March 12, 1993, that a matter concerning the methods by which the House proceeds in the conduct of business is a matter of order, not privilege.

On this basis, I would therefore respectfully rule that the matter raised does not fulfill the criteria for a prima facie case of privilege.

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Prior to Members' Statements, Mr. DERKACH rose on a point of order regarding comments spoken by the Honourable First Minister on public radio.

WHEREUPON Mr. Speaker ruled that there was no point of order,

From his decision, Mr. DERKACH 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**

AGLUGUB	MALOWAY
ALLAN	MARTINDALE
ALTEMEYER	MCGIFFORD
ASHTON	MELNICK
BJORNSON	NEVAKSHONOFF
BRICK	OSWALD
CALDWELL	REID
CHOMIAK	RONDEAU
DEWAR	SALE
DOER	SANTOS
IRVIN-ROSS	SCHELLENBERG
JENNISSIN	SELINGER
JHA	SMITH
KORZENIOWSKI	STRUTHERS
LATHLIN	SWAN
LEMIEUX	WOWCHUK..... 33
MACKINTOSH	

**NAY**

CULLEN	LOEWEN
CUMMINGS	MITCHELSON
DERKACH	MURRAY
DRIEDGER	REIMER
DYCK	ROCAN
EICHLER	ROWAT
GERRARD	SCHULER
GOERTZEN	STEFANSON
HAWRANIK	TAILLIEU..... 19
LAMOUREUX	

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Pursuant to Rule 26(1), Ms. IRVIN-ROSS, Mrs. STEFANSON, Messrs. CALDWELL, EICHLER and ALTEMEYER made Members' Statements.

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In accordance with Rule 27, Messrs. SCHULER and REIMER rose on Grievances.

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By leave, it was agreed for the Committee of Supply to meet this afternoon and to not meet on Friday, April 21, 2005.

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**Thursday, April 21, 2005**

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By unanimous consent, it was agreed to have two sections of Committee of Supply to meet concurrently with the House in order for the House to consider Bills on Wednesday, April 27, 2005 and on Wednesday, May 4, 2005.

By unanimous consent, it was agreed that the quorum requirements in the House during consideration of Bills and in Committee of Supply be waived on Wednesday, April 27, 2005 and on Wednesday, May 4, 2005.

The House resolving into Committee of Supply.

The House then adjourned at 5:31 p.m. until 1:30 p.m. Monday, April 25, 2005.

Hon. George HICKES,  
Speaker.