



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS

FOURTH SESSION, THIRTY-EIGHTH LEGISLATURE

PRAYERS

1:30 O'CLOCK P.M.

On motion of Hon. Ms. WOWCHUK, Bill (No. 31) – The Animal Diseases Amendment Act/Loi modifiant la Loi sur les maladies des animaux, was read a First Time and had its purposes outlined.

The following petitions were presented and read:

Mr. REIMER – Legislative Assembly of Manitoba to request the Premier of Manitoba and the Minister of Health to consider providing CancerCare Manitoba with the appropriate funding necessary so that they may provide leading edge care for patients in the same manner as other provinces and to consider accelerating the process by which new cancer treatment drugs are approved so that more Manitobans are able to be treated in the most effective manner possible. (N. Dodge, A. Hoeksema, B. J. Arnason and others)

Mr. CUMMINGS – Legislative Assembly of Manitoba to strongly urge the Premier to consider calling an independent public inquiry into the Crocus Investment Fund scandal. (L. West, B. Bellan, B. Nelson and others)

Mr. DYCK – Legislative Assembly of Manitoba to strongly urge the Premier to consider calling an independent public inquiry into the Crocus Investment Fund scandal. (A. Dyck, P. Dyck, W. Siemens and others)

Mrs. ROWAT – Legislative Assembly of Manitoba to request the Provincial Government to consider stopping the removal of these positions from our community, and to consider utilizing current technology in order to maintain these positions in there existing location. (H. Driedger, I. Johnson, A. Robinson and others)

Mrs. STEFANSON – Legislative Assembly of Manitoba to request the Premier of Manitoba and the Minister of Health to consider providing CancerCare Manitoba with the appropriate funding necessary so that they may provide leading edge care for patients in the same manner as other provinces and to consider accelerating the process by which new cancer treatment drugs are approved so that more Manitobans are able to be treated in the most effective manner possible. (J. Hernandez, J. Cayer, E. Fahlman and others)

Thursday, March 23, 2006

Mr. LAMOUREUX – Legislative Assembly of Manitoba to request the Legislative Assembly of Manitoba to consider the need to seek clarification on why the Government did not act on fixing the Crocus fund back in 2001 and to urge the Premier and his Government to cooperate in making public what really happened. (B. Solypa, W. Solypa, B. Blakesley and others)

During Oral Questions, Mr. Speaker interjected and cautioned the Honourable Leader of the Official Opposition with regard to the use of the words "purposely" and "deliberately".

Following Oral Questions, Mr. DERKACH rose on a point of order regarding the comments spoken by the Honourable Minister of Industry, Economic Development and Mines.

And Hon. Mr. RONDEAU voluntarily withdrew his remarks and apologized.

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

After the Prayer on Monday, March 13, 2006, the Honourable Member for Inkster rose on a matter of privilege regarding comments spoken by the Premier regarding the affordability of a public inquiry regarding the Crocus Investment Fund. At the conclusion of his remarks, the Honourable Member for Inkster moved "THAT a standing committee of the Legislature be asked to look into the affordability of a public inquiry regarding the Crocus Fund and report back to the Legislature by March 23, 2006. The Honourable Government House Leader and the Honourable Official Opposition House Leader also offered advice to the Chair. 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 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.

The Honourable Member for Inkster asserted that he was raising the issue at the earliest opportunity, and I accept the word of the Honourable Member.

Regarding the second issue of whether a prima facie case was demonstrated, I would like to inform the House that this is clearly a dispute over the facts. Past Manitoba Speakers have ruled on several similar occasions that a dispute between two Members as to allegations of fact does not constitute a breach of privilege. 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. Joseph Maingot, on page 223 of the second edition of *Parliamentary Privilege in Canada* states "a dispute between two Members about questions of facts said in debate does not constitute a valid question of privilege because it is a matter of debate."

I would therefore rule that the matter raised is not in order as a prima facie case of privilege.

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

AGLUGUB	MARTINDALE
ALLAN	MCGIFFORD
ALTEMEYER	MELNICK
ASHTON	NEVAKSHONOFF
BJORNSON	OSWALD
BRICK	REID
CHOMIAK	ROBINSON
DEWAR	RONDEAU
DOER	SALE
IRVIN-ROSS	SANTOS
JENNISSEN	SCHELLENBERG
JHA	SELINGER
KORZENIOWSKI	SMITH
LEMIEUX	STRUTHERS
MACKINTOSH	SWAN
MALOWAY	WOWCHUK..... 32

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CUMMINGS	MAGUIRE
DERKACH	MITCHELSON
DYCK	PENNER
EICHLER	REIMER
FAURSCHOU	ROWAT
HAWRANIK	STEFANSON
LAMOUREUX	TAILLIEU..... 14

Pursuant to Rule 26(1), Ms. IRVIN-ROSS, Mr. CUMMINGS, Ms. KORZENIOWSKI, Mrs. DRIEDGER and Mr. JHA made Members' Statements.

Following Members' Statements, Mr. DERKACH rose on a point of order regarding the relevancy of responses provided by the Honourable Minister of Family Services and Housing during Oral Questions.

And Hon. Mr. MACKINTOSH and Mr. LAMOUREUX having spoken to the point of order,

WHEREUPON Mr. Speaker informed the House he would take the matter under advisement.

Subsequently following Members' Statements, Mr. DERKACH rose on a Matter of Privilege and moved:

THAT the Legislative Assembly now demand the resignation of the Minister of Family Services and Housing effective immediately.

And Hon. Mr. MACKINTOSH and Mr. LAMOUREUX having spoken,

WHEREUPON Mr. Speaker informed the House he would take the matter under advisement.

Subsequently following Members' Statements, Mr. CUMMINGS rose on a point of order to move that the House do now adjourn.

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	MCGIFFORD
ALTEMEYER	MELNICK
ASHTON	NEVAKSHONOFF
BJORNSON	OSWALD
BRICK	REID
CHOMIAK	ROBINSON
DEWAR	RONDEAU
DOER	SALE
IRVIN-ROSS	SANTOS
JHA	SCHELLENBERG
KORZENIOWSKI	SELINGER
LATHLIN	SMITH
LEMIEUX	STRUTHERS
MACKINTOSH	SWAN
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MARTINDALE	

NAY

CUMMINGS	LAMOUREUX
DERKACH	MITCHELSON
DRIEDGER	MURRAY
DYCK	PENNER
EICHLER	REIMER
HAWRANIK	TAILLIEU..... 12

The House then adjourned at 5:07 p.m. until 1:30 p.m. Monday, April 10, 2006.

Hon. George HICKES,
Speaker.