# **JOURNALS**

OF THE

## **LEGISLATIVE ASSEMBLY**

OF

## **MANITOBA**



Printed by Order of the Legislative Assembly

## 4<sup>TH</sup> SESSION OF THE 38<sup>TH</sup> LEGISLATURE

From the  $27^{\text{th}}$  Day of October 2005 to the  $13^{\text{th}}$  Day of June 2006

In the  $54^{\text{th}} - 55^{\text{th}}$  years of the Reign of our Sovereign Lady Queen Elizabeth The Second

WINNIPEG, MANITOBA

VOLUME 152

# LEGISLATIVE ASSEMBLY OF MANITOBA



Lieutenant Governor of Manitoba	Hon. John HARVARD
Speaker of the Legislative Assembly	Hon. George HICKES
Deputy Speaker / Chairperson of Committees of the Whole	Mr. Conrad Santos
Deputy Chairperson of Committees of the Whole	Mr. Harry SCHELLENBERG Ms. Bonnie KORZENIOWSKI
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#### John HARVARD Lieutenant Governor

#### PROVINCE OF MANITOBA

ELIZABETH II, Queen of Canada

#### **PROCLAMATION**

With the advice and consent of the Executive Council of Manitoba, we prorogue the  $3^{rd}$  Session of the 38th Legislature of the Province of Manitoba on Wednesday, October 26, 2005, and convene the  $4^{th}$  Session of the 38th Legislature of the Province of Manitoba on Thursday, October 27, 2005, at 1:30 p.m.

HIS HONOUR JOHN HARVARD Lieutenant Governor of the Province of Manitoba Winnipeg, Manitoba October 19, 2005

G. MACKINTOSH Minister of Justice and Attorney General

#### TO THE

## **JOURNALS**

#### **VOLUME 152**

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bate: Messrs. Aglugub and Swan. Adjourned (Mr. Murray)	
bate continued: Mr. Murray. Amendment – Mr. Murray. Ruled in order. Debate continued (amendment): Hon. Mr. Ashton, Messrs. Hawranik and Santos. Allowed to remain in the name of Mr. Santos	
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bate continued (amendment): Mr. Penner, Hon. Mr. Smith, Messrs. Reimer and Maloway. Allowed to remain in the name of Mr. Maloway	· <b>·····</b>
bate continued (amendment): Mrs. DRIEDGER, Hon. Mr. BJORNSON, Mr. FAURSCHOU, Ms. BRICK, Mrs. ROWAT and Hon. Ms. MELNICK. Negatived, on division (18-32). Debate continued (main motion): Allowed to remain open	
bate continued (main motion): Mrs. TAILLIEU. Reverted to "Members' Statements" to allow Mr. CALDWELL to conclude his Member's Statement (by leave). Debate continued (main motion): Hon. Ms. MELNICK by leave, Mr. DERKACH and Hon. Mr. DOER. Agreed to, on	

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Old Control of the Manager Manager III	
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•	
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Speakers: Hon. Mr. Doer, Hon. Mr. Gerrard, Messrs. McFadyen, Faurschou and	
Lamoureux	
IODGENSON Worner II	
JORGENSON, Warner H.  Speakers: Hon. Mr. Doer, Mr. McFadyen, Mrs. Taillieu, Mr. Penner and Hon. Mr.	
Gud an	

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House adjourned until Monday, April 10, 2006	
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June 1, 2006 until Friday, June 2, 2006 at 10:00 a.m.	
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PRIVILEGE, MATTERS OF	
Privilege – Mr. LAMOUREUX – THAT the Chamber accepts that the intent of Rule 132 does	
allow for petitions such as the ones I have shared with the House Leaders and have tabled	
today be deemed as being acceptable in accordance to our Rules.	
Contributions: Hon. Mr. Mackintosh and Mr. Derkach. Mr. Speaker ruled that he did	
not have a Matter of Privilege	

Privilege – Mrs. Stefanson – THAT as a result of the seriousness of this breach of Privilege that this matter be now referred to the Standing Committee on Legislative Affairs; and THAT the Minister of Health be requested to apologize to Manitobans and to the Honourable Members of this Chamber for purposely and knowingly putting false information onto the public record and in doing so, misleading Manitobans and the Honourable Members of this Chamber.  Contributions: Hon. Mr. Mackintosh, Mr. Derkach and Hon. Messrs. Sale and Gerrard. Taken under advisement by Mr. Speaker	112
Mr. Speaker ruled there is no prima facie case of privilege. Ruling challenged. Sustained, on division (30-20)	129-131
Privilege – Mrs. MITCHELSON – THAT this Matter of Privilege be referred to the Standing Committee on Legislative Affairs and be reported back to this House.  *Contributions:* Mrs. MITCHELSON, Hon. Messrs. MACKINTOSH and GERRARD, Messrs.	
CUMMINGS and ROCAN. Taken under advisement by Mr. Speaker	119-120 134-135
Privilege – Mr. Derkach – That the matter of the Minister of Health's statements as to not receiving a letter from the Maples Surgical Clinic dated May 12 <sup>th</sup> , 2005 and then his quoting from the very same letter in this Chamber and as recorded in Hansard be referred to the Committee on Legislative Affairs.  **Contributions:** Hon. Mr. Mackintosh and Mr. Lamoureux. Taken under advisement by Mr. Speaker	131
Mr. Speaker ruled that there is no prima facie case of privilege	161-162
Privilege (during the debate) – Mr. LAMOUREUX – withdrawn	142
Privilege – Mr. Derkach – THAT the matter of how the media obtained the report "Review of the Workers Compensation Board" prior to its appropriate release by the Auditor General, on January 17, 2006, to the Members of the Legislative Assembly, and the people of Manitoba, be referred to the Standing Committee on Legislative Affairs.  Contributions: Hon. Mr. Mackintosh and Mr. Lamoureux. Taken under advisement by Mr. Speaker	149
Privilege (during Oral Questions) – Hon. Mr. GERRARD – THAT the Minister of Finance be asked to apologize and withdraw his remarks.  Contributions: Hon. Mr. Mackintosh, Messrs. Derkach and Lamoureux. Taken under advisement by Mr. Speaker	160 175-177
Privilege – Hon. Mr. GERRARD – THAT this matter be referred to a Standing Committee of the Legislature.  Contributions: Hon. Mr. MACKINTOSH and Mr. DERKACH. Taken under advisement by Mr. Speaker	168 178-180
Privilege – Mr. Lamoureux – 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.  **Contributions:** Hon. Mr. Mackintosh and Mr. Derkach. Taken under advisement by Mr. Speaker  Mr. Speaker ruled that the matter raised is not in order as a prima facie case of privilege. Ruling challenged. Sustained, on division (32-14)	170 197-198
Privilege – Mr. DERKACH – THAT the House instruct the Clerk of the House to issue an Erratum to the Votes and Proceedings for Thursday, March 9, 2006. <i>Contributions:</i> Hon. Mr. MACKINTOSH and Mr. LAMOUREUX. Mr. Speaker ruled that there is no Matter of Privilege. Ruling challenged. Sustained, on division (33-19)	171-172

Privilege (during Oral Questions) – Mr. Derkach – That the Legislative Assembly no longer has any confidence in the Minister of Family Services and Housing in discharging her duties and therefore recommends to the Lieutenant-Governor-in-Council and the Premier that she be relieved of her duties immediately.  Contributions: Hon. Mr. Chomiak, Mr. Cummings, Hon. Mr. Selinger and Mr. Lamoureux. Taken under advisement by Mr. Speaker	185 206
Privilege – Hon. Mr. GERRARD – THAT a Standing Committee of this Assembly be asked to investigate this matter and report back to this House.  Contributions: Hon. Mr. MACKINTOSH, Mr. DERKACH and Mr. LAMOUREUX. Taken under	
advisement by Mr. Speaker	190
Mr. Speaker ruled that the matter raised is not in order as a prima facie case of privilege	212-213
Privilege – Hon. Mr. Gerrard – THAT a Standing Committee of this House investigate the matter I have raised and report back to this House.	
Contributions: Hon. Mr. MACKINTOSH and Mr. DERKACH. Taken under advisement by	192
Mr. Speaker	192
Sustained, on division (32-19)	222-223
Privilege – Mr. DERKACH – THAT the Legislative Assembly now demand the resignation of the Minister of Family Services and Housing effective immediately.	
Contributions: Hon. Mr. MACKINTOSH and Mr. LAMOUREUX. Taken under advisement by Mr. Speaker	199
Mr. Speaker ruled that the matter raised is not in order as a prima facie case of privilege. Ruling challenged. Sustained, on division (29-15)	232-233
Privilege – Mr. Derkach – That the Rules, Orders and Forms of Proceedings of the Legislative Assembly of Manitoba be amended by adding Rule 61(5.1) – Request for ministerial response, immediately after Rule 61(5)  **Contributions:** Hon. Mr. Mackintosh. Taken under advisement by Mr. Speaker	207 249-250
Runing Chancinged. Sustained, on division (31-10)	249-230
Privilege - Mr. LAMOUREUX - THAT this matter be referred to the Standing Committee on	
Legislative Affairs and that both Ministers be requested to apologize.  Contributions: Hon. Mr. MACKINTOSH and Mr. GOERTZEN. Taken under advisement by	
Mr. SpeakerMr. WIACKINTOSH and WI. GOERTZEN. Taken under advisement by	215
Mr. Speaker ruled that the matter raised is not in order as a prima facie case of privilege.  Ruling challenged. Sustained, on division (30-16)	253-255
Privilege – Mrs. Rowat – THAT this matter be referred to the Standing Committee on Legislative Affairs.	
Contributions: Hon. Mr. Mackintosh, Mr. Goertzen and Hon. Mr. Gerrard. Taken	
under advisement by Mr. Speaker	215
Mr. Speaker ruled that there is no prima facie case of privilege	261-262
Privilege (during Oral Questions) – Mr. Derkach – That this matter be referred to the Committee on Legislative Affairs and be reported back to the Legislative Assembly.  Interjection – Mr. Speaker – cautioned the use of the words "lied, liar and lied to" spoken	
by the Honourable Member for Russell. Voluntary withdrawal by Mr. DERKACH.	
Contributions: Hon. Mr. ASHTON and Mr. LAMOUREUX. Mr. Speaker ruled there is no Matter of Privilege. Ruling challenged. Sustained, on division (31-17)	227-228
Privilege (during Oral Questions) — Mr. FAURSCHOU — THAT the Speaker remind all Honourable Members about the use of electronic devices in the Chamber, as mentioned in Rule 19(4) "Except during Question Period, Members may use lap top computers and other electronic devices in the House and in Committee in a silent mode"; and THAT the Speaker instruct the Sergeant-at-Arms to confiscate the electronic devices that were being used in contravention to our Rules.  **Contributions:** Hon. Mr. MACKINTOSH and Mr. DERKACH. Mr. Speaker ruled there is no	
Motter of Privilege	228

Privilege – Mr. GOERTZEN – regarding Beauchesne citation 634 and indicated that Bill (No. 22) was an omnibus bill and that it violates his privileges as a Member.  *Contributions:* Hon. Mr. Mackintosh. Mr. Speaker ruled there was no Matter of Privilege. Ruling challenged. Sustained, on division (28-12)	236-237
Privilege – Mr. Derkach – That the Premier do apologize publicly to Manitobans for the incorrect comments he has put on the record both here in the Chamber and outside the Chamber with regard to the standing order and with regard to what the intention of that is.	
Contributions: Mr. LAMOUREUX and Hon. Mr. DOER. Taken under advisement by Mr. Speaker	247 274-275
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Privilege – Mrs. DRIEDGER – THAT the Minister of Education, Citizenship and Youth be requested to withdraw his inaccurate and misleading statements, correct the record and apologize to this House and to Manitobans.	
Contributions: Hon. Mr. BJORNSON. Mr. Speaker ruled there is no Matter of Privilege.  Ruling challenged. Sustained, on division (30-13)	250-251
Privilege – Hon. Mr. GERRARD – THAT this matter be referred to a Standing Committee of	
this House.	
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#### John HARVARD Lieutenant Governor

#### PROVINCE OF MANITOBA

ELIZABETH II, Queen of Canada

#### **PROCLAMATION**

With the advice and consent of the Executive Council of Manitoba, we prorogue the 4<sup>th</sup> Session of the 38<sup>th</sup> Legislature of the Province of Manitoba on Tuesday, November 14, 2006, and convene the 5<sup>th</sup> Session of the 38<sup>th</sup> Legislature of the Province of Manitoba on Wednesday, November 15, 2006, at 1:30 p.m.

HIS HONOUR JOHN HARVARD Lieutenant Governor of the Province of Manitoba Winnipeg, Manitoba November 14, 2006

Dave CHOMIAK Minister of Justice and Attorney General