



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS

FOURTH SESSION, THIRTY-EIGHTH LEGISLATURE

PRAYERS

1:30 O'CLOCK P.M.

The following Bills were severally read a First Time and had their purposes outlined:

(No. 35) – The Public Schools Finance Board Amendment and The Public Schools Amendment Act/Loi modifiant la Loi sur la Commission des finances des écoles publiques et la Loi sur les écoles publiques

(Hon. Mr. BJORNSON)

(No. 36) – The Youth Drug Stabilization (Support for Parents) Act/Loi sur la stabilisation des mineurs toxicomanes (aide aux parents)

(Hon. Ms. OSWALD)

(No. 37) – The Labour-Sponsored Investment Funds Act, 2006 (Various Acts Amended)/Loi de 2006 sur les fonds de placement des travailleurs (modification de diverses dispositions législatives)

(Hon. Mr. RONDEAU)

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. (H. Gammie, C. Hall, S. Strickland 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. Snell, J. Richert, J. Moore and others)

Mr. EICHLER – Legislative Assembly of Manitoba to strongly urge the Premier to consider calling an independent public inquiry into the Crocus Investment Fund scandal. (H. Boyle, B. Ramrattan, E. Baskier and others)

Mr. FAURSCHOU – Legislative Assembly of Manitoba to strongly urge the Premier to consider calling an independent public inquiry into the Crocus Investment Fund scandal. (L. LaPlante, S. Rodericks, R. Genaille and others)

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. (M. Lagace, E. Olchowik, A. Olchonik and others)

Mr. Speaker presented:

Annual Report of the Ombudsman – Administration and Accountability for the year ending December 31, 2005.

(Sessional Paper No. 45)

Annual Report of the Ombudsman – Access and Privacy for the year ending December 31, 2005.

(Sessional Paper No. 46)

During Oral Questions, Hon. Mr. GERRARD rose on a point of order regarding the response provided by the Honourable Minister of Finance.

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

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

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
CALDWELL	ROBINSON
CHOMIAK	RONDEAU
DEWAR	SALE
IRVIN-ROSS	SANTOS
JENNISSEN	SCHELLENBERG
JHA	SELINGER
KORZENIOWSKI	SMITH
LATHLIN	STRUTHERS
LEMIEUX	SWAN
MACKINTOSH	WOWCHUK..... 33
MALOWAY	

NAY

CULLEN	MAGUIRE
CUMMINGS	MCFADYEN
DRIEDGER	MITCHELSON
DYCK	REIMER
EICHLER	ROWAT
FAURSCHOU	SCHULER
GERRARD	STEFANSON
GOERTZEN	TAILLIEU..... 17
LAMOUREUX	

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

Following the Prayer on Tuesday, March 21, 2006, the Honourable Member for River Heights raised a Matter of Privilege regarding comments put on the record by the Honourable First Minister, comments which the Honourable Member for River Heights alleged were misleading. At the conclusion of his comments, the Honourable Member for River Heights moved “THAT a standing committee of this Assembly be asked to investigate this matter and report back to this House.” The Honourable Government House Leader, the Honourable Official Opposition House Leader, and the Honourable Member for Inkster 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 River Heights 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.

Pursuant to Rule 26(1), Mr. EICHLER, Ms. BRICK, Messrs. MAGUIRE and CALDWELL and Hon. Mr. GERRARD made Members' Statements.

Following Members' Statements, Mr. GOERTZEN rose on a point of order indicating that Bill (No. 36) was in a blank and imperfect form in accordance with Beauchesne citations 636 and 638.

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

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

From his decision, Mr. GOERTZEN 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:

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JHA	SELINGER
KORZENIOWSKI	SMITH
LATHLIN	STRUTHERS
LEMIEUX	SWAN
MACKINTOSH	WOWCHUK..... 32

NAY

CULLEN	GOERTZEN
CUMMINGS	LAMOUREUX
DRIEDGER	MAGUIRE
DYCK	MITCHELSON
EICHLER	REIMER
FAURSCHOU	ROWAT
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The House then adjourned at 5:04 p.m. until 1:30 p.m. Thursday, April 13, 2006.

Hon. George HICKES,
Speaker.