



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS

FOURTH SESSION, THIRTY-EIGHTH LEGISLATURE

PRAYERS

1:30 O'CLOCK P.M.

On motion of Mr. MARTINDALE, Bill (No. 300) – The Association of Former Manitoba MLAs Act/Loi sur l'Association des ex-députés de l'Assemblée législative du Manitoba, was read a First Time and had its purposes outlined.

The following petitions were presented and read:

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. (T. Sveistrup, L. Houghton, B. Rose and others)

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. (S. David, B. Prusak, C. Senft and others)

Mrs. ROWAT – Legislative Assembly of Manitoba to request the Provincial Government to consider stopping the removal of these positions from our community (Minnedosa), and to consider utilizing current technology in order to maintain these positions in their existing location. (B. Kingdon, L. Harry, R. Carr and others)

Mr. CUMMINGS – Legislative Assembly of Manitoba to request the Provincial Government to consider stopping the removal of these positions from our community (Neepawa), and to consider utilizing current technology (ie: Land Management Services existing satellite sub-office in Dauphin, MB) in order to maintain these positions in their existing location. (B. Lumsden, M. Drayson, A. Elliot and others)

Mrs. DRIEDGER – Legislative Assembly of Manitoba to strongly urge the Premier to consider calling an independent public inquiry into the Crocus Investment Fund scandal. (N. Cochrane, B. Cochrane, H. Forsyth 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. (E. Godfredsen, D. Seymour, M. Davidson and others)

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

Following Members' Statements on March 23, 2006, the Honourable Official Opposition House Leader raised a matter of privilege regarding the accuracy of information provided by Ministers in the House, and contended that the ability of Members to do their jobs was being impacted by the provision of inaccurate information, particularly by the Minister of Family Services and Housing. He concluded his remarks by moving "THAT this Legislature now demand the resignation of the Minister of Family Services and Housing immediately." The Honourable Government House Leader and the Honourable Member for Inkster also offered submissions 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 Official Opposition House Leader asserted that he was raising the issue at the earliest opportunity, though I would note that the actions he complained of occurred during Oral Questions, yet the matter was raised after Members' Statements.

Regarding the second issue of whether a prima facie case was demonstrated, I would note for the House that Joseph Maingot advises on page 224 of the second edition of *Parliamentary Privilege in Canada* that allegations of misjudgement, or mismanagement or maladministration on the part of a minister in the performance of his (or her) ministerial duties does not come within the purview of parliamentary privilege. This finding is supported by one ruling from Speaker Rocan in 1994, and three rulings from Speaker Dacquay in 1996, and by rulings that I made on March 15, 2006 and April 11, 2006.

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

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	MACKINTOSH
ALLAN	MALOWAY
ALTEMEYER	MARTINDALE
ASHTON	MCGIFFORD
BJORNSON	NEVAKSHONOFF
BRICK	OSWALD
CALDWELL	REID
CHOMIAK	ROBINSON
DEWAR	RONDEAU
DOER	SALE
IRVIN-ROSS	SANTOS
JENNISSIN	SCHELLENBERG
JHA	STRUTHERS
KORZENIOWSKI	SWAN 29
LEMIEUX	

NAY

CULLEN	MITCHELSON
CUMMINGS	MURRAY
DERKACH	PENNER
DRIEDGER	REIMER
DYCK	ROWAT
EICHLER	STEFANSON
FAURSCHOU	TAILLIEU 15
LAMOUREUX	

Prior to Members' Statements, Mr. DERKACH rose on a point of order regarding the document tabled by the Honourable First Minister and indicated that it was not the "agreement" that was requested.

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

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
ALLAN
ALTEMEYER
ASHTON
BJORNSON
BRICK
CALDWELL
CHOMIAK
DEWAR
DOER
IRVIN-ROSS
JENNISSON
JHA
KORZENIOWSKI
LEMIEUX
MACKINTOSH

MALOWAY
MARTINDALE
MCGIFFORD
NEVAKSHONOFF
REID
ROBINSON
RONDEAU
SALE
SANTOS
SCHELLENBERG
SELINGER
SMITH
STRUTHERS
SWAN
WOWCHUK..... 31

NAY

CULLEN
CUMMINGS
DERKACH
DRIEDGER
DYCK
EICHLER
FAURSCHOU
GERRARD

GOERTZEN
LAMOUREUX
MITCHELSON
PENNER
REIMER
ROWAT
STEFANSON
TAILLIEU..... 16

The House then adjourned at 5:03 p.m. until 10:00 a.m. Friday, April 21, 2006.

Hon. George HICKES,
Speaker.