



## LEGISLATIVE ASSEMBLY OF MANITOBA

### VOTES AND PROCEEDINGS

FOURTH SESSION, THIRTY-EIGHTH LEGISLATURE

#### PRAYER

1:30 O'CLOCK P.M.

The following petitions were presented and read:

Mr. EICHLER – 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. (C. Davie, N. Gillies, D. Gillies and others)

Mr. CULLEN – 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. (M. Vanhove, G. Barnaby, R. Barnaby and others)

Mrs. ROWAT – Legislative Assembly of Manitoba to urge the Minister of Family Services and Housing and the Premier to consider amending legislation to improve the process by which grandparents can obtain reasonable access to their grandchildren. (W. Fossum, L. Cool, B. McNabb and others)

Mrs. TAILLIEU – Legislative Assembly of Manitoba to request the Provincial Government to consider calling a public inquiry into all aspects of the delivery of child welfare services throughout Manitoba. (W. Benson, E. Benson, P. Hawranik 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. (R. Friesen, M. Dyck, L. Lantoy and others)

Hon. Mr. GERRARD – Legislative Assembly of Manitoba to request the Provincial Government to immediately cancel its plans to support the construction of the OlyWest Hog Plant and Rendering Factory near any urban residential area. (L. Erickson, W. Nilson, V. Rebaets and others)

Mr. Speaker presented:

Auditor General's Report – Audit of the Pharmacare Program – Manitoba Health dated April 2006.

(Sessional Paper No. 53)

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Hon. Ms. ALLAN, the Minister responsible for the Status of Woman made a statement regarding the 30<sup>th</sup> Anniversary of the YMCA-YWCA Women of Distinction Awards,

Mrs. DRIEDGER and, by leave, Hon. Mr. GERRARD commented on the statement.

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

Following the daily Prayer on April 26, 2006, the Honourable Official Opposition House Leader raised a matter of privilege regarding the comments of the First Minister during a radio program that morning on CJOB. The Official Opposition House Leader contended that the Premier's response when asked if the budget will passed was "don't know, don't know, bells are ringing" was a reflection on the House and were misleading. He concluded his comments by moving "THAT the Premier do apologize publicly to Manitobans for the incorrect comments he has put on the record both here and outside the Chamber with regard to the standing order and with regard to what the intention of that is." The Honourable Member for Inkster and the Honourable First Minister also offered contributions 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, and I accept the word of the Honourable Member.

Regarding the second issue of whether a prima facie case was demonstrated, it is important to determine whether parliamentary privilege has been breached in the actions complained of.

Beauchesne citation 31(1) advises that statements made outside the House by a Member may not be used as the basis for a question of privilege. Marleau and Montpetit on page 522 of *House of Commons Practice and Procedure* state that the Speaker has no authority to rule on statements made outside of the House by one Member against another.

Rulings from Manitoba Speakers support these findings. It has been ruled a number of times by Manitoba Speakers that comments made outside the Assembly Chamber cannot form the basis for a prima facie case of privilege. Speaker Walding ruled so in 1983, while Speaker Phillips in 1986 and 1987. Speaker Rocan ruled six times between 1988 and 1995 that statements made outside the House cannot form the basis of privilege, while Speaker Dacquay ruled the same way in 1995. I myself have made similar rulings, twice in 2004, three times in 2005 and again just recently.

Regarding the comments that were made inside the Chamber, what we have is a situation of a dispute over the facts, and as all Honourable Members should be aware by now, 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 that “A dispute between two Members about questions of fact said in debate does not constitute a valid question of privilege because it is a matter of debate. This is supported by two rulings from Speaker Walding, by three rulings from Speaker Phillips, by eight rulings from Speaker Rocan, by two rulings from Speaker Dacquay, and by nine rulings from the current Speaker.

I would therefore rule with the greatest of respect that there is no prima facie case of privilege.

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Pursuant to Rule 26(1), Ms. KORZENIOWSKI, Mrs. ROWAT, Messrs. SWAN, FAURSCHOU and AGLUGUB made Members' Statements.

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In accordance with Rule 31(9), the Opposition House Leader announced that the Rural Healthcare Resolution will be considered next Thursday, May 11, 2006.

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The House resumed the Interrupted Debate on the Proposed Motion of Hon. Mr. SELINGER:

THAT this House approves in general the budgetary policy of the government.

And the proposed amendment moved by Mr. MURRAY as follows:

*That the Motion be amended by deleting all the words after “House” and substituting the following words:*

therefore regrets this Budget ignores the present and future needs of Manitobans by:

- (a) Failing to be accountable to Manitobans for the overspending and fiscal mismanagement of this Doer NDP government; and
- (b) Failing to be accountable for the fact that Manitoba families will be the highest taxed of any province in Canada; and
- (c) Failing to provide a long-term strategy to bolster Manitoba’s economy and make Manitoba a “have” province; and
- (d) Failing to be accountable for the dismal state of agriculture in Manitoba and the lack of sufficient slaughter capacity in the province and to provide a sustainable plan for the growth of agriculture and the rural economy; and
- (e) Failing to provide a climate that encourages private sector job creation and growth in the province, to provide opportunity for Manitoba youth to remain in the province; and

- (f) Failing to accept responsibility and be accountable for the province's unprecedented level of debt, which has grown to over \$20 Billion under the Doer NDP government, thereby mortgaging our children's and grandchildren's future; and
- (g) Failing to eliminate education taxes off residential property and farmland; and
- (h) Failing to provide adequate funding for post secondary institutions; and
- (i) Failing to be accountable for the dead last ranking of Manitoba's health care system by the Conference Board of Canada; and
- (j) Failing to be transparent and accountable for where health care dollars are being spent; and
- (k) Failing to be accountable for the increased court backlog and probation breaches; and
- (l) Failing to provide a long term strategy for the revitalization of rural Manitoba and continuing to ignore rural Manitobans; and
- (m) Failing to be accountable for drawing money from the "rainy day fund" in times of unprecedented revenues.

As a consequence, the Government has thereby lost the confidence of this House and the people of Manitoba.

And the proposed sub-amendment moved by Hon. Mr. GERRARD as follows:

*THAT the amendment be amended by adding thereto the following words:*

And further regrets that this Budget also ignores present and future needs of Manitobans by:

- (n) Failing to present a genuinely balanced budget as demonstrated by the government's raid of the Fiscal Stabilization Fund as explained above; and
- (o) Failing to protect the province's financial sector by calling a public inquiry into the Crocus Investment Fund scandal; and
- (p) Failing to take adequate measures to protect children in the care of Manitoba Child and Family Services and to provide adequate transition to children in care so that they are at high risk after leaving care; and
- (q) Failing to provide an effective strategy to deal with child poverty; and
- (r) Failing to provide Manitobans with the legal right to timely, quality health care.

**Thursday, May 4, 2006**

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And the debate continuing on the sub-amendment,

And Hon. Mr. RONDEAU, Mr. SCHULER, Hon. Mr. SMITH, Messrs. MAGUIRE and CALDWELL having spoken,

And Mr. FAURSCHOU speaking at 5:00 p.m. The debate was allowed to remain in his name.

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

Hon. George HICKES,  
Speaker.