



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS

FOURTH SESSION, THIRTY-EIGHTH LEGISLATURE

PRAYERS

1:30 O'CLOCK P.M.

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

(No. 32) – The Real Property Amendment Act/Loi modifiant la Loi sur les biens réels
(Hon. Mr. LATHLIN)

(No. 33) – The Northern Affairs Act/Loi sur les affaires du Nord
(Hon. Mr. LATHLIN)

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. (J. Schoenberger, B. Anderson, B. Anderson 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. (L. Koss, M. Naismith-Martinuk, P. Weir and others)

Mrs. ROWAT – Legislative Assembly of Manitoba to strongly urge the Premier to consider calling an independent public inquiry into the Crocus Investment Fund scandal. (B. Anderson, J. Marks, B. Giesbrecht and others)

Mrs. TAILLIEU – Legislative Assembly of Manitoba to strongly urge the Premier to consider calling an independent public inquiry into the Crocus Investment Fund scandal. (R. Matas, J. Barwinsky, T. Wood and others)

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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. (T. Boron, M. Gagiyas, B. Derksen and others)

Hon. Mr. ROBINSON, the Minister responsible for Sport made a statement to recognize Manitoba's amateur and Olympic athletes who will be honoured tonight at the Night of Champions event.

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

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

During Oral Questions on Friday, March 17, 2006, the Honourable Official Opposition House Leader raised a Matter of Privilege regarding the death of a child that had been in the care of the Department of Family Services and Housing and the responses provided by the Minister of Family Services and Housing. At the conclusion of his remarks he moved “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. The Honourable Minister of Energy, Science and Technology, the Honourable Member for Ste. Rose, the Honourable Minister of Finance and the Honourable Member for Inkster also offered comments 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, 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 a ruling that I made on March 15, 2006.

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

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Pursuant to Rule 26(1), Mrs. DRIEDGER, Mr. MALOWAY, Mrs. TAILLIEU, Ms. IRVIN-ROSS and Mr. DYCK made Members' Statements.

Following Members' Statements, Mr. DERKACH rose on a point of order regarding the lack of meetings held by the Standing Committee of Agriculture and Food.

And Hon. Mr. MACKINTOSH, Messrs. LAMOUREUX and EICHLER 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 Rules, Orders and Forms of Proceedings of the Legislative Assembly of Manitoba be amended by adding, immediately after Rule 61(5) the following:

Request for ministerial response

61(5.1)(a) A Member may request that Government respond to a specific question within forty-five days by so indicating when filing his or her question.

61(5.1)(b) If such a question remains unanswered at the expiration of the said period of forty-five days, the matter of the failure of the Government to respond shall be deemed referred to the Standing Committee on Legislative Affairs. Notwithstanding any other Rule, or practice of the House, within five sitting days such a referral of the Chair of the Committee shall convene the matter of the failure of the Government to respond. The question shall be designated as referred to committee on the Order Paper. The Committee shall report back to the House within fifteen sitting days, and the report of the Committee shall be deemed received by the House, and notwithstanding Rule 31(3), the motion to concur in the Committees report shall be deemed a prioritized resolution, and placed at the bottom of the list established under Rule 31(4).

And Hon. Mr. MACKINTOSH having spoken.

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

Subsequently following Members' Statements, Mr. DERKACH rose on a point of order to move that this 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	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
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MALOWAY	

NAY

CULLEN	GOERTZEN
CUMMINGS	LAMOUREUX
DERKACH	MAGUIRE
DRIEDGER	MITCHELSON
DYCK	PENNER
EICHLER	REIMER
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GERRARD	

Subsequently following Members' Statements, Mr. DERKACH rose on a point of order indicating that the Honourable Minister of Water Stewardship was obstructing the House due to his lack of cooperation in tabling a document.

And Hon. Mr. ASHTON and Mr. PENNER 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:

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JENNISSEN	SANTOS
JHA	SCHELLENBERG
KORZENIOWSKI	SELINGER
LATHLIN	STRUTHERS
LEMIEUX	SWAN 30

NAY

CULLEN	LAMOUREUX
DERKACH	MAGUIRE
DRIEDGER	MITCHELSON
DYCK	PENNER
EICHLER	REIMER
FAURSCHOU	ROWAT
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GOERTZEN	

The House then adjourned at 5:47 p.m. until 1:30 p.m. Wednesday, April 12, 2006.

Hon. George HICKES,
Speaker.