



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS

FOURTH SESSION, THIRTY-EIGHTH LEGISLATURE

PRAYERS

1:30 O'CLOCK P.M.

The following petitions were presented and read:

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. (H. Hartley, G. Hartley, R. Hartley and others)

Mrs. ROWAT – Legislative Assembly of Manitoba to request the Minister of Transportation and Government Service to consider providing sufficient resources to enhance driver and vehicle safety on Highway 10 and to consider upgrading Highway 10. (S. McMurachy, L. Bilcowski, D. Illerbrun 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. (S. Jackson, P. Ramm, C. Bergstrom and others)

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

Following Oral Questions on Friday, March 10, 2006, the Honourable Member for River Heights raised a matter of privilege regarding the dignity of the provincial floral emblem and the Coat of Arms. He went to state that the government was not upholding the dignity of the crocus as the provincial symbol by failing to ensure that things were going properly at the Crocus Investment Fund. He concluded his remarks by moving "THAT this matter of privilege be referred to a Standing Committee of the Legislature." The Honourable Government House Leader and the Official Opposition House Leader 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 Member for River Heights asserted that he raised the matter as a result of events that came clear to him on Wednesday evening, March 8 at the Victoria Inn, however if this is the case, then the issue could have been raised in the House on Thursday, March 9.

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.

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

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	MACKINTOSH
ALLAN	MALOWAY
ALTEMEYER	MARTINDALE
ASHTON	MCGIFFORD
BJORNSON	MELNICK
BRICK	NEVAKSHONOFF
CALDWELL	ROBINSON
CHOMIAK	RONDEAU
DEWAR	SALE
DOER	SANTOS
IRVIN-ROSS	SCHELLENBERG
JENNISSEN	SMITH
JHA	STRUTHERS
KORZENIOWSKI	SWAN
LEMIEUX	WOWCHUK..... 30

NAY

CULLEN	LAMOUREUX
DERKACH	MAGUIRE
DRIEDGER	MITCHELSON
DYCK	PENNER
FAURSCHOU	REIMER
GERRARD	ROWAT
GOERTZEN	SCHULER
HAWRANIK	TAILLIEU..... 16

Pursuant to Rule 26(1), Messrs. PENNER and ALTEMEYER, Mrs. MITCHELSON, Ms. IRVIN-ROSS, and Hon. Mr. GERRARD made Members' Statements.

During Orders of the Day, Mr. DERKACH rose on a point of order regarding the interpretation of Rule 42 and the use of the motion "be now heard".

And Hon. Mr. ASHTON 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	MALOWAY
ALLAN	MARTINDALE
ALTEMEYER	MCGIFFORD
ASHTON	MELNICK
BJORNSON	NEVAKSHONOFF
BRICK	RONDEAU
CHOMIAK	SALE
DEWAR	SANTOS
IRVIN-ROSS	SCHELLENBERG
JHA	SMITH
KORZENIOWSKI	STRUTHERS
LEMIEUX	SWAN
MACKINTOSH	WOWCHUK..... 26

Wednesday, March 15, 2006

NAY

CULLEN	HAWRANIK
DERKACH	LAMOUREUX
DRIEDGER	MAGUIRE
DYCK	MITCHELSON
EICHLER	PENNER
FAURSCHOU	REIMER
GERRARD	TAILLIEU..... 15
GOERTZEN	

The House then adjourned at 5:07 p.m. until 1:30 p.m. Thursday, March 16, 2006.

Hon. George HICKES,
Speaker.