

**Fourth Session - Thirty-Eighth Legislature**  
of the  
**Legislative Assembly of Manitoba**  
**DEBATES**  
and  
**PROCEEDINGS**  
**Official Report**  
**(Hansard)**

*Published under the  
authority of  
The Honourable George Hickes  
Speaker*

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Eighth Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
AGLUGUB, Cris	The Maples	N.D.P.
ALLAN, Nancy, Hon.	St. Vital	N.D.P.
ALTEMEYER, Rob	Wolseley	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
BJORNSON, Peter, Hon.	Gimli	N.D.P.
BRICK, Marilyn	St. Norbert	N.D.P.
CALDWELL, Drew	Brandon East	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CULLEN, Cliff	Turtle Mountain	P.C.
CUMMINGS, Glen	Ste. Rose	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary, Hon.	Concordia	N.D.P.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
EICHLER, Ralph	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin	Steinbach	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HICKES, George, Hon.	Point Douglas	N.D.P.
IRVIN-ROSS, Kerri	Fort Garry	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
JHA, Bidhu	Radisson	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McFADYEN, Hugh	Fort Whyte	P.C.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MELNICK, Christine, Hon.	Riel	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
MURRAY, Stuart	Kirkfield Park	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
OSWALD, Theresa, Hon.	Seine River	N.D.P.
PENNER, Jack	Emerson	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack	Southdale	P.C.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
ROCAN, Denis	Carman	P.C.
RONDEAU, Jim, Hon.	Assiniboia	N.D.P.
ROWAT, Leanne	Minnedosa	P.C.
SALE, Tim, Hon.	Fort Rouge	N.D.P.
SANTOS, Conrad	Wellington	N.D.P.
SCHELLENBERG, Harry	Rossmere	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
SMITH, Scott, Hon.	Brandon West	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan, Hon.	Dauphin-Roblin	N.D.P.
SWAN, Andrew	Minto	N.D.P.
TAILLIEU, Mavis	Morris	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

**LEGISLATIVE ASSEMBLY OF MANITOBA**

**Thursday, April 20, 2006**

**The House met at 1:30 p.m.**

*PRAYER*

**ROUTINE PROCEEDINGS**

**INTRODUCTION OF BILLS**

**Bill 300—The Association of  
Former Manitoba MLAs Act**

**Mr. Doug Martindale (Burrows):** Mr. Speaker, I move, seconded by the MLA for Russell (Mr. Derkach), that Bill 300, The Association of Former Manitoba MLAs Act; Loi sur l'Association des ex-députés de l'Assemblée législative du Manitoba, be now read a first time.

*Motion presented.*

**Mr. Martindale:** Mr. Speaker, the purpose of this bill is to establish a former MLAs' association and endorse its constitution and purposes.

**Mr. Speaker:** Is it the pleasure of the House to adopt the motion? [*Agreed*]

**PETITIONS**

**Funding for New Cancer Drugs**

**Mrs. Heather Stefanson (Tuxedo):** Mr. Speaker, I wish to present the following petition.

These are the reasons for this petition:

Cancer is one of the leading causes of death of Manitobans.

Families are often forced to watch their loved ones suffer the devastating consequences of this disease for long periods of time.

New drugs such as Erbitux, Avastin, Zevalin, Rituxan, Herceptin and Eloxatin have been found to work well and offer new hope to those suffering from various forms of cancer.

Unfortunately, these innovative new treatments are often costly and remain unfunded under Manitoba's provincial health care system.

Consequently, patients and their families are often forced to make the difficult choice between paying for the treatment themselves or going without.

CancerCare Manitoba has asked for an additional \$12 million for its budget to help provide these leading-edge treatments and drugs for Manitobans.

Several other provinces have already approved these drugs and are providing them to their residents at present time.

We petition the Legislative Assembly of Manitoba as follows:

To request the Premier (Mr. Doer) of Manitoba and the Minister of Health (Mr. Sale) to consider providing CancerCare Manitoba with the appropriate funding necessary so they may provide leading-edge care for patients in the same manner as other provinces.

To request the Premier of Manitoba and the Minister of Health 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.

This petition is signed by Trisha Sveistrup, Lauren Houghton, Beverly Rose and many, many others.

**Mr. Speaker:** In accordance with our Rule 132(6), when petitions are read they are deemed to be received by the House.

\* (13:35)

**Mr. Jack Reimer (Southdale):** Mr. Speaker, I wish to present the following petition.

These are the reasons for this petition:

Cancer is one of the leading causes of death of Manitobans.

Families are often forced to watch their loved ones suffer the devastating consequences of this disease for long periods of time.

New drugs such as Erbitux, Avastin, Zevalin, Rituxan, Herceptin and Eloxatin have been found to work well and offer new hope to those suffering from various forms of cancer.

Unfortunately, these innovative new treatments are often costly and remain unfunded under Manitoba's provincial health care system.

Consequently, patients and their families are often forced to make the difficult choice between paying for the treatment themselves or going without.

CancerCare Manitoba has asked for an additional \$12 million for its budget to help provide these leading-edge treatments and drugs for Manitobans.

Several other provinces have already approved these drugs and are providing them to their residents at present time.

Therefore, Mr. Speaker, we petition the Legislative Assembly of Manitoba as follows:

To request the Premier (Mr. Doer) of Manitoba and the Minister of Health (Mr. Sale) to consider providing CancerCare Manitoba with the appropriate funding necessary so they may provide leading-edge care for patients in the same manner as other provinces.

To request the Premier of Manitoba and the Minister of Health 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.

This petition is signed by David Snihur, Brent Prusak, Christine Senft and many, many others.

#### **Removal of Agriculture Positions from Minnedosa**

**Mrs. Leanne Rowat (Minnedosa):** I wish to present the following petition to the Legislative Assembly.

These are the reasons for this petition:

Nine positions with the Manitoba Agriculture, Food and Rural Initiatives Crown Lands Branch are being moved out of Minnedosa.

Removal of these positions will severely impact the local economy.

Removal of these positions will be detrimental to the revitalization in this rural agriculture community.

We petition the Legislative Assembly of Manitoba as follows:

To request the provincial government to consider stopping the removal of these positions

from our community and to consider utilizing current technology in order to maintain these positions in their existing location.

This petition signed by Barb Kingdon, Larry Hays, Ron Carr and many, many others.

#### **Civil Service Employees—Neepawa**

**Mr. Glen Cummings (Ste. Rose):** Mr. Speaker, I wish to present this petition to the Legislative Assembly and these are the reasons for this petition:

Eleven immediate positions with Manitoba Conservation Lands Branch, as of April 1, 2006, Crown Lands and Property Special Operating Agency, are being moved out of Neepawa.

Removal of these positions will severely impact the local economy with potentially 33 adults and children leaving the community.

Removal of these positions will be detrimental to the revitalizing of the rural and surrounding communities of Neepawa.

We petition the Legislative Assembly of Manitoba as follows:

To request the provincial government to consider stopping the removal of these positions from our community and to consider utilizing current technology as Land Management Services existing sub-office in Dauphin does, in order to maintain these positions in their existing location.

It is signed by Bob Lumsden, Merv Drayson, Alice Elliott and many, many others.

#### **Crocus Investment Fund**

**Mrs. Myrna Driedger (Charleswood):** I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

The Auditor General's *Examination of the Crocus Investment Fund* indicated that as early as 2001, the government was made aware of red flags at the Crocus Investment Fund.

In 2001, Industry, Economic Development and Mines officials stated long-term plans at the Crocus Investment Fund requiring policy changes by the government were cleared by someone in "higher authority," indicating political interference at the highest level.

In 2002, an official from the Department of Finance suggested that Crocus Investment Fund's

continuing requests for legislative amendments may be a sign of management issues and that an independent review of Crocus Investment Fund's operations may be in order.

Industry, Economic Development and Mines officials indicated that several requests had been made for a copy of Crocus Investment Fund's business plan, but that Crocus Investment Fund never complied with the requests.

Manitoba's Auditor General stated, "We believe the department was aware of red flags at Crocus and failed to follow up on those in a timely way."

As a direct result of the government ignoring the red flags, more than 33,000 Crocus investors have lost more than \$60 million.

The relationship between some union leaders, the Premier (Mr. Doer) and the NDP seems to be the primary reason as for why the government ignored the red flags.

The people of Manitoba want to know what occurred within the NDP government regarding Crocus, who is responsible and what needs to be done so this does not happen again.

We petition the Legislative Assembly of Manitoba as follows:

To strongly urge the Premier to consider calling an independent public inquiry into the Crocus Investment Fund scandal.

Signed by Norma Cochrane, Bob Cochrane, Holly Forsyth and many others.

\* (13:40)

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, a petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

The Manitoba government was made aware of serious problems involving the Crocus Fund back in 2001.

Manitoba's provincial auditor stated "We believe the department was aware of red flags at Crocus and failed to follow up on those in a timely way."

As a direct result of the government not acting on what it knew, over 33,000 Crocus investors have lost tens of millions of dollars.

The relationship between some union leaders, the Premier (Mr. Doer) and the NDP seems to be the

primary reason as for why the government ignored the red flags.

We petition the Legislative Assembly of Manitoba as follows:

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.

To urge the Premier and his government to cooperate in making public what really did happen.

Signed by E. Godfredsen, D. Seymour, M. Davidson and many, many others.

\* \* \*

**Mr. Speaker:** Is the honourable member rising on a point of order or a matter of privilege?

#### Point of Order

**Mr. Leonard Derkach (Official Opposition House Leader):** Mr. Speaker, on a point of order.

**Mr. Speaker:** On a point of order.

**Mr. Derkach:** Mr. Speaker, we take petitions in this House as an important vehicle to communicate to the government the concerns of Manitoba citizens. These are concerns that cannot be expressed to ministers directly because ministers do not, first of all, return phone calls, they delete their e-mail and they refuse to meet with Manitobans.

Mr. Speaker, we just saw yesterday afternoon the disdain that the Premier (Mr. Doer) himself has for Manitobans wanting to communicate messages of importance to them to this Legislature, because he walked into the House to make himself appear as though he was in the House and then turned on his heel, walked out of the House and said, these petitions are a waste of time. Petitions are a waste of time, and that is a quote.

Now that is shameful on the part of the First Minister of this province. Petitions have a place in our Legislature. They are a way to give government a message from Manitobans, and for the Premier to say that they are a waste of time is shameful to this province.

Mr. Speaker, we have seen a pattern over the course of the last three weeks in this House. The Premier and his ministers do not come into the House when the bells ring. They come in after petitions are read. The front bench today was empty during petitions, with the exception of the Minister

of Water Stewardship (Mr. Ashton). This is the kind of disrespect that this government has for Manitobans.

Mr. Speaker, I ask today that the Premier apologize for his comments regarding petitions being a waste of time in this Legislature, not to us but to Manitobans who indeed put their names on these petitions so that there is a message given to the government.

**Mr. Speaker:** The honourable First Minister, on the same point of order?

**Hon. Gary Doer (Premier):** Mr. Speaker, this side of the House agreed to place petitions in a priority position on the Order Paper, and the action of the rule changes speaks volumes about our commitment to petitions.

Certainly, we believe some of the tactics of ringing bells and other matters is a waste of time, Mr. Speaker. I will say that in the House and I will say that outside of the House.

**Mr. Speaker:** On the point of order raised—

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order. I have already started making my ruling. On the point of order raised—

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order. I have already started to make my ruling. On the point of order raised by the honourable Member for Russell, he does not have a point of order. It is a dispute over the facts.

\* \* \*

**Mr. Speaker:** We were on ministerial statements.

\* (13:45)

#### Introduction of Guests

**Mr. Speaker:** Prior to Oral Questions, I would like to draw the attention of honourable members to the loge to my right where we have with us Mr. Clif Evans who is the former Member for Interlake.

We have also seated in the public gallery from Louis Riel Arts and Technology Centre, Office Technology Program 30 adult education students under the direction of Mrs. Lucille Miller. This group is located in the constituency of the honourable Minister of Finance (Mr. Selinger).

Also in the public gallery we have from Red River College, Language Training Centre, 15

English as Second Language students under the direction of Mr. David Pressman. This group is located in the constituency of the honourable Minister of Health (Mr. Sale).

On behalf of all honourable members, I welcome you here today.

Order.

#### Point of Order

**Mr. Speaker:** The honourable Member for Inkster, on a point of order?

**Mr. Kevin Lamoureux (Inkster):** Yes, Mr. Speaker, on a point of order. I realize that in raising a point of order, you are supposed to get to your feet as soon as you can in regard to responding.

The Member for Russell (Mr. Derkach) brought up a point of order in regard to an incident that occurred yesterday when the Premier (Mr. Doer), as he was walking outside the Chamber, said that the petitions were a waste of time.

Mr. Speaker, when that occurred, what I did is I went over to the Member for Minnedosa (Mrs. Rowat). The reason I went over to the Member for Minnedosa is because she, as I, was looking at the Premier when he was exiting and heard those comments. I wanted to confer with the Member for Minnedosa before I initially responded to the Member for Russell.

The Member for Minnedosa reaffirms what I had heard, Mr. Speaker, which was indeed that petitions were a waste of time from the Premier's point of view and—

**Mr. Speaker:** Order. Since I have been in this Chair, I have allowed a lot of leeway and I have given members many opportunities to respond to points of order, but the members have to be in their own seat at the point when they rise.

When I started making my ruling, the member was not in his seat, so I could not recognize the honourable member. To raise the issue after I have made a ruling as the Speaker, I think members want to be very, very careful on reflecting on the ruling of the Chair because I have already dealt with this issue. I have made my ruling and we will move on.

#### Point of Order

**Mr. Lamoureux:** Yes, Mr. Speaker, the point of order is in regard to, I was—

**Mr. Speaker:** Order. Is the honourable member rising on a new point of order? Okay.

The honourable Member for Inkster, on a new point of order.

**Mr. Lamoureux:** No, Mr. Speaker, it is a continuation of the point of order that I had raised.

**Mr. Speaker:** No. On a new point of order.

**Mr. Lamoureux:** So you are making out—

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order. I need to be able to hear. I did not hear the honourable member's comment.

**Mr. Lamoureux:** Mr. Speaker, to make sure that it is clarified, on a new point of order, I rise.

**Mr. Speaker:** Yes, on a new point of order.

**Mr. Lamoureux:** Yes, Mr. Speaker, on a new point of order. My question that I have is in regard to the procedures of this Chamber. I had merely seconds to walk over to get something confirmed before I could raise it with you. There was a serious violation of the rules by this Premier (Mr. Doer), and I do believe that I should at least be afforded the opportunity to express that violation.

Now, it is not a reflection, Mr. Speaker, on your first ruling. The question that I have is that in a situation like that, what would be expected of an MLA to do when, in fact, we clearly, and it was not just me, the Member for Minnedosa (Mrs. Rowat) and I were both looking at the Premier when he made the statement that petitions were a waste of time. I think Manitobans see that differently.

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order. The honourable Government House Leader, on the same point of order.

**Hon. Gord Mackintosh (Government House Leader):** Well, Mr. Speaker, my remarks will be very brief. I am sure people in the gallery that have come here, perhaps for the first time, must really be wondering about the priorities in this Chamber. I mean, is this all they have? Is this their agenda? Is this their issues of public concern? This is pathetic.

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order. The honourable Official Opposition House Leader, on the same point of order?

**Mr. Leonard Derkach (Official Opposition House Leader):** On the same point of order, Mr. Speaker.

The Government House Leader should know better. He knows that the agenda of Manitobans is to have a public inquiry into the Crocus scandal. Having said that, not only have we seen the disdain of this Premier to all Manitobans and to this Legislature, but recently we have seen how he has misled this Legislature. And, of course, it is a dispute over the facts, so it does not matter what he says because it is just a dispute over the facts. Then he says, petitions are a waste of time, but that is okay, it is just a dispute over the facts.

I mean, he can say anything he likes. There is no credibility, no trust. People have lost confidence in this Premier. That is the point of order.

\* (13:50)

**Mr. Speaker:** Order. This is turning into a debate. I am going to hear one more.

**Hon. Gary Doer (Premier):** Well, Mr. Speaker, yesterday the members opposite were talking about part of the conversation. I would point out that I came into the House out of respect for the House to try to answer a question in Question Period. When I had to leave for the Prime Minister's tour of southern Manitoba, I was heckled by many members across the way for not staying for Question Period.

Yes, I do believe in petitions. Our government agreed in the majority to change the Order Paper to allow petitions to go forward, Mr. Speaker, but they are accountable also for their own time allocation which includes wasting, I believe—*[interjection]* Let me finish, wasting public time and public money, ringing the bells through a budget debate. I do not apologize for that.

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order. I want to point out to members that a point of order should be raised to point out to the Speaker a breach of a rule or a departure from our practice, not to be used as a means of debate.

I also want to remind all honourable members that as the Speaker, when members rise on a point of order, I listen to the person that has raised it and I generally will hear the House leaders, and after that it is up to my discretion if I have heard enough or if I have not heard enough to make a ruling. I am not obligated in any way to hear every member that wishes to get on their feet and make a contribution.

**An Honourable Member:** But it is a practice.

**Mr. Speaker:** It is not even a practice. When I have heard enough to make a ruling, I can make that ruling, because most times what happens is it just turns into a debate. I have been a little too lenient and I will inform the House that I will be a little more cautious of the leeway that I have allowed in the past, because there are too many people that rise on points of orders.

I will listen to members, and when I have enough information to make a ruling, that is when I will make it.

### ORAL QUESTIONS

#### Devils Lake Outlet Canada-U.S. Agreement

**Mr. Stuart Murray (Leader of the Official Opposition):** Mr. Speaker, yesterday the Premier confessed that his claims of a signed agreement between Canada and the United States for the construction of an advanced filtration system to protect Lake Winnipeg from the Devils Lake outlet were false. That is duplicitous.

The confession follows several statements by the Premier in this House that a signed agreement was in place. In fact, Mr. Speaker, just two days ago the Premier stood up in this House and stated, and I quote: The document that was signed was signed between Canada and the United States last summer. That was August of 2005. On April 13, 2006, the Premier said he would get a copy of the agreement and that it was released to the public.

Mr. Speaker, yesterday, when caught, the Premier admitted to the media that he has known all along that there was no signed agreement. This Premier has embarrassed himself and his government on this very, very serious issue. This is a serious issue for all Manitobans.

I would ask the Premier, who holds the highest office in this province, after misleading Manitobans in the way that he did will he do the honourable thing and retract the misleading statements he has made to Manitobans? Will he apologize to this House, to the media and all the people of Manitoba? That is the right thing to do, Mr. Speaker.

\* (13:55)

**Hon. Gary Doer (Premier):** Mr. Speaker, I am a bit puzzled because after the—[*interjection*]

**Mr. Speaker:** Order.

**Mr. Doer:** Thank you, Mr. Speaker. Subsequent to the document in August of 2005, there were a number of confirmations that this was "not a legal binding document." In fact, the *National Post* on August 9, the Devils Lake agreement not binding, Frank McKenna says. Tentative last minute drainage deal needs more discussion, envoy concedes. Devils Lake good for Canada, Ambassador McKenna says.

It was clearly stated that this was a good agreement for Canada, Mr. Speaker, a good diplomatic agreement, but it was not a legal document. *Free Press* editorials subsequent to that also pointed that out. I was actually scrummed at the time and confirmed what Ambassador McKenna said. The media was dealing with this. The point I was trying to make—[*interjection*]

**Mr. Speaker:** Order.

**Mr. Doer:** The point I was trying to make, the August 5 agreement, in our view, which we have reconfirmation of the intent of the United States to follow through on it, today was signed off, if it was more appropriate, by Ambassador Wilkins, by Ambassador McKenna, by the Foreign Affairs Department of Canada, by the State Department of the United States, by the Environment Minister of Canada and by the Center for Environmental Quality of the United States.

The point I was making then and I will continue to make now is that the document, the paper, was between Canada and United States. Mr. Speaker, that is what I was saying in the House. Members opposite have tried to twist that around and say it was a document between Manitoba and North Dakota. It has always been an international treaty, an international agreement between Canada and United States.

**Mr. Murray:** Mr. Speaker, the Premier started off by saying he was somewhat puzzled. I can understand why.

First the Premier tries to tell Manitobans that there is an agreement. Then he says, well, there is an agreement that is signed. But, Mr. Speaker, apparently an agreement that is signed means nothing unless it is an agreement that is signed off. Well, that is not good enough for Manitobans.

The Premier holds the highest political office in the province of Manitoba. He has repeatedly told Manitobans that there was an agreement in place to build an advanced filtration system on Devils Lake. That is what he said to Manitobans. Now, we find



somehow that things have changed, because yes, there is an agreement, a signed agreement, but it is not a signed agreement that was signed off.

Mr. Speaker, it is pretty clear that when it comes to the political rhetoric that machine is working overtime, but when it comes to the truth machine it is out of service. That is not good enough for Manitobans.

I ask this Premier: Will he clarify the position that his government has taken? Will he stand before Manitobans and tell what he is doing to ensure that water will not flow from Devils Lake into Manitoba as he has told us time and time again that he is going to do?

\* (14:00)

**Mr. Doer:** I would point out that the reading machine of members opposite should be in place. There were newspaper articles last August in the national press that we were asked to comment on, on a legal binding agreement. There were also editorials in local newspapers that are quite accurate.

I would point out, Mr. Speaker, that today Consul General Schwartz reconfirmed the statement that Ambassador Wilkins made in Winnipeg in November. I assume all the media were there, and it was reported in some media because Ambassador Wilkins was there and they intend on implementing the document they had agreed to.

Further to that, Consul General Schwartz confirms that we did not issue this statement of bad faith. The U.S. fully intends to live up to the commitments made in that statement. The statement had a number of issues with it. Let me go over them because there are some difficulties, but there are some achievements.

There was an agreement on August 5 for an interim 18-foot gravel filter; it has been done. There was an agreement to do tests of water to determine the composition of a permanent filter; that was completed. There was wording to deal with culverts; that was completed. There was wording to deal with the design and construction of a more advanced filter. The design, as I understand it, has been completed by the U.S. government and has been in discussions with the Canadian national government. There was agreement to survey for harmful biota, and if harmful biota—*[interjection]*

If I could read the agreement, please.

**Some Honourable Members:** Table it.

**Mr. Speaker:** Order. The honourable Member for Russell (Mr. Derkach) is up on a point of order. I have to deal with a point of order first.

#### Point of Order

**Mr. Speaker:** The honourable Member for Russell, on a point of order?

**Mr. Leonard Derkach (Official Opposition House Leader):** Mr. Speaker, I heard very clearly—

**Mr. Speaker:** On a point of order?

**Mr. Derkach:** On a point of order, Mr. Speaker. I heard very clearly from the Premier that he wanted to finish reading the agreement, but I ask him to table that agreement he is reading from.

**Mr. Speaker:** The honourable First Minister, on the same point of order?

**Mr. Doer:** Yes, Mr. Speaker. I am going through the conditions that I wrote down and—

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order.

**Mr. Doer:** —I would not dare table my scribbles for anybody, but there is an agreement. I will make sure that the Minister of Water tables it, Mr. Speaker.

**Mr. Speaker:** Order. On the point of order raised, the honourable First Minister has agreed for the minister to table it so that should take care of the matter.

\* \* \*

**Mr. Speaker:** The honourable First Minister, to continue.

**Mr. Doer:** Yes, if a survey finds any harmful biota, there would be immediate measures. We were worried about—

**Mr. Speaker:** Order.

#### Point of Order

**Mr. Speaker:** The honourable Official Opposition House Leader, on a new point of order?

**Mr. Derkach:** Yes, Mr. Speaker, on a new point of order. The Premier can throw his papers around all he likes in this House and show all the frustration he wants, but he is misleading the House. He has misled it before. He just said that the Minister of Water Stewardship (Mr. Ashton) will table the agreement. I want to see the agreement he said was going to be tabled. You just concurred with that.

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order. On the point of order raised by the honourable Official Opposition House Leader, it is not a point of order, but the request had been for the government to table and the government had agreed to do it.

**An Honourable Member:** It was a specific agreement, and you said it in your words, Mr. Speaker.

**Mr. Speaker:** I am not going to get debating on the floor here. I have just made a ruling and you have two options: You either accept the ruling or you challenge the ruling.

I am not going to get debating on the floor over and over and over. The request was made. The First Minister had said yes, he agreed to it. So, I am just reaffirming to the House that, yes, the First Minister has agreed to it. When he does it is entirely up to the First Minister.

\* \* \*

**Mr. Speaker:** The honourable First Minister, to continue.

**Mr. Doer:** If a survey finds any harmful biota, and we were worried about biota being deposited from the Missouri River in the lake even though it was in the Hudson Bay watershed. That was tested, Mr. Speaker. Thirteen harmful biota that we were concerned about from the Missouri River were not in Devils Lake.

There was wording on an inlet not being built from the Missouri River to the Devils Lake which, of course, is a major priority as articulated by the Leader of the Opposition and ourselves. Finally, there would be a joint monitoring of basin-wide biota issues for early detection, and that joint monitoring between Canada and the United States has been completed and the final report is ready.

Mr. Speaker, obviously, the real big issue here is our desire to have—

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order.

**Mr. Doer:** I believe that the agreement was between Canada and the United States, and we believe the agreement should be fully implemented as stated by Consul General Schwartz.

### Devils Lake Outlet Canada-U.S. Agreement

**Mr. Stuart Murray (Leader of the Official Opposition):** Mr. Speaker, I would like to also read back some words that this Premier stated in Hansard in this House: "I would point out to members opposite the document was signed between Canada and the United States last summer and the wording clearly indicates that, as I indicated in the House last week." The Premier goes on to say, "I would point out that the wording in the agreement is between Canada and the United States." The Premier goes on to say: "The issue of Devils Lake, the agreement states that Canada and the United States will design and construct an advance filter system." The Premier then goes on to say: "It further has Stéphane Dion saying that this is a positive development for the environment of Canada and the United States." That is very consistent with the wording of the agreement.

Mr. Speaker, I would simply ask this First Minister and I remind him again, he holds the highest office in this province. Manitobans expect him to come clean and always never to mislead Manitobans on issues that are serious of any kind.

But today, Mr. Speaker, we have asked a very simple question. Rather than political rhetoric, will the Premier do as he said in Hansard, will he table the agreement that he has so often referenced that will save Manitoba harmless from water from Devils Lake?

**Hon. Gary Doer (Premier):** Yes, I will table the agreement, the document that was made public on August 5. Mr. Speaker, I want to point out that this document was signed off by Canada and United States on August 5. It was signed off by Ambassador Wilkins, it was signed off by the CEQ, it was signed off by Stéphane Dion and it was signed off by Frank McKenna. No, it was not a legal binding document. A point that Frank McKenna made—

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order.

**Mr. Doer:** I have actually assumed that members opposite read the newspaper, listen to scrums, know what the documents say. Frank McKenna made that point some nine or ten months ago. Mr. Speaker, I assume that members opposite read. I was also scrummed by the media at the time and confirmed the same statement that Ambassador McKenna made.

Mr. Speaker, I would point out that Consul General Schwartz today says, and I quote, that the U.S. fully intends to live up to the commitments made in the statement. I would also point out that yesterday, on WDAZ TV, the Member for Emerson said that Canada and Manitoba, he introduced legislation in the House to have Canada pay for the filter and he has the whole Legislature behind him. Where on the Order Paper is that?

\*(14:10)

### **Devils Lake Outlet Protection of MB Water Supply**

**Mr. Jack Penner (Emerson):** Those Manitobans that are going to be watching this Question Period on their television sets as we speak must be shocked and amazed at the audacity of this Premier. We know that the Minister of Water Stewardship and the Premier have been misleading this House about Devils Lake. They told us that there was a signed agreement in place to install a filter and a treatment facility to treat the Devils Lake water. We know for a fact that is not true.

Mr. Speaker, the minister has continually described Devils Lake as polluted, inhabited by fish species and foreign biota that would harm the lakes, our rivers and our streams. If this is still the case, I now ask the Minister of Water Stewardship: What plan has he got to protect our Lake Winnipeg from the waters of Devils Lake? What is it?

**Hon. Steve Ashton (Minister of Water Stewardship):** Mr. Speaker, there is what the Member for Emerson says in this House and there is what the Member for Emerson says when he is down in North Dakota, as reported by WDAZ. He stated yesterday that while the current filtration was inadequate, I guess we have to accept that as being adequate for the meantime. He then went on to say, he is reported as saying, that he has introduced legislation that Canada would pay for the new filter and says the Legislature is behind him. I do not know which Member for Emerson this is, but he also went on to suggest that Manitoba build the filtration system.

The real issue here is there is an agreement, as confirmed by U.S. Consul Schwartz, to build it. We expect the U.S. and North Dakota to live up to that, Mr. Speaker. We do not need the Member for Emerson—

**Mr. Speaker:** Order.

**Mr. Penner:** Mr. Speaker, we are less than two weeks away from the opening of the Devils Lake outlet. We saw last week a number of days of pumping of Devils Lake water into Manitoba. We are going to continue to see the pumping of Devils Lake water into Manitoba. To date the minister has put forward no plan, any plan of action, to protect Manitoba's water supply from potentially harmful organisms.

Mr. Speaker, I ask the minister: What assurance can he give Manitobans that their water resources and the multimillion dollar fishery will not be harmed by, as the minister has described it, the polluted flows of Devils Lake water?

**Mr. Ashton:** Well, Mr. Speaker, I notice that the Member for Emerson did not disown those comments. I want to put on the record that it is time for members of the opposition to have a reality check. We have raised concerns about Devils Lake repeatedly, as did the previous Conservative government.

There is clearly a commitment for filtration. Mr. Speaker. We on this side think that the Manitoba approach is to take a united stand, and we expect the members opposite to stand with Manitobans and say no. We want the filtration before it is operating and we expect that support from members opposite.

**Mr. Penner:** If this government is content to resort to name-calling that is fine. I will not stoop to that level. What I will not stand for and what Manitobans will not accept is the misleading actions of this government.

Given the minister's habit of tabling reports and documents over the course of the session, Mr. Speaker, will the minister now table his actual strategy for treating the water flowing from Devils Lake?

**Mr. Ashton:** Well, Mr. Speaker, I quoted exactly what the member opposite said on the North Dakota media, WDAZ. I know some time ago, in reference to Devils Lake, I said that Manitobans are not doormats. It seems to me that the Member for Emerson has placed his picture on the doormat that says welcome, the Devils Lake filter.

We will continue, Mr. Speaker, to fight the Devils Lake filter, fight to ensure that the U.S. federal government lives up to the commitment that it has made for that filtration. We do not need the Member for Emerson and the Conservatives undercutting Manitoba's position, not this

government's position, but Manitoba's position. It is time to stand united with Manitobans.

### **Devils Lake Outlet Canada-U.S. Agreement**

**Mr. Leonard Derkach (Russell):** Mr. Speaker, the last rhetoric of the Minister of Water Stewardship (Mr. Ashton) reminds me of an animal being backed into a corner and its only defence is to bark or growl loudly. That is exactly what this minister is doing.

The Member for Emerson (Mr. Penner), in recent days brought forward information to this House that a signed agreement to build the advanced filtration system to Devils Lake does not and has never existed, and that the government's claim that this agreement exists and is signed is false. The Premier, in Tuesday's Hansard, said, and I quote: "I would point out to members opposite that the document was signed between Canada and the United States last summer," a statement that he yesterday denied. He said yesterday he understood that there was no signed agreement. Now, Mr. Speaker, if that is not misleading the House, what is?

Will the Minister of Water Stewardship now apologize to the Member for Emerson and retract the comments that were made regarding this member?

**Hon. Gary Doer (Premier):** Mr. Speaker, last August, I believe the date was the 5th, the statement that was issued by Canada and United States, there was a sign-off and maybe that is the right term they use and I will accept that. There was sign-off from CEQ, the President's office. There was sign-off from the State Department of the United States and Ambassador Wilkins is quoted in the release. There was sign-off from Stéphane Dion, Frank McKenna and there was sign-off from the Foreign Affairs Department.

Mr. Speaker, the point I was trying to make was that it was an agreement between Canada and the United States. United States is not saying they are backing away from that agreement. Where our difficulty is and where our challenge is, is getting it implemented on time—

**Mr. Speaker:** Order.

**Mr. Derkach:** The First Minister can deny all he likes. The fact is, in record, what he said. It is not what he was trying to say. It is what he said and how he misled Manitobans. He said, and I quote: "I would point out to the members opposite that the document was signed between Canada and the United States

last summer." Those are his direct words. Mr. Speaker. That is false.

That is false, Mr. Speaker, and I ask him: What are Manitobans to believe now?

**Mr. Doer:** I would point out that everything within the jurisdiction of Manitoba to deal with all water projects, including the many projects from the Missouri River to Canada and to Manitoba, we have put up every effort that we have within our jurisdiction.

We have a situation now where NAWS, the North Dakota state water act and none of the other acts have been stopped, Mr. Speaker. Not a drop of water has come from the Missouri River to Canada in six and a half years. We took the case of NAWS, which we had under our jurisdiction, to court. We had the jurisdiction to take Devils Lake to court. We won the NAWS case dealing with Missouri River water.

We did not win the Devils Lake case, and, therefore, we had to rely on the jurisdiction, the international jurisdiction and the law between Canada and United States. That is the point we were trying to make. The agreement was not between Manitoba and North Dakota, it was between Canada and United States. I will table Prime Minister Harper's statement because he, too, understands it and he raised it with President Bush in Cancun some two weeks ago.

**Mr. Derkach:** The more he speaks, the more he digs himself in.

Mr. Speaker, what this Premier said, and I will quote it again. I quote, by the Premier of this province: "I would point out to members opposite that the document was signed between Canada and the United States last summer."

We have now learned that statement is false. In the real world you would call it an outright, bald-faced lie, but we cannot say that in the Legislature. All we can say is that the Premier here made a false statement in this House, misled this House and misled Manitobans, and so did the Minister of Water Stewardship.

Mr. Speaker, I ask the question: What assurance do Manitobans have now that biota from Devils Lake will not be coming to Manitoba because there, in fact, will be a filtration system, as the Premier has said there should be, in order to protect the waters of Manitoba?

\* (14:20)

**Hon. Steve Ashton (Minister of Water Stewardship):** Well, Mr. Speaker, I think it is time again for a reality check for members opposite.

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order.

**Mr. Ashton:** Mr. Speaker, they may applaud that they had their lead critic for Water Stewardship in the United States yesterday deliberately undercutting Manitoba's position, Canada's position on Devils Lake. We need a united position. We do not need the kind of cheap politics from the Member for Emerson (Mr. Penner) that we saw yesterday.

I believe, if you want to talk about something, how about an apology from the Member for Emerson for going down to the United States and undercutting this Province's and this country's position. Unacceptable, Mr. Speaker.

#### **Teachers' Retirement Allowance Fund Investment Practices**

**Mrs. Myrna Driedger (Charleswood):** Mr. Speaker, in Mr. Ulrich's letter of concerns to the Minister of Education, he alleges that Alfred Black, the board chair of the Teachers' Retirement Allowance Fund, TRAF, had a personal agenda in terms of investing with a particular interest in Exchange District redevelopment. In the letter, Mr. Ulrich states that Mr. Black, and I quote: Suggested that a few million dollars here or there that did not perform well would have minimal impact on TRAF's overall rate of return but could mean a lot to the local economy.

It certainly appears that political criteria versus investment criteria was influencing some of these investments. As the government's appointee to chair the TRAF board, I would like to ask: Was Mr. Black directed by this government to push this agenda?

**Hon. Peter Bjornson (Minister of Education, Citizenship and Youth):** Well, once again, Mr. Speaker, I would like to explain that the management of TRAF is the TRAF board that oversees the investments. There is no role for the government in the management of their investments. TRAF looks after the investment portfolio.

Now the member also implies that there is some issue with the rate of return. I said yesterday that the rate of return on the investment was 13.9 percent in one year, in year one I should say; 11.6 percent in

five years and again, at the ten-year rate of return, 11.5 percent. All of these rates of return were realized through the property investment portfolio and were above the industry benchmark.

#### **Board Vacancy**

**Mrs. Driedger:** Mr. Speaker, this Minister of Education certainly plays around with words and manipulates what he thinks I am saying to him, and that really is disappointing to a lot of the retired teachers out there.

Mr. Black left TRAF a year ago, and so for now this government has left TRAF without somebody appointed to chair the board and also chair the investment committee. Instead, there is a rep from the teachers' union that is the acting chair of the board and heads up the investment committee.

I would like to ask this government: Why have they, for a year, left the position vacant as the chair of the TRAF board? That person is also the head of the investment committee. How could they possibly not appoint somebody to such an important position for a year now?

**Mr. Bjornson:** Mr. Speaker, we are in the process of addressing that issue. Perhaps I would like to ask the member opposite why it is that after misleading members with respect to the security of the teachers' pension fund, after hearing from the teachers in January with a letter from the Teachers' Society as principal stakeholders in the fund, and also again on March 21, a letter from the Teachers' Society once again says, and I will table this letter: Our plan is well-managed and secure and continues, year after year, to provide excellent returns. It is audited on a yearly basis by Auditor General Jon Singleton.

The allegations they made with respect to how many women teachers are affected because of ignoring this serious issue, and those are the words of the member opposite, the nature of your allegations, and this is a quote from Brian Ardern, compels me to write to you directly once again. For you to suggest that women teachers—

**Mr. Speaker:** Order.

**Mrs. Driedger:** Mr. Speaker, the Minister of Education is playing cheap political politics with a very serious question that retired teachers are very, very concerned about. This government does not even seem to be worried enough about putting a chair on that board. Instead, I would suggest to you that if they appointed a chair to the TRAF board that

person would ask far too many questions that this government would have to answer and embarrass them.

Mr. Speaker, Mr. Ulrich in his letter said that the TRAF board had become politicized as never before in its history. I would like to ask the Doer government: Have they left the TRAF board chair position open for a year in order to protect their own interests?

**Mr. Bjornson:** Well, again, Mr. Speaker, I mentioned to the member that we are addressing the issue of the board chair. If I may finish my comments on the letter: "without any basis in fact an attempt to frighten 24,000 active and retired teachers." This was raised on International Women's Day when members opposite stood up to defend the rights of female teachers in this particular argument.

Members opposite cut 1,800 nurses. Members opposite cut almost 1,000 teachers. Now, what professions in this province are more disproportionately represented by women compared to men in the employment of those professions, Mr. Speaker?

Also, a letter on March 6, to the Member for Ste. Rose (Mr. Cummings), where he raised concerns and allegations around the stability of the fund. The teachers' pension fund is not at risk, Mr. Speaker. The teachers' pension fund is performing above the rate of return, and I will now table the letter.

#### **Sewage Spill (Red River) Government Accountability**

**Mrs. Heather Stefanson (Tuxedo):** Mr. Speaker, between August 2005 and March 2006, nine million litres of raw sewage leaked from 15 buildings at the University of Manitoba into the Red River. Steve Davis, acting assistant deputy minister for Manitoba Conservation, has said it is his opinion that the leak was an accident and he does not expect that charges will be laid. Mr. Davis has also stated that, because of the travel time and dilution factor, the leak would not be a concern for the environment.

But, Mr. Speaker, I would like to ask the Minister of Conservation: If nine million litres of raw sewage is not a concern for his ministry, what level of raw sewage would it take for this government to consider it a concern for our environment?

**Hon. Stan Struthers (Minister of Conservation):** Mr. Speaker, any amount of sewage into our rivers

and streams is a concern of this government and should be a concern forever. Of further concern is that members opposite are accountable for what they put on the record and have the numbers confirmed of how much was actually accidentally put into the river.

We are investigating. We are confirming the amount that was put into the river. We are investigating the steps, and I have said that we are investigating the steps that were taken, to follow, to make sure that this sort of thing does not happen again.

I want to point out that the University of Manitoba was very quick to respond to us so that we could work together to stop the leak in the first place.

**Mrs. Stefanson:** Mr. Speaker, members on this side of the House are concerned about any raw sewage, any amount that goes into our river and lake systems.

Mr. Speaker, it is important to understand how a leakage of this size went undetected for so long. Manitobans need to understand what steps are being taken to ensure that sewage leakages do not occur in the future.

I ask the Minister of Conservation: What steps has his government taken to ensure that a similar leak does not occur in the future?

**Mr. Struthers:** Lots of rhetoric from the folks across the way, Mr. Speaker. But when they were in government they had a chance to deal with sewage that was being put into the Red River and you know what they did? They did absolutely nothing. When they had a chance to call the CEC public hearings—

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order.

\* (14:30)

**Mr. Struthers:** —Maple Leaf, they did not do it. So this is a new-found kind of a conversion on the road to Damascus by our friends across the way. It is cheap politics on their part. We are working with our partners at the federal level and at the Province to make sure that these kinds of spills do not happen in the future.

**Mrs. Stefanson:** Mr. Speaker, I am not talking about what may or may not have happened back in 1989 or 1991, or whatever the minister is talking about. What we are concerned about and what I am asking about today is the dumping of raw sewage that is

happening now or did happen under this government's watch.

Four years ago, the City of Winnipeg's sewage plant dumped 427 million litres of raw sewage into the Red River, and there were no consequences that came with that. Now, nine million litres of raw sewage and, again, no consequences. Manitobans need to be assured that there is accountability in this province. Summer is rapidly approaching and kids will be playing on the beaches, and, hopefully, swimming in the water. Instead of assuring Manitobans that keeping our waterways clean and safe is a key priority for this government, we are instead hearing that leaking nine million litres of raw sewage is okay. Nobody is being held accountable.

In light of this disregard for public safety, can the Minister of Conservation guarantee that Manitoba's lakes will be safe for our children to swim in this summer?

**Mr. Struthers:** That is a whole lot of nonsense, Mr. Speaker. The very example that the Member for Tuxedo brings forward, we took action on. We took strong action with the City in terms of protecting the water that we so value in this province. We took action with the City of Winnipeg. The Clean Environment Commission met. The Clean Environment Commission made recommendations and we acted on those recommendations, unlike members opposite, who, I guess, once a Tory is always a Tory, '89, '91, whatever. You did nothing then, and you are doing nothing now.

#### **Sewage Spill (Red River) Investigation**

**Mr. Glen Cummings (Ste. Rose):** As my colleague has stated, we have just learned that nine million litres of raw sewage flowed into the Red River over the past eight months. Indications are that it was due to improper system installation, but, again, the minister does not seem to be concerned about accountability. He has chosen to rule it as an accident.

Mr. Speaker, how can the minister's department be satisfied with that conclusion when that much effluent was sent untreated into Lake Winnipeg, or does he simply believe that dilution is the solution to pollution?

**Hon. Stan Struthers (Minister of Conservation):** That kind of a catchy-phrase approach was done out of in Manitoba in 1999, when that government was voted out of this Legislature.

Our department and our government are not happy whenever sewage ends up in our rivers. We take action on that, and that is what we are doing in this case. We are investigating to make sure that this does not happen again. We are investigating to make sure those who are accountable for this spill are held accountable for this spill. I want to make sure that members opposite are held accountable for the information they put on the record. We are also investigating whether it was an accident or not, and we will get to the bottom of it.

#### **Water Protection Regulations Impact on Agriculture**

**Mr. Glen Cummings (Ste. Rose):** I hope the Premier (Mr. Doer) was listening to the Minister of Conservation's words there about being careful what they put on the record.

My question is again to the Minister of Conservation. As we see more evidence of a continuing double standard by this government, Mr. Speaker, the Minister of Water Stewardship (Mr. Ashton) is pushing forward with regulations that will protect water quality, presumably in this province, and they are penalizing agriculture ahead of the fact frankly. Estimates currently are that the annual cost to the industry of agriculture would exceed \$100 million to get up to the standards that the department would like agriculture to achieve.

Mr. Speaker, I wonder if the Minister of Conservation would explain why he continues to pursue this double standard.

**Hon. Stan Struthers (Minister of Conservation):** There is no double standard, Mr. Speaker. Whether it is a farmer that is contributing to the problem, whether it is a sewage lagoon that contributes to the problem, whether it is a municipality that contributes to the problem, our approach has been very consistent from day one. If you contribute to the problem you need to work towards a solution to the problem. That is an even-handed, fair approach.

We are making sure we do that by having our regulations go to consultations across the province. A lot of people came and talked to us about the regulations that we are talking about. We are looking at that advice right now, and we will be moving forward with something that is fair and is even-handed. We need to work at this properly.

**Mr. Speaker:** Order. Time for Oral Questions has expired.

### Speaker's Ruling

**Mr. Speaker:** I have a ruling for the House.

Following Members' Statements on March 23, 2006, the honourable Official Opposition House Leader (Mr. Derkach) 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 (Ms. Melnick). 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 (Mr. Macintosh) and the honourable Member for Inkster (Mr. Lamoureux) 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, although I would note that the actions he complained of occurred during Oral Questions. Yet, the matter was raised after Members' Statements.

\* (14:40)

Regarding the second issue of whether a prima facie case was demonstrated, I would note to the House that Joseph Maingot advises on page 224 of the second edition of *Parliamentary Privilege in Canada* that allegations of misjudgment 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 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.

**Mr. Leonard Derkach (Official Opposition House Leader):** Mr. Speaker, with the greatest of respect, I would challenge your ruling.

**Mr. Speaker:** The ruling of the Chair has been challenged.

#### Voice Vote

**Mr. Speaker:** All those in support of sustaining the ruling of the Chair, say yea.

**Some Honourable Members:** Yea.

**Mr. Speaker:** All those opposed to sustaining the ruling of the Chair, say nay.

**Some Honourable Members:** Nay.

**Mr. Speaker:** In my opinion, the Yeas have it.

#### Formal Vote

**Mr. Derkach:** A recorded vote, Mr. Speaker.

**Mr. Speaker:** A recorded vote having been requested, call in the members.

Order. Sixty minutes has expired. Please turn the bells off.

The question before the House is shall the ruling of the Chair be sustained.

\* (15:40)

#### Division

*A RECORDED VOTE was taken, the result being as follows:*

#### Yeas

*Aglugub, Allan, Altemeyer, Ashton, Bjornson, Brick, Caldwell, Chomiak, Dewar, Doer, Irvin-Ross, Jennissen, Jha, Korzeniowski, Lemieux, Mackintosh, Maloway, Martindale, McGifford, Nevakshonoff, Oswald, Reid, Robinson, Rondeau, Sale, Santos, Schellenberg, Struthers, Swan.*

#### Nays

*Cullen, Cummings, Derkach, Driedger, Dyck, Eichler, Faurshou, Lamoureux, Mitchelson, Murray, Penner, Reimer, Rowat, Stefanson, Taillieu.*

**Madam Clerk (Patricia Chaychuk):** Yeas 29, Nays 15.

**Mr. Speaker:** The ruling of the Chair has been sustained.



### Point of Order

**Mr. Speaker:** The honourable Official Opposition House Leader, on a point of order or a matter of privilege?

**Mr. Derkach:** Mr. Speaker, on a point of order.

**Mr. Speaker:** The honourable Official Opposition House Leader, on a point of order.

**Mr. Derkach (Official Opposition House Leader):** Mr. Speaker, earlier today, during Question Period, the Premier (Mr. Doer) indicated again that, indeed, there was an agreement, and he said that he was reading excerpts from that agreement.

Mr. Speaker, upon rising on a point of order and requesting that that agreement he was referring to be tabled in the House, he then said that the Minister of Water Stewardship (Mr. Ashton) would table that agreement. What the Minister of Water Stewardship tabled in the House was a news release, a joint news release, that was issued between the federal government and the United States government. Now, all this was was a press release.

The Premier clearly indicated in this House that he was reading from the agreement. Now, Mr. Speaker, I heard it clearly. Members on this side heard it clearly. The Premier left the impression to all Manitobans that he had in his hands an agreement that he was reading. Then he said, I will have the Minister of Water Stewardship table it, giving the impression, once again, that what was being tabled was the agreement between Canada and the United States which the Premier said had been signed off on. That is the document that was going to be tabled in the Legislature. What we got instead, Mr. Speaker, was a news release that anybody could have gotten.

Mr. Speaker, my point of order is that when we as members in this Chamber request that a document that a member in this Legislature alleges that he or she is reading from be tabled in the House, then that is the document that they are alleging that they are reading from that is going to be tabled, not some press release. Anybody has access to a press release. It is the agreement that we were talking about.

Mr. Speaker, if there is any doubt about whether or not this is the agreement—and this is the document that was tabled in the House—*[interjection]* And he says, you could get it from the Web site. Well, how much more twisting of facts and information must we have in this Chamber as it relates to the issue of water from Devils Lake? We have raised the issue in

the House that this government needs to get its house in order and assure Manitobans that, in fact, biota that they themselves have been fearmongering about will not enter the water streams in Manitoba.

Mr. Speaker, this is a serious point of order because we have to take members at their word, whether it is the Premier (Mr. Doer), whether it is the Minister of Water Stewardship (Mr. Ashton). Whichever minister it might be, we must take them at their word.

Mr. Speaker, you have ruled on many occasions that you have to take a minister or a member at his or her word when they respond to a question, when they make a statement in the House, because there is no way for you, as Mr. Speaker, to ascertain the validity of an issue because you do not have the background, you do not have the evidence before you. So you have to take a member at his or her word. Now, this Chamber has always operated under the assumption that ministers do not mislead the House, that ministers do not tell lies in the House, and I know that is an unparliamentary word to use in this House, so ministers do not falsify statements in the House, that ministers, in fact, tell the truth.

Now, Mr. Speaker, there is also provision within the rules and within *Beauchesne* that if, in fact, a member does mislead the House and does make a false statement, does not retract it, does it deliberately, then that minister should resign. Now, that is a severe penalty because it requires that all of us in this House have to have some integrity, and if we lose that, if we lose the integrity of telling accurately the situations as they are, what we will have in the end is a House of chaos.

Mr. Speaker, democracy in this great nation and all of the free nations of the world relies on members who are elected to the chambers of those legislatures and parliaments to be beyond reproach in terms of what they say when they come into the chambers. Falsehoods do not, in any way, promote democracy. Falsehoods do not, in any way, advance the cause of democracy in our province or indeed in the country.

\* (15:50)

Mr. Speaker, we can talk about rules, we can talk about practices, but one of the practices in this House and in all chambers is that we have to trust one another as honourable members. We have to accept the fact that as honourable members we will tell the truth.

Now, Mr. Speaker, the evidence before us is within Hansard, the Hansard of Tuesday, April 18, I believe, where the Premier (Mr. Doer) clearly said that he was referring to a signed document between Canada and the United States as it relates to the building of a filtration system for water from Devils Lake. Now, what would that tell you? That would tell you that there is a solid agreement—[interjection] Well, now, we have the chirping of the Minister of Energy, Science and Technology (Mr. Chomiak), who should stay quiet in his chair. But the issue is that we have a Premier who quoted, who said he was quoting from a signed agreement, then later out in the hallway to *The Winnipeg Sun* admitted that there was no such agreement, there was no signed agreement. Then he comes into the Chamber today, and he says, well, what I was really meaning was that this agreement was signed off on. Now, those are two very different things. A signed agreement and a signed-off document are two very different matters and you cannot confuse them.

Now, the Minister of Energy, Science and Technology, who is a non-practising lawyer, is going to talk to me about being a lawyer. Well, he has a lot to learn about law too, Mr. Speaker. Non-practising lawyers, I say sometimes, are the worst kind. I accept him as an honourable member too, but let me say that you cannot make a false statement in this Chamber and expect to get away with it. Manitobans will find you out, and the media went to the Premier yesterday and he could not tell a falsehood to them. He had to admit that indeed there was not a signed document.

So, Mr. Speaker, today the Premier comes into the Chamber, and he says that he is quoting from the agreement. When he was interrupted in the Chamber on a point of order, he said, Mr. Speaker, I am trying to quote from the agreement. So I rose on my feet and asked the Premier to table that agreement that he was reading from. Then he said, well, no, this is just my scribbles, my notes. But he said, these are quotes from the agreement, and he said the Minister of Water Stewardship (Mr. Ashton) will table that agreement.

**An Honourable Member:** That signed agreement.

**Mr. Derkach:** Now, whether it was signed or not at that point in time did not matter, but the fact that the Premier (Mr. Doer) was quoting from it would have been very interesting to see in print. That is what we asked for was that this agreement that the Premier said he was quoting from should be tabled. He turned

to his Minister of Water Stewardship and said that the minister would table the agreement. We waited with anticipation. The point is that the agreement that he said he was tabling was nothing more than a news release, was nothing more than a news release.

Now, how can anybody believe and trust a government that pulls pranks of this kind? How can you trust any government that cannot live by the word of truth?

Now, Mr. Speaker, I know that I have gone on somewhat long on this point of order, but, as I say, this is a serious matter. This is a matter that needs to be corrected. I want to point out to this House that, as a point of order, we need to have the Premier either correct the record in the House that, in fact, all he was quoting from was a joint press release or have the Minister of Water Stewardship table the original document that the Premier referred to being the agreement that was signed or the agreement between Canada and the United States. You cannot have it both ways. So either table the proper document or retract and say that you were, in fact, quoting from a news release, so that indeed members on this side of the House and Manitobans would have accurate information in this House. Accurate information in this House is very important in order for us to be able to conduct our business in this Chamber.

If it was a mistake, and we can accept mistakes, if it was a mistake on the part of the Premier, if it was a mistake on the part of the Minister of Water Stewardship, that in fact he tabled the wrong document, or the Premier quoted from the wrong document or referred to the wrong document, let us correct the record. Let us correct the record. Let us not leave the impression with Manitobans that, indeed, he has the document in his hand, or that the Minister of Water Stewardship, in fact, has the document. To simply table a news release is not acceptable, Mr. Speaker, especially when the Premier himself, the First Minister of this province, says that I am trying to quote from the agreement.

So, with that, I ask that either the Premier or the Minister of Water Stewardship do the right thing and correct for the record which document, in fact, was being used.

**Mr. Speaker:** The honourable Government House Leader, on the same point of order.

**Hon. Gord Mackintosh (Government House Leader):** I do not know if members opposite know how silly they look. Mr. Speaker, there is no point of

order, of course. There is no rule cited; there is no point. They missed the point actually on the challenge of Devils Lake.

I think what is really interesting and what members on this side are quite keen to discover is the title of the Member for Emerson's (Mr. Penner) invisible bill, what stage it is at. Is it at the invisible second reading? Is it at the invisible public hearings? I know he said that there is some invisible support from the Legislature. It sounds like it is an invisible money bill actually. So I think the invisible bill might be out of order, and I do not know if you can rule on hypothetical. It sounds like a hypothetical, but perhaps the Member for Emerson would explain how well his hypothetical bill is coming along.

**Mr. Speaker:** The honourable Member for Inkster, I will hear you very shortly.

**Mr. Kevin Lamoureux (Inkster):** Yes. Mr. Speaker, if we look at *Beauchesne's* 6th Edition and go to page 151, Citation 495, and I am going to quote two specific ones: 495(1) where it states, "A Minister is not at liberty to read or quote from a despatch or other state paper not before the House without being prepared to lay it on the Table"; (7) is: When a letter, even though it may have been written originally as a private letter, becomes part of the record or of department, it becomes a public document, and if quoted by a minister in debate, must be tabled upon request.

Well, Mr. Speaker, I think that *Beauchesne's* is actually fairly thorough on this, and, if you look at our own records, it is also clear. Our records will indicate to you that if someone quotes from a letter we do have to table the letter if, in fact, requested to do so from a member, and that is consistent with what *Beauchesne* is saying. Now, on the other hand, a minister referring to their briefing notes, a minister referring to an agreement and so forth, even though *Beauchesne's* would suggest that they should be tabling the document, I think the tendency in the past has been that the minister would not be obligated to table the document, and those have been rulings from this Chamber in the past.

Having said that, this is a little bit unique. What we have seen inside the Chamber on many occasions, because we are talking now about the tradition of this Chamber, on many occasions where an MLA, whether they are on the government side or on the opposition side, will often use or make reference to something and then make the commitment to table it. If you make that

commitment to table the document, the expectation is no different than when you quote from a letter and the Speaker asks you to table it because another member has requested that that letter be tabled. So, Mr. Speaker, I believe that the tradition of this Legislature clearly states that if a minister or someone indicates that they are going to table a document there is an obligation to table it.

So then it only becomes a question of what was the document that the Premier (Mr. Doer) had indicated would, in fact, be tabled. The Premier was fairly clear, Mr. Speaker, in that he was referring to the agreement, not a press release. He was very clear on that point.

So, if we want to keep within the rules and practices of this Legislature, I would argue that there is an obligation for the Premier or the Minister of Water Stewardship (Mr. Ashton) to table the document, no different than a rule that states that if an MLA stands up and says, so and so quoted from a letter, now we ask that member to table that letter, Mr. Speaker, you would then stand up and say, table the letter, and that member would be obligated to table the letter. Our tradition is consistent with what *Beauchesne's* is saying.

On the other point—[interjection] What do you mean, never? All the time.

\* (16:00)

Then, on the other point, even though we are not consistent, our rule is not consistent with *Beauchesne's*, Mr. Speaker, our tradition is consistent with *Beauchesne's* in that when a minister or any member, whether it is in government or opposition, makes a commitment to table a document, there is a responsibility for them to table the document that is in question.

I would call upon you, as the Speaker, Mr. Speaker, to request that the Minister of Water Stewardship table the document that his government made a commitment to table. That is a legitimate issue. It is indeed the practice. We would ask for the government not to put you in this spot before you make the ruling as opposed to hearing a comment like what the Government House Leader (Mr. Mackintosh) did. I think that it would be more respectful if the Minister of Water Stewardship or the Government House Leader might reconsider what their comment was and table the document that has been requested. Thank you.

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order. On the point of order raised by the honourable Official Opposition House Leader (Mr. Derkach), first I want to address some of the comments made by the honourable Member for Inkster. What you were quoting is the House of Commons practice, and in our Manitoba rules of debate if a member is quoting from a signed letter then, yes, they must table that.

**An Honourable Member:** In the House?

**Mr. Speaker:** In the House.

Also, I would like to draw the attention of members to *Beauchesne* Citation 322, where, if you read about the middle, "points of order are justified when there is some flagrant misuse of the rules, but they are unfortunate necessities which should not be regarded as usual phases of procedure and ought not to develop into long arguments with the Speaker who, being in a quasi-judicial position, should not be drawn into controversial discussions."

Then I would like to draw members' attention to *Beauchesne* 494 where it is clear: "It has been formally ruled by Speakers that statements by Members respecting themselves and particularly within their own knowledge must be accepted. It is not unparliamentary temperately to criticize statements made by Members as being contrary to the facts; but no imputation of intentional falsehood is permissible. On rare occasions this may result in the House having to accept two contradictory accounts of the same incident."

The rules are very clear. So the honourable member does not have a point of order.

**Mr. Speaker:** The honourable Official Opposition House Leader, on a new point of order.

**Mr. Derkach:** No. I just wish to challenge the ruling.

**Mr. Speaker:** The ruling of the Chair has been challenged.

#### Voice Vote

**Mr. Speaker:** All those in favour of sustaining the ruling of the Chair, say yea.

**Some Honourable Members:** Yea.

**Mr. Speaker:** All those opposed to sustaining the ruling of the Chair, say nay.

**Some Honourable Members:** Nay.

**Mr. Speaker:** In my opinion, the Yeas have it.

#### Formal Vote

**Mr. Derkach:** A recorded vote, Mr. Speaker.

**Mr. Speaker:** A recorded vote having been requested, call in the members.

Order. The question before the House is shall the ruling of the Chair be sustained.

#### Division

*A RECORDED VOTE* was taken, the result being as follows:

#### Yeas

*Aglugub, Allan, Altemeyer, Ashton, Bjornson, Brick, Caldwell, Chomiak, Dewar, Doer, Irvin-Ross, Jennissen, Jha, Korzeniowski, Lemieux, Mackintosh, Maloway, Martindale, McGifford, Nevakshonoff, Reid, Robinson, Rondeau, Sale, Santos, Schellenberg, Selinger, Smith, Struthers, Swan, Wowchuk.*

#### Nays

*Cullen, Cummings, Derkach, Driedger, Dyck, Eichler, Faurichou, Gerrard, Goertzen, Lamoureux, Mitchelson, Penner, Reimer, Rowat, Stefanson, Taillieu.*

**Madam Clerk (Patricia Chaychuk):** Yeas 31, Nays 16.

**Mr. Speaker:** The ruling of the Chair has been sustained.

\*\*\*

**Mr. Speaker:** The hour being past 5 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow (Friday).

**LEGISLATIVE ASSEMBLY OF MANITOBA**

**Thursday, April 20, 2006**

**CONTENTS**

<b>ROUTINE PROCEEDINGS</b>		<b>Oral Questions</b>	
<b>Introduction of Bills</b>		Devils Lake Outlet	
Bill 300—The Association of Former		Murray; Doer	1560
Manitoba MLAs Act		Derkach; Doer	1564
Martindale	1555	Derkach; Ashton	1564
<b>Petitions</b>		Devils Lake Outlet	
Funding for New Cancer Drugs		Penner; Ashton	1563
Stefanson	1555	Teachers' Retirement Allowance Fund	
Reimer	1555	Driedger; Bjornson	1565
Removal of Agriculture Positions from		Sewage Spill (Red River)	
Minnedosa		Stefanson; Struthers	1566
Rowat	1556	Sewage Spill (Red River)	
Civil Service Employees—Neepawa		Cummings; Struthers	1567
Cummings	1556	Water Protection Regulations	
Crocus Investment Fund		Cummings; Struthers	1567
Driedger	1556	<b>Speaker's Ruling</b>	
Lamoureux	1557	Hickes	1568