

Fourth Session - Thirty-Eighth Legislature
of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS

Official Report
(Hansard)

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The Honourable George Hickes
Speaker*

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

Member	Constituency	Political Affiliation
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 27, 2006

The House met at 1:30 p.m.

PRAYER

ROUTINE PROCEEDINGS

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 a difficult choice between paying for 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 that 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 Lindsay Shute, Mindie Morrow, Darren Kachkowski and thousands of 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)

Crocus Investment Fund

Mr. Ron Schuler (Springfield): 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 the 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 Shauna Bailey, Michael Bailey, Kristen Kroeker and many, many others.

Mr. Hugh McFadyen (Fort Whyte): Mr. Speaker, I wish to present the following petition.

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 of Manitoba were cleared by somebody 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 mismanagement 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 that 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 B. J. Langdon, Stu Brick, Fred Brick and many, many others.

Funding for New Cancer Drugs

Mr. Peter Dyck (Pembina): 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 the 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 that 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.

The names on the petition are Allison Northmore, Marnie Houston and Suzanne Witwicki.

Grandparents' Access to Grandchildren

Mrs. Leanne Rowat (Minnedosa): Mr. Speaker, I wish to present the following petition.

These are the reasons for this petition:

It is important to recognize and respect the special relationship that exists between grandparents and grandchildren.

Maintaining an existing, healthy relationship between a grandparent and a grandchild is in the best interest of the child. Grandparents play a critical role in the social and emotional development of their grandchildren. This relationship is vital to promote the intergenerational exchange of culture and heritage, fostering a well-rounded self-identity for the child.

In the event of divorce, death of a parent or other life-changing incidents, a relationship can be severed without consent of the grandparent or the grandchild. It should be a priority of the provincial government to provide grandparents with the means to obtain reasonable access to their grandchildren.

We petition the Manitoba Legislative Assembly as follows:

To urge the Minister of Family Services and Housing (Ms. Melnick) and the Premier (Mr. Doer) to consider amending legislation to improve the process by which grandparents can obtain reasonable access to their grandchildren.

This petition is signed by Caroline Wells, Patrick Wells, Roseann Bird and many, many others.

* (13:40)

Levy on Cattle

Mr. Larry Maguire (Arthur-Virden): Mr. Speaker, I wish to present the following petition.

These are the reasons for this petition:

The provincial government intends to create a provincial check-off fee, levy of \$2 per head, for cattle sold in Manitoba. This decision was made without consultation with Manitoba's cattle producers and representatives from agricultural groups.

This \$2-a-head increase will affect the entire cattle industry in Manitoba, which is already struggling to recover from the BSE crisis and other hardships. It would encourage fair and equitable practices if cattle producers in Manitoba had the opportunity to share in the decision-making process.

We petition the Manitoba Legislative Assembly as follows:

To urge the Minister of Agriculture, Food and Rural Initiatives (Ms. Wowchuk) to consider holding consultations with Manitoba's cattle producers and representatives from agricultural groups before this levy is put in place.

This petition is signed by Stan Cochrane, George Harrison, Dennis Griffith and many, many other farmers of Manitoba.

Crocus Investment Fund

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I wish to present the following 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 happened and call a public inquiry.

Signed by J. Hardy, L. Minuk, H. Hesse and many, many more.

ORAL QUESTIONS

Bill 36

Royal Assent

Mr. Stuart Murray (Leader of the Official Opposition): Mr. Speaker, in August last year, our caucus called upon the government to introduce legislation that would give parents the right to seek help for their drug-addicted children. We asked for the government to give the parents of children with drug addictions the power to place their children into short-term detox programs in the hopes that it would lead to longer-term addiction treatment and rehabilitation.

While this government sat on its hands, desperate parents were forced to wait and watch as their children sunk deeper and deeper into drug addiction, powerless to help them. While we are glad to see that at long last this government did listen to our calls and the calls of these parents and introduced Bill 36, The Youth Drug Stabilization (Support for Parents) Act, it troubles us that this bill will only come into force on a date fixed by proclamation, not Royal Assent. We know this government's track record on proclaiming bills, and we cannot and do not agree that desperate parents should have to wait one or several years for this right.

Mr. Speaker, I would simply ask the Premier, and I think I heard it coming from the other side: If the House unanimously agrees to debate Bill 36 today, will he commit to amending the legislation so it comes into force on Royal Assent?

* (13:45)

Hon. Gary Doer (Premier): Well, Mr. Speaker, the approach in support for children comes in two forms, and the support for families. Yes, it comes in the form of legislative proposals that are now on the Order Paper. The legislation has been drafted and

distributed to all members. It also comes in the form of resource—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Doer: It also comes in the form of money that is contained within the budget, within the department to ensure that—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Doer: It also requires new money that is contained within the new budget, which is contained within the new set of Estimates. So you have to have both the budget and the Estimates that have contained the money and the legislation. I know members opposite—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Doer: Mr. Speaker, if we can deal with the budget in the appropriate time and we can deal with the legislation in the appropriate time, we certainly will make it—*[interjection]*

This is an urgent matter, and we will ensure that the timing of this bill will be on an urgent basis to deal with the back-up parenting, but it needs approval of the budget that is before the Legislature.

Mr. Murray: Mr. Speaker, there are two things. One is this Premier knows full well that if he would call the independent inquiry into the Crocus scandal, we will debate the budget. He knows that. He also knows that this budgetary process is voted at the end of the session. Those are the rules. The Premier knows that.

Mr. Speaker, in the province of Saskatchewan, they brought in a program that offers hope and that is the name of their program. In Manitoba, this NDP government is offering false hope. This is a very serious issue, and we have been waiting to pass this legislation now for eight months. This NDP has stalled this legislation by refusing to introduce it sooner, and it is this NDP government that will further delay, by giving parents the right, not allowing this bill to come in on Royal Assent.

Mr. Speaker, not only is there a human cost to the addictions, tragic as it is, the Canadian Centre on Substance Abuse has reminded us that these addictions also carry a significant economic cost. The study released yesterday indicates that illegal

drugs are costing our health care system \$35 million and the criminal system \$24.5 million.

This just reinforces that this Premier should be doing everything in power to stop and prevent illegal drug activity in the province of Manitoba. An important first step would be to ensure that Bill 36 comes into force on Royal Assent.

I would ask the Premier again: Will he agree to amend Bill 36 so that it comes into force on Royal Assent if the House unanimously agrees to debate the legislation today?

Mr. Doer: Well, Mr. Speaker, talk about false hope, to suggest the legislation could be brought in today. I know members opposite are starting to feel the heat—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Doer: —because the public of Manitoba does want the total crystal meth strategy passed.

Mr. Speaker, it comes in the form of two parts; in fact, two pieces of legislation and one budget provision. You cannot create false hope in passing legislation when you do not have the money to implement the improved services for families and children under the crystal meth bill. If you do not understand it, I really worry about the future of this province.

* (13:50)

Mr. Murray: Well, Mr. Speaker, Carole Johnson was forced to watch her daughter Colleen battle a drug addiction for 18 long months. Sadly, Colleen died three weeks before her 18th birthday. Ms. Johnson and her husband tried to get help for Colleen, but the end result was tragic. Ms. Johnson has said, and I quote what she said: If there was something like this in place before, she may be still alive.

Mr. Speaker, the Premier has the opportunity to put that in place. Having legislation come into force on proclamation is cold comfort to parents who find themselves in a similar situation like the Johnsons, having to watch their children sink deeper and deeper into drug addiction.

We have heard the Premier say on radio that he likes to roll up his sleeves and get to work. Well, I say to the Premier, let us roll up our sleeves today and do the right thing and agree to amend this legislation. So if unanimous consent, Bill 36, debate it on the floor, and it will come into power on Royal

Assent. Will he roll up his sleeves and get to work today?

Mr. Doer: Mr. Speaker, I will certainly ensure that this legislation, if it is passed, will—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Doer: —be proclaimed in very short order, and I am willing to look at amendments on the proclamation because it is our intent to treat this in a very urgent way. The two pieces of legislation were top priorities for our government. We worked very hard to get them in the House. I promised the people and families that the legislation will be passed and proclaimed in very short order. I am open to any amendment on that to make sure it is doable.

Mr. Speaker, I also want to suggest, because the members opposite talk about Saskatchewan, since Saskatchewan introduced its budget three weeks after we did, the budget is passed and they are debating legislation.

We are not willing to create false hope. We are going to spend more money to deal with victims of crystal meth. We are going to spend more money to prevent kids and others from having crystal meth, but the money, the new money, is in the budget. You have to have the money to implement the legislation. You have to have the legislation to implement the rights of parents. It is a package. Let us get together. I am pleased the members opposite are trying to move on legislation. Let us get together on behalf of parents and kids. Pass the budget. Pass the legislation. Let us get on with it.

Point of Order

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

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

Mr. Derkach: Mr. Speaker, I think we all heard the Premier say just a few moments ago that he was open to amendments and suggestions with regard to the bill.

I refer to *Beauchesne* Citation 18(1) and I will quote it. This speaks about unanimous consent: Within the ambit of its own rules, the House itself may proceed as it chooses; it is a common practice for the House to ignore its own rules by unanimous consent. Thus, bills may be passed through all three stages in one day, or the House may decide to alter

its normal order of business or its adjournment hour as it sees fit.

Mr. Speaker, the Premier said today that this is urgent. He said this is their top priority. The Leader of the Opposition has said: Let us interrupt the proceedings today, give this bill the second reading that it requires and let us proceed with implementing this legislation and have Royal Assent to this legislation today, tomorrow or Monday. We are prepared to do it. This is a point of order. I think we are just meeting the challenge that the Premier has put before us.

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

*(13:55)

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, the many faces of the opposition.

Mr. Speaker, this bill has been languishing on the Order Paper for one reason and that is their wilful obstruction. Their wilful obstruction has stopped the movement, not only on this bill and has prevented public input onto that piece of legislation, but every other piece of legislation on this agenda.

Now the reason for the rules is to ensure opposition participation in putting together input into all the legislation introduced by the government. Is it not amazing that an opposition would so feel the heat today that they would say, oh, let us try and do catch-up, Mr. Speaker. We would welcome a catch-up on the entire agenda, quite frankly.

The legislation is one part of a meth strategy. The other part of a meth strategy is a budget that has proven to be popular with Manitobans, but members opposite refused not even, not even, Mr. Speaker, to support the non-confidence motion that is currently before the House on the budget.

So we look forward, because I know on Monday the Opposition House Leader said if you were not calling an inquiry, he had nothing to talk to me about. Now, Mr. Speaker, perhaps the opposition will talk to us and we can put together an agenda.

Mr. Speaker, I am glad to hear the opposition is finally coming to its senses, at least on one bill, to get some public business done. Perhaps they will now reflect on, what is it: 35 points of order, walking out of this house while this bill, The Youth Drug Stabilization Act, languished on the Order Paper. Maybe they are going to come to their senses and

look at the other 38 pieces of legislation that are languishing on the Order Paper.

I will say this in conclusion. When it comes to meth, Mr. Speaker, I invite all members not to play games. I invite them not to play games because, and I talked earlier about the many faces of the opposition, there is not a member of this House that should question the importance of restrictions on pseudoephedrine products. The opposition has flip-flopped and they have backed off their fight against crystal meth. I say shame on those members.

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

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. I am making a ruling. I have started my ruling.

On the point of order raised by the honourable Official Opposition House Leader, it is not up to the Speaker which bills are called. It is not up to the Speaker, so the honourable member does not have a point of 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 government knows full well that budgetary motions are passed at the end of a session. By the order that was tabled in this House, the budgetary motions for this session will all be called on the 12th and 13th of June. It does not matter what session we are in, Mr. Speaker, that is the way the normal course of business is done.

Mr. Speaker, secondly, it is up to the Government House Leader to put proposals as to how the House should proceed in front of the House and in front of the opposition. It is not for us as opposition to run the agenda of the House. That is up to the government, not us.

Mr. Speaker, he is asking for proposals from us. Who is in charge?

Mr. Speaker, we can set—

Mr. Speaker: Order. I just remind members that points of orders are to point out to the Speaker a breach of a rule or a departure from our practices and not for means of debate.

*(14:00)

Mr. Derkach: Thank you, Mr. Speaker.

Mr. Speaker, Citation 19. I cited Citation 18, and I read it into the record, Mr. Speaker, but I will move on to Citation 19 where it says: "Whenever the House proceeds by way of unanimous consent, that procedure does not constitute a precedent." So, Mr. Speaker, by unanimous consent of the House we can move ahead to deal with any piece of legislation that we desire.

Mr. Speaker, we on this side of the House are asking for unanimous consent of the House to deal with this legislation. That is what was in the leader's questions. If there is a will, there is a way and we are ready to proceed.

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

Mr. Mackintosh: Well, Mr. Speaker, just to contribute to the back and forth. House business as well by convention is done between the House leaders, and we certainly invited that on Monday. *[interjection]* If I have to go on the record, I will. I asked the House Leader on Monday after two phone calls to him, which were unreturned, if he would be willing then to consider discussing options on how to move House business. He said, without a public inquiry, there is nothing to talk about.

Mr. Speaker, if there is something to talk about, I think that is in the public interest. I would say that the agenda is indeed the proposal from the government. It is the Order Paper. That is what it is called. It is not for us to make arguments on the rules around the sessional order, but members opposite know full well that the confidence motion on the budget has not been put. And they, in trying to construe arguments for the media, are well aware, I am sure, that that is an outstanding issue that has to be dealt with. If they are prepared to enter into discussions about options on moving House business, I would say that is a breakthrough and I am glad they have changed their minds on the tactics that they were stuck in.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. If the honourable Member for Inkster is rising to give procedural advice or to assist the Speaker in making a decision, I will hear him but very shortly, for a short period of time.

Mr. Kevin Lamoureux (Inkster): Yes, thank you, Mr. Speaker. The Leader of the Official Opposition has made a valid point to emphasize that, with the

unanimous consent of this Legislature, we do have the opportunity to do some other things inside this Legislature. I know the government, and we are in a bit of a dilemma here. There is a way out of the dilemma. The Premier calls a public inquiry regarding the Crocus fiasco and the dilemma will be resolved.

The issue, Mr. Speaker, and what is causing us to look at our rules, at the possibility of getting unanimous consent, is that we have a Premier who has chosen not to call a public inquiry and, as a result of that, what we are looking at having to do is look at what other government agenda that we might want to have some sort of debate on prior to May 18. Because come May 18, as you are aware, bills such as this will, in fact, be passed through the system without any debate, without any amendment. So I think that the Premier needs to look in the mirror and ask what sort of a premier does he really want to be. More of a dictator—

Mr. Speaker: Order. That has gone too far. I recognized the honourable member to give me some advice on procedure, not to get into debate. I think this has turned into a debate, and I am going to be making a ruling. I am going to the floor of—*[interjection]*

Order. The floor of the Chamber is not a place for negotiations on House business. I would strongly encourage the House leaders to get together and negotiate their House business, but I would strongly discourage on negotiating it on the floor of the Legislative Chamber.

Mr. Speaker: Maybe we can move on into Question Period. We are on question No. 2.

Bill 36 Royal Assent

Mr. Kelvin Goertzen (Steinbach): Mr. Speaker, I am simply amazed that the government is stalling their own legislation. I have come to expect lazy socialism but this is heartless socialism. We have already said that if they let the legislation go on Royal Assent that we are willing to roll up our sleeves and debate the legislation today.

You know, Mr. Speaker, I was in Grunthal last night, I was in Niverville a couple of nights ago, I was in St. Adolphe, talking about methamphetamine, and the parents there are saying we need this legislation today. The Minister of Healthy Living

said that they have the facilities. She said two weeks ago that those facilities are in place and that youth would not be denied a bed. Well, if those facilities are in place today then let us pass the legislation, let us get Royal Assent and let us do what is right for young people in Manitoba.

Hon. Gary Doer (Premier): First of all, this is a very serious issue. But dealing with the term "lazy," I recall yesterday, less than 24 hours ago, there was a vote of 31 members of the government, eight members of the Conservative Party and two members of the Liberal Party. One good thing about the Hansard, Mr. Speaker, is facts actually speak to themselves as opposed to loud rhetoric. I think eight members out of a caucus of 20 is a disgrace, and I want to put that on the record.

Mr. Speaker: Order. I have reminded members many times in the past that making reference of members' presence or absences has never been accepted by any House.

Order. Making references of presence or absence of members has never been accepted by any Chamber that I am aware of. So I would caution the honourable member.

The honourable First Minister, to continue.

Mr. Doer: I think this is a serious issue, but I do not believe that we should, as I say, create false hope. There is \$2 million in additional money required and stated and contained within the budget. There are two pieces of legislation. This actually works together, Mr. Speaker, and—

Mr. Speaker: Order.

Mr. Goertzen: The Premier knows full well that with Interim Supply, they could go ahead and start putting those facilities in place. Mr. Speaker, this Premier knows that it takes time to build the treatment facilities. They could be moving on that already. They know that the legislation should pass in Royal Assent, and I am not surprised that he did not let his Minister of Healthy Living stand up and speak because it was that minister who said a few weeks ago that there were facilities in place and that youth would not have to wait. Well, if that is the case, if we are to believe the minister who is responsible for the bill, then why do they not let this legislation come to debate, allow for Royal Assent, we will pass it today, we will do what is right for young people in this province, and the NDP should stop stonewalling this bill because they were not prepared to have a debate.

Hon. Theresa Oswald (Minister of Healthy Living): Was that a question from the Member for Steinbach?

First of all, let me put some absolutely clear information on the record. Mr. Speaker, \$2 million in budget '06 used to supporting, building our capacity and developing our crystal meth strategy even further. I find it curious strange that today when obviously parents, parents in real need, are calling members opposite and saying that this obstruction and strategy is costing them that finally they are starting to act, and we are glad of that. We want to work in conjunction with the parents of Manitoba. We want that money from the budget, the \$2 million, not to be obstructed; we want to get on with the business; we want to work with our facilities; we want to help kids today; do they?

* (14:10)

Mr. Goertzen: Mr. Speaker, I refer to a government news release of December 14, 2005, where the government said that they were putting \$6.7 million into a crystal meth strategy. They said that they could now deal with the addictions. They announced this in December, long before the budget was ever introduced. Clearly they said that they had the money in place to deal with addictions back in December, and now we hear something completely different. Now they are trying to say that they are stonewalling the bill for a different reason. They said they had the money in December. The minister said she had the money three weeks ago.

I am asking her: Do you have the money? Let us move the legislation. Let us pass it. Let us have that Royal Assent. Stop playing games with young people who need this help today, Mr. Speaker.

Ms. Oswald: Mr. Speaker, let me do the best I can to assist the member opposite on a couple of points. In December, as part of our ongoing investment in building capacity for addictions and mental health, we did announce \$6.7 million. Let me inform the member opposite, of course, that \$6.7 million is going into one of the most important parts of dealing with addictions; outreach prevention. We are not necessarily talking about bricks and mortar. We are talking about preventing these acts from happening in the first place. We are investing in treatment as well, unprecedented funding to behavioural health, core funding to assist them.

Let us move forward. Let us debate this bill in the proper forum, the proper way that it is supposed

to happen in the context of moving the motion for the budget. Do not let them hide behind these obstructionist gestures. Have them move forward, Mr. Speaker. Let us debate all of the public bills on our paper and move our agenda forward. Two million—

Mr. Speaker: Order.

Point of Order

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

Mr. Goertzen: On a point of order, Mr. Speaker.

Mr. Speaker: On a point of order.

Mr. Goertzen: Mr. Speaker, *Beauchesne* is very clear that factual information needs to be put on the record. I quote from December 14, from the minister: I am pleased to announce investments that will provide increased mental health programming, enhance access to mental health care and addictions treatment. She said this was for treatment then—

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

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, I did not hear a rule in the argument put forward. The member opposite does not have credibility on the fight against meth. He was out there saying let us get serious about putting restrictions on pseudoephedrine products, and then probably unbeknownst to him, two of his members, other people in his caucus said, oh, no, do not put restrictions on that. He has no credibility.

Mr. Speaker: Order. I remind members that points of orders are to point out to the Speaker a breach of a rule or a departure of our practice but not to be used for a means of debate. The honourable member does not have a point of order. It is clearly a dispute over the facts.

* * *

Mr. Speaker: We are on question No 3.

Maple Leaf Distillers MIOP Loan

Mr. Gerald Hawranik (Lac du Bonnet): Mr. Speaker, on most days in 2005, cheques totalling up to \$3 million would be exchanged among Maple Leaf Distillers, Protos International and Salisbury House for the purpose of increasing lines of credit for all of those three companies. The cheques were

exchanged for the sole purpose of obtaining false credit lines.

So I ask the Minister of Industry: If he had done his due diligence in administering his loan to Maple Leaf, would he not have noticed those red flags?

Hon. Jim Rondeau (Minister of Industry, Economic Development and Mines): Mr. Speaker, the member opposite is confused as normal. First, due diligence means you look at the business' business plan. Due diligence means you get appropriate security, and, if you look, you will notice that there was appropriate security on the building. If you notice, as yesterday, I said \$749,000 was paid on our loan. It was current up till December and so over half the loan was paid. We are owed \$700,000. It is secured against the building and we anticipate receiving money for this loan.

Mr. Speaker, the member opposite is confused. There is a difference between due diligence done at the beginning of the loan and inappropriate behaviour which was referred, I understand, to the RCMP for proper investigation.

Mr. Hawranik: Mr. Speaker, the only person in this House who is confused is that minister. On October 28, 2005, in this House, the Minister of Industry stated that the government loan to Maple Leaf Distillers is subject to regular due diligence. That is what he said. What Maple Leaf did to increase its line of credit borders on fraud. This action increased Maple Leaf's debt and, as a result, Maple Leaf's ability to repay its loan to the Province is compromised.

So I ask the Minister of Industry: The tellers at Astra Credit Union knew what was going on. Why did he not?

Mr. Rondeau: Mr. Speaker, the member opposite is confused about the due diligence upon giving the loan. I have to refer the member opposite to the fact the loan was current. Over \$749,000 was paid up till December '05. There was appropriate due diligence. Appropriate due diligence means you look at the business plan, you have appropriate security, and that is what we did.

I would like to point out to the member opposite: Under the Conservative government the MIOP program lost well over \$39 million. Under our due diligence, so far we have made \$180,000 profit on the program. That is appropriate due diligence. I wonder what the former Conservative government did.

Mr. Hawranik: Mr. Speaker, all this minister had to do was ask the tellers.

The Minister of Industry admitted to this House that he knew the government loan to Maple Leaf Distillers was in default in December 2005. He admitted it right in this House. Clearly, due diligence would require that the minister act to protect public money, taxpayers' money. What does this minister do? He freezes. He does nothing.

So I ask the Minister of Industry: Why did he not at least call in that loan?

Mr. Rondeau: Mr. Speaker, the only thing frozen in this House is the members opposite, their lack of work in this House.

What has happened was the loan was current up until December of 2005. That means we got payments. We got payments in excess of \$749,000. The loan, as was demonstrated in an affidavit, is secured against a building which is appraised at \$3.6 million.

Mr. Speaker, we have looked after the taxpayers' interests and we have looked after the investments in this province. That is why the MIOP program has made \$180,000 to companies like Global, to companies like Motor Coach. Companies like New Flyer have received MIOP loans. Under—

Mr. Speaker: Order. Next, the honourable Member for Ste. Rose.

Crocus Investment Fund Co-Investment Status

Mr. Glen Cummings (Ste. Rose): Mr. Speaker, I think the public will be too wise to be fooled with the kind of answers we are getting from this government.

I have a question for the Minister of Finance: Given the close personal relationship that appears to have developed between the principals of Protos, Maple Leaf and this government, I am wondering if the Minister of Finance ever took the opportunity to discuss these investments and the status of the Crocus investments.

Hon. Greg Selinger (Minister of Finance): Mr. Speaker, the MIOP loan with respect to Maple Leaf Distillers was fully secured by the building. The building actually tells a tale of two cities. When national health care was given a MIOP loan and occupied that very same building, the building was not used as security by the members opposite when they were the government. When the loan went bad,

they had no asset that they could use to collect against the loan.

Unlike them, we fully secured the loan with a building worth \$3.6 million. Half of the loan has been paid back. We have a very good prospect of fully re-collecting the loan, unlike members opposite who lost money on the company that they had in the building and they gave a loan to.

* (14:20)

Mr. Cummings: Well, you see, Mr. Speaker, that is exactly why we need an inquiry into this government's tactics.

Mr. Speaker, the very simplest of questions where a yes or no would do, this government will not answer. That leaves an awful lot of unanswered questions about what they knew about Crocus, whether or not they could have and should have taken action sooner, as was implied, and I believe clearly directed by the Auditor in the information that he brought forward. This is the same Minister of Finance who would neither answer yes or no about whether or not he had a meeting with Sherman Kreiner, one of the architects and principals in the Crocus collapse.

Did this Minister of Finance ever ask Eugene Kostyra about the status of the Protos or the Maple Leaf file?

Mr. Selinger: Mr. Speaker, the member has actually been very revealing in his questions over the last several days. He has actually indicated that even though the former Minister of Finance under their government stated that the Crocus Fund was set up as an independent arm's-length body driven by community business leadership, that there seemed to be a close relationship when he was on Treasury Board, with Treasury Board, Julian Benson, Mike Bessey and others with the Crocus Fund.

Now he wants to take all those close relationships that occurred under his government and project them onto us. We do business differently. We have had no relationship with them. I can tell you, the best indicator of how we have done business is they lost \$35 million in the MIOP program; we have made money in the MIOP program. The Auditor General's report tells the whole story.

Mr. Cummings: Mr. Speaker, I simply say to you, through you to the public: When you ask a simple question that a yes or no answer would do and you get an answer like that, what is the matter with this

government? Why will they not call an inquiry? There is a simple question.

This collapse, frankly, has the fingerprints of the NDP all over it. When they will not answer a question, like I just asked, yes or no, we need an inquiry. I want this minister, one more time, to have the chance to explain if he did or did not discuss these files with Eugene Kostyra.

Mr. Selinger: Mr. Speaker, the member wants to suggest that if I did or did not have a conversation with anybody that that is an indication of something. The MIOP loan portfolio was fully monitored by the Department of Industry, and every year the report of the MIOP loan portfolio is published in the Public Accounts. The member knows that. He likes to fearmonger. He likes to go fishing. I think he should save his recreational activities of fishing and do work in the Legislature instead of trying to bring his recreational activities here and do the fishing here.

Assiniboine Valley Flood Management Strategy

Mr. Stuart Murray (Leader of the Official Opposition): Mr. Speaker, this year's forecast predicted minor flooding in the Assiniboine River Valley. This prediction was accompanied by a water flow estimate of 8,500 cubic feet per second into the Shellmouth Reservoir. As of the beginning of this week the inflow was exceeding 11,000 cubic feet per second, which is 30 percent higher than forecasted. We have seen gross inaccuracies in terms of flood predictions all across the province to the extreme detriment of Manitoba residents.

How could this have happened? How does this Premier account for such a monumental error on the Assiniboine River's inflow into the Shellmouth Reservoir?

Hon. Steve Ashton (Minister of Water Stewardship): Mr. Speaker, I know that the Leader of the Opposition has got a couple more Question Periods, well, one more, I guess, after this to put his mark on the final days of his term as leader, but I am surprised he now would basically attack the forecasting staff of our government.

You know, Mr. Speaker, I remember in 1997, when the only predictions were not for a major flood. Then we had a Colorado low, which led to the flood of the century. I was in opposition at the time and we never attacked the forecasting staff in a way in which we have seen with the Water Stewardship critic now, the Leader of the Opposition.

There was excessive rainfall in Saskatchewan. The forecast changed. Our staff is doing their best job under very difficult—

Mr. Speaker: Order.

Point of Order

Mr. Speaker: The honourable Member for Ste. Rose, on a point of order?

Mr. Cummings: There were plenty of attacks from the opposition when the roles were reversed.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Points of order are to be raised to point out to the Speaker a breach of a rule or a departure of our practice. Points of order should never be used for a means of debate.

The honourable Member for Ste. Rose does not have a point of order.

* * *

Mr. Speaker: The honourable Leader of the Official Opposition now has the floor.

Mr. Murray: Thank you, Mr. Speaker. I think it is fair to say that when the minister responsible does not provide the proper resources and these issues rise then as much as he might want to defray it, the fact of life is, if there is an attack, I admit there is one and it is on that minister. That is what it is about.

Mr. Speaker, he has to take the responsibility for his department. He might want to slough it off in the hopes that somehow others will be held responsible. There is only one person responsible when these issues come forward. It is the minister of the department. This government has a history. We have seen it in Child and Family Services. We have seen it in Health and now we see it again in the Minister of Water Stewardship. It is slough it off on somebody else.

We are simply asking this minister: With these gross errors that happened under his watch, why is it that we see the incidence of it happening in the Assiniboine Valley? I would simply ask the Premier (Mr. Doer) if he will apologize to the residents of the Assiniboine Valley and commit today to developing a workable flood management strategy for this region. That is all we are asking, Mr. Speaker.

Mr. Ashton: Well, Mr. Speaker, once again, if members opposite, who have got to Orders of the Day a grand total of once this session, would care to even look at the budget let alone debate it, they

would see one of the key elements in the budget is more funding and more resources for the Department of Water Stewardship, and they are holding up that budget by refusing to debate it.

Mr. Speaker, I put on the record that the Shellmouth Dam, which is a very significant federal-provincial investment in the 1970s, is in fact preventing significant flooding this year. It is operated under the advice of an advisory committee, a broad representation throughout the valley.

The Member for Russell may wish to talk to the people about the advisory committee. We are operating in a way that is protecting many Manitobans, and it is irresponsible for these members to play politics with—

Mr. Speaker: Order.

Rural Flood Victims Government Compensation

Mr. Stuart Murray (Leader of the Official Opposition): Farmland in the Assiniboine Valley is going to be underwater for the next several weeks, making crop seeding unlikely this year. Based on their 1995 experience, seeding may not occur even in 2007. The people below the reservoir are victims of artificial flooding in their region. Designated, Mr. Speaker, would just protect larger communities such as Winnipeg, Brandon and Portage la Prairie. They face losses of personal property and high costs related to moving livestock, feed and supplies out of harm's way. In addition, they have yet to receive any compensation for flooding in 2005.

Mr. Speaker, will the Premier sit down and negotiate an agreement for the Assiniboine Valley similar to the 2003 agreement of the artificial flooding assistance that will be compensating farmers who become victims of artificial flooding?

Hon. Steve Ashton (Minister of Water Stewardship): Mr. Speaker, we have seen throughout the province, in virtually every lake, river, stream, significant levels this year, whether it be in terms of the Red River, whether it be the Carrot River, the Swan River, the Red Deer River, Red Deer Lake. We have seen those significant levels.

But, Mr. Speaker, before the Leader of the Opposition makes broad statements to that effect, he may want to look at the fact that without the Shellmouth Dam and its operation, there would have been significant flooding, and what the advisory committee supported was a controlled release that

still would not result in any additional flooding over the natural situation. I would suggest that the Leader of the Opposition perhaps gets his facts straight.

I know the other day he talked about Devils Lake releasing thousands of cfs into the Red River. Again, another inaccurate statement. Maybe he has one more Question Period to get it right.

Mr. Speaker: Order.

*(14:30)

Rural Flood Victims Government Compensation

Mr. Leonard Derkach (Russell): Well, Mr. Speaker, the Minister of Water Stewardship, in his second answer, just spoke a falsehood to all Manitobans and people in the valley. He said that it was the liaison committee that controls the dam. It is not. On April 13 of this year, Mr. Keith Perrin, who was on the liaison committee, called the department, called the minister and his office and asked about the danger of flooding. He was told that there would be no flooding this year and he was told that it would be difficult to fill the dam. This is two weeks ago. We have had no rain, no snow since that time.

Mr. Speaker, we do not blame the individuals of the department. It is the minister who has to accept this responsibility. So what is this government going to do? What is its plan for support and compensation to those residents and farmers whose lands and properties—

Mr. Speaker: Order.

Hon. Steve Ashton (Minister of Water Stewardship): Mr. Speaker, this is no different than the situation in the Red River Valley or north of the city of Winnipeg. Before members opposite, broad statements suggesting that there is artificial flooding, I remind them the Shellmouth Dam which was constructed in the early 1970s is operated in a way that also protects downstream by holding back. The controlled release is very much a part of the management. There is indeed, as the member knows, a committee that did indeed support the current operation procedures, and before the member opposite again puts forth any kind of false statements on the record, he should, I think, look at the operation of the Shellmouth. He knows about the history of it. I would invite him to sit down with our forecasting staff—

Mr. Speaker: Order.

Mr. Derkach: Mr. Speaker, flooding is occurring as we speak. Farmers and residents are concerned and feel that they are left without any support and without any help and, in fact, without any information. The Premier and his office refuses to speak directly with those who represent the residents, the farmers and those who are going to be flooded. As a matter of fact, the arrogance of the Premier's Office is so high that indeed farmers and those representatives were told that nobody has ever lost a crop on the 20th of June. The flood waters are coming, and this Premier does not even take enough interest to speak with the people who are representing farmers and residents.

I want to ask the Premier: Why is he refusing to deal with those victims who are being affected by this flood that we are seeing in the Assiniboine Valley?

Hon. Gary Doer (Premier): I think the member will know that the drawdown from the Shellmouth Dam was the second highest in the history of Manitoba. I think he also will know that it was some 50 millimetres of rain that came on the west side of the province, he would know that directly, a couple of weeks ago.

Mr. Speaker, we are concerned about everyone who is affected by flooding including the farmers in the adjacent area. I know that in the 1997 flood there was a lot of concern about whether farmers could get their crops in the ground. I think the crest at the time was early May, and, of course, the crops in '97 were very, very positive in the Red River Valley after the flooding. Anybody who is flooded— *[interjection]*

Mr. Speaker: Order.

Mr. Doer: Anyone who is flooded in this province is a concern of the government and a concern of every member in this Legislature. I want to say to the people in the area that all assistance will be provided.

I would point out that the crop insurance now includes, for the first time ever, crops that are not seeded because of excessive moisture. I know we put a considerable amount of effort into that area, and I do try to meet with everybody in this province. I will try to meet with the members adjacent to the Shellmouth Dam.

Mr. Speaker: Order.

Point of Order

Mr. Speaker: The honourable Minister of Water Stewardship, on a point of order or a matter of privilege?

Mr. Ashton: Yes, Mr. Speaker—

Mr. Speaker: On a point of order or a matter of privilege?

Mr. Ashton: On a point of order, Mr. Speaker.

Mr. Speaker: Okay.

Mr. Ashton: I do appreciate the role that opposition House leaders have to play in this House, but I do ask the Opposition House Leader to not make comments such as you are a fool, you are an idiot, from his seat. I am quite prepared to answer questions. I know we do get heated in this House at times, Mr. Speaker, but I do ask that you ask the Opposition House Leader to come to order. I do believe on occasions in the past I have been asked to come to order when I get a little bit heated in my comments in this House.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. I will have to take the matter under advisement because I will have to check Hansard—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. I am making a ruling.

I would like to remind members, once again, points of orders and matters of privilege are the two most important situations that can arise in this House. A point of order is raised or a matter of privilege when an individual's rights are being obstructed or denied. They are very important and I am making a ruling and I ask the members for their co-operation in this.

On the point of order raised by the honourable Minister of Water Stewardship, I will take the matter under advisement because I will have to check Hansard to see what is recorded, and I will bring a ruling back to the House.

The honourable Member for River Heights has the floor.

Child Welfare System Review Terms of Reference

Hon. Jon Gerrard (River Heights): Mr. Speaker, over a month ago I asked the government for the terms of reference for the external review of Child

and Family Services. I was informed the government had a press release, hardly a terms of reference.

Yesterday, I asked the Premier (Mr. Doer) if he would table the terms of reference. He was clearly flummoxed and could not table it. This is important, Mr. Speaker. Who can present information for the review process? Will the review process be a secret one behind closed doors or will it be open? Can members of the public with important information present? Will the June report be made public immediately it is available? If not, why not?

I ask the Premier today: Will he table the terms of reference for the review or is it a hypothetical review?

Hon. Christine Melnick (Minister of Family Services and Housing): Well, Mr. Speaker, I have the news release to table for the House. When I was asked over a month ago by the Member for River Heights, I looked at him and I said, I am assuming you got the press release. He indicated that he had.

It is interesting, Mr. Speaker, that it has taken him over a month to raise this question. This shows that the Member for River Heights is not interested in finding out what happened and making the changes. He wants to further politicize this. He wants to denigrate the professionals that we have asked to do this very serious work. I table this for the member today. I hope he will read it.

Mr. Speaker: Time for Oral Questions has expired.

Speaker's Ruling

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

Following the daily prayer on April 13, 2006, the honourable Member for Inkster (Mr. Lamoureux) raised a matter of privilege regarding answers provided in the House by the honourable ministers of Finance and Industry, Trade and Mines on April 12, answers that the Member for Inkster asserted were purposely misleading. At the conclusion of his comments, the honourable Member for Inkster moved "THAT this matter be referred to the Standing Committee on Legislative Affairs and that both Ministers be requested to apologize." The honourable Government House Leader (Mr. Mackintosh) and the honourable Deputy Official Opposition House Leader also offered advice to the Speaker. I took the matter under advisement in order to consult the procedural authorities.

* (14:40)

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 Inkster 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 that in raising his matter of privilege, the honourable Member for Inkster provided a definition of prima facie which states that privilege is a complaint that contains all necessary legal evidence for recognized cause of action and will suffice until contradicted and overcome by the defendant's evidence.

I would suggest to the honourable Member for Inkster that he is looking at a definition of prima facie from a legal perspective that would probably be used in the courts; however, in the Legislature, we deal with a definition of privilege that is more appropriate to the parliamentary context. Maingot defines parliamentary privilege on page 221 of the second edition of *Parliamentary Privilege in Canada*: A prima facie case of privilege in the parliamentary sense is one where the evidence on its face as outlined by the member is sufficiently strong for the House to be asked to debate the matter and send it to committee to investigate whether the privileges of the House have been breached or a contempt has occurred and report to the House. Marleau and Montpetit on page 262 of *House of Commons Procedure and Practice* defines prima facie as meaning "at first sight" or "on the face of it." Therefore, these definitions form the guideline of what Speakers follow when determining whether a prima facie case exists.

Concerning the specific case that the honourable Member for Inkster has raised, this is a similar issue that has been raised in our Legislature many times over the years. The first test that a Speaker must apply when such a claim comes up is whether or not the member raising the matter of privilege has provided specific proof of intent to mislead on the part of the member in question. Speakers Phillips, Rocan and Dacquay have, in previous rulings, cited

the necessity for specific proof to be provided on the record that the member purposefully and deliberately set out to mislead the House. Speaker Dacquay went as far as to advise the House that, without a member admitting in the House that he or she had the stated goal of misleading the House when putting remarks on the record, it is next to impossible to prove that indeed a member had deliberately intended to mislead the House. In the words of the federal Standing Committee on Procedure and House Affairs in its 50th report: Intent is always a difficult element to establish in the absence of an admission or a confession. In the case raised by the honourable Member for Inkster, I have perused Hansard and found no admission by the honourable ministers of Finance or Industry, Trade and Mines that they purposely were setting out to mislead the House.

The procedural authorities also offer commentary on the issue of misleading the House. Joseph Maingot makes the point on page 241 of the second edition of *Parliamentary Privilege in Canada* that allegations that a member has misled the House are in fact matters of order and not matters of privilege. In addition, when Manitoba Speakers have been asked to rule on whether matters of privilege involving the alleged misstatements by members or the provision of misinformation or inaccurate facts by ministers, Speakers Phillips, Rocan and Dacquay have ruled that such situations appeared to be disputes over facts, which according to *Beauchesne* Citation 31(1) does not fulfill the criteria of a prima facie case of privilege.

Furthermore, it has been ruled in the Canadian House of Commons and also in this Legislature concerning cases of whether or not answers offered by ministers are false in comparison with other information, it is not the role of the Speaker to adjudicate on matters of fact. Instead, this is something that is left up to the House to form an opinion on.

I believe what we have here is a case of a disagreement with the government, and of course in parliamentary democracies, members can disagree with the government in power and express this disagreement through a variety of means, including but not limited to questions, statements and debate. However, in this instance, a prima facie case of privilege has not been demonstrated. I would therefore rule with the greatest of respect that the matter raised is not in order as a prima facie case of privilege.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, with respect, I would challenge your ruling.

Mr. Speaker: Does the honourable member have support?

Some Honourable Members: No.

Some Honourable Members: Yes.

Mr. Speaker: Okay, the honourable member has support. 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. Lamoureux: Yes, Mr. Speaker, I would request Yeas and Nays, please.

Mr. Speaker: Does the honourable member have support?

Some Honourable Members: Yes.

Mr. Speaker: The honourable member has support. 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.

Division

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

Yeas

Allan, Altemeyer, Ashton, Bjornson, Brick, Caldwell, Chomiak, Dewar, Doer, Irvin-Ross, Jennissen, Jha, Korzeniowski, Lathlin, Lemieux, Mackintosh, Maloway, Martindale, McGifford, Melnick, Nevakshonoff, Oswald, Reid, Robinson, Rondeau, Santos, Schellenberg, Selinger, Smith, Swan.

Nays

Cullen, Cummings, Derkach, Driedger, Dyck, Eichler, Faurschou, Gerrard, Goertzen, Hawranik, Lamoureux, Mitchelson, Reimer, Rowat, Stefanson, Taillieu.

Madam Clerk (Patricia Chaychuk): Yeas 30, Nays 16.

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

MATTER OF PRIVILEGE

Mr. Speaker: The honourable Member for River Heights, on a point of order or a matter of privilege.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I rise on a matter of privilege.

Mr. Speaker: Okay. The honourable Member for River Heights, on a matter of privilege.

Mr. Gerrard: Mr. Speaker, I rise on a matter of privileges, and there are two things, clearly, which need to be considered: first, that it is raised at the earliest possible time; and, second, that there is a prima facie case of privilege.

The matter of which I speak is the tabling by the minister of what she presented as a terms of reference when it is really just a press release, and it is missing so many ingredients of a normal terms of reference that it just cannot be considered as a terms of reference at all. I will go into detail as why this is a prima facie case of privilege in just a moment, but this is raised at the earliest possible time because this was a matter that occurred just before your ruling, and this is the first opportunity that I have had to rise now and raise this as a matter of privilege.

As you are well aware, Mr. Speaker, a matter of privilege is a most serious matter. So I ask you to take this in consideration, and I would refer to this book, Marleau, which is the *House of Commons Procedure and Practice*, which is one of the books that we use, Marleau and Montpetit, for evaluating the rules and procedures on which we work in this House.

* (15:50)

I would refer you to, first of all, page 67: "The House also claims the right to punish, as a contempt, any action which, though not a breach of a specific privilege, tends to obstruct or impede the House in the performance of its functions" or "obstructs or

impedes any Member or Officer of the House in the discharge of their duties."

I would also, Mr. Speaker, refer you to page 86, where Speaker Fraser stated: "The privileges of a Member are violated by any action which might impede him or her in the fulfilment of his or her duties and functions."

Thirdly, I would refer you to page 95 of Marleau and Montpetit, where it is stated very clearly that, in addition to the privileges and immunities of individual members, "the privileges and powers of the House of Commons as a collectivity do not lend themselves to specific definition. The privileges needed by the House to perform its constitutional duties require the power to protect itself," and "the House of Commons enjoys very wide latitude in maintaining its dignity and authority through its exercise of contempt power."

So, in looking at these specific findings of a matter of contempt and the impeding of members in performing their duties and the broad powers of the House in maintaining order and making sure that there is a proper functioning of this Legislature, I want to raise the specific matters in order of which I speak. After I have raised those matters, I will then go on to address the question which, as Mr. Speaker, you have often noted, is that the question is whether the minister deliberately misled the House or whether there was some other reason that the minister, in this case, tabled a press release instead of a terms of reference. Even though she claimed that it was a terms of reference, what was tabled was very clearly a press release.

Now, let us look at the matter. This is a matter which is quite important because we are not able to do our duty here properly in monitoring and improving the situation in Child and Family Services. One must remember we are dealing with a situation where some 31 children have been killed who were in care or shortly after leaving care during the last six years. So it is a very, very serious matter.

Here we are, we have a review which was called more than a month ago. I had asked at the time for a terms of reference. I thought that, when the minister had said that there was a press release, she was not actually being serious in thinking that this was a full terms of reference. I had waited to give her some time to present the full terms of reference and to make sure that such full terms of reference were

clear to people who wanted to help out and participate and present information which would be very helpful to this external review.

Now, let us look at some of these issues. A terms of reference certainly would have to deal with whether or not the co-chairs—there are three co-chairs, we have got that, Manitoba Ombudsman Irene Hamilton, the Children's Advocate, Billie Schibler, and Michael Hardy, who is the executive director of Tikinagan Child and Family Services of Sioux Lookout. But the question here is: Will or can the three co-chairs hold public hearings, or is this going to be all behind closed doors in a fashion that the information is going to be very limited in terms of what actually gets to the co-chairs?

I have read this several times. It says the review will examine the following areas and provide recommendations, but it does not say anything about whether or not there will be any public hearings or there will not be public hearings. How can you have a rational terms of reference if there is no indication of whether there will be public hearings or not?

Second, it is clear to people who have been contacting me and wish to provide information that, regardless of whether or not there are public hearings, the second issue which has to be clarified in a terms of reference is how do members of the public who wish to provide information provide information. Are they supposed to send letters or e-mails or phone calls or do they appear somewhere?

There are clearly some issues here under the circumstance of privacy. What are the constraints of privacy? There are here clearly some issues that have to be dealt with in terms of confidentiality, who can say what and whether people who present information will be protected.

Manitoba does not have appropriate whistleblower legislation at the moment. The government is talking about the possibility of introducing some, but we have not even seen the bill. We do not know whether it will cover this, whether it has any relevance to this inquiry, whether indeed it might be passed, and this commission, this review, is to report in June.

So here we are; already more than a month has passed. We do not have legitimate, appropriate and proper terms of reference, so people who have information who would like to present it, would like to provide information, would like to be helpful to the government are not being allowed to do so

because there are no terms of reference. They do not know whether they need a lawyer or not. They do not know what they can say, what they cannot say. They do not know whether they are going to be protected in terms of the information they provide because, indeed, as many have pointed out to me, people who are employed by Child and Family Services have to sign a confidentiality agreement.

What are the circumstances here? This is a commission, a review. The question here for people is in the terms of reference. There should be some details about what people who are employed by Child and Family Services are allowed to say or not say. We all know that there have been real constraints on bringing problems out into the open because of a shroud of secrecy, some of which may be necessary in terms of the management and the operations of Child and Family Services.

But, Mr. Speaker, in order for this review to be properly conducted, there has to be a proper terms of reference. Clearly, if we do not have a proper terms of reference, everyone in this House is being impeded in their ability to do their duty, to make sure that the appropriate information is coming forward so that the children who have died can be, let us say, assessed in a way that is going to make a big difference in the future so that we are going to prevent such killing of children in care in the future.

So this is rather important information that should be had. Already in a terms of reference for a committee one would expect the details of the funding and the support to the committee to be made public. There is nothing here in terms of funding details provided, either with respect to the funding that is going to be provided for the co-chairs or as to whether or not there is going to be funding provided for interveners or others on this question. These are legitimate components of a proper terms of reference, Mr. Speaker, and, in order for us to do our duty, to be able to help and improve the situation for children, we need to know these details.

* (16:00)

We are told in this news release that there is to be a report which is to be provided by June, an interim report to the minister. But we have no details which should be in a terms of reference over whether this report will be made public, made available to the members of the Legislature. Quite frankly, a lot of people are not interested in providing information if

they do not know if this is going to be a public document, that this information is actually going to get out to people in the Legislature.

So I think, Mr. Speaker, that you can understand, and I think I have made the point adequately that what was tabled is clearly not a terms of reference. What was tabled was a press release with sketchy details about what the minister was going to set up, and there is a big difference.

Now, the question that we now have to answer, and this is a very important one in terms of a matter of privilege, as you yourself have acknowledged, and that is the question: Did the minister deliberately mislead the House, or was there some other reason that the minister did not provide a proper terms of reference? Now this is a very important issue as, Mr. Speaker, you yourself have pointed out, and it needs to be considered very carefully.

Let me tell you the options. First of all, it was not just an accidental mistake. That is very clear, because the minister was asked to provide the terms of reference more than a month ago, and she said, I have a press release, came back after she had lots and lots and lots of time to consider what she was doing.

I asked yesterday the Premier to table the terms of reference, and he clearly was unable to do so. Today, instead of tabling the terms of reference, the minister came forward with a press release, and it is the same press release that the minister referred to more than a month ago. Indeed, it is dated March 20, 2006, and it is clearly not a terms of reference. It is clearly a press release.

Anybody who has passed through, I would say, about Grade 3 or 4 would be far enough along to know that there is a substantial difference between a press release and a terms of reference. Let us give people even a little bit more than that. Suppose that you had to get to Grade 6 or 7 or 8 or 9 or 10, then it would be very, very apparent to anybody in high school that there was a big difference, with a high school education, between a press release and a terms of reference.

Let us take this further, somebody who has been in this Legislature, somebody who has not only been an MLA, has had months and years of experience as an MLA, has been a minister, would clearly know the difference between a press release and a terms of reference. Clearly, this is not an accident. I mean, anybody can see that this is not an accident.

So the question is, was this done deliberately or is there some other reason? The only other reason that I can think than deliberately tabling something which was inadequate, insufficient, inappropriate and misleading the House—the only other reason than deliberately misleading this House is gross incompetence.

So I suggest to you that you look very carefully when you make your ruling because you have a choice. You can decide that this was deliberately misleading the House, or you can decide that this was gross incompetence on the part of a minister. We will make our own judgment based then on your ruling, Mr. Speaker. The issue here is clearly the difference between a press release and a terms of reference, and, as I have outlined, this clearly was totally inadequate, totally insufficient, totally inappropriate in terms of a terms of reference. This is a press release.

I have looked at this and I do not believe it says here, anywhere, that this is a terms of reference. It does not even pretend to be a terms of reference. It says very clearly News Release, Manitoba News Media Services, and it is formatted just like a press release. It does not say that it is a terms of reference. It does not pretend to be a terms of reference. It does not propose to be a terms of reference, but the minister has tabled it as a terms of reference.

So the question here is—it is not a question. The minister has misled this House. There is just no doubt about it. The question is whether the minister deliberately misled this House or whether the minister was grossly incompetent as a minister in understanding the difference between a press release and a terms of reference.

Mr. Speaker, I move, seconded by the MLA for Inkster, that this matter be referred to a standing committee of this House.

Mr. Speaker: The honourable Member for Morris, on the same matter of privilege.

A matter of privilege should be dealt with at the earliest opportunity, and whether a prima facie case has been established, it is not the time for debate.

Mrs. Mavis Taillieu (Morris): I want to support the Member for River Heights (Mr. Gerrard) in his matter of privilege, because I do believe he has raised it at the most appropriate time, being right after the minister gave answers to the questions, which were actually non-answers.

Certainly, the notion of this being a press release—it is a press release; it is not a terms of reference. I feel that, as the critic responsible for Family Services and Housing, and particularly in this matter of child welfare, which is a very serious matter, one which I take very seriously, I feel that my abilities and duties have been obstructed as the critic for Family Services because I have been unable to get answers to questions from this minister. Certainly, the idea of a press release being a terms of reference, Mr. Speaker, is ridiculous.

After we learned of the tragic death of Phoenix Sinclair on May 13, it took one week and repeated calls from the opposition, Mr. Speaker, for the minister to actually announce any reviews through press release. On that day, on March 20, we asked her. She announced that she was calling an external review, so on that day, April 20, we asked her in Question Period: When will she call it? Who will be conducting it? Will it be made public? What are the parameters of this review? Can she table it? That was the day she announced the reviews. So to now come back today and say, here, this is a press release, and we are to assume this is a terms of reference. This is not a terms of reference.

On the next day, Mr. Speaker, we asked her in the Committee of Supply. We asked her about these reviews because there are many, many questions here: What are the terms of reference? How many staff were hired? Who is on the review team? What have they done to date? We asked on March 22. Are these the only members on the leadership team or are there others?

*(16:10)

The minister had said that the Children's Advocate and the Ombudsperson and Michael Hardy were on the external review committee. We asked: Are there others? The minister replied, these are the members of the leadership team. But in the press release, the review says the review will be carried out with the CEOs of the four Aboriginal Child and Family Services authorities and the Child Protection Branch, which will head up a team that will provide support for the review and its involvement in child welfare staff and management. So, Mr. Speaker, there are others on the external review, and, quite frankly, when there are people on there from the Child Protection Branch, it just begs the question, how independent a review is this.

We also asked her: When would people be hired to do this? When were they having face-to-face

meetings? But already no answers, no answers at all, Mr. Speaker. There are just so many questions around these reviews which require terms of reference to spell out to the people what these reviews are actually doing.

The news release leaves a lot of questions. For example, there is nothing in there to say what is the deadline for the internal review. Is there a deadline for the internal review? Is this just going to go on and on? Who is conducting these reviews? How are they doing it? What is the reporting structure? Are there minutes of these meetings? As the Member for River Heights has said, will these meetings be made public?

Certainly, in the press release, we are given a phone number. People have the opportunity to phone in, but when you phone that number, Mr. Speaker, you are getting right into the Department of Family Services. How many people are apt to call right in to the department when we do not have whistle-blower protection legislation? Who is going to do this? What ability do people have to come forward and tell their stories without fear of reprisal. The only way that we can do that is if we do it through the internal and external review. We have to have some terms of reference which spells out how that is to occur. The ideal way of doing it, of course, is through a fully independent public inquiry into the child welfare system.

Mr. Speaker, on April 6, I sent a letter to the minister, and I will table that letter. I have it here. I wrote to the Minister of Family Services (Ms. Melnick) on April 6 of this year, and I asked her, among other questions, to provide the terms of reference for the two reviews. Her response, on April 19, said that she had received my letter and staff were looking into it and a response would be forthcoming. It is now April 28. I have no response. Now, why do I not have a response? Well, there are either no terms of reference or there is negligence on the part of the minister or she is deliberately misleading the House to say there are terms of reference and there are not, or she is grossly incompetent.

Certainly, when I go back through every Question Period from March 14 until today, I look at the questions that have been posed to this minister regarding the reviews, regarding terms of reference, regarding what she is doing while the reviews are being conducted because, Mr. Speaker, as I did say,

one week in the life of an abused child is a very long time.

What is happening as we speak right now? We do not know that these committees are even meeting. We have asked for an update. We have asked for an update on what the authorities are doing. Now, the authorities had to go forward on their own, Mr. Speaker, and call for an accounting of the children in the child welfare system and those who had left the child welfare system. We are asking for a report on that. We do not even know that the minister is even involved in this, although she jumped in after the fact.

But we need to know, Manitobans need to know, exactly what the status of these reviews are. Are there terms of reference? What is happening with children in care? I cannot do my job as a critic of Child and Family Services, one who cares very deeply about the children in care in this province, if I cannot get the appropriate information on which to ask the questions, and, I think, and I feel, to provide assistance to the minister in doing the right thing in the child welfare system.

So, Mr. Speaker, repeatedly we have asked questions of this minister; repeatedly, this minister has not answered our questions. Clearly, if there is a terms of reference, she has been asked on the day that she announced the reviews to table them; she did not. She was asked on April 6 in a letter; I have not received them. She was asked again yesterday and today, and she says, well, she flippantly says, well, how come it takes you a month to ask these questions? A month I have been asking and asking and asking both in Question Period and in letters to the minister. I think the negligence is on the part of the minister for not responding to the questions in regard to the terms of reference.

Clearly, as the Member for River Heights (Mr. Gerrard) said, it does not take a Ph.D., it does not even take Grade 9 education, most people, most children even know what terms of reference are because a lot of kids go to Girl Guides, Boy Scouts, whatever, and they learn these kinds of things. They know anybody can tell you the difference between a press release and a terms of reference.

I feel, Mr. Speaker, that as the Member for River Heights has said, either the minister is deliberately misleading this House or she is grossly incompetent. Therefore, I fully support this matter of privilege and ask you to consider it.

Hon. Steve Ashton (Deputy Government House Leader): First of all, I want to say that I think it is unfortunate that the members opposite are using the vehicle of a matter of privilege in this case to attempt to put remarks on the record, Mr. Speaker, that certainly are not in keeping with parliamentary language, not in keeping with our rules and, I think, not in keeping with the facts or even the seriousness with which we should engage in any discussion or any debate surrounding any matter as important as child welfare in this province. I want to indicate that first of all.

Second of all, I want to indicate that clearly, Mr. Speaker, this is debate. This is an extension of various issues that have been raised in Question Period, and I note that there are many avenues open to members to raise these issues. If members opposite were not stalling on getting into Orders of the Day, we would be debating the budget right now, and the budget would allow for ample discussion of these particular matters.

* (16:20)

Mr. Speaker, grievances are available to members, and I point out that grievances are not attached to supply motions anymore because of rule changes in the last number of years. So members have that opportunity available. There are Opposition Day motions available in which members, if they feel serious about matters, can raise those matters, matters of urgent public importance where members can attempt to persuade you of urgency in debate. What we saw here was essentially an attempt by members of the opposition to tactically use a matter of privilege to, in essence, debate items coming out of Question Period. Clearly, they did not even attempt to establish a prima facie case of privilege.

Mr. Speaker, I think it is really unfortunate that we are now seeing this particular issue used tactically. I have seen other issues, and I want to indicate, if I was somewhat heated in Question Period earlier, it is for a reason. Perhaps I should have been less heated in some of my comments back and forth, and then as I do really take offence when we have certain tactical measures taken on very serious matters, whether it be the crystal meth as was discussed earlier or now in terms of child welfare in this. You know, members opposite had the opportunity to present their views on a matter of privilege. I do think it is unfortunate in this particular case that members opposite—how many days have they been ringing the bells?

An Honourable Member: Not enough.

Mr. Ashton: Not enough, they say, Mr. Speaker, bells have been rung in this House. Of course, this is an interesting one where I find that members opposite now have decided to tactically take the approach that they are going to ring the bells, hold everything up, because it is going to pass anyway, the end of June. An interesting approach because, quite frankly, why would they not just discuss and debate the budget and deal with matters such as this in Question Period right now? Why would they not do that? I have been saying the members opposite have been tactically firing duds because, quite frankly, you know, we saw today some attempt to shift tactically from where they have been. But the reality is, after a period of time, a successive use of any tactic that is devoid of strategy, in this particular case, one more matter of privilege, I think it starts to get to the point where the members of the public will be asking some real questions.

I realize not everybody follows the Legislature all that closely. A lot of my constituents do not exactly watch tapes of Question Period on a daily basis. But, you know what? I did hear this weekend about the bell-ringing, and most people did not quite get the connection. They just did not get the tactics that members opposite were using and their proposed strategic goal, Mr. Speaker. We are seeing it again today here. I mean, this is not about child welfare. This is about one more tactical way of ringing the bells. One more attempt to take up the time of the Legislature.

Mr. Speaker, I do take real offence, as a member of the Legislature and a citizen of this province, at the degree to which members opposite have chosen to politicize matters I believe that should, wherever possible, be above partisan politics. There can be no doubt. I heard the critic speak. I think the comments in the matter of privilege were nothing more than an excuse to again attack the minister, again put on the record.

Mr. Speaker, I would note, and I hope you will be able to peruse Hansard, there were repeated statements that in and of themselves are clearly unparliamentary language. I would suggest, in the guise of a matter of privilege in this particular case, those comments were extraneous and did not do anything other than allow members again to put on the record these kinds of comments.

Mr. Speaker, the fact is we are dealing with a very difficult situation as a government, as members

of the Legislature. We do have an independent review taking place, and we do have very highly qualified professionals. They are part of that. The minister, I think, has taken very direct responsibility. We have, as a government. I hope that all members of the Legislature will because, certainly, child welfare matters should always be of prime concern. We should attempt, wherever possible, to be accurate.

I could go to some length, Mr. Speaker, and point out the degree to which members of the opposition have tried to tie an issue such as devolution in child and family agencies, when those matters are clearly not related to the particular case. I think that is important because, quite frankly, we owe it to the many dedicated professionals out there, and the many people that are very concerned in this province, not just who are involved in the direct delivery of service under the system, but, obviously, all of us who do care about children in this province that we try, wherever possible, to take out the immediate partisan politics. I find it regrettable, what I have seen on issues of crystal meth just this day. I find it regrettable that members opposite are using one more tactic in this particular case on a matter as serious as Child and Family Services.

I point out that at no point has there been any real attempt to establish a prima facie case. Clearly, this is a dispute over the facts. I might suggest, the problems with the facts in this particular case probably, I think, lie as much with members of the opposition who on a number of occasions have not helped with our getting to the bottom of what has happened in terms of Child and Family Services in this province. So, I would suggest, not only is this not a matter of privilege, they have clearly not established a prima facie case, Mr. Speaker, but it is unfortunate that their tactic of obstruction in this House is now being applied to a matter as serious as this.

I would urge, once again, all members of this Legislature and members opposite to get off the partisan track, the attacks on the minister. The real issue here is finding out, getting to the bottom of what has been happening. It is finding out all of the details. The real issue is the children of this province. That, of all things, should be something that should unite all of us. That should be above partisanship. Unfortunately, this matter of privilege is, by its inherent nature, nothing more than partisan debate, clearly, not a matter of privilege.

Mr. Speaker: On the matter of privilege raised by the honourable Member for—[*interjection*]

Okay. The honourable Official Opposition House Leader, on the same matter of privilege. Go ahead, the honourable Official Opposition House Leader.

Mr. Leonard Derkach (Official Opposition House Leader): I will try to keep this as short as possible, Mr. Speaker. [*interjection*] But, of course, if I am encouraged, I could go on at length.

Mr. Speaker, to the Minister of Family Services (Ms. Melnick), who should know a little better, I can assure her that our caucus is always working. We have not only our position on legislation prepared, we have our positions on the Estimates prepared. We have our resolutions prepared. All the government has to do is call two public inquiries, one into the Crocus scandal, one into Family Services, and the world will then unfold as it should.

But, Mr. Speaker, I want to respond to the Minister of Water Stewardship (Mr. Ashton), or the acting Deputy House Leader, who stood up a moment ago and spoke about the conduct and what the opposition is doing. Well, he is the last one who should be offering any kind of advice or lecture to this Assembly because during the MTS debate it was he who joined the now-House Leader (Mr. Mackintosh) in all kinds of exhibits and profanity, exclamations if you like, during that debate. It was he who engaged in all kinds of tactics, including having his entire caucus stand at the back of the Legislature here when the vote on the motion came. So I do not think any of us need to take any advice or any lectures from the Minister of Water Stewardship. He would be well served to pay attention to what is happening in this province with regard to the flooding that is occurring in the south and in the west of the province.

But, Mr. Speaker, this matter of privilege is important because false information has been provided to this Legislature. The Member for River Heights (Mr. Gerrard) has, indeed, put accurate information on the record, and has indicated very clearly why this is a matter of privilege. Now, sometimes, we can say matters of privilege are disputes in the House, but this goes beyond that, because if we allow this kind of activity to continue in this Legislature, who will have any, any credibility when they walk out of this House in terms of legislators and what they do and what they say in this

House, especially when you have it coming from the government and a minister.

(16:30)

People rely on these individuals, these leaders, these people of power to be truthful, honest and to ensure that without fear or favour they carry out their responsibilities. Mr. Speaker, that has not been the case here. The Minister of Family Services, in my view, has compromised herself. This government has compromised itself. This government has put false information on the record. We have proven that time and again. Although we in this Chamber say, well, that is a dispute over the facts, the public that are watching, the public that are reading the Hansards, understand what is going on, and each day they lose more and more faith in this government. This government is now teetering on the brink of disaster because the public of Manitoba will not tolerate this.

It is not often that opposition wins government. Oftentimes, it is government that loses government. We are there. We are there in spades. This government, in my view, has lost the confidence of Manitobans. It has lost the confidence of the people of this province in the way that it has conducted itself.

Now, Mr. Speaker, the Minister of Education (Mr. Bjornson) would be well advised to keep quiet in his place because, indeed, he cannot even decipher between what is fact and fiction. When he gets up in his place, he does not even know how to answer a question. So he has got a lot to learn. He is a newbie in this Legislature and he has still got a lot to learn.

So, Mr. Speaker, I think the Member for River Heights (Mr. Gerrard) was justified in what he has put on the record. He is justified in a matter of privilege. I look forward to your ruling on this matter of privilege. Thank you.

Mr. Speaker: Okay, a matter of privilege is a serious concern. I am going to take this matter under advisement to consult the authorities and I will return to the House with a ruling.

Point of Order

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

Mr. Kevin Lamoureux (Inkster): On a point of order, Mr. Speaker.

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

Mr. Lamoureux: Yes. Mr. Speaker, on numerous occasions you have talked about the importance of matters of privilege and points of order. I would ask you as the Speaker if it is appropriate when a matter of privilege is raised for the mover of the motion, generally speaking, from what I can tell from all matters of privilege, remains in a chair and listens to hear what the government has to say and so forth. Then we heard others comment on the matter of privilege.

Well, what was interesting is the government member that commented on the matter of privilege, one has to be careful, but I do not believe the person that spoke on behalf of the government was listening at all to what was being said. I do not believe that that is very respectful of matters of privilege. That others that are not going to participate in the discussion or not wanting to listen, that is one thing, but for those individuals that are participating, one would say that they should be listening. I know for a fact, for a good portion of what some members were talking about, the government representative that spoke was not listening, Mr. Speaker.

Mr. Speaker: On a point of order raised by the honourable Member for Inkster, it is not up to the Speaker's responsibilities to ensure that members are listening to other comments. I am sure that all members, wherever they may be, I am sure will listen very, very carefully if they are in the back part of the room or wherever they may be. I am sure they will be paying close attention. But that is not for me to decide, whether a member should listen or should not listen. So the honourable member does not have a point of order.

Mr. Lamoureux: Mr. Speaker, with respect, I would challenge your ruling.

Mr. Speaker: Does the honourable member have support?

Some Honourable Members: Yes.

Mr. Speaker: The honourable member has support. 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 supporting the sustaining of the ruling of the Chair, say nay.

Some Honourable Members: Nay.

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

Formal Vote

Mr. Lamoureux: Please?

Mr. Speaker: Does the honourable member have support?

Some Honourable Members: Yes.

Mr. Speaker: Okay, the honourable member has support. 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

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

Nays

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

Madam Clerk (Patricia Chaychuk): Yeas 29, Nays 18.

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

Mr. Speaker: The hour being past—oh, the honourable Government House Leader, on government business?

Is it the will of the House for the Speaker not to see the clock to deal with the matter? *[Agreed]*

House Business

Hon. Gord Mackintosh (Government House Leader): I would like to announce the Standing Committee on Legislative Affairs will meet on Tuesday, May 2, at 6:30, in order to consider the following reports: 2003 Annual Report of Elections Manitoba for the year ended December 31, '03, including the conduct of the 38th provincial general election, held June 3, 2003, and the administration of The Elections Act and The Elections Finances Act; and the Annual Report of Elections Manitoba for the year ending December 31, 2004, including the conduct of the Minto and Turtle Mountain by-elections dated June 22 and 29, 2004.

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* * *

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

Corrigenda

Vol. LVII No. 56 – 1:30 p.m., Wednesday, April 26, 2006, page 1656, the first paragraph of the Speaker's Ruling should read as follows:

Mr. Speaker: Order. Following Members' Statements on April 11, 2006, the honourable Official Opposition House Leader (Mr. Derkach) raised a matter of privilege regarding what he described as a

lack of ministerial response to written questions filed by the honourable Member for Charleswood (Mrs. Driedger). He concluded his remarks by indicating that he was prepared to move the following motion if a prima facie case of privilege was found to exist by the Speaker: 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, 65(5.1)(a) A Member may request that a Government respond to a specific question within 45 days by not indicating when filing his or her question. If such a response remains unanswered at the expiration of the said period of 45 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 days of such a referral 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 15 sitting days, and the report of the committee shall be deemed received by the House, and notwithstanding Rule 3(3), the motion to concur in the committee's report shall be deemed a prioritized resolution and placed at the bottom of the list in established Rule 31(4).

In the same volume on page 1657, the fifth paragraph in the first column should read as follows:

In addition, Joseph Maingot advises on page 14 of the second edition of *Parliamentary Privilege in Canada* that allegations of breaches of privilege by a member in the House that amount to complaints about procedures and practices in the House are by their very nature matters of order. He also states on page 223 of the same edition: A breach of the Standing Orders or a failure to allow an established practice would invoke a point of order rather than a matter of privilege.

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, April 27, 2006

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