



**LEGISLATIVE ASSEMBLY OF MANITOBA**

**VOTES AND PROCEEDINGS No. 2**

**THIRD SESSION, THIRTY-EIGHTH LEGISLATURE**

**PRAYERS**

**1:30 O'CLOCK P.M.**

Mr. Speaker presented:

Certificate of Election respecting Mr. Andrew SWAN, the newly elected Member for Minto.  
(Sessional Paper No. 1)

Mr. Andrew SWAN, Member for the Electoral Division for Minto, was conducted by Hon. Mr. DOER and Ms. IRVIN-ROSS, to the floor of the House in front of Mr. Speaker.

Hon. Mr. DOER then said:

Mr. Speaker, I have the honour to present to you Mr. Andrew SWAN, Member for the Constituency of Minto, who has taken the Oath and signed the Roll, and now claims the right to take his seat.

Mr. Speaker thereupon said:

On behalf of all Honourable Members, I wish to welcome you to the Legislative Assembly of Manitoba and to wish you well in your parliamentary career.

Mr. SWAN then advanced to the Chair, shook hands with Mr. Speaker and took his seat.

Mr. Speaker presented:

Certificate of Election respecting Mr. Cliff CULLEN, the newly elected Member for Turtle Mountain.  
(Sessional Paper No. 2)

Mr. Cliff CULLEN, Member for the Electoral Division for Turtle Mountain, was conducted by Mr. MURRAY and Mr. DERKACH, to the floor of the House in front of Mr. Speaker.

Mr. MURRAY then said:

Mr. Speaker, I have the honour to present to you Mr. Cliff CULLEN, Member for the Constituency of Turtle Mountain, who has taken the Oath and signed the Roll, and now claims the right to take his seat.

Mr. Speaker thereupon said:

On behalf of all Honourable Members, I wish to welcome you to the Legislative Assembly of Manitoba and to wish you well in your parliamentary career.

Mr. CULLEN then advanced to the Chair, shook hands with Mr. Speaker and took his seat.

---

Immediately following the Prayer, the House resumed contributions to a Matter of Privilege raised by Hon. Mr. GERRARD on November 22, 2004:

THAT this House finds the statement made by the current Minister of Health in the legislative Chamber on July 31, 2002 provided misleading information and, thereby directs the Minister of Health to apologize to the House, and all Manitobans, for his statements.

And Messrs. DERKACH and LAMOUREUX, Mrs. MITCHELSON and Hon. Mr. MACKINTOSH having spoken.

WHEREUPON Mr. Speaker informed the House that he has previously taken the matter under advisement.

---

Prior to Routine Proceedings, Hon. Mr. GERRARD rose on a Matter of Privilege and moved:

THAT this House finds the statements of the Premier and the Minister of Justice to be contemptuous and ones which go against the dignity of the House, and, thereby directs the Premier and Minister of Justice to apologize to the House, and all Manitobans, for these cavalier statements against Members of the Legislative Assembly and the people of Manitoba for whom they serve.

And Hon. Mr. DOER, Messrs. DERKACH, GOERTZEN and LAMOUREUX having spoken.

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

---

The following petitions were presented and read:

Mrs. TAILLIEU – Legislative Assembly of Manitoba to request that the Minister of Transportation and Government Services to consider paving Highway 200 between Highways 205 and 305 to ensure a smooth, safe and uninterrupted use of Highway 200. (M. Alarie, G. R. Alarie, H. Courcelles and others)

Mrs. DRIEDGER – Legislative Assembly of Manitoba to request the Provincial Government to consider redirecting administrative cost savings to front line health care workers and to treat front line health care workers with the respect they deserve and to consider supporting the Healthcare Employees' Pension Plan by not cutting pension benefits. (L. Bennet, A. Best, M. Loewen and others)

Mr. LAMOUREUX – Legislative Assembly of Manitoba to request the Legislative Assembly of Manitoba to consider recognizing the need to sit for a minimum of 80 days in any given calendar year. (A. Ruiz, C. Pagaduan, L. Caraney)

Mr. MARTINDALE, Chairperson of the Standing Committee on Crown Corporations, presented its Third Report, which was read as follows:

**Meetings:**

Your Committee met on Thursday, September 9, 2004 at 9:30 a.m. in Room 255 of the Legislative Building.

**Matters under Consideration:**

- Annual Report of the Manitoba Liquor Control Commission for the year ended March 31, 2001
- Annual Report of the Manitoba Liquor Control Commission for the year ended March 31, 2002
- Annual Report of the Manitoba Liquor Control Commission for the year ended March 31, 2003

**Committee Membership:**

Substitutions made prior to the September 9, 2004 meeting:

- Mr. FAURSCHOU for Mr. EICHLER
- Mr. CUMMINGS for Mr. MAGUIRE
- Mr. CULLEN for Mr. TWEED
- Ms. KORZENIOWSKI for Ms. IRVIN-ROSS
- Mr. DEWAR for Mr. JHA
- Hon. Mr. SMITH for Hon. Mr. MACKINTOSH
- Mr. REID for Mr. MALOWAY

**Officials from the Manitoba Liquor Control Commission Speaking on Record:**

- Carmen Neufeld, Chair
- Don Lussier, President & CEO

**Reports Considered and Adopted:**

Your Committee considered and adopted the following reports as presented:

- Annual Report of the Manitoba Liquor Control Commission for the year ended March 31, 2001
- Annual Report of the Manitoba Liquor Control Commission for the year ended March 31, 2002

**Reports Considered but not Adopted:**

Your Committee considered the following reports but did not adopt them:

- Annual Report of the Manitoba Liquor Control Commission for the year ended March 31, 2003

On motion of Mr. MARTINDALE, the Report of the Committee was received.

---

Mr. MARTINDALE, Chairperson of the Standing Committee on Justice, presented its Second Report, which was read as follows:

**Meetings:**

Your Committee met on Thursday, November 18, 2004 at 6:30 p.m. in Room 255 of the Legislative Building.

**Matters Under Consideration:**

- **Bill (No. 47) - The Legal Aid Services Society of Manitoba Amendment Act/Loi modifiant la Loi sur la Société d'aide juridique du Manitoba**

**Membership Resignations / Elections:**

Substitutions received prior to commencement of meeting:

- Mr. SWAN for Hon. Ms. OSWALD
- Mr. DEWAR for Mr. SANTOS
- Mr. GOERTZEN for Mr. CUMMINGS
- Mr. EICHLER for Mr. FAURSCHOU

**Public Presentations:**

Your Committee heard 10 presentations on Bill (No. 47) – The Legal Aid Services Society of Manitoba Amendment Act/Loi modifiant la Loi sur la Société d'aide juridique du Manitoba from the following individuals and / or organizations:

Ken Mandziuk	Manitoba Association for Rights and Liberties
Byron Williams	Public Interest Law Centre
Veronica Jackson	Manitoba Bar Association
David Joyce	Legal Aid Lawyers Association
Allan Fineblit	Law Society of Manitoba
Sheldon Pinx and Saul Simmonds	Manitoba Criminal Defense Lawyers Association
Michael Williams	Private Citizen
Sarah Inness	Private Citizen
Laura Friend	Private Citizen
Val McCaffrey	Private Citizen

**Bills Considered and Reported:**

- **Bill** (No. 47) – The Legal Aid Services Society of Manitoba Amendment Act/Loi modifiant la Loi sur la Société d'aide juridique du Manitoba

Your Committee agreed to report this Bill with the following amendments:

*THAT Clause 6 of the Bill be amended by adding the following after the proposed section 6:*

**Tariff review**

**6.1(1)** At least once every two years, the council must review the tariff of fees paid to solicitors for providing legal aid.

**Consultation with advisory committee**

**6.1(2)** The council must consult with the advisory committee when conducting the review.

**Report to minister**

**6.1(3)** The council must provide the minister with a report on the findings of the review. The report must set out any recommended adjustments to the tariff of fees and provide an explanation for any recommendation.

*THAT Clause 6 of the Bill be amended by adding the following after the proposed subsection 8(5):*

**Meetings**

**8(5.1)** The committee must meet at least four times each year. One of the meetings must be a joint meeting with the council.

**Executive director and chair to attend**

**8(5.2)** The executive director and the chair of the council must attend each meeting of the committee or send a delegate on his or her behalf.

*THAT Clause 6 of the Bill be amended by adding the following after the proposed section 8.1:*

**Information to advisory committee**

**8.2** The chair of the council must provide the advisory committee with the following information on an annual basis:

- (a) the number of applications for legal aid;
- (b) the number of applications approved;
- (c) the number of eligible applicants who requested the appointment of a specific solicitor to provide legal aid;
- (d) the number of eligible applicants who had legal aid provided by their requested solicitor.

*THAT Clause 7 of the Bill be amended in the proposed subsection 11(2) by striking out "An applicant" and substituting "In order to determine whether an applicant is, or continues to be, eligible to receive legal aid, the applicant".*

*THAT Clause 9 of the Bill be replaced with the following:*

9                    *Section 14 is replaced with the following:*

**No right to choose lawyer**

**14(1)**                The executive director or an area director must appoint a solicitor who is a registered member of the panel to provide legal aid to an eligible person or group.

**Consideration of request**

**14(2)**                In making the appointment, the executive director or area director must consider any request by the person or group for the appointment of a specific solicitor.

*THAT Clause 10 of the Bill be replaced with the following:*

10                    *Subsection 15(1) is amended*

*(a) by striking out "selected by or appointed for an applicant" and substituting "appointed to provide legal aid"; and*

*(b) by striking out "for that applicant" in the English version.*

On motion of Mr. MARTINDALE, the Report of the Committee was received.

---

Mr. REIMER, Chairperson of the Standing Committee on Public Accounts, presented its Fourth Report, which was read as follows:

**Meetings:**

Your Committee met on the following occasions:

- Tuesday, September 7, 2004 at 1:00 p.m.
- Wednesday, September 8, 2004 at 1:00 p.m.

All meetings were held in Room 255 of the Legislative Building.

**Matters under Consideration:**

- Provincial Auditor's Report on Compliance and Special Audits for the fiscal year ended March 31, 2001
- Public Accounts Volumes 1, 2 and 3 for the fiscal year ending March 31, 2002
- Public Accounts Volumes 1, 2, 3 and 4 for the fiscal year ending March 31, 2003

- Auditor General's Report – Value-for-Money Audit, Student Financial Assistance Program dated September 2002
- Auditor General's Report – Audit of the Public Accounts for the year ending March 31, 2002
- Auditor General's Report – An Examination of RHA Governance in Manitoba January 2003
- Annual Report of the Operations of the Office of the Auditor General for the fiscal year ending March 31, 2003
- Auditor General's Report – Follow-up on Previously Issued Recommendations on Business Planning and Performance Measurement Report dated December 2003
- Auditor General's Report – Audit of the Public Accounts dated March 31, 2003
- Auditor General's Report – Information Technology Report dated March 2004
- Auditor General's Report – Investigation of Hydra House Ltd. And a Review of the Related Department of Family Services and Housing Financial Accountability Framework, considered at the September 8, 2004 meeting by unanimous consent of the Committee

**Committee Membership:**

Substitutions made prior to the September 7, 2004 meeting:

- Ms. IRVIN-ROSS for Mr. SANTOS

Substitutions made by leave at the September 8, 2004 meeting:

- Mrs. ROWAT for Mrs. MITCHELSON

**Motions passed at the September 7, 2004 meeting:**

Your Committee agreed to the following motions:

*THAT the Committee consider reports as on the agenda until 3:30 p.m., and that at 3:30 p.m. the Committee move to consider the questions submitted by the MLA for Fort Whyte.*

*THAT when matters under consideration for a particular Public Accounts Committee meeting have been determined, that the Chair shall notify by letter, the administrative heads of organizations whose mandate relates to the Auditor General reports under consideration, requesting them to attend the meeting with such other officials from their organizations as they deem necessary to respond to questions the Committee may wish to ask them; and the above motion be referred to the House Leaders and the House Rules Committee for consideration; and request the Rules Committee report back to this Committee by September 30, 2004.*

**Motions passed at the September 8, 2004 meeting:**

Your Committee agreed to the following motions:

*THAT the Public Accounts Committee recommend to the House that PAC meet a minimum of 20 occasions each year and more often as required to clear up the backlog of reports before the Committee.*

*THAT the Public Accounts Committee recommend to the House that the Committee's Chairperson and Vice-Chairperson be given responsibility for determining when meetings are convened, proposing meeting agendas, and determining who to call upon to attend the meetings in order to answer questions from the members.*

**Officials Speaking on Record:**

- Mr. Jon Singleton, Auditor General of Manitoba
- Ms. Bonnie Lysyk, Deputy Auditor General and Chief Operating Officer

**Reports Considered and Adopted:**

Your Committee has considered and adopted the following reports as presented:

- Public Accounts Volumes 1, 2 and 3 for the fiscal year ending March 31, 2002

**Reports Considered but not Adopted:**

Your Committee has considered the following reports but did not adopt them:

- Provincial Auditor's Report on Compliance and Special Audits for the fiscal year ended March 31, 2001
- Public Accounts Volumes 1, 2, 3 and 4 for the fiscal year ending March 31, 2003
- Auditor General's Report – Value-for-Money Audit, Student Financial Assistance Program dated September 2002
- Auditor General's Report – Audit of the Public Accounts for the year ending March 31, 2002
- Auditor General's Report – An Examination of RHA Governance in Manitoba January 2003
- Annual Report of the Operations of the Office of the Auditor General for the fiscal year ending March 31, 2003
- Auditor General's Report – Follow-up on Previously Issued Recommendations on Business Planning and Performance Measurement Report dated December 2003
- Auditor General's Report – Audit of the Public Accounts dated March 31, 2003
- Auditor General's Report – Information Technology Report dated March 2004
- Auditor General's Report – Investigation of Hydra House Ltd. And a Review of the Related Department of Family Services and Housing Financial Accountability Framework, considered at the September 8, 2004 meeting by unanimous consent of the Committee

On motion of Mr. REIMER, the Report of the Committee was received.

---



Ms. BRICK, Chairperson of the Standing Committee on Social and Economic Development, presented its Sixth Report, which was read as follows:

**Meetings:**

Your Committee met on Monday, September 13, 2004 at 6:30 p.m. in Room 255 of the Legislative Building.

**Matters Under Consideration:**

- **Bill (No. 22)** – The Water Protection Act/Loi sur la protection des eaux

**Committee Membership:**

Your Committee elected Mr. DEWAR as the Vice-Chairperson.

Substitutions received prior to commencement of meeting:

- Mr. PENNER for Mrs. MITCHELSON
- Hon. Mr. ASHTON for Hon. Ms. ALLAN
- Hon. Mr. STRUTHERS for Hon. Mr. CHOMIAK
- Hon. Mr. BJORNSON for Mr. JHA
- Hon. Ms. WOWCHUK for Ms. OSWALD
- Mr. SWAN for Hon. Mr. SALE
- Mr. NEVAKSHONOFF for Hon. Mr. SELINGER
- Mr. CUMMINGS for Mrs. DRIEDGER
- Mr. EICHLER for Mr. PENNER
- Mr. DEWAR for Mr. NEVAKSHONOFF

**Public Presentations:**

Your Committee heard 15 presentations on Bill (No. 22) – The Water Protection Act/Loi sur la protection des eaux from the following individuals and / or organizations:

Bryan Ferriss and Peter Mah	Manitoba Pork Council
Ian Wishart	Keystone Agricultural Producers
Stuart Briese	Association of Manitoba Municipalities
Greg Bruce	Ducks Unlimited Canada
Betty Green	Manitoba Cattle Producers Association
Jim Stinson	Private Citizen
Jonathan Scarth	Delta Waterfowl
Allen Tyrchniewicz	Prairie Habitat Joint Venture
Robert Rodgers	Manitoba Conservation Districts Association
Gaile Whelan-Enns	Manitoba Wildlands
John Holland	RM of Springfield
Dan Benoit	Manitoba Metis Federation
Councillor Gord Steeves	City of Winnipeg
Glen Koroluk	Private Citizen
Elizabeth Fleming	Provincial Council of Women

**Written Submissions:**

Your Committee received 1 written submission for Bill (No. 22) – The Water Protection Act/Loi sur la protection des eaux, from the following organization:

Ted Ross

Roseisle Creek Watershed Association

**Bills Considered and Reported:**

- **Bill (No. 22)** – The Water Protection Act/Loi sur la protection des eaux

Your Committee agreed to report this Bill without amendment.

On motion of Ms. BRICK, the Report of the Committee was received.

Mr. Speaker presented:

Annual Report of the Legislative Assembly Management Commission for the fiscal year ending March 31, 2003.

(Sessional Paper No. 3)

Annual Report of the Legislative Assembly Management Commission for the fiscal year ending March 31, 2004.

(Sessional Paper No. 4)

Report of Amounts Claimed and Paid pursuant to subsection 38(1) of the Indemnities, Allowances and Retirement Benefits Regulation for the fiscal year ending March 31, 2004.

(Sessional Paper No. 5)

Hon. Mr. SALE presented:

Annual Report of the Department of Health including the Manitoba Health Services Insurance Plan for the fiscal year ending March 31, 2004.

(Sessional Paper No. 6)

Hon. Mr. BJORNSON presented:

Annual Report of the Department of Education, Citizenship and Youth for the fiscal year ending March 31, 2004.

(Sessional Paper No. 7)

**Tuesday, November 23, 2004**

---

During Oral Questions, Mr. DERKACH rose on a point of order regarding the words "so-called" spoken by the Honourable First Minister.

Hon. Mr. DOER voluntarily withdrew his remarks.

---

Following Oral Questions, Mr. DERKACH rose on a Matter of Privilege and moved:

THAT the Legislative Assembly adopt the motions that were passed by the Public Accounts Committee on September 7 and September 8, namely:

*THAT when matters under consideration for a particular Public Accounts Committee meeting have been determined, that the Chair shall notify by letter, the administrative heads of organizations whose mandate relates to the Auditor General reports under consideration, requesting them to attend the meeting with such other officials from their organizations as they deem necessary to respond to questions the Committee may wish to ask them; and the above motion be referred to the House Leaders and the House Rules Committee for consideration; and request the Rules Committee report back to this Committee by September 30, 2004.*

*THAT the Public Accounts Committee recommend to the House that PAC meet a minimum of 20 occasions each year and more often as required to clear up the backlog of reports before the Committee.*

*THAT the Public Accounts Committee recommend to the House that the Committee's Chairperson and Vice-Chairperson be given responsibility for determining when meetings are convened, proposing meeting agendas, and determining who to call upon to attend the meetings in order to answer questions from the members.*

And Hon. Mr. MACKINTOSH and Mr. LOEWEN having spoken.

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

---

Pursuant to Rule 26(1), Mrs. TAILLIEU, Messrs. ALTEMEYER, DYCK, SWAN and MAGUIRE made Members' Statements.

---

Mr. SCHELLENBERG moved, seconded by Ms. IRVIN-ROSS:

THAT the following address be presented to His Honour the Lieutenant Governor:

We, the Members of the Legislative Assembly of Manitoba thank your Honour for the gracious speech addressed to us at this Third Session of the Thirty-Eighth Legislature of Manitoba.

**Tuesday, November 23, 2004**

---

And a debate arising,

And Mr. SCHELLENBERG and Ms. IRVIN-ROSS having spoken.

And Mr. MURRAY speaking at 5:30 p.m. The debate was allowed to remain in his name

\_\_\_\_\_

The House then adjourned at 5:30 p.m. until 1:30 p.m. Wednesday, November 24, 2004.

Hon. George HICKES,  
Speaker.