



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 26

FIFTH SESSION, THIRTY-EIGHTH LEGISLATURE

PRAYER

1:30 O'CLOCK P.M.

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

(No. 21) – The Statutory Holidays Act (Various Acts Amended)/Loi sur les jours fériés (modification de diverses dispositions législatives)

(Hon. Ms. ALLAN)

(No. 217) – The Apology Act/Loi sur la présentation d'excuses

(Hon. Mr. GERRARD)

The following petitions were presented and read:

Mr. LAMOUREUX – Legislative Assembly of Manitoba to urge the Premier and his Government to consider improving and strengthening the Provincial Nominee Program in order to recognize and acknowledge how important immigration is to our province. (O. Reyes, T. Reyes, E. Reyes and others)

Mrs. TAILLIEU – Legislative Assembly of Manitoba to urge the Minister charged with the administration of The Liquor Control Act to consider allowing the owners of Headingley Foods to sell alcohol at their store, thereby supporting small business and the prosperity of rural communities in Manitoba. (P. Shuttleworth, M. Fodey, R. Juchnowski and others)

Mrs. DRIEDGER – Legislative Assembly of Manitoba to request the Minister of Health to consider developing a clear, immediate plan to address the ER doctor shortage and to consider taking all necessary steps to ensure the Grace Hospital emergency room does not close. (M. Debroni, B. Bjornson, K. Switzer and others)

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

Prior to Routine Proceedings on April 4, 2007, the Honourable Member for River Heights raised an alleged matter of privilege regarding the purported intentional and deliberate misleading of the House by the Honourable Minister of Finance on the subject of the Crocus Investment Fund. At the conclusion of his remarks, the Honourable Member for River Heights moved “THAT the Minister of Finance be replaced with a Minister who has not so deliberately misled this Chamber and the people of Manitoba.” The Honourable First Minister, the Honourable Leader of the Official Opposition and the Honourable Government House Leader also offered contributions to the Chair. I took the matter under advisement in order to consult the procedural authorities.

I thank all Honourable Members for their advice to the Chair.

There are two conditions that must be satisfied in order for the matter raised to be ruled in order as a prima facie case of privilege. First, was the issue raised at the earliest opportunity, and second, has sufficient evidence been provided to demonstrate that the privileges of the House have been breached, in order to warrant putting the matter to the House.

The Honourable Member for River Heights asserted that he 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 of privilege has been established, 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, many times, 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 Phillips made one such ruling, Speaker Rocan ruled this way seven times, while Speaker Dacquay made 9 such rulings. I, as Speaker have made 9 such rulings. 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 a Member had deliberately intended to mislead the House

The procedural authorities also offer commentary on the issue of misleading the House. Joseph Maingot states on page 241 of the second edition of *Parliamentary Privilege in Canada* that allegations that a Member has mislead the House are in fact matters of order and not matters of privilege. He also states on page 223 of the same edition that disputes between two Members about questions of facts said in debate does not constitute a valid question of privilege because it is a matter of debate. 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.

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

From his decision, Mr. LAMOUREUX appealed to the House,

And the Question being put, "Shall the ruling of the Chair be sustained?" It was agreed to, on the following division:

YEA

AGLUGUB	MACKINTOSH
ASHTON	MALOWAY
BJORNSON	MARTINDALE
BRICK	MELNICK
CALDWELL	NEVAKSHONOFF
CHOMIAK	OSWALD
DEWAR	REID
DOER	RONDEAU
IRVIN-ROSS	SALE
JENNISSEN	SANTOS
JHA	SELINGER
KORZENIOWSKI	SMITH
LATHLIN	STRUTHERS
LEMIEUX	SWAN 28

NAY

CULLEN	LAMOUREUX
CUMMINGS	MAGUIRE
DERKACH	MCFADYEN
DRIEDGER	MITCHELSON
DYCK	PENNER
EICHLER	REIMER
FAURSCHOU	SCHULER
GERRARD	STEFANSON
GOERTZEN	TAILLIEU..... 19
HAWRANIK	

Pursuant to Rule 26(1), Ms. BRICK, Messrs. EICHLER, JHA, DYCK and MARTINDALE made Members' Statements.

The House resumed the Interrupted Debate on the Proposed Motion of Hon. Mr. SELINGER:

THAT this House approves in general the budgetary policy of the government.

And the proposed amendment moved by Mr. MCFADYEN as follows:

THAT the Motion be amended by deleting all the words after “House” and substituting:

therefore regrets that this budget neglects many of the current and future needs of Manitobans by:

- (a) failing to set out a coherent plan to stem the flow of people out of Manitoba, after the loss of 35,000 Manitobans to other provinces since 1999; and
- (b) failing to make Manitoba a “have” province, reduce the debt and decrease the NDP government’s reliance on federal transfer payments; and
- (c) failing to implement taxation measures to make Manitoba competitive with other provinces; and
- (d) failing to entice businesses to come to Manitoba and spur economic and job growth while Manitoba now ranks seventh in job creation as it falls even further behind other jurisdictions; and
- (e) failing to address serious issues of crime such as auto theft, gang activity, and violent crime; and
- (f) failing to address chronic problems in health care, which has led Manitoba to be ranked 10th out of 10 provinces on health by the Conference Board of Canada; and
- (g) failing to address the emergency physician shortage that has crippled Manitoba hospitals and threatens to close more emergency rooms; and
- (h) failing to implement an effective strategy to reduce wait times for diagnostic testing, surgical procedures and appointments with specialists; and
- (i) failing to address the needs of farm families, increase slaughter capacity, develop a comprehensive biofuel strategy, and provide a sustainable plan for growth of agriculture and the rural economy; and
- (j) failing to declare a definitive end to the NDP government’s practice of raiding Manitoba Hydro’s revenues, which has negatively impacted the Crown Corporation’s financial position; and
- (k) failing to address the fact that the government’s mismanagement of the child welfare system has led to vulnerable children falling through the cracks; and
- (l) failing to embark on a long-overdue, science-based effort to clean up Lake Winnipeg, contrary to the Premier’s earlier promise that the environment “trumps all other issues” in government; and
- (m) failing to acknowledge that the NDP government’s inaction on the environment resulted in a 480,000 tonne increase of Manitoba’s greenhouse gas emissions between 2004 and 2005, the highest percentage increase in Canada; and
- (n) failing to make meaningful progress to ensure the strength and competitiveness of our post-secondary institutions; and
- (o) failing to provide clear information about the Spirited Energy campaign, the subject of yet another investigation of the NDP government by the Auditor General; and

(p) failing to be accountable to Manitobans for exorbitant cost overruns on the Floodway Expansion project and Manitoba Hydro office tower.

As a consequence, the Government has thereby lost the confidence of this House and the people of Manitoba.

And the proposed sub-amendment moved by Hon. Mr. GERRARD as follows:

THAT the amendment be amended by adding thereto the following words:

And further regrets that this budget also ignores the present and future needs of Manitobans by:

(q) failing to acknowledge that the province needs to stand shoulder to shoulder with Manitoba's First Nations and Métis Communities in responding to the major needs in the areas of housing, nutrition, wellness and other areas both by direct provincial action and by effectively calling the Federal Government to account for its shortcomings;

(r) failing to take adequate measures to protect children in the care of Manitoba Child and Family Services and to provide adequate transition to children in care so that they are not at high risk after leaving care;

(s) failing to provide an effective strategy to deal with child poverty;

(t) failing to provide Manitobans with the legal rights to timely, quality health care;

(u) failing to present an adequate approach to reduce phosphorous levels and algal blooms in Lake Winnipeg;

(v) failing to provide an adequate five year plan and the needed resources to address the child care needs of Manitobans;

(w) failing to provide adequate funding for the primary organization which provides provincial operating funding for health research the Manitoba Health Research Council;

(x) failing to provide a vision for rural communities and farm families outside of the City of Winnipeg;

(y) failing to provide adequate support for libraries in Manitoba – when libraries are one of the major building blocks needed to improve literacy in our province;

(z) failing to provide adequate support to municipalities and small farming operations to end the practice of winter spreading of animal manure and human bio-solids;

(aa) failing to make rapid transit a priority in the City of Winnipeg;

(bb) failing to install an environmental levy on cosmetic fertilizers containing phosphorous that continue to aggravate the algae problems on Lake Winnipeg.

Thursday, April 12, 2007

And the debate continuing on the sub-amendment,

And Mrs. MITCHELSON and Mr. SALE having spoken.

The debate was allowed to remain open.

In accordance with Rule 31(9), the Opposition House Leader announced that the Rural Job Loss/Centralization of Jobs Resolution will be considered next Thursday, April 19, 2007.

The House then adjourned at 4:29 p.m. until 10:00 a.m. Friday, April 13, 2007.

Hon. George HICKES,
Speaker.