

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.
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ROWAT, Leanne	Minnedosa	P.C.
SALE, Tim, Hon.	Fort Rouge	N.D.P.
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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, March 23, 2006

The House met at 1:30 p.m.

PRAYER

ROUTINE PROCEEDINGS

INTRODUCTION OF BILLS

Bill 31—The Animal Diseases Amendment Act

Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives): I move, seconded by the Minister of Intergovernmental Affairs and Trade (Mr. Smith), that Bill 31, The Animal Diseases Amendment Act, be now read a first time.

Motion presented.

Ms. Wowchuk: The amendment to this bill furthers the Province's preparedness for animal diseases by giving enhanced authority for animals to be destroyed in the event of a disease outbreak or a border closure. It also provides for further inspection powers for vehicles transporting animals and, further, information sharing as part of an increasingly integral animal health system.

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

PETITIONS

Funding for New Cancer Drugs

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

These are the reasons for this petition:

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

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

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

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

To request the Premier of Manitoba and the Minister of Health to consider accelerating the process by which new cancer treatment drugs are approved so that more Manitobans are able to be treated in the most effective manner possible.

This petition is signed by Norma Dodge, Ann Hoeksema and B.J. Arnason and 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—Public Inquiry Request

Mr. Glen Cummings (Ste. Rose): Mr. Speaker, I wish to present the following petition.

These are the reasons for the petition to the Legislative Assembly of Manitoba:

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

In 2001, Industry, Economic Development and Mines officials stated long-term plans at the Crocus

Investment Fund requiring policy changes by the government were cleared by someone in "higher authority," indicating political interference at the highest level.

In 2002, an official in the Department of Finance suggested that Crocus Investment Fund's continuing requests for legislative amendments may be a sign of mismanagement and issues 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, that Crocus Investment Fund never complied with those 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's 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:

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

I read this on behalf of Linda West, Bernie Bellan, Bob Nelson and many others.

Mr. Peter Dyck (Pembina): Mr. Speaker, I wish to present the following petitions and these are the reasons for this petition:

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

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

authority," indicating political interference at the highest level.

In 2002, an official from the Department of Finance suggested that Crocus Investment Fund's continuing requests for legislative amendments may be a sign of management issues and that an independent review of Crocus Investment Fund's operations may be in order.

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

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

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.

The signatures here are from Lynda Doerksen, Dawn Watkins, Alvin Kott and many, many others.

Crown Lands Office Relocations

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

These are the reasons for this petition:

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

Removal of these positions will severely impact the local economy. Removal of these positions will

be detrimental to revitalizing this rural agriculture community.

We petition the Legislative Assembly of Manitoba as follows:

To request the provincial government to consider stopping the removal of these positions from our community, and to consider utilizing current technology in order to maintain these positions in their existing location.

This petition signed by Harry Driedger, Ingar C. Johnson, Allen Robinson, and many, many others.

* (13:40)

Funding for New Cancer Drugs

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

These are the reasons for this petition:

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

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

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

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

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

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

Several other provinces have already approved these drugs and are providing them to their residents at this 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 Julie Hernandez, Jordan Cayer, Elizabeth Fahlman and many, many others.

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.

Signed by B. Solypa, W. Solypa, Beverley Blakesley and many, many others.

ORAL QUESTIONS

Child Welfare System Public Inquiry

Mr. Stuart Murray (Leader of the Official Opposition): Mr. Speaker, since learning of the tragic life and death of little Phoenix, three actions should have taken place: No. 1, the Minister of

Family Services (Ms. Melnick) should be removed or she should resign; action No. 2, immediate reviews of Phoenix's case and of the files of all children in care; and, action 3, a public inquiry.

*(13:45)

We are pleased that the government listened to our calls for the review, but we remain concerned about the safety, protection and care of children under the current minister. We are not confident, Mr. Speaker, that this minister has been or is currently doing her job.

Mr. Speaker, we remain firm in our view that a broadly mandated public inquiry into the case of Phoenix Sinclair and the delivery of child welfare in Manitoba generally is critical to ensure that children in need of protection receive that protection.

Yesterday, the member for Kildonan stated in this House, and I quote: The Premier said that he was prepared to do a public inquiry. I ask the Premier: Will he do that and call an independent public inquiry?

Hon. Gary Doer (Premier): Mr. Speaker, all of us concur about the tragic circumstances of Phoenix Sinclair, and there are two alleged charges of first degree murder that have been placed before the courts by the Royal Canadian Mounted Police.

Mr. Speaker, I would point out that in the past we have said and consistently stated that the director of child welfare can conduct an investigation under section 4 of the act, that we were prepared to have an external review about issues of the system, and we have appointed two officers of the Legislature to conduct two separate reviews. I have also said the Chief Medical Examiner must review all cases, and he is entitled to do so, and that we would leave the door open after all of that to an inquiry.

Minister of Family Services Removal Request

Mr. Stuart Murray (Leader of the Official Opposition): Children dying violent, tragic deaths, no standardized risk assessment tool to determine the level of risk to children, no workload standards for front-line workers, reviews that the minister does not expect will answer all of the questions, focussing on process, not the safety and protection of children, unable to assure us today that not one single child is missing and unaccounted for in the child welfare system, unable to tell us what steps have been taken to ensure that no child falls into the abyss this

minister has created. Mr. Speaker, this is a track record of incompetence.

I want to quote what this current Premier said on June 10 of 1988, in the House. He said, and I quote from Hansard: "It is the Premier who is responsible for the care and custody of children under The Child and Family Services Act. He cannot wash his hands of the responsibility. I say shame on him for washing his hands on the kids of this province." Mr. Speaker, that is what the Premier said in 1988.

An Honourable Member: '98.

Mr. Murray: '98. I am sorry, Mr. Speaker.

Mr. Speaker, this Premier must take that responsibility, and I would ask him if he will move the Minister of Family Services, and will he do it today.

Hon. Gary Doer (Premier): The member knows the context of the quote, and we have taken responsibility. We have announced an external review. We have announced an external review of the individual case that has been brought before the public. We have announced the Chief Medical Examiner and, just like we did with Driskell, we said after certain procedures and processes are in place that we would leave the door open for an inquiry. Since then, Mr. Speaker, we have \$2 million in the budget for the Driskell inquiry. I am following the same course of accountability and responsibility as we did under the Driskell allegations.

Mr. Murray: If this Premier and his government had acted in 2002 and 2004, when we called for inquiries, Mr. Speaker, tragic deaths of young children in Manitoba may not have occurred.

Again, I remind this Premier, and I know, Mr. Speaker, that these are haunting words from the Member for Concordia, the current Premier, because it was he who said in this House that it is the Premier who is responsible for the care and custody of children under The Child and Family Services Act. He cannot wash his hands of the responsibility. This Premier went on to say at that time: I say shame on him for washing his hands of the kids in this province. Those were the words of the Premier.

*(13:50)

Mr. Speaker, as I said, these are clearly haunting words from the Member for Concordia. He is the one who said the Premier has the responsibility, and I say

to him today, Mr. Premier, take that responsibility, remove that minister and call for an independent public inquiry today.

Mr. Doer: I think the member opposite will—

An Honourable Member: Do the right thing once. Just once.

Mr. Speaker: Order.

Mr. Doer: I was very critical in the late nineties of the numbers of kids in care in hotels. I think it was going between 75 and 90. Mr. Speaker, we have not resolved that at all. We are keeping all siblings together, and that is inflating the numbers a bit in hotels. It is our desire to have all kids in care outside of hotels. It is down 300 percent from that number then. There are still over 20 today and that is still too many, and we accept responsibility.

Child Welfare System Review Committee Schedule

Mrs. Mavis Taillieu (Morris): Mr. Speaker, in 2002, we advised the then-Minister of Family Services to call a review of the child welfare system. In 2004, we called on this government to conduct an independent public inquiry into the death of baby Amelia. What did this minister do? She allowed caseloads to soar, she overburdened staff and she allowed children to slip through the cracks and die.

Finally, she has listened to our repeated calls to review the child welfare system, but yesterday could not say when her review committees are going to meet.

Mr. Speaker, I ask this minister: When will the review committees open their first file? When will these reviews actually begin?

Hon. Christine Melnick (Minister of Family Services and Housing): Members opposite collectively claim to be concerned about this issue, and I believe they are, but the important message they are trying to give Manitobans is to undermine this external review. Mr. Speaker, I think that is not responsible. The external review is an independent body. It is not made up of minions. It is made up of the Children's Advocate, the Ombudsman and Michael Hardy, who has extensive experience in child welfare. They understand their task and they will do that task. We believe in them—

Mr. Speaker: Order.

Mrs. Taillieu: It has been a week since the Minister of Family Services announced an internal and an

external review. One week of the first three months has already gone by and the minister has done nothing but have discussions. Yesterday the minister could not say when the committees will meet or what staff have been hired. Will this minister take some responsibility and show some leadership?

Mr. Speaker, can the minister answer today: When will the committees meet and what dates have been set to actually begin accounting for the 2,600 children?

Ms. Melnick: Mr. Speaker, what I actually said yesterday is that I know discussions are ongoing. I know they are putting together a work plan. We are providing resources and we are providing administrative staff. It is very important that members opposite stop playing politics with this important issue and support all investigations so that we can find out the answers to the questions, to receive recommendations and to make the changes to help children be safer in Manitoba. Let go of the politics and start focussing on the care of the children.

Mrs. Taillieu: Mr. Speaker, our concern is for children. The minister cannot announce a review process and then wash her hands of the whole child welfare system for which she is responsible. She refuses to answer questions, she refuses to be accountable and she is incapable of doing her job. She has shown, once again, her lack of leadership and her inability to get the job done.

I ask this minister: When will she assure Manitobans that while the review committees are doing their job that she is doing hers and accounting for those 2,600 children?

*(13:55)

Ms. Melnick: Mr. Speaker, I can assure Manitobans that each and every day I take responsibility as Manitoba's Family Services Minister for the children. I work with our department, with the four authorities, with the agencies, with the front-line workers to try to do the best we can to protect all of our children. I do not do that as a political ploy. I do that because I, and as a member of this government, we, care about the children in care. Again, I ask members opposite to quit playing politics with this very serious situation and start working toward solutions.

Mr. Speaker: The honourable Member for Morris, on a new question.

**Minister of Family Services
Removal Request**

Mrs. Mavis Taillieu (Morris): Mr. Speaker, if this minister cared as much as she says she does, she would have done something two years ago when we first asked her to. Manitobans have lost faith in this government and this Minister of Family Services (Ms. Melnick). This minister has shuffled staff like they were files and talks about children as if they are just cases. Precious to her is process, not protection of children. This minister should step aside for the sake of staff, front-line workers, families of Manitoba who just do not trust her anymore.

More importantly, she should step aside for the sake of children in care. When will she do that, Mr. Speaker?

Hon. Gary Doer (Premier): Mr. Speaker, the member opposite is presuming all the findings of the independent bodies. Her experience in making these kinds of predictions is not that great.

Mrs. Taillieu: Mr. Speaker, the Minister of Family Services has announced reviews, but they are not underway. She said there have been discussions, but the committees have not met. No files have been opened, no preliminary reporting dates have been set. The process has not begun to account for the 2,600 children today, next week and next month who may be still at risk within the system. By refusing to answer the questions in this House, the minister is refusing to answer to Manitobans.

She should resign. When will she do that?

Mr. Doer: The minister has answered every question in this House, including correcting the record over and over and over again about the one tragic child being a devolved case. She has had to correct the member opposite over and over and over again. I would recommend strongly to that member in this House that we get the facts, Mr. Speaker, and make sure that we have all the facts. That is why the minister is getting all the facts with the external reviews.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mrs. Taillieu: I do not have to respond to that.

Mr. Speaker, the Minister of Family Services has yet to do anything to ensure that the 2,600 children who may be at risk today, next week or next month are accounted for in the child welfare system—

[interjection] The members opposite are not listening to this very important question because they really do not care. She refuses to say when the review committees will begin.

She has admitted there may be a need for a public inquiry in the end. So why are we delaying? Why would we not want to call a public inquiry today? Will this minister do the right thing? Will she resign and will this Premier call a public review?

Mr. Doer: Mr. Speaker, when there were issues dealing with the Driskell case, we said that the door would be open for an inquiry after certain legal process is carried on. We have given a similar answer to this situation. We have said we will have the external review with officers of the Legislature that have been supported by all three parties. There are two officers of the Legislature that have competence, credibility and integrity reviewing the two issues. One is the individual case, and one is the broader issues that have been raised. We have said that this matter has to go to the Chief Medical Examiner and then, at that point, we leave the door open to an inquiry. We are fully accountable, and I am proud of the fact that we feel—

Mr. Speaker: Order.

* (14:00)

**Crocus Investment Fund
Superfund Concept**

Mr. Glen Cummings (Ste. Rose): Mr. Speaker, everyone in the province believes that it is time this government called an inquiry on the Crocus Fund. The Premier is prepared to leave the door open. Perhaps he should be open-minded about the thousands of people in this province who are demanding some answers on Crocus.

My question is to the Minister of Industry. I asked yesterday if his government had been plotting to use money from the public sector employees pension plan to bail out the Crocus Fund. Will he answer that question today?

Hon. Jim Rondeau (Minister of Industry, Economic Development and Mines): Mr. Speaker, as I said yesterday, there was a discussion about the superfund many years under the former government, the Filmon government. There was discussion about creating a superfund. Our government did not put Crocus in charge of any subfunds. The only government that put Crocus in charge of funds was the Tory government under Merv Tweed, who put

James Umlah, the Crocus vice-president of investments, in charge of the science and technology fund. They crowed about his expertise and management ability. That was James Umlah, appointed by Merv Tweed, a member of the Conservative Cabinet.

Mr. Cummings: Mr. Speaker, in November of 2002, the Crocus Fund chair and the former CEO met with the Premier of Manitoba to discuss the superfund concept. That happens to be in the Auditor's Report. And then the CEO— *[interjection]*

Mr. Speaker: Order.

Mr. Cummings: I hope this is on their nickel, Mr. Speaker. Thank you.

The minutes of the Crocus Fund meeting shortly thereafter, the CEO indicated that the Crocus Fund senior officers, the ball is in the Crocus Fund senior officers' court to operationalize this working group of very political people and we are going to push this as hard as we can.

Does the Minister of Industry believe an investment from the Civil Service Superannuation Fund would have solved their problems?

Hon. Gary Doer (Premier): Mr. Speaker, the member would have been in Cabinet when Mr. Jim Downey appointed, established—it was Senator Downey—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Doer: —created the Manitoba capital fund, pooling money from Superannuation Fund, WCB and MPI. This fund put money into Isobord and Westsun, and also put money into a program called Shamray that is now before the courts for fraud.

I want to state, Mr. Speaker, that the Superannuation Fund, under our responsibility, had a rate of return of 14.58 percent last year above the industry benchmark that had a 13.71 percent rate of return again above the industry benchmark of 9.54 percent.

Mr. Speaker, the only government that established, and these are facts, the only government that actually had a co-investment in a subfund at Crocus was Mr. Umlah and Mr. Tweed.

Mr. Cummings: Mr. Speaker, the Crocus shareholders are demanding an inquiry. The taxpayers of this province are demanding an inquiry.

If there is nothing to hide, Mr. Premier, stand up and call the inquiry.

My question is to the Minister of Industry. If the Superannuation Fund had been used to bail out Crocus, to what length would this desperate government have been willing to go and at what risk were they prepared to put the public sector employees pension—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Cummings: Well, Mr. Speaker, the chirping on the other side—I want my question to be clearly heard. How much risk was the Minister of Industry and his department prepared to put against the pension plan of public sector employees?

Mr. Doer: The only two subfunds that were set up with pension funds were the area of Mr. Downey in '94 and Mr. Tweed in '99, June.

Mr. Speaker, I would point out that the pension fund in Manitoba, which is a legitimate question because the government appoints a majority of members to the Superannuation Fund: 14.58 percent rate of return in '05, 13.71 percent rate of return in '04, 13.44 percent rate of return in '03.

Mr. Speaker, the last five years the Tories were in office, and maybe because some, I do not know, but the rate of return was below the benchmark levels. The rate of return for our government is above the benchmark numbers in Manitoba.

Crocus Investment Fund Superfund Concept

Mr. Gerald Hawranik (Lac du Bonnet): Mr. Speaker, in 2004, the Crocus Fund was taking on water and the Minister of Industry knew it. At a time when the Workers Compensation Board, the Teachers' Retirement Fund and the Province were all co-investing with Crocus, the minister knew that he had to prop up Crocus, so he turned to his supporters and forced the president of the MGEU to consider taking money out of the Civil Service Superannuation Fund to keep Crocus afloat.

I ask the Minister of Industry: Why would he sacrifice the retirement incomes of his own employees for the sake of protecting his investments?

Hon. Jim Rondeau (Minister of Industry, Economic Development and Mines): The member opposite does not get the fact there was no

investment in Crocus where we got together and said that we were going to create a superfund with Crocus. We never did that. What we did was we made sure that the MIOP program, we had our own due diligence. We made sure that the pension plans did their own due diligence on investments and the only person who was pushing for a superfund was Mike Bessey who was hired by the Crocus Fund to push this whole idea of the superfund.

We want to make sure that what we do is make sure that we do investments that have proper due diligence—

Mr. Speaker: Order.

Mr. Hawranik: In 2004, Wally Fox-Decent called the times at Crocus turbulent times. In the meantime, the Minister of Industry signs an agreement with the MGEU to extract tens of millions of dollars out of the pension funds of government employees.

So I ask the Minister of Industry: Why would he agree to take money out of the civil service pension plan? Is it because he knew that Crocus was in trouble and the only way to fix it was to get his union buddies to chip in?

Hon. Greg Selinger (Minister of Finance): I am just astounded by the member—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Selinger: Thank you, Mr. Speaker. The member opposite just forgets one very important point. All the things he is talking about did not happen. They did not happen. There was no superfund created. There was no allocation from the Superannuation Fund. None of these things happened. His story is *Alice in Wonderland*. He is wrong. It did not happen. He is wrong. It did not happen.

Mr. Hawranik: Mr. Speaker, this minister is dreaming in technicolour. The NDP's fingerprints are all over the Crocus scandal. It was desperate to keep both its investments and Crocus investments afloat, so it forced the MGEU to commit tens of millions of dollars from the government employee pension funds. It is a desperate attempt by a desperate government. Before the money could be taken out of these pension funds, Crocus went under.

So I ask the Minister of Industry: Why would he jeopardize the pensions of government employees? Why would he use his employees' retirement funds

to prop up his investments and the investments at Crocus?

* (14:10)

Mr. Selinger: Mr. Speaker, I think the facts speak louder than the conjectures of the member opposite. In 2005, the Civil Service Superannuation Fund returned 14.58 percent, more than 2 percent above the benchmark. In '04, it returned 13.7 percent, more than 5 percent above the benchmark. In '03, it produced 13.4 percent, more than a percent above the benchmark.

In every single year the superfund has done its job. It has been among the top-performing funds in the country. By the way, that happened while we were the government.

Crocus Investment Fund Superfund Concept

Mr. Stuart Murray (Leader of the Official Opposition): Mr. Speaker, I am pretty sure I heard the Minister of Finance refer to a superfund. I was not sure.

On page 139 of the Auditor General's examination into the Crocus Fund, he noted that on November 19, 2002, the former chair and CEO of Crocus met with the Premier to discuss the superfund concept. Yet, this Premier has assured the House in 2005 that the only occasion on the superfund, his quote, the only occasion on the superfund was in 1999. End quote.

Yesterday, Mr. Speaker, the Minister of Industry (Mr. Rondeau) also assured the House that even though Crocus did approach this NDP government regarding the superfund concept, and I quote what the minister said from Hansard: There was no movement to create a superfund. There is no superfund. There was no movement to create a superfund, so that does not take place. Either the discussions occurred, as the Premier said in 1999, or, as the Auditor General said in 2002.

My question to the Premier: When did these discussions regarding the superfund concept occur? Was it in 1999, or was it in 2002, or did they take place at all?

Hon. Gary Doer (Premier): I believe there was an article by a financial reporter that talked about déjà vu where he stated clearly and accurately, I believe, that the original concept of venture capital retention and other investments in the capital retention report was in 1994.

So the answer to the question is: The discussions and ideas started in '94, and, you know, I remember reading the capital retention report where it stated that over \$10 billion were in pension funds in Manitoba and over \$1.5 billion was in savings accounts and banks. So this discussion started in the early nineties.

Mr. Kreiner, who the member opposite is referring to, was hired by the former government as the CEO of the Crocus Fund in that period. Shortly thereafter, Mr. Umlah was hired. The answer to the question on '99: Mr. Tweed, in June of '99, announced a fund with a number of Crocus and a number of other bodies. He hired and praised Mr. Umlah as the CEO for that fund in '99.

In 2002, just like 1994, there was lots of advocacy for funds, and, certainly, the Auditor is correct. As I said in the Estimates, we receive advice, we actually receive from multisources, multi-dimensional sources in any kind of situation, Mr. Speaker. I said in the committee, rate of return was always our No. 1 priority for pension funds and that is why we have a 14.58 percent rate of return in 2005, a 13.71 rate of return in 2004 and a 13.44 rate of return in 2003. We even amended the pensions act to include rate of return before the Auditor's Report. Rate of return was a key principle for this government.

Mr. Murray: Mr. Speaker, this Premier is either wilfully blind or purposely trying to mislead the House. The Premier assured this House that the only discussions regarding the superfund concept happened in 1999. Yet, we know that the Minister of Industry contradicted the Premier and agreed with what the Auditor General said, that discussions took place in 2002, but their government did not proceed.

Mr. Speaker, further, yesterday, the minister was asked about discussions in 2004, and he denied that they occurred. I wish to—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Murray: Thank you, Mr. Speaker. I wish to table a letter of understanding dated January 2004, between the Government of Manitoba and the MGEU, re superfund, signed by the Minister of Intergovernmental Affairs, the former Minister of Industry, the Member for Brandon West (Mr. Smith) and Peter Olfert, the president of the MGEU. The letter clearly indicates the government's intention to review a proposal to establish a special fund utilizing

significant portions of the employers' pension payments for superfund purposes. That is what the letter says, signed by that member.

Mr. Speaker: Does the Premier wish to retract his statement from June of 2005, and finally put the truth on the record?

Mr. Doer (Premier): Mr. Speaker—

Mr. Speaker: Order. Before I recognize the honourable First Minister, I want to caution the honourable Leader of the Official Opposition that "purposely" and "deliberately" have the same meaning, so I would pick my words very carefully.

Mr. Doer: Thank you, Mr. Speaker. And you could pull out The Civil Service Act amendment from back in Obie Baizley's days when they created a joint council to discuss a lot of these issues of review. So if you want to go back to—*[interjection]*

Well, Bill Ziprick said that the Legislative Assembly has lost a lot of control of expenditures in health and education. It is a very good report. You will find in '98 and '99, the Auditor General would not attest that the books reflected the accuracy of the government finances. You will not find that under our government.

Having said that, Mr. Speaker, I can assure members opposite that the way to judge any action of government is actually there is a piece of legislation, it is called legislation, you actually put it on the Order Paper, reading No. 1, reading No. 2, potentially, reading No. 3. There is no legislation put in place for six years under this government to create the fund the member opposite is talking about. There are lots of proposals to review, study and examine. We have put no amendment to the Superannuation Fund in place. In fact, the only change we made, the major change we made is to take the unfunded liability of pensions that members opposite never even discussed and put it on the books in Manitoba.

Crocus Investment Fund Public Inquiry

Mr. Stuart Murray (Leader of the Official Opposition): Mr. Speaker, we have a signed document by the Member for Brandon West, who at the time was the Minister of Industry and Economic Development, on January 22, 2004, his signature, to create a superfund to look into, as is stated, a proposal to establish a special fund utilizing a significant portion of the employers' pension payments for superfund purposes.

Mr. Speaker, in the committee on Monday, when I asked the Premier, the First Minister, about the superfund, he talked about superfund, "which we have the most involvement in directly in terms of appointing members to the board." Well, we now know that this Premier knows full well that there are political appointees on that board. We know full well in the year that this came forward, in 2004, that there was a meeting signed by the minister talking about a superfund.

We know that further in 2004, that Crocus halted trading, Mr. Speaker. That is the problem, that this Premier has said, and I quote back to this First Minister what he said in Hansard in 1998: "We have learned a long time ago with this government that if they have something to hide, they will stonewall, and predictably and regrettably, this is what this Premier has done." This is what the Member for Concordia said: If the Premier has nothing to hide, if members opposite have nothing to hide, why will they not just have a judicial inquiry and clear the air? That is what the Member for Concordia said.

What are they afraid of in terms of this process? What have they got to hide?

It is clear that there are serious issues around the Crocus scandal. This Premier, if he has nothing to hide, then I challenge him today to stand before Manitobans and do the right thing and call for an independent public inquiry into the Crocus scandal.

* (14:20)

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Hon. Gary Doer (Premier): Yes, the four sisters of solidarity and the one brother of solidarity are standing up today. I want to ask where they were a few months ago, Mr. Speaker. Where were they a few months ago?

I think it is regrettable that members opposite made a claim about the Superannuation Fund. We have consistently appointed experts in pension management. We have, by the way, the unfunded liability of pensions which was in the KPMG report of 1988, and was 1.2 billion. By 1999, it had grown to 2.8 billion. It was projected to grow to 8 billion.

We had the honesty to put the pension liability on the books, which, of course, now they criticize us for raising the debt, but we actually put it on the books with a payment plan. The superannuation pension plan has had one of the finest rates of return

of any pension plan in Canada. We stand by our record, Mr. Speaker. They are just blowing in the wind.

Crocus Investment Fund Public Inquiry

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I am prepared—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. The honourable Member for Inkster has the floor.

Mr. Lamoureux: I am prepared to make a deal with the Premier. I am prepared to stop calling for a public inquiry on the Crocus file if, in fact, the Premier would be prepared to sign this affidavit that I would table. I would like to quote from what I am suggesting the Premier sign, and that would be, "That, I," state the Premier's name, "Premier of Manitoba, make oath and say that I, or my office, had no knowledge of the impending financial difficulties or financial irregularities with respect to the Crocus Investment Fund prior to December of 2005."

Mr. Speaker, if the Premier has nothing to hide and is prepared to sign this, I am prepared to stop calling for a public inquiry regarding the Crocus Fund.

Hon. Gary Doer (Premier): Mr. Speaker, there have been 11 public inquiries called from members opposite and this is two in one Question Period. Thank goodness we have a government in office that will not make a deal with somebody who writes things in disappearing ink.

Mr. Lamoureux: Mr. Speaker, I have provided the Premier the opportunity to put on record, as close as I can to an oath, because we believe there is a public inquiry. The Premier does not even want to put his name to something which would clear him and his office.

I would suggest to you that this government is hiding and the only way we are going to get to the truth of the matter is that there has to be a public inquiry. If the Premier does not have the courage to sign the document, will the Premier do the honourable thing and call for a public inquiry regarding the Crocus fiasco today?

Mr. Doer: Mr. Speaker, the last document we signed with that member opposite was dealing with the session predictability and the first time there was an

opportunity to go out to the media he broke his word. We do not trust him one little bit.

I would point out, Mr. Speaker, that we have agreed, we have agreed after the Crocus audit report came out, we agreed a deal with all three parties to have a predictable calendar for the activity of this Legislature. We will see by mid-June whether he keeps his word again or whether he breaks his word again.

Mr. Lamoureux: I will stand by my word in the agreements which I sign. At least I have the courage to put my name on paper, unlike this Premier.

Mr. Speaker, 33,000-plus Manitobans lost tens of millions of dollars and they believe that there is a need for a public inquiry. Former NDP Premier Ed Schreyer believes in a need for a public inquiry. The list is long. If the Premier is not going to sign that piece of paper today, will he do the honourable thing and call for a public inquiry? Clear the air or sign the paper, one of the two. Which is the Premier going to do?

Mr. Doer: Mr. Speaker, after the member opposite broke his word, and he looks like he is heading to break his word on a predictable calendar this time around, the member opposite has no credibility with anybody on this side of the House. I can tell you the day that a government and a premier starts making deals with a guy that runs around with a hamburger is the day that they stop governing. We are going to continue to govern.

Mr. Speaker: Order. The time for Oral Questions has expired.

Point of Order

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

Mr. Kevin Lamoureux (Inkster): On a point of order, Mr. Speaker, you will find in *Beauchesne's* that depending on the context in which something is said, it can be ruled as being unparliamentary. I sat and listened to the Premier (Mr. Doer) of this province indicate that I have broken my word on several occasions.

Well, Mr. Speaker, I would welcome a discussion on this issue outside the Chamber or inside this Chamber, but I have not broken my word. I would suggest to you under *Beauchesne's* that, given the context in which the Premier has made this statement, he should apologize for making an inaccurate accusation.

Mr. Speaker: On the point of order raised by the honourable Member for Inkster, he does not have a point of order. It is a dispute over the facts.

Point of Order

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

Mr. Leonard Derkach (Official Opposition House Leader): Yes, Mr. Speaker, I rise on this point of order with some regret because—and although I have reviewed *Beauchesne*, I can only point to Rule 64 and Rule 59 which talk about "Reflections on the House as a Whole" and "Reflections on Members." Mr. Speaker, earlier today in the Minister of Industry's (Mr. Rondeau) response, he clearly tagged an accusation on an individual who clearly cannot defend himself. This individual is one Mike Bessey, the late Mike Bessey, who passed away.

Mr. Speaker, I think this House needs to conduct itself with some respect to at least those who have passed on, and it has often been the custom in this House to not reflect on people who have been loyal civil servants but, more importantly, people who have passed on, and indeed they cannot be there to answer for themselves, to defend themselves in front of the public of Manitoba and in front of this Chamber. I think it is only courteous for all of us to respect that. Although Mr. Bessey was not a member of the Chamber, nevertheless he was a civil servant to begin with who worked for the Province. I know that from time to time we do slip, but we correct ourselves. For the record and for the family of Mike Bessey, I would hope that this House would have the dignity and the respect and retract inferences and reflections on a member who has passed on.

So, Mr. Speaker, I simply in my point of order raise the issue and would respectfully request that the Minister of Industry, who in his capacity as minister does carry a certain amount of respect with regard to the Province of Manitoba and the people in this province, do the honourable thing and withdraw his statement as it reflects on Mr. Bessey. I mean, if he wants to attack us in the Chamber, that is fair game, but I would simply ask him to do the right thing for the family and those who were close to the Bessey family.

* (14:30)

Hon. Jim Rondeau (Minister of Industry, Economic Development and Mines): Mr. Speaker, although I was referring to the report, I withdraw any

negative responses to Mr. Bessey, and I apologize for any inferences of negativity.

Mr. Speaker: On the point of order raised by the honourable Official Opposition House Leader, the withdrawal and apology should take care of the matter.

Speaker's Ruling

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

After the prayer on Monday, March 13, 2006, the honourable Member for Inkster (Mr. Lamoureux) rose on a matter of privilege regarding comments spoken by the Premier (Mr. Doer) regarding affordability of a public inquiry regarding the Crocus Investment Fund. At the conclusion of his remarks, the honourable Member for Inkster moved that a standing committee of the Legislature be asked to look into the affordability of a public inquiry regarding the Crocus Fund and report back to the Legislature by March 23, 2006.

The honourable Government House Leader and the honourable Official Opposition House Leader also offered advice to the Chair. I took the matter under advisement in order to consult the procedural authorities. I thank all members for their advice to the Chair on this matter.

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

The honourable Member for 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 like to inform the House that this is clearly a dispute over the facts. Past Manitoba Speakers have ruled on several similar occasions that a dispute between two members as to allegations of fact does not constitute a breach of privilege.

Beauchesne Citation 31(1) advises that a dispute arising between two members as to allegations of facts does not fulfill the conditions of parliamentary privilege. Joseph Maingot on page 223 of the second edition of *Parliamentary Privilege in Canada* states: "a dispute 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."

I would therefore rule 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: The ruling of the Chair has been challenged.

Does the honourable member have support?

Some Honourable Members: Yes.

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: Mr. Speaker, I would request Yeas and Nays, please.

Mr. Speaker: Does the honourable member have support?

Some Honourable Members: No.

Some Honourable Members: Yes.

Mr. Speaker: Okay, 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

Aglugub, Allan, Altemeyer, Ashton, Bjornson, Brick, Chomiak, Dewar, Doer, Irvin-Ross, Jennissen, Jha, Korzeniowski, Lemieux, Mackintosh, Maloway,

Martindale, McGifford, Melnick, Nevakshonoff, Oswald, Reid, Robinson, Rondeau, Sale, Santos, Schellenberg, Selinger, Smith, Struthers, Swan, Wowchuk.

Nays

Cummings, Derkach, Dyck, Eichler, Faurshou, Hawranik, Lamoureux, Maguire, Mitchelson, Penner, Reimer, Rowat, Stefanson, Taillieu.

Madam Clerk (Patricia Chaychuk): Yeas 32, Nays 14.

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

MEMBERS' STATEMENTS

Learning Disabilities Association of Manitoba

Ms. Kerri Irvin-Ross (Fort Garry): It is with great pleasure that I participated in the fifth annual Blind Date with a Star fundraiser for the Learning Disabilities Association of Manitoba this past February. For the third year in a row I was honoured to share in a celebration for this worthy organization.

The Learning Disabilities Association of Manitoba has been working with families and individuals with learning disabilities and attention deficit disorders since 1966. With over 150 volunteers, the heart and the soul of the Learning Disabilities Association of Manitoba is constantly driven to provide interesting and innovative programs. Parents, professionals and persons with learning disabilities all help to organize the range of activities put on by LDAM. From information referrals and public awareness forums to children's programming, parent seminars and pre-employment programs for adults, the LDAM is committed to providing needed services for those with learning disabilities and attention deficit disorders.

Mr. Speaker, I was very pleased to participate in this fun-filled evening. With donations from many local businesses and community groups and with the participation of the general public, the association was able to raise an important sum of money in a relaxed and pleasant atmosphere. What is more, the local celebrities that participate in the event help give it a profile that the association so richly deserves.

Mr. Speaker, I would like to thank all the volunteers who helped organize the evening as well as Marilyn MacKinnon, the executive director of the association. The tireless commitment helped make the fundraiser a success and ensures that persons

with learning disabilities and attention deficit disorders receive important services. For this they are to be commended. Thank you.

* (15:40)

Crown Lands Office Relocations

Mr. Glen Cummings (Ste. Rose): Mr. Speaker, I rise today to comment on the impending removal of jobs from Minnedosa and Neepawa Crown Lands offices. We saw today something I think that was quite unprecedented when we had representatives from all the way from Westbourne to Erickson who came together and coalesced around the situation that is apparently unfolding because notice was given to workers in these offices that by April 1 their job sites would be relocated.

These jobs were part of the decentralization initiative of 1992 and, in fact, the numbers that were decentralized at that time have since been eroded significantly. What we saw today, Mr. Speaker, was the mayors of Neepawa, Minnedosa and the surrounding municipalities and the surrounding towns, Gladstone, McCreary, Glenella, along with the municipalities of Langford and Westbourne and Odanah and Lansdowne, Rosedale.

They all gathered today. They drove two, two and a half hours, some of them up to three hours, to attend here at the building to indicate that they want to work with the government. They want to do their best to demonstrate that they are responsible leaders in their communities, but this is one step too far, Mr. Speaker.

They believe that there is a positive middle ground that can be found. The government can achieve the reorganization that it desires, and the government can also at the same time achieve the needs and desires of the communities that want to keep these very important jobs in their communities. They can be run by satellite workplaces. Half of the people who work in the currently proposed worksite probably work off of laptop computers and out of their homes and out of their cars.

Mr. Speaker, we believe that, while this has caused a coalition of communities to come together and demonstrate very clearly that they have a high level of concern about this, they are in fact offering the middle ground.

East St. James Youth Lighthouse

Ms. Bonnie Korzeniowski (St. James): Mr. Speaker, I wish to take this opportunity to

acknowledge the East St. James Youth Lighthouse located in the St. James Anglican Church at 195 Collegiate Street. The East St. James Lighthouse runs weekly after-school programs designed for youth aged 11 to 14. The Lighthouse has provided many wonderful after-school activities that encourage learning new skills, helping others in the community and being physically and mentally active.

I have witnessed first-hand the energy and enthusiasm of the youth and organizers involved in this initiative. I attended a dance performance at the Lighthouse put on by the Summer Bear Dance Troupe. I was thoroughly impressed by their spirit of inclusion, vibrancy and creativity as well as the way their Aboriginal culture was shared through dance and storytelling. The performance made an impact on everyone in attendance.

This is just an example of the many exciting and varied activities that occur at the East St. James Lighthouse. Some other activities include a homework club, craft program, monthly field trips, cooking and doing odd jobs for seniors, as well as free time for TV, video games, board games and reading. Recent activities include pottery making and henna workshops, volunteering at Winnipeg Harvest and a woodworking workshop.

As part of Manitoba Justice's Neighbourhoods Alive! program, Lighthouses are designed to support recreational, educational and pro-social programs after hours for young Manitobans. Lighthouses make use of existing community facilities for sports, arts, music and other activities identified and organized by local youth and community stakeholders.

They also act as community-based crime prevention programs designed to develop partnerships among youth, police, Justice personnel and the community. Mr. Speaker, these types of programs can have tremendous benefits for youth by providing positive social environments where participants can explore and expand their scope of activity and knowledge.

The success of this program is dependent on the hard work of volunteers and the Lighthouse is always looking for more people to get involved. I applaud the East St. James Lighthouse and all the people involved for the positive presence they create in the community, and I expect to witness many youth Lighthouse participants growing up with increased self-esteem, community pride and a hunger for new ideas and experiences. Thank you.

Rusalka Ukrainian Dance Ensemble

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, last Saturday I had the honour of attending the Rusalka Ukrainian Dance Ensemble's scholarship luncheon at the Inn at the Forks. Started in 2003 as part of their 40th anniversary celebrations, this scholarship luncheon is held by the Ensemble to provide the ongoing financial support for a member of the company who wishes to continue to develop in the field of dance at the post-secondary level.

This year, the Ensemble honoured three of its builders: the Honourable Mr. Justice Don Bryk, Ms. Vicki Adams and the late George Holowka. Past honorees include former Chief Justice Ben Hewak, Oleh Romaniew, Q.C., and the late Peter Hladun, the original founder of Rusalka in 1962.

Each of this year's honorees have provided outstanding service not only to Rusalka and the arts community but in advancing Ukrainian dance and culture into that mainstream arts community. Each provided strong leadership, a vision for the future and the foundation of being first class and world class.

My colleagues and I commend Rusalka for their leadership in celebrating their past, building for tomorrow and supporting young artists in the field of dance in this fashion. Thank you, Mr. Speaker.

Budget 2006

Mr. Bidhu Jha (Radisson): It is obvious by now that the members of the opposition do not want to debate the budget. In spite of their implications, I suspect they are afraid of speaking because it is a very good budget, Mr. Speaker.

Since 2003, when the people of Radisson gave me the opportunity to be their representative, I, along with our government, have worked very hard to improve education and the delivery of health care. I have visited the schools throughout my constituency, participating in school events, meeting and interacting with students and parent councils. I took part in the community forum at Transcona school division to improve the curriculum educational programs. Mr. Speaker, I am pleased to report that my constituents are pleased with this budget which provides support to strengthen education and health care in Manitoba.

High-quality, affordable and accessible post-secondary education is the key to Manitoba's young

people. My father was a professor, and he used to say that material wealth can be stolen, but the knowledge and intellect taught by the teacher can never be robbed from a student.

Budget 2006 echoes that wisdom by committing \$60 million in additional three-year funding to universities and colleges. The budget keeps education affordable and accessible to all Manitobans by continuing the tuition freeze for the seventh straight year.

A strong health care system is also important to all Manitobans. Our government continues to rebuild the health care system and commits to delivery of health care sooner and closer to home like the soon-to-be-opened Transcona Health Access. Budget 2006 pledges to reduce wait lists, to continue investments in hospitals, doctors and nurses, medical technology training and expanded healthy living and prevention initiatives.

Mr. Speaker, I am proud that Budget 2006 upholds the values of the constituents of Radisson by making priority investments in education. Thank you.

Point of Order

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

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

Mr. Speaker: Order. On a point of order. Is the member rising on a point of order?

Mr. Derkach: I am sorry, yes, I am.

Mr. Speaker: Okay, the Official Opposition House Leader, on a point of order.

* (15:50)

Mr. Derkach: Mr. Speaker, this afternoon I rise on a point of order, and I refer to *Beauchesne* 459, which speaks about relevance and repetition.

In my view, Mr. Speaker, the House here has not been able to ascertain facts, truth and, in fact, when we ask questions, the members of the government either continue to repeat erroneous statements, and their answers oftentimes are not even relevant to the points that are asked about. I refer to today's Question Period. In today's Question Period, a number of questions were asked of the Minister of Family Services (Ms. Melnick). They were direct

questions about when the external review would begin. They were specific questions about what the minister has done since she has called the external and internal reviews. In every answer that the minister gave, she either repeated statements that she made at previous times or answered the question in a way that was not relevant to the question that was asked.

So, Mr. Speaker, although this could almost be a grievance, we cannot grieve against the government during the budget speech debate, so our only option is to raise points of order, matters of privilege, and today I think the point of order has to do with how this government is conducting itself in answering questions in the House. I have raised the issue on a number of occasions when the Premier (Mr. Doer) has stood in his place, and I have asked that the Premier be brought to order because he is not relevant to the question that was asked.

We have repeatedly asked for this government to call for a public inquiry. We have provided evidence as to why a public inquiry is necessary to clear the air. But, Mr. Speaker, every time we stand in our place, ask a well-crafted question, the answer comes back, and it is oftentimes not even relevant to the question that was asked.

Mr. Speaker, I know that you as Speaker of this Chamber do provide for some latitude, and that is important. But there has to be some relevance in the answer to the question that was posed. We are becoming more, and more, and more frustrated, Mr. Speaker, as members of the opposition, because government is getting away with being irrelevant, continuing to repeat itself, and there is never a time when we can get a forthright answer from this government.

So I would suggest that in my point of order, that I appeal to you as Mr. Speaker to take this matter under consideration and to advise the government that indeed it is important to be relevant. It is important to answer the questions. It is important not to simply repeat statements that have been written by staff for the minister, and it is not in the best interests of Manitobans to continue to stall and stonewall the processes that have been put in place in order to get to the bottom of issues.

I refer to the Child and Family Services matter where a little child has died. We have asked for a public inquiry. Now, the public of inquiry, Mr. Speaker, is not going to impede an RCMP investigation, as the minister said. So, again, her answer

was not relevant to the question that was asked, and that was to provide for a public inquiry while the investigation is going on. People want a public inquiry. Manitobans desire a public inquiry. This is not something that should be taken lightly.

Mr. Speaker: Order. We are getting into debate here.

Mr. Derkach: Mr. Speaker, I submit in my point of order that indeed the government needs to be called to task and called to account for the answers that they are giving, for the repetition that they continue to do in their answers because they cannot come up with an original answer, for digressing from the questions and for not being relevant to the subject matter that has been provided by members of the opposition who are asking those questions. Thank you.

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

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, you got to love and behold it, of course, when the Opposition House Leader gets up with *Beauchesne*, and, you know, the weaker the point of order or matter of privilege, the more he waves and holds *Beauchesne*. I noticed that it was actually I think through the whole course of the point of order that the member opposite was holding *Beauchesne* as though he was standing in the pulpit. So I know right away, without having to listen to much more, how weak it was, and, of course, we never heard a rule that was alleged to have been broken.

I did hear the words "repetition" and "relevancy." When I think of the word "repetition," I think of their wilful obstruction and the repetitive breaching of the rules of the House. When I think of relevance, Mr. Speaker, I think actually of our budget and how relevant it is to the needs of Manitobans.

Mr. Speaker, I only have this in conclusion. Maybe they want to connect with the relevance in the budget and what is important to Manitobans, in addition to the issues that have been raised over the last three weeks, but there certainly is no point of order. I did not hear a point.

Mr. Speaker: The honourable Member for Inkster, on the same point of order?

Mr. Kevin Lamoureux (Inkster): A point of order, Mr. Speaker. I did want to just very briefly comment

in terms of the Member for Russell (Mr. Derkach) pointing out the importance of relevancy. I think it is important to make note that also in *Beauchesne's* it suggests that if a minister does not know the answer that they can, in fact, take the question as notice and then report back to the House.

I think that it is a valid point of order in the sense, Mr. Speaker, that there have been questions that have been put forward to the minister, and the minister kind of goes on on a different direction of which, of course, she does have some latitude in order to be able to do that. But I could not help but hear some of the comments that persist day in and day out. The issue is that, if she does not know the answer, she would be better advised to take it as notice and come back, as opposed to consistently being irrelevant to the question. That is the reason why I think that what the Opposition House Leader brings up in *Beauchesne's* is, in fact, relevant at this point in time because if we do not recognize the important role that Question Period is, it is to the detriment of all Manitobans.

Beauchesne's is very, very clear. I realize that we have agreement amongst the stakeholders as to the conduct of Question Period and the leeway that was granted. I realize that. But, having said that, Mr. Speaker, we do have an obligation to listen to the answers that are being provided. This is the reason why I think that you really need to look at this as the Speaker of this House: At what point in time do we cross the line in terms of *Beauchesne's*?

The minister has been asked questions time and time again for this past week, and what we have found is a great deal of repetition. I am not convinced, Mr. Speaker, and I suspect that is probably what is happening. That, in fact, the minister knows the answer. If that is the case, then she has to go to *Beauchesne's* where it says that she should be taking the question as notice. Thank you.

Mr. Speaker: On the point of order raised by the honourable Official Opposition House Leader, there was a reference made to today's Question Period. I am going to take this matter under advisement so that I can review Hansard pertaining to today's Question Period, and I will return to the House with a ruling.

MATTER OF PRIVILEGE

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

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

Mr. Speaker: Okay. The honourable Official Opposition House Leader, on a matter of privilege.

Mr. Derkach: Mr. Speaker, my matter of privilege has to do with the fact that we in this Chamber often rely on information that comes from ministers to be accurate and to reflect, in fact, what is true. We rely on the information provided by ministers to tell Manitobans the situation as it exists in the province.

Mr. Speaker, in recent times we have heard and seen in this House how ministers answer questions. Then we find out when we go out into the communities or we go out into the hallways of this Legislature that, in fact, those answers that were provided in the House were evasive, were untrue, were, as I said in my point of order, not relevant.

* (16:00)

We have called ministers to account for their statements. I go back to the Minister of Health (Mr. Sale), who made statements in this House that were proven to be erroneous. They were proven to be erroneous. But, Mr. Speaker, it appears that we are content now to say that this was a dispute over facts.

Now, Mr. Speaker, if we allow ourselves in this Chamber to, I guess, dip to that kind of a low level in terms of how we express what is actually true, I cannot help but, I guess, support the cynicism that Manitobans have of governments and people in office who cannot be trusted to tell the truth.

Mr. Speaker, that hampers the ability of myself, as a member of this Chamber, or any member of this Chamber to, in fact, do our job. It is for that matter that we are agreed, on this side of the House, by what this government is doing. It almost makes one want to wonder why it is that this House is even sitting because the way in which this government has conducted itself is not allowing for members in this Chamber to do their job adequately.

How can I go back to my constituents and tell them that we can believe what the government has said when, in fact, they tell us something one day, we go out and we research it and we find that the ministers have misled this House? They have not told the truth. They have avoided, Mr. Speaker, coming clean on matters. There are other examples in this Chamber where members, as recently as yesterday, have not been forthright in bringing out the facts.

Now, Mr. Speaker, I know that we have to wait for Hansard and we have to review the comments in Hansard before we can actually determine for sure whether or not comments made by ministers are, in fact, true or not. So—

Mr. Speaker: Order. I have to remind the honourable member that a matter of privilege is to point to the Speaker the prima facie case. We are getting into some debate here. So I would just ask the honourable member to stick to the prima facie case.

Mr. Derkach: Yes, thank you, Mr. Speaker. Well, the prima facie case here is that members' privileges in the House have been compromised. We as members cannot do our job as members of the Legislature because members of the government, ministers of the government, Executive Council ministers have not been forthright in their responses.

Mr. Speaker, this is the earliest opportunity to bring this forward because I listened to the answers in the House today. I listened to the answers in the House yesterday. So I am bringing this forward today at the first opportunity after having listened carefully to the answers and then comparing that to, in fact, what is true.

Mr. Speaker, today, my leader, the Member for Kirkfield Park (Mr. Murray), tabled in this House a document which showed that there was a particular action taken by government. If we compare that to statements made, we found that, in fact, those statements did not square with what was presented in the Chamber. It does not matter which minister you talk about, whether it is the Minister of Education (Mr. Bjornson), the minister of industry, trade, tourism, or the Minister of Family Services (Ms. Melnick), the Minister of Health (Mr. Sale), everything seems to lead in the same direction. That is a direction of misleading members of this Chamber.

Mr. Speaker, is it a prima facie case? I would argue that it is because I think truth in this Chamber is something that has always been respected. Sometimes we can avoid answering a question because it may get us in hot water if we are members of Executive Council. So we could try to answer it in ways that does not necessarily put us in a position where we would get ourselves into hot water, but it does not allow us to blatantly mislead, to blatantly not tell the truth.

Mr. Speaker, you have cautioned us from time to time that these issues may, in fact, be an argument over the facts. Although I can accept that to a certain

extent, sometimes we may view a matter from different perspectives, from our philosophical points of view, there is a difference between that and asking a straightforward question and having a minister give us an answer which he knows or she knows is not the truth.

So we say, well, how can you prove that? How can you prove that? Well, we come back oftentimes to this Chamber with evidence that shows the opposite. So it is not any longer an argument over facts because the facts are presented as evidence from either documents or from other sources. We bring them to the Chamber as evidence, as documents that say that what the minister has said was, in fact, false. So, when I talk about a *prima facie* case, Mr. Speaker, I talk about the fact that we as members of this Chamber have had our privileges compromised by members who simply refuse to put true facts on the record.

Now, the record in our province is fairly important because generations after us are going to read what the record says. There will be students who will research how this Chamber has conducted its affairs someday and whether or not certain crisis issues in this province were dealt with in a forthright manner. As a member of this Legislature I want to assure Manitobans that I do my job. When I cannot do my job in this Chamber, it constitutes, in my view, a matter of privilege. It constitutes a hampering of an ability of a member of this Legislature to carry out those serious responsibilities that have been entrusted to us by Manitobans.

Now, Mr. Speaker, we can take our jobs frivolously and say, well, I am just a MLA, I will sit here and I will listen to the rhetoric that goes on and I will go out and I will reject it or whatever, but I will not be held accountable. Manitobans, I think, took very seriously electing us to this Chamber. They took very seriously the issue of electing the government. Having done that, they expect from us not to be compromised in this Chamber by other members who choose not to come forth and not to be forthright with the truth.

If that happens, then what choice do we have to object, what choice do we have to show that this is something that hampers our ability to do our job? The only way that I know that we can do this is by raising either points of order or raising a matter of privilege. Now, I know that you would take this matter under advisement, Mr. Speaker, and you would want to come back to the Chamber to rule on

it, but I am beyond that to be honest with you. I am beyond that. I feel so offended, and I think members of my caucus and members of the opposition feel so offended that we are beyond this matter being referred to the Committee on Legislative Affairs or to any other committee of the Chamber because we know that it is just not going to happen, it is not going to go anywhere. So we have to show our disgust and our protest in some way.

* (16:10)

Now, Mr. Speaker, a matter of privilege I view as serious. On behalf of Manitobans, I say this matter of privilege is extremely serious because we have always prided ourselves, as members representing Manitobans, that we will do things honourably in this Chamber, that we will conduct ourselves in an honourable fashion. Those members who take the oath as members of Executive Council are supposed to act in the best interests of Manitobans without fear or favour. On many occasions this last session, in this session, we have had to ask questions about whether or not members are acting because of fear or, in fact, because of favour.

Mr. Speaker, we have also had to ask questions about truth, and a matter of privilege has to be addressed when one raises the issue of facts being presented in the Chamber that, in fact, are not true. It is for that reason, when you look at the issue of what our Minister of Family Services (Ms. Melnick), for example, has been doing in this Chamber as of late.

Mr. Speaker, we, as members of this side of the House, cannot do our job properly if the minister continues to stonewall not only us but Manitobans, and if she does not allow a process that is recognized across the country as being a legitimate process to investigate what happens in cases so that no such thing can happen again. How much more serious can it get than this? How much more serious can it be than protecting the lives of vulnerable children who are exposed to danger because the minister does not do her job?

The minister continues to stonewall. Her master, the Premier (Mr. Doer), continues to stonewall, does not ask her to step aside and, therefore, he has to bear this on his head, because, as he has quoted from this side of the House, it is on the head of the Premier of the Province when it comes to vulnerable children and the vulnerable people in our society.

Mr. Speaker: Order. We are getting into debate here. A matter of privilege should deal with the

earliest opportunity and to convince the Speaker that you have a prima facie case for the privilege to go ahead and that is where the debate would take place. This is not the time for debate right now.

Mr. Derkach: Mr. Speaker, because I am so offended by what has gone on, and I think members of this side of the House are, I have no choice but to move a motion that I certainly have some regret in doing.

I move, seconded by the Member for Ste. Rose (Mr. Cummings), that the Legislature now demand the resignation of the Minister of Family Services (Ms. Melnick) immediately.

Motion presented.

Mr. Speaker: Before recognizing any other members, I would remind the House that contributions at this time from honourable members are to be limited to strictly relevant comments as to whether an alleged matter of privilege has been raised at the earliest opportunity and whether a prima facie case has been established.

The honourable Government House Leader, on the same privilege.

Hon. Gord Mackintosh (Government House Leader): The member said that the only opportunity to raise such a matter was on a point of order or matter of privilege. That is because, of course, Mr. Speaker, they have not attended to their public duties here and debated the budget. This is just another obstruction.

Mr. Speaker: Is the honourable member rising on new information?

Mr. Kevin Lamoureux (Inkster): Yes, Mr. Speaker.

Mr. Speaker: The honourable Member for Inkster, very briefly.

Mr. Lamoureux: Yes, very briefly, Mr. Speaker. I do want to indicate that, as the Government House Leader is, I am sure, fully aware, and all members should be aware, there is a very good chance that today will in fact be our last day for a couple of weeks now. I do believe that the Official Opposition House Leader (Mr. Derkach) has addressed, through a matter of privilege, an issue which is critically important to Manitobans. We have had calls for the minister's resignation for a number of days. So I do believe that it is a responsible thing for the Leader of the Official Opposition to be forwarding a motion at

this time based on the answers and based on the fact that we have got a couple of weeks, and just the overall competence of the minister that has been called into question.

Mr. Speaker: On the matter of privilege raised, 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.

* * *

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

Mr. Glen Cummings (Ste. Rose): Mr. Speaker, I move, seconded by the Member for Russell, that this House now adjourn.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. On the motion that was attempted to be moved by the honourable Member for Ste. Rose, I would like to remind the House that adjournment of the House there in Rules, Orders and Forms of Proceeding, 35(2): "A motion to adjourn the House shall not be made until the Orders of the Day have been entered upon." [*interjection*]

Order. Also, I would like to draw attention to members to *Beauchesne*, Citation 559 and (b) (ii): Dilatory motions, that means the motions, can only be moved once you have proceeded with a main motion. Dilatory motions are designed to dispose of the original question either for time being permitted—they are usually the following type, and under that category falls, "That the House do now adjourn."

So there are two different—[*interjection*] Order. The members are eager, but our Manitoba rules are very clear that it cannot be moved until we get to Orders of the Day, and we have not got to that stage yet. So the honourable member cannot move a motion on the floor.

Mr. Derkach: Mr. Speaker, with the information that has just come before us, this makes this whole issue of Child and Family Services even more egregious.

Mr. Speaker: Order.

Mr. Derkach: It is for that reason that we moved adjournment, and I would challenge your ruling.

Mr. Speaker: When challenging a ruling of the Speaker, there should be no debate to it. Either you

accept it, or you challenge it. That is a reminder to all members of the House.

Voice Vote

Mr. Speaker: The ruling of the Chair has been challenged, so all those in favour of sustaining the ruling of the Chair, say yea.

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

Formal Vote

Mr. Derkach: Recorded vote, Mr. Speaker.

Mr. Speaker: Recorded vote having been requested, call in the members.

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

* (17:00)

Division

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

Yeas

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

Nays

Cummings, Derkach, Driedger, Dyck, Eichler, Hawranik, Lamoureux, Mitchelson, Murray, Penner, Reimer, Taillieu.

Madam Clerk (Patricia Chaychuk): Yeas 31, Nays 12.

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

The hour being past 5 p.m., this House is adjourned and stands adjourned until 1:30 p.m. on April 10, 2006. So everyone have a good break.

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, March 23, 2006

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