

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

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Speaker*

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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.
LOEWEN, John	Fort Whyte	P.C.
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.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MELNICK, Christine, Hon.	Riel	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
MURRAY, Stuart	Kirkfield Park	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
OSWALD, Theresa, Hon.	Seine River	N.D.P.
PENNER, Jack	Emerson	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack	Southdale	P.C.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
ROCAN, Denis	Carman	P.C.
RONDEAU, Jim, Hon.	Assiniboia	N.D.P.
ROWAT, Leanne	Minnedosa	P.C.
SALE, Tim, Hon.	Fort Rouge	N.D.P.
SANTOS, Conrad	Wellington	N.D.P.
SCHELLENBERG, Harry	Rossmere	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
SMITH, Scott, Hon.	Brandon West	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan, Hon.	Dauphin-Roblin	N.D.P.
SWAN, Andrew	Minto	N.D.P.
TAILLIEU, Mavis	Morris	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, May 11, 2005

The House met at 1:30 p.m.

PRAYERS

ROUTINE PROCEEDINGS

PETITIONS

Riverdale Health Centre

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

These are the reasons for the petition:

The Riverdale Health Centre services a population of approximately 2000, including the Town of Rivers and the R.M. of Daly, as well as the Sioux Valley First Nation and local Hutterite colonies.

The need for renovation or repair of the Riverdale Health Centre was identified in 1999 by the Marquette Regional Health Authority (RHA) and was the No. 1 priority listed in the RHA's 2002-2003 Operational Plan.

To date, the community has raised over \$460,000 towards the renovation or repair of the health centre.

On June 1, 2003, the Premier (Mr. Doer) made a commitment to the community of Rivers that he would not close or downgrade the services available at Riverdale Health Centre.

Due to physician shortages, the Riverdale Health Centre has been closed to acute care and emergency services for long periods since December 2003, forcing community members to travel to Brandon or elsewhere for health care services.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Premier to consider ensuring that acute care and emergency services are available to the residents of Rivers and surrounding areas in their

local hospital and to live up to his promise to not close the Rivers Hospital.

To request that the Minister of Health (Mr. Sale) consider developing a long-term solution to the chronic shortages of front line health care professionals in rural Manitoba.

This petition has been signed by Mike Wallis, Ross Collins, Shelley Bradley and many, many others.

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

Pembina Trails School Division—New High School

Mr. John Loewen (Fort Whyte): I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

Overcrowded schools throughout Whyte Ridge, Lindenwoods, Linden Ridge and Richmond West subdivisions are forcing Pembina Trails School Division to bus students outside of these areas to attend classes in the public school system.

Elementary schools in Pembina Trails School Division have run out of space to accommodate the growing population of students in the aforementioned areas.

Five-year projections for enrolment in the elementary schools in these areas indicate significant continued growth.

Existing high schools that receive students from Whyte Ridge, Lindenwoods and Linden Ridge are at capacity and cannot accommodate the growing number of students that will continue to branch out of these subdivisions.

Bussing to outlying areas is not a viable long-term solution to meeting the student population growth in the southwest portion of Winnipeg.

The development of Waverley West will increase the need for a high school in the southwest sector of Winnipeg.

The government is demonstrating a lack of respect for the students and families in Whyte Ridge, Lindenwoods, Linden Ridge and Richmond West by refusing to provide adequate access to education within the community.

*(13:35)

The Fort Whyte constituency is the only constituency in the province that does not have a public high school.

NDP constituencies in Winnipeg continue to receive capital funding for various school projects while critical overcrowding exists in schools in Lindenwoods, Whyte Ridge and Richmond West.

We petition the Legislative Assembly of Manitoba as follows:

To request the provincial government recognize the need for a public high school in the southwest region of Winnipeg.

To request the provincial government, in conjunction with the Public Schools Finance Board, to consider adequate funding to establish a high school in the southwest sector of Winnipeg.

Signed by Brian Gilleshammer, Rosana Monteburno, Tim Schatkowsky and many, many others.

Ambulance Service

Mr. Ron Schuler (Springfield): I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

In May 2004, 46-year-old Peter Krahn suffered a heart attack while exercising in East St. Paul and was pronounced dead just under an hour later after being transported to the Concordia Hospital in Winnipeg. Reports show that it took nearly 18 minutes for an ambulance to arrive for Mr. Krahn.

The Interlake Regional Health Authority claims that 21 minutes is an acceptable emergency response time, whereas the City of Winnipeg uses a benchmark of 4 minutes.

Ambulance coverage for East St. Paul is provided from Selkirk, which is almost 25 kilometres away.

The municipalities of East St. Paul and West St. Paul combined have over 12 000 residents.

We petition the Legislative Assembly of Manitoba as follows:

To request the provincial government to consider providing East St. Paul with local ambulance service which would service both East and West St. Paul.

To request the provincial government to consider improving the way that ambulance service is supplied to all Manitobans by utilizing technologies such as GPS in conjunction with a Medical Transportation Co-ordination Centre (MTCC) which will ensure that patients receive the nearest ambulance in the least amount of time.

To request the provincial government to consider ensuring that appropriate funding is provided to maintain superior response times and sustainable services.

Signed by Eleanor Johnston, Grace Balderstone, Gertrude Bishoff and many, many others.

Supported Living Program

Mr. Kelvin Goertzen (Steinbach): I wish to present the following petition to the Legislative Assembly of Manitoba. These are the reasons for this petition:

The provincial government's Supported Living Program provides a range of supports to assist adults with a mental disability to live in the community in their residential option of choice, including a family home. There is a lack of group homes available and this means special needs dependants must remain in the family home.

The provincial government's Community Living Division helps support adults living with a mental disability to live safely in the community in the residential setting of their choice.

Families with special needs dependants make lifelong commitments to their care and well-being, and many families choose to care for these individuals in their homes as long as circumstances allow.

The cost to support families who care for their special needs dependants at home is far less than the

cost of alternate care arrangements such as institutions or group and foster home situations.

The value of the quality of life experienced by special needs dependants raised at home in a loving family environment is immeasurable.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Family Services and Housing (Ms. Melnick) consider changes to the departmental policy that pays family members a reduced amount of money for room and board when they care for their special needs dependants at home versus the amount paid to a non-parental care provider outside the family home.

To request that the Minister of Family Services and Housing consider examining on a case-by-case basis the merits of paying family members to care for special needs dependants at home versus paying to institutionalize them.

This is signed by Marilyn Hiebert, Doreen Cimarivo, Lydia Penner and many, many others.

* (13:40)

Generally Accepted Accounting Principles

Mr. Kevin Lamoureux (Inkster): I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

Manitoba's provincial auditor has stated that Manitoba's 2003-2004 budget deficit was the second highest on record at \$604 million.

The provincial government is misleading the public by saying they had a surplus of \$13 million in the 2003-2004 budget.

The provincial auditor has indicated that the \$13-million surplus the government says it had cannot be justified.

The provincial auditor has also indicated that the Province is using its own made up accounting rules in order to show a surplus instead of using generally accepted accounting principles.

We petition the Legislative Assembly of Manitoba as follows:

To request the provincial government to consider adopting generally accepted accounting principles in reporting Manitoba's budgetary numbers.

Signed by Don Miller, Don Forsyth and L. Billows.

Committee Report

Mr. Conrad Santos (Chairperson): Mr. Speaker, the Committee of Supply has adopted certain resolutions, directs me to report the same and asks leave to sit again, seconded by the honourable Member for Selkirk (Mr. Dewar), that the report of the committee be received.

Mr. Speaker: It has been moved by the honourable Member for Wellington, seconded by the honourable Member for Selkirk, that the report of the committee be received.

Is it the pleasure of the House to adopt the motion? *[Agreed]*

INTRODUCTION OF BILLS

Bill 44—The Budget Implementation and Tax Statutes Amendment Act, 2005

Hon. Greg Selinger (Minister of Finance): I move, seconded by the Minister of Justice (Mr. Mackintosh), that Bill 44, The Budget Implementation and Tax Statutes Amendment Act, 2005; Loi d'exécution du budget de 2005 et modifiant diverses dispositions législatives en matière de fiscalité, be now read a first time.

Mr. Speaker: It has been moved by the honourable Minister of Finance, seconded by the honourable Attorney General, that Bill 44, The Budget Implementation and Tax Statutes Amendment Act, 2005, be now read a first time.

Mr. Selinger: This bill implements measures announced or included in the '05 Manitoba budget and makes other amendments to tax and financial legislation.

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

Introduction of Guests

Mr. Speaker: Prior to Oral Questions, I would like to draw the attention of all honourable members to the public gallery where we have with us today Mrs. Bea Caldwell who is the mother of the honourable Member for Brandon East. (Mr. Caldwell)

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

ORAL QUESTIONS

Minister of Health Meeting Request

Mr. Stuart Murray (Leader of the Official Opposition): Mr. Speaker, first we learned that this Premier's Health Minister was refusing to meet with concerned moms from Brandon and the Westman area, then we learned he was also refusing to meet with concerned citizens in the north Parkland region.

To quote a letter of May 4, and I would like to table that letter, "Several of our community are very concerned about the decreasing availability of health services. Both physical, mental and financial stresses are being experienced because of a lack of basic services close to home. We have requested on more than one occasion to have a face-to-face meeting with the minister either in Swan River or in Winnipeg, but to date have been unsuccessful."

* (13:45)

Mr. Speaker, as this letter pointed out, I recently met with these concerned citizens. The member from Tuxedo and I also met with Brandon moms that are concerned about their issues because their concerns are very real and very serious. They deserve to have someone represent them here in this Legislature.

I would ask the Premier if he would use his influence to instruct his Minister of Health to meet with these concerned citizens.

Hon. Gary Doer (Premier): Yesterday, Mr. Speaker, the member opposite, or the day before perhaps I am just trying to remember the date, asked about a meeting with the Minister of Health, with a group of citizens, and he had met with them. There are issues we are dealing with in the north Parklands region that are being very well dealt with by the

Minister of Health. In terms of the minister representing the area, the member from Swan River, I think it is safe to say that we are just now working on an official date to open the new hospital she was responsible for building.

Maples Surgical Centre Surgical Wait List Reduction Proposal

Mr. Stuart Murray (Leader of the Official Opposition): Well, Mr. Speaker, as we have asked in this House, I wish that minister would work with the member from Swan River and keep the mental health safe house open instead of closing it as they are doing.

Mr. Speaker, today we received a call from another victim of this Premier's health care services who has a painful cyst on his forehead but was told he must wait three months to have it removed. He took matters into his own hands, called the Maples Surgical Centre but was turned away because he was told they were not able to operate on him. In fact, they were forbidden to do so.

Mr. Speaker, another example, to quote a letter, and I would like to table this letter, as well, in the House, on April 26, from an elderly woman who has been waiting for an urgent hip replacement. She says, "I have been in severe pain for a year and four months. I was forced to quit my job in October because of my inability to walk. I now have to use a cane and crutches because my balance is getting worse. I have paid taxes toward health care benefits and now you are withholding what is rightfully mine in a time of desperate need."

Mr. Speaker, a solution to this issue is sitting in front of this Premier and this Health Minister. I would ask this Premier would he instruct his Health Minister to sit and meet, at least meet, with the Maples Surgical Centre for a solution to these people suffering in pain under his care.

Hon. Gary Doer (Premier): Mr. Speaker, I would point out that the chronic waits for cancer treatment, in fact, when we came into office we saw a proposal sitting in the Department of Health to send patients who were waiting eight weeks for cancer treatment. We saw that held because the government of the day did not want to be embarrassed during a potential election year in 1999.

The first action we took was to have action for patients to go to the United States, deal with their treatments and build back a system where cancer treatment has gone from eight weeks to one week. The cardiac waiting list has gone down, Mr. Speaker, by some 60 percent, so life-and-death patients are getting better treatment.

We are now putting the same kind of effort into hips and knees. The lists are too long and we will reduce them. But I would point out, in terms of the one alternative proposal from the members opposite, there was a lengthy discussion on private systems running in parallel with the public system in Alberta last week. It was at the same time we had the western premiers' meeting in Lloydminster. There were people from France saying it did not work very well, the waiting lists were long. There were people from France that are part of the model the member is recommending, talking about a \$15-billion Euro deficit in health care in that system where you have a private and public system running in parallel. Lots of information for the member opposite.

Mr. Murray: Well, Mr. Speaker, under this NDP government seniors are suffering. There are options in front and, yet, they refuse to be open to some of the options. All we are asking for is to keep your eyes and ears open for options on behalf of seniors and children in the province of Manitoba.

It is appalling this Premier is putting his ideology in front of seniors that are suffering and children that need pediatric dental care. As a matter of fact, Mr. Speaker, Manitobans are so outraged at what this Premier is doing, the suffering. He is ensuring they suffer under his watch. He will not sit down with the Maples Surgical Centre, and they are now starting a button campaign to bring public attention to the fact that this Premier's knee and hip wait list is in crisis.

Will the Premier explain what he is saying to these seniors who are spending money on a public campaign because of his inability to deal with their crisis when they should be saving up money for their retirement? Why does he make them suffer, Mr. Speaker?

*(13:50)

Mr. Doer: Mr. Speaker, we have 111 operating rooms in Manitoba, and there are certainly more

operating rooms today than there were yesterday. There will be more operating rooms tomorrow than there were the day before.

I do believe the hip and knee waiting lists are too long. I also know the reasons why they are too long. We do not have, Mr. Speaker,—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Doer: Well, Mr. Speaker, the members opposite yap from their seats, but when members reduced and rationed the number of students in medical school, when they rationed the amount of investments in medical schools, you plant those crops and unfortunately seven years later, if you plant less in the ground, you are going to have less to harvest.

Part of the problem, Mr. Speaker, on hip and knees—[*interjection*] Well, it takes seven years to graduate a doctor. I just want the member opposite to understand that. We do not have—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. The honourable First Minister has the floor.

Mr. Doer: We have more surgeons. We are graduating four more orthopedic surgeons this year. We are trying to recruit and retain them. We are graduating four more orthopedic surgeons. We have six more than 1999. There is no question those people are needed because the waiting lists are too long. We are working on anesthetists, Mr. Speaker, because we do not have the capacity to expand some of the operating theatres for longer hours to reduce the lists. The challenge is not operating—[*interjection*] Well, members, I know the facts—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. The honourable First Minister has the floor.

Mr. Doer: The issue is not the operating theatres. The issue is the number of orthopedic surgeons and the number of anesthetists to have those operations conducted. That is what we need to do because the waiting lists are too long, and we are not dealing with ideology, Mr. Speaker. When we were faced with cancer—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Doer: Mr. Speaker, when we were dealing with a cancer treatment waiting list that was too long, we sent patients to the United States against our ideology because patient treatment comes first.

Health Care Services Workers Compensation Cases

Mr. Cliff Cullen (Turtle Mountain): Mr. Speaker, we recognize the importance of Workers Compensation cases being treated in a timely fashion. Across Canada, it is common practice to utilize private clinics to treat workers injured in the workplace. However, in Manitoba most Workers Compensation cases are expedited through the public health system. This creates further backlog and increases wait times for ordinary Manitobans who are waiting in pain.

Why is this government allowing Workers Compensation clients to leapfrog ahead of ordinary Manitobans in the public health care system?

Hon. Tim Sale (Minister of Health): Mr. Speaker, I guess I have to help the member with a bit of history. Workers Compensation boards have been around since 1915, that is 90 years. For 90 years Workers Compensation boards across this country have used hospitals, clinics, rehab clinics. That has been part of our system in Canada. The capacity is there to do that. It has been done under every government, under every province and in all three territories. It was a deal done between workers, their employers and the insurance industry because in the past workers who were injured could sue. They very rarely were successful. There was no protection for them.

In 1915, in Ontario, this historic compromise was struck. You provide Workers Compensation. You have protection for workers and employers have certain costs. That system has been around a long time. Perhaps the member did not know that.

* (13:55)

Mr. Cullen: Mr. Speaker, I thank the member opposite for the history on Workers Compensation. This is really a health issue. We recognize the rest of Canada uses private clinics extensively to treat workers injured in the workplace. We know this

process, if implemented, would reduce wait times in Manitoba. We also believe this could be a lower-cost option.

Mr. Speaker, why is this government refusing to fully utilize private clinics to deliver health care services to Workers Compensation clients?

Mr. Sale: The Workers Compensation Board makes its decisions as to where it buys its services. We are delighted with the experience that we have had in the public health care system in the Pan Am Clinic since my colleague, the Minister of Energy, Science and Technology (Mr. Chomiak), brought forward a plan to expand the clinic to reduce the costs of cataract surgeries from \$1,000 to \$700, a 30% decrease in costs when we move those surgeries into the publicly funded, publicly financed and publicly owned Pan Am Clinic.

Mr. Speaker, we are delighted that the next MRI in Manitoba is going into the Pan Am Clinic to help us with our orthopedic needs, to help people get ready for the hip and knee surgeries that we need to have in this province. We are delighted that the Workers Compensation Board has also chosen to support the public sector by choosing to have some of their work done at that same clinic. It is not competition. It is an appropriate use of public resources with the Workers Compensation Board and the public health care system which we support.

Mr. Cullen: Mr. Speaker, I would like to point out to the Minister of Health that by flowing Workers Compensation claims through the public health care system this government is extending wait lists and times to all Manitobans. This government has tunnel vision when it comes to treating Manitobans on health care issues.

Will this government put aside its ideology and do the right thing for all Manitobans? Will this government use the available and existing facilities in Manitoba to help Manitobans?

Mr. Sale: Mr. Speaker, let us go back and do a little more history. The Workers Compensation Board is an insurance scheme paid for by workers and employers through wages and through foregone wages. They use those monies to purchase service in the public health care system or wherever they choose to purchase those services.

In other words, they fully pay for what they use through the insurance premiums paid by workers and their employers. It does not cut down capacity in the public health care system or the private system for that matter. It fully pays for what they use. That was the case in 1916, '26, '56, '86, '96 and 2005, Mr. Speaker. Nothing has changed.

Health Care Services Workers Compensation Cases

Mrs. Heather Stefanson (Tuxedo): Mr. Speaker, not only are Workers Compensation Board clients being fast-tracked through the public system in Manitoba which, as indicated previously, is a very rare phenomenon across our country, but now we understand that surgeons may be receiving extra remuneration to expedite these cases through the public system.

Mr. Speaker, my question for the Minister of Health is are surgeons at the Pan Am Clinic receiving extra remuneration to help expedite Workers Compensation Board cases.

Hon. Tim Sale (Minister of Health): Mr. Speaker, let me say to the member through you as clearly as I can there has been no change in policy, no change in practice, no change in the way things are being done in regard to Workers Compensation claims and services for the last, I do not know, 50 years. There has certainly been no change since her uncle was the Minister of Finance and since Premier Filmon was the premier of this province. No change.

Mrs. Stefanson: Mr. Speaker, we are in possession of minutes from the Manitoba orthopedic society meetings which indicate there is an agreement to expedite Workers Compensation Board claims at the Pan Am Clinic. In those minutes it indicates that negotiations are underway to facilitate expedited orthopedic consultations for a reasonable remuneration for surgeons.

Where are these negotiations at? Are the surgeons at the Pan Am Clinic currently receiving extra remuneration to fast-track Workers Compensation Board cases?

Hon. Nancy Allan (Minister of Labour and Immigration): Mr. Speaker, the WCB is an arms-length agency that provides health care arrangements

for injured workers. One of their priorities is to get injured workers back to health as quickly as possible.

I have every confidence in the WCB that any health care provisions they are making have a sound business case. They are being made so that injured workers can get back to work as quickly as possible. That is what is good for workers, that is what is good for employers and that is what is good for Manitoba's economy.

* (14:00)

Mrs. Stefanson: Mr. Speaker, I do not understand why the Minister of Health is not aware of this situation potentially taking place at the Pan Am Clinic. Mr. Jim Diakiw who is the orthopedic advocate and an employee of the WRHA actually attends meetings of the Manitoba orthopedic society and was at the meeting when it was discussed about negotiations with the Workers Compensation Board and the MOS for reasonable remuneration for expediting these services.

Mr. Speaker, if the doctors at the Pan Am Clinic are receiving extra remuneration for expedited Workers Compensation Board cases in the public system does the minister agree that this would, in fact, be in contravention of the Canada Health Act?

Mr. Sale: Mr. Speaker, in 1998, the Workers Compensation Board under the previous administration's board purchased part of the cost of an MRI at St. Boniface Hospital. In other words, for decades Workers Comp has purchased the capacity to meet their obligations as an insurance company on behalf of workers and employers. This is no different. There is no change. It is exactly as things have been. Every province in Canada operates this way. There is no breach of the Canada Health Act. Whatever phobias and fears the member is trying to foment are absolutely without foundation.

Crocus Fund Protection for Investors

Mr. John Loewen (Fort Whyte): Mr. Speaker, the September 30, 2003, audited financial statement from the Crocus Fund, which is the last audited statement available for our perusal, indicates there are loan guarantees of \$14.9 million guaranteed by the Crocus Fund. This number is likely higher now since 2003. This is really a form of off-balance sheet

financing that increases the exposure of the unit holders.

We also understand, Mr. Speaker, that most of this \$15-million guarantee is resting with credit unions in the province of Manitoba. I would ask the minister if he could indicate what action is being taken by the Crocus Fund to reduce or eliminate the risk of this \$15 million in loan guarantees being called and the significant exposure it gives to the unit holders.

Hon. Jim Rondeau (Minister of Industry, Economic Development and Mines): Mr. Speaker, I trust the member opposite realizes that the management of the fund is the responsibility of the fund. They make investments, they make loan guarantees, they buy bonds, whatever they believe is necessary for the fiduciary responsibility they hold for the shareholder. We do not manage it, we do not guarantee it and we do not control their investments.

The member opposite fails to understand that we do not run the fund and we do not control the fund. There is a board of directors that has fiduciary responsibility to do that. We, right now, are awaiting the report, for the Auditor General to make his final report and MSC to see what is happening with this fund. We are anticipating those reports shortly.

Mr. Loewen: Mr. Speaker, I want to assure the minister and the Premier that I am not asking him to run the fund. I am asking him to do what his government said it would do in 2001, which is to monitor the fund. That is their responsibility, that is their duty to taxpayers and that is their duty to unit holders. Clearly, they have let them down. Their gross mismanagement and appalling lack of oversight has led to the fleecing of \$60 million out of unit holders' funds. Now, in their desperate attempt to distance themselves from any responsibility for this fund, all they do is stand up day after day and claim ignorance of the situation.

What the real situation here is that this fund is in a precarious situation where it may, at any time, crash and burn. I am simply asking the government to indicate to the unit holders, to indicate to taxpayers, what steps they are taking to help this fund survive. What are you doing to help the fund survive in the future, sir?

Mr. Rondeau: Mr. Speaker, as the member should know, in 1992 when the fund was set up by then-

Minister Eric Stefanson, it was set up so that it had fiduciary responsibility. The oversight was given to the Auditor of the province. In 2001 we gave further insight as to expand The Auditor General's Act so that he could or his office could examine any entity receiving government money or tax credits, et cetera.

What is happening is the Auditor General, through that power and through power given by the Minister of Finance (Mr. Selinger) and myself, is doing an examination. That is the proper thing to do. We are following the proper procedures by conducting an investigation through the Auditor General. We are making sure there is a stop-trading order. The MSC is doing the investigation. That is the proper and prudent thing to do. That is the thing that was done when you set up the fund in 1992, your party, and we continue that practice.

Mr. Loewen: Mr. Speaker, the proper thing for this government to do is to do what they said they would do in 2001, and that is simply to monitor the fund. If they had monitored the fund we would not need an investigation by the Auditor, we would not need an investigation by the MSC. The fund would be operating properly.

They have the authority under the act to look at any information, and yet we find out there is \$15 million in loan guarantees outstanding. There is \$10 million to \$20 million worth of funds being invested in investee companies. There is another \$12 million that is going to be up for redemption next year. The only protection the unit holders have is for this fund to continue operating in the long term otherwise the remaining \$90 million to \$100 million is going to be lost too.

I am simply asking this minister to stand up. Maybe the Minister of Finance (Mr. Selinger), maybe somebody else on that side of the House will stand up and indicate to taxpayers and unit holders what steps they are taking to ensure that this fund will survive in the future and that it will not crash and burn in the coming months.

Mr. Rondeau: Mr. Speaker, it is very obvious what we are going to do. We are going to look at the report from the MSC. We are going to look at the report from the Auditor General. We are going to look at the recommendations and implement them so that we can in the future protect—

Mr. Speaker: Order.

Point of Order

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

Mr. Loewen: On a point of order. Again the minister stands up and puts misinformation on the record. He should clearly indicate that he has the Auditor General's report. They received it last Friday. It is not a matter of looking into it in the future. They have it, and he should refer to that. Thank you.

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

* * *

Mr. Rondeau: Mr. Speaker, I trust that the member opposite should do his homework, should understand The Auditor General's Act. We expanded The Auditor General's Act so that he can conduct his investigation without prejudice, without political interference. That is ongoing. The report will give us recommendations. We will ensure that we follow the recommendations to improve the system, a system that was set up by your government when it was in control. We are improving it. We improved it in 2001. We intend to improve it in the future.

Seven Oaks School Division Land Acquisition and Development

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, last Monday Brian O'Leary, the superintendent of the Seven Oaks School Division and the disgraced campaign manager for the NDP, said they did not see themselves as land developers and getting into the land development business was a reluctant move on their part.

Can the Minister of Education please tell us why, then, did the Seven Oaks School Division make an application to the City in 2002 to create sites for over 40 single-family homes in Swinford Park, this after they had already held public hearings in 2001? How can Brian O'Leary say they were reluctantly going into this when, in fact, this was a deliberate move going back to 2001?

Hon. Peter Bjornson (Minister of Education, Citizenship and Youth): As I have said before and I will say it again, this is a very complex issue on

several levels, two of those levels being legal and financial. As such, Mr. Speaker, we are engaged in a process. It is a 30-day review. We are well underway in that 30-day review process. We will address the specifics of this issue. What transpired from a duly elected school board and an arm's-length organization of the Public Schools Finance Board, what transpired in this process when—

An Honourable Member: It is not arm's length.

* (14:10)

Mr. Speaker: Order.

Mr. Bjornson: The process will determine what transpired from—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Bjornson: As I was saying, Mr. Speaker, what transpired in the process of the disposition of property, what transpired between the duly elected school board and the Public Schools Finance Board will be determined in review.

Mrs. Driedger: The problem with what the minister is doing is that he is not investigating himself. He has been the weakest link in this whole issue.

Mr. Speaker, yesterday the Seven Oaks School Division sent a letter home with all their students defending their action to develop land, something that is illegal, and the Minister of Education has a legal opinion that what they were doing is actually illegal. There is a serious, serious contradictory statement in that letter sent out by the Seven Oaks School Division.

So I would like to ask the Minister of Education if he could please explain this. Why did the Seven Oaks School Division say they sold off all their surplus land in 2003 when in January of 2004 they continued to buy up several more parcels of land in Swinford Park?

Mr. Bjornson: Mr. Speaker, did I mention there was a review underway? As I said, the purpose of the review is to examine all facets of what has transpired in this process. Once we have all the information together we will be responding to that information.

Unlike members opposite, I do not read a chapter here or chapter there, I read the whole book. We are going to go from prologue, from preamble to the conclusion, and we are going to have all the answers.

Mrs. Driedger: Mr. Speaker, he certainly cannot be reading the whole book because he is missing all kinds of chapters in his understanding of the information.

So Mr. O'Leary said that the Seven Oaks School Division sold off all of their surplus land in 2003 and they only kept enough land for a school. I would like to ask the Minister of Education to then please explain why, two years later, the Seven Oaks School Division still holds several properties in land title under their name. How could they possibly be right now developing land if they do not own any land? Can the minister please explain these contradictions?

Mr. Bjornson: Mr. Speaker, there are several school divisions that purchase land on speculation. In fact, they have been buying a lot more land on speculation since we have been in government because we are building a lot of schools. Our capital plan, \$333 million, \$161 million—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Bjornson: Once again, Mr. Speaker, with this particular case, as it refers to Seven Oaks School Division, we are going to review everything that transpired. Here we are having this discussion on the 10th anniversary of the biggest layoff of teachers in the history of the province of Manitoba when 243 teachers were given their release papers 10 years ago this month, when they announced zero percent increase in funding, when they announced \$23.7 million for capital. We are committed to education. We are committed to building schools. We are committed to students and teachers in this province.

Red River Floodway Expansion Labour Agreement

Mr. Jack Penner (Emerson): Today, in the *Winnipeg Free Press*, the Minister of Water Stewardship makes an interesting comment about the pension trust fund which is part of the floodway labour management agreement. I quote, "Unionized employees will have to pay for pensions and benefits

but non-unionized employees will have provisions to have their share paid into RRSPs and other private funds."

I ask the minister where in the floodway labour management agreement does it state that non-unionized employees will have provisions for their employers to contribute funds into an RRSP on their behalf.

Hon. Steve Ashton (Minister of Water Stewardship): Mr. Speaker, I find it interesting that the member opposite did attend a briefing with the Floodway Authority. If he had bothered to ask the question, he would have determined the Floodway Authority has indicated, very clearly, under the project management agreement that there are provisions in place for pensions and benefits for unionized employees. There are also provisions they are putting in place to ensure that non-unionized employees can continue, if they are in plans involving pensions and benefits, to pay towards those pensions and benefits, and if they do not have any benefits they are looking at opportunities such as RRSPs.

Once again, Mr. Speaker, the Floodway Authority believes in pensions and benefits for workers, something the 1895 Tories do not.

Mr. Penner: Mr. Speaker, I would suggest the minister might read his own labour-management agreement. The minister was quoted, "There is no mandatory requirement to be part of a union. There are options for non-union workers."

Mr. Speaker, can the minister point out the section of the agreement where the provisions are set out in the establishment of this labour management agreement for RRSP contributions?

Mr. Ashton: Again, if the member would care to read the agreement and take off his ideological blinkers and this mentality we see day-in day-out from members opposite, the only thing that matters to the project is the project management agreement. Ignoring the flood protection benefits for Manitobans, Mr. Speaker, he will find that pretty well everything they have been saying about the project management agreement right from day one has proven not to be true. There are opportunities, including pensions and benefits, that will be available to unionized and non-unionized employees, opportunities for all Manitobans.

Mr. Penner: In the *Free Press* article as well, the Heavy Construction Association states and I quote, "This agreement says one thing and the minister says another." Are they changing it? There is no provision in this agreement for RRSP contributions. This shows what a mess this agreement really is, Mr. Speaker. The minister is making it up on the fly.

Is this minister now guaranteeing that there will be RRSPs established for these employees under this agreement?

Mr. Ashton: Mr. Speaker, I can guarantee one thing. Unlike members opposite who immediately on the tabling of the project management agreement came out and were opposed to the payments for pensions and benefits, unlike the members opposite who are stuck in a time warp, we have in this agreement provisions for decent wages and benefits and pensions for all workers, unionized and non-unionized.

They may be opposed to this agreement, that is their right, but this agreement has benefits for all Manitobans. They should maybe take the time to read it and understand it before they bring these false accusations to the House.

Marijuana Grow Operations Reduction Strategy

Mr. Kevin Lamoureux (Inkster): I would like to talk about three records in which this government should be very shameful of. If we talk first and foremost about our grow ops, Mr. Speaker, the drugs in Manitoba are indeed a very serious problem. The correlation between drugs and crime is so strong, yet we see a minister who tends to want to put his head in the sand and not address the issue. Last year we had a record high of 105 grow ops detected. I have been told by police officers that there are a lot more than 105 out there. They do, in fact, need help.

I am asking the Minister of Justice this: Will the Minister of Justice today recognize the need to establish that separate fund to assist our officers in having people phone a number in which, if they are aware of grow ops, they will be able to get that? I do not want to hear about Crime Stoppers. I want to hear something tangible from the minister on this particular issue. Is he prepared to make that commitment today?

* (14:20)

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Mr. Speaker, I think one of the strongest commitments that can be made to counter drugs in Manitoba is an investment in our law enforcement officers, our police officers on the front lines.

Mr. Speaker, we on this side committed to 54 new positions in policing over the next two years. It is unfortunate that the member continually goes around Manitoba, continually in this Chamber and all media and says, I quote, "We do not need more police." Shame on him.

Auto Theft Reduction Strategy

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I say to the minister shame on him for putting out so much propaganda. He tried to give Manitobans the impression this government is tough on crime when every record shows this government has been a dismal failure. That is the reality of the situation. Manitoba had 13 000-plus vehicles stolen last year, 13 000-plus, and this minister is a disgrace in trying to deal with that issue.

My question to the Minister of Justice is will he take some action, show some indication that he is sensitive to the number of vehicles being stolen in our province and bring in things such as ankle bracelets that will have an impact. We have a relatively small number of people stealing hundreds of vehicles every year. We want action from this minister, not propaganda, Mr. Speaker.

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Again, volume does not make up for lack of substance. The member, who does not want any more police in Manitoba and perhaps he wants less police, yesterday in this House was commending the government on taking action on auto theft. [*interjection*] I believe the Hansard has been distributed.

You will see in there where the member opposite yesterday was commending the government on the action it is taking to counter the stubborn epidemic of auto theft in this province by investing in more probation resources and a new partnership between police and probation. I just lament the member's consistent and continuing demand that this government retract from adding 50 more police officers. We

refuse to do that, Mr. Speaker. We are going to invest in policing in Manitoba.

Break and Enters Reduction Strategy

Mr. Kevin Lamoureux (Inkster): Another record of shame that this government has a title on, in terms of records, is a very serious crime, a crime in which today, if someone breaks into your home, you are waiting, if not hours, possibly the next day, before you even get any sort of attention. Manitobans are concerned about home break-ins and business break-ins. They have sat and seen this government do absolutely nothing in addressing these issues in the last six years. Absolute total failure, Mr. Speaker. In fact, in 2003 there were 7622 break-ins.

My question is does this minister even recognize this to be a serious issue? If he does recognize it to be a serious issue, what exactly is he doing to address this issue? Please, save us the grace, do not blame Ottawa on this issue, Mr. Speaker. Tell us what you are doing.

Hon. Gord Mackintosh (Minister of Justice and Attorney General): On the one hand the member complains about response time and on the other hand says we do not need more police. I wish he would sort of sit down in a quiet place and figure out what his strategy is.

Mr. Speaker, I want to remind the member that auto thefts declined in March by 13 percent year over year. I want to remind the member that break and enters are 14% lower than the previous 10-year average. I want to remind the member opposite that Manitoba has the third-lowest drug offence rate among the provinces.

There is still a lot of work to be done and we know that. That is why we have more police than ever before in Manitoba, more prosecutors than ever before, more probation officers than ever before. Not only that, Mr. Speaker, more opportunities for young Manitobans to get a life that does not involve crime. That is important. The member opposite should maybe think about that too. It is about healthy communities as well.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

I recognize the honourable Member for St. James. She was up on her feet. We are on question No. 8.

Order. She was up on her feet. I recognize the honourable Member for St. James.

Nursing Profession Education and Training Opportunities

Ms. Bonnie Korzeniowski (St. James): Thank you, Mr. Speaker. Given National Nursing Week, could the Minister of Health inform the House of the important advancements to nurse training across the province and particularly with the extended-practice nurses?

Hon. Tim Sale (Minister of Health): Mr. Speaker, I was delighted to be joined by members of our side of the House and the opposite side of the House a couple of days ago to sign the proclamation for National Nursing Week. In it we celebrated the success of the LPN program in central Manitoba that has helped the RHA of central Manitoba to virtually eliminate its shortage of LPNs.

We celebrated the new RN program which is being offered out of central Manitoba, out of Portage and Boundary Trails area, Mr. Speaker, which will greatly assist them. We celebrated the extended practice-nursing regulation which for the first time in Canada allows a broad range of skills of nurses to be registered in the same way that a broad range of skills of physicians is registered. We can take advantage of the tremendous capacity of our nurses who assist in primary care, in triage, in trauma centres and in specialized care for people with diabetes and other needs. We are very proud of the work that our nurses have done, 879 more now, 1569 lost under the previous government.

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

Speaker's Ruling

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

Prior to Oral Questions on May 5, 2005, the honourable Official Opposition House Leader (Mr. Derkach) rose on a matter of privilege concerning comments made by the honourable Minister for Education, Citizenship and Youth (Mr. Bjornson),

while answering questions during Oral Questions on the previous sitting day. The honourable Official Opposition House Leader contended that the honourable Minister of Education, Citizenship and Youth had committed a falsehood and had intended to deceive the House. The honourable Official Opposition House Leader tabled some documents in support of his assertion. He concluded his remarks by moving:

"THAT this matter be referred to the Committee on Legislative Affairs for consideration of disciplinary action respecting the Minister of Education, the member from Gimli."

The honourable Government House Leader (Mr. Mackintosh) and the honourable Member for River Heights (Mr. Gerrard) also offered advice to the Chair on the matter. I took the matter under advisement in order to consult the procedural authorities.

I thank all honourable 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.

Regarding the first condition, the honourable Official Opposition House Leader asserted that he was raising the matter at the earliest opportunity, and I accept the word of the honourable member.

Regarding the second condition, whether there is sufficient evidence that the privileges of the House have been breached, it is important to determine whether parliamentary privilege has been breached and the actions complained.

Joseph Maingot, in the second edition of *Parliamentary Privilege in Canada*, advises on page 241, "that to allege that a member has misled the House is a matter of order rather than privilege." In addition, it has been ruled by Speakers in Manitoba that the member raising the matter of privilege must furnish proof of intent.

* (14:30)

Speaker Phillips ruled so in 1987, while Speaker Rocan made similar rulings seven times between 1988 and 1995. Speaker Dacquay made nine such rulings between 1995 and 1999. In a ruling that she gave on April 20, 1999, she advised that, short of a member acknowledging to the House that he or she deliberately and with intent set out to mislead, it is virtually impossible to prove that a member had deliberately misled the House.

Similarly, Deputy Speaker Santos made one ruling finding no proof of intentional misleading in 2001. While as Speaker, I have made five such rulings during the period 1999 to 2005.

In addition, *Beauchesne* citation 494 states: "It has been formally ruled by Speakers that statements by members respecting themselves and particularly within their own knowledge must be accepted. It is not unparliamentary temperately to criticize statements made by members as being contrary to the facts; but no imputation of intentional falsehood is permissible. On rare occasions this may result in the House having to accept two contradictory accounts of the same incident." This citation is supported by two rulings from Speaker Rocan and four rulings from Speaker Dacquay.

Also, as I ruled in the House on April 29 of last year in a comparable situation where a matter of privilege was raised in the Canadian House of Commons concerning whether a response given by the president of the Treasury Board was false in comparison with other available information, Speaker Milliken ruled on February 19, 2004, that it is not the Speaker's role to adjudicate on matters of fact as this is something on which the House itself can form an opinion on during debate.

Although this issue is one that is obviously important and of significance to many members in the House, with the greatest of respect, I must rule on the basis of the procedural authorities and on the basis of rulings from previous Manitoba Speakers, there is no prima facie case of privilege.

Mr. Leonard Derkach (Official Opposition House Leader): Mr. Speaker, I am greatly disappointed, given the fact that enough information was tabled in this House to prove that the minister lied. I must challenge your ruling.

Some Honourable Members: Oh, oh.

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

The honourable Government House Leader on the same—it is not a point of order. He is challenging the ruling.

Hon. Gord Mackintosh (Government House Leader): I am compelled to raise a point of order, Mr. Speaker.

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

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

Formal Vote

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

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

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

*(15:30)

Division

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

Yeas

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

Nays

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

Madam Clerk (Patricia Chaychuk): Yeas 32, Nays 20.

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

Point of Order

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

Mr. Mackintosh: Mr. Speaker, on a point of order that I was up on before unfortunately, I asked the Member for Russell (Mr. Derkach) to withdraw his remarks. He had referred to the member, the Minister of Education (Mr. Bjornson), in an unparliamentary way. He called him, I understand, "a liar," or words to that effect, which clearly are unparliamentary.

Mr. Speaker: On the point of order raised by the honourable Government House Leader, I am going to take it under advisement and peruse Hansard and check with the procedural authorities, and I will bring back a ruling.

Point of Order

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

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

On the new point of order, this is a very dark day in this Chamber because, according to the rules of this House, and according to *Beauchesne*, any minister who knowingly and wilfully puts false statements on the record should do the honourable thing and either apologize to all of the people he has offended by that, or he should do the more honourable thing and that is to resign as a minister of the Crown.

Mr. Speaker, we have presented factual evidence, signed by the Minister of Education—

Mr. Speaker: Order. I am hearing very similar requests to my previous ruling. I have just made a ruling, and it is the practice of the House to challenge the ruling. I would be careful about reflecting on the ruling of the Chair, but from what I have heard so far, the information is very similar to the ruling I just made. I would ask the honourable Official Opposition if he is on a new point of order. The actual information pertaining to the Minister of Education, I have just dealt with it.

Mr. Derkach: Mr. Speaker, your ruling had to do with a prima facie case, and you said there was no prima facie case. In this event, I am advising the House that information I tabled in this House is exactly contrary to what the minister's statements were.

Now, Mr. Speaker, I contend that this minister wilfully and knowingly misled this House, so, therefore, I think this House needs to take the right step and censure this minister for doing what we all, in this House, would view as being a contempt of this Legislature.

Therefore, I want to move a motion which would be seconded by the member from Charleswood,

THAT this Legislative Assembly censure the Minister of Education and Youth (Mr. Bjornson) for wilfully and knowingly misleading the public and this House in the false statements regarding his knowledge about Seven Oaks School Division and Mr. Brian O'Leary's illegal activities of land development matters in that school division.

Mr. Speaker: I have to rule this out of order. Members cannot move a motion on a point of order. A point of order is to draw the attention of a breach of a rule or a departure of practice of the House, and I cannot entertain a motion moved under a point of order. I have to rule this out of order, and I have to rule that the honourable Official Opposition House Leader does not have a point of order.

* * *

*(15:40)

Mr. Derkach: Well, Mr. Speaker, the problem here is that, as an opposition member, I have no opportunity, and neither does any member of this House, to correct an error that was knowingly made

and continues to be perpetrated by another member in this Legislature. This sets a tone in our House.

Mr. Speaker, you are the presider of this House. Throughout the history of this Legislature we have always been very careful.

Mr. Speaker: Order. I have to ask the honourable member on what point he is rising. I never heard if he was up on privilege or if he was on the point of order or if he was debating the ruling that I had just given. I have to find some clarification from the honourable Official Opposition House Leader.

Mr. Derkach: Mr. Speaker, I was simply taking some latitude prior to challenging your ruling, but I wanted you to understand that it is not you that I am reflecting on. As a matter of fact, I am challenging your ruling because of a principle.

Mr. Speaker: Order. For the information of all members of the House, when a Speaker makes a ruling, it is not up for debate. The only alternative a member has is to challenge the ruling of the Chair. It is not up for debate. I heard the honourable Official Opposition House Leader state that he wished to challenge the ruling of the Chair. The ruling of the Chair has been challenged.

For clarification purposes of all honourable members, I guess I should not assume anything from the Chair, but the honourable Official Opposition House Leader, when I had stated that the honourable member did not have a point of order, that is what you are challenging?

An Honourable Member: Yes.

Mr. Speaker: Okay. That is just for a clarification.

The ruling of the Chair has been challenged.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

Formal Vote

Mr. Derkach: Yeas and Nays, Mr. Speaker.

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

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

Division

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

Yeas

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

Nays

Cullen, Cummings, Derkach, Driedger, Dyck, Eichler, Faurschou, Goertzen, Hawranik, Loewen, Maguire, Mitchelson, Penner, Reimer, Rocan, Rowat, Schuler, Stefanson, Taillieu.

Madam Clerk (Patricia Chaychuk): Yeas 35, Nays 19.

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

* (16:40)

Point of Order

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

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

Mr. Derkach: Mr. Speaker, the rules of this House, and whether it is the rules that we follow that have

been developed for Manitoba practices or whether it is the rules according to *Beauchesne*, they are very consistent in that telling an untruth in the House is a serious offence.

Mr. Speaker, I know that this afternoon the business of the House has been disrupted because the comments of the Minister of Education have really offended Manitobans and members of this Legislature. There comes a time when one has to stand for something. What we stand for on this side of the House is truth. Members on this side of the House stand—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Derkach: Mr. Speaker, members on this side of the House have a respect for this Chamber and a respect for the duties and responsibilities of this House.

What we have seen in recent times is that certain ministers of the Crown have blatant disrespect and disregard for the integrity of this House and for the people of this province. I do not know what other vehicle I can use as a member in this Chamber to illustrate that there is a breach of the rules of this House, a breach of the conduct of members in this House and a breach of respect not only for you, Mr. Speaker, as the presiding officer in this House and your Chair, but for all members that work in this House and that have a place in this House.

Mr. Speaker, we have on the table in front of us the mace. That mace is a very symbolic aspect of democracy. That mace is respected by every member who is in this Chamber. But, in showing respect to the monarchy and showing respect for democracy, we have also taken an oath that what we say in our places reflects the truth and does not in any way mislead wilfully the people or members of this Chamber.

Mr. Speaker, sometimes that happens inadvertently, and, in terms of what members say in this House, you take their word as honourable; you take their word as truth. If that member or that minister has transgressed those rules and that truth, then that minister has an obligation to correct the record because the record is here forever. What we take away from here is the integrity that we represented

our position as ministers, as MLAs, in the most truthful fashion as possible.

This appeals to the conscience of a person as well because a person has to have a conscience when you stand in your place and you make statements. Now, we can be flippant about issues, but in this case these issues affect the lives of people outside of this Chamber. They affect the opportunities of children outside of this Chamber. When a law is broken, it is up to ministers who have responsibility in their portfolios to correct those particular laws that have been broken.

The reason I say this is a sad day in this Chamber is that we have a minister who continues to refuse to acknowledge the fact that he wilfully misled this Chamber. His constituents are going to know that. Manitobans are going to know that because we will ensure they know that unless he does the honourable thing and stand in his place and apologize to Manitobans and to this Chamber. Now, he can smirk if he likes in his chair, but that does not, in any way, reflect an attitude of humility, as it should.

I have done things in this House where I have had to stand and apologize for them, but I do it because I have respect for the Chamber, and I do it because I have respect for you as the Chair of this Chamber, Mr. Speaker, as a presiding officer, and also because there is a respect among legislators here. But, when we find out that someone is so stubborn, knowingly having made a false statement, knowingly misleading the House because they do not want to incur the wrath of the press, perhaps, and perhaps they do not have to incur the wrath of their own Premier, they will not get up and correct the record. That is a sad day.

To that extent, my point of order is that the Minister of Education and Youth (Mr. Bjornson) has, in fact, offended the members of this Chamber and the public of Manitoba. He should, at the very least, apologize to this Chamber and to all Manitobans for having, first of all, made those comments which, indeed, we find, and Manitobans find, so offensive, Mr. Speaker.

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

Mr. Mackintosh: Mr. Speaker, the subject matter which he raises was dealt with as a matter of privilege. It has also been dealt with as a matter of point of order and has been disposed of. Of course, the member rising on the point of order could not cite a rule that has been allegedly departed from; therefore, there does not appear to be any matter of order at all. It is simply a dispute on the facts.

Mr. Speaker: On the point of order raised by the honourable Official Opposition House Leader (Mr. Derkach), he does not have a point of order. It is a dispute over the facts.

* * *

Mr. Derkach: Mr. Speaker, once again, with the greatest of respect, I challenge your ruling.

Some Honourable Members: Oh, oh.

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

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

Formal Vote

Mr. Derkach: Yeas and Nays, Mr. Speaker.

* (17:30)

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

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

Division

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

Yeas

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

Nays

Cullen, Cummings, Derkach, Driedger, Dyck, Eichler, Faurschou, Goertzen, Hawranik, Loewen,

Maguire, Mitchelson, Penner, Reimer, Rowat, Schuler, Taillieu.

Madam Clerk (Patricia Chaychuk): Yeas 34, Nays 17.

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

* * *

Mr. Speaker: The hour being past 5:30 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow (Thursday).

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, May 11, 2005

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