JOURNALS

OF THE

LEGISLATIVE ASSEMBLY

OF

MANITOBA



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3^{RD} Session of the 38^{TH} Legislature

From the $22^{^{TH}}$ Day of November 2004 to the $16^{^{TH}}$ Day of June 2005

In the $53^{\text{RD}} - 54^{\text{TH}}$ years of the Reign of our Sovereign Lady Queen Elizabeth The Second

WINNIPEG, MANITOBA

VOLUME 151

LEGISLATIVE ASSEMBLY OF MANITOBA



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PROVINCE OF MANITOBA

ELIZABETH II, Queen of Canada

PROCLAMATION

With the advice and consent of the Executive Council of Manitoba, we prorogue the 2nd Session of the 38th Legislature of the Province of Manitoba effective on Sunday, November 21, 2004, and convene the 3rd Session of the 38th Legislature of the Province of Manitoba on Monday, November 22, 2004, at 1:30 p.m.

HIS HONOUR JOHN HARVARD Lieutenant Governor of the Province of Manitoba Winnipeg, Manitoba November 17, 2004

G. MACKINTOSH Minister of Justice and Attorney General

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Debate: Mr. SANTOS, Mrs. TAILLIEU, Messrs. JENNISSEN and HAWRANIK. Allowed to	
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comments spoken by the Honourable Member for River East) – Mr. MALOWAY. Debate	
(Point of Order): Mrs. MITCHELSON. Madam Acting Deputy Speaker ruled that there was	
a point of order. Ruling challenged. Pursuant to Rule 23(4), the division is deferred as the	
first item of business during the next Private Members' Hour. Debate continued: Mrs.	
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PRIVILEGE, MATTERS OF

Privilege – Hon. Mr. GERRARD – THAT this House finds the statement made by the current	
Minister of Health in the legislative Chamber on July 31, 2002 provided misleading	
information and, thereby directs the Minister of Health to apologize to the House, and all	
Manitobans, for his statements.	
Contributions: Hon. Mr. MACKINTOSH and Mr. DERKACH. Taken under advisement by	
Mr. Speaker	16-17
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Hon. Mr. MACKINTOSH. Previously taken under advisement by Mr. Speaker	19
Mr. Speaker ruled there is no prima facie case of privilege	43-44

 Privilege – Hon. Mr. GERRARD – THAT this House finds the statements of the Premier and the Minister of Justice to be contemptuous and ones which go against the dignity of the House, and, thereby directs the Premier and Minister of Justice to apologize to the House, and all Manitobans, for these cavalier statements against Members of the Legislative Assembly and the people of Manitoba for whom they serve. <i>Contributions:</i> Hon. Mr. DOER, Messrs. DERKACH, GOERTZEN and LAMOUREUX. Taken under advisement by Mr. Speaker. 	19
Mr. Speaker ruled there is no prima facie case of privilege	44-45
Privilege – Mr. DERKACH – THAT the Legislative Assembly adopt the motions that were passed by the Public Accounts Committee on September 7 and September 8. <i>Contributions:</i> Hon. Mr. MACKINTOSH and Mr. LOEWEN. Taken under advisement by Mr. Speaker	28
Mr. Speaker ruled there is no prima facie case of privilege	54-55
Privilege – Mr. CUMMINGS – THAT this question be referred to the Legislative Affairs Committee of this House and report back to the House. <i>Contributions:</i> Hon. Mr. MACKINTOSH, Messrs. DERKACH, PENNER, LOEWEN,	
LAMOUREUX and FAURSCHOU. Taken under advisement by Mr. Speaker	31
Mr. Speaker ruled there is no prima facie case of privilege	73
Privilege – Mr. CUMMINGS – THAT this matter be referred to the Committee on Legislative Affairs.	
<i>Contributions:</i> Hon. Mr. MACKINTOSH. Taken under advisement by Mr. Speaker Mr. Speaker ruled that these actions do not fulfill the criteria for a prima facie case of	34
privilege	74
Privilege – Mr. DERKACH – THAT this matter be referred to the Committee on Legislative Affairs and be reported to this House.	
Contributions: Hon. Mr. MACKINTOSH, Mr. LAMOUREUX, Hon. Mr. DOER and Mrs. MITCHELSON. Taken under advisement by Mr. Speaker	34
Mr. Speaker ruled that there is no prima facie evidence of a breach of privilege	75
Privilege – Mr. LAMOUREUX – THAT this Matter be referred to the Standing Committee on Legislative Affairs and be reported back to this House. <i>Contributions:</i> Hon. Mr. MACKINTOSH, Mrs. MITCHELSON, Messrs. GOERTZEN and DERKACH. Taken under advisement by Mr. Speaker	59
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privilege	113-114
Privilege – Mr. SCHULER – THAT this be referred to the Speaker and that Mr. Speaker report back to the House on this matter.	
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under advisement by Mr. Speaker Mr. Speaker ruled there is no prima facie case of privilege	63 130-133
Privilege – Mr. LOEWEN – THAT as a result of the seriousness of this breach of privilege, that this matter be referred to the Standing Committee on Legislative Affairs and THAT the Minister of Health be requested to apologize to Manitobans and to all Honourable Members of this Chamber for purposefully and knowingly misleading Manitobans and	
the Honourable Members of this Chamber.	
<i>Contributions:</i> Hon. Mr. ASHTON, Mr. ROCAN, Mrs. DRIEDGER, Messrs. LAMOUREUX and DERKACH. Taken under advisement by Mr. Speaker Mr. Speaker ruled that the matter is not in order as a prima facie case of privilege	103 139-141
 Privilege – Mr. DERKACH – THAT as a result of the inappropriate conduct and actions of the Member of Wellington in this House, that the Members of the Legislative Assembly and this House have lost confidence in this Member as the Deputy Speaker and that he be asked to resign as Deputy Speaker of this Chamber. <i>Contributions:</i> Mr. LAMOUREUX and Hon. Mr. MACKINTOSH. Mr. Speaker ruled the motion in order and put it before the House for debate. 	
Debate: Messrs. DERKACH, LAMOUREUX and GOERTZEN. Negatived, on division (18-31)	120-121

Privilege – Mr. DERKACH – THAT this House in today's sitting deal with Bill (No. 10) and that the First Minister, the Premier apologize to all Manitobans for his statements which did	
not parallel the truth.	
Contributions: Hon. Mr. MACKINTOSH, Messrs. LAMOUREUX and SCHULER. Taken under	1.51
advisement by Mr. Speaker Mr. Speaker ruled that there is no prima facie case of privilege	
Privilege – Mr. LAMOUREUX – THAT this Matter of Privilege which concerns the unorthodox	
ways of government be referred to the Committee on Legislative Affairs.	
Taken under advisement by Mr. Speaker	
Mr. Speaker ruled that the matter does not fulfill the criteria for a prima facie case of privilege	
Privilege – Mr. DERKACH – THAT this Matter of Privilege be referred to the Committee of	
Legislative Affairs for consideration of disciplinary action respecting the Minister of	
Education, the Member for Gimli. <i>Contributions:</i> Hon. Messrs. MACKINTOSH and GERRARD. Taken under advisement by	
Mr. Speaker	
Mr. Speaker ruled 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. Ruling	
challenged. Sustained, on division (32-20)	
Privilege - Hon. Mr. GERRARD - THAT this matter be referred to the Committee on	
Legislative Affairs for consideration of disciplinary action respecting the Minister of	
Child and Family Services, the Member from Riel. <i>Contributions:</i> Hon. Mr. MACKINTOSH and Mr. DERKACH. Taken under advisement by	
Mr. Speaker	
Mr. Speaker ruled 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	
Privilege – Mr. PENNER – THAT this Legislative Assembly ask the Premier to clarify his	
statement to the Legislature dealing with the matter of declaring a disaster area versus a	
state of emergency and which declaration constitute evacuation and which declaration	
would require the Province and Federal Government to assist in paying for and through	
disaster assistance. <i>Contributions:</i> Hon. Mr. MACKINTOSH and Mr. DERKACH. Taken under advisement by	
Mr. Speaker	
Mr. Speaker ruled that there is no prima facie case of privilege	
Privilege – Mr. LAMOUREUX – THAT this matter be sent to a Standing Committee of the	
House.	
Contributions: Mr. ROCAN and Hon. Mr. MACKINTOSH. Taken under advisement by Mr. Speaker	
Mr. Speaker ruled that there is no prima facie case of privilege	
PROCEDURE	
Point of Order – Mr. DERKACH – regarding the words "so-called" spoken by the Honourable First Minister. Voluntary withdrawal by Hon. Mr. DOER.	
Interjection – Mr. Speaker – requested that the words "deliberately misleading" spoken by the	
Honourable Member for Russell be withdrawn. Withdrawal by Mr. DERKACH	
Interjection - Mr. Speaker - requested that the words "jellyfish" spoken by the Honourable	
Member for Inkster be withdrawn. Withdrawal by Mr. LAMOUREUX.	
Point of Order – Mr. DERKACH – regarding situations where questions are posed to Ministers	
who may not have the responsibility for that portfolio. Taken under advisement by the	
Mr. Speaker Mr. Speaker ruled that there is no point of order	
111. Speaker fulled that there is no point of order	

Point of Order (<i>during the debate</i>) – Hon. Mr. ASHTON – requesting the words "if the shoe fits, wear it" spoken by the Honourable Member for Springfield, be withdrawn. <i>Debate:</i> Mr. SCHULER. Taken under advisement by Mr. Deputy Speaker	57
Mr. Speaker ruled there was a point of order and requested the Honourable Member for Springfield to withdraw his remarks and apologize. Withdrawal and apology by Mr. SCHULER	98-99
Point of Order – Mr. ROCAN – stating that the Honourable Member for Inkster had offered a bribe to the Minister of Justice and Attorney General.	
Debate: Messrs. LAMOUREUX and DERKACH. Taken under advisement by Mr. Speaker Mr. Speaker ruled that there is no point of order	61 124
Point of Order – Mr. DERKACH – questioning the need for unanimous consent for the moment of silence requested by the Honourable Member for River East.	
Debate: Hon. Mr. ASHTON, Mrs. MITCHELSON and Hon. Mr. GERRARD. Taken under advisement by Mr. Speaker Mr. Speaker ruled that there is no point of order	79 135
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Debate: Hon. Mr. MACKINTOSH, Messrs. DERKACH and LAMOUREUX. Mr. Speaker recessed the House to consider the matter.	118
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Point of Order (<i>during the debate</i>) – Mr. SANTOS – voluntarily apologized to the House for his actions during Oral Questions. Mr. Speaker ruled that there was no point of order	120
Point of Order – Hon. Mr. MACKINTOSH – use of an exhibit in the Chamber by the Honourable Member for River Heights	
Debate: Hon. Mr. GERRARD. Taken under advisement by Mr. Speaker Mr. Speaker ruled that there is no point of order	135 150
Interjection – Mr. Speaker – requested that the word "lied " spoken by the Honourable Member for Morris be withdrawn. Withdrawal by Mrs. TAILLIEU	150
Point of Order (<i>during the debate</i>) – Mr. DERKACH – requesting a quorum count. Mr. Deputy Speaker informed the House that there were enough Members to constitute a	
quorum	153
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Interjection – Mr. Speaker – requested that the unparliamentary words spoken by the Honourable Member for Russell be withdrawn. Withdrawal by Mr. DERKACH	187
Point of Order – Mr. DERKACH – regarding the comments spoken by the Honourable First Minister on public radio.	
Mr. Speaker ruled there was no point of order. Ruling challenged. Sustained, on division (33-19)	188-189
Point of Order – Mr. DERKACH – regarding the response provided by the Honourable Minister of Education, Citizenship and Youth.	
Mr. Speaker ruled there was no point of order. Ruling challenged. Sustained, on division (34-20)	210-211
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Interjection – Mr. Speaker – requested that the words "drive-by student activist" spoken by the Honourable Minister of Advanced Education and Training be withdrawn. Withdrawal by Hon. Ms. McGIFFORD	228
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Leader to unequivocally withdraw the word field . withdrawal by Mit. DERKACH	278
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Mr. Speaker ruled there was no point of order. Ruling challenged. Sustained, on division (35-19)	263-264
(55-17)	205-204
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Mr. Speaker ruled there was no point of order. Ruling challenged. Sustained, on division	264.265
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Interjection – Mr. Speaker – requested that the words "sits on her heinie" spoken by the Honourable Member for Inkster be withdrawn. Withdrawal by Mr. LAMOUREUX	278
Interjection – Mr. Speaker – requested that the words "he should tell the truth" spoken by the Honourable Minister of Finance be withdrawn. Withdrawal by Hon. Mr. SELINGER	281
Honourable winnster of Finance be windrawn. Windrawar by Hon. wit. Selfinger	201
Interjection – Mr. Speaker – requested that the words "being fleeced" spoken by the	
Honourable Leader of the Official Opposition be withdrawn. Withdrawal by Mr. MURRAY	308
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Point of Order (<i>following the Prayer</i>) – Mr. LAMOUREUX – requesting a quorum count. Mr. Speaker informed the House that there were enough Members to constitute a quorum	314
Point of Order (<i>during the debate</i>) – Mr. MALOWAY – regarding the relevancy of the comments spoken by the Honourable Member for River East.	
Madam Acting Deputy Speaker ruled there was a point of order. Ruling challenged.	
Pursuant to Rule 23(4), the division is deferred as the first item of business during the	
next Private Members' Hour	
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Mr. Speaker informed the House that there were enough Members to constitute a quorum	367
URGENT PUBLIC IMPORTANCE, MATTERS OF	
Mr. DERKACH – Children's Advocate Report	
Debate on urgency: Mr. DERKACH, Hon. Mr. ASHTON and, by leave Mr. LAMOUREUX.	
Mr. Speaker ruled that this matter does not meet the criteria set by our Rules and	
Precedents, and the motion is out of order as a Matter of Urgent Public Importance	65-66
Mr. DERKACH (by leave) – BSE Crisis	
Debate on urgency: Mr. DERKACH, Hon. Mr. MACKINTOSH and, by leave, Hon.	
Mr. GERRARD. Mr. Speaker ruled the motion in order and put the Question, "Shall the	
debate proceed?" It was agreed to.	
Debate: Mr. DERKACH, Hon. Mr. DOER, Mr. MURRAY, Hon. Ms. WOWCHUK, Messrs.	
EICHLER, NEVAKSHONOFF, PENNER and AGLUGUB, Hon. Messrs. GERRARD and STRUTHERS, Mrs. TAILLIEU and Hon. Mr. BJORNSON and Mrs. ROWAT. Agreed to waive	
Rule 36(6) (by leave). <i>Debate continued:</i> Hon. Mr. SMITH, Messrs. SCHULER, MAGUIRE	
and CUMMINGS. The debate was then terminated.	91

Mr. LAMOUREUX – Crocus Fund	
Debate on urgency: Mr. LAMOUREUX and Hon. Mr. MACKINTOSH. Mr. Speaker ruled that	
this matter does not meet the criteria set by our Rules and Precedents, and the motion is	
out of order as a Matter of Urgent Public Importance	228
Mr. DERKACH – Ongoing Flooding Crisis	
Debate on urgency: Mr. DERKACH, Hon. Mr. MACKINTOSH and, by leave, Hon. Mr.	
GERRARD. Mr. Speaker ruled the motion in order and put the Question, "Shall the debate	
proceed?" It was agreed to.	
Debate Mr. Eichler, Hon. Ms. WOWCHUK, Mr. MURRAY, Hon. Mr. SMITH, Mr.	
CUMMINGS, Hon. Mr. ASHTON, MESSIS. PENNER and NEVAKSHONOFF, Mrs. ROWAT, Mr.	
MAGUIRE, HON. Mr. GERRARD, Mrs. TAILLIEU, Messrs. SCHULER, GOERTZEN and DYCK.	
The debate was then terminated	379
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Mr. DERKACH – Children's Advocate Report	
Debate on urgency: Mr. DERKACH, Hon. Mr. ASHTON and, by leave Mr. LAMOUREUX.	
Mr. Speaker ruled that this matter does not meet the criteria set by our Rules and	
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Mr. DERVACH (by Jappa) BSE Cricis	
Mr. DERKACH (by leave) – BSE Crisis Debate on urgency: Mr. DERKACH, Hon. Mr. MACKINTOSH and, by leave, Hon.	
Mr. GERRARD. Mr. Speaker ruled the motion in order and put the Question, "Shall the	
debate proceed?" It was agreed to.	
Debate: Mr. DERKACH, Hon. Mr. DOER, Mr. MURRAY, Hon. Ms. WOWCHUK, Messrs.	
EICHLER, NEVAKSHONOFF, PENNER and AGLUGUB, Hon. Messrs. GERRARD and	
STRUTHERS, Mrs. TAILLIEU and Hon. Mr. BJORNSON and Mrs. ROWAT. Agreed to waive	
Rule 36(6) (by leave). <i>Debate continued:</i> Hon. Mr. SMITH, Messrs. SCHULER, MAGUIRE	91
and CUMMINGS. The debate was then terminated	91

Mr. LAMOUREUX – Crocus Fund	
Debate on urgency: Mr. LAMOUREUX and Hon. Mr. MACKINTOSH. Mr. Speaker ruled that	
this matter does not meet the criteria set by our Rules and Precedents, and the motion is	
out of order as a Matter of Urgent Public Importance	228
Mr. Derkach – Ongoing Flooding Crisis	
Debate on urgency: Mr. DERKACH, Hon. Mr. MACKINTOSH and, by leave, Hon. Mr.	
GERRARD. Mr. Speaker ruled the motion in order and put the Question, "Shall the debate	
proceed?" It was agreed to.	
Debate Mr. EICHLER, Hon. Ms. WOWCHUK, Mr. MURRAY, Hon. Mr. SMITH, Mr.	
CUMMINGS, HON. Mr. ASHTON, Messrs. PENNER and NEVAKSHONOFF, Mrs. ROWAT, Mr.	
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The debate was then terminated	379

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Reply presented on May 3, 2005 (Hon. Mr. SMITH – S.P. No. 73)	207
No. 3 – "K.O." the safety crackdown on women boxers	
Question posed on April 12, 2005 by Mr. SCHULER	153
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Question posed on April 12, 2005 by Mr. SCHULER	153
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John HARVARD Lieutenant Governor

PROVINCE OF MANITOBA

ELIZABETH II, Queen of Canada

PROCLAMATION

With the advice and consent of the Executive Council of Manitoba, we prorogue the 3rd Session of the 38th Legislature of the Province of Manitoba on Wednesday, October 26, 2005, and convene the 4th Session of the 38th Legislature of the Province of Manitoba on Thursday, October 27, 2005, at 1:30 p.m.

HIS HONOUR JOHN HARVARD Lieutenant Governor of the Province of Manitoba Winnipeg, Manitoba October 19, 2005

G. MACKINTOSH Minister of Justice and Attorney General