

**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**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
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.
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REIMER, Jack	Southdale	P.C.
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ROCAN, Denis	Carman	P.C.
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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.
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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

Friday, May 5, 2006

**The House met at 10 a.m.**

**PRAYER**

**MATTER OF PRIVILEGE**

**Mr. Speaker:** Order. Is the honourable Member for River Heights up on a point of order or a matter of privilege?

**Hon. Jon Gerrard (River Heights):** I rise on a matter of privilege, Mr. Speaker.

**Mr. Speaker:** Okay. The honourable member for River Heights, on a matter of privilege.

**Mr. Gerrard:** Mr. Speaker, I rise on a matter of privilege which, as the members know, is a serious matter. This matter I raise, according to the *Beauchesne's Parliamentary Rules & Forms*, pages 28 and 29, Nos. 114 to 116 and 117, in which it is quite clear that a matter of privilege must be raised at the first possible opportunity and there must be an adequate case for a prima facie case of breach of privilege.

I will start by a reference to Marleau and Montpetit, and in this case I will quote from page 86 of Marleau and Montpetit when Speaker Fraser said that the privilege of members is violated "by any action which might impede him or her in the fulfilment of his or her duties and functions."

The matter which I raise is a matter which concerns the ability of me to do my job as a member of this Legislature, and as I will talk later on, it is not only my job but it is also the job of many others in this Legislature. I will first provide the details of the general case, and then I will get into the specifics of the particular instance which has caused this to arise at this particular juncture, why it has arisen and why this is the first possible opportunity to bring this forward.

The case that I want to make and the reason why there has been a violation of my privileges, and I believe of many other privileges, deals with the fact that the Auditor General has been so restricted in the resources that he has been provided by this government that reports are unduly delayed, and in many instances it would appear not even able to be done within any reasonable and adequate time frame. This clearly results in an impairment of my ability to

function as an MLA, and it clearly, I would suggest, results in difficulties with many other MLAs being able to function.

First, let me indicate to the Chamber the facts. The Auditor General has said that he has 70 credible allegations of concern for possible irregularities or poor management of funds of government activities in his files. The Auditor General has made it clear that with his 45-person staff, it would take him 10 years to investigate them all. This is clearly a very significant problem, and it results in my job being impeded if a report cannot be done within a shorter period of time than this where a serious matter is raised with the Auditor General. It is clearly a general problem, and it is totally unacceptable, I believe, to all in this Chamber for potential wrongdoing in government, or misspending in government, or poor financial management in government to have to wait up to 10 years to be investigated as the Auditor General has said.

Now let me take an example. We had a very thorough report on the situation of the Crocus Investment Fund and the situation, fortunately at that time, enabled this report to be done within a year or two of when it was brought up. Now, it clearly would have been nice if it had been done quicker, but it would have been a very severe problem for me and for, I believe, all the members of this Chamber if this report had had to wait 10 years. The problems with the Crocus Investment file—I think I see agreement from the MLA for Ste. Rose, you know, it would have been a very serious problem if this had to wait for 10 years, as the Auditor has indicated is the current situation. So clearly the situation has deteriorated.

I want to give, Mr. Speaker, another example and it again is an important example. This example is the Auditor General's report of the review of the Workers Compensation Board. The review of the Workers Compensation Board highlighted some really significant concerns that red flags were brought forward, and it is very important that this be investigated within a reasonable period of time. Now, it could have been done faster. It was not too bad at the time that this report was done.

The problem is that the situation has deteriorated because the Auditor General does not have adequate

financial resources, so that if this came forward now, it might take 10 years. That is according to what the Auditor General has told us. That would very severely curtail my ability to function as an MLA. I believe I would have broad agreement from all members that if a report like this had to wait for 10 years, it would severely curtail our abilities to function and do our job in this Chamber.

I will give you a third example, and this example is also an important example. The example in this case of the Auditor General's report on the Aiyawin Corporation. Here there were whistle-blowers who came forward who had to wait and wait and wait for what was going to happen to them and their jobs and their future, because of the already substantial delays in when the Auditor General's report came out. It is not fair to us. It is not fair to the people who were involved, who were employed, who were dismissed unfairly under the Aiyawin Corporation scandal. And now we are told that if this same issue came up now, it might take 10 years for it to be investigated and for us to have a report.

I will give you one more example, and then I will proceed with the further details of the case and why it is important that it come forward right now. That further example is the report that was produced on Hydra House. In this case we are not dealing with huge losses, financial losses, as we are with Crocus, although there are government misspending and government dollars which went astray. We are not dealing with a housing situation. There may be some whistle-blowers who were involved, but what we are dealing with under Hydra House is the lives of children and the future and the well-being and the care of children and adults who have disabilities and who need particular care. Many of these, whether it is mental or physical disabilities, need to have particular facilities, particular care and particular arrangements. It would be totally wrong if this came forward now, and we had to wait 10 years in order to get a report on the situation and to be able to find out not only what went wrong but to make good decisions about what to move forward.

\* (10:10)

This is critical about making good decisions on what to do to go forward because, very frequently, the government themselves have said that they want to wait for the Auditor General's report before taking action. So it is very important, not only for the opposition to do their job, but it is very important for the government to do their job. I would hope the

government would support this matter of privilege because it is very important for them to do their job properly because they often wait for the Auditor General's report in order to make decisions in order to act.

Now I am coming, Mr. Speaker, to the basis for why this has been raised today and why it is the first possible instance. I would remind members that yesterday we had a report from the Auditor General dealing with the Pharmacare situation. Clearly, the Auditor General outlined that there was poor financial management and poor quality management of how the Pharmacare program has been operating in this province, and clearly this was important information for us to get.

This reminded me, as an MLA and Leader of the Liberal Party, that we had another outstanding report. We may have a number of outstanding reports, but we have one in particular which raises the issue today. That is the report which we have all been waiting for which deals with the situation of the Seven Oaks land scandal. Right?

**An Honourable Member:** Another one.

**Mr. Gerrard:** No, this is a very serious matter and it has been raised by a number of opposition MLAs.

The situation here is that it is very important we have this report so that we can deal with it, so that we can look at what went wrong so the proper decisions can be made. We know that there has been an argument over the facts. In fact, I believe that you have ruled on more than one occasion, Mr. Speaker, that certain discussions have been arguments over facts. But no one can get away from the fact that there were severe problems in the Seven Oaks land circumstances and the Seven Oaks land scandal.

So, Mr. Speaker, I called this morning. But before I get into that, I want to raise one more point which is a point which comes from Marleau and Montpetit. It is a point which, I believe, is very important in considering this matter of privilege. This point that I want to raise is on page 95. I want to make the point, as I have started to, that when we are dealing with matters of privilege, we are dealing with individual privilege, but we are also dealing with collective privileges of the House. If the House is not able to function collectively, and I think most, I hope all MLAs will agree that when we do not get these reports on a timely basis, that when we have to wait up to 10 years for a report, this is just unacceptable

and it interferes with not only our individual abilities but our collective abilities.

I want to read from page 95 because it is very important when you consider your ruling. On page 95, Marleau and Montpetit say: "The privileges and the immunities of individual members . . . are finite." But "the privileges and powers of the House of Commons"—and in this case, it would be our Legislature—"as a collectivity do not lend themselves to specific definition. The privileges needed by the House to perform its constitutional duties require the power to protect itself and punish any transgressions against it."

So I would argue that we are dealing not just with individual privilege. In this case we are dealing with collective privilege. Because the fact of the matter is, Mr. Speaker, that if we wait for 10 years, there may be some of us who are not around anymore to raise those questions. I intend to be here in 10 years; the Member for Inkster (Mr. Lamoureux) intends to be here in 10 years. We believe that we have a civic duty and a public responsibility to make sure that issues are raised and followed through, but there may be others who are not here in 10 years, and therefore it is important that the matter be dealt with promptly.

This is why it has been raised at the first possible opportunity. When I called the office of the Auditor General this morning, and I called three times, I was not even able to find out when the report on Seven Oaks would be delivered. They clearly are so busy. They are taking 10 years to do reports because they do not have the resources. Clearly, it was a dramatic example of the office of the Auditor General being underresourced, not being able to provide timely information.

So that, Mr. Speaker, is why I am raising it now as a matter of privilege, because it is totally unacceptable for all of us to be in a situation where we have to wait 10 years. Therefore—

**Some Honourable Members:** Oh, oh.

#### Point of Order

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

**Mr. Kevin Lamoureux (Inkster):** Yes, Mr. Speaker. Already once, during the matter of privilege, and we all know the importance of matters of privilege that the Speaker needs to be able to hear the comments, already once you have interrupted,

indicating that members should be quiet. I am finding it difficult at times to hear the Member for River Heights (Mr. Gerrard) as he articulates what is a very critically important issue on which we are expecting that you are going to have to make a decision.

I would ask, Mr. Speaker, that members pay attention very closely, given the very seriousness of this matter of privilege so that we can all hear what is being said just in case there are other members that would like to comment on this critically important issue.

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

**Hon. Gord Mackintosh (Government House Leader):** It is certainly odd to see a member interrupt his leader when he is getting to his final point, Mr. Speaker, but perhaps people in the gallery today will find it somewhat amusing that it will be during Question Period when the Member for Inkster yells and screams through the whole Question Period.

**Mr. Speaker:** The honourable Official Opposition House Leader, on the same point of order?

**Mr. Leonard Derkach (Official Opposition House Leader):** On the same point of order, Mr. Speaker. Unfortunately, that was a very arrogant response by the House leader.

I simply would agree that we should pay attention to this matter of privilege because it does encompass a fair number of issues, and I think they are of importance to Manitobans. We should give the respect to the member to conclude his matter of privilege so that we could respond to it appropriately.

**Mr. Speaker:** On the point of order raised by the honourable Member for Inkster, he does have a point of order. It is very important, and I have mentioned it many, many times to honourable members, when a member is rising on a point of order or a matter of privilege, that is a very serious matter. I need to be able to hear every word that is spoken because, at the end, I have to make a ruling. To make that ruling, I need to hear every word that is spoken, so I am asking the co-operation of all honourable members.

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**Mr. Gerrard:** Mr. Speaker, I would now move, seconded by the MLA for Inkster (Mr. Lamoureux),

that this matter of privilege be referred to a standing committee of the Legislature.

**Mr. Speaker:** The honourable Government House Leader, on the same matter of privilege.

\* (10:20)

**Mr. Mackintosh:** Mr. Speaker, we will certainly make the point that this is a phoney matter, and it is not anywhere near a matter of privilege in any way.

Mr. Speaker, first of all, the members talk about the reports produced. That belies his arguments about his central point.

First of all, unfortunately, he misled the people who sent him here. The budget of the office of the Auditor General is not set by the government. He knows that. Of course, he knows that it is set by LAMC and is done by consensus. Consensus is always sought to be achieved at LAMC. He also, I think, full well knows that the Auditor received the amount he requested. He requested, I understand, for operating; \$230,000, a 4.7 percent increase, with the exception of his severance request which will be granted through the separate allocation.

Last year the Auditor General claimed he needed a \$300,000 increase, and it provided for \$302,000, a 6.5 percent increase. I notice from notes that have been provided to me here that the calculations so that the budget for the office of the Auditor General has increased by 38 percent since 1999. That is more than double the rate of inflation, which was 13.8 percent for that period of time.

We also note that the resources to the office of the Auditor General have resulted in more than doubling of his capacity to produce reports. There has been an average of seven reports per year during our administration. In the former administration, it was an average of three reports per year.

But, Mr. Speaker, in conclusion, there is nothing here. This is an argument on the facts and issues around the funding of an office. It has nothing to do with a matter of privilege. It is just an argument that he should make in a way that deals with the factual and political issues and not try and purport that it is a matter of privilege which should be treated as a serious matter under the rules of Parliament.

**Mr. Speaker:** The honourable Official Opposition House Leader, on the same matter of privilege?

**Mr. Derkach:** Yes, on the same matter of privilege, Mr. Speaker. I think the central issue in the matter of privilege is the 10-year workload that the Auditor General has identified in order to be able to investigate all of the areas that he has been requested, or if you like, if he has seen need to investigate in order to comment on how the government's performance has been.

Now, Mr. Speaker, this is a very scathing analysis of what is the state of the government's, if you like, activity. The Member for River Heights (Mr. Gerrard) identified examples of where the Auditor has made comment and the reports that he has already filed that we have asked numerous questions on.

What I find interesting is not only the arrogance of the government when it comes to responding to matters of privilege of this kind and to questions that are raised that result out of auditors' reports, but I also note that many of these reports that the Auditor has flagged were under the jurisdiction of one Cabinet minister on the other side of the House. That Cabinet minister holds the position of Minister of Health (Mr. Sale) right now.

Mr. Speaker, the audits seem to follow him. No matter if he was the Minister responsible for Child and Family Services, we find that when he has been taken out of that portfolio, the audits seem to follow. He takes over the Ministry of Health. There again we see that the Auditor has to comment, has to investigate. It is almost government by auditor.

Now, the Government House Leader gave us the numbers on the increases to the Auditor's resources, and even after a 38-percent increase in the last six years, what we are finding is that the Auditor still cannot keep up. Now what does that say about the government, Mr. Speaker? It means that the government is not doing its job and ministers are not doing their jobs as ministers responsible for—

**Mr. Speaker:** Order. We are clearly into debate. When a matter of privilege is raised, it is to deal with the earliest opportunity and to deal with the prima facie case, to convince the Speaker that it is of urgency and it needs to be heard now. It is not the time for debate.

If I rule that it is a matter of privilege, then that would be the time for debate. The honourable Official Opposition House Leader.

\* (10:25)

**Mr. Derkach:** I thank you for that advice, Mr. Speaker.

The urgency of this is such that it does impede members collectively in the House from doing our job when we, in fact, know that there are such outstanding issues in the government's responsibilities that it will take 10 years of the Auditor General's resources to be able to comment, to be able to investigate and to be able to report on. That is the matter of privilege, because it is the 10 years of work that should be before this House today. The information should be before this House in this current Legislature, not 10 years hence. Now, Mr. Speaker, I think that in itself is sad commentary on the government.

But, more importantly, it does impede members in this Legislature from being able to conduct our affairs and to be able to keep the government accountable for the many things that they have responsibilities for. How can you keep a government accountable, Mr. Speaker? How can we ask informed questions when the Auditor himself has indicated that if he were to comment on all of the issues that are before him it would take him 10 years of investigation.

Now, Mr. Speaker, the Government House Leader (Mr. Mackintosh) indicated that the Auditor General has been given increases every single year. Yes, that is true. We do not argue that point. The point that we are arguing is that even with his current resources and the increase in current resources, his workload has increased such that it will take him 10 years to investigate and make comment on the bungling of issues by this government.

We have looked at the litany of reports that have been very condemning of the government, whether it is in Pharmacare that came out just yesterday, whether it is in health, other health, whether it is in Crocus, whether it is Aiyawin, whether it is Hydra House, whether it is Seven Oaks School Division, Agassiz School Division, and the list goes on and on. Yet, we see the Auditor saying there is so much more that it will take him 10 years. That is what is unacceptable. We in this House deserve to have more current answers as members of the Legislature. Ten years is not acceptable.

Now, Mr. Speaker, I take the word of the Auditor. Our current Auditor is retiring on July 15 or mid-summer, sometime this year, and that is an

unfortunate thing because the continuity may not continue. But I can see his frustration when he says, and he says this publicly, that he would have 10 years of work in order to be able to do what is before him right now.

So, Mr. Speaker, I think this is a matter of privilege. I think it is an indication of how this government has dropped the ball on so many, so many, so many issues. Therefore, I would have to support the Member for River Heights (Mr. Gerrard) when he raises the issue that this is, in fact, an issue that impedes the work of legislators, and it should be investigated by the Committee on Legislative Affairs and then should be reported back to the House. The issue is not any of these reports in specific, but it is the time that the Auditor has identified as being 10 years to investigate so much of what government has dropped the ball on. Thank you.

**Mr. Speaker:** Order. In fairness, I have heard a representative from the official opposition, a representative from the government, and I have heard the representative from the independent members. In fairness, I have heard from each of them.

**An Honourable Member:** I have something new to offer.

**Mr. Speaker:** Order. I am not going to allow this to turn into a debate.

#### Point of Order

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

**Mr. Lamoureux:** Yes, Mr. Speaker, I do believe that I have something to contribute to this given the fact that I have personally appealed to the Auditor's office over almost two years ago. I would like to be able to put my comments on the record because it is an infringement upon what I believe are my privileges also. What we have heard a lot about is in regard to the collective impact that this has had on the Chamber. I do believe that I have something that is new, and I would request the opportunity to speak to the matter of privilege.

**Mr. Speaker:** Order. If the honourable member has something new, I will allow him, but a very, very brief time.

\* \* \*

\* (10:30)

**Mr. Lamoureux:** Yes, thank you, Mr. Speaker. I do find that the provincial auditor's office plays a critical role in the province of Manitoba.

I would like to report to the House that shortly after getting elected there was an issue that was brought to my attention, and I was absolutely dismayed at the information that I was hearing. It was an issue that was spreading around through, in part, the immigrant community. It dealt with an employee of the government and a series of allegations against a particular employee who worked for the government, Mr. Speaker. It had a very real, tangible impact on a community and many individuals within that community.

What I did, Mr. Speaker, is I had asked the provincial auditor—

**Mr. Speaker:** Order. I was afraid of this because when a member rises on either a point of order or especially a matter of privilege, it is to deal with the earliest opportunity and a prima facie case, not get into a debate of facts. That will come if the Speaker allows the matter of privilege to come forward.

So I ask the honourable member, if he is dealing with the prima facie case to convince the Speaker that it is so important that it must be heard now, I will allow him to continue, but if it is going to turn into a debate, that will be another matter that I will be dealing with.

**Mr. Lamoureux:** Yes, Mr. Speaker, I will stick right to the prima facie case. A prima facie case, what you are asking for, is for me to be able to put to the floor an argument that justifies seeing some sort of action, and that is just what it is that I am doing.

I believe that I put in a request to the provincial auditor's office. I do not have the actual date. I could get the actual date, but because it has come up at the earliest opportunity, Mr. Speaker, this is the most opportune time for me to speak on it.

I believe, Mr. Speaker, it was a year and a half ago, possibly even two years ago, when I brought the issue to the provincial auditor's attention, and the provincial auditor, who had someone else look at the file, indicated that they would be able to do some sort of an initial review. But to this very day I still have not received any sort of response.

So the prima facie case, I would argue, Mr. Speaker, is that as an MLA—and the provincial auditor's office is one of those groups, the

Ombudsman's office, the Elections Manitoba office, that answers to this Legislature. They are an independent office, and we as MLAs should be able to feel comfortable that we have the opportunity to go there, share an issue that we have and expect some sort of result in a timely fashion. As the Member for River Heights (Mr. Gerrard) talked about in terms of the possibility of a 10-year wait, that is not a timely fashion.

I was disappointed when the Government House Leader (Mr. Mackintosh) stood up and said, well, this, Mr. Speaker, was a phoney matter, that it is not even near a privilege, that we are misleading the people. Nothing could be further from the truth. This is indeed a privilege, and when you bring forward a prima facie case it is up to the government to respond. Their only response to it, to counter it, was to say that we are giving increases. The Saskatchewan government gets 821,000—

**Mr. Speaker:** Order. We are clearly going into debate here. I recognized the member to deal with a prima facie case, and the member indicated that it would be very brief. That is why I allowed it, and now it is turning into a debate and that is not what a prima facie case is.

**Mr. Lamoureux:** Out of respect for you, Mr. Speaker, I will conclude my remarks by saying that we believe that the provincial auditor's office and the workload that it has is denying individual MLAs and this collective body the opportunity to do what it is that our constituents have elected us to do.

The provincial auditor has uncovered a great deal under this administration, and they have a political advantage to try to keep the provincial auditor's office inadequately financed. This needs to be addressed.

So I would support the Member for River Heights (Mr. Gerrard) in his motion and ask this Chamber to deal with the issue at hand in order that justice could be given to all MLAs, whether they are in government or in opposition, and more specifically, Mr. Speaker, to all Manitobans because the Auditor serves all Manitobans not just the government and the Premier. Thank you.

**Mr. Speaker:** 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.

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**Mr. Speaker:** The honourable Member for Portage la Prairie, on a matter of privilege or point of order?

**Mr. David Faurichou (Portage la Prairie):** Matter of privilege, Mr. Speaker.

**Mr. Speaker:** Okay, the honourable Member for Portage la Prairie, on a matter of privilege.

**Mr. Faurichou:** Mr. Speaker, as learned yesterday in regard to the restraints of the Auditor General, it brings into jeopardy the Finance Minister's decision not to publish the fourth quarter reports any longer because the Auditor General will be publishing on an earlier timetable the audited reports.

We have now learned that these audited reports potentially early release are in jeopardy because of the constraints on the Auditor General's resources. I then ask you, Sir, to ask the Finance Minister to reinstate the publishing of the unaudited fourth quarter reports in light that the Auditor General may not be able to publish the audited reports in time. In fact, the cancelling of the fourth quarter report is indeed jeopardizing the ability as a member of this Assembly to effectively garner the understanding of the expenditures and revenue documents of the government.

**Mr. Speaker:** A matter of privilege is a serious concern. I am also taking this under advisement to consult the authorities, and I will return to the House with a ruling.

We will move on to routine proceedings.

## ROUTINE PROCEEDINGS

### INTRODUCTION OF BILLS

#### Bill 213—The Milk Prices Review Amendment Act

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I would move that the milk prices amendment act, seconded by the Member for River Heights (Mr. Gerrard), be read for the first time. *[interjection]*

Mr. Speaker, I am just going to read from the Order Paper.

I would move, seconded by the Member for River Heights (Mr. Gerrard), that Bill 213, The Milk Prices Review Amendment Act, be now read a first time.

*Motion presented.*

\* (10:40)

**Mr. Lamoureux:** Mr. Speaker, this is a wonderful bill, and I believe all members of this House should

in fact support it. Ultimately, if we can have one price for a bottle of beer anywhere in the province of Manitoba, I believe that we should be able to have one price for a litre of milk anywhere all over the province of Manitoba. That is in essence what it is that this bill wants to be able to accomplish.

I know the Premier, I believe was on radio, implied that he might even support something of this nature. It is a great pleasure for me, Mr. Speaker, to introduce this bill and call upon the government, as much as possible, to get behind this bill because this bill, I believe, would go a long way at dealing with issues up in northern Manitoba and all over the province of Manitoba.

**Mr. Speaker:** Order. The first reading of a bill is a very short paragraph, just a couple of sentences—*[interjection]*—per point. But the honourable member is starting to debate the bill. That will come at second reading when it is called.

**Mr. Lamoureux:** Yes, Mr. Speaker, it was the Premier that just kind of got me going on it. I guess I will just leave my remarks at that. Thank you.

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

## PETITIONS

### OlyWest Hog Processing Plant

**Hon. Jon Gerrard (River Heights):** I wish to present the following petition to the Legislative Assembly of Manitoba.

The background for this petition is as follows:

The Manitoba government, along with the OlyWest consortium, promoted the development of a mega hog factory within the city of Winnipeg without proper consideration of rural alternatives for the site.

Concerns arising from the hog factory include noxious odours, traffic and rural impact, water supply, waste water treatment, decline in property values, cost to taxpayers and proximity to the city's clean drinking water aqueduct.

Many Manitobans believe this decision represents poor judgment on behalf of the provincial government.

We petition the Legislative Assembly of Manitoba as follows:

To request the provincial government to immediately cancel its plans to support the

construction of the OlyWest hog plant and rendering factory near any residential area.

Signed by Wes Gauthier, Pauline Bouchard, Patty Kelch and many, many others.

#### **Auditor General's Budget**

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

The background to this petition is as follows:

Manitoba's Auditor General raised concerns regarding agencies within Child and Family Services and the NDP government did nothing as vulnerable people were exploited.

Manitoba's Auditor General accused the government of misleading the public about the state of the Province's finances because the NDP promoted that Manitoba had a surplus when in reality we had a 600-million-plus deficit. *[interjection]*

The Member for Selkirk (Mr. Dewar) is trying to throw me off, Mr. Speaker.

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order. When petitions are read they are read word for word and there are no substitutions of words and, also, the top three names should be always read, and no words should be added when dealing with a petition.

**Mr. Lamoureux:** Thank you, Mr. Speaker.

Manitoba's Auditor General indicated that the NDP government ignored warnings regarding the Crocus Fund, and as a result over 33,000 investors lost over \$60 million in the Crocus fiasco, not to mention that the NDP destroyed the credibility of the fund itself.

Manitoba's Auditor General revealed that the NDP government did nothing to address serious complaints raised by an employee over the mismanagement of Workers Compensation Board, and the very employee who revealed the scandal was dismissed for whistle-blowing.

Manitoba's Auditor General has revealed that the NDP government ignored numerous management issues facing Aiyawin Housing and which included contracts without tender and thousands of dollars being paid to volunteers.

Manitoba's Auditor General is now looking into the Seven Oaks land issue where the NDP government, once again, has messed up.

We petition the Legislative Assembly of Manitoba as follows:

To request the Legislative Assembly to consider reviewing how much Manitoba's Auditor General's office budget is in comparison to the office of the provincial auditor of Saskatchewan.

This is signed by Yvette Spence, Gordon Spence, Dougald Lamont and many, many other Manitobans, Mr. Speaker.

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

#### **ORAL QUESTIONS**

##### **Government of Manitoba Accountability**

**Mr. Glen Cummings (Deputy Leader of the Official Opposition):** Mr. Speaker, on this side of the House, we have been continuously asking about accountability and the role that this government and this Premier play to being accountable to the public.

Last night we were pleased to see that he was there to rise and show respect for the leadership that Rudy Giuliani showed as he turned around the city of New York. But, Mr. Speaker, something that Mr. Giuliani is very proud of is the fact that he believes leadership is about being accountable when things go wrong as well as when they go right.

Mr. Speaker, this Premier has presided over a number of scandals, and using his "don't know, didn't ask" attitude, he presided over the Crocus scandal, the Hydra House scandal, and now we have seen 31 children who may have lost their lives under the jurisdiction of this Premier.

When will he be accountable and hold his ministers accountable for these actions?

**Hon. Gary Doer (Premier):** I certainly listened to the Giuliani speech, and I would point out, Mr. Speaker, that a couple of areas of action that he did take in New York are obviously areas that we have accomplished as well; a reduction in the number of people, I believe by over 2,500, that are on social assistance here in Manitoba and additional police officers.

I also note that the members opposite talk about accountability. The unemployment statistics were out today. I just went and reviewed how was the increase in young people employed in Manitoba in the nineties, and how does that compare in an accountable way in the last five years.

Well, lo and behold, there were 13,000 less people working in 1999 than there were in 1990. Right now, Mr. Speaker, there are close to 7,000 more young people working; more in our five years, less in their 10 years. Yes, we are accountable, and the accountability record is positive on our side and very dark on theirs.

\* (10:50)

**Mr. Cummings:** Well, Mr. Speaker, it is not my job to give the Premier a lesson, but the fact is he obviously missed the lesson that Rudy Giuliani was bringing to his leadership, to his government and to the people in this province.

What was he thinking about? Did he pause for a minute to contemplate his own record and think about taking accountability into stride when he thinks about the problems that he has presided over in this province: 31 children died under care under this government; the Crocus scandal, \$60 million lost, 30,000 people lost their savings?

If ever there was an issue that cried out for accountability, it is the issue of the children who died in care in this province. Will he hold his minister and himself accountable?

**Mr. Doer:** Mr. Speaker, again, with Mr. Giuliani, it is interesting. We have more police officers, \$18 million for police officers, here in Manitoba over two budgets, which is three times greater on a per capita basis than what was announced in Ottawa, which we think was a positive step forward.

I also would point out, Mr. Speaker, that members opposite cut the RCMP allocation in Manitoba, reduced the Crown attorney salaries, which led to massive turnover in staff. So we have more Crown prosecutors. We are respecting arbitration decisions. Members opposite, again, they swagger around. They had less young people working when they left the offices than they had when they came in. We have more. They had less RCMP allocations for Manitoba. We have more. We have more prosecutors, respecting salaries to recruit and retain them. Those are also the lessons of Mr. Giuliani.

Mr. Speaker, accountability, we have an empty seat across the way.

**Mr. Cummings:** Well, Mr. Speaker, accountability means having enough spine and enough honesty to look into the eyes of the public and be accountable when you have made a mistake.

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order.

**Mr. Cummings:** Mr. Speaker, I hope that disruption was on their nickel.

The first sign of an arrogant government is when they refuse to accept responsibility when they have made errors, responsibility when they have taken liberties with the public tax dollars. This Premier has not held any of his ministers accountable for some enormous errors, including Crocus, including the loss of 30 children under care in this province.

Will he stand up now, be accountable and hold his ministers accountable?

**Mr. Doer:** We improved accountability, Mr. Speaker, because we took the Auditor's act that did not allow for the pursuit of financial dealings into private entities. We know that there were \$40 million of losses in MIOP loans that were co-investments in Crocus before we were elected in office. Those things are well documented.

What we did in 2001 is something that the federal government is now doing to deal with some of the problems created by the former Liberal government and that is to allow the Auditor General to follow the money. That did not happen under The Auditor General Act in the past. That is why we have a 245-page report which was just called thorough by the Member for River Heights (Mr. Gerrard). We are here every day to answer questions. You know, I am here every day. There is accountability, and leaders of opposition have got to be accountable to the taxpayers for showing up in this House.

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order. I want to remind members that mentioning the presence or absence of members, it is within our rules not to mention the absence or presence of members in this House, and I ask the co-operation of all honourable members.

### **Provincial Budget Debt Increase**

**Mr. Gerald Hawranik (Lac du Bonnet):** Every day this week I have been carefully listening to members opposite during their budget debates, looking, searching for reasons why we may be able to vote for this NDP budget, but during the course of this week I have been unable to find enough reasons to vote for this budget. Most important to me, how in good conscience can I vote for a budget that increases the total debt of the province to more than \$20 billion.

I ask the Minister of Finance: How can he bring himself to vote for his budget when he knows that he will be mortgaging his own children's future?

**Hon. Greg Selinger (Minister of Finance):** Mr. Speaker, the members opposite have just gone on record as supporting more resources for the Auditor General's office. One of the things that the Auditor General has stated is that the debt of the Province is \$10.5 billion, and the debt as a portion of the growth in the economy, which has been over \$12 billion, is on the decline. If the member is really serious about sorting the budget, all he has to do is listen to the facts, and he will know that the information he conveyed is once again wrong.

**Mr. Hawranik:** Mr. Speaker, if this minister wants the facts, we are more than \$20 billion in debt in this province, and you are responsible.

Mr. Speaker, under this NDP budget the Province will receive \$486 million in new revenue, and every penny will be spent and more. Four hundred and eighty-six million dollars is not enough for this NDP government; it will also add another \$618 million to that total debt of the Province this year. That is a whopping total of more than \$1.1 billion of new spending.

So I ask the Minister of Finance: How can he vote for this budget which will authorize another \$1.1 billion of new spending this year alone, almost half of which is paid for from new revenue and more than half of which comes from new debt in the province?

**Mr. Selinger:** Mr. Speaker, once again, the debt to GDP ratio is declining. In 1999 it was 31 percent; in this budget year it will be 24 percent. It has gone down 7 percent. The member opposite knows that.

The member opposite also takes local credit for the new hospital facilities he has, he takes local credit for the new school he has, but then he does not

want to pay for it on this end of the budget when we have to finance it properly. I take it that members oppose the floodway as well which we have to finance as well. We are growing the economy. We are putting in place the kind of assets that will allow the economy to grow in the future. Our debt to GDP ratio has gone down, and our credit rating has gone up. The only thing that is inaccurate in this House is the continual comments and misinformation the member opposite puts on the record.

**Mr. Hawranik:** Mr. Speaker, the spending of this NDP government is clearly out of control. Almost half a billion dollars of new revenue is being spent, more than half a billion dollars borrowed to cover the remainder of this government's spending habits. And what did we get for all of this spending? A health care system that is dead last, an economy that has underperformed the Canadian average six years in a row. The trademark of this government is spend more, get less.

I ask the Minister of Finance: How can he possibly vote for his own budget? How can he be so irresponsible?

\*(11:00)

**Mr. Selinger:** Mr. Speaker, I have a litany of reasons why the budget should be voted for.

We are eliminating the ESL, \$34 million. We are reducing taxes on farmland, 60 percent. We are putting money into the floodway. We have a \$60-million commitment to post-secondary education. All the universities will get record funding. We are reducing personal income taxes. We are reducing small business taxes. We are reducing corporate taxes. We are reducing capital taxes. We are putting more money into families. We are putting more money into youth. We are rebuilding this province after it was destroyed for 10 years in the nineties.

That is why the member should vote for the budget. That is why everybody should vote for the budget.

### **Auditor General Pharmacare Report**

**Mrs. Heather Stefanson (Tuxedo):** Last night at the City Summit dinner, former mayor of New York City, Rudy Giuliani, spoke of the various characteristics of leadership, Mr. Speaker. One of those characteristics he spoke about was accountability. Certainly one has to be accountable for one's actions, whether or not the results of those actions are good

or bad. I would suggest that the Premier of this province could learn quite a bit from former Mayor Giuliani.

Mr. Speaker, yesterday the Auditor General yet again has pointed out a lack of accountability on the part of this government when he came out with his report on Pharmacare.

Mr. Speaker, will this government stand up today, stop patting themselves on the back, which they happen to do very well, and take responsibility for this blatant mismanagement of the Pharmacare program?

**Hon. Gary Doer (Premier):** The key lessons from Rudolph Giuliani was showing up, being present, being accountable, voting for what you believe in, Mr. Speaker, all leadership characteristics that are missing from members opposite.

**Mrs. Stefanson:** Mr. Speaker, the arrogance of this Premier is absolutely unbelievable, disgusting.

Mr. Speaker, in the report that came out yesterday on the audit of the Pharmacare program, it says, and I quote:—

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order. I remind members that when the Speaker is standing, all members should be seated and the Speaker should be heard in silence.

#### 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:** The honourable Official Opposition House Leader, on a point of order.

**Mr. Derkach:** Mr. Speaker, despite you having cautioned the House with regard to identifying individuals who may or may not be present, I think it should be noted that if we could have some ministers from the government present during Question Period, we could probably have a more thorough and complete Question Period in itself.

**Mr. Speaker:** On the point of order raised by the honourable Official Opposition House Leader, I would like to remind members once again that

mentioning the presence or absence of members has never been accepted by this Chamber.

#### Point of Order

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

**Mr. Kevin Lamoureux (Inkster):** On a point of order, Mr. Speaker.

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

**Mr. Lamoureux:** Mr. Speaker, I do believe that if we were to put a stopwatch on the amount of time it took to call for a question after an answer had been given, you will find that it was a considerable amount of time. Question Period, as we all know, is a very limited opportunity for opposition members to be able to question the government.

There is a rule that all three House leaders had signed which clearly indicated that there would be appropriate time for all members to address different types of issues during Question Period. In fact, we had taken the seventh question as part of the rotation, as you are aware, Mr. Speaker.

If you look at a point of order, like I am standing on a point of order right now, that time is deducted from Question Period. That time on a point of order is deducted from Question Period. The time, Mr. Speaker, in which you sit in the Chair and you call members to order and there is no point of order on the floor, the nickel, if I can use that phrase that was used earlier, is being consumed by limiting the number of questions being able to be posed.

I believe that there is a responsibility of all members to try to ensure that there is ample opportunity to get all questions posed, and the government members need to recognize that, because it is not appropriate that during Question Period there are only five or six questions.

I raise that because that has been the tradition of our Chamber to ensure that we at least get to that seventh question.

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

**Hon. Gord Mackintosh (Government House Leader):** Well, reluctantly, Mr. Speaker, again, I do not know if the member knows how silly he just made himself look, but he is the one who just held up Question Period.

On a broader scale, this is the guy that said the session should last longer for greater accountability on the part of the government, so we did that, and he walks out, day after day, week after week. This is ridiculous. His actions belie his point he just made.

**Mr. Speaker:** On the point of order raised, I want to clarify to the House—[interjection] Order. For clarification for the House.

On the point of order raised by the honourable Member for Inkster: on points of order that are raised, the time that is taken from Question Period, I add it on to the 40 minutes. Disruptions in the House: that is not added on, and that is why you have heard me many, many times caution or let members know that the clock is ticking and that, not only decorum is very important to the guests in the gallery or the viewing public, but also that the clock is ticking. Decorum in this Chamber is very important on behalf of all members. All members are responsible for their actions to maintain decorum in this Chamber.

The honourable member did not have a point of order, but for clarification I hope I have clarified it for the House, that decorum is very important not only for the viewing public but also for us to get our business done. I thank the honourable member for that.

\* \* \*

**Mr. Speaker:** The honourable Member for Tuxedo has the floor.

\* (11:10)

**Mrs. Stefanson:** Mr. Speaker, the Premier, I have to give him credit for one thing. He is very good at pointing his finger at everyone else and blaming everyone else, but refuses to be accountable for his actions. That is what we are asking about today. The problem is that he just cannot accept responsibility for his actions.

In the Pharmacare report by the Auditor General yesterday, it says, and I quote, Manitoba Health's 2003-04 annual report, which reported information on Pharmacare, was inadequate in providing sufficient information to enable the reader to draw conclusions on how well Pharmacare is functioning, nor did it provide transparent accountability information.

Will the Premier, will the Minister of Health (Mr. Sale), stop patting themselves on the back and

start taking responsibility for their actions? Manitobans deserve better than this.

**Mr. Doer:** We do take responsibility and I would point out that this is one of the most comprehensive and fairest programs in Canada. The Diabetes Association, last year when it came out doing an analysis of lower-income people, identified Manitoba as having the best benefit for Type II diabetes drugs of any province in Canada. I would also point out, Mr. Speaker, that the cancer advocacy group today identified Manitoba as the third-best in Canada in terms of coverage in cancer care. We are accountable for that.

Mr. Speaker, there are some issues in that report that are quite complicated, but I would point out that members opposite in government deregulated the standard dispensing fee. This has been identified as a huge issue of cost to the Pharmacare system. It is a complicated issue because the big box stores have a smaller dispensing fee than rural and community drug stores. I am sure members opposite had that dilemma, and we have obviously looked at the numbers and looked at some of the factors.

It is difficult to put rural drug stores out of business to go to a set standard dispensing fee. Could we potentially save money? Yes, but we know, for example, Wal-Mart and Costco and other stores can survive, as opposed to rural drug stores.

**Mrs. Stefanson:** Mr. Speaker, in the report, there is nothing complicated about the fact that the Auditor General says that the government has mismanaged this. I would suggest that if he does not understand what mismanagement means, step aside and we would be happy to take over.

In the report it says, and I quote, in general—

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order.

**Mrs. Stefanson:** It clearly says in the Auditor's Report, and I quote, "in general, we believe that Manitoba Health has not sufficiently explored all avenues available to improve the cost efficiency and effectiveness of Pharmacare, in order to manage the cost and growth of the program." Mr. Speaker, that says mismanagement.

Will the Premier, will the government stand up and take responsibility for their actions and the mismanagement of the Pharmacare program, Mr. Speaker?

**Mr. Doer:** Mr. Speaker, the arrogance of the member opposite, saying that we should step aside. I want to point out something, and this may not be part of the transition, but one of the rules of Manitoba is the people of Manitoba decide an election campaign. Until they do, the member opposite should watch her arrogance.

### **Auditor General Pharmacare Report**

**Mr. Jack Reimer (Southdale):** Ah, a little bit of a sore spot there.

Mr. Speaker, we continue to see this Doer government offloading its inefficiencies on the most vulnerable. Now it is our seniors.

Over the past five years, this government has increased the Pharmacare deductible by over 20 percent to these seniors, many of them on a fixed income. I see the Minister of Health is laughing about this, but he can answer the question. Inefficiencies that seniors have to pay for, a choice between milk or medicine.

Mr. Speaker, why should these seniors have to pay, continue to pay, for this NDP mismanagement?

**Hon. Tim Sale (Minister of Health):** Mr. Speaker, we added over 1,500 drugs to the formulary of Pharmacare since 1999. The average benefit in Pharmacare has quadrupled. Yes, there have been some increases in deductibles, but during the years of this sad former government opposite the number of deductions by seniors tripled from \$285 to \$750. There are no poor seniors under this government paying \$750 deductibles. No one who is on minimum income in this province is paying a deductible anywhere close to what was being paid under the former government.

**Mr. Reimer:** Mr. Speaker, I am going to refer to the Auditor's Report that was just tabled yesterday, and in it, I will read a quote here from the Auditor General. I know the Premier (Mr. Doer) has said that there is no mention of mismanagement, but I will quote a line here: "Manitoba Health did not have adequate procedures in place to manage the performance of Pharmacare."

So who pays for that mismanagement? Who pays for that mismanagement? Right now, Mr. Speaker, seniors are paying for it, and he can stand up here and pontificate again about what they are doing, but the Auditor General has said, and I repeat, Manitoba Health did not have adequate procedures in

place to manage the performance of Pharmacare. The Auditor General has stated that.

**Mr. Sale:** First of all, what the Auditor says is that Manitoba "Pharmacare provides one of the most comprehensive drug benefit programs in Canada, in terms of universality of inclusions and citizen's drug costs." What he said was that this is a well-managed program, and he challenged us to use some of the data in DPIN to see if we could strengthen it further. That is why I struck a panel of experts to take the recommendations and to see whether on a cost-benefit basis and a safety-to-patient basis the recommendations in regard to minding the DPIN database would be sound.

Mr. Speaker, during their time in office, they fired the only two people who were reviewing Pharmacare claims. They laid off the accountability team; we got them back in our drug management unit.

**Mr. Reimer:** Mr. Speaker, the Minister of Health can always look back, he can always relate previous things, but this we are talking about here, we are talking about a report that was just handed in yesterday to the Legislature. I will quote another section in the report by the Auditor General, "No analysis was performed by Manitoba Health on the actual cost-savings of the drugs after being added to the formulary as compared to the proposed cost-savings."

No analysis was performed, an analysis that could have saved seniors money. But, in the meantime, what did they do? Well, we will just pass on the added costs to the seniors, their deductible can go up. This is an offload on seniors, Mr. Speaker, and the Minister of Health knows that.

**Mr. Sale:** First of all, Mr. Speaker, we have an independent pharmaceutical committee that recommends drugs, recommends whether they would be cost beneficial to us, and when those savings are calculated and costs are calculated, we put forward recommendations on whether to cover a drug or not.

What the member opposite is asking is that we do a comprehensive drug trial based on something that would stand up to science, a double-blind placebo control study, to see whether a drug that has already been approved is actually cost-effective or not.

Does he want me to take our people with multiple sclerosis off Betaseron so we can figure out whether it is working or not? Is that what he is

proposing, evaluations of existing effective drugs so that his cost-benefits sense could be satisfied? We do not do that. We do not deprive people of good drugs.

### **Agriculture Industry Beef Levy**

**Mr. Larry Maguire (Arthur-Virden):** Mr. Speaker, last night former New York City Mayor Rudy Giuliani left Winnipeggers feeling that they have a bright future ahead of them. In contrast, over 1,100 farmers meeting in Brandon were utterly outraged by this NDP government's plan to impose a \$2-per-head mandatory, compulsory tax on all cattle sales in Manitoba.

Mr. Speaker, farmers want a choice to make their own investment decisions. Will the minister acknowledge that the mandatory, compulsory tax she has forced on already battered cattle ranchers is a mistake, and will she make her tax refundable?

\* (11:20)

**Hon. Stan Struthers (Acting Minister of Agriculture, Food and Rural Initiatives):** Well, Mr. Speaker, I want to assure the member from across the way that this government is committed to increasing slaughter capacity in our province. It is not this party that stands up for jobs in Alberta; it is that party that stands up for jobs in Alberta. We are doing what is right for the ranchers in Manitoba. We are doing what is responsible for the Manitoba taxpayer. We are moving ahead with something that is positive. I suggest they get on board.

**Mr. Maguire:** Well, Mr. Speaker, this April 26, the Minister of Agriculture (Ms. Wowchuk) indicated that producers would face levies, regardless of what province they sold their cattle in. I would suggest it is the minister who needs to check her facts. Standard branding fees are a far cry from non-refundable provincial levies. The minister's plan will drive cattle sales out of Manitoba.

When will the minister listen to producers and bring democracy to this plan? Either allow a vote or make it voluntary.

**Mr. Struthers:** It was interesting last night, Mr. Speaker, to see one producer come to the microphone and call for a vote. That producer was Mr. Glen Findlay, who had every opportunity to call a vote when three-quarters of the people in rural Manitoba said call a vote on MTS when you sold out. You would not do it then. It is absolutely ironic that somebody would come forward and ask that at

that meeting last night. This is a good plan. It could increase the slaughter capacity in this province. Get on board.

**Mr. Maguire:** Mr. Speaker, other industry players asked for a vote last night, too, and it was unanimous virtually that the checkoff be refundable.

Current slaughter facility owners are under the impression that their participation in the NDP government's Cattle Enhancement Council's funding opportunities will result in the provincial government owning equity in their own plants. The minister protests, saying it is her appointed council that will take the equity position. Mr. Speaker, this strategy is nothing more than an ongoing attempt to control the marketing of cattle in Manitoba. The cattle sector as a whole stands in opposition to this \$2 per head mandatory tax. This minister has failed to be accountable to ranchers in Manitoba.

When will this minister admit her ill-conceived levy is on the wrong track and cancel the checkoff before the industry runs amuck?

**Mr. Struthers:** Well, before our friend from Arthur-Virden gets too far down this road, I think he should know that some very prominent people have said that we are on the right track, including one Mr. Jim Downey, who, by the way, was the minister in 1978 when the MCPA checkoff was brought in without a vote, who also recently has stated that more slaughter capacity is needed today.

Listen to this, Mr. Speaker. Mr. Downey says, if we would have had a vehicle in place, and I do not mind saying that in hindsight, that we should have been doing the same thing. Furthermore, Mr. Downey goes on to say, we would have had a farm value-added investment fund pool and would have been much further ahead today. Listen to your own former Deputy Premier and get on board—

**Mr. Speaker:** Order.

### **Assiniboine Valley Flood Compensation**

**Mr. Leonard Derkach (Russell):** I want to turn the Minister of Water Stewardship's attention to what is occurring at the Shellmouth Dam, Mr. Speaker. As we debate, farmers in the Assiniboine Valley below the Shellmouth Dam are watching their lands inundated by water from a dam that is out of control.

Mr. Speaker, last week the Premier (Mr. Doer) gave me the assurance that he would in fact be meeting with representatives from the Assiniboine



Valley, and I certainly appreciate that. But what is so disconcerting is one of the minister's staff indicated that there would be no compensation for those people who live in the valley. This is an artificial flood. I want to appeal to the minister and ask him whether he will take into account that these people will not be able to put in a crop, probably not next year, and they are under the same kinds of pressures that people in the Red River Valley are.

Will he at least consider compensation for those people who will not be able to get on their land, will not be able to participate in a livelihood?

**Hon. Steve Ashton (Minister of Water Stewardship):** Well, Mr. Speaker, I think it is very important, even the critic for Water Stewardship for members opposite pointed out the degree to which the Shellmouth Dam, which was constructed some 30-plus years ago, plays in terms of flood control in the area; in fact, not just the Assiniboine River, but also impacting across the board. I think it is important to note that there was very significant snow run-off. There was a major rainstorm in Saskatchewan that led to dramatic increases in flow.

What the Shellmouth Dam does is control the release. The issue here is being confused by the member who talks about it being artificial flooding. The issue, in terms of impacts on individuals, I know the Premier stated this, it is the same in the Red River Valley, it is the same anywhere. There are programs in place and we look to those programs—

**Mr. Derkach:** Mr. Speaker, there is proof that, in fact, the reason the waters flood onto the fields is because when the water was let out of the Shellmouth Dam in February it filled the river channel. When the thaw came in the spring there was nowhere for that water to go. Additionally, snow impacts were not measured. Today, the dam is out of control, flowing over the spillway. The conduit is only flowing at 2,500 cfs. This is an artificial flood; no one can deny that. People's livelihoods are being taken away from them, and they are watching it, as we speak.

I ask the government whether it will consider a similar kind of approach to people in the Assiniboine Valley as is now taking place in the Red River Valley, Mr. Speaker.

**Mr. Ashton:** First of all, I think it is irresponsible for the member to suggest that the dam is out of control. Mr. Speaker, the Shellmouth Reservoir Regulation Liaison Committee, upon advice from the

Department of Water Stewardship, has been operating in a way which ensures a controlled release rather than an uncontrolled release. For the last period of time, with the significant rainfall that took place in Saskatchewan, there was a significant inflow into the Shellmouth, and it allows for a control.

I point out that in the Red River Valley, Mr. Speaker, we do have very significant flooding this year, not artificial flooding. It is the fifth-largest flood of the century. I want to point out that just as when members opposite did not consider this an artificial flood, our policy is when Manitobans are affected by floods, we do not play the kinds of verbal games here. We look at the impacts. We are going to do that in the Red River Valley, and it will be the same in the Assiniboine River in terms of DFA and other programs. There will be coverage for those kinds of losses.

**Mr. Derkach:** Mr. Speaker, the minister need not get animated and excited about all of this, because what we need is a level-headed approach to make sure that people are looked after when there is a disaster. That is the responsibility of government.

Mr. Speaker, the minister can argue that it is not an artificial flood, but right now water is flowing over the spillway. You cannot control that water. That is out of control.

Mr. Speaker, secondly, because of the massive amount of water that was held back because no snow impact was measured, nobody knew that this kind of flooding would occur in the Assiniboine Valley. On April 13, the advisory board was told there would be no flood. That was April 13. Today, agricultural lands, residences, livestock facilities, grain storage facilities are all in danger and in water. Why? Because it is a disaster, it is a flood. But somebody has to look after these, and we are asking the Premier (Mr. Doer), the Minister of Water Stewardship to at least pay attention to something that is devastating to the lives of those people now living in the valley.

\*(11:30)

**Mr. Ashton:** Mr. Speaker, let us get the dates correct here, because there was a significant rainfall, 40 to 50 millimetres, on April 18, which is three days after that reference that he mentioned. Prior to that, the predictions were, despite the elevated levels, that there would not be over-bank flooding in the Assiniboine, but there was a significant rain event.

The Premier has already indicated, and it is the same thing in any part of the province, when it

comes to flooding we do share the concerns of the impacts it has on people. We have indicated that it is no different in the Assiniboine River or the Red River. Whether it is an occurrence in the Red River or Assiniboine River, we have programs such as DFA, and we are concerned about the impacts on people.

So the member, I think, raises a good point, but let him not put on the record anything other than the fact that there was significant rainfall that led to the current situation. The operation of the Shellmouth Dam, it is being operated as it was when members were in government, Mr. Speaker.

### **Lake Winnipeg Environmental Protection**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, my question to the Premier: For six and a half years, the Premier has done little except talk about Lake Winnipeg. Under his watch, the situation with Lake Winnipeg has gotten worse with increased levels of phosphorus and increased algal blooms.

Now this week when a federal budget is brought down that makes no mention of Lake Winnipeg, we have a Premier who stands idly by saying he is generally satisfied with the federal budget. Lake Winnipeg is slowly dying and this Premier is more interested in acting as a human shield for Stephen Harper.

Why is this Premier so busy cozying up to Stephen Harper? Why will he not stand up for Manitoba and for Lake Winnipeg?

**Hon. Gary Doer (Premier):** Mr. Speaker, this issue of the member opposite wanting to turn Parliament into this Legislative Building, I guess if you have no real substantive issues of your own, you try to be a surrogate for your federal party.

Mr. Speaker, I think it is important for all of us to have independent voices from Parliament.

### **Point of Order**

**Mr. Speaker:** The honourable Member for River Heights, on a point of order?

**Mr. Gerrard:** Mr. Speaker, on a point of order.

**Mr. Speaker:** The honourable Member for River Heights, on a point of order.

**Mr. Gerrard:** The Premier is trying to belittle Lake Winnipeg by calling it, it is not substantive. What

could be more important to Manitoba than Lake Winnipeg?

**Mr. Speaker:** On the point of order raised by the honourable Member for River Heights, before I make my ruling, I will remind members once again that points of order are to point out to the Speaker a breach of a rule or a departure from our practices. Points of order should never be used for means of debate.

On the point of order raised by the honourable Member for River Heights, he does not have a point of order. It is clearly a dispute over the facts.

\* \* \*

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

**Mr. Doer:** Thank you, Mr. Speaker. The federal Liberals cut the money from the *Namao* boat to evaluate and do testing in Lake Winnipeg, and the member opposite never raised the question about how awful the federal Liberal government was. Then he comes in here now and talks about us being a, quote, "shield."

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order.

**Some Honourable Members:** Oh, oh.

**Mr. Doer:** You cannot handle the truth.

### **MATTER OF PRIVILEGE**

**Mr. Speaker:** Order. The honourable Member for River Heights, on a point of order?

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I rise on a matter of privilege.

**Mr. Speaker:** Okay. The honourable Member for River Heights, on a matter of privilege.

**Mr. Gerrard:** A matter of privilege, as the Speaker well knows, has to be raised at the first possible instance, and there has to be a substantive *prima facie* case.

Mr. Speaker, I am raising this matter at the very first possible instance, and I believe that we have a *prima facie* case here when the Premier (Mr. Doer) deliberately distorts the facts and tries to convince this—[*interjection*]

### **Point of Order**

**Mr. Speaker:** Order. The honourable First Minister, on a point of order?

**Hon. Gary Doer (Premier):** A point of order, Mr. Speaker. A dispute on the facts is not a point of order, nor is it a matter of privilege. If the Leader of the Liberal Party cannot handle a debate about something that is factually correct, then I think it is really regrettable that he misuses, in my view, a point of privilege to participate in a rebuttal that he does not like.

Mr. Speaker, you gotta be able to give it and you gotta be able to take it. If he cannot take it, that is not a point of privilege.

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

**Mr. Kevin Lamoureux (Inkster):** On the same point of order, Mr. Speaker. The Member for River Heights (Mr. Gerrard) has risen on a matter of privilege and it is for the Speaker of the House to determine whether or not it is indeed a matter of privilege. The Premier needs to realize that he is the Premier, you are the Speaker, and you are the one who determines whether or not the Member for River Heights has a matter of privilege or not.

**Mr. Speaker:** The honourable Official Opposition House Leader, on the same point of order?

**Mr. Leonard Derkach (Official Opposition House Leader):** Mr. Speaker, I am going to make this very brief on the same point of order, but perhaps we could try to get through Question Period. We are having a little difficulty in getting through it. I know that this is the seventh day of debate of the budget. It would be good to get through Question Period and then to get on to some budget debate.

**Mr. Speaker:** On the point of order raised by the honourable First Minister, he does not have a point of order. It is a dispute over the facts.

\* \* \*

**Mr. Speaker:** The honourable Member for River Heights, on his matter of privilege.

**Mr. Gerrard:** Mr. Speaker, as has been well established on numerous occasions in this Legislature, that when a Cabinet minister or the Premier stands up and tries to deliberately impugn the reputation of members on the other side, that this is clearly a matter of privilege. As you have ruled on numerous occasions, it has to be done deliberately, and it has also to be substantively put live on the record which will hurt the reputation of members in this Legislature.

In this case, the fact of the matter is quite clear because the Premier (Mr. Doer) has talked about the funding for the *Namao*. In this case, the facts of the matter are also quite clear that I have worked very hard to get funding for *Namao* and the funding for the *Namao*—

**Mr. Speaker:** Order. A matter of privilege is to point out to the Speaker, at the earliest opportunity, to convince the Speaker that the privilege of a member is being denied and to convince the Speaker that the matter has to be dealt with immediately. So I ask the honourable member to stay with the prima facie case.

**Mr. Gerrard:** Mr. Speaker, the prima facie case of privilege is built on the fact that the Premier has deliberately distorted the facts in order to impair my reputation and my ability to speak out appropriately for people in Manitoba as an MLA.

The issues here, as you well know, are what has been put on the record by the Premier and whether there was an attempt that was deliberate and not just accidental. In this case, as the Premier well knows, the Lake Winnipeg consortium—

**Mr. Speaker:** Order. I kindly, kindly ask the honourable member, when you are up on a matter of privilege, it is to convince the Speaker the importance of dealing with that, and to stay with the prima facie case and not to get into debate. I am kindly asking the honourable member.

#### Point of Order

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

**Mr. Lamoureux:** On a point of order. The Member for River Heights poses a question, the Premier attempts to answer the question, Mr. Speaker, and what has happened—

**Mr. Speaker:** Order. Also on points of orders, it is to point out to the Speaker a breach of a rule or departure from our practices of Manitoba not to get into debate on the issue.

The honourable Member for Inkster, if you have a point of order, please state your point of order.

\*(11:40)

**Mr. Lamoureux:** Mr. Speaker, it cites in *Beauchesne's* and I will find the actual quote so that members are very comfortable. *Beauchesne's* 319: Any Member is entitled, even bound, to bring to the

Speaker's immediate notice of any instance of a breach of order.

Mr. Speaker, the best I can recall, using the traditions of our Chamber, that when a member rises on a matter of privilege and it is talking about another member, there is some expectation that that member would, in fact, be present to hear the matter of privilege. I do believe that, if the Member for River Heights is talking about a privilege, the member that he was rising to talk about, out of respect for your Chair, I would have thought, and correct me if I am wrong, if a member is standing on a matter of privilege, is there not an obligation to respect the Chair and the fact that there is a privilege and not walk out of the Chamber? I would have thought that that would have been a part of our rules.

**Some Honourable Members:** Oh, oh.

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

**Hon. Dave Chomiak (Acting Government House Leader):** I have listened very carefully to the pathetic attempts of the members opposite to try to delay this House as they have for the past six weeks. I want to point out factually, Mr. Speaker, I listened very carefully to the leader of the opposition, and on two occasions, you asked the leader of the opposition to get to the matter of the prima facie case. The leader of the opposition talked about his reputation's ruin. That is self-evident. It speaks for itself. The member talked about deliberately misleading. That self-evidence speaks for itself.

**Mr. Speaker:** Order. I remind the honourable member, on a point of order, it is to deal with the breach of the rule or departure from our practice, not to get into debate.

**Mr. Chomiak:** Yes, thank you, Mr. Speaker. As I recall, this is the fourth matter of privilege, perhaps the sixth point of order raised by the members for Inkster and River Heights who, after six weeks of filibustering, now are doing this in the Chamber. I think their actions speak for themselves. He does not have a point of order. He is not even allowing his member and his leader to try to get to the point of his prima facie case, of which, I suspect he has none. He is, in fact, trying to defend in defence of his position.

**Mr. Speaker:** The honourable Official Opposition House Leader, on the same point of order.

**Mr. Derkach:** Mr. Speaker, we have kind of wandered all over the place here today, and it is unfortunate. I think the Premier (Mr. Doer) was in the middle of an answer when, in fact, the Member for River Heights rose on a matter of privilege. So I am expecting that the Premier will conclude his answer at some point to the question after we have dealt with the matter of privilege. But I do sincerely want to hear clearly what the matter of privilege is so that I can respond to it.

**Mr. Speaker:** On the point of order raised by the honourable Member for Inkster (Mr. Lamoureux), he does not have a point of order.

\* \* \*

**Mr. Speaker:** The honourable Member for River Heights to continue with his privilege and to deal with the prima facie case of his privilege.

**Mr. Gerrard:** Mr. Speaker, when it comes, as the Speaker well knows, to a matter of privilege and the ability of a member to do his duties, and the ability of a member to represent his constituents and to stand up for Lake Winnipeg, that these are important issues which is a matter of privilege.

**Mr. Speaker:** Order.

#### Point of Order

**Mr. Speaker:** The Member for Carman, on a point of order?

**Mr. Denis Rocan (Carman):** On a point of order, Sir.

Mr. Speaker, it is a time-honoured tradition in this House that when a point of order is raised, Sir, one must and should make members aware of a particular breach of the rules.

Sir, I am not too sure at this point in time whether or not an agreement reached by House leaders makes reference to *Beauchesne's* 416, whether or not it can be used during Question Period. But I will take you right now to *Beauchesne's* 416, which says very clearly: "A minister may decline to answer a question without stating the reason for refusing, and insistence on an answer is out of order, with no debate being allowed. A refusal to answer cannot be raised as a question of privilege, nor is it regular to comment upon such a refusal."

Indeed, Sir, I would ask you, 416, I believe is the ideal quote that we are looking for at this point in time. Thank you.

**Mr. Speaker:** On the point of order raised by the honourable Member for Carman, I thank him for the information and I will listen very carefully.

\* \* \*

**Mr. Gerrard:** Mr. Speaker, the matter of privilege I am raising is not about whether or not the Premier answered the question or did not answer the question. The matter of privilege is about the fact that the Premier said that I did not support the *Namao*, and he tried to indicate that I was—instead of answering the question, what he was trying to do was attack me in a vicious way and it was deliberately distorting the truth.

Mr. Speaker, the fact is very simple, that instead of cutting funding, I worked very hard for the funding for the *Namao*—

**Mr. Speaker:** Order. I have been very, very patient here and I have been listening very carefully here. A matter of privilege is not to be used for debate. It is to convince the Speaker that there is a prima facie case that the privileges of a member, in order to do their job as a member, have been impeded and to convince the Speaker that it is so important that we need to hear it immediately.

I would ask the honourable member to convince me and to deal with the prima facie case. The honourable Member for River Heights.

**Mr. Gerrard:** Mr. Speaker, what we are dealing with is a deliberate attempt by the Premier (Mr. Doer) to attack people and go after people's reputations with distorted facts. That is a prima facie case of privilege, and I would move, seconded by the MLA for Inkster, that this matter of privilege be referred to a standing committee of the Legislature.

**Mr. Speaker:** The honourable Official Opposition House Leader was about to rise?

**Mr. Derkach:** Mr. Speaker, this is a very unusual day. We are having difficulty getting through Question Period here, and I think we still have a little bit of time left in Question Period, at least to get the Premier's response to a question.

But, Mr. Speaker, there is some truth in what is being put on the record here, and the fact that imputing motives on a member is certainly not something that is respectable, nor should it be tolerated in the Legislature. I think we all acknowledge that.

I know that from time to time in the heat of a debate and when I get a little emotional or passionate

about an issue, I will make some comments that I will retract from time to time because they are done in the heat of the moment. I look at my colleague across, the Minister of Energy, Science and Technology (Mr. Chomiak), and he and I have had many fairly heated debates in this Legislature, but they are not meant to be personal and they never should be.

Mr. Speaker, when the member rose on this matter of privilege, I can understand why he is aggrieved by what was said. So he rose on a matter of privilege because his reputation is being impacted by comments that are being made against him personally.

Now, in this Legislature, we can disagree with policies. We can disagree with actions taken by members or ministers. We can disagree with policy direction. We can disagree with a whole host of things, Mr. Speaker, but at the end of the day, when all is said and done, the person should not be attacked simply because that person had a position somewhere and because of his values or her values, because of their views of the world, because, for that matter, of what they believe. So, in that sense, this matter of privilege perhaps would have some validity because the member feels aggrieved. As a member of this Legislature, he feels that, because of that personal attack, he cannot do his job as a member of this Legislature.

\*(11:50)

So, Mr. Speaker, because of the kind of shenaniganism, if I can use that word, that we have seen in the Chamber today, sometimes it is difficult to sort out the chaff from the grain. But, we need to all remind ourselves, I think in this Chamber, that we are here to do a job. Yes, we rang the bells as an opposition on Crocus, but that was to make a statement about where the government's policy was. I know that I am getting into a debate now, but I am using that as an example of how we did not attack individuals.

So, therefore, when one has to consider this, Mr. Speaker, I think that one should look at the fact that there are, in fact, people who may be a little more sensitive—

**Mr. Speaker:** Order. I ask the honourable Official Opposition House Leader to state his prima facie case.

**Mr. Derkach:** Mr. Speaker, it is not my prima facie case, but I will say that this is something I believe

you will have to consider as the Speaker. I cannot, from what I have heard today, evaluate whether or not this is a prima facie case. I think the member did put a good case forward, but I think many of these things can be resolved through a retraction and an apology, and then get on with the issue.

So, Mr. Speaker, I think this is something that you, as the adjudicator in this case, have to take under consideration and then give us your ruling and, certainly, we will abide by that.

**Mr. Chomiak:** I will be very brief, because I want us to get back to the business of the House.

On the prima facie case, Mr. Speaker, and I will state the facts. The member stood up and asked the Premier (Mr. Doer) about Lake Winnipeg and the federal Conservative budget, and accused the Premier of not being supportive of Lake Winnipeg. The Premier stated to the member obvious that the provincial government had, as one example, shown support for the *Namao* and said to the Member for River Heights (Mr. Gerrard) why had he not worked with the federal Liberal government when they were in power to do the same. The Member for River Heights, who is very sensitive on these kinds of issues, took offence to the fact that he had failed to deliver on that point.

Mr. Speaker, that is not an attack, that is a fact. The Member for River Heights simply cannot accept the fact that he was unable, as Liberal Leader in this province, to secure support from the Liberal federal government in regard to this. That is no shame on his part. He might have tried but he certainly was not able to deliver. It is a direct contrast to his initial question where he asked the Premier whether the Premier could deliver. The Premier pointed out that we had already delivered. There is no point of privilege. It is simply the inability of the member to perhaps undertake his duties in the fashion he had hoped to.

**Mr. Speaker:** On the point of order raised by the honourable Member for River Heights, I would like to inform the House that this is clearly a dispute of 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, "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 2nd

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 honourable member does not have a matter of privilege.

**Mr. Gerrard:** On my question—

**Mr. Speaker:** I have to deal with this first, okay.

\* \* \*

**Mr. Speaker:** Now, we will revert to Question Period. The honourable Member for River Heights has the floor.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, the Premier was involved in the commissioning of a report produced by Norm Brandson and Terry Duguid, which was delivered last November. It called for urgent action to reverse the deterioration which has already occurred in Lake Winnipeg under their watch.

Why did the Premier and his government not step to the plate and support the report when it was released? When it comes to action the Premier and his government have fallen down at every step. Why has the Premier failed to stand up for Manitoba? Why has the Premier failed to take action on Lake Winnipeg? Indeed, where is the Premier to answer the questions?

**Hon. Steve Ashton (Minister of Water Stewardship):** Well, it has been quite a week. We have seen the official opposition go in its transition from opposition to, well, opposition, Mr. Speaker, and cheerleaders for the federal Conservatives. Now we are seeing the Liberal leader, the chief cheerleader for the newly minted Liberal opposition. You know, they did nothing on child care, they did nothing for Aboriginal people other than the Kelowna Accord in the dying days of the government.

But with Lake Winnipeg, not only did they do nothing, they waited until the election, the final few days of the election, to make a grand promise. The fact is, Mr. Speaker, the Liberals have done nothing on Lake Winnipeg. It is the NDP government of Manitoba that has put saving Lake Winnipeg front and centre. And, by the way, if I can, I would like to ask the Liberal leader to explain why he is opposing water quality management zones, one of the key tools to saving Lake Winnipeg. That is the real issue, Mr. Speaker.

**Mr. Speaker:** Order. Time for Oral Questions has expired.

#### Point of Order

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

**Hon. Gord Mackintosh (Government House Leader):** On a point of order, I note that the members opposite, the Opposition House Leader (Mr. Derkach), has imposed observance, and backed by you, of course, of what I call the Luddite rule, that we cannot use BlackBerries in Question Period. Perhaps, Mr. Speaker, if we are going to have to have the Luddite rule, perhaps it could be also imposed on members opposite, and I notice the Member for Tuxedo (Mrs. Stefanson) is busy away on her BlackBerry to find out what is going on. But perhaps this is a message to all members that the Luddite rule should be stricken from the rule book.

**Mr. Speaker:** The honourable Official Opposition House Leader, on the same point of order.

**Mr. Leonard Derkach (Official Opposition House Leader):** Well, Mr. Speaker, I guess all I can say to the House leader is touché because indeed that does happen in this Chamber from time to time. I think he raises an important issue, and that is one that should be considered by the legislative management committee, and in this age of technology perhaps we should upgrade our rules that would apply to all of us in this Chamber. Thank you.

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

**Mr. Kevin Lamoureux (Inkster):** Yes, Mr. Speaker. I too wanted to comment because I think it is an important observation that the Government House Leader has brought forward.

A little tense, Mr. Speaker.

Mr. Speaker, there is a reason why we do not have the BlackBerries being used during Question Period. Some would ultimately argue that some of the spin doctors that the government has would be sending messages to the ministers to provide answers, and that is to questions that are being posed. So I would suggest to you that we should maintain the rule that that form of communication not be allowed during Question Period or we will just get the spin doctors' answers as opposed to the ministers' and so forth, and I think we want to avoid that.

**Mrs. Heather Stefanson (Tuxedo):** Mr. Speaker, certainly I would just like to point out for the record that it is in fact after Question Period now. So technically it should be okay, but if, in the event I did offend the member opposite, the Minister of Justice (Mr. Mackintosh), then certainly, and other members in the House, I will stand in my place because I know how to be accountable for my actions. So I will stand here, and I will apologize if I in fact offended anyone here, and I think maybe some members opposite could learn from a little bit of accountability in taking responsibility for their actions.

**Mr. Speaker:** On the point of order raised by the honourable Government House Leader, I would like to take this opportunity to remind members that any electronic device during Question Period we do not allow. I thank the honourable Member for Tuxedo for her apology, and I think that should take care of the matter.

\* (12:00)

#### MEMBERS' STATEMENTS

##### Finding Beauty Contest

**Ms. Kerri Irvin-Ross (Fort Garry):** Mr. Speaker, I rise today to bring to the House's attention an innovative contest being held here in Manitoba called Finding Beauty. This contest, organized by *Winnipeg Women* magazine, is meant to answer the age-old question of what is beauty by examining the inspirational and personal lives of Winnipeg's women.

Launched in the fall of 2005 by the magazine, the criteria for this contest were left intentionally open. Through nomination forms open to any woman from Winnipeg, those nominating were able to articulate in their own fashion just what about their mother, daughter, friend, co-worker and relative touched them in a way that can only be captured by the idea of the beautiful. In this manner, the organizers of the contest did very much to go on a search in order to find beauty.

The 60 nominations and the five finalists of the contest showed a range and depth that would leave a strong impression on any audience. Single parents, teachers, seniors and mothers all gave stories of resilience, strength, perseverance and laughter. The sharing of these uniquely personal yet common stories in itself has made the contest a glowing success.

Mr. Speaker, I would like to recognize *Winnipeg Women* for having organized this worthy event. More to the point, I would recognize all the women nominated, in particular Isabella Worbanski, a long-time resident of Fort Garry, for their innumerable contributions to our community. An acknowledgment of their own individual beauty is long overdue. Thank you.

#### **Cattle Enhancement Council Meeting**

**Mr. Cliff Cullen (Turtle Mountain):** Thank you for the opportunity to rise today to put a few words on the record in regard to a meeting that myself and a number of my colleagues on the opposition side attended in Brandon last night.

Mr. Speaker, this was the third in a series of meetings pertaining to the Manitoba Cattle Enhancement Marketing Plan Regulation that has been proposed by this NDP government. Earlier in the week, there was a meeting in Grosse Isle and approximately 200 farmers attended. In Ste. Rose on Wednesday night, approximately 350 farmers attended. With the growing controversy over this particular proposal being put forth by the government, 1,100 farmers attended the meeting in Brandon last night.

As we approach the third anniversary of the BSE crisis here in Manitoba, we have found that very little change has been provided by this NDP government in terms of slaughter capacity in Manitoba. Clearly, the NDP have recognized that, and this is a last-ditch effort to try to raise some funds to try to get slaughterhouse capacity on the rails here in Manitoba.

Quite clearly, the regulation that has been put forward by this government shows the heavy hand of government. The intent of this regulation is to generate money on the backs of cattle producers, and most cattle producers have been suffering and are still suffering from the results of BSE. We have not seen the full recovery of the market values of livestock in Manitoba.

This regulation will bring forward sweeping powers that the commission will have and how cattle will be marketed in Manitoba. It really is a mandatory tax the minister put forward, being nonrefundable. It will be administered by this government-appointed commission. It really shows lack of consultation on behalf of this government. There is no accountability in terms of this program, showing very little transparency.

Mr. Speaker, I thank you very much for this opportunity.

#### **Women in Second Stage Housing**

**Ms. Marilyn Brick (St. Norbert):** Mr. Speaker, I rise today to bring to the House's attention an important organization serving the women of Winnipeg. Women in Second Stage Housing provides needed support for women who have made the step of separating themselves from an abusive partner.

Mr. Speaker, it is no secret that separating from an abusive partner is a very difficult decision. Many factors influence women, and whether it be the presence of children or the alleged promise to end the cycle of abuse, an abusive relationship can often be a confusing labyrinth in which the right path is never clear.

However, organizations such as WISH provide the long-term direction many women seek. WISH has recognized that to free themselves from the cycle of violence and abuse and to make the transition back into daily life, women and their families need, above all, time and space. By providing services such as individual and family counselling, advocacy and skills development and support in the form of a safe and independent living environment, WISH allows women in transition to move from violent situations to more healthy lifestyles.

Mr. Speaker, I ask all members of this House to join me in thanking the WISH professionals who have worked tirelessly with the women of Winnipeg. I would like to extend my appreciation to the WISH board members: Alex Yaworski, Romana Tkachuk, Cathy Rooke, June Francis, Susan Helenchilde and Rue Pratt; as well as to the WISH staff members: Lori Rudniski, Tara Sheppard, Gina Heinrichs, Doreen Mutwiri, Kim Smyrski and Helen Tomchuk. These people have worked hard to improve the lives of women and children who have been affected by abuse.

I would also ask all members to join me in congratulating WISH on its 20th anniversary. Even as our government continues to battle the scourge that is domestic violence, organizations such as WISH help heal the scars that remain. For this they are to be commended. Thank you, Mr. Speaker.

#### **Winnipeg City Summit**

**Mrs. Heather Stefanson (Tuxedo):** I want to take this opportunity to congratulate our friends at the



City of Winnipeg and, in particular, Mayor Sam Katz and all of the staff at City Hall who are responsible for putting on the City Summit over the past two days.

There were 200 delegates that gathered yesterday at the Fort Garry Hotel to share their ideas about how to make our city a better place to live, work and raise our families, Mr. Speaker. It was a very worthwhile exercise for all who attended. I am confident that the material and ideas that come out of yesterday's summit will provide a platform for true vision for our city.

One thing that was clear was that it is time to stop talking about making our city a better place to live and start taking action. I am confident that Mayor Katz and his team will come out of this summit with many, many ideas on how to make our city a better place to live. I am confident that he has the vision and, certainly, the will to take the necessary actions to make this happen.

Mr. Speaker, the dinner last night featuring former Mayor of New York, Rudolph Giuliani, was fantastic and made me proud to live in this wonderful city of ours. He spoke of what leadership means and how to be a true leader. He spoke of the six principles, in fact, that he has written about in his book on leadership. He spoke of the broken windows theory that he is famous for. He spoke about the disasters surrounding 9-11 and the terrorists attacks on his city. He spoke with passion, the kind of passion and vigour that truly captivated the entire audience.

There is a lot to learn from someone like Rudolph Giuliani, and I was so incredibly grateful to have been given the opportunity to be a part of the summit—

**Mr. Speaker:** The honourable member's time has expired.

**An Honourable Member:** I ask for leave.

**Mr. Speaker:** Does the honourable member have leave?

**Some Honourable Members:** Leave.

**Mr. Speaker:** Leave has been granted.

**Mrs. Stefanson:** Thank you, very much. In closing, Mr. Speaker, I am incredibly grateful to have been a part of the City Summit and the incredible evening.

Again, congratulations to Mayor Katz and his team at City Hall. Bravo, and now let us get on with cleaning up our streets and making Winnipeg an even better place to live, Mr. Speaker. Thank you, very much.

### **Princess Margaret School Anniversary**

**Mr. Harry Schellenberg (Rossmere):** Mr. Speaker, I rise to inform the House that on May 18 Princess Margaret School will be celebrating its 50th anniversary and the 25th anniversary of the English-German bilingual program.

Princess Margaret School and its English-German bilingual program have been important institutions in North Kildonan. In 1956, Princess Margaret School began as a modest four-room school with a total staff of four teachers. Today, it has undergone significant expansion and renovation. It now has 20 rooms, among them numerous additions such as a library, gym, music room, computer lab and multi-purpose room. It now employs a staff of 31 teachers, 8 professionals, 4 custodians, 2 secretaries and a librarian.

The world has changed significantly in 50 years and Princess Margaret School has changed with it. However, some things remain as ever. The administrators, teachers and staff of Princess Margaret School continue to work diligently to prepare the children of our community for their future successes. Parents and school trustees are committed, as ever, to providing young people with a safe and fun environment in which to take their first major strides in the world.

\* (12:10)

Mr. Speaker, I must point out that both of my children have attended the English-German bilingual program. This program began first in Princess Margaret School, but has been extended to Donwood Elementary School, Chief Peguis Junior High and to the River East Collegiate. Many graduates of the program have gone on to pass university entrance exams and have had the opportunity to enrol in universities in Germany. This program has been a success story since it began in 1981.

Mr. Speaker, I congratulate Princess Margaret School and the English-German bilingual program on their 50th and 25th anniversaries, respectively. I invite all members to come and take part in the festivities on Thursday, May 18. Thank you.

**MATTER OF URGENT PUBLIC  
IMPORTANCE**

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, on page 20 of our standing rules I would like to introduce a matter of urgent public importance, and it is in citation of 36(1).

Mr. Speaker, I would move, seconded by the Member for River Heights (Mr. Gerrard), that the regular scheduled business of the House be set aside to discuss a matter of urgent public importance, mainly the need to increase the budget of the office of the Auditor General.

**Mr. Speaker:** On the matter of urgent public importance moved by the honourable Member for Inkster, I notice that it is to deal with the increase of the budget of the office of the Auditor General. If the honourable will remember back to the matter of privilege raised by the honourable Member for River Heights, it is of the exact subject matter. I have taken that under advisement, and I cannot deal with any issue dealing with that same subject matter until I have brought back a ruling for the House. So we cannot deal with this matter of urgent public importance at this time.

**Mr. Lamoureux:** Mr. Speaker, actually, I would just rise first on a question, just for clarification. I had not anticipated that you would be taking that matter under advisement earlier. I want to be sensitive to your ruling and then would just ask, Mr. Speaker, if you would canvass the House to see if, in fact, there would be leave for us to go to this matter of urgent public importance. If not, I will move the other matter of public importance.

**Mr. Speaker:** For the information of the honourable Member for Inkster, I have dealt, and our rules are clear, that when any issue is under advisement it cannot be dealt with in any way, shape or form until I have brought back a ruling because the information that I have received during the privilege will determine the ruling that I bring back. I could not even put it to the House because I have the matter under advisement, and I still need to gather all the information to make a determination of that ruling. Also, for information of the House, our rules are very clear that we can deal with one MUPI at a time. This has been brought forward, and because of the privilege we cannot proceed with it today.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, as you have already received notice of this, I move, seconded by the Member for Inkster (Mr.

Lamoureux), that under Rule 36(1), the ordinary business of the House be set aside to discuss a matter of urgent public importance, namely the inadequacy of the management and attention to cost efficiency and effectiveness of the Manitoba Pharmacare program as described in the Auditor General's report released May 4, 2006, and the need for urgent improvements to the quality and cost effectiveness of this program.

**Mr. Speaker:** On the matter of urgent public importance that the honourable Member for River Heights has raised, our Rule 36(5)(a) states: "Not more than one such motion . . . be made at the same sitting."

The motion that was made, we could not deal with it because of the technicality, but it was already moved. So this is the matter of urgent public importance that the member could seek leave of the House, if the House was willing for you to move it, but it would be at the determination of the House. So, if you want to ask for leave of the House, that is entirely up to you.

**Mr. Lamoureux:** Mr. Speaker, on a point of order, and I want to make sure that I am really clear on this issue. What I would do is, first and foremost, start off by going to *Beauchesne's* page 14, Citation 33, and it states: "The most fundamental privilege of a House as a whole is to establish rules of procedure for itself and to enforce them." A few rules are laid down in the constitution—

**Mr. Speaker:** Order. I am sorry to interrupt the honourable member, but our Manitoba rules take precedence over any other rules and any citation of any information that is out there. Our rules are very clear here. I have stated our rules, the Manitoba rule which governs us as a Legislative Assembly, and it is very clear that 36(5): "(a) Not more than one such motion . . . be made at the same sitting."

The option that the honourable member would have would be to seek leave because you cannot ask for leave of the subject matter that I have already taken under advisement. But this is something else, so if the member sought leave of the House, and if the House granted leave, then we can proceed with it, but if the House denies it, then we cannot.

**Mr. Lamoureux:** Mr. Speaker, what I am trying to do is to bring to your attention, and I will get to 36(5)(a) also, but what I want to do is to first establish through *Beauchesne* and from our own standing orders, followed then by our process—

**Mr. Speaker:** Order. I want to be clear. I am not going to get into a big debate on the floor of the Legislative Chamber. Our rules are very clear, and my job as the Speaker is to enforce the rules. I hope I have made it clear to the honourable member that our rules, our Manitoba rules, are what govern us, and our Manitoba rules take any precedence over any other advice from other procedural authorities. So it is very clear. I am stating the rule, and I am suggesting to the honourable member that there might be a way to deal with his issue if there is a willingness of the House. There is no other way we can deal with this, because our Manitoba rule is very, very clear.

\* (12:20)

**Mr. Lamoureux:** Yes, Mr. Speaker, and this is why it is that I stand in order to appease what you are requesting. I will start off by referring to our rules in regard to the matter of urgent public importance. So, if you turn to page 20 in our rule book and under Matters of Urgent Public Importance, you go to Citation 36(1), and it states: "After Members' Statements in the routine business of the House, any Member may move to set aside the regularly scheduled business of the House to discuss a matter of urgent public importance, of which the Member has given prior notice to the Speaker not less than 90 minutes prior to the start of Routine Proceedings."

Mr. Speaker, I attempted to introduce a matter of urgent public importance. You, then, commented in terms of, well, because it was raised as a privileged issue earlier in Question Period, and you had taken it as notice, that I would not be able to introduce that MUPI. In return, I then asked if there was going to be leave. There was no preparation, or you had indicated that we could not even ask for the question of leave. I respect that.

So, then, what we have is another member, as Citation 36(1) allows for, another member now has stood up to introduce a matter of urgent public importance. Then the question becomes, well, what are the conditions in which someone cannot raise a matter of urgent public importance, Mr. Speaker? We find that, and you made reference in part, to the restrictions on the motion itself.

So, if we go to restrictions of the motions on themselves, 36(5): "The right to move to set aside the regularly scheduled business of the House for the purpose mentioned in sub-rule (1) is subject to the following restrictions." Mr. Speaker, I will go through—I know there are, I think, five, five of those

restrictions. Then I will comment on the motion as the Member for River Heights (Mr. Gerrard) has moved.

First and foremost, it says: "(a) Not more than one such motion may be made at the same sitting." How one actually interprets that, Mr. Speaker, I guess, is open to some sort of discussion. For example, we have had numerous days inside the Legislature where a member rises, and we are all members of the Chamber, where a member rises, introduces a matter of urgent public importance. After that matter has been dealt with, and if it did not proceed, we, all of us, have seen another member stand in their place and move a matter of urgent public importance. The best that I can recall, I do believe there have been instances where there have been two matters of urgent public importance raised in one day. I do believe that to be correct.

Now, Mr. Speaker, then we go on to the subject matter. The subject matter, as raised by the Member for River Heights, is significantly different than the issue that I had raised. The issue that I had raised, as you pointed out in terms of the member's matter of privilege, was not appropriate. Well, this issue has nothing to do with that. So it has nothing to do with the privilege on that particular point.

So let me go to "(b) Not more than one matter may be discussed on the same motion." I do not believe this is more than one matter. We read it, in urging mainly the inadequacy of the management and attention to—

**Mr. Speaker:** Order. Our Manitoba rules are very clear. The member has two choices. When the Speaker makes a ruling, you either accept the ruling or you can challenge the ruling. I am not going to get into debates with members about the rulings that I make because our Manitoba rules, to me as the Speaker, are very, very clear. If the member has a dispute over any of the rules, we have Rules Committee. Rules Committee has the authority to adjust or change rules, maybe, if the members are not satisfied with them.

But, to me, I made a ruling. The reason I made that ruling is because our Manitoba rule book takes precedence over any other procedural authority that is out there. It is very, very clear that we can only deal with one subject matter, one motion at a time. We dealt with that motion because I had taken it under advisement. We cannot deal with it. So we deal with one MUPI per day. I cannot recall dealing with two MUPIs, unless there was leave of the

House, in my time as the Chair, unless this second one was agreed to by all members of the House, because our rule book is very, very clear on that.

So I would advise the honourable member that, if he wishes to deal with his MUPI, the option he has is to seek leave of the House. If the honourable member does not wish to deal with that, because I have made a ruling, the option is either to accept it or to challenge it. Then we will move on with the business of the House.

So, the honourable Member for River Heights, are you seeking leave from the House or not? No? Okay.

Then my ruling is that, because of the restrictions on the motion 36(5): "(a) Not more than one such motion may be made at the same sitting," we cannot entertain the motion from the honourable Member for River Heights.

#### MATTER OF PRIVILEGE

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I would then rise on a matter of privilege.

**Mr. Speaker:** The honourable Member for Inkster, on a matter of privilege.

**Mr. Lamoureux:** Mr. Speaker, I want to express some of the concerns that I have, and it is with respect to the rules of the Legislature, of our Chamber. What I want to do is first start with the citation from *Beauchesne's*, and that first quote would come from *Beauchesne's*, Citation 33, on page 14 of the 6th Edition, and it states: "The most fundamental privilege of the House as a whole is to establish rules of procedure for itself and to enforce them. A few rules are laid down in the *Constitution Act*, but the vast majority are resolutions of the House which may be added to, amended, or repealed at the discretion of the House."

Then, Mr. Speaker, I would ask that we go to page 5 of the *Beauchesne's* 6th Edition, and you will see Citation 9. It states, the second sentence, and I quote: "Traditionally changes in the Standing Orders were generally made by consensus after study by a special committee and consideration in the Committee of the Whole."

Mr. Speaker, I think that tradition of this Chamber has dictated that when you change rules there is an expectation that those rules would be changed in consensus. I think what you will find on the very front of our standing order, I open it up where we see rules of order and forms of procedures of the Legislative Assembly of Manitoba. One of the first things you read is where we see that there has been consensus made, and that consensus is based on, I believe—and again I was not around in April 10, 1980, but that is where it starts, right from April 10, 1980, to the most recent amendment of December 7, 2005—and I believe if you take a look at what led to all those amendments, you will find that the overwhelming—even though I would not have been present—I suspect what you would have seen was co-operation from all political entities within this Chamber, in terms of having an agreement. Having that consensus is critically, critically important.

That is why, when we look at rules, what is important is that we have to turn to the rules more often than not, it seems, lately, in order to be able to perform the duties that we feel that we are bound to perform for our constituents, for Manitobans. We have an obligation that has been given to us and we all take it very, very seriously.

Well, Mr. Speaker, there have now been a couple of incidents that have occurred for me which I am feeling that there is a need for our Rules Committee to get together. I would like to make specific reference to one, which I believe is an excellent, excellent example, and that is the issue of petitions.

Mr. Speaker, you can recall, we had discussions about changes to the petitions, and it was, you know, only a year ago, we only required three signatures on a petition. Then we sat down as three different party reps and talked about—

**Mr. Speaker:** Order.

The hour being 12:30, this matter will continue as the first order of business on Monday afternoon.

So, the time being 12:30, this House is adjourned and stands adjourned until 1:30 p.m. on Monday.

# LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, May 5, 2006

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