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of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS

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(Hansard)

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Ninth Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, December 11, 2009

The House met at 10 a.m.

Mr. Speaker: O Eternal and Almighty God, from Whom all power and wisdom come, we are assembled here before Thee to frame such laws as may tend to the welfare and prosperity of our province. Grant, O merciful God, we pray Thee, that we may desire only that which is in accordance with Thy will, that we may seek it with wisdom, know it with certainty and accomplish it perfectly for the glory and honour of Thy name and for the welfare of all our people. Amen.

Mr. Speaker: Order. Order.

Point of Order

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I would rise on a point of order.

Mr. Speaker: On a point of order?

Mr. Lamoureux: Point of order.

Mr. Speaker, my point of order is in reference to rule 2(2) of the House rules in which the government is, in fact, enacted. And I do believe that it's—that it's important that we take a look at what rule 2(2) actually states. I think members should be very much aware in terms of why it is that we're here this morning.

As everyone would know—[interjection] Mr. Speaker, as everyone would know inside the Legislature and outside the Legislature, the House was supposed to adjourn yesterday and take a recess, and then at some point come back, return. But in certain situations, the government does have the ability—if it deems that there's an emergency or extraordinary circumstances, that the government does have the ability to call—to call the House, and the rules do allow for that.

I do believe that it's important for us to very briefly kind of go over what has taken place. Yesterday at 5 o'clock, when the House was just about to adjourn, we were provided a letter from the government indicating—and I'll quote—it's a letter that you provided members, Mr. Speaker: Pursuant to

rule 2(2), the House has been recalled on December the 11th, 2009, at 10 a.m.

Mr. Speaker, there was never any explanation given from the government as to why it is that the House—why it is the government has felt that the House had to be recalled. If you read the actual rule, the rule states: If the government advises the Speaker—and which it has—the Speaker—that the public interest requires the House to meet at any other time because of an emergency or extraordinary circumstances, the Speaker must advise members that the House is to meet at the time specified by the government. The House must begin to meet at that specified time.

Mr. Speaker, using that rule, we're sitting here this morning. I have no idea whether or not we're sitting on Monday, on Tuesday next week, Wednesday. Are we gonna be sitting on the 23rd and on the 24th? There is—there is no—there is no idea. And, you know, as I am someone that would welcome the opportunity to sit—I believe we sat 67 days this year—I, for one, have always argued that we should be sitting 80 days in any given calendar year, and I don't have a problem—as I've indicated to the Government House Leader (Mr. Blaikie), I don't have a problem to be sitting here on the 24th of December. I'm very comfortable with that.

But I do believe it's an issue of management of the affairs of this Legislature, in part, Mr. Speaker, and the government has not recognized the need to be able to sit down with opposition in order—in order to accomplish the needs of Manitobans. And the needs go beyond even the government agenda. There is also, I would suggest to you, important issues of debate that opposition members have to bring to this Chamber, and it is a responsibility of opposition members to do that. It is more than just the government agenda. An example of that would be, in discussions, we felt that it would be appropriate to come in at the beginning of March; give us some sort of a return date. It's not an unreasonable thing to be asking for.

The government needs to realize that it has to sit down with members of the opposition and work out a plan as to how they see the House operating. When

you invoke the rule 2(2), Mr. Speaker, what you're really talking about is crisis situations, and maybe this is where the rule needs to be improved upon. One would expect that, if things economically, or there's some sort of a disaster that's occurring in the province, or there's an urgent need for the House to reconvene in order to do and deal with a matter that is of urgent importance, not government incompetence in terms of not being able to negotiate simple House business, but, rather, it should be of an urgent matter. That was the intent of this particular rule. It's a dangerous—I believe it's a dangerous precedent if all of a sudden government feels, well, we can't negotiate the simplest of agreements, so we're going to invoke a rule.

And to conclude, what I would suggest is is that we are here and we're prepared to sit however long it might be in order to meet the needs of Manitobans through this Legislature. But I do believe that the government is abusing the rules by invoking this rule as opposed to sitting down and trying to negotiate in good faith, and had they done that, I'm sure everyone, in particular, Manitobans, would have benefited greatly if the government would've shown a little bit of goodwill in negotiations. *[interjection]* Thank you, Mr. Speaker.

So I should conclude by suggesting to you that maybe you—what you might want to consider doing is having this matter, having rule 2(2) go before the rules committee, so we can add some further definition, because I do believe that the rule has been abused by the government in this situation.

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

Hon. Bill Blaikie (Government House Leader): On the same point of order, Mr. Speaker. With respect to rule 2(2) that the honourable member from Inkster rose in his place to talk about, I mean, the rules provide that the government can call the House back, and the letter was delivered, and the House is back, and I find it passing strange that the honourable member for Inkster (Mr. Lamoureux) should be, as one who was complaining that we didn't have enough time.

We now have more time. We're here. He has an opportunity to bring up whatever it is he wants to discuss. And so it does—it does seem odd that someone who complained that the House isn't sitting long enough, now that the House is sitting long enough—longer, he's complaining that we're here. So

I wish that the honourable member would make up his mind.

* (10:10)

As far as, you know, consultation, I mean, Mr. Speaker, I can vouch for the fact that the member for Inkster and I, and the member for Lac du Bonnet (Mr. Hawranik), have met so often in the last week we're beginning to feel like family. So it's not as if there hasn't been consultations. The fact of the matter is is that those—*[interjection]*—and, indeed, we're still hoping, you know, that we might be able to get an agreement.

So consultations continue, and we could've just adjourned the House, allowed the House to end yesterday, and then there would've been no provision for anything that the honourable member was asking for. So I think he, you know, he should be—in the circumstances he should be grateful for the very rule that he's complaining about.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Order. Order.

I don't normally allow a second time for members that raise an issue because then I'm just encouraging debate, so.

Mr. Lamoureux: Mr. Speaker, then it's not to further debate, it's just to ask the Government House Leader then, because obviously he knows something that maybe we don't know—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Order. Order.

Mr. Lamoureux: —is the House sitting next week?

Mr. Speaker: Order. Order. Order. Order. Order. Order. Order.

If members have a questions of one another, they're not seated very far. It would only take a short walk—*[interjection]* Order. Order. Order. It would take a short walk to discuss that and we have loges to provide for that.

And also, like I said, I don't normally recognize members on the same points of order, same privilege, because then I am encouraging debate. That has been my practice.

And on the point of order raised by the honourable member for Inkster (Mr. Lamoureux), for information of all members, rule 2(2) states that: "If the government advises the Speaker that the public

interest requires the House to meet at any other time because of an emergency or extraordinary circumstances, the Speaker must advise the members that the House is to meet at the time specified by the government. The House must begin to meet at the specific time."

And information of members, I was—I was given a letter signed by the honourable First Minister, to rule for—under this rule, to recall the House for December 11th, and that's what I've done. And I don't think it is proper for the Speaker to adjudicate or to try and guess what is an emergency and what is not an emergency. That is up to the government to determine, if they feel it is an emergency.

So that's what I did. So I—that's why I—all members have been notified, and if there's issues or problems, I would encourage House leaders to get together and discuss and do their negotiations. I don't think it helps anyone if negotiations are done on the floor of the Assembly. I'm sure there's places where the House leaders could meet in private and hopefully negotiate something that will meet the requirement of all.

That's what I would strongly encourage, but the honourable member does not have a point of order.

Point of Order

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

Mr. Speaker: On a new—on a new point of order?

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

I have no objection. In fact, I would be prepared to sit here till December the 24th, no problem at all in doing that Mr. Speaker.

What I would like—what I would like to know, Mr. Speaker, is, in order for me to—and other MLAs to make arrangements, because there is—there is other business outside of the Legislature, are we going to be sitting next week? Should we actually be planning on being here next week? Is that something that has to be asked just of the Government House Leader or is there any responsibility from members? Any employer—if I was working in any other occupation and I asked my employer, do I come in two days from now, I would get an answer, I'm sure.

Mr. Speaker: Order. Order. On the point of order raised—order. Order.

On the point of order raised by the honourable member for Inkster, the letter that I received from the honourable First Minister stated that we were sitting today, December 11th, and I have not received any notification on any further sittings. So as far as I—far as I'm concerned the—*[interjection]* Order. Order. The letter I received stated that to recall of the House for December 11th, and that was it. And I have not received any other letter, and I can't try to forecast if I will or if I won't. That is not up to the Speaker, and it's not up to the Speaker to determine what is an emergency and what is not an emergency.

If I receive any further information pertaining to the sitting of the House, my obligation is to notify the members. Right now, the only notification I have deals with today.

Mr. Lamoureux: Then, on procedure, Mr. Speaker, at the—when 12:30 comes by, do you, then, as Speaker, just adjourn the House or do we sit indefinitely until—

Mr. Speaker: No.

Mr. Lamoureux: —until when?

Mr. Speaker: Right, procedurally, the letter I received deals with the sitting from 10 o'clock until 12:30. Any—if it's—if it's to extend the sitting without a letter to recall the House under emergency or any basis, it would have to have leave of the House. If not, at 12—*[interjection]* Order. Order. Order. If not, I will be adjourning the House at 12:30, and it will be we'll return at the call of the Speaker. *[interjection]*

If—well, if I can't—I can't—I can't forecast what it is. But the question was if another letter, if I receive—if I receive a letter stating that a further sitting is required under emergency practices, then my obligation as the Speaker is to notify the members the date and when the sitting will be. Right now—right now, as it stands, we're—the only obligation that—instructions that I received is we're sitting from 10 until 12:30.

So I hope that—I hope that clears up the matter.

Okay. So let's—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order, please. Order, please. Order, please. I mentioned earlier—I mentioned earlier that if members wish to have conversations with one another, you're not seated very far, you can walk

over or—and please use the loges because we have business of the House to conduct, and I don't think it's proper for any member that have—has a concern or an interest of their own to disrupt the proceedings of the House. And, if members have a concern with—or wants to meet with other members, please arrange it to do it in the loge.

ROUTINE PROCEEDINGS

Mr. Speaker: Right now we're proceeding into routine proceedings, and I will now call introduction of bills.

PETITIONS

Long-Term Care Facilities—Morden and Winkler

Mr. Peter Dyck (Pembina): I wish to present the following petition to the Legislative Assembly.

These are the reasons for this petition.

Many seniors from Morden and Winkler area are currently patients in Boundary Trails Health Centre while they wait for placement in local personal care homes.

There are presently no beds available for these patients in Salem Home and Tabor Home. To make more beds in the hospital available, the regional health authority is planning to move these patients to a personal care home in outlying regions.

These patients have lived, worked and raised their families in this area for most of their lives. They receive care and support from their family and friends who live in the community, and they will lose this support if they are forced to move to a distant communities.

These seniors and their families should not have to bear the consequences of the provincial government's failure to ensure there are adequate personal care home beds in the region.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Minister of Health (Ms. Oswald) to ensure that patients who are awaiting placement in a personal care home are not moved to distant communities.

To urge the Minister of Health to consider working with the RHA and the community to speed construction and expansion of long-term care facilities in the region.

This is signed by Willy Peters, Larry Hiebert, Tim Penner and many, many others.

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

* (10:20)

PTH 15—Traffic Signals

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

These are the reasons for this petition. And what are they?

In August 2008, the Minister of Transportation stated that traffic volumes at the intersection of PTH 15 and Highway 206 in Dugald exceeded those needed to warrant the installation of traffic signals.

Every school day, up to a thousand students travel through this intersection in Dugald where the lack of traffic signals puts their safety at risk.

Thousands of vehicles travel daily through this intersection in Dugald where the lack of traffic signals puts at risk the safety of these citizens.

In 2008, there was a 300 percent increase in accidents at this intersection.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Transportation (Mr. Ashton) consider the immediate installation of traffic signals at the intersection of PTH 15 and Highway 206 in Dugald.

To request that the Minister of Transportation recognize the value of the lives and well-being of the students and citizens of Manitoba.

Signed by Chris Dunn, Russ Fitzjohn, David Belsham and many, many other Manitobans.

Ophthalmology Services—Swan River

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, I wish to present the following petition to the Legislative Assembly.

These are the reasons for this petition:

The Swan Valley region has a high population of seniors and a very high incidence of diabetes. Every year, hundreds of patients from the Swan Valley region must travel to distant communities for cataract

surgery and additional pre-operative and post-operative appointments.

These patients, many of whom are sent as far away as Saskatchewan, need to travel with an escort who must take time off work to drive the patient to his or her appointments without any compensation. Patients who cannot endure this expense and hardship are unable to have the necessary treatment

The community has located an ophthalmologist who would like to practise in Swan River. The local Lions Club has provided funds for the necessary equipment, and the Swan River Valley hospital has space to accommodate this service.

The Minister of Health (Ms. Oswald) has told the Town of Swan River that it has insufficient infrastructure and patient volumes to support a cataract surgery program, however, residents of the region strongly disagree.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Minister of Health to consider rethinking her refusal to allow an ophthalmologist to practise in Swan River and to consider working with the community to provide this service without further delay.

This is signed by Brian Kent, R.K. Fullerton, Lana Graham and many, many others, Mr. Speaker.

Whiteshell Provincial Park–Lagoons

Mrs. Heather Stefanson (Tuxedo): I wish to present the following petition to the Legislative Assembly.

And these are the reasons for this petition:

Manitoba's provincial parks were established to protect our natural resources and the environment for future generations.

In July 2009 the lagoons in the vicinity of Dorothy Lake and Otter Falls in the Whiteshell Provincial Park overflowed, creating concerns that untreated sewage made its way into the Winnipeg River system and ultimately into Lake Winnipeg.

In addition, emergency discharges had to be undertaken at lagoons in the Whiteshell Provincial Park four times in 2005, once in 2007 and once in April 2009.

Concerned stakeholders in the Whiteshell Provincial Park have repeatedly asked the provincial government to develop plans to address the

shortcomings with the park's lagoons and to ensure the environment is protected, but the plans have not materialized.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Conservation (Mr. Blaikie) to consider acknowledging that more timely action should have been taken to address the shortcomings with the lagoons in the Whiteshell Provincial Park in order to protect the environment.

To request the Minister of Conservation to consider immediately developing short- and long-term strategies to address the shortcomings with lagoons in the Whiteshell Provincial Park and to consider implementing them as soon as possible.

Mr. Speaker, this petition was signed by Sean Tower, Jared Storimans, Tannin–Tanner Brigden and many, many other Manitobans.

Provincial Nominee Program–90-Day Guarantee

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

The background to this petition is as follows:

Reuniting families through the Manitoba Provincial Nominee Program should be the first priority in processing nominee certificates.

Lengthy processing times for PNP applications causes additional stress and anxiety for would-be immigrants and their families here in Manitoba.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to consider establishing a 90-day guarantee for processing an application for a minimum of 90 percent of applicants that have family living in Manitoba.

This is signed by M. Ballesteros, A. Ballesteros and W. Maranan and many, many other fine Manitobans. Thank you, Mr. Speaker.

Manitoba Liquor Control Commission–Liquor Licences

Mr. Cliff Graydon (Emerson): Mr. Speaker, I wish to present the following petition to the Legislative Assembly and these are the reasons for the petition:

The Manitoba Liquor Control Commission has substantially raised the cost of annual liquor licences

for restaurants, cocktail lounges and other Manitoba businesses.

The MLCC justifies this increase by stating that the cost of an annual licence is being increased to better reflect rising administration costs.

For some small business owners, the cost of an annual liquor licence has more than doubled. These fee hikes are a significant burden for business owners.

The decision to increase the annual licence fee, while at the same time eliminating the 2 percent supplementary licence fee payable on the purchase of spirits, wine and coolers, has the effect of greatly disadvantaging other smaller businesses. Small businesses which do not purchase liquor from the MLCC in large volumes will not receive the same benefit from the elimination of this supplementary fee. Instead, they're facing substantial increased costs simply to keep their doors open.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister responsible for the administration of The Liquor Control Act (Mr. Mackintosh) to consider working with MLCC to find alternate means of addressing rising administrative costs.

To request the Minister responsible for the administration of the The Liquor Control Act to consider working with MLCC to revise the decision to implement a significant annual licence fee increase.

To urge the Minister responsible for the administration of The Liquor Control Act to consider ensuring that the unique challenges faced by small businesses are better taken into account in the future.

This petition is signed by Fritz Engel, Michelle Lambert and Wanita Palmer and many, many more fine Manitobans.

Education Funding

Mr. Rick Borotsik (Brandon West): Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba:

The background to this petition is as follows:

Historically, the Province of Manitoba has received funding for education by assessment of property that generates taxes. The unfair tax is only

applied to selected property owners in a certain area and confines.

Property-based school tax is becoming an ever-increasing burden without acknowledging the owner's income or the owner's ability to pay.

Provincial sales tax was instituted for the purpose of funding education. However, monies generated by this tax are being placed in general revenues.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Education, Citizenship and Youth consider removing education funding by school tax or education levies from all property in Manitoba.

To request the Minister of Education, Citizenship and Youth consider finding a more equitable method of funding education, such as general revenue, following the constitutional funding of education by the Province of Manitoba.

This petition, Mr. Speaker, is signed by Judy Hinthier, Bill Hinthier and Karen Gelley, and many, many other fine Manitobans.

TABLING OF REPORTS

Hon. Bill Blaikie (Minister of Conservation): Mr. Speaker, with great pleasure that I table the Annual Report of the Manitoba Round Table for Sustainable Development and also the Annual Report for the Pineland Forest Nursery.

ORAL QUESTIONS

Manitoba Hydro

Bipole III West-Side Location Reliability

Mr. Hugh McFadyen (Leader of the Official Opposition): *[interjection]* Well, thank you for that unexpectedly warm welcome on this Friday morning, Mr. Speaker.

I want to just ask the Premier on the issue of Manitoba Hydro, that expert after expert from Manitoba Hydro, people inside Hydro, people outside Hydro, environmental experts like Farlinger and others, have commented on the fact that the west-side route poses both environmental risks, there are financial risks, and then yesterday at open houses, Mr. Speaker, Manitoba Hydro staff acknowledged that the west-side route would also add additional vulnerability because of the fact that the third line be running in close proximity to the

existing two lines, meaning that they could easily be knocked out in a storm.

Given the fact that this Premier, in this age of restraint, is preaching restraint around the province, why is he asking every Manitoba family to fork out \$2,000 extra for a vastly inferior product?

* (10:30)

Hon. Greg Selinger (Premier): Mr. Speaker, the risk to losing our customers by going down the route that the members opposite wish to pursue, the east-side route, is the potential risk of losing \$20 billion of revenues to our customers.

If the member wants to roll the dice and do that, he can continue to pursue that policy. We prefer a policy that enhances the reputation of the Manitoba Hydro product to its customers and ensures that we will have those revenues coming to Manitoba for the next generation.

Mr. McFadyen: Well, Mr. Speaker, you've got 15 out of 16 communities on the east side supportive, at least in principle, of the east-side transmission line. You have lines—experts such as those at Manitoba Hydro including Bob Morrison, yesterday, an engineer with Consulting Electrical Engineers, and he said yesterday—he said yesterday, and I quote: "The difficulty you have with these long ribbons is if any part of the ribbon is lost, you've lost it all."

Since when, Mr. Speaker, do customers of Manitoba Hydro want to do business with a utility and an NDP government that's putting the reliability of their power supply at risk with these foolish decisions?

Mr. Speaker: The honourable First Minister.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Order. Let's have a little decorum, please.

Mr. Selinger: Thank you, Mr. Speaker, and I'd like to thank the members for that warm welcome as well. Clearly, the Christmas spirit is taking hold in the Legislature, and as we spend Christmas together, I'm sure we'll get lots done for the people of Manitoba.

You know, the member opposite—the member opposite quotes the Farlinger report, and Farlinger says in his report: If an east-side route location develops into a confrontation, First Nations environmental groups versus Hydro, it will draw national and likely international environmental

groups. This creates a risk to the province's reputation, a cause célèbre, also potentially creates an economic risk related to export energy markets.

That's the very point, Mr. Speaker, that the member continues to refuse to acknowledge, that the risk of losing our customers—the risk of losing our customers by insisting on putting the hydro line down the east side has—has enormous consequences to the financial well-being of the utility and the province of Manitoba, but the member continues to want to roll the dice on that question.

Mr. McFadyen: Well, Mr. Speaker, the communities on the east side have said that they haven't had an offer even put in front of them. I mean, he says if there's a confrontation. They haven't even had—they haven't even begun the consultation process on the east side, and so I don't know how they would even begin to know.

Mr. Speaker: Order.

Mr. McFadyen: But the fact, the thing we do know—the thing we do know, Mr. Speaker, is that we've got a developing confrontation with landowners on the west-side route. We have producers concerned about diagonal cuts across their property. We see on the map that they're going to run it through the Red River Valley south of Winnipeg. I don't know how the residents of St. Norbert feel about a transmission line cutting through their community, but the fact is that the risks that they're running on the west side are so many in terms of the added cost, \$2,000 per Manitoba family, four years of delay, reliability problems that may cause the power transmission lines to go down in a storm.

How can they even begin to justify this ridiculous decision to ask Manitoba families to pay \$2,000 extra for a power line that may not work and that's going to be four years late? It's ridiculous, Mr. Speaker.

Mr. Selinger: Mr. Speaker, it's very clear that if the member wants to pursue this obsession with the east-side line he will be—*interjection*—he will be putting—

Some Honourable Members: Oh, oh.

Mr. Selinger: —he will be putting the well-being of Manitoba Hydro at risk, the reputation of the utility at risk. More importantly, its revenues will be put at risk.

Now, the Farlinger report, which the members like to quote, says the following: The west side has a long history of mining, forestry, hydro-electric

developments, settlements and related infrastructures that are not found in the core parts of the east side. The east side is an intact, pristine boreal area, southern boreal forest that is acknowledged around the world as having outstanding boreal and cultural attributes that are worthy of protection under UNESCO World Heritage designation.

There are sensitive areas on the west side. That is freely acknowledged, but the difference—the difference between a unique, intact boreal forest with strong cultures and a well-developed west side is quite phenomenal, Mr. Speaker.

Manitoba Hydro Rate Increases

Mr. Cliff Cullen (Turtle Mountain): Mr. Speaker, the Premier forgets that he already has a hydro line carving through the boreal forest on the east side of the lake already.

Mr. Speaker, yesterday, the new minister for Manitoba Hydro gave Manitobans more bad news when she released the second quarter report from Manitoba Hydro. There is some real alarming news in that particular report. I do want to quote from that report: "Extraprovincial revenues of \$223 million were \$162 million or 42% lower than the same period last year reflecting lower prices in the export markets."

Mr. Speaker, the government has always said, because of export sales, rates will be lower here in the province of Manitoba. This is a very dire warning for Manitoba Hydro.

Mr. Speaker, when will the government take the risk issues of Manitoba Hydro, the pending rate increases here for Manitobans, when will they take those issues seriously?

Hon. Greg Selinger (Premier): You know, Mr. Speaker—[*interjection*] Mr. Speaker, the Hydro has the lowest rates in North America. That's well acknowledged. We know that the rates have gone up far higher in other jurisdictions. We also know that under the member—the Leader of the Opposition (Mr. McFadyen), he said: It's old orthodoxy to think that cheap power will spur Manitoba's economic growth, and it may be time to review Hydro's pricing policies to make sure they maximize the return on investment. That's when he was advocating a move to market rates to increase the cost of hydro to all Manitobans.

We haven't done that. Increases have been moderate. They have been lower than comparable—they have been lower than comparable jurisdictions to the west of us, and they remain extremely competitive on a North American basis.

Mr. Cullen: Well, Mr. Speaker, the Premier and the minister have been quite loose with the truth here. I will table for the Premier and the minister some information direct from Manitoba Hydro's own Web site that even Manitoba Hydro does not have the lowest rates even in Canada, let alone North America. I will table those for the Premier's—for Manitoba's [*inaudible*]

Mr. Speaker, I want to put this thing in perspective in terms of what the industrial—the rates will mean here, the extraprovincial rates. In 2008, the Public Utilities Board ordered increase in rates of 5 percent. During that year Hydro made \$337 million. Hydro is forecasting income will be down \$216 million.

Mr. Speaker, if we had a 5 percent increase in rates in good years, what sort of rate increases can we expect now?

Hon. Rosann Wowchuk (Minister charged with the administration of The Manitoba Hydro Act): Mr. Speaker, the member opposite refers to the interest—to the rates of Hydro, and I can assure him that I have this chart here that indicates to me that we are in—we actually do have the lowest rates across Canada.

Mr. Speaker, the member opposite also talks about the revenues that have lost—been lost—reduced in Hydro, but he refuses to ignore the fact that we are in a downturn in the economy. Customers are not buying the amount of electricity they have been buying in the past. There are plants in the United States where our electricity would be going that have been closed. Those are some of the consequences of this kind of downturn in the economy, but we do have the lowest rates in Canada.

Mr. Speaker: Order.

* (10:40)

Mr. Cullen: The minister ought to have a closer look at page 3 of the document I just provided her.

Mr. Speaker—and I should also provide for the minister—I know she's got other irons in the fire here, but I will provide the newest general rate application. It was just provided to the Public Utilities Board by Manitoba Hydro and, quite frankly, there's some

disturbing trends going forward in that particular report as well.

And, again, extraprovincial revenue, 366 million, 2008; 2010 will drop below 200 million; 2011, 140 million. That also reflects in the net income of Manitoba Hydro as well. Obviously, these export rates will have a real bearing on domestic rates.

Mr. Speaker, when will this government take these issues—these risk issues at Manitoba Hydro—very seriously and look after the rights of Manitobans?

Ms. Wowchuk: You know, Mr. Speaker, these members opposite have never had a good thing to say about Manitoba Hydro, and I really believe, if they had the opportunity, they would sell it just like they sold the Manitoba telephone system, so that somebody else could make the profits and not have the profits being redeemed in the province.

The member—[*interjection*] I would remind the member, he talks about where Hydro rates would—*are going*. I would ask him to look at his telephone bill and look what happened to our bills when they privatized the Manitoba telephone system, Mr. Speaker. We pay more for our telephone bill and the shareholders make more money. That's not going to happen with Manitoba Hydro because we are not going to privatize it.

I will also say, Mr. Speaker, I'd ask the member to look at the retained earnings of Manitoba Hydro, and Manitoba Hydro has over \$2 billion and—in retained earnings, and they are solid as—as a—as a corporation.

1999 Election Campaign Rebates Investigation

Mr. Hugh McFadyen (Leader of the Official Opposition): Mr. Speaker, I'm surprised to hear this MTS bashing taking place in the House today after the warm words exchanged between the CEO of MTS and the Premier yesterday at the Chamber of Commerce. It's a different message here in the House about MTS as they—as they deliver in public about that Manitoba company, but we're used to these flip-flops and conflicting messages and—depending on the, on the audience.

And I want to ask the Premier, on the issue of the message that he sent in connection with the Elections Manitoba issue and the falsification, deliberate falsification, of returns by his party, why it

is that the Premier takes one position to protect himself when he becomes aware of these serious issues in 2003, but when it comes to protecting Manitobans—Manitobans who can't afford to have any more of their hard-earned money be siphoned off by the NDP with false election returns—why he hasn't shown them the courtesy of taking steps to protect them, Mr. Speaker.

Hon. Greg Selinger (Premier): Mr. Speaker, I'm proud to be part of a government that took the most important step required to stop any kind of funny business with respect to union donations or corporate donations. We banned them. We banned them for the first time in the history of the province—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Selinger: —of Manitoba, and the members opposite opposed that then, and they oppose that now.

Mr. McFadyen: Well, Mr. Speaker, again, the issue is not what laws you bring in, but whether or not they follow the laws, and this is the issue with Elections Manitoba.

Mr. Speaker, we—when Mr. Treller brought the issues to light earlier this year, the then-Finance Minister, the current Premier, said, and I quote: It had been a practice that had been going on for an extended period of time within the NDP.

I wonder if the Premier can enlighten the House: How long did the practice go on for, and how much more money, how much more Manitoba taxpayers' money has yet to be recovered from the NDP through their false rebate schemes, Mr. Speaker?

Mr. Selinger: Mr. Speaker, I can only repeat what I put in the House in the Legislature yesterday, and this is from the Chief Electoral Officer: There is not a political party in the House that hasn't refiled a financial statement, that does not repay reimbursement at one point, in some cases more than once. So this has happened in the past across the board, having not resulted in prosecutions in other cases.

And I note, the member from Fort Whyte has himself overclaimed his expenses, has himself in '07 had to refile his return. We're not going to do an inquiry into that. We're going to follow the recommendations of Elections Manitoba after they do their standard due diligence.

Mr. McFadyen: Mr. Speaker, but I'm proud of the fact that our party in the 2007 election and the elections prior to that never engaged in a deliberate scheme to falsify election returns, 14–13 local returns, 13 local returns plus the central return deliberately changed in order to trigger rebates that they weren't entitled to, a practice that had gone on for years by the NDP, by this Premier's own admission.

Now, he was sufficiently outraged by it to get a letter to protect himself and his official agent. When will he show some leadership on behalf of the people—

Mr. Speaker: Order.

Mr. McFadyen: —of Manitoba?

Mr. Speaker: Order. Order. Order.

I need to be able to hear the questions, and some members might not be interested in the question because they're trying to speak over you, sir, but I need to be able to hear the question. You have the floor and you have the right to be heard.

The honourable Leader of the Official Opposition has the floor.

Mr. McFadyen: Thank you, Mr. Speaker. The Provincial Council of Women and others have raised concerns about the ability of this province to have fair elections.

In light of the relationship between the NDP and Elections Manitoba, the cover-up of this deliberate scheme and the unfair treatment of other candidates, Mr. Speaker, will this Premier take a positive step forward today and do what his predecessor refused to do, get to the bottom of the issues and assure Manitobans, before we have another election, that it's going to be conducted with a fair, impartial referee and not a party in power that's deliberately falsifying their returns?

Mr. Selinger: Mr. Speaker, I'm very pleased that this province now conducts elections without corporate and union donations being part of the mix. I think that's an important improvement to democracy. I think it's moved democracy forward in this province.

And I would like the opposition to declare, once and for all, whether they're in favour of banning corporate-union donations or they want to return to the pre-'99 period and restore them. They've never declared themselves on that.

We know they wanna go back to the bad old days when election rigging could go on. If they really wanna be constructive and they really wanna pursue old grievances, list the statute of limitations on election rigging and perhaps we could consider that in the House.

Diagnostic Services of Manitoba Review of Mismanagement Allegations

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, troubling allegations have been made by a whistle-blower at DSM. They include financial abuse, poor retention of pathologists and technologists and unsafe patient care because of heavy workloads.

The whistle-blower, a doctor, a well-respected pathologist, tried very hard to take his concerns to the appropriate channels, and he didn't feel that he was being listened to, and, in fact he was told to stay quiet about it all. This minister was made aware of this a month ago and she has stayed quiet about this.

Mr. Speaker, can the Minister of Health tell us: Why was this whistle-blower bullied, harassed, blown off and told to stay quiet?

Hon. Theresa Oswald (Minister of Health): Mr. Speaker, and it allows me an opportunity to put some facts on the record.

I can let the member know that an allegation was made in a document on November the 17th, and the Diagnostic Services Manitoba board immediately started an investigation, with patient safety, of course, being paramount.

There was a specific case in the allegations that was very concerning. That case was investigated immediately. Indeed, it was determined that the allegations did not match the actual facts and that, in fact, there was no negative impact on that patient's outcome.

In an abundance of caution, the DSM board has requested an external evaluation. That external review and evaluation is being conducted by Dr. Sharon Macdonald, a very well-respected and independent physician from DSM, and she's going to review this with other experts.

Mrs. Driedger: Mr. Speaker, it's very troubling that the board of DSM has already determined, before the investigation has even begun, that patient safety is not at risk, contrary to what this front-line doctor is saying, based on what he has already seen. And I would indicate, too, that a lot of the people that are

already involved in this have serious conflicts of interest.

So I'd like to ask the Minister of Health to tell us: How can the board of DSM, who is chaired by the Deputy Minister of Health and made up of the CEOs of all of the RHAs, have already determined that there is no risk to patient safety when the investigation has not even started?

* (10:50)

Ms. Oswald: Well, thank you very much, but what the member is saying is just absolutely false.

The Diagnostic Services Board has requested an external evaluation by a respected doctor in Manitoba, Dr. Sharon Macdonald, whose credentials, of course, are impeccable. She has, in turn, requested a pathologist review in the name of patient safety, and indeed with the other allegations of an administrative, a remuneration issue, and patient safety is at the forefront of this external review, and the findings of this review will be made known to the public and, should this review encounter issues during the course of their investigation that reflect a patient safety issue, we will do—as we have done in 2008 with the review, immediately notify the patients and the public.

Our record on this is very clear and, incidentally, so is theirs.

Mrs. Driedger: Mr. Speaker, it's very hard to take this Minister of Health seriously when she was the one that covered up the truth about what happened to Brian Sinclair in an emergency room. The way this government and this minister is handling this issue gives me very serious concern that the review and the report will be nothing more than a whitewash.

Will the Minister of Health commit today to ensure that there will be a totally independent external review of these allegations, that an external auditor will be brought in and put on the committee right now to review the allegations of financial abuse, and will she commit today to make that report, that final report, public?

Ms. Oswald: Mr. Speaker, I can let the member know that we have already ensured that an external review is under way by a respected physician, by a pathologist outside of Manitoba. We've also let the individual that are making these allegations known of his rights under the whistle-blower protection act and, indeed, in an abundance of caution, not required

by law, we've notified the Ombudsman that this investigation is ongoing.

In addition, the person making the allegations has had contact with officials in Manitoba Health to discuss the allegations, to keep him informed of what the investigation says, and I can let the member know, contrary to what she's stating today, that this individual has said that the board's response is not only exceptional but above and beyond the call of duty and that he believes the outcome will be productive.

Waste-Water Treatment Facilities Nitrogen Removal

Mrs. Heather Stefanson (Tuxedo): Mr. Speaker, the Premier has said that he will refer the issue of nitrogen removal from Winnipeg's waste-water treatment back to the CEC for a third review. The CEC has, as we all know, has already stated what their position is twice.

Rather than send this issue back to the CEC for a third review, more round table discussions, wasting more time and money on this issue, will the Premier show some leadership, save taxpayers hundreds of millions of dollars and reverse his decision?

Hon. Greg Selinger (Premier): If one reads the Clean Environment Commission report, the second report, carefully, they make the case that ammonia is a significant threat to water, to the natural habitats in Manitoba, including biodiversity, and that to do biological nutrient removal for ammonia is the preferred method to do that to ensure that ammonia is not 14 percent of the time being made available in our waste-water system and in our river system.

Assuming that biological nutrient removal is necessary, the additional costs of addressing nitrogen is in the order of 6 to 7 percent of the total cost and the Clean Environment Commission, at this point, continues to believe that it's the preferred method to go. It's the method used in west Winnipeg for the treatment plant they have there. It's the method used in Brandon and in all the major Canadian cities to the west of Manitoba.

Mrs. Stefanson: Mr. Speaker, the role of the Premier is to listen to stakeholders and come to a conclusion that is in the best interest of Manitobans. It's called leadership.

Will the Premier show some leadership today and, instead of sending this issue back to the CEC who has already made their position clear, make a

decision that is in the best interest of Manitoba and scrap the decision to remove nitrogen from waste water in Winnipeg?

Mr. Selinger: That recommendation from the member could actually result in greater risk to our environment, greater risk to the health of Manitobans. It could be extremely short-sighted. We've indicated we're willing to put our third up to do the expanded treatment facilities in the North End plant as we have made a contribution to the south end plant and the West End plant. Those other two plants in the south and West End are using biological nutrient removal.

This is the—considered the best technology in the country; it's used globally. It reduces the need for chemicals. In other jurisdictions, it has reduced the operating costs of these facilities. It has allowed for recapture of phosphates, which is a limited resource, and, in some cases, the recapture of that product has become a new source of revenue for those utilities.

So, if we're taking a long-term decision on sewage treatment in this province, the Clean Environment Commission has been quite clear. Use the biological nutrient removal "rethod," and the additional costs of removing nitrogen are well within the scope of 6 to 7 percent. Thank you, Mr. Speaker.

Mrs. Stefanson: This is a no-brainer for a Premier in this province, especially when they should be tightening their belts in tough economic times.

Mr. Speaker, saving taxpayers more than \$350 million in tough times is the responsible thing to do. It's not too late for him to do the right thing, and he doesn't need a third opinion from the CEC to make the decision.

Mr. Speaker, will the Premier do the responsible thing, show some leadership and reverse his decision today and save taxpayers hundreds of millions of dollars?

Mr. Selinger: I'm not—I'm not sure the member heard what I said. The fundamental issue that needs to be addressed is the proper control of ammonia, and biological nutrient removal is the recommended approach to dealing with that.

The additional cost of dealing with nitrogen is about 6 to 7 percent. So the wild use of numbers from the member opposite is just completely inappropriate. Addressing ammonia removal through biological nutrient removal allows for less use of chemicals, reduced operating costs, the possibility of

recycling phosphates and, for an additional cost of 6 to 7 percent, the ability to control nitrogen, which the Clean Environment Commission believes has long-term, negative effects on biodiversity in Manitoba and elsewhere.

Identity Theft Legislation Proclamation

Mrs. Mavis Taillieu (Morris): Mr. Speaker, in 2006, a bill was passed in this House that was to give consumers concerned with protection of their personal information the ability to place a security alert on their credit report.

I'd like to ask the Minister of Finance (Ms. Wowchuk): How's that working for her?

Hon. Greg Selinger (Premier): Mr. Speaker, I'm not sure the member caught it, but Consumer Affairs is now the responsibility of the Minister of Family Services (Mr. Mackintosh). The minister is at ministerial meetings, FPT meetings. We know that and—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Order. Order. Order. All members should know by now that mention of members' presence or absence from the House is prohibited in this House. So, I'd be very careful here.

Mr. Selinger: Thank you, Mr. Speaker, for that clarification.

The Consumer Affairs responsibility is now part of the Department of Family Services, and identity protection, that—the alert mechanism was put in place. It's available if people wish to use it.

Mrs. Taillieu: This bill was touted as the bill that would give protection to identity theft victims. Others claimed it would actually provide a blueprint for identity theft. This is another example of the bill—it's just window dressing, and it's misleading the public who may think that this government has addressed the issue of identity theft when they have not.

So, I'll ask the—I'll ask the Premier, then: Three years after this bill is passed, how's it working for him?

Mr. Selinger: Mr. Speaker, Manitoba has protections for credit card theft, for credit card fraud, and Manitobans get protection if these things—if their identity's stolen, in that respect. Manitobans have educational materials available on how to protect identity theft. Our financial institutions are taking

additional measures to protect against identity theft. There are new, sophisticated technologies being put in place to ensure that people's identity is protected, including their credit cards. There are several measures that are being taken.

Now, I note the member has, once again, introduced a very fat bill on this measure in the House. I indicated to her in previous years that if there was ever support within the business community to implement the measures she wishes which add additional red tape for those businesses, they would be considered.

I'd like to know how she's doing at getting business support for the measures she's planning in her bill.

* (11:00)

Mrs. Taillieu: Very well. Mr. Speaker, the bill, The Personal Investigations Amendment Act has never been proclaimed. For three years this government has misled the public with headlines like, and I quote: Identity theft victims would get protection, end quote, although there was never anything in the bill regarding identity protection.

They never made this law, Mr. Speaker. It's a sham. The government refuses to enact real legislation that protects the personal information of all Manitobans.

Mr. Speaker, I want to ask this Premier, the author of this bill, why he didn't proclaim this bill. Was it because he realized it was a do-nothing bill or is he just incompetent?

Mr. Selinger: Mr. Speaker, when a—when a—when a bill like—when a consumer protection bill is put in place—when a consumer protection bill is put in place in Manitoba—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Selinger: —it's after—thank you. When a consumer protection bill is brought forward in the Legislature, the standard procedure for the department is to do a consultation on the regulations to ensure that it will be effective in its implementation.

But even before that has been done, there is credit card protection in Manitoba, as I've indicated earlier, which is effective. There is identity protection educational materials which have been put in place, and the institutions themselves are doing a

lot more work to protect the identity of peoples with the technologies they're using. All of these things I've indicated.

And the member's bill which she has put forward in this Legislature over several years requires support from the business community. How is that going, Mr. Speaker?

Diagnostic Services of Manitoba Review of Mismanagement Allegations

Hon. Jon Gerrard (River Heights): Mr. Speaker, the whistle-blower inside DSM, Dr. Grynspan, said that he repeatedly tried to have his concerns addressed internally, and they were not. This speaks to rather poor toxic environment within the DSM, as has been alleged.

I ask the minister whether she will specifically look into why these concerns were never addressed internally and whether, in fact, this will be part of the report and will the report be made public.

Hon. Theresa Oswald (Minister of Health): Yes, Mr. Speaker, I'll reiterate for the member that an internal review was struck. It was determined that an external review would be appropriate, being led by Dr. Sharon Macdonald, whom I know the member opposite knows and respects.

There'll be an external pathologist involved for patient safety issues, but I can also assure the member that the review that's ongoing is going to consider the other allegations that are being made, the allegations considering remuneration, administrative issues, any of the alleged blockades that this individual felt in trying to report. And, as I said before, the findings will be made public.

Mr. Gerrard: Yes, I would ask the minister whether she can tell the House who the external pathologist is going to be, so that we can be assured of the credibility of the investigation. *[interjection]* Absolutely. This is important. Look, safety of patients is critical *[inaudible]*

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Gerrard: —to know what's happening and what the situation is.

Can the minister, herself, tell us what the current wait times are for pathology tests? What are the safety procedures and policies in place, so that during this period nothing adverse happens?

Ms. Oswald: Well, Mr. Speaker, I can assure the member that this review is going to be conducted under the expert eye of Dr. Sharon Macdonald who, of course, is going to select a pathologist that will be able to do an excellent body of work from outside of the province.

I know that the member, in past, has preferred to make allegations on the competency of doctors here, there and everywhere. It will be our approach to have Sharon Macdonald—Dr. Sharon Macdonald choose the pathologist that will be appropriate. I can let the member know that the overall median wait time in Winnipeg for pathology results is six days, with a 99 percent—99 percent of results reported within the medically recommended four-week benchmark. Of course, emergency cases are done right away.

This review is going to be done in a very thorough manner, as has been our record in the past, Mr. Speaker. This will be no different.

Mr. Gerrard: Mr. Speaker, of course I think we're all concerned that this be done well, but one of the areas where the government has had a rather poor track record is in the protection of whistle-blowers. And, certainly, we would like some guarantee from the minister that the whistle-blower in this case will be protected and that measures will be taken immediately to change this—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Gerrard: —toxic environment, that apparently—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Gerrard: —exists, to make sure—

Mr. Speaker: Order. The honourable member has the floor.

Mr. Gerrard: I think we're all concerned about bullying in the workplace. We are so concerned we've even brought in legislation which the government has not supported.

What is the minister going to do to ensure that this toxic environment doesn't persist and that bullying in the workplace in DSM stops?

Ms. Oswald: Well, Mr. Speaker, ironies abound in that comment. In his aggressive pursuit of the protection of this physician, he named him in his first statement.

Second of all, his history on this issue speaks for itself.

But, thirdly, I'll reiterate for the member once again and say that this individual has been made aware of his protections under the whistle-blower act. In addition, and not required by law, Mr. Speaker, we have sent notice to the Ombudsman that this investigation is ongoing. In addition to that, senior officials have had numerous conversations with the whistle-blower concerning these allegations to keep him apprised of the process, to have an openness and, indeed, an openness to speak with Dr. Sharon Macdonald.

And I can reiterate that the response from this doctor if—that he views the response as not only exceptional but above and beyond the call of duty, and he believes the outcome will be productive.

Highway Infrastructure Capital Construction Projects

Mr. Frank Whitehead (The Pas): Mr. Speaker, last year the—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Order. Order. Order. Order.

Mr. Whitehead: Mr. Speaker, last year the Minister of Infrastructure and Transportation announced that the Manitoba government was able to spend \$545 million on our highway renewal. On December 3rd, the minister announced that this year our government was going to be spending 366 million on major capital projects alone.

Can the minister please update the House of the many initiatives he is taking to improve the Manitoba roads?

Hon. Steve Ashton (Minister of Infrastructure and Transportation): Mr. Speaker, I'd like, once again, to apologize in advance, that there'll be more construction delays in Winnipeg, around the province and, in fact, you're going to see construction delays on the following highways this year: Highway 1, Highway 2, 75, 16, 6, 10, the 18th Street in Brandon, 83, 373, 374, as we again have record investment in our highways.

And, too, Mr. Speaker, while I have this opportunity, I want to note that the Leader of the Opposition (Mr. McFadyen), once again, in the *Carman Valley Leader*, on November 20th this year, is saying that too much money is being spent in northern Manitoba.

Well, Mr. Speaker, I want to put on the record that our budget this year for capital construction is four times what it was in the '90s under the Tories. There's more work in every part of this province: north, south, in and around Winnipeg, Brandon. We're a party and the government for all Manitobans.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Order. Order. Time for oral questions has expired.

MEMBERS' STATEMENTS

Pollock's Hardware Co-op Inc.

Mr. Doug Martindale (Burrows): Mr. Speaker, Pollock's Hardware highlights the unique entrepreneurial and community-driven spirit of Winnipeg's North End.

Established in 1922, Pollock's Hardware was a fixture in the community, until the owners decided to retire in 2007 and an interested buyer did not materialize. Fortunately, residents of the community refused to let Pollock's become a thing of the past and a board was formed with a vision of revamping the store. In June 2008, Pollock's was reborn as a co-operative enterprise, embracing the same historic co-operative values that have come to characterize Winnipeg's North End. Pollock's continued vision is to meet the needs of the community, promote local ownership and control, and develop and provide community leadership, effectively building a stronger community.

Pollock's has been a success beyond measure. Initially, the co-op set a goal to have 200 members in the first year of operation, but membership swelled to 1,250. First-year sales were also well beyond projections and member equity investments wound up being 38 percent above target.

Pollock's is unique, not only in structure, but in their approach to business. Pollock's supports local community enterprises through a selection of suppliers and distribution partnerships. The hardware store currently buys wooden furniture from an Altona enterprise, recycled paper insulation produced in Morden and metal products produced by a local Winnipeg-based company. Pollock's also has an important partnership with BUILD Construction, a social enterprise that trains Aboriginal and inner-city residents to work in the home-insulation sector. This relationship is mutually beneficial, as BUILD purchases insulation, toilets and other building

materials from Pollock's because it supports the co-operative principles of the hardware store.

Mr. Speaker, Pollock's truly contributes to the growth and vitality of the local economy and to the community spirit that makes Manitoba special. I want to congratulate them, wish them continued success and my continuing patronage.

Manitoba Lodges and Outfitters Association

Mr. Ralph Eichler (Lakeside): Mr. Speaker, I rise in the House today to congratulate the Manitoba Lodges and Outfitters Association on a job well done on their recent annual general meeting and convention, held here in Winnipeg at the Canad Inns Polo Park from December the 6th to the 8th, 2009.

Myself, along with my colleagues, including the members from Pembina, Tuxedo, Portage la Prairie and Lac du Bonnet, had the opportunity to attend this event and meet with the individuals and organizations who make Manitoba's resource-based tourism industry such a success.

The annual general meeting is an opportunity for licensed tour operators from across the province, industry partners and government to come together to discuss the issues facing Manitoba's resource-based tourism industry. This was an excellent chance to ensure this vital industry remains sustainable and continues to grow, proving both jobs and opportunities to showcase the natural splendour that our great province has to offer.

Manitoba Lodges and Outfitters Association plays a critical role in Manitoba's tourism industry, representing a wide range of resource-based tourism facilities, destinations and services. Some of these unique tourism opportunities Manitoba has to offer include whale watching, hunting, remote fly-in fishing, paddling, hunting lodges and family resorts. Whatever one's interest, an MLOA member will have a product or service to meet that need.

The Manitoba Lodges and Outfitters Association also recognize and are committed to sustainable tourism industry development, recognizes this as a necessary business component of the industry to grow and remain a vital industry for future generations.

Mr. Speaker, Manitoba has a rich history of hunting, fishing, of which I supported by introducing The Hunting, Fishing, Trapping and Heritage Act last summer. The Manitoba Lodges and Outfitters

Association is a great advocate for this industry and a way of life for many Manitobans.

I wish to thank the association and their members for their hard work and dedication in making Manitoba a global destination for resource-based tourism. Thank you, Mr. Speaker.

Crocus Plains Varsity Girls Volleyball Team

Mr. Drew Caldwell (Brandon East): Mr. Speaker, I am pleased to rise to formally recognize and inform the Manitoba Legislature of an outstanding group of scholar-athletes from my own community of Brandon.

On Monday, November 30th, the Crocus Plains varsity women's volleyball team won the Manitoba High School Athletic Association's AAAA Championship, successfully defending last year's title.

The game, played at the University of Manitoba's Athletic Centre in front of 3,000 raucous fans, went to four sets before Crocus Plains overcame their rivals from Vincent Massey Winnipeg. Lisa Barkley was named the tournament MVP. Ms. Barkley was joined in the effort by teammates Niki Friesen, Brittney Ferguson, Sam Hutcheson, Tia Coulter, Angelica Quiring, Martine McGregor, Teagan Ross, Josie De Gagne, Mary Thomson, Meaghan Robertson, Christa Yokoyama, Managers Laken Genaille, Tess Mitri and coach—Crocus Plains coach Trista Wenger.

To Ms. Wenger, thank you for the time you've dedicated to your team. The lessons and skills imparted to your players are valuable now and will continue to be in the future.

To the young women of the 2009 Crocus Plains volleyball team, thank you for your dedication. It may not seem like it, but you are already role models for young athletes in our community. Congratulations on your provincial championship and best wishes for success in all your future endeavours. Thank you, Mr. Speaker.

Rescue Commendation Award

Mr. David Faurshou (Portage la Prairie): Mr. Speaker, I appreciate the opportunity to rise in the Assembly today to recognize and honour four young Manitobans who selflessly risked their lives to save a life. David Gross, Zane Gross, Julie Gross and Saphira Gross of the Westroc Hutterian community near Westroc were recently presented with the Rescue Commendation Awards by the Manitoba

branch of the Lifesaving Society and the Lieutenant-Governor, Philip Lee, for saving the life of their friend, Samuel Gross.

On April 9th, Samuel Gross had been playing with David and Zane when he fell into the fast-moving flood waters and was swept away. David and Zane tried to rescue Samuel on their own, but the current proved too strong. David and Zane then ran for help, at which point Julie and Saphira, David's older sisters, were able to pull Samuel's lifeless body from the frigid flood waters. Julie then performed CPR on Samuel until the emergency personnel arrived.

Mr. Speaker, Samuel's survival is nothing short of a miracle, as a search-and-rescue helicopter just happened to be in the area due to the flooding and was able to airlift Samuel directly to the Health Sciences Centre, where he lay in a coma for over two weeks, Samuel, awoken from the coma, fulfilling the prayers of every community member.

The four courageous young Manitobans deserve to be commended and—commended for their selfless actions, changing what could've been a heartbreaking tragedy into a miraculous tale of bravery and survival.

Mr. Speaker, may we always remain mindful of life's blessings and the miracles experienced through the power of prayer. Thank you.

Mr. Speaker: The honourable member for Rossmere (Ms. Braun).

Point of Order

An Honourable Member: Point of order, Mr. Speaker.

Mr. Speaker: Oh, order. Order. Order.

The honourable member for Inkster, on a point of order? [*interjection*] Order, please.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I rise on a point of order, and I realize it's of a very sensitive nature, and I kind of start off by just expressing my appreciation of the staff of the Chamber, in particular our Clerk, and the individuals that assist us in having order within the Chamber, and assist us in doing the important work that needs to be done in order for us to present things.

Mr. Speaker, I—having said that, I rise on the point of order because of a petition. I have, as members know, have used the petition as a way in which it allows constituents that I represent, and

beyond my own constituency borders, Manitobans as a whole, to be able to express their feelings and attitudes towards what are very important issues in the province of Manitoba.

And the types of petitions I have used have really varied over the last number of years and believe very passionate in the types of wordings that I'll put together in trying to meet what it is that I believe that these constituents and others are trying to express.

And in our rules—you can go to rule 132, and there's a series of subsections, it talks about the petitions and what is—what sort of formatting it should—we should have when we submit a petition. In fact, Mr. Speaker, the rules are very helpful in the sense that there's also an appendix A, the model type of petition that members should try to get their petitions in line with, in order to help facilitate.

* (11:20)

Mr. Speaker, quite often what we will do—actually, I shouldn't say, what often we will do—we're required to do, is to put the petition together, and then, once we're confident that we're within those—the rules of the Legislature, being that section 132, then we will—would submit it to the Clerk's office, and, it's actually, you know, the end room on the—on the south side where I actually submit the petitions. And I—and I always appreciate the attitudes in accepting the petitions, and so forth.

Having said that, Mr. Speaker, there was one that was actually rejected in which, I believe, members of this—of this Chamber need to understand the petition, and have an understanding as to why it was rejected and why I believe—and I suspect, members of this Legislature would concur—should have actually been accepted.

In the rules, and, again, we can all read the rule, but there's—the one section, the form of petition, 132(2), that I would like just to make reference to: A petition must be in the form set out in appendix A—and I'll go to appendix A—it must be signed by at least 15 petitioners. The names and addresses of the 15 petitioners must be legible. If more than one page is required for the signature of petitions, the subject matter of the petition must be indicated on each page. The reverse side of the petitions can be used for signatures, provided that the action of the Legislative Assembly is being asked to take or not to take appears on the top of the reverse side of the page. The signature of the member must also appear

on the top of the original petition. Check marks, ditto marks or similar wording are acceptable for addresses and designations.

Mr. Speaker, you would be aware that we have had discussions about petitions when, back in 2003, for example, there was only three signatures that were required in our rules. And I remember the discussions that we had that changed the rules of the petitions and, in those discussions, there was never, ever, to the very best of my knowledge, any discussion that would lead to any form of censorship on the petition itself. And I suspect that, had anyone that was sitting around at the table that were House leaders, and myself in terms of representing the Liberal Party, had suggested that we have censorship, that it would have been an issue in which, I believe, would have been shot down very, very quickly. What we were concerned about was more so the formatting and how the petition should look, and what it is specifically that it's calling upon the government to do.

I have always thought that it would have been a—more appropriate for us to be able to demand more things of the government, but, Mr. Speaker, I listened to what the Government House Leader and, to a certain extent, the Opposition House Leader had to say. You know, I remember the member from Russell was the Government House Leader in one of the discussions where we talked about, well, if it's going to be a petition, for example, we need more than three signatures. The member from Russell will recall that, and I agreed. And there was—there was this compromise. Okay, we'll settle for 15. That was the old rule. The new rule, now, it's 15.

But I cannot recall ever talking about, well, this is an acceptable word and this is not an acceptable word. And the word that I'm referring to, Mr. Speaker, is the word of "incompetence." To the very best of my knowledge, the member from Russell and I, and the Government House Leader at the time, never made any reference to whether or not the use of the word "incompetence" can or cannot be used in a petition.

In fact, Mr. Speaker, if you take a look at *Beauchesne's*, the word "incompetence" is allowed to be used inside the Chamber. I can actually stand up and I can say, you know, the minister is, in fact, incompetent. Now, there is—there is no reference to being able not to say that word, but I appreciate that given the context in which something is said inside the—in the Chamber, that the Speaker might stand up

and say, well, the member is—has to be careful in the choosing of his or her words, but that was inside the Chamber. *Beauchesne's* itself says that it's okay not to use—I mean, to use the word "incompetence."

Well, Mr. Speaker, if we read the complete rules, that whole section of 132, and if we reflect on—and the member from Russell is here sitting in the Chamber today, as he usually is, and, you know, I know, I know that if he wanted to, he could provide some input in terms of some of those discussions—*[interjection]*—it was a compliment, it was meant as a compliment—that he could reflect on the discussion that we had in regards to petitions, and there was, at no point in time, any suggestion that we should censor a word in petitions.

So this brings me to the actual petition, Mr. Speaker. Here is—here is what the petition, as I've done in the past and I've submitted through proper procedure, based on previous experiences, and the petition—and I'll read the petition in its entirety.

The Legislative Assembly—the petition. The Legislative Assembly of Manitoba. The background to the petition is as follows: (1) Manitoba's Premier and the NDP government need to recognize the need for more accountability in health care. (2) Winnipeg Regional Health Authority's incompetence has led to things like a reduction of emergency services at our community hospitals to an explosion of our health-care bureaucracy. (3) Serious concerns have been raised about the Burntwood Regional Health Authority's behaviour with regards to staffing issues and the need for doctors in rural Manitoba. (4) As hundreds of millions of tax dollars are being spent on our health-care system, MLAs should be allowed to question health-care decisions being made by political appointed health boards. We petition the Legislative Assembly of Manitoba as follows: To request that the NDP government allow for regional health-care authorities to be questioned on an annual basis by a standing committee of the Manitoba Legislative Assembly.

Mr. Speaker, that's the petition in its entirety, and I can tell you the response that I've received to this particular petition from the public, as a whole, has been very, very positive. I have been encouraged by the response, to date, that I've received in regards to this petition to the degree that it is my intentions to circulate this petition, because I've had a number of people that have raised the issue of accountability with regards to regional health-care authorities.

So, Mr. Speaker, if I make the statement right now, and this is how I would cite it to you, if I say the Winnipeg regional health-care authority is incompetent, it's totally incompetent in terms of the decisions that it is making, I can—I can say that inside the Legislature and there's no consequence for me making that statement. You're not saying that what I said is unparliamentary, yet I'm not able to table—I should say, I'm not able to present this petition. I cannot technically read this petition, and this is the reason why. In point 2, it states: Winnipeg Regional Health Authority's incompetence. It's the word "incompetence." It's because I'm using the word "incompetence" that I'm not allowed to bring the petition to the Legislature, and I believe that that is wrong. That it is, indeed, a form of censorship and I should be able to bring this petition to the floor of the Legislature.

So the point of order, in summation, is to suggest to you, Mr. Speaker, that I should be allowed to bring forward this petition, and I would ask to be able to do so.

Thank you, Mr. Speaker.

Mr. Speaker: The honourable Official Opposition House Leader, on—

Mr. Gerald Hawranik (Official Opposition House Leader): On the same point of order.

Mr. Speaker: —I was just going to make a ruling, but I'll hear the honourable member.

* (11:30)

Mr. Hawranik: Yeah, just briefly, Mr. Speaker, in any event.

I know that the member from Inkster believes very passionately in the fact that he has to represent his constituents. It's very important for him in—as it is for all MLAs, that we have to have the tools to be able to bring forward concerns and issues of the day, issues that are pretty important, very, very important to our constituents. And that's part of our job, Mr. Speaker, and I know that he quoted a rule, the member from Inkster, and I won't make any comment with respect to that rule itself, but I just bring to your attention so you can consider the fact that, when I looked at *Beauchesne*, and I know the word complained of with respect to that petition is the word "incompetence." I look on page 144 and

145 of *Beauchesne*, section 489, and I look at the list of words that are—that has been ruled unparliamentary and "incompetence" is not one of them.

So, because it's not included in unparliamentary language, I know I have used the word, in fact, in this Chamber during question period, and I've never been called on it. It's not unparliamentary language. I believe that that word should be allowed in petitions, Mr. Speaker, and—in fact, when I was speaking to the member from Inkster this morning and he sort of brought this to my attention, he was—I advised him, maybe what he should do is actually read the petition just before question period to make his point.

But he took the high road, Mr. Speaker. I give him credit for that. He didn't want to—he didn't want to break any rules. He doesn't want to break any rules in this Chamber, and I respect him for that.

Thank you, Mr. Speaker.

Mr. Speaker: I'm going to—on the point of order raised, I just want to clarify something here. If the matter that the honourable member, the petition was rejected, the appropriate way of dealing with it is for the member to raise it with myself and the Clerk, rather than turning this into an issue on the floor of the—of the Legislative Assembly as—because this could construe an attack on our Legislative Assembly staff, and that we never want to do.

And my office and the Clerk's office is always open for discussions, and I would strongly recommend and probably advise the honourable member for Inkster (Mr. Lamoureux) to meet with me in my office and we'll discuss this issue. And we should be able to find some resolution to it instead of, like I said, instead of debating it on the floor, because I think our staff do a wonderful job, and they follow their interpretation, and there is also room for alternate measures, if need be.

And I think—I think it would be very wise if the honourable member for Inkster or other members that have issues with petitions, or whatever like that, to please come and see me in my office, and I'll make sure that we have the appropriate staff there for an interpretation. And maybe after further discussions, things might change but I think that would be the wisest way of dealing with this at this moment.

Mr. Lamoureux: Mr. Speaker, I underlined the word "respect," in which I do for the legislative staff and you, but I would challenge the ruling of the Chair. *[interjection]*

Oh, I'm sorry, you—

Mr. Speaker: A suggestion to the honourable—I was—*[interjection]*

Order. Order. I was offering a suggestion to the honourable—to the honourable member where we could probably find amicable grounds where we could have productive discussions and, you know, that's how progress in this House has been made.

I remember when we first came here. We had many—*[interjection]*

Order. We had many—I had many discussions with House leaders and various different people that were House leaders, and the rules we are functioning under today are not the same—are not the same when I became Speaker as dealing with question period.

But, like I said, I'm offering the opportunity for discussion and I—and I would strongly encourage that's how we deal with it.

Point of Order

Mr. Hawranik: On a point of order.

Mr. Speaker: On a point of order.

Mr. Hawranik: Yes, and this point of order, Mr. Speaker, relates to what seems to be not happening in this House, as opposed to what is happening in this House, and I have some concern, obviously, with respect to Public Accounts Committee.

Public Accounts Committee, the process has become very frustrating in terms of how Public Accounts is being dealt with in this Chamber and outside the Chamber, and that, Mr. Speaker, deals with the substitution, the permanent substitution of a member on the government side that has to happen before we rise, in my view, and that's extremely important because if a substitution isn't made in this Chamber, then what happens is that Public Accounts, every time that they do, in fact, meet, they have to do a substitution on the floor of the Public Accounts Committee meeting.

It's extremely important, I think, to make a substitution, to appoint a new member of Public Accounts on the government side because, otherwise, it gives the government an excuse not to meet, and that's a concern that I have, Mr. Speaker, and I know it's the concern of the Auditor General in an e-mail, I believe, that was sent to many of us here in this Chamber dealing with Public Accounts.

And I raise that, Mr. Speaker, as a point of order, and, in fact, I would hope that you would rule in favour of that point of order.

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

Hon. Bill Blaikie (Government House Leader): Well, Mr. Speaker, on the same point of order.

It would be helpful to the Opposition House Leader. He's raised a legitimate concern. I'm not sure it's a point of order or something that the Chair has to deal with, but I understand the need for the new Vice-Chair of the Public Accounts Committee to be appointed and the need for the Public Accounts Committee to meet.

Public Accounts committees are very important aspects of parliamentary or legislative business, and I can certainly assure the honourable member that we have no intention of trying to hold up the business of the Public Accounts Committee. And I'm aware of the concerns that he's raised, and if it helps to deal with the matter, then I hope these assurances are, indeed, helpful.

Mr. Leonard Derkach (Russell): Mr. Speaker, I want to add some comments to this particular point of order as Chair of the Public Accounts Committee. It is very difficult for a Public Accounts Committee steering committee—substeering committee, to be able to do its work without the appointment of a vice-chair. Now, as the House knows, the former vice-chair has now been appointed as a minister of the government, and it is not appropriate for that person to not only be on the committee but to act as the Vice-Chair.

So, Mr. Speaker, I have written to the House leader, and I have indicated that what we would like to do is to have an initial meeting while the Legislature is sitting to be able to appoint a vice-chair, because a vice-chair has to be appointed at a meeting of the Public Accounts Committee.

But I have written to the, as a matter of fact, to the House leader on two occasions now, the Government House Leader on two occasions now, requesting the urgency of this because, whether we like it or not, the democratic process suffers when the public cannot, as they should, have a committee of this Legislature be able to hold departments to account and also show some transparency in how the process is working.

And, Mr. Speaker, we have currently before us a number of reports that have been tabled by the provincial Auditor that need to have some scrutiny to them, and the only way to do that is to have the Public Accounts Committee be able to do its work. The other part of doing its work is to allow the Public Accounts Committee to call meetings so that, indeed, through the course of the year, when the House is sitting and even intersessionally, there can be regular meetings held by the Public Accounts Committee to look at the reports that have been tabled in this Legislature by the Auditor General.

Mr. Speaker, if we can't do that, then what is the point of having the Auditor General spend millions of dollars, through the course of time, analyzing, auditing departments when those reports cannot get—be given due diligence by the Public Accounts Committee?

* (11:40)

Across the land, Mr. Speaker, we see that Public Accounts committees have taken on a very different role than what we have been used to. Public Accounts committees today act in a very non-partisan way. We like to tell our members of the Public Accounts Committee to park their politics at the door and to ensure that we can scrutinize the business in a non-partisan way.

And so, Mr. Speaker, in speaking to this point of order, I have to say that as Chair of Public Accounts, I urgently encourage the House leaders to be able to address this issue on a very timely basis so that, indeed, the Public Accounts Committee can meet to appoint a vice-chair, and then to do its work as it should for the good of all Manitobans, and for the good of this Legislature. Thank you.

Mr. Speaker: On the point of order raised, the scheduling of committee meetings is something that takes place as negotiations between House leaders and is not a matter requiring the intervention of the

Speaker. It would be appropriate for the House leaders to discuss this issue when the Public Accounts Committee next meets and it will have the opportunity to select a new vice-chair. So the honourable member does not have a point of order.

Mr. Hawranik: Challenge your ruling.

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

Voice Vote

Mr. Speaker: Oh, all those in favour of the—of sustaining—

All those in favour of sustaining the ruling of the Chair, say aye.

Some Honourable Members: Aye.

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

Some Honourable Members: Nay.

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

Formal Vote

Mr. Hawranik: Challenge the ruling.

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

* (12:30)

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

Division

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

Yeas

Allan, Altemeyer, Ashton, Blady, Blaikie, Braun, Brick, Caldwell, Chomiak, Dewar, Howard, Irvin-Ross, Jennissen, Jha, Korzeniowski, Lemieux, Marcelino, Martindale, McGifford, Melnick, Nevakshonoff, Oswald, Reid, Robinson, Rondeau, Saran, Selby, Selinger, Struthers, Swan, Whitehead, Wowchuk.

Nays

Borotsik, Briese, Cullen, Derkach, Driedger, Eichler, Faurschou, Gerrard, Goertzen, Graydon, Hawranik, Lamoureux, McFadyen, Mitchelson, Pedersen, Schuler, Taillieu.

Madam Clerk (Patricia Chaychuk): Yeas 32, Nays 17.

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

Mr. Speaker: Order, please.

For information of the House, I have received a letter pursuant to rule 2(2), advising that the ordinary circumstances require the House to be recalled for December 14th and December 15th, and all these letters should be—if you have not received them yet—they should be in your caucuses.

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, December 11, 2009

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