

**Fourth Session - Thirty-Ninth Legislature**  
of the  
**Legislative Assembly of Manitoba**  
**DEBATES**  
and  
**PROCEEDINGS**

**Official Report**  
**(Hansard)**

*Published under the  
authority of  
The Honourable George Hickes  
Speaker*

**Vol. LXII No. 2 – 1:30 p.m., Tuesday, December 1, 2009**

ISSN 0542-5492

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Ninth Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
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.
BLADY, Sharon	Kirkfield Park	N.D.P.
BLAIKIE, Bill, Hon.	Elmwood	N.D.P.
BOROTSIK, Rick	Brandon West	P.C.
BRAUN, Erna	Rossmere	N.D.P.
BRICK, Marilyn	St. Norbert	N.D.P.
BRIESE, Stuart	Ste. Rose	P.C.
CALDWELL, Drew	Brandon East	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CULLEN, Cliff	Turtle Mountain	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	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.
GRAYDON, Cliff	Emerson	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HICKES, George, Hon.	Point Douglas	N.D.P.
HOWARD, Jennifer, Hon.	Fort Rouge	N.D.P.
IRVIN-ROSS, Kerri, Hon.	Fort Garry	N.D.P.
JENNISSSEN, Gerard	Flin Flon	N.D.P.
JHA, Bidhu	Radisson	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LAMOUREUX, Kevin	Inkster	Lib.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MARCELINO, Flor, Hon.	Wellington	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.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
OSWALD, Theresa, Hon.	Seine River	N.D.P.
PEDERSEN, Blaine	Carman	P.C.
REID, Daryl	Transcona	N.D.P.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
RONDEAU, Jim, Hon.	Assiniboia	N.D.P.
ROWAT, Leanne	Minnedosa	P.C.
SARAN, Mohinder	The Maples	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELBY, Erin	Southdale	N.D.P.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan, Hon.	Dauphin-Roblin	N.D.P.
SWAN, Andrew, Hon.	Minto	N.D.P.
TAILLIEU, Mavis	Morris	P.C.
WHITEHEAD, Frank	The Pas	N.D.P.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.
<i>Vacant</i>	Concordia	

## LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, December 1, 2009

*The House met at 1:30 p.m.*

### ROUTINE PROCEEDINGS

#### PETITIONS

##### The Portage District Hospital Foundation

**Mr. David Faurshou (Portage la Prairie):** Mr. Speaker, I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

The Portage District General Hospital Foundation was incorporated by an Act to Incorporate The Portage District General Hospital Foundation, 1986-87, a private act.

The act was amended by an Act to Amend an Act to Incorporate The Portage District General Hospital Foundation.

The Portage District General Hospital Foundation petitions the Legislative Assembly as follows:

To amend an Act to Incorporate The Portage District General Hospital Foundation by increasing the number of board members to seven, thereby increasing the number of board members appointed by the City of Portage la Prairie and the Rural Municipality of Portage la Prairie by one each, to provide for the responsible management of the foundation.

The Portage District General Hospital Foundation, thereby signed by James Knight, Murray Graham. Thank you very much, Mr. Speaker.

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

##### 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 the Morden and Winkler area are currently patients in Boundary Trails Health

**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.

#### Speaker's Statement

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

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

I have a statement for the House. I must inform the House that Gary Doer, the honourable member for Concordia has resigned his seat in the House effective October 21st, 2009.

I am, therefore—[interjection]

Order. Order, please. Order, please.

I am, therefore, tabling his resignation in my letter to the Lieutenant-Governor-in-Council advising of the vacancy created in the House membership.

And, also, I am notifying members that I received a letter from the honourable member for St. James (Ms. Korzeniowski): I am writing to notify you that I'm resigning from the position of Deputy Speaker and Chairperson of the Committees of the Whole, effective today.

And, also, I received another letter from the honourable member for St. Norbert (Ms. Brick): It's to notify you that I'm resigning from the position of Deputy Chairperson of the Committees of the Whole House, effective this date.

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

**Mr. Speaker:** Order. Order. Order, please.

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 personal care homes 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 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.

And 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 Jacob Toews, Anne Toews, Flo Harding and many, many others.

### **PTH 15**

**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:

In 2004, the Province of Manitoba made a public commitment to the people of Springfield to twin PTH 15 and the floodway bridge on PTH 15, but then in 2006, the twinning was cancelled.

Injuries resulting from collisions on PTH 15 continue to rise and have doubled from 2007 to 2008.

In August 2008, the Minister of Transportation stated that preliminary analysis of the current and future traffic demands indicate that local twinning will be required.

The current plan to replace the floodway bridge on PTH 15 does not include twinning and therefore does not fulfil the current nor future traffic demands cited by the Minister of Transportation.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Transportation (Mr. Ashton) consider the immediate twinning of the PTH 15 floodway bridge for the safety of the citizens of Manitoba.

Signed by Shawn Stone, Rick Symbol, Bert Monchamp and many, many other Manitobans.

### **Community Police Offices**

**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:

In the 2007 provincial election, the NDP clearly stated that making communities safer was a priority.

The NDP government did nothing to prevent the McPhillips Street community police office and other offices from closing.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Premier (Mr. Selinger) of Manitoba to consider the important role that community police offices can play in making our communities safer.

Mr. Speaker, this is signed by L. Tolledo, C. Tolledo and C. Acosta and many, many other fine Manitobans.

### **Ophthalmology Services—Swan River**

**Mrs. Myrna Driedger (Charleswood):** 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.

\* (13:40)

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 Carrie Nash, Alice Pacamaniuk, Anne Bobby and many, many others.

**Neepawa, Gladstone, Ste. Rose, McCreary—  
Family Doctors**

**Mr. Stuart Briese (Ste. Rose):** Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

And these are the reasons for this petition:

Access to family doctors is vital to good primary health care. Patients depend on their family doctors for many things, including their routine health-care needs, preventative care and referrals for diagnostic tests and appointments with specialists.

Family doctors in Neepawa, Gladstone and Ste. Rose are unable to accept new patients. The nearby community of McCreary has not had a doctor available to take patients in months.

Without a family doctor, residents of this large geographical area have no option but to look for a family doctor in communities as far away as Brandon and Winnipeg.

Residents of these communities are suffering because of the provincial government's continuing failure to effectively address the shortage of doctors in rural Manitoba.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Minister of Health (Ms. Oswald) to consider prioritizing the needs of these communities by ensuring they have access to family doctors.

To urge the Minister of Health to consider promptly increasing the use of nurse practitioners in these communities in order to improve access to quality health care.

This petition is signed by Jack Wallwin, Karen Lemky, John Lackey and many, many other fine Manitobans.

## COMMITTEE REPORTS

### Standing Committee on Public Accounts Ninth Report

**Mr. Leonard Derkach (Chairperson):** I wish to present the Ninth Report on the Standing Committee on Public Accounts.

**Madam Clerk (Patricia Chaychuk):** Your Standing Committee on Public Accounts—

**Some Honourable Members:** Dispense.

**Mr. Speaker:** Dispense? Dispense.

*Your Standing Committee on Public Accounts presents the following as its Ninth Report.*

#### Meetings

*Your Committee met on the following occasions:*

- November 28, 2005
- December 7, 2005
- December 8, 2005
- March 15, 2006
- December 6, 2006
- December 14, 2006
- March 8, 2007
- October 21, 2009

#### Matters under Consideration

- Auditor General's Report – Special Audit: Property Transactions in the Seven Oaks School Division – August 2007
- Auditor General's Report – Examination of the Crocus Investment Fund – May 2005

#### Committee Membership

*Committee membership for the November 28, 2005 meeting:*

- Mr. CALDWELL
- Mr. CUMMINGS
- Mr. HAWRANIK
- Mr. MAGUIRE
- Mr. MALOWAY (Vice-Chairperson)
- Mr. MARTINDALE
- Mr. NEVAKSHONOFF
- Mr. REIMER (Chairperson)
- Mr. SANTOS
- Hon. Mr. SELINGER

*Committee membership for the December 7, 2005 meeting:*

- Mr. CUMMINGS
- MR. DEWAR
- Mr. HAWRANIK
- Ms. KORZENIOWSKI
- Mr. LAMOUREUX
- Mr. MAGUIRE
- Mr. MALOWAY (Vice-Chairperson)
- Mr. REIMER (Chairperson)
- Mr. SANTOS
- Hon. Mr. SELINGER
- Mr. SWAN

*Substitutions received during committee proceedings at the December 7, 2005 meeting:*

- Hon. Mr. GERRARD for Mr. LAMOUREUX

*Committee membership for the December 8, 2005 meeting:*

- Mr. CUMMINGS
- Mr. DEWAR
- Mr. HAWRANIK
- Ms. KORZENIOWSKI
- Hon. Mr. GERRARD
- Mr. MAGUIRE
- Mr. MALOWAY (Vice-Chairperson)
- Mr. REIMER (Chairperson)
- Mr. SANTOS
- Hon. Mr. SELINGER
- Mr. SWAN

*Committee membership for the March 15, 2006 meeting:*

- Mr. AGLUGUB
- Mr. CUMMINGS
- Hon. Mr. GERRARD
- Mr. HAWRANIK
- Mr. MAGUIRE
- Mr. MALOWAY (Vice-Chairperson)

- Mr. MARTINDALE
- Mr. REIMER (Chairperson)
- Mr. SANTOS
- Hon. Mr. SELINGER
- Mr. SWAN

*Committee membership for the December 6, 2006 meeting:*

- Mr. AGLUGUB
- Mr. CUMMINGS
- Mr. DERKACH
- Hon. Mr. GERRARD
- Mr. HAWRANIK
- Mr. MALOWAY (Vice-Chairperson)
- Mr. MARTINDALE
- Mr. SANTOS
- Mr. SCHULER
- Hon. Mr. SELINGER
- Mr. SWAN

*Your Committee elected Mr. DERKACH as the Chairperson at the December 6, 2006 meeting.*

*Committee membership for the December 14, 2006 meeting:*

- Mr. AGLUGUB
- Mr. CUMMINGS
- Mr. DERKACH (Chairperson)
- Mr. HAWRANIK
- Mr. LAMOUREUX
- Mr. MALOWAY (Vice-Chairperson)
- Mr. MARTINDALE
- Mr. SANTOS
- Mr. SCHULER
- Hon. Mr. SELINGER
- Mr. SWAN

*Committee membership for the March 8, 2007 meeting:*

- Mr. AGLUGUB
- Mr. CUMMINGS
- Mr. DERKACH (Chairperson)
- Hon. Mr. GERRARD
- Mr. HAWRANIK
- Mr. MAGUIRE
- Mr. MARTINDALE
- Mr. SALE
- Mr. SANTOS
- Hon. Mr. SELINGER
- Mr. SWAN

*Your Committee elected Mr. SWAN as the Vice-Chairperson at the March 8, 2007 meeting.*

*Committee membership for the October 21, 2009 meeting:*

- Mr. BOROTSIK
- Ms. BRAUN
- Mr. DERKACH (Chairperson)
- Mr. DEWAR
- Ms. HOWARD (Vice-Chairperson)
- Mr. JHA
- Mr. LAMOUREUX
- Mr. MAGUIRE
- Ms. SELBY
- Mrs. STEFANSON
- Hon. Ms. WOWCHUK

#### **Officials Speaking on Record**

*Officials speaking on the record at the December 7, 2005 meeting:*

- Hugh Eliasson, Deputy Minister of Industry, Economic Development and Mines
- Hon. Mr. RONDEAU
- Jon Singleton, Auditor General

*Officials speaking on the record at the December 8, 2005 meeting:*

- Hugh Eliasson, Deputy Minister of Industry, Economic Development and Mines
- Hon. Mr. RONDEAU
- Jon Singleton, Auditor General

*Officials speaking on the record at the March 15, 2006 meeting:*

- Hugh Eliasson, Deputy Minister of Industry, Economic Development and Mines
- Hon. Mr. RONDEAU
- Jon Singleton, Auditor General

*Officials speaking on the record at the December 6, 2006 meeting:*

- Bonnie Lysyk, Deputy Auditor General and C.O.O.
- Hugh Eliasson, Deputy Minister of Competitiveness, Training and Trade
- Hon. Mr. SMITH

*Officials speaking on the record at the December 14, 2006 meeting:*

- Bonnie Lysyk, Deputy Auditor General and C.O.O.
- Hugh Eliasson, Deputy Minister of Competitiveness, Training and Trade
- Hon. Mr. SMITH

*Officials speaking on the record at the March 8, 2007 meeting:*

- Carol Bellringer, Auditor General
- Hon. Mr. SMITH

*Officials speaking on the record at the October 21, 2009 meeting:*

- Carol Bellringer, Auditor General
- Hon. Mr. BJORNSON
- Mr. Gerald Farthing, Deputy Minister of Education, Citizenship and Youth
- Hon. Mr. SWAN
- Mr. Hugh Eliasson, Deputy Minister of Deputy Minister of Competitiveness, Training and Trade

#### **Reports Considered and Passed**

*Your Committee considered and passed the following reports as presented:*

- Auditor General's Report – Special Audit: Property Transactions in the Seven Oaks School Division – August 2007

#### **Reports Considered but not Passed**

*Your Committee considered the following reports but did not pass them:*

- Auditor General's Report – Examination of the Crocus Investment Fund – May 2005

**Mr. Derkach:** Mr. Speaker, I move, seconded by the honourable member for Springfield (Mr. Schuler), that the report of the committee be received.

**Motion agreed to.**

#### **Standing Committee on Legislative Affairs Eighth Report**

**Mr. Tom Nevakshonoff (Chairperson):** Mr. Speaker, I wish to present the Eighth Report of the Standing Committee on Legislative Affairs.

**Madam Clerk (Patricia Chaychuk):** Your Standing Committee on Legislative Affairs—

**Some Honourable Members:** Dispense.

**Mr. Speaker:** Dispense? Dispense.

*Your Standing Committee on Legislative Affairs presents the following as its Eighth Report.*

#### **Meetings:**

*Your Committee met on Monday, October 26, 2009 at 6:00 p.m. in Room 255 of the Legislative Building.*

**Matters under Consideration:**

- *The Report and Recommendations of the Judicial Compensation Committee dated June 25, 2009*

**Committee Membership:**

- Ms. BRICK
- Hon. Mr. CHOMIAK
- Mr. DEWAR
- Mr. FAURSCHOU
- Mr. GOERTZEN
- Mr. GRAYDON
- Ms. KORZENIOWSKI
- Mr. MARTINDALE
- Mr. NEVAKSHONOFF
- Mr. PEDERSEN
- Hon. Ms. WOWCHUK

Your Committee elected Mr. NEVAKSHONOFF as the Chairperson.

Your Committee elected Ms. KORZENIOWSKI as the Vice-Chairperson.

**Motions:**

Your Committee agreed to the following motion:

- *THAT the Standing Committee on Legislative Affairs accept the recommendations in Schedule A; reject the recommendations in Schedule B for the reasons set out in that Schedule and, in substitution for the 2009 and 2010 salaries proposed by those recommendations, set the 2009 and 2010 salaries according to the recommendations in Schedule C; and recommend the same to the Legislative Assembly.*

**SCHEDULE A****Recommendations of the Judicial Compensation Committee accepted by the Standing Committee on Legislative Affairs**

1. *That the Province pay 75% of the Judges' legal costs and fees for the Judicial Compensation Committee process, up to a maximum aggregate payment by the Province of \$40,000.00.*
2. *That the Province pay 100% of Judges' disbursement costs and fees for the Judicial Compensation Committee process, up to a maximum aggregate payment by the Province of \$20,000.00.*
3. *That, effective the date of approval by the*

*Legislative Assembly, up to 17 weeks of paid Maternity Leave be available, subject to at least a six-month return-to-service commitment.*

4. *That, effective the date of approval by the Legislative Assembly, up to 37 continuous weeks of Parental Leave be available, with up to 17 weeks of it being paid leave if Maternity Leave is not taken and such paid leave being subject to at least a six-month return-to-service commitment.*
5. *That, effective the date of implementation of the Standing Committee's report, the Extended Health Benefits Plan be amended to provide*
  - *coverage to a maximum of \$1,000 in each calendar year for massage therapy, chiropractic care, clinical psychology, physiotherapy;*
  - *a maximum hearing aid coverage of \$10,000 per person per 5-year period; and*
  - *premiums for these coverages to be paid by the participating judges.*
6. *That, unless otherwise stated, all changes be effective on the date of approval by the Legislative Assembly of Manitoba.*
7. *In these recommendations, "date of approval by the Legislative Assembly" means*
  - (a) *the date that the vote of concurrence referred to in subsection 11.1(28) of The Provincial Court Act takes place with respect to these recommendations; or*
  - (b) *if the recommendations must be implemented because of subsection 11.1(29) of The Provincial Court Act, the first day after the end of the 21-day period referred to in that subsection.*

**SCHEDULE B****Recommendations of the Judicial Compensation Committee rejected by the Standing Committee on Legislative Affairs**

1. *That the April 1, 2009 salaries for Judge/Master increase by 5% to \$201,774.*
2. *That the April 1, 2009 salaries for Associate Chief Judge/Senior Master increase at a differential of 5% greater than the salary set for Judge/Master, to a salary of \$211,862.*
3. *That the April 1, 2009 salaries for Chief Judge increase at a differential of 8% greater than the*

salary set for Judge/Master, to a salary of \$217,916.

4. That the April 1, 2010 salaries for Judge/Master increase by 5% to \$211,862.
5. That the April 1, 2010 salaries for Associate Chief Judge/Senior Master increase at a differential of 5% greater than the salary set for Judge/Master, to a salary of \$222,455.
6. That the April 1, 2010 salaries for Chief Judge increase at a differential of 8% greater than the salary set for Judge/Master, to a salary of \$228,811.
7. That interest is to be paid on any retroactive salary increases, fixed at the rate equal to the pre-judgement rate fixed by the Court of Queen's Bench.

### **Reasons**

In reviewing the report of the Judicial Compensation Committee, the Standing Committee has examined each of the recommendations individually and collectively. The reasons for rejecting these recommendations are as follows:

Recommendations 1 to 6:

- The recommended salary increases for 2009 and 2010 fail to properly take into account, or to properly balance, the six factors that the Judicial Compensation Committee is required to take into account in making its recommendations.
- The recommended increases go beyond what is considered appropriate and necessary for maintaining judicial independence.
- The Judicial Compensation Committee majority did not adequately address the Government's position that the existing salary level, together with the value of pension and other benefits, has been more than adequate to attract and retain an acknowledged pool of highly qualified candidates.
- The April 1, 2008 salary increases, which the Standing Committee acknowledges are binding on the government, already involve a significant increase in cost to Manitobans.
  - The recommendations for the introduction of maternity and parental

benefits, which the Standing Committee accepts, also add to the cost to Manitobans.

- The Judicial Compensation Committee majority has not fairly and reasonably recognized the total compensation for Judges in Manitoba.
  - In addition to a significant benefit package, the Judges pension arrangements are significantly better than those of other provincial employees and are currently among the most generous in Manitoba.
- The Judicial Compensation Committee process is valuable and serves the public interest for the most part; however the Government must consider the recommended salary increases for 2009 and 2010, compared with public servants or the private sector. The recommended salary increases for those years would be unfair and unreasonable to the Government in relation to other public service salary increases in order to maintain what it regards as the greater good of the public service. The recommendations are also inconsistent with the current policy of negotiated wage restraint in the public service, absent special circumstances. The recommended increases will foster a perception that Judges are not shouldering their fair share of the burden in difficult economic times.
- The substituted salary increases for 2009 and 2010 (set out in Schedule C)
  - would provide fair and reasonable compensation in light of prevailing economic conditions in Manitoba and the government's current financial position while still preserving judicial independence and the ability of the judiciary to attract and retain candidates for the judiciary; and
  - would be more consistent with the provincial approach for public servants in the majority of the service for groups that have recently concluded agreements and for groups that are in the final years of agreements reached before the global economic downturn.

- The April 1, 2008 binding salaries were determined by the Judicial Compensation Committee in deference to the legislation regarding the designated three Province average, and the Committee accepted that a three Province average (Saskatchewan, Nova Scotia and New Brunswick) was the appropriate comparator. The Judicial Compensation Committee erred in later rejecting the government's position that the three province average should be preferred. The 2009 and 2010 recommended salary increases were arrived at in error as they are based on the wrong assumption that previous JCCs supported that salary should follow a national average, however that average is calculated, and is inconsistent with what the JCC accepted as the appropriate comparator for 2008.
- The government has a responsibility to review the recommended salary increases within the context of the current provincial and global economy. This Judicial Compensation Committee's recommendations are weighted more in favour of trying to achieve a mid-point or national average rather than on the economic conditions of the province and is a failure to properly balance the six factors outlined in the legislation. The Judicial Compensation Committee correctly stated that the recommendations must consider the economic conditions of the Province, that this was a time for prudence and Provincial Court Judges were part of the Manitoba community. The Judicial Compensation Committee then erred in that, while recognizing the recommended increases were greater than those received by many Manitobans over three years, stated that the strength of the economy and the necessity to provide fair and reasonable salaries were the reasons for the differential; both justifications are inconsistent with the Committee's own findings.

*Recommendation 7:*

- The Standing Committee does not accept the view that awarding interest on retroactive salary increases is within the scope of benefits on which the Judicial Compensation

Committee may make recommendations. Further, no such payments of interest have been recommended by any previous Judicial Compensation Committee.

- The Standing Committee does not accept the characterization by the chair that interest falls within the scope of 'benefits' as contemplated by The Provincial Court Act. If interest was intended, given the clear time lines within the legislation, interest would be clearly spelled out.

**SCHEDULE C**

**Recommendations of the Standing Committee on Legislative Affairs substituted for recommendations of the Judicial Compensation Committee**

1. That effective April 1, 2009, salaries for Judges/Masters be increased by 2.9% to \$197,736 per annum (\$7,579.88 bi-weekly); and that effective March 31, 2011, salaries for Judges/Masters be increased by 1% to \$199,722 per annum (\$7,656.00 bi-weekly).
2. That effective April 1, 2009 salaries for Associate Chief Judge/Senior Master be increased by 2.9% to \$205,245 per annum (\$7,867.70 bi-weekly); and that effective March 31, 2011 salaries for Associate Chief Judge/Senior Master be increased by 1% to \$207,306 per annum (\$7,946.73 bi-weekly).
3. That effective April 1, 2009 that the salary for Chief Judge be increased by 2.9% to \$211,373 per annum (\$8,102.60 bi-weekly); and that effective March 31, 2011 that the salary for the Chief Judge be increased by 1% to \$213,491 per annum (\$8,183.80 bi-weekly).

**Public Presentations:**

By leave, your Committee heard one presentation on the Report and Recommendations of the Judicial Compensation Committee from:

Susan Dawes, Provincial Judges Association of Manitoba

**Reports Considered:**

Your Committee has completed consideration of the Report and Recommendations of the Judicial Compensation Committee dated June 25, 2009.

**Mr. Nevakshonoff:** Mr. Speaker, I move, seconded by the honourable member for Selkirk (Mr. Dewar), that the report of the committee be received.

*Motion agreed to.*

### TABLING OF REPORTS

**Mr. Speaker:** In accordance with section 4—*[interjection]* Order, please. In accordance with section 4 of the schedule D of The Elections Reform Act, I am pleased to table the report of the Special Committee on Senate Reform.

### MINISTERIAL STATEMENTS

#### World AIDS Day

**Hon. Jim Rondeau (Minister of Healthy Living, Youth and Seniors):** Mr. Speaker, I have a ministerial statement for the House.

Mr. Speaker, I'm honoured to stand in the House today to recognize World AIDS Day. This year's theme for the internationally observed day is "Know Your Status, Know Your Rights." The theme is intended to highlight that people have a human right to access HIV testing and care in their community. Worldwide HIV and AIDS predominantly affect the marginalized populations, particularly people living in poverty.

We have committed funding of almost \$2 million over the last three years to improve access to HIV testing for Manitobans. These resources have also improved care and treatment for those people living with AIDS.

World AIDS Day provides an opportunity for all of us—individuals, communities and political leaders—to take action and ensure that human rights are protected and global targets for HIV/AIDS prevention, treatment and care are met.

I want to take this opportunity to commend all the dedicated health-care workers, advocates and volunteers, strong community-based organizations such as Nine Circles Community Health Centre and the Manitoba HIV program, and world-class researchers based here in Manitoba whose invaluable contributions have made a tremendous difference to all people whose lives have been touched by HIV and AIDS.

Mr. Speaker, I want to thank the members of this Assembly for wearing red ribbons, a symbol of caring for those living with HIV and a demonstration of grief for all those we have lost to AIDS. I respectfully request that we further honour everyone whose lives have been directly affected by HIV and AIDS with a moment of silence after other members have spoken. Thank you.

**Mrs. Myrna Driedger (Charleswood):** I would like to thank the minister for his statement.

I stand today with all of those who have been affected by HIV/AIDS to recognize today as World AIDS Day. In 2008 alone, two million people died of AIDS and another 33 million people were living with HIV. Today provides an opportunity to acknowledge the impact that AIDS has on the individuals who struggle with it daily. However, today is also a day for hope as we look forward to a future without AIDS.

AIDS is a formidable problem in developing countries where impoverished conditions encourage the spread of HIV. This is why it is so important for us to promote this year's theme of universal access and human rights. People around the world have the right to information as well as the right to treatment, and yet many people are still unaware they have HIV or they have no place to turn for help.

There is reason to hope. A study by the United Nations AIDS program shows that over the last eight years new HIV infections have decreased by 17 percent. Prevention programs have been successful and available treatments have encouraged a decrease in AIDS-related deaths. However, as the face of AIDS continues to evolve, we need to move forward to provide universal access to treatment.

In Canada there are thousands of people who are living with HIV every day and Manitoba has one of the highest rates in the country. Furthermore, many people are not aware that they are infected and cannot receive the lifesaving treatment they need. This challenge is reflected in this year's theme known—sorry, in this year's local theme "Know Your Status, Know Your Rights." Until Manitobans are aware of their status and can be treated free of stigma there will be no solution to AIDS.

I commend all the individuals who worked tirelessly in our province and around the world to bring about a future without AIDS. Thank you, Mr. Speaker.

**Hon. Jon Gerrard (River Heights):** I ask leave to speak to the minister's statement.

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

**Mr. Gerrard:** Mr. Speaker, I join other members of the Legislature in recognizing World HIV/AIDS Day, and certainly there has been quite a bit of progress over the last several decades. We see the

progress in the improvements in treatment and the increasing life span of people who are effected with HIV/AIDS. We see the improvements in the work that has been done by the people at the Nine Circles Community Health Centre, researchers in Manitoba like Dr. Allan Ronald, Dr. Frank Plummer, Dr. Joanne Embree, Dr. Neil Simonsen and many others who made a major contribution to understanding this epidemic and to providing some help.

\* (13:50)

I would have hoped that the minister might have added information on the numbers that we have currently in Manitoba, which, although globally they're decreasing, I think we still have some work to do here. But certainly we can be pleased with some of the progress that has been made.

**Mr. Speaker:** Is there agreement for a moment of silence? [*Agreed*]

Please rise for a moment of silence.

*A moment of silence was observed.*

#### Introduction of Guests

**Mr. Speaker:** Prior to oral questions, I'd like to draw the attention of honourable members to the public gallery where we have with us from East Selkirk Middle School, we have eight grade 7 and 9 students under the direction of Ms. Nadia Gorbay. This school is located in the constituency of the honourable member for Selkirk (Mr. Dewar).

And also in the public gallery, we have from École Selkirk Junior High, 19 grade 7 and 9 students under the direction of Mr. Scott Andrews and Mr. Jayson Abraham. This school is also located in the constituency of the honourable member for Selkirk.

And also in the public gallery, we have from Lockport School, we have 20 grade 7 and 9 students under the direction of Ms. Esther VanDeWalle. This school is located in the constituency of the honourable minister for Entrepreneurship, Training and Trade (Mr. Bjornson).

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

#### ORAL QUESTIONS

##### Manitoba Hydro Throne Speech Mention

**Mr. Hugh McFadyen (Leader of the Official Opposition):** Mr. Speaker, we were surprised that in

yesterday's 45-minute Speech from the Throne that the Premier, who has been minister of Hydro for six of the past 10 years, didn't make a single reference to the most important Crown corporation in Manitoba, Manitoba Hydro.

At a time, as he's acknowledged, when jobs are being lost, with the exception of his Cabinet, but when jobs are being lost around the rest of this province and when Manitobans are seeing their incomes decline and their pensions go down, with hydro rates having gone up 9 percent over the last two years, I want to ask the Premier why it is that he omitted any mention of Manitoba Hydro in the speech yesterday. Was it an oversight or is he simply so embarrassed of his record as minister that he couldn't bring himself to mention it in yesterday's Speech from the Throne?

**Hon. Greg Selinger (Premier):** First of all I'd like to thank the members opposite for the warm welcome to the Chamber today. Now that all the civilities have been looked after, with respect to the question of Hydro, Mr. Speaker, the member opposite, in his comments, said that all of our—everything we said yesterday was simply recycling and while it is true—and while it is true—

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

**Mr. Selinger:** And while it—and while it is true that we announced an e-waste recycling program, the reality is is that when we don't say something, the members make a big deal of it, and when we do say something—and when we do say something, the members trivialize it.

The good news is—the good news is Manitoba is well along the way with its Crown corporation, Manitoba Hydro, in building the Wuskwatim project. The Keeyask project has been agreed to by the First Nations in the area affected by it, and full planning is going ahead on that in terms of the environmental steps, and Manitoba Hydro will continue to be a major contributor to Manitoba's economy as we go forward.

#### Review of Mismanagement Allegations

**Mr. Hugh McFadyen (Leader of the Official Opposition):** Mr. Speaker, when Manitobans are seeing their rates go up by 9 percent over two years with the prospect of severe rate hikes into the future, I think they don't share this Premier's enthusiasm.

And I wanna just ask the Premier why, when he became—when he first became aware of the concerns

raised by the contractor, which were brought to his attention in 2007, over two years ago, why it took a public disclosure through media stories for him to start to show concern. Why did it have to happen through the media? Why, as Hydro minister, didn't he take earlier action to get to the bottom of what the whistle-blower was saying? Or was he simply following the same plan that he followed with Crocus: ignore the red flags and let it blow up in the face of Manitobans?

**Hon. Greg Selinger (Premier):** The member from Fort Whyte first makes a comment about the rates. Let's remember it was him—it was he that, in the last election, promised to increase rates to full market value and stick it to every single Manitoban with a 40 percent increase in rates, and he still—and he still has never apologized to the people of Manitoba for that dramatic rate increase.

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

**Mr. Selinger:** Now—

**Mr. Speaker:** Order.

**Mr. Selinger:** —the question, as—

**Mr. Speaker:** Order. Order. Let's have some decorum. Order. Order. Order. Let's have some decorum here. The honourable member asked a question; he has the right to hear the answer. Let's have some decorum. The honourable First Minister has the floor.

**Mr. Selinger:** And it's a good thing we won that election, Mr. Speaker, because the members opposite would have had those rates cranked through the ceiling as we speak today.

On the question of the whistle-blower, I'm proud to be a part of the government for—that for the first time in history, has put whistle-blower legislation in place in this province. And that legislation—and that legislation allows for an individual, whether they be inside the public service or outside, to bring forward a complaint anonymously and be protected in the process of doing that, to register their concerns, and that legislation has allowed this complaint to be brought forward as we deal with it today.

**Mr. McFadyen:** Mr. Speaker, the reason they brought forward the legislation was as part of the damage-control strategy after they fired Pat Jacobsen from the WCB. This is legislation brought in to protect them from themselves. And they haven't learned anything from the Pat Jacobsen experience

when you look at the treatment of this whistle-blower who has—who has had a campaign of smear and disinformation brought under the watch of this government.

We have serious concerns being raised about potential huge rate increases going into the future as a result of past mismanagement and faulty forecasting.

Mr. Speaker, I wanna ask the Premier whether he will support us in making changes on a go-forward basis to provide better protection for whistle-blowers, but just as importantly in the short term, to provide the budget to the Ombudsman to allow a full, independent and highly technical review of the serious concerns being brought forward.

**Mr. Selinger:** Mr. Speaker, let's be absolutely clear. When this historic whistle-blower legislation was brought in front of this Legislature, the members opposite tried immediately to divert it to MLAs. They tried to ensure that it became a political football right off the hop, such as we're seeing today. They did not want an independent officer of the Legislature to receive the complaints like the Ombudsman. They opposed that. So I'd be very interested to see their reforms, to see whether they make it further partisan legislation, or would they continue to keep it with an independent officer of the Legislature.

And I'm already on the record as saying if the Ombudsman needs additional resources, they shall receive them, according to the Legislative Assembly Management committee, who will make the proper decision, and members opposite sit on that commission.

**Mr. Speaker:** The honourable Leader of the Official Opposition, with a new question.

**Mr. McFadyen:** On a new question, the Premier hasn't adequately responded to the very serious issues that have been raised, not just by the whistle-blower, but also by the Public Utilities Board, which is looking at risk-management practices, which is looking at future planned expenditures at Hydro and is raising concerns about the possibility of severe rate increases into the future at a time when Manitobans can't afford it.

Mr. Speaker, the rates are increasing at way above market rates because of mismanagement, because of overexpenditure and because of his lack

of oversight of Manitoba Hydro in the time that he was minister.

I wanna ask the Premier: This matter of the whistle-blower, which are serious issues and time sensitive, have been bounced back and forth between various bodies in order to get to the bottom of it. I wanna ask the Premier: Why did he drop the ball so badly in first asking the provincial Auditor to look into this issue when he was well aware that the Auditor was in no position to do so?

**Mr. Selinger:** You know, Mr. Speaker, the member's back to his good old tricks of being a stranger to the facts in this Legislature.

The Auditor—the Auditor General was requested by the Ombudsman to undertake this investigation. The independent officer of the legislation—of the Legislature was seized of this matter and asked for the assistance of the Auditor General. That is how the facts unfolded.

The member opposite knows that. The member opposite, if he has any civility at all, would simply get up and apologize for his error of fact and his misconstruction of the facts.

\* (14:00)

**Mr. McFadyen:** Mr. Speaker, the fact is that it was he and his minister who put out a news release in response to the whistle-blower's allegation, calling on the provincial auditor to do the special audit. She's come to the right conclusion, that she's not in a position to deal with the sensitive issues raised by the whistle-blower and raised by the government. They're the ones who put her into that position. They need to show leadership, and especially, as a former minister responsible for Manitoba Hydro, was the person who received 26 briefings a year from Mr. Schroeder when he was chairman, all the way to the time that he was—the time he was Hydro minister, Mr. Speaker.

He's got a special responsibility to protect Manitobans. Why is he playing games by allowing this game of Ping-Pong to go on, to kill time and prevent Manitobans to get to the bottom of this very serious issue?

**Mr. Selinger:** I'm very pleased that we took our responsibility to ensure Manitobans can bring forward complaints and people—and people outside of Manitoba that have some relationship to a Manitoba government organization, which is why this government and why I, as the previous minister

of the Civil Service Commission, brought in the first whistle-blower legislation in the history of this province, which the members opposite opposed and tried to politicize—[interjection]—every single step of the way.

**Mr. Speaker:** Order.

**Mr. Selinger:** They tried to politicize that legislation, which is exactly what they're doing today.

**Mr. McFadyen:** Mr. Speaker, he's the—he was the minister responsible for Hydro. It shouldn't take a whistle-blower to bring forward crucial information to get to the bottom of these issues. He's the minister. He was told by Mr. Schroeder in 2007 about the issues that were brought forward.

Who—why does he fail to take responsibility as a former Hydro minister, the current Premier of Manitoba? Why does it even require a whistle-blower to come forward? Why doesn't he just do his job?

**Mr. Selinger:** Mr. Speaker, I think the member fundamentally misunderstands the role of whistle-blower legislation. It's put in place—it's put place so that if somebody has a concern about any kind of wrongdoing within the public sector, including Crown corporations—and, by the way, our whistle-blower legislation covers more government entities than any legislation in the country. If somebody has a concern or an allegation, they can bring it forward under the protection of anonymity to have it investigated by an independent officer of the Legislature.

Because it's an allegation doesn't necessarily mean it's accurate. It doesn't necessarily mean it's true. It means they have a right to have it investigated, and during that procedure they have the right to be protected, and that's exactly what's gone on here. The member opposite, he would like to move from allegations to confirm them as points of fact. The reality is there have been other independent reviews of the stability and the solidness, financially, of Manitoba Hydro, and they have come back with very solid results, that Manitoba Hydro is in excellent shape.

**Mr. Speaker:** The honourable Leader of the Official Opposition, on a new question.

**Mr. Hugh McFadyen (Leader of the Official Opposition):** Mr. Speaker, if the—if the legislation is

working as well as he says it is, then why are they 0 for 3? Why have three people who have brought forward concerns been fired by his government and then been subjected by the sort of treatment that they received at the hands of this government.

Mr. Speaker, the fact is—the fact is we do understand the purpose of whistle-blower legislation. We also understand ministerial accountability. But if the minister is doing his job when these issues are brought forward, then he takes the action to look into it. He doesn't wait around for media stories to drive a damage-control strategy the way he did on Crocus. It's the same thing he did on Crocus. He got the red flags. He ignored them, waited for it to blow up before action was taken. It's the same pattern he's following on Hydro.

How can he show such a dereliction of his duty as a leader, as a Premier, as a minister, when he was aware in 2007 of the issues? Why didn't he take personal responsibility for taking the issue and looking into it and standing on the side of Manitobans?

**Hon. Greg Selinger (Premier):** By putting in place the whistle-blower legislation, we provided the opportunity—we provided the opportunity and the protection for an individual to bring forward a concern.

Now let's get—let's get the record straight about whistle-blower legislation. The Conservative opposition said they would bring it forward in the spring of 2004, that they would bring a legislation forward. Four legislative sessions passed and they never introduced the promised bill. As a matter of fact, Mr. Speaker, they're talking about reforming the bill. Since 2004, five years later, they have never brought forward the bill they promised.

With results like that, we know why they're in opposition: do nothing for five years.

### **Bipole III West-Side Location**

**Mr. Hugh McFadyen (Leader of the Official Opposition):** Well, thank you, Mr. Speaker, and we're pleased that even with the change in leadership, we still have some expertise on the history of the 1990s on the benches opposite, as inaccurate as it may be.

But we've got a serious issue in front of us today with respect to Manitoba Hydro. Rates have gone up by 9 percent over the last two years on seniors, on families, on working Manitobans. He wants to play

political games with Manitoba Hydro by ignoring warnings that are being brought forward. He was warned in 2007 on another issue, Mr. Speaker, in connection with Hydro.

He's now asking Manitobans to share the pain. He's talking about belt tightening, all at the same time, Mr. Speaker, as he's gonna proceed to waste \$640 million on the long west-side transmission corridor. Before he asks Manitobans to share the pain of his mismanagement, will he get his own house in order? Will he run the line down the east side and save Manitobans \$640 million?

**Hon. Greg Selinger (Premier):** Mr. Speaker, the member seemed to think I was referring to the '90s. I refer to the year 2004. I think the member should get into the right decade. For the last five years they have promised whistle-blower legislation. They have never brought forward the bill they promised. Now they want to raise the issue of the bipole. They want to say that that's wasted money.

Manitoba Hydro and the CEO—Manitoba Hydro's CEO has said that the bipole is essential for reliability. They have said it's essential—

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

**Mr. Speaker:** Order.

**Mr. Selinger:** —to deliver power to our customers in the United States, and let's, again—now I will go back to the 1990s. When the incident occurred in 1997, where the bipole was under risk and there was an opportunity to build a new bipole, the members, instead of going ahead with a new bipole, what did they do? They ignored the issue. They spent all their time selling off a Crown corporation called the telephone system.

They were completely preoccupied with other business rather than protecting the reputation and the reliability of Manitoba Hydro.

**Mr. McFadyen:** Mr. Speaker, everybody, from the CEO of Hydro on down, the engineers at Manitoba Hydro, the environmental experts including Jim Collinson, First Nations leaders, there is an unanimous, virtually unanimous chorus of support for an east-side line that'll save Manitobans \$640 million, that will save every Manitoba family more than \$2,000 in this time of fiscal restraint.

When he's asking Manitobans to share the pain because he's run out of money, Mr. Speaker, will he get his own house in order first before he starts inflicting cuts on Manitobans by cancelling this

foolish decision that he personally directed the Hydro board to do through his letter to that board several years ago? Will he stand up and do that today?

**Mr. Selinger:** Mr. Speaker, you know, I recently had the opportunity to visit Wisconsin, and I can tell you that our customers want clean, green, reliable energy and they do not want a product that will have its reputation battered by the going down the east side of Lake Winnipeg. I can tell you that. I can tell you that.

They believe—and I can tell you that the UNESCO World Heritage Site—

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

**Mr. Speaker:** I can't hear a thing. Order. Order. Order. Order. Let's have some—order.

Let's have a little decorum here, 'cause if there's a breach of a rule you rightfully would expect me to rule on it, but how can I make a ruling if I can't hear? And also we have guests in the gallery that come all the way down to hear the question and the answers and let's have a little decorum here, please.

The honourable First Minister has the floor.

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

Just to put the record straight, the very first time the CEO of Manitoba Hydro was asked about the bipole going down the west side, he made the very important point that it will increase the energy that is available for export over what we have right now, the do-nothing—the do-nothing legacy of the members opposite.

\* (14:10)

He argued, and he argued that it will increase the amount of energy we have for export and over time it will pay itself back. And the other point that we have to remember—[interjection] The other point that we have to remember, not only will it pay itself back, the member opposite—members opposite argue that that money somehow could be spent on other services.

You know what? There is no dividend policy in Manitoba. No money is transferred from Manitoba Hydro from the capital—

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

**Mr. Selinger:** —from the capital program.

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

**Mr. Selinger:** How many—

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

**Mr. Selinger:** Nobody—

**Mr. Speaker:** Order. Come on. Let's have some decorum, please, okay? We have—we have guests in the gallery and, come on, we have to have some respect for this institution that we're fortunate enough that our constituents have sent us to, and the respect that you show to the institution, also, respect for the rules that govern us. Let's have some decorum here, please.

### **Manitoba Hydro Bipole III West-Side Location**

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

**Mr. Cliff Cullen (Turtle Mountain):** Thank you very much, Mr. Speaker, and yesterday, as our Speech from the Throne signalled, there will be challenging economic times ahead here in Manitoba, and the government has indicated it will be reducing expenses in a number of departments, and I believe the Premier has used the term tightening our belts in other areas.

I want to ask the minister, the new minister responsible for Manitoba Hydro, if she will be tightening her belt and make the right decision in directing Manitoba Hydro to run the Bipole III line down the east side of the province.

**Hon. Greg Selinger (Premier):** I appreciate this continuing line of questioning because it allows me again to put on the record the risk, the rolling of the dice that the members opposite want to play with Manitoba Hydro. They want to follow a narrow-minded, straight-line approach down the east side of Lake Winnipeg, and when they do that, they want to put \$20 billion of export revenues at risk. They want to put at risk a UNESCO World Heritage Site. They want to put at risk—they want to put at risk the reputation of Manitoba Hydro as a clean, green, low-cost, highly reliable energy project.

And I could tell you, Mr. Speaker, if they ever proceeded along that course, Manitobans would be far worse off. Rates would be far higher. The reputation of Manitoba and Manitoba Hydro would be in tatters and Manitoba would be under attack from global environmental communities around the entire world.

**Mr. Cullen:** Well, Mr. Speaker, Manitobans are looking for some real leadership.

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

**Mr. Speaker:** Order. Order. This is about the sixth time in this question period I've stood up to ask for some order. Please, let's have some decorum in the House. Let's have a little bit of respect here.

The honourable Member for Turtle Mountain has the floor.

**Mr. Cullen:** Thank you very much, Mr. Speaker, and we're simply asking for some leadership on behalf of this government to stand up, take on the American environmentalists, do the right thing for Manitobans and that's what we're asking.

Mr. Speaker, this route is going to cost at least \$640 million. Some estimates are twice that high. Manitoba Hydro won't even come forward with estimates on the west-side route. This is going to cost all Manitobans money.

Just to put this in context, this decision by the NDP government could wipe out any accumulation in the rainy day account. Mr. Speaker, 200–\$2,000 per family is what this NDP decision will cost.

Will the minister responsible for Manitoba Hydro stand up and do what's right for Manitobans, save each family \$2,000?

**Mr. Selinger:** Well, the members—the members are—the members are completely wrong in the comments they're making.

The CEO of Manitoba Hydro said that an additional bipole would actually conserve more energy to be available for export and would pay for itself over time, over the life of the project.

Now, let me give you another example of how the members opposite want to roll the dice on this Hydro project. The Gros Morne National Park in Newfoundland, the Hydro up there tried to put a transmission line through there. It became a major international incident, and they withdrew that project because of the damage it was going to do to their precious boreal forest.

We don't have to make the same mistake here, Mr. Speaker. We can learn from the experience elsewhere, have a UNESCO World Heritage Site, protect the boreal forest and, at the same time, increase the efficiency of Hydro.

**Mr. Speaker:** Order. The honourable Member for Turtle Mountain. [*interjection*] Order.

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

**Mr. Speaker:** Order.

**Mr. Cullen:** Well, the Premier is right. All this can be done with right—the right leadership. There can be a world heritage site and a hydro line in the same place.

Now, Mr. Speaker, we realize that the NDP government has ran up the provincial debt \$7.8 billion more in the last 10 years. Now they want to mortgage Manitobans' future even further by adding at least \$640 million of debt to the Province here.

Mr. Speaker, is the Minister of Finance (Ms. Wowchuk) and the Premier going to ask Manitobans to borrow even more money for the west-side line?

**Mr. Selinger:** Manitoba Hydro has achieved its debt-equity target of 75-25 three years ahead of time, and that's the first time—that's the first time any government who owns that Crown corporation has been able to stand up in this Legislature and say that the debt-equity ratio has been achieved.

That ratio was put in place by the members opposite. They never achieved it during their time in office. Their debt-equity ratio was far higher.

This government, during its current tenure as being the fiduciary shareholder for Manitoba Hydro, is able to say today: We compliment Manitoba Hydro for achieving the best debt-equity ratio in its history.

And when the additional bipole is built, it will generate additional revenue which will be to the benefit of all Manitobans, which have the lowest hydro rates in North America.

### **Health Sciences Centre Discharge Protocol**

**Mrs. Myrna Driedger (Charleswood):** Mr. Speaker, Marty Vann—Monty Vann is a 60-year-old blind man who had brain surgery, was discharged against his will and suffered a paralysing stroke minutes after leaving the Health Sciences Centre. People across Canada were horrified to hear this story.

I understand that the Minister of Health does not feel that this is a critical incident report, but if any

case demands a full-scale investigation, this one certainly does.

I'd like to ask the Minister of Health to tell us today: Was this case investigated with the rigour of a critical incident review, and who, specifically, did the review?

**Hon. Theresa Oswald (Minister of Health):** Certainly, as we learned of the situation concerning this particular patient and the discharge, we took immediate action to ask all regional health authorities and institutions to review their discharge protocols.

I can confirm for the member that, under the legislation, this case was not considered to be meeting the definition of a critical incident, since the quality of the individual's care in relation to medical professionals and so forth was not being called into question.

The WRHA, outside of the fact that it didn't meet those criteria, did investigate, and clearly, the Health Sciences Centre believe that the appropriateness of the discharge fell below standards. They apologize and they're going work with the family to assist.

**Mrs. Driedger:** Mr. Speaker, a short while after being discharged, Monty had a stroke in the car and became unresponsive. His brother, Mark, turned the car around and they headed back to the Health Sciences Centre. When they got to the ER, Mark parked his car at the entrance to the ER and ran in for help. At the triage desk, he was told to call an ambulance. They refused to go to the car and to get Monty and bring him into the ER.

I'd like to ask the Minister of Health to please explain today their refusal to help bring this man who was stroking in the car. He was parked right in front of the doors of the ER. Can she please tell us why the staff told the brother that he had to call an ambulance?

**Ms. Oswald:** I will say again that while this case did not meet the criteria of a critical incident—criteria, incidentally, that all members of this House voted for and supported—we're looking at the whole situation.

Certainly, in addition to asking regional health authorities and their facilities to review their discharge protocols, we also asked them to review processes concerning calling an ambulance. We know that there are reasons for this, Mr. Speaker. People do not stand in emergency rooms waiting for

cars to drive up. It's not always easy to remove a patient from a car. We've asked them to review, use common sense.

I will correct the record, Mr. Speaker, and say that, indeed, individuals from the facility in question did assist the family. We've asked all facilities to review this, use common sense and to ensure that patients get the most rapid care possible.

\* (14:20)

**Mrs. Driedger:** Mr. Speaker, the only reason the family had any help was because the brother stood there and raised a fuss, and that was the only reason that anybody from the ER staff went outside to bring Monty in.

Mr. Speaker, imagine if somebody was in the car at the entrance of an ER and was having a cardiac arrest. That person could die before help came and that help is only 20 feet away. But the policy says, find a phone, call 911 and explain your situation, ask for an ambulance, hope that there is an ambulance available in Winnipeg, explain to the ambulance that they need to come to the door of the Health Sciences Centre ER and tell them to get there ASAP. So this policy defies logic, common sense or even good use of resources.

Can the minister please tell us how in the world this type of dangerous and dumb policy even exists in the first place?

**Ms. Oswald:** I will reiterate that this was a case where we have asked regional health authorities to review their discharge policy to ensure that no individual is feeling pressured in any way to be discharged.

Secondly—[interjection]

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

**Ms. Oswald:** Secondly, we have asked our facilities to apply common sense, to apply compassion in situations such as these where people may be in the parking lot.

I want to say very clearly that it is my belief that individuals in the emergency rooms across Manitoba come to work every day to do the best job that they can, and the implication by the members opposite, that they don't care—we keep hearing it over and over again from her—I can't possibly support it.

We want them to use common sense, but, Mr. Speaker, I know that they care.

### **Tembec Lockout Ministerial Community Visit**

**Mr. Gerald Hawranik (Lac du Bonnet):** In spite of the fact that Tembec employees have been locked out for three months, the Minister of Labour (Ms. Howard) has not even been interested enough to visit the picket line and speak to the locked-out workers and hear their accounts of the impact that this lockout has had on our community, Mr. Speaker, and their families.

So I ask the Minister of Labour: Why has she not travelled to Powerview-Pine Falls to hear the concerns of the locked-out employees in our community?

**Hon. Greg Selinger (Premier):** Our Minister of Labour met with people from Tembec yesterday in this Legislative Building to hear their concerns. The minister made available to them the tools that we have—the tools that we have under our labour legislation, including the ability to seek arbitration without the consent of the other party in the labour dispute, and I know that our Minister of Labour and I know that other ministers who were in attendance at that meeting deeply feel for the concerns of the people in that area.

It is a very difficult situation that's been going on since September and they are doing everything they can to make the labour legislation in this province serve to bring this matter to a positive conclusion for everybody concerned.

**Mr. Hawranik:** The Minister of Labour can't see the food bank from her office in the Legislature. She can't see the clothing depot set up in our community to help the locked-out workers from her office in the Legislature. There are families behind each of these locked-out employees. There's a community behind each of these workers and their families. All of northeastern Manitoba is suffering with each of the employees, their families and our community.

So I ask the Minister of Labour once again: Why has she chosen not to visit Powerview-Pine Falls to hear directly from the employees and our community?

**Mr. Selinger:** Mr. Speaker, I just informed—I just informed the Legislature that the Minister of Labour has heard directly from the people affected by this lockout, and the minister has written to the federal

Minister of Human Resources and ask that Employment Insurance benefits be made available—

**Mr. Speaker:** Order. Order. We need to be able to hear. Order. I'm going to once again ask for some co-operation here. When members ask a question they have a right to hear the answer. Let's show a little bit of courtesy here, please.

The honourable First Minister has the floor.

**Mr. Selinger:** Mr. Speaker, the Minister of Labour has written the federal Minister of Human Resources as of November 27th and asked that people through no fault of their own who have been locked out of their work place be eligible for Employment Insurance benefits so they can properly provide for their families, and if the member opposite is really serious about this matter, I would ask him to pick up the phone to his Conservative counterparts in Ottawa and get those benefits available for the people of that region.

**Mr. Hawranik:** And I note that on November 27th the Minister of Labour did write the federal minister, but what took her so long to get on board? I wrote to that federal minister three months ago.

Mr. Speaker, I noted also in the Tolko dispute in The Pas, the news report in 2006, just one day after facing the loss of the mill, the main employer in The Pas, Mr. Doer arrives to the rescue, to save the mill.

It's been three months since this lockout began, three months they've yet to see the Premier and yet to see the Minister of Labour (Ms. Howard).

So I ask the Minister of Labour: Will she take the one-hour drive, one-hour drive—she doesn't have to fly out to Pine Falls—one-hour drive north of Winnipeg, meet with the community, talk to them and do something?

**Mr. Selinger:** The Minister of Labour, the Minister of Labour has met with people, made them available—made them aware of the tools available to resolve the dispute. The ability to seek arbitration, unilateral arbitration, is a very powerful tool that is available to the parties in this dispute.

And if the member wrote the federal minister three months ago, where's the results? Where did you get results? It's been 90 days and not one thing has happened for the people in those areas. Perhaps you should resign.

### Child Day Care Centres Wait Lists

**Mr. Speaker:** The honourable member for River Heights.

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

**Mr. Speaker:** Are the members finished yet? We're trying to get through question period here. We're trying to get as many questions and answers. The honourable member for River Heights has the floor.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, this government has shown a pathetic ability to prepare and plan for the future so that our children will be able to have a strong future in this province. After 10 years of talk and 10 years of saying they're trying to do something, there are still huge long waiting lists for children to get into child care in this province.

Many child-care facilities in Winnipeg have waiting lists of 500 or more people, maybe the longest in history. It's no wonder that we have so many children who are struggling and needing extra assistance in school because they're not getting the early childhood education in advance.

I ask the Premier: Why has the government so badly let down the children and families in this province?

**Hon. Greg Selinger (Premier):** Yes, Mr. Speaker, I thank the member for the question. I just point out to this Legislature, we have more than doubled the number of day-care spots in this province and we have put more money, 40 percent more money into wages for people who work in the child-care system, and we have a program right now to expand day care, of which we have already done some announcements this fall, both in Winnipeg and in The Pas and in rural areas.

I just point out to the member opposite, he voted against every one of those measures in our last budget and now he stands up and says where's the money; I say where was the vote to support the expansion of the program.

**Mr. Gerrard:** We've been calling for a long time for much better addressing of the real issue—

**Mr. Speaker:** Order.

**Mr. Gerrard:** —making sure that children don't have to wait—

**Mr. Speaker:** Order.

**Mr. Gerrard:** —as they do now.

The Premier and his government throw money here and there. They talk about trying to do this and that, but they are not solving the problem. There are huge waiting lists. The government has been horribly inadequate in trying to address this issue.

I table a document which shows that after 10 years this government has no clue about what is really needed and where there are child-care spaces needed. *[interjection]* This is clueless government, exactly.

Mr. Speaker, I ask the Premier to explain how and why his government has no idea how many vacant spaces there are in different parts of the province and what the need is in different areas of this province.

**Mr. Selinger:** We have dramatically expanded the number of spaces, and in our last budget we put provisions in there for a centralized electronic registry so the people could find out where spaces are available anywhere in this province. The member voted against it.

### 1999 Election Campaign Rebates Investigation

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, my question is for the Premier. We all know that the NDP got caught trying to steal \$75,000 from the taxpayers, and for some odd reason, some odd reason, no charges or consequence was really given other than the fact that they had to pay back the \$75,000 that they attempted to steal.

Mr. Speaker, the Minister of Finance had it right when he—or the Premier had it right when he was the Minister of Finance. He knew there was something wrong and that's why he got the get-out-of-jail card and wanted to be clear of any wrongdoing.

\* (14:30)

Now that the Minister of Finance back then is now the Premier today, will he take some leadership on that particular issue and recognize when you attempt to steal \$75,000 from the taxpayers there needs to be a consequence and ask the Premier—

**Mr. Speaker:** Order. Order. Order. Order. Let's pick our words carefully in this House. Order. Order. I don't think there's a member in this House that would steal anything. Let's pick our words carefully. No

Speaker has ever accepted the words "stealing from"—a member stealing anything. So I caution the honourable member. Pick your words carefully, please.

The honourable member for Inkster has the floor.

**Mr. Lamoureux:** Mr. Speaker, the money that was taken that the NDP did not have the authority to take from the taxpayers, the minister—the Premier, when he was Minister of Finance, knew that that was wrong, and I give him—and I commend him for acknowledging that, but now he's the Premier. He sits in the chair that can ultimately bring justice as to why it is that it didn't seem to appear or no consequence ever given.

Will he show the leadership now that he is the Premier and ensure that there's an independent investigation as to what took place and why this was tried to be swept under the carpet?

**Hon. Greg Selinger (Premier):** Mr. Speaker, every political party in this Legislature has had to refile their election expenses upon recommendation by the Elections Manitoba officials, and that is the simple reality, that people do that. They get challenged. They have a decision; they can fight it or they can refile. And every political party in this Legislature has refiled their expenses.

I think what's most important is that we have banned corporate and union donations in this province. For the first time in the history of this province, this government has brought in legislation which bans corporate and union donations, and we still haven't seen a clear declaration from the members opposite. We still have not seen a clear declaration by the members opposite as to whether or not they support that banning of corporate and union donations because that solves the problem once and for all.

### **Immigration Foreign Credential Recognition**

**Mr. Mohinder Saran (The Maples):** Mr. Speaker, immigrants come to Canada with the high hopes for a better life, but when their credentials are not recognized they feel frustrated and helpless. The ability of our foreign-trained professionals to have their qualifications recognized when they come to the province helps the province and new immigrants.

Can the Minister of Labour and Immigration inform the House of the Province's steps to

recommend the federal government to make this process faster?

**Hon. Jennifer Howard (Minister of Labour and Immigration):** Well, I would like to thank the member for that question and for his advocacy on this issue of recognizing credentials.

I'm happy to let the House know that the framework agreement announced yesterday, and that we've signed on to, is something that will complement the work we're doing to ensure that people who come here can practise their profession.

In the short time I've been minister I've met with many people who've come here, trained professionals, and would like nothing more than the opportunity to work in their profession.

So we're hopeful that this will complement the work we're already doing with the appointment of the Fairness Commissioner and that it will also help us work with people before they arrive here on how they can get registered, help us address the gaps in training they may have and help us improve those supports when they are employed. Thank you very much.

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

### **MEMBERS' STATEMENTS**

#### **O Ambassador Program Participation**

**Mr. Stuart Briese (Ste. Rose):** Mr. Speaker, living in Manitoba it's sometimes easy to forget that there are many people around the world who face challenges just to meet their basic needs.

Last July, a group of students from Neepawa and Carberry witnessed some of those challenges first-hand when they travelled to Ecuador to help build schools for children who live in remote villages.

It's my pleasure to stand today and acknowledge Camille Anderson, Alana Bailey, Kelsey Bailey, Nikki Burton, Ryan Farquhar, Michael Fedak, Madelyn Flood, Jamie Graham, Karlee Hill, Presley Jones, Kayla Kohinski, Laura McKay and Taylor Naismith, as well as their chaperones, Michelle McMillan and Cecil Jones for giving their time to help others who do not have the resources we enjoy here in Manitoba.

The students from Carberry Collegiate and Neepawa Area Collegiate Institute took part in the trip as part of the O Ambassadors program which strives to fulfil the United Nations Millennium Development Goals of reducing poverty worldwide.

An important part of achieving those goals is providing education, but before kids can be taught in the communities, they need schools. In the two weeks that these students were in Ecuador they worked on constructing the first high school in the village of San Miguel and an elementary school classroom in the village of Suid.

However, this trip was not about—was about more than just the construction of classrooms for these Manitoba students. It was also about building ties across countries and learning about different cultures. While helping to construct schools, the students worked alongside members of the community. Despite the language barriers, they were able to play games with children and learn about life in South America. They also experienced part of Ecuador's culture when they were treated to traditional foods at a ceremony thanking the group for their work.

Mr. Speaker, cross-culture experiences like these are important for many reasons. They help improve the lives of those around the world who face challenges that most Manitobans cannot imagine. They also encourage us in Canada to appreciate our culture and to learn from the strengths of many dynamic communities worldwide.

Once again, I would like to acknowledge the generosity of these students and their chaperones and thank them for the contributions they have made to bringing education to children around the world. Thank you.

#### **Oscar's Place Homeless Shelter**

**Mr. Frank Whitehead (The Pas):** I rise to speak about the homeless shelter in the—in my constituency of The Pas. The shelter, named Oscar's Place, after the late Oscar Lathlin, provides much-needed services to community members who are facing difficult struggles in their lives.

The initial idea for the shelter came about as a way to meet the needs of the homeless population in the community. In 2006, a homeless shelter community was formed to oversee the construction, and in 2007, the shelter opened its doors. Since that time, it has been operating at a full or near-full capacity.

Last year, the shelter served over 300 people, 220 of whom were children. The shelter's soup kitchen also feeds between 100 and 150 people per day. Due to the large number of families and single

parents in need of these services, Oscar's Place is vital to the health of the community.

Besides providing basic needs, this shelter helps clients recognize the choices they have, create options for themselves and plan strategies for permanent change in their lives. Oscar's Place works with parents to develop life skills that enhance their quality of being, as well as their children's, thereby assisting them in obtaining permanent residence.

The success of Oscar's Place would not be possible without the generous support of Winnipeg Harvest, local businesses and compassionate community members that volunteer their time and energy.

I wish to thank Tara Kreshewski, shelter manager, and Doug Mayer, who cooks and provides security for the clients. Doug is an excellent ambassador for the shelter and The Pas, as he makes the people feel welcome at home—and at home. The dedication shown by Tara and Doug, as well as the community at large, does not go unnoticed. Their efforts add to the quality of life for all people and are greatly appreciated by the community. Thank you.

#### **Joyce Rose and Pat Corbin**

**Mr. Ralph Eichler (Lakeside):** Mr. Speaker, it's a great honour that I rise in the House today to recognize Joyce Rose and Pat Corbin for ongoing commitment to seniors in the community. Both were given the Manitoba Council on Aging Recognition Awards on October the 27th here at the Legislative Building for their roles in the South Interlake Seniors Resource Council.

The South Interlake resource council was an important organization, serving communities in the Stonewall, Woodlands and R.M. of Rosser and the southern portion of Rockwood, that provides a number of invaluable services to seniors, such as transportation to doctor appointments and mobility of aid lending service, friendly visiting, other essential services that allow individuals to live independently in their own homes. It's integral organization, improving the well-being of our residents and is dependent on the hard work and dedication of community members like Joyce Rose and Pat Corbin.

Joyce Rose, who now lives in Winnipeg but remains active in the community of Stonewall, received the award in recognition of her work in developing, organizing the South Interlake Seniors Resource Council in 1990. She also served as the

program's first acting director. In addition to her involvement in the South Interlake Seniors Resource Council, Joyce Rose is a CancerCare Manitoba volunteer driver, current board member of Manitoba Association of Multipurpose Senior Centres and also served two terms on South Interlake Seniors Resource Council board.

Pat Corbin, a current Stonewall town councillor, is equally dedicated to her community. She was recognized for her role as chair of the South Interlake Seniors Resource Council board. Pat Corbin is also active in Interlake Regional Health Authority and sits on the Stonewall Handi-Van Committee. Pat Corbin's work is evident in her commitment to the community and she was quick to recognize the hard work and dedication of those she works alongside with, including the individuals in the senior resource council office.

The determination and commitment of Pat Corbin, Joyce Rose to their community is a testament to those who can achieve through volunteerism and desire to give back. The residents of Stonewall and other communities in the South Interlake region, especially those who relies on the services of the South Interlake resource centre council are privileged to have such dedicated and loyal neighbours.

\*(14:40)

#### **Frontier Collegiate Institute Video Award**

**Mr. Gerard Jennissen (Flin Flon):** Mr. Speaker, suicide, particularly among teens, is a huge issue, especially in northern and remote communities. Therefore, prevention is an urgent priority. Within this context, I rise to congratulate the Frontier Collegiate Institute students in Cranberry Portage who recently won a national video contest on suicide prevention. I also want to congratulate their mentor, a wonderful young lady and former student of mine, Donna Head.

The video contest originated with the Honouring Life Network, a project developed by the National Aboriginal Health Organization. This national contest was specifically designed to deal with suicide prevention. The Honouring Life Network launched the on-line video contest to correspond with National Suicide Prevention Day.

The FCI group of students, under Donna's guidance, were motivated to produce this video

because they felt youth suicide was a problem that needed to be addressed. Each had been personally touched by suicide in some way. I am encouraged to see youth take up this cause and proactively reach out to one another to deliver the powerful message of prevention. Their perception of this difficult issue offers insight into some of the challenging—some of the challenges faced by northern youth. It is truly eye-opening to view the complexity of teen suicide through the lens of a video camera.

I would like to recognize Frontier Collegiate students Michael O'Nabigon, Courtney Dumas, Brittany Knight, Keshia Munroe, Shelley Harper, Jeffrey Dysart Spence and Karen Wood for their creativity and hard work involved in putting together a winning entry. As national contest winners, some of the students involved in the production of the video will be travelling to Ottawa to showcase their video. I wish them well, and I thank them for making such a positive contribution to suicide prevention among First Nations, Inuit and Métis youth.

Thank you, Mr. Speaker.

#### **Cherrie Goertzen**

**Mr. Peter Dyck (Pembina):** Mr. Speaker, it is my pleasure to recognize Cherrie Goertzen for being named the 2009 Winkler Citizen of the Year. Each year a deserving recipient is awarded for their contribution to the community by the Winkler Community Foundation. This year, Cherrie Goertzen was chosen as Citizen of the Year because of her commitment towards developing and organizing healthy living programs in the area. Goertzen has given much of her time to promoting active living for people of all ages and abilities, often working behind the scenes.

Some of Ms. Goertzen's involvements include serving on Winkler's Chronic Disease Prevention initiative committee, volunteering with the Winkler Harvest Festival and Exhibition and leading warm-up exercises for participants in numerous fundraising walks and runs. Cherrie believes that it is her job as a fitness leader to encourage the public to become proactive about their health and fitness. This is not always easy to accomplish as some people may need extra attention with their daily physical activities because of disabilities. Cherrie Goertzen has dedicated her life towards helping especially those with disabilities reach a higher degree of functionality and independency through exercise.

Thanks to her dedication for healthy living, Ms. Goertzen has made Winkler a healthier community to live in. She has spent many hours developing and assisting in healthy living programs for seniors and individuals with physical disabilities. Cherrie has also worked with physically and mentally challenged students in Garden Valley School Division.

Mr. Speaker, I would like to congratulate Cherrie Goertzen on being the 2009 Winkler Citizen of the Year. Her leadership and dedication to community has made her a worthy recipient of the award. It is because of her hard work and devotion that Winkler and its surrounding area is truly a healthier and happier community to live in.

Thank you.

**ORDERS OF THE DAY**  
**GOVERNMENT BUSINESS**  
**THRONE SPEECH**  
**(First Day of Debate)**

**Mr. Speaker:** Orders of the day. Orders of the day. Order. Order. Orders of the day. We will consider the Speech of His Honour the Lieutenant-Governor, and—the honourable member for The Pas.

**Mr. Frank Whitehead (The Pas):** I move, seconded by the member for Southdale (Ms. Selby), that the following address be presented to His Honour the Lieutenant-Governor:

We, the members of the Legislative Assembly of Manitoba, thank Your Honour for the gracious speech addressed to us at this Fourth Session of the Thirty-Ninth Legislature of Manitoba.

**Mr. Speaker:** It's been moved by the honourable member for The Pas, seconded by the honourable member for Southdale, that the following address be presented to His Honour Lieutenant-Governor:

We, the members of the Legislative Assembly of Manitoba, thank Your Honour for the gracious speech addressed to us at this Fourth Session of the Thirty-Ninth Legislature of Manitoba.

**Mr. Whitehead:** We, the members of the Legislative Assembly of Manitoba, thank Your Honour for the gracious speech addressed to us at this Fourth Session of the Thirty-Ninth Legislature of Manitoba.

I am honoured to be the first to respond to the Throne Speech. It is a special honour because it

comes at an exciting and pivotal time for our government. Under our new Premier (Mr. Selinger), we are taking up the challenge of continuing to make steady progress in those areas of most concern to Manitobans: health care, education, the environment and justice.

At the same time, Manitobans are counting on our government to thrive in a world economy that is still very fragile, as we have seen recently, for instance, in the case of the fallout from the current debt crisis in Dubai. The government's decision to continue to stimulate the economy through targeted investments is a sound one. The Throne Speech anticipates the creation of 12,000 direct and a further 10,000 indirect jobs throughout these measures. And we will have not more—just more employment, but more families earning enough to provide for their children, but the schools, recreation centres, highway infrastructure, other facilities that benefit us all in the long run.

For example, under its current economic stimulus strategy, the Province has already announced a knowledge infrastructure investment at the University College of the North, which will see repairs to and expansion of its campuses in Thompson and in my community of The Pas. This is a development that would surely have gladdened the heart of our late colleague, Oscar Lathlin, who was so passionate about promoting education, especially within Aboriginal and northern communities.

Manitobans can take pride and comfort in the fact that our province's economy is outperforming all other provinces in Canada. But that does not make us immune from the ongoing world economic downturn, nor does it mitigate the financial burdens brought on by the spring flooding and the H1N1 threat. We cannot escape the tough choices that they bring.

The Throne Speech makes clear that our government is making these choices in a fair, responsible way by reining in spending, without service cuts or major layoffs, while continuing to make more resources available in areas which matter most to Manitobans, such as health care and education.

According to the *Winnipeg Free Press* headline on its Web site yesterday, the Throne Speech had something for all. Well, that's hardly news. For over a decade, our government has worked for the benefit of all Manitobans. I quote the headline only to

excuse myself for not being able to touch on everything that the speech has to offer.

I will focus instead on initiatives that have special significance for northern Manitobans and for my constituents in The Pas. My constituents, Mr. Speaker, welcome the news that our government will be making more cottage lots available through draws. Cottages to my constituents don't mean just more opportunities to enjoy Manitoba's great outdoors; they mean more economic opportunities: significant short-term spinoff benefits from lot sales, land services, building of cottages by local tradespeople and furnishing of the new structures—a lasting, positive impact on local economies, ongoing jobs from future services for the subdivisions, such as road maintenance, snow clearance, sewage and waste disposal, potable water supply and other services.

Mr. Speaker, I am pleased to note that the amendments to the Community Economic Development Fund announced in the Throne Speech, the amendments will open up further businesses—business opportunities in the north. The fund encourages economic development in northern Manitoba, focussing on small business enterprises and community development corporations. It administers the business loan program and the fisheries loan program and is active in many northern communities on and off reserve.

The appointment of the member for Rupertsland (Mr. Robinson) as Minister responsible for Aboriginal Education gives new hope and promise to our government's enduring commitment to enabling young Aboriginals to make the most of their lives. Tasked with promoting and co-ordinating Aboriginal education both on and off reserve, he is in a position to make a true difference. I know that he is working closely with the ministers of Education and the Minister of Advanced Education (Ms. McGifford) to promote Aboriginal education in this province. He has already met with his federal counterpart, Chuck Strahl, the Minister of Indian Affairs and Northern Development, regarding the need for change, particularly in our on-reserve schools.

\* (14:50)

The recent agreement with Indian and Northern Affairs Canada, the Assembly of Manitoba Chiefs, Manitoba Keewatinowi Okimakanak, the Southern Chiefs Organization and the Province is one example

of the partnerships that are needed to facilitate such changes. The agreement focusses on school readiness, virtual schools to make more courses available, the professional development of teachers of First Nations students and support for students making the transition from First Nation to provincial schools.

I am also very impressed by the work being done under the school improvement projects involving four First Nations and hope to see more such projects develop in the near future improving the graduation rates for First Nations students as being a priority for our government, and I am glad to see that the Throne Speech makes this explicit.

A July 2006 report by the Caledon Institute found that the proportion of Aboriginal population age 20 to 24 living on reserve less than high school—with less than high school education across the Prairies is unacceptably high. A fact that all levels of government agree must change.

First Nation students on reserve are being underfunded by the federal government when compared to provincial funding. The average per-student funding in Frontier School Division was \$15,200 in 2007-2008, while INAC's average per-student funding was \$13,800 for Aboriginal students.

A recent comprehensive article on these challenges by Nick Martin in the *Winnipeg Free Press* detailed the discrepancy in funding levels and the inadequate resources facing most on-reserve schools. The number of self-identified Aboriginal students in K to 12 has increased by over 3,000 students over the last five years. Self-declared Aboriginal students now represent almost one-fifth of total public school enrolment.

Our Aboriginal Education Action Plan has had concrete results including new mandatory courses on Aboriginal perspectives for all teachers in training. Much more is being planned in this priority area and I look forward to working with my colleagues as we tackle these issues.

Our Northern Essential Skills Training Initiative has been enabling Aboriginal and northern residents to qualify for apprenticeships by giving them the means to develop skills in literacy, communications, math and computer use. This will open up long-term employment for them as electricians, industrial mechanics, welders and instrumentation technicians as production begins to ramp up in the hydro, mining and forestry industries.

Our Aboriginal academic achievement grants which have provided more than \$7.5 million for K to 12 learners are making a difference. We are already investing half a million dollars to improve Aboriginal academic achievement through initiatives such as student mentorship and training, as well as elders in schools programs.

Our government has teamed with the University College of the North to help remove a significant obstacle for young parents to pursue higher education. It is investing nearly three-quarters of a million dollars in on-site child-care centres for the UC and campuses in The Pas and Thompson. The centres will also serve as a training grounds for UC's early childhood education program. Aboriginal student enrolment at colleges has increased 45 percent since 1999. Aboriginal enrolment at universities increased by 18.6 percent between 2003 and 2004, and 2007 and 2008, a higher rate of increase than general student rate enrolment. Since 1999, Aboriginal apprentices–apprenticeships have increased by 264 percent from 355 to nearly 1,300 now representing 17 percent of total number of apprentices–apprenticeships.

Mr. Speaker, I welcome the news that Tracia's Trust, the trust that is part of the Province's \$2.4-million strategy to combat child sexual exploitation named after Tracia Owen from Little Grand Rapids who hung herself at the age of 14. She was addicted to drugs and worked the streets of Winnipeg. Launched in December 2008 by the Province in partnerships with Aboriginal organizations, police and service agencies, the strategy involves co-ordinating and expanding the diverse services including introducing more awareness and prevention initiatives and making offenders more accountable.

One of its especially innovative programs is the student buddy support service for at-risk youth who are coming to Winnipeg to attend high school. It speaks well of the values and vision of this government that it's—that it is taking a leadership role on the issue of missing and murdered women, as the Throne Speech affirms.

The Mothers of Red Nations Women's Council of Manitoba estimates that there are more than 70 missing or murdered Aboriginal women in the province. In September our government partnered with Aboriginal organizations and front-line agencies to form the Manitoba Action Group on Exploited and

Vulnerable Women, co-chaired by ministers Robinson and Irvin-Ross. Our Minister of Aboriginal and Northern Affairs (Mr. Robinson), in meeting with his federal and provincial counterparts, has made it a priority to work on a national strategy to avert further tragedies.

In September our government partnered with Aboriginal organizations and front-line agencies to form the Manitoba Action Group on exploited and vulnerable women. In my own constituency, vulnerable women will be able to seek protection through the recently announced appointment of an outreach mentor to connect homeless people with community supports. The mentor will be employed by The Pas Friendship Centre and will work out of The Pas homeless shelter.

I'm delighted that the Throne Speech reaffirms the government's commitment to build an all-weather road down the east side of Lake Winnipeg. The road will spark economic development, lower living costs, and bring health care and other services within easy reach. In the last session, we passed a Manitoba Floodway Authority amendment act which expands the mandate of authority—of the authority to include building and maintaining the east-side road. This helps ensure employment and economic development opportunities for Aboriginal contractors in the communities on the floodway project.

The Throne Speech announces that there will be new legislation to establish the Pimachiowin Aki World Heritage Site Trust Fund. This will bring us one step closer to our goal of protecting the invaluable boreal forest of the east side of Lake Winnipeg while promoting it as an attraction in the burgeoning ecotourism industry. It is fitting that one of the last announcements of our former premier this fall was to announce a \$10-million contribution from the Manitoba government to establish the fund.

Mr. Speaker, the Throne Speech demonstrates that The Pas and northern Manitoba as a whole is very much on our government's map. The fact that our new Premier (Mr. Selinger) chose to come to The Pas within just 10 days after taking office also underlines its importance. The Premier met with the Chamber of Commerce in The Pas, the chief and council of OCN, formally opened our new wellness centre, and travelled to Cross Lake where he had discussions with community leaders and appeared on the local radio program.

The wellness centre is yet another legacy of the late Oscar Lathlin who was instrumental in getting the centre built. In passing, I would also like to mention that thanks to generous donations from Leona Lathlin, Oscar's widow, and local businessman Evans Premachuk, who made a substantial contribution two days ago, construction is slated to begin next year on the Oscar Lathlin Research Library at the University College of the North, which itself is also part of Oscar's huge legacy. Thank you.

\* (15:00)

### House Business

**Hon. Bill Blaikie (Government House Leader):** Mr. Speaker, I think, if you canvass the House, you would see that there is—there would be leave to temporarily set aside the Throne Speech debate and also leave for motions to appoint a new Deputy Speaker and a new Deputy Chairperson of the Committee of the Whole House to be moved with the understanding that this is not to count as an interruption of the Throne Speech debate in accordance with rule 45(2).

**Mr. Speaker:** Is there leave to temporarily set aside the Throne Speech debate, and is there also leave for motions to appoint a new Deputy Speaker and a new Deputy Chairperson of the Committee of the Whole House to be moved with the understanding that this is not to count as an interruption of the Throne Speech debate in accordance with rule 45(2)? Is there leave?

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

### Point of Order

**Mr. Speaker:** The honourable—okay, before I recognize the honourable member for rising on a point of order. If it's dealing with this motion—the motion put—it's not a debatable motion. It's either agree or disagree and for that—but the motion is only—

Order. Order. Order. Order. Order. The only—the only request is for leave to entertain this motion, but the honourable member's rising on a point of order dealing with, I don't know, some business of the House. I'm not sure, but all the member is asking for is leave of the House, is there agreement from the House, and he's asked—and he's outlined why he's seeking the motion for leave. That's all he's asking for is leave.

The honourable—let's hear from the honourable member for Lac du Bonnet.

**Mr. Gerald Hawranik (Official Opposition House Leader):** Thank you, Mr. Speaker.

I think there's two parts to that motion, and yes, the House Leader is asking for leave to present the motion to appoint the Deputy Speaker of the House, but in addition to that, and something that I wasn't aware of prior to this, is that obviously there's two parts to the motion.

The second part of the motion is also so that if there's any debate that it does not count against the Throne Speech day debate in the event that it does get interrupted by more than 30 minutes. So there's two parts to that motion, Mr. Speaker. It's not just a motion to—or leave to introduce a motion to appoint a Deputy Speaker.

**Mr. Speaker:** Can I—can I offer to offer the House a little bit of advice here because we are debating the Throne Speech motion and it looks like the government, the House leaders, might want to have a little time to—for further discussions?

It might be advisable at this moment and then to come back a little bit later and then you would have the opportunity to ask to seek leave to do whatever business you want. But it might be advisable right now for me to recognize the next speaker and for the House leaders to have a chance to get together and then maybe have another opportunity to come back and seek leave. That—I'm just offering advice here to the House leaders.

**Mr. Blaikie:** I think your point is well taken. If there isn't leave at this time, there isn't leave, and we shall—we'll try and meet and see what the concerns of the opposition are and see if we can't come back to you at a more appropriate time.

**Mr. Speaker:** We're gonna—okay, I'm not going to be putting the request for leave at this moment. We're gonna continue on with Throne Speech debate and I will recognize the honourable member for Southdale to—for her contribution to the Throne Speech.

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**Ms. Erin Selby (Southdale):** Mr. Speaker, it is a pleasure to rise in this House and second this Throne Speech, and I would also like to take a moment to congratulate my seatmate on his speech, and I guess

I can't keep calling him a rookie anymore if he's gonna keep giving good speeches.

Mr. Speaker, this Throne Speech is a very special one to this government and although we've been in power for 10 years, we have continually renewed and refreshed our party. And now we begin another chapter with a new leader, a leader my constituents know is the man who delivered 10 straight balanced budgets in a row, a man we can thank for Manitoba's credit rating which has increased six times in the last 10 years. Manitobans already know our leader, the Premier (Mr. Selinger), and they know they can trust him to chart a steady course even if the waters get choppy.

I wear a few hats in my life; MLA for Southdale is only one of them. It's an important one, but I'm also a woman, a mom, a partner to my husband, part of a family, a member of the community, and it is through those eyes that I see my world and how I decide what's important to me and, I suppose, how I determine what matters.

Some of those things are very specific to the community in which I live, such as the new school expansion in Island Lakes, but most of the things that matter deeply to me are universal. Because as a mother, my children's future is the most important thing to me and, as a woman, I care for those beyond my family—children I will never know. As a mom, I'm glad this government provides real choice for families, and we will continue to fund additional child-care spaces.

*Mr. Rob Altemeyer, Acting Speaker, in the Chair*

I'm happy to see our successful midwifery program expanded and, because no child should have to live without their basic needs being met, I'm proud this government will continue to work at reducing poverty while helping families to create their own future by training them to prepare for the work force.

Mr. Deputy Speaker, I know education is important to my constituents and whichever school event I attend, whether it be a graduation, a welcome-back barbeque or a family fun night, every school in Southdale is packed to capacity at these events, and I know that the seats that will be saved for me over the next couple of weeks at all the various Christmas concerts I'm going to attend are going to be very valuable real estate, as parents are vying for the best spot to get a photograph from. I see a lot of families invested in their children's future, and I can tell those parents that this

government also considers education a priority, and that's why nearly 72 percent of the school funding comes from this government. We spend more money per student than anywhere else in Canada, and our class-size ratios are among the lowest in the country.

In a growing community such as Southdale, capital investments in education are of a great interest. My constituents can see by our record we've invested more than 568 million to build and upgrade schools this decade. That's 303 million more than the previous government. I think that's proof that supporting families, children, and our future is something that we feel is a good way to spend our money.

We'll spend another 310 million on school capital over the next four years, benefiting people from every corner of this province. I don't think anyone would ever want to argue that investing in schools isn't good for our future and good for our province, and having an educated population, of course, benefits us all. But it might not be obvious how these investments directly affect our current economy. Building and upgrading schools and making them barrier free also means jobs right now—787 person-years of employment.

Now, parents who are already opening their wallets for ballet lessons and hockey tournaments will appreciate that as our government increased funding to schools, we've asked school divisions to keep education taxes from rising. And just as parents may have to find that they're saying no occasionally to those designer clothes and other extras that their kids are asking for, we're asking school divisions to co-operate again this year to manage expenditures to keep property taxes affordable. It's not about jeopardizing the quality of our education, but it is about making smart choices when we're spending Manitobans' tax dollars.

University's quite a—quite a few years away from my children, but we have been planning for it since they were born, and it seems like we're not the only ones with that plan. In the past decade, enrolment in post-secondary education has increased by a third in Manitoba. Parents and students are happy to learn that tuition freeze from—fees—from most college and university programs in Manitoba remain below 1999 levels but, of course, some families and students still face financial pressure for paying for their education and will no doubt take advantage of the tuition fee income tax rebate while they're still in school, because sometimes that's when you need it.

I don't want you to think that I believe that women have a monopoly on caring, and I know that everyone in this House on both sides cares about the future of our province. But ever since my children were born, it's as if I feel like I have a responsibility for all children, as if they're all somehow part of me and that's why I want to see all our children succeed and meet their potential. Getting the right start in life and being ready to learn by the time they start kindergarten are essential to living a fulfilled life. All children deserve this, and the signing of the letter of understanding between our provincial government, the Government of Canada and representatives of First Nations is just a beginning. This plan will mean that children will be ready to learn, teachers better prepared to teach and see students supported through every level of their studies, because every child in Manitoba should get the chance to be standing on stage in a crowded auditorium, accepting their high school diploma and excited about their future.

\* (15:10)

*Mr. Speaker in the Chair*

Well, the holidays are almost here and I have done nothing to prepare so far. I'm going to blame it on the warmer-than-usual weather that we've had and it hasn't really helped me get into the spirit yet. Now, normally, each year, my family goes a little over the top. It's usually pretty much a celebration of excess in our house, but this year, we've decided to be a little bit more practical, and I'm sure many Canadians and Manitobans are feeling the same way this year. Now, not to worry if my daughters overhear anything from this speech; they're not going to suffer from this at all and their fortunes will continue the way they have. But the grown-ups have decided that instead of buying a number of small gifts for everyone, we would instead draw names and each person will receive one special gift, chosen with time and thought put into it.

Now, we won't be cutting back on the feast, though, because that is one of the most important parts to us. There'll still be enough food to feed all 12 of us at Christmas dinner and leftovers for an entire week. We are extremely lucky in my home. It has made us realize what's important to us as a family; that being together, sharing the meal and my daughters enjoying the day with both sets of grandparents and their great-grandmother, all who are healthy enough to get down on the floor and play with all those new toys.

There are some things, though, that one can live without. One of them they can't quite literally, though, is health care. I know it seems pretty obvious, but this government's commitment to health care is a priority, even during the tough times. There may be things that we decide aren't as important to focus on right now and perhaps there will be some things that some of us will consider expendable just for the time being, but health care will never be one of them for this government. You don't save money by scaling back on health-care funding. You pay a price. We are still paying the price for that kind of short-sightedness, and so Manitobans can depend on this government to continue to make improvements to our health-care system. Manitobans will continue to receive high quality medical care. This government will ensure it and we will not go backwards.

As I said earlier, I view things through the eyes of a mother. Raising a family is the most demanding job I've ever had, and if you think the hours are long that we put in here, nothing compares to what the hours of parents of a newborn are working. I'm not looking for sympathy but, yes, I had three newborns at once. You can applaud at that part.

As parents, of course, we do all need a little help sometimes, and some parents face even tougher challenges. Peer pressure becomes that much more serious when the pressure is coming from a gang. Parents with children who get involved in gangs don't need our judgment; they need our support. Gang awareness for parents will help parents of teens recognize their signs, that their child may be at risk because the best gang strategy that we can have is keeping kids out of gangs in the first place.

But for those who are in gangs, those who aren't willing to give up the lifestyle, this government isn't going to make life easy for them. Manitoba successfully lobbied to end the two-for-one sentencing so that gang members would know that their choices have a consequence in Manitoba. We've beefed up the gang crime unit and this coming year will hire even more prosecutors. This government's initiatives to fight auto theft translated into a 67 percent reduction in auto theft and using that same model we're bringing together the Winnipeg Police Service and Manitoba Justice to monitor high-risk offenders and known gang members.

We'll bring in legislation to make it harder for gangs to hide behind businesses that act as fronts for gangs and we'll make it easier for our courts to

recognize known gang members to simplify court proceedings. Manitoba will be hostile territory for gang members.

Joining a gang can be all too easy a choice for a kid who's lost hope in their future, but leaving a gang is a totally different problem. Sometimes people do get in over their head and sometimes they need help to find a better, more productive way of life. This government will make funds available to expand programs such as Turnabout, a program that helps keep kids out of gangs, and programs that help former gang members stay out of gangs, because everyone should have the chance to learn from their mistakes and to become a caring, contributing member of our society.

Driving around my constituency of Southdale, you can see we have much to be grateful for. There are many lovely, new homes, well-maintained yards and often more than one vehicle parked in the driveway. Many of the families in my community bring home more than one paycheque and, from the outside, it looks like we've achieved all you need for happiness. But, in some of those homes, there is something missing, and although I can't say I fully understand how painful it is to want to start your family and to be unable to have a child, I am glad our government will help families live this most important dream by helping families with fertility treatment.

Unfortunately, not all children are born into families that are ready to provide them with the love and the security they deserve, and we will continue to build on initiatives to protect the vulnerable, fighting the sexual exploitation of children and expanding Tracia's Trust. It is a sad truth that sometimes families do fall apart, but in cases where the family cannot stay together, our focus will remain on doing what's in the best interest for the child. This focus will mean amendments to The Family Maintenance Act to improve the enforcement of support payments. Changes for Children will continue improving the child and family service system with the focus on helping families before a crisis situation develops.

I mentioned earlier how lucky my children are to have their grandparents and their great grandmother in their lives. Our seniors not only built their province into what it is today, their ongoing wisdom is a rich resource for all of us to draw on. We are

working to ensure that Manitoba is the most age-friendly province in Canada.

My family, like so many other Manitobans, enjoys camping. I'm going to give you a little tip. If you're looking for a good weekend to get away, beautiful weather and warm evenings, just note when we're planning our next adventure in the weekend in the woods and stay home, because if my family's going camping, you can be sure it's going to snow, the roads will be closed and temperatures will drop at least 10 degrees below seasonal. But we haven't let this stop us from trying out various campsites around the province, and I can tell you which ones have the best protection when there's torrential rainfall coming down.

More Manitobans got the chance to face the elements this summer thanks to the free access to parks. And if there's still some you haven't explored yet, next year's parks' access will be free as well. You'll also note some improvements upon your visit including the biggest development in 30 years at the ever-popular Winnipeg Beach, and I know my dad has already picked out his spot there. And we'll see expansions to the Wellman Lake and Duck Mountain campgrounds as well. New facilities and improvements will enhance Asessippi Park, Grand Beach and Birds Hill Park. But for those of you who are looking for more comfortable weekend getaways, we'll see additions to our cottage lot draw program. Cottages, of course, are about more than just getting away. By opening a thousand new cottage lots in rural Manitoba, our government helped generate \$86 million in investments promoting our lakes and stimulating our economy.

Mr. Speaker, there are so many initiatives in this Throne Speech that I know my constituents will be excited about. I'm hoping Manitobans will take advantage of the adult fitness tax credit and make this the year that they finally get into shape and stick with their New Year's resolution.

Manitobans have been tested this year. We survived the second-biggest flood of the century. We faced the H1N1 flu pandemic, and we've seen an economic downturn to a degree not experienced before by my generation. As always, I've seen Manitobans do what we do best; rise to the occasion, lend a hand and get the job done, and usually it's done with a smile. Although we've faced some tough times, and the road ahead may be a little bumpy, there is no other place I'd rather be, and no people in

the world that I'd trust more to find their way. Thank you, Mr. Speaker.

**Mr. Hugh McFadyen (Leader of the Official Opposition):** Wow. Okay. I've never had so much enthusiasm for an adjournment motion, Mr. Speaker.

I move, seconded by the member for Morris (Mrs. Taillieu), that debate be hereby adjourned.

**Mr. Speaker:** It has been moved by the Leader of the Official Opposition, seconded by the honourable member for Morris, that debate be adjourned.

*Motion agreed to.*

**Mr. Blaikie:** Mr. Speaker, the joy precipitated by the Opposition House Leader is somewhat dulled by the fact that we do have one more thing to do before the House can see the clock at five.

So, Mr. Speaker, I wonder if you canvassed the House again, you would find that there was leave to temporarily set aside the Throne Speech debate, although it's already—we've already adjourned that debate, and leave for motions to appoint a new Deputy Speaker and a new Deputy Chairperson of the Committee of the Whole House to be moved with the understanding that this is not to count as an interruption of the Throne Speech debate in accordance with rule 45(2).

\* (15:20)

**Mr. Speaker:** Is there leave for motions to appoint a new Deputy Speaker and a new Deputy Chairperson of the Committee of the Whole House, to be moved with the understanding that this is not to count as an interruption of the Throne Speech debate in accordance with rule 45(2)? Is there leave? *[Agreed]*

Okay, leave has been granted.

**Hon. Greg Selinger (Premier):** I move, seconded by the Minister of Conservation (Mr. Blaikie), that Marilyn Brick, member for the electoral division of St. Norbert, be Chairperson of the Committee of the Whole and Deputy Speaker.

**Mr. Speaker:** It has been moved by the honourable First Minister, seconded by the Minister of Conservation, that Marilyn Brick, member for the electoral division of St. Norbert, be Chairperson of the Committees of the Whole House and Deputy Speaker.

### Point of Order

**Mr. David Faurshou (Portage la Prairie):** I rise on a point of order.

**Mr. Speaker:** Are you speaking to the motion?

**Mr. Faurshou:** No. I'm—rise on a point of order.

**Mr. Speaker:** Okay, I've got to put the—okay. So, honourable member, just a reminder that you're rising on a point of order. That's to do with the rules and procedures of the House, but not to debate the motion that's been put forward. Okay.

**Mr. Faurshou:** I rise on a point of order referring to our Manitoba Legislative Assembly *Rules, Orders, and Forms of Proceedings of the Manitoba Legislative Assembly*. I open to the section regarding rules and the title page is Deputy Speaker, Chairperson, Deputy Chairperson of Committees of the Whole House, section 13(1) Deputy Speaker, Chairpersons of the Committees, and I quote: A Deputy Speaker of the House, who shall also be Chairperson of the Committees of the Whole House, shall be elected from among the members of the—at the commencement of the first session of the Legislature; and the member so elected shall, if present, take the Chair of each Committee of the Whole House.

Mr. Speaker, the motion that we have before us today is indeed out of order. There is no provision within our rules of the House unless unanimous consent is first requested to entertain an appointment. We have to be considerate of the rules and procedures that all of us have agreed upon taking our place in this Assembly to adhere to, and the rules speak very clearly that the Deputy Speaker of the Assembly must be elected, as also, too, our rules speak very specifically of the election of you, Sir, as the Speaker of the Assembly as well. Those rules are very clear and the rules that have been adopted also determine the electoral procedure which all of us must recognize and adhere to.

So I bring this to the Legislative Assembly and I look to the government, the First Minister who has brought this motion forward and ask him to withdraw on the basis that it is in contravention to the orders of the Assembly. Thank you.

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

**Mr. Blaikie:** Well, Mr. Speaker, just taking the honourable member on his own analysis that this

could only be done if the—these motions could only be moved if there was unanimous consent of the House, and we asked for unanimous consent of the House to move the motions when we asked for leave, and leave was granted. At least that was the understanding that I had at the time. I understand that these motions such as we have before us today are in order and have been in order in the past, and so I leave it in your hands. But, when leave was granted, if leave was needed to move such a motion, if, indeed, it's somehow not in conformity with the rules, then it would seem to me that that hurdle was already overcome with the granting of leave to move the motions.

**Mr. Faurschou:** Mr. Speaker, to add further clarification, in light of the comments by the Government House Leader, it is very clear, by those members assembled here this afternoon, that you asked leave of the Assembly to bring the motion to the floor. You didn't—and it was very clear that that was the request for leave. It was not specific to asking leave of the Assembly to adopt the motion. So, therefore, there is two clearly laid-out steps in the procedure here and, yes, the Assembly did give leave to bring the motion forward. However, it should not be interpreted that that was given for granted that the Assembly would give unanimous consent to adoption of the motion.

**Mr. Speaker:** On the point of order raised by the honourable member for Portage la Prairie, he doesn't have a point of order because our rules, if you look at 8(1) the Election of a Speaker by secret ballot, it says: Election of a Speaker shall be conducted by a secret ballot as follows; and then if you move to Deputy Speaker and Chairperson and Deputy Chairpersons of Committees of the Whole House on 13(1), a Deputy Speaker of the House, who shall also be Chairperson of the Committee of the Whole House, shall be elected from among the members at the commencement of the First Session of each, so elected, if present, take the Chair.

And there is no reference to a secret ballot, because elections also can be conducted through a motion. And that is what exactly what the government is doing is they brought forward a motion to appoint the member for the House to appoint the member for St. Norbert (Ms. Brick) as the Deputy Speaker and Chairperson of the Committees of the Whole House.

**Mr. Faurschou:** Mr. Speaker, just for clarification in your particular referral to 13(1), you stated that by passage of a motion, effectively you—it's recognized as effectively conducting an election? When the House rule book very specifically determines the practices and procedures as for the defining an election. I don't want to contradict you at this point in time. However, I believe all of us recognize when we—the definition for election as defined by the rule book.

**Mr. Speaker:** On the point of order raised by the honourable member for Portage la Prairie, the same 13(1) where Deputy Speaker shall be elected from among the members, there is no reference to a secret ballot election, and the honourable member's point of order is out of order. In order to have the secret ballot election, a secret ballot election of a Deputy Speaker would require a change in our rules because there is no reference at all in our rules to a secret ballot election of a Deputy Speaker or a Chair of the Whole House.

**Mr. Faurschou:** Mr. Speaker, regrettably, I challenge the ruling of the Speaker on this matter.

**Mr. Speaker:** The ruling of the Chair has been challenged by the honourable member for Portage la Prairie.

Does the honourable member have support? If there is support, would members please rise to show their support.

Okay, the honourable member has support. So the ruling of the Chair has been challenged.

\* (15:30)

#### Voice Vote

**Mr. Speaker:** 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.

\* \* \*

**Mr. Speaker:** Okay, so we will now move on to—I need—order, order, order, order, order.

So I'm putting the question to the House that's moved by the honourable First Minister, seconded by the honourable Minister of Conservation (Mr. Blaikie), that Marilyn Brick, member for the electoral division of St. Norbert, be Chairperson of the Committees of the Whole House and Deputy Speaker.

Is it the pleasure of the House to adopt the motion? Agreed?

**Mr. Faurshou:** Yes, but to participate in debate of the—on the motion.

**Mr. Speaker:** This is a debatable motion. So the honourable member wishes to, that's entirely up to the House. Any member can—this is a debatable motion so members can speak to the motion if they so wish.

**Mr. Faurshou:** I appreciate the opportunity to participate in debate of the motion put forward by the First Minister as it pertains to the selection and appointment of the Deputy Speaker.

I believe this is a procedure that has been in the past provided for and allowed by the Assembly on exception basis as provided through unanimous consent of the House. However, I did rise and I believe it's time now that we recognize that it is important to follow our House rules. The House rules use the terminology "elected," and I'd like to ask any member of this House to define the term "elected." "Elected" is not a passage of a motion. "Elected" does not speak to a selection by the First Minister.

We as members of this Assembly have adopted a set of rules that speak very specifically to an election held within the members that have been themselves elected to this Chamber, and we all recognize the election process, and we have adopted an election process for the selection of our Speaker and our Deputy Speaker. And, if any of the members want to take a look at any of the other legislatures throughout the confederation of Canada, they will see that the, what an election actually does take place and the procedures that go towards that end.

So, although I know that the government itself has the massive majority and can overrule opposition objections to what they're doing, but I'm really dumbfounded on a party that has adopted the word "democratic" to their party name shuts down debate in this House and prevents, prevents the democratic process of electing our Deputy Speaker. I, I'm really, really dumbfounded and I'm going to say that this

government that flies the banner of being supportive of democratic process is today taking that term right out of their party name when they do not allow elected members the opportunity by ballot to select the Deputy Speaker.

I thought this was the dawning of a new era, of a new First Minister, and on this very first day of proceeding, the First Minister brings forward a motion that contravenes, contravenes our House rules—in fact, throws out the word "elected" and, in fact, should be rewritten as selected by the First Minister. And I think that if we were to go to other legislative assemblies and even out to our local constituencies and to try and defend what we are doing here in the Chamber this afternoon, I think we will have a very, very difficult time.

And for those that sit on the government side of the House who have voted down the opportunity to have an election in this House, I would look very much forward to going to any one of their constituencies and debating this issue, especially when it's in black and white in our own House rules of which each and every one of us has agreed to adhere to by taking our seat in this Legislative Assembly.

The procedure for election is very detailed. There is a, perhaps, a grey area within our rules that does not specify that the electoral process for Deputy Speaker is that of the same as our electoral process for the Speaker. I think it was an oversight when we adopted the rules of this House, because I know I was one of those that reviewed the rules of the House. But it was very clear in my mind, and I believe very clear in all those that sat on committee that the term "elected" meant adhering to the procedures as outlined in the House rules. And when we look at the House rules, we are given the very specific and detailed procedure as to how each and every one of us has the opportunity first to stand for position of Speaker and also Deputy Speaker and to provide each and every one of us the opportunity to cast a secret ballot as to whom we believe would best represent and reflect the procedures of this House, and to uphold the rules of this House.

So, Mr. Speaker, I know that the massive majority of the NDP this afternoon have sustained your ruling, but I believe that the grey area which you refer to in our House rules must definitely be addressed because coming out of today's debate and passage of a motion that obviously supersedes the

electoral processes outlined in our rules of the Assembly is contravening, in fact, those same rules and procedures.

So, Mr. Speaker, I know that the members of the Assembly are anxious to get back to the orders of the day, and that being the debate of the Throne Speech, but I wanted to take this brief opportunity to look to each member of this Assembly to, in fact, stand and be counted on to support the rules and procedures of this Assembly and to respect the term "elected" as it is very clearly defined that the Deputy Speaker shall be elected, not selected, as this motion before us today is, in fact, doing.

Thank you, Mr. Speaker.

**Mr. Speaker:** Is the House ready for the question?

**An Honourable Member:** Question.

**Mr. Speaker:** The question before the House is the motion moved by the honourable First Minister.

Is it the pleasure of the House to adopt the motion?

**An Honourable Member:** No.

**Some Honourable Members:** Agreed.

**Voice Vote**

**Mr. Speaker:** All those in favour of the motion, say Aye.

**Some Honourable Members:** Aye.

**Mr. Speaker:** All those opposed to the motion, say Nay.

**Some Honourable Members:** Nay.

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

\* \* \*

**Mr. Selinger:** I move, seconded by the Minister of Conservation (Mr. Blaikie), that Mohinder Saran, member for the electoral division of The Maples, be Deputy Chairperson of the Committee of the Whole House—the Committees of the Whole House.

**Mr. Speaker:** It's been moved by the honourable First Minister, seconded by the honourable Minister of Conservation, that Mohinder Saran, member for the electoral division of The Maples, be Deputy Chairperson of the Committees of the Whole House.

Is it the pleasure of the House to adopt the motion?

**Motion agreed to.**

**Mr. Blaikie:** I think, Mr. Speaker, people have had their say on this and, obviously, there might be some work to do in the future about how we elect our Deputy Speaker and Assistant Deputy Speakers, but having accomplished that for this afternoon, I thank the honourable members for their input.

And I think if you canvassed the House, you'd find there was unanimous consent to see the clock as five o'clock.

**Mr. Speaker:** Is it the pleasure, is it the pleasure of the House to call it five o'clock?

**Some Honourable Members:** Five o'clock.

**Mr. Speaker:** Agreed? [*Agreed*]

The hour being 5 p.m., this House is now adjourned and stands adjourned until 1:30 p.m. tomorrow.

# LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, December 1, 2009

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