

**First Session - Fortieth Legislature**  
of the  
**Legislative Assembly of Manitoba**  
**DEBATES**  
and  
**PROCEEDINGS**

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

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The Honourable Daryl Reid  
Speaker*

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Fortieth Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
ALLAN, Nancy, Hon.	St. Vital	NDP
ALLUM, James	Fort Garry-Riverview	NDP
ALTEMEYER, Rob	Wolseley	NDP
ASHTON, Steve, Hon.	Thompson	NDP
BJORNSON, Peter, Hon.	Gimli	NDP
BLADY, Sharon	Kirkfield Park	NDP
BRAUN, Erna	Rossmere	NDP
BRIESE, Stuart	Agassiz	PC
CALDWELL, Drew	Brandon East	NDP
CHIEF, Kevin, Hon.	Point Douglas	NDP
CHOMIAK, Dave, Hon.	Kildonan	NDP
CROTHERS, Deanne	St. James	NDP
CULLEN, Cliff	Spruce Woods	PC
DEWAR, Gregory	Selkirk	NDP
DRIEDGER, Myrna	Charleswood	PC
EICHLER, Ralph	Lakeside	PC
EWASKO, Wayne	Lac du Bonnet	PC
FRIESEN, Cameron	Morden-Winkler	PC
GAUDREAU, Dave	St. Norbert	NDP
GERRARD, Jon, Hon.	River Heights	Liberal
GOERTZEN, Kelvin	Steinbach	PC
GRAYDON, Cliff	Emerson	PC
HELWER, Reg	Brandon West	PC
HOWARD, Jennifer, Hon.	Fort Rouge	NDP
IRVIN-ROSS, Kerri, Hon.	Fort Richmond	NDP
JHA, Bidhu	Radisson	NDP
KOSTYSHYN, Ron, Hon.	Swan River	NDP
LEMIEUX, Ron, Hon.	Dawson Trail	NDP
MACKINTOSH, Gord, Hon.	St. Johns	NDP
MAGUIRE, Larry	Arthur-Virden	PC
MALOWAY, Jim	Elmwood	NDP
MARCELINO, Flor, Hon.	Logan	NDP
MARCELINO, Ted	Tyndall Park	NDP
McFADYEN, Hugh	Fort Whyte	PC
MELNICK, Christine, Hon.	Riel	NDP
MITCHELSON, Bonnie	River East	PC
NEVAKSHONOFF, Tom	Interlake	NDP
OSWALD, Theresa, Hon.	Seine River	NDP
PEDERSEN, Blaine	Midland	PC
PETTERSEN, Clarence	Flin Flon	NDP
REID, Daryl, Hon.	Transcona	NDP
ROBINSON, Eric, Hon.	Kewatinook	NDP
RONDEAU, Jim, Hon.	Assiniboia	NDP
ROWAT, Leanne	Riding Mountain	PC
SARAN, Mohinder	The Maples	NDP
SCHULER, Ron	St. Paul	PC
SELBY, Erin, Hon.	Southdale	NDP
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WHITEHEAD, Frank	The Pas	NDP
WIEBE, Matt	Concordia	NDP
WIGHT, Melanie	Burrows	NDP
WISHART, Ian	Portage la Prairie	PC

**LEGISLATIVE ASSEMBLY OF MANITOBA**

**Monday, June 11, 2012**

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

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

Good afternoon, everyone. Please be seated.

**ROUTINE PROCEEDINGS**

**INTRODUCTION OF BILLS**

**Bill 219—The Election Advertising Integrity Act  
(Elections Finances Act Amended)**

**Mr. Kelvin Goertzen (Steinbach):** I move, seconded by the member for Fort Whyte (Mr. McFadyen), that Bill 219, The Election Advertising Integrity Act (Elections Finances Act Amended), be now read for a first time.

*Motion presented.*

**Mr. Goertzen:** Mr. Speaker, it's a pleasure to introduce this legislation on behalf of our caucus. The legislation would require the leader of a registered political party to authorize the content of electronic advertising by his or her party.

Its intent is to raise the bar in terms of tone of political advertising and its truthfulness. It's also intended to be a measure that would help to increase voter turnout in the province, something all members have expressed concern about in this House, by ensuring that advertising during an election motivates voter participation instead of discouraging it.

Mr. Speaker, it's my hope that this bill will begin a dialogue toward the important goal for all those involved in the democratic process.

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

**Bill 218—The Legislative Assembly  
Amendment Act**

**Hon. Jon Gerrard (River Heights):** I move, seconded by the Minister of Family Services and Labour (Ms. Howard), that Bill 218, The Legislative Assembly Amendment Act; Loi modifiant la Loi sur l'Assemblée législative, be now read a first time.

*Motion presented.*

**Mr. Gerrard:** Mr. Speaker, Bill 218 makes a small change, replacing the word "mail" with the word "send" in order to give MLAs the flexibility to do a drop in their constituency to deliver their newsletters instead of having to have each newsletter individually addressed at a much higher cost. The change would apply to some 37 constituencies and would have the potential to save up to \$500,000 this year.

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

**PETITIONS**

**PTH 16 and PTH 5 North—Traffic Signals**

**Mr. Stuart Briese (Agassiz):** I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

The junction of PTH 16 and PTH 5 north is an increasingly busy intersection which is used by motorists and pedestrians alike.

The Town of Neepawa has raised concerns with the Highway Traffic Board about safety levels at this intersection.

The Town of Neepawa has also passed a resolution requesting that Manitoba Infrastructure and Transportation install traffic lights at this intersection in order to increase safety.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Infrastructure and Transportation to consider making an installation of traffic lights at the intersection of PTH 16 and PTH 5 north a priority project in order to help protect the safety of the motorists and pedestrians who use it.

This petition is signed by L. Kunarski, S. Davies, V. Radford and many, many other fine Manitobans.

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

Any further petitions? Seeing none.

### COMMITTEE REPORTS

#### Standing Committee on Legislative Affairs

##### First Report

**Ms. Melanie Wight (Chairperson):** Mr. Speaker, I wish to present the First 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 First Report.*

#### Meetings

*Your Committee met on the following occasions in the Legislative Building:*

- June 30, 2011
- June 8, 2012

#### Matters under Consideration

- *Annual Report of the Children's Advocate for the fiscal years ending March 31, 2009 and March 31, 2010 (combined report)*
- *Annual Report of the Children's Advocate for the fiscal year ending March 31, 2011*

#### Committee Membership

*Committee Membership for the June 30, 2011 meeting:*

- *Mr. ALTEMEYER (Vice-Chairperson)*
- *Ms. BLADY*
- *Mr. BRIESE*
- *Hon. Mr. CHOMIAK*
- *Mr. FAURSCHOU*
- *Ms. KORZENIOWSKI*
- *Hon. Mr. MACKINTOSH*
- *Mrs. MITCHELSON*
- *Mr. REID (Chairperson)*

- *Mr. SARAN*
- *Mrs. TAILLIEU*

*Committee Membership for the June 8, 2012 meeting:*

- *Ms. BLADY*
- *Hon. Mr. CHIEF*
- *Mr. DEWAR*
- *Mrs. DRIEDGER*
- *Mr. MCFADYEN*
- *Hon. Ms. HOWARD*
- *Mr. MARCELINO*
- *Mrs. MITCHELSON*
- *Mr. SARAN*
- *Ms. WIGHT*
- *Mr. WISHART*

*Your Committee elected Ms. WIGHT as the Chairperson.*

*Your Committee elected Mr. ALTEMEYER as the Vice-Chairperson.*

#### Officials Speaking on Record

*Officials speaking on the record for the June 30, 2011 meeting:*

- *Darlene MacDonald, Children's Advocate*
- *Bonnie Kocsis, Deputy Children's Advocate*

*Officials speaking on the record for the June 8, 2012 meeting:*

- *Darlene MacDonald, Children's Advocate*

#### Reports Considered and Passed

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

- *Annual Report of the Children's Advocate for the fiscal years ending March 31, 2009 and March 31, 2010 (combined report)*
- *Annual Report of the Children's Advocate for the fiscal year ending March 31, 2011*

**Ms. Wight:** Mr. Speaker, I move, seconded by the honourable member for St. James (Ms. Crothers), that the report of the committee be received.

**Motion agreed to.**

### TABLING OF REPORTS

**Hon. Jennifer Howard (Minister of Family Services and Labour):** I'm pleased to table the

annual report, 2010-2011, for the Manitoba Labour Board.

**Mr. Speaker:** And I have a report for the House. In accordance with section 42 of The Ombudsman Act and The Public Interest Disclosure (Whistleblower Protection) Act, I am pleased to table the annual report of the Manitoba Ombudsman for the year ended December 31st, 2011.

### 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 today Grazyna Galezowski, president of the Canadian Polish Congress, Manitoba Branch; and Lech Galezowski, who are the guests of the honourable member for Burrows (Ms. Wight).

On behalf of honourable members, we welcome you here today.

And also, we have two school groups with us today. First, from Rivers Collegiate we have 26 grade 9 students under the direction of Ms. Lesley McFadden. This group is located in the constituency of the honourable member for Riding Mountain (Mrs. Rowat).

And also in the public gallery, we have with us today students—51 grade 9 students from Murdoch MacKay Collegiate under the direction of Ms. Kim Dudek. This group is located in the constituency of the honourable member for Transcona (Mr. Reid).

On behalf of all honourable members, we welcome you here this afternoon.

\* (13:40)

## ORAL QUESTIONS

### Health-Care Services Government Record

**Mr. Hugh McFadyen (Leader of the Official Opposition):** A government that is increasingly well known for its broken promises and its illegal photo ops, Mr. Speaker, has, in their recent budget, broken their promise on taxes to Manitobans. They promised not to raise them and then they did. They broke their promises to seniors and farmers, who said they wouldn't have to pay education property taxes and they are.

They break their promises on health care as well. This is a government that promised to put a stop to coed post-op rooms and they didn't. It's a

government that promised to get on top of ER wait times; they didn't. It's a government that said that they would tackle scheduled ER visits; they failed. It's a government, Mr. Speaker, that promised 12 years ago to end hallway medicine, and here we are today; hallway medicine is still with us. Twelve years later, we have a government that has told Manitobans one thing and done the opposite.

I want to ask the Premier (Mr. Selinger): Why is it that this government has so badly failed Manitobans in terms of keeping its commitments on health care?

**Hon. Theresa Oswald (Minister of Health):** Notwithstanding tone, I thank the member for the question because it does provide us an opportunity to talk about the commitments that we've made to Manitobans.

One of the most important commitments we made, Mr. Speaker, was to end the mass exodus of health professionals from Manitoba. We know when the members opposite had their hands on the wheels that they fired a thousand nurses, drove another 573 out, and I'm very happy to report that today in Manitoba we have a net increase since 1999 of 3,026 nurses. In addition to that, we have 500 more doctors than when we started. We believe that this is a step in the right direction and certainly nowhere near the path that the members opposite chose.

**Mr. McFadyen:** At a time when there are so many Manitobans who continue to relate their stories of mismanagement within the health-care system, for the Health Minister to get up and say that she's happy about the way things are happening in health care is unbelievable.

Mr. Speaker, this is a government that said 12 years ago they would end hallway medicine; they didn't. This is a government that said they would put an end to coed post-operative rooms; they didn't do that either. They said they'd get on top of ER wait times; they still haven't gotten around to that one. And they said that they would tackle the issue of scheduled ER visits, and they failed.

We continue to hear from Manitoba families stories of—heartbreaking stories that have resulted in terrible consequences for families. How can this minister say she's happy with that?

**Ms. Oswald:** Well, Mr. Speaker, I think the member clearly heard me say that I'm happy that we have ended an exodus of nurses and that we have

3,000 more of them in the province of Manitoba today.

I think the member opposite should've heard me say that I'm happy that, unlike in the '90s when we saw a net decrease of doctors every single year through the '90s, since 1999 we've seen a net increase of doctors every single year since being in office, Mr. Speaker, to a total of 500 more.

Now, I will say to the member, certainly, that there is nothing more personal, more important to Manitoba families—indeed, to all Canadians, Mr. Speaker—than health care, which is why we're committed to ensuring that every Manitoban will have access to a family doctor, and we've set an aggressive target of 2015. And we're building access centres, QuickCare clinics so they can get the primary care that they need.

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

**Mr. McFadyen:** The one thing that we can agree with is that health care is important to Manitoba families. Where we disagree, Mr. Speaker, is on the rampant examples of promises made by this government and promises broken by this government.

This government has said they would make health care No. 1, and Manitoba families know, Mr. Speaker, that they have failed to follow through on building a health-care system that's responsive to Manitoba families.

They can talk about numbers. They can talk spin all they like, but the reality is that there are thousands of Manitobans who still have no access to family doctors, and there are hundreds of Manitobans who report stories of excessive delays in emergency rooms and breakdowns across the system, including many families that have come to us with their stories.

I want to ask the minister if she'll apologize to Manitobans for putting such spin out there on an issue when Manitobans know better, Mr. Speaker, so busy doing illegal photo ops that they're not doing the job of keeping their promises.

**Ms. Oswald:** You know, Mr. Speaker, one of the things that I've been most busy doing recently is implementing, for the first time in Manitoba's history, a comprehensive home cancer drug program. And what I can tell you, in addition, now that we are feeling certain that we have the most comprehensive program in the nation, we've made some amendments to the program as a result of some

situations we found, and that we're covering pain medication. It makes our cancer drug program the best in the nation, now ahead of Saskatchewan.

And it makes me wonder, Mr. Speaker, why, when this investment that we're making on behalf of all Manitoba families battling cancer, that when asked the question by the Canadian Cancer Society, will you Conservatives fund oral cancer drugs, they didn't.

**Mr. Speaker:** The honourable member for Charleswood has the floor.

#### **Frances MacKay Death Misdiagnosis and Referral Wait Time**

**Mrs. Myrna Driedger (Charleswood):** Last fall, the NDP health-care system failed Frances MacKay. She fell through a gaping hole, even though the NDP promised to fix the health-care system.

Mrs. MacKay had excruciating back pain following a medical procedure connected to her dialysis treatment. Visits to the Seven Oaks emergency room achieved nothing. They filled her with morphine and they sent her home with no diagnosis or no treatment.

The family wants this Minister of Health to explain why the Seven Oaks emergency room failed their mother in their admit-and-release program.

**Hon. Theresa Oswald (Minister of Health):** Again, I can say to members opposite that we are committed every single day to improving emergency care in the province of Manitoba.

We know that there is no such policy as is raised by the member opposite. We know that our doctors, our nurses, our health-care aides, all allied health professionals at the Seven Oaks Hospital are doing the very best that they can from the time that they triage to diagnosis to providing treatment for individuals.

When there—if and when there are circumstances that do not work out as appropriate, we've entrenched in legislation, Mr. Speaker, a critical incident process so that we can learn and ensure that there are not negative outcomes for others in similar circumstances.

**Mrs. Driedger:** Mr. Speaker, last October, a referral letter was sent to the Pain Clinic so that Frances MacKay could have the agonizing pain in her back treated. The Pain Clinic responded a few weeks ago that her painful wait was over and she would be

accepted for treatment, but it was too late. This letter came five months after Mrs. MacKay died. She died from massive sepsis; she died from infection that was a result of a dialysis treatment in the hospital. The emergency failed her and now the Pain Clinic failed her.

How is it possible that so many systems across the whole health-care system under this NDP government could fail Mrs. MacKay?

**Ms. Oswald:** I thank the member for raising the issue. On the specifics of the case, which, indeed, as presented, sound extremely unacceptable, and I certainly do commit to the member to follow up with her, with the family, as appropriate.

What I can say, Mr. Speaker, in these circumstances, that we want to ensure that people have timely access to care, whether it's an emergency room, a dialysis unit, or, indeed, for the Pain Clinic. I again will commit to the member to follow up with her, to learn more of this situation.

But I want to tell the entire House we want people to have as quick access to service as possible. That's our goal, and we're committed to working on that every day, Mr. Speaker.

**Mrs. Driedger:** Mr. Speaker, the spin from this Minister of Health is offensive, because what is happening on the ground is so far removed from what she says in this House every day.

Frances MacKay's family had to beg for help every step of the way for their mother. She never got it and she died. Her son, Dave, and daughter, Lorraine, are in the gallery today.

They have one question for this Minister of Health: Why did their health-care system, her health-care system, fail this family?

**Ms. Oswald:** I'll say to the member again that the circumstances as presented are totally unacceptable. Any sort of diagnosis situation that is not thorough, any sort of access to treatment situation that is too long, it's not acceptable, Mr. Speaker.

And it's why we have committed to make investments to decrease wait times. It's why, Mr. Speaker, we've invested in bringing more health-care professionals to our front line. And it's why we continue to invest in bringing the best possible professionals to the front line to make these critically important judgments.

\* (13:50)

Again, I do commit to the member to follow up with her on the details of the case so that we can ensure that appropriate reviews, as enshrined in legislation, are taking place because we want to make sure that no family has to face circumstances of the loss of a loved ones as described here today.

### **Shellmouth Dam Flooding Financial Compensation Claim Delays**

**Mr. Larry Maguire (Arthur-Virden):** Mr. Speaker, throughout the session I've been warning the minister of his mismanagement of the water levels in the Lake of the Prairies, the Shellmouth Reservoir. With a river capacity near the dam of 1,600 cfs and water currently entering the lake at over twice that level, a number of farmers are being flooded in a relatively dry spring in the Assiniboine River basin.

Mr. Speaker, will the minister take the time to tell these flood farmers what plan he has to compensate them? Will he admit that, today, that any flooding under these 2012 conditions will have to be considered artificial flooding? What is his plan?

**Hon. Steve Ashton (Minister responsible for Emergency Measures):** Well, Mr. Speaker, I remind the member again of the dual role of the Shellmouth Dam, both in terms of providing important part of the flood infrastructure here in the province, but also providing water supply for the Assiniboine River, managing that water supply, and, in fact, supporting a significant amount of the value-added in the—particularly in the Portage area. It's a very important fact that we had that ability to do it. It also benefits, actually, various areas in the valley.

But if the member's asking what the plan is, the plan has already been put in place. It's called legislation that provides coverage for anybody impacted by artificial flooding. Again, it was introduced. We've had two years in which that's flowed, and I don't provide the opinion on that. It is provided by its scientific staff, and, based on that, people have guaranteed coverage under legislation.

**Mr. Maguire:** Well, that's the problem, Mr. Speaker. Flooded Assiniboine Valley farmers don't know where to turn. None of their claims for artificial flooding related to the Shellmouth from 2009 have even been processed. Therefore, they can't even appeal for compensation because they don't know what the decision is. The report to determine whether the 2011 flooding was artificial is nine months overdue.

How does the minister think these farmers are supposed to plan when he won't act on his own legislation in a timely manner? Why is the minister hiding behind his legislation? When will he provide compensation and unveil his longer term plan for the Shellmouth? That is, if he has one.

**Mr. Ashton:** Well, Mr. Speaker, I think the member knows the legislation. The member knows the terms of the analysis too.

We have had a flood. Since early 2011, we've—I explained it in Estimates, and I know this is, you know, recycling day, obviously, in the Manitoba Legislature, because this is the third time the member's asked the question. I will provide the member the same answer before.

There was a delay. We're up front in terms of that. Every last available hydraulic engineer was at work working on the direct flood, Mr. Speaker, and that has impacted on a number of areas, including this.

But I do want to indicate, Mr. Speaker, again, that coverage is in place for any situation where there's artificial flooding. Again, that was a step taken by this government, historic step taken, decades after the Shellmouth Dam was opened. And I'm very proud, by the way, of the fact that it was the NDP that listened to people in that area and put in place that coverage.

**Mr. Maguire:** Well, Mr. Speaker, the flooded Assiniboine Valley farmers from Brandon to the Shellmouth realize the dual purpose of the Shellmouth Dam and other water control works, to control flooding and to support others downstream who need water during dry times. However, if these farmers are going to be negatively impacted by the—for the benefit of others, they are entitled to the very compensation legislated by this government.

Mr. Speaker, does the minister plan, if he has one—or does his plan, if he has one, include dealing with the Shellmouth structures as well as dealing with upstream drainage and water management with our Saskatchewan neighbours, or are producers and other stakeholders going to be faced with continued uncertainty?

**Mr. Ashton:** Well, Mr. Speaker, I want to make it very clear. There's no uncertainty about the fact that we have legislation, and the Conservatives certainly can't give us on this side any lectures on the people in that area because they were in government for numerous years, including in the 1990s, did

absolutely nothing. I find it rather ironic the Conservative members lobbied for it after they got into opposition again, but it was this government put that coverage into place.

And we do cover, in this case, any artificial flooding. I want to point out it doesn't impact homes or residences; it is agricultural land. But we're dealing with that, Mr. Speaker.

So I don't think we on this side will take any lectures from members opposite. They ignored the people and the valley for many years. We listened. We put in that legislation, and they will be entitled to any coverage for artificial flooding.

**Mr. Speaker:** Honourable member for Portage la Prairie has the floor.

### **Flooding Financial Compensation Claim Costs**

**Mr. Ian Wishart (Portage la Prairie):** The Minister of Infrastructure and Transportation is fond of quoting 30,000 as the number of 2011 flood claims and \$880 million as the Province's cost.

But an examination of the programs to April 2012 reveals a number of 10,485 for directly related 'flung'—flood program claims and a more realistic value of payments to individuals and local governments in the area of \$314 million.

Mr. Speaker, can the minister explain why these numbers don't add up?

**Hon. Steve Ashton (Minister responsible for Emergency Measures):** The numbers do add up. And it adds up to the fact that this Province, in addition to the \$180 million that we put in place to fight the flood, has now exceeded \$700 million in payments to Manitobans and to Manitoba municipalities.

And I want to indicate, by the way, that many of the programs that we put in place, that we're flowing those funds through, are stand-alone provincial programs, so we'd certainly welcome the participation of the federal government. We'll be there for DFA claims.

But what adds up, in terms of 2011-2012, is that the people of Manitoba are there to back up flood-affected communities. That's what adds up.

**Mr. Wishart:** The minister likes to cite the flood cost as being nearly \$700 million, but he includes in that number long-standing programs like

AgriRecovery at \$126 million and premium-based programs, like crop insurance, at \$162 million.

Will the minister admit today that the rhetoric and the reality are two completely different matters, and provide accurate numbers?

**Mr. Ashton:** The member should know that the disaster financial assistance program is a long-standing program as well. But that hasn't stopped us from, not only committing in terms of covering municipalities who are impacted, homeowners, farmers, and others, but when it came to building the outlet from Lake St. Martin, which benefits Lake St. Martin and Lake Manitoba, we didn't hesitate to build it. Now, we're going to go to the federal government under that long-standing program for 90 per cent cost sharing.

But I want to put on the record the total cost of the flood is \$880 million and much of that is stand-alone provincial money. Again, the people of Manitoba are there for flood victims.

**Mr. Wishart:** In an attempt to be truthful, will the minister admit that the \$126-million AgriRecovery money paid in 2011 out of—is due to excess moisture conditions and the Province's financial share of that is in fact only \$50.4 million?

And the minister would—and the minister could admit that AgriInsurance payments, only \$45 million is actually provincial funding; in fact, the producers' own share is larger at 50.8.

The minister—Mr. Speaker, will the minister admit that the total provincial contribution is \$95.4 million, not \$288 million they claim it to—paid through these two programs?

**Mr. Ashton:** I want to again remind the member opposite that there are eight stand-alone provincial programs that were put in place since 2011. I want to explain what that means; it means a hundred-cent dollars from the Province.

And I want to indicate that we continue to work with the federal government. I know, certainly, we may have some disagreement with the member for Selkirk-Interlake and others who seem to think that—somehow that these programs do have federal funding. Many of these programs have not one cent from the federal government, but we're working co-operatively with them.

And I want to indicate, if the member opposite is questioning the severity of this flood, it is a severe flood. We're anticipating upwards of a billion dollars

in terms of cost, but I want to say, the most important thing is we're flowing money to Manitobans. Significant *[inaudible]* Mr. Speaker. NDP math is \$880 million to cover Manitobans.

### **Flooding (Lake Manitoba) Financial Compensation Claim Costs**

**Mr. Stuart Briese (Agassiz):** I've repeatedly asked in Estimates and question period that this NDP government put on the record the actual cost of the Lake Manitoba portion of the 2011 flood.

Will the minister stand today, be truthful, put accurate claims and damage numbers for the Lake Manitoba flood inundation zone on the record?

\* (14:00)

**Hon. Steve Ashton (Minister responsible for Emergency Measures):** Well, again, Mr. Speaker, we were asked detailed questions in Estimates and, without any hesitation, we responded with any and all the information that was readily available. We made a commitment to provide that information to the member. I made that commitment to the member personally last week.

I do want to indicate, Mr. Speaker, that there's a very significant impact not just around Lake Manitoba, but it's also important to remind people of the impacts around Lake St. Martin; we've identified that. I also want to indicate that what I did say at the time, and this is a very important point, is that we will pay whatever those programs have. We've committed to that; there's no artificial cap. Many of the programs don't have a deadline on them yet; in fact, virtually all of them.

So, Mr. Speaker, I know the members opposite may be concerned about the numbers. What really matters to most Manitobans is getting the compensation flowing, and we have as of last week got money to 65 per cent of claimants and we're going to continue to work until we get every claim settled. That's our goal.

**Mr. Briese:** Mr. Speaker, the minister and the Premier (Mr. Selinger) inflate the Lake Manitoba flood claim numbers and costs by including 10,267 excess moisture claims—these claims are not flood-related, they are crop insurance claims what—were—from which farmers paid premiums; 1335 claims worth \$6.6 million under the Spring Blizzard Livestock Mortalities Assistance Program—again, not flood-related; 256 claims worth \$4.5 million under the Shoal lakes program—again,

this is not specifically related to the Lake Manitoba flood.

Mr. Speaker, will the minister simply put up-to-date Lake Manitoba claim numbers and costs on the public record?

**Mr. Ashton:** Well, Mr. Speaker, I think the member is completely missing what happened last year and this year. We did have a lot of, I could call, excess moisture; it did lead to flooding.

That flooding was historic, and we had numerous programs—we've identified all of the programs which are flowing funds to affected Manitobans, including the eight that are stand-alone provincial programs. I've offered and I will say again, I'll repeat it for the third or fourth time, I will get all the detailed information to the member opposite.

But, you know, Mr. Speaker, I know the members opposite are more concerned about the accounting right now; we're more concerned about the human impact. We did not hesitate once to flow assistance to Manitobans. We're not finished yet. We will not be finished until we get Manitobans back to normal.

**Mr. Briese:** Mr. Speaker, the minister simply doesn't get it. He's including programs that aren't flood-related. Lake Manitoba and Hoop and Holler cut were the only two areas that were intentionally flooded by this government.

Mr. Speaker, if the Minister responsible for EMO can't provide the answers, will the Minister of Agriculture (Mr. Kostyshyn), who is actually responsible for administering the Lake Manitoba flood claims, put the actual numbers on the record for the Lake Manitoba portion of the 2011 flood?

**Mr. Ashton:** Again, Mr. Speaker, our focus is on the fact that, at this point in time, we continue to have Manitobans who are affected by flooding. We have 2,400 Manitobans who continue to be evacuees, many of them, by the way, from that exact same watershed, particularly for Lake St. Martin.

Mr. Speaker, we're continuing to assess the damage. We have assessors out, as we speak, working around the clock to get those assessments done. We've flowed money to 65 per cent of the claimants and we're targeting getting more and more of that money out.

I know the members opposite may want to nitpick about specific numbers, but I can tell you

what matters to Manitobans is the fact that in 2011-2012, Mr. Speaker, we as a government, on behalf of the people of Manitoba, said we'll be there to back up flood victims. That's exactly what we're doing. That's the real issue here, and I'm disappointed that members opposite are nitpicking when, in fact, what—

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

#### Introduction of Guests

**Mr. Speaker:** Just prior to recognize the next—the member for Emerson for a question, I want to draw the attention to the public gallery where we have from Marble Ridge and Broad Valley Colony School 20 grade 9 to 11 students under the direction of Mr. Tim Beyette. This group is located in the constituency of the honourable member for Interlake (Mr. Nevakshonoff).

On behalf of honourable members, we welcome you here this afternoon.

#### Lyme Disease Diagnoses and Patient Services

**Mr. Cliff Graydon (Emerson):** Mr. Speaker, Mason French is a grade 3 student at the Roseau Valley School in Dominion City. He participates in numerous sports and is an incredibly active young man. Two years ago, his mother detected a rash on his skin. She decided to take him to a doctor where it was 'shrudged' off. She took him to another doctor; it was again 'shrudged' off. The third doctor did the same thing. Finally, after taking Mason to the fourth doctor over the course of one week, it was decided that he had Lyme disease.

Mr. Speaker, I want to ask this Minister of Health: Why did it take four doctors' appointments to get a diagnosis of Lyme disease?

**Hon. Theresa Oswald (Minister of Health):** I would be happy to receive the details of this case so I could investigate it. This is the first I've heard of it, so I'd be very pleased to receive those from the member.

**Mr. Graydon:** When Lyme disease is caught quickly, it is treatable and the major side effects can be cured. After a combined five weeks of antibiotics, Mason was as good as new.

The problem was, it took four doctors to catch this disease. This is a disease that doctors in this province cannot catch, and the education behind it is obviously lacking.

Mr. Speaker, I want to ask this Minister of Health: Should Manitobans expect to make four doctors' appointments for these type of health concerns?

**Ms. Oswald:** Again, I'm happy to report to the member that Manitoba is working very hard, between its public health officials and the medical community, to develop the best possible best practice when it comes to diagnosis and when it comes to treatment and early intervention.

I may have mentioned to the member, once before or more than that, that, indeed, Manitoba was host to an international conference on Lyme disease concerning a variety of aspects of the disease, ensuring that Manitoba professionals are as informed as they can be.

Indeed, within the medical community, there is great debate concerning the treatment and diagnoses of Lyme disease, and I know that our officials here in Manitoba and our medical professionals are working very hard to ensure that they're at the top of their game.

**Mr. Graydon:** Mr. Speaker, Mason was incredibly lucky. His mother was adamant that there was something more here than just a skin rash. Others in this province are not so lucky. They decided to trust the first diagnosis rather than having inconvenience of travelling to four appointments for 60 miles each direction. When Lyme disease isn't diagnosed, it can manifest into greater health conditions.

I want to ask this minister: Does the training in this province offered differ from doctor to doctor, or should every patient book four appointments when a health problem comes up?

**Ms. Oswald:** Again, I would say to the member that our professionals—our doctors, our researchers, our public health officials—are working very hard in concert with Lyme disease advocates, having meetings with them, speaking with them about their concerns. Indeed, those advocates say that there are other jurisdictions that won't hear them; Manitoba is the only one.

And again, I will say to the member that I certainly will be sure to forward his concerns to the faculty of medicine and our medical communities to let them know that, indeed, he's concerned as to their competence.

### **Children in Care Placement in Hotels**

**Hon. Jon Gerrard (River Heights):** Under the NDP government, the number of children in care has grown to about 10,000, with 80 per cent being Aboriginal.

At a media conference today, I revealed that children in the government's care are too often fed junk food high in sugar, in hotels, even with the high diabetes rate in Aboriginal children, and that they received poor supervision by distracted, uninformed workers who struggle with the English language.

I ask the Minister of Family Services and Labour: How many children are in care in hotels as of right now, as of this past week, as of the past year, and when will the government create the emergency foster homes needed so that children in care don't have to go to hotels and have such inappropriate support?

Thank you.

**Hon. Jennifer Howard (Minister of Family Services and Labour):** I just—I want to say for the record I do not share the member opposite's poor and unfortunate view of the people who are working in the child welfare system. To typify them as people struggling with the English language, I think, is really a very inappropriate comment for this House, and I want to make that clear.

I would say that, of course, we work very hard, all of us, to make sure that kids have the best care possible. If he has specific instances where he thinks that we aren't doing that job, I welcome him to come forward with those concerns, and I'll sit and chat with him about that and we'll make sure that we follow up with the appropriate agencies.

We have made progress in terms of getting kids out of hotels and into foster homes. Full credit is due to the minister before me for making that progress. We've recruited thousands of foster parents who are doing an excellent job, Mr. Speaker.

\* (14:10)

### **Phoenix Sinclair Public Inquiry Children's Advocate's Comments**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, in more than 12 years, this NDP government has taken far too many children into care because it's failed to support families and has followed a policy of support families and has followed a policy of apprehend, apprehend, apprehend. As well, the

government continuously fails to properly look after children in their own care, and accountability of Child and Family Services is profoundly lacking.

The continuous delay of the Phoenix Sinclair inquiry is shameful. The system must change. It's unacceptable. We have a Children's Advocate who isn't supporting the accountability needed.

I ask the Minister of Family Services and Labour what she thinks of Children's Advocate Darlene MacDonald's comments last week when she suggested that money being spent on a public inquiry into the Phoenix Sinclair tragedy is a waste.

**Hon. Jennifer Howard (Minister of Family Services and Labour):** Well, I was at the committee meeting where Ms. MacDonald presented, and she very clearly said that she understood why we as a government had called that inquiry and agreed that the public had a right to know what went on in this situation.

We called the inquiry because an inquiry is an exceptional thing to call; it's not done in every situation. We called it because we believe that there are still parts of this case that the public should be aware of, but we also believe that there is more to learn here. The system has transformed a great deal in that time. There's been hundreds of millions of dollars more put in to help workers, to ease caseloads, to do more training.

But we think if there is more that we can learn, then we should learn it. And we trust Commissioner Hughes has been named to conduct the inquiry with the view to learning how we could improve the system.

**Mr. Gerrard:** Mr. Speaker, today, the *Winnipeg Free Press* columnist Dan Lett was speaking about the Children's Advocate, a former chief executive office of the Winnipeg Child and Family Services, wrote: MacDonald seems to have lost touch with the duties of the Children's Advocate.

He adds, in talking about Ms. MacDonald's negative comments toward this Phoenix Sinclair inquiry: As a former executive in the very system the inquiry will scrutinize, MacDonald should have known it would appear as a conflict of interest.

I ask the Minister of Family Services and Labour: When will she demand the resignation of the Children's Advocate, Darlene MacDonald, and bring in a Child Advocate who advocates on behalf of the

children instead of advocating on behalf of the Child and Family Services authorities?

**Ms. Howard:** Well, Mr. Speaker, I am a bit speechless as to what the member is calling for. He should know that the Children's Advocate is accountable to the entire Legislature. She's an independent officer of the Legislature. He was on the committee that appointed her as the Children's Advocate, and I do not believe that we fire people simply because we may not agree with them.

#### **Premier's Healthy Living Awards Student Recipients**

**Mr. Matt Wiebe (Concordia):** Mr. Speaker, students from across this province continue to demonstrate an incredible commitment to the health and well-being of their own communities in new and innovative ways, and in this way, they are an inspiration to all Manitobans.

Could the Minister of Healthy Living, Seniors and Consumer Affairs please inform this House of what positive initiatives these students have been working towards in the area of healthy living and how these students have been recognized?

**Hon. Jim Rondeau (Minister of Healthy Living, Seniors and Consumer Affairs):** The government of Manitoba presented 10 outstanding grade 12 students with the Premier's Healthy Living Award for Youth at the ceremony here at the Legislative Building this last Friday. These young Manitobans are really making a difference in many ways, in their community, in their schools and with others, from the promotion of physical activity, healthy eating, prevention of chronic disease, from preventing bullying, addictions and gang participation. They're really strong leaders.

And I'll go through the names of these people who've really made a difference. They were really outstanding kids, and it was amazing to see what they've accomplished already in their lives: Beth-Betelhem from Elmwood school; Michelle from Boissevain School; Israa from Kelvin High School; Marie-Rose from Nelson Mac; Brayden Harper from Kildonan East; James Harper from Dakota Collegiate; Keith Johnson, Teulon; Emily from Swan Valley; Alana Roberts and—from St. Mary's; and Jeremy from West Kildonan Collegiate—

**Mr. Speaker:** Order, please. Minister's time has expired.

### **Pembina Valley Development Corporation Funding Cancellation**

**Mr. Blaine Pedersen (Midland):** This government has called the Pembina Valley Development Corporation a jewel of the development corporations in Manitoba. The PVDC represents 14 municipalities in the Pembina Valley region, encompassing a diverse range of talents and communities. The PVDC has—plays an important role in the region, stimulating economic development, yet the Minister of Agriculture has decided that this valuable program funding should be cut.

Mr. Speaker, I ask the Minister of Agriculture today: Did he even think about this decision before he made it? Has he made other agencies aware of their new responsibilities? And did he not realize the negative impact this would have on rural development?

**Hon. Ron Kostyshyn (Minister of Agriculture, Food and Rural Initiatives):** It was a great pleasure to meet with the Pembina Valley rural development corporation last week, and we did have a very fruitful discussion. And we understand that they're a great organization. They've set some great parameters, but it's been 1960 that this idea was brought forward.

So I would think that we should accept the fact that we've developed a seed. It's been used in appropriate manner. The businesses have benefited big time from what's been germinated out of that. And I think our government commitment was that we were there as a seed project, but I want to ensure the member opposite we need to refocus, and—but, primarily, today, we are focused on health care and education for the province of Manitoba.

**Mr. Pedersen:** So, Mr. Speaker, I guess that means that rural development is now out with that answer.

Mr. Speaker, Ralph Groening, the chair of the PVDC, met with the minister and deputy minister to discuss the organization's future. Following the meeting, Groening told a local media outlet, and I have it here and I will quote, disappointed in the simple fact that there really was no alternative plan that the Department of Agriculture has for economic development in Manitoba and our region. End of quote. No alternative plan.

Mr. Speaker, I ask the Minister of Agriculture again: Why has he cut the development corporations and then failed to implement an alternative plan for

economic development in rural Manitoba? Or does he just not care?

**Mr. Kostyshyn:** I want to ensure the member opposite we do have staff that's available through our GO offices in the province of Manitoba. They are working on economic development. We're working on business development, and we're developing rural leadership as well, with partnership with the businesses and communities.

But I also want to ensure the member opposite we have—they have alternative agencies that they can tap into. And let me give you some examples, to the member opposite: Rural Entrepreneur Assistance program through MASC; we have Canada-Manitoba business centre; business start loans; we also have rural entrepreneurship programs, and Canada youth development programs.

And I don't know what it's going to take to convince the member opposite. We've talked about this subject for some time, and we discussed that with the Pembina Valley also.

**Mr. Speaker:** Minister's time has expired.

**Mr. Pedersen:** Mr. Speaker, the PVDC support was 'essential'—was essential to a popular local event called An Amazing Race. Each fall this annual event drew up to 400 people and their tourist dollars to the region. It has now been cancelled. As one race participant said, it's opened our eyes to how much the Pembina Valley has to offer, and we now make a point of spending a couple of our weekends during July and August in the area; without the race, we may never have come to this realization.

It's clear this government and this minister have no plan for rural Manitoba. When things are going well with development corporations, the NDP does their best to stop it.

Mr. Speaker, I ask again: Despite all the cutbacks and all the broken promises, will he today commit to real economic development in rural Manitoba and support the development corporations?

**Mr. Kostyshyn:** Mr. Speaker, I guess I have to be somewhat repetitious, and they realize how invaluable it is. And I know there are good people in that community through the community development corporations. Businesses benefit from it. And I—as we discussed with the people, there is an understanding of partnership with the local businesses and the rural development corporation. But I want to ensure the people—the members across

that there still is agencies that made this happen, and they chose not to. But I want to ensure the member opposite that we are refocusing our new community economic development.

But I also want to remind the members opposite, where were their thoughts when the Canadian Wheat Board was being discussed? We're going to have how many job losses—

**Mr. Speaker:** The honourable member for Lac du Bonnet.

### **Pinawa Hospital Possible Closure**

**Mr. Wayne Ewasko (Lac du Bonnet):** As I mentioned last week in the Chamber, Mr. Speaker, meaningful community consultation is, again, important part of delivering responsive and comprehensive health services. Again last Wednesday night, we saw in committee on Bill 2 consultations have to be more than a one-way street for the process to work effectively. In question period, I brought up the fact that the recent amalgamation of Manitoba's regional health authorities involved little to no consultation with our local health-care community.

\* (14:20)

As a result, there is confusion, anxiety and serious concern about the future of health care in the Pinawa area. Closing the hospital would have a serious impact on Pinawa and its residents. I did not get an answer. So I'm repeating it today.

Can the Minister of Health commit today to my constituents that she will not close the Pinawa hospital, which would significantly affect availability of health care in my region?

**Hon. Theresa Oswald (Minister of Health):** Again, as I said to the member, the CEO of the regional health authority and the soon-to-be appointed board will be connecting with communities in their new regional health authorities to discuss the prioritization of new capital projects, to discuss the expansion of capital projects, to discuss the renovation of capital projects, which, Mr. Speaker, is what we've been doing since 1999: renovating, building new or refurbishing over a hundred facilities in the province of Manitoba.

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

### **Speaker's Ruling**

**Mr. Speaker:** I have a ruling for the House. Order, please.

Following oral questions on May 14th, 2012, the honourable Official Opposition House Leader (Mrs. Taillieu) raised a matter of privilege concerning information provided by the honourable Minister of Finance (Mr. Struthers) during consideration of the Finance Estimates in the Committee of Supply on May 9th, information that, according to the honourable Official Opposition House Leader, was deliberately misleading. She noted that the minister of—the honourable minister advised the Committee of Supply on May the 9th that he had attended only three Winnipeg Jets hockey games, while on May 14th the honourable minister read a statement in the House acknowledging the information provided on May 9th was wrong and that he had actually attended more hockey games and had received free tickets to attend. The honourable Official Opposition House Leader said this was proof the honourable minister had deliberately misled the House and had purposely provided misleading information, which was a violation of the privileges of the members of the House as members require factual information to—in order to do their jobs. At the conclusion of her remarks, she moved that this matter was to be referred, in quotations: that this matter be referred to the Legislative Affairs Committee and brought back to this House for a ruling. End of quotations. The honourable Government House Leader (Ms. Howard) and the honourable member for River Heights (Mr. Gerrard) also offered their advice to the Chair. I took the matter under advisement in order to consult with the procedural authorities.

There are two conditions that must be satisfied in order for the matter raised to be ruled in order as a prima facie case of privilege. First, was the issue raised at the earliest opportunity and, second, has sufficient evidence been provided to demonstrate that the privileges of the House have been breached in order to warrant putting the matter to the House.

The honourable Official Opposition House Leader asserted that she was raising the issue at her earliest—at the earliest available opportunity, and I accept the word of the honourable Official Opposition House Leader, especially given that the statement made by the honourable Minister of Finance was made on May 14th. I would, however, like to address one aspect of the timeliness issue. The honourable Official Opposition House Leader had

indicated in raising the matter of privilege on May 14th that she did not have the May 9th *Hansard* in the Chamber. I would like to respectfully assure her and the House that the May 9th *Hansard* was delivered to the House, to all honourable members on May 10th and was also posted on the Assembly website in compliance with the 24-hour requirement for the distribution of *Hansard*.

Turning to the issue of whether a prima facie case of privilege exists in this case, I, as Speaker, must first note that this is a difficult issue to deal with as the subject matter is one that members on all sides of the House have strong personal feelings about, as well as very different points of view. I would like to again remind all honourable members that when the Speaker is dealing with a determination about prima facie privilege, he or she is not taking sides in a dispute, or saying that one point of view has more merit over another, or that someone is right and that someone is wrong. The Speaker is strict—is limited strictly to looking at the information presented and making a procedural determination based on the procedural authorities and the precedents and rulings from previous Speakers.

Turning to Manitoba precedents and procedural authorities, previous Manitoba Speakers have dealt with matters of privilege related to debate—to deliberate misleading of the House, and their rulings have been clear and consistent. Speakers Walding, Phillips, Rocan, Dacquay, and Hickes have all ruled that in order to find a member has deliberately misled the House means providing that the member purposively intended to mislead the House by making statements with the knowledge that these statements would mislead.

As explained by Speaker Hickes in a 2011 ruling, in quotations, "A burden of proof exists that goes beyond speculation or conjecture but involves providing absolute proof, including a statement of intent by the member involved that the stated goal is to intentionally mislead the House, as it is possible members may have inadvertently misled the House by unknowingly putting incorrect information on the record." End of quotations.

Speaker Hickes also ruled, in 2007, that providing information that shows the facts are at variance is not the same as providing proof of intent to mislead. Speaker Dacquay also ruled that without a member admitting in the House that he or she had the stated goal of misleading the House when putting

remarks on the record, it is virtually impossible to prove that a member had deliberately intended to mislead the House.

The House of Commons Standing Committee on Procedure and House Affairs, in its 50th report released in 2002, made some very important points about misleading and deliberately misleading. The report stated, in quotations: Intent is always a difficult element to establish in the absence of an admission or a confession. It is necessary to carefully review the context surrounding the incident involved and to attempt to draw inference based on the circumstances. Any findings must, however, be grounded in facts and have an evidentiary basis. Parliamentary committees charged with examining questions of privilege must exercise caution and act responsibly in drawing conclusions. In the words of *Parliamentary Practice in New Zealand*: It must be established that the member, in making the statement, knew at the time the statement was made, that it was incorrect, and in making it the member intended to mislead the House. End of quotations.

Also, Joseph Maingot advises, on page 241 of the second addition of *Parliamentary Privilege in Canada*, that to allege a member has misled the House is a matter of order, not privilege, and to allege that a member has deliberately misled the House is also a matter of order.

What is not in dispute in this case is the fact that incorrect information was provided to the Committee of Supply on May 9th by the honourable Minister of Finance (Mr. Struthers). I believe all sides of the House would agree this is true. Where the issue becomes problematic, however, is that some believe the provision of that information was done as a deliberate attempt to mislead the Committee of Supply, while the honourable Minister of Finance characterized the provision of this information as inadvertent. At the heart of it, there are different perceptions and beliefs related to this situation.

Following the guidance of the rulings of previous Manitoba Speakers, I have carefully looked at the statement of the honourable Minister of Finance on May 14th, to try and find a stated goal or admission that the minister had intentionally set out to mislead. In the statement, the honourable Minister of Finance stated, in quotations, "I inadvertently misled the House." End of quotations. He also said, in quotations: the information I put on the record was incorrect. In quotations. He admits providing wrong or incorrect information, and that he did mislead, but

he does come out and say that he deliberately intended to mislead.

\* (14:30)

I would note again that the honourable Minister of Finance stated that he inadvertently misled, as opposed to deliberately misled. *The Concise Oxford Dictionary*, ninth edition, provides the definition of "deliberately" as, in quotations: intentionally, fully considered, not impulsive, slow in deciding, cautious, end of quotations, while the same dictionary defines "inadvertent" as, in quotations: unintentional, not properly attentive, negligent, end of quotations.

Although the honourable Minister of Finance (Mr. Struthers) acknowledges that he misled the House, he characterized this action as inadvertent as opposed to deliberate or intentional. Therefore, the Speaker has to accept the word of the honourable Minister of Finance as *Beauchesne's* citation 494 advises: It has been formerly ruled by Speakers that statements by members respecting themselves and particularly with their own—within their own knowledge must be accepted. Manitoba Speakers Rocan, Dacquay and Hickee have ruled that all honourable members are honourable members and their words must be accepted. Perhaps, had the honourable Minister of Finance provided more detail and information in the statement as to how the inadvertent misleading came to pass, it might have helped clear up the matter for the House and remove all possible doubt the misleading was not done deliberately. But as it stands, the minister characterized—or categorized the misleading as inadvertent, and the Speaker must accept the word of the honourable minister as, indeed, I would accept the word of all honourable members.

Therefore, with the greatest of respect, and based on the procedural authorities and the rulings of previous Speakers, I rule there is no prima facie case of privilege.

**Mrs. Mavis Taillieu (Official Opposition House Leader):** Mr. Speaker, I challenge the ruling.

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

#### Voice Vote

**Mr. Speaker:** All those in favour of sustaining the ruling of the Chair, please signify by saying aye.

**Some Honourable Members:** Aye.

**Mr. Speaker:** All those opposed, signify by saying nay.

**Some Honourable Members:** Nay.

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

#### Formal Vote

**Mrs. Taillieu:** I'd like a recorded vote, Mr. Speaker.

**Mr. Speaker:** Recorded vote having been requested, call in the members.

The question before the House is: Shall the ruling of the Chair be sustained?

#### Division

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

#### Yeas

*Allan, Allum, Altemeyer, Ashton, Bjornson, Blady, Braun, Caldwell, Chief, Chomiak, Crothers, Dewar, Gaudreau, Howard, Irvin-Ross, Jha, Kostyshyn, Lemieux, Mackintosh, Maloway, Marcelino (Logan), Marcelino (Tyndall Park), Melnick, Nevakshonoff, Oswald, Rondeau, Saran, Selby, Struthers, Swan, Wiebe, Wight.*

#### Nays

*Briese, Cullen, Driedger, Eichler, Ewasko, Friesen, Gerrard, Goertzen, Graydon, Helwer, Maguire, McFadyen, Mitchelson, Pedersen, Schuler, Smook, Stefanson, Taillieu, Wishart.*

**Madam Clerk (Patricia Chaychuk):** Yeas 32, Nays 19.

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

#### MEMBERS' STATEMENTS

##### Polish Museum Society

**Ms. Melanie Wight (Burrows):** Mr. Speaker, Polish Manitobans have a long and proud history in the province. Manitobans of Polish descent have contributed much as farmers, settlers, war heroes, sports stars, as well as in many other facets of society.

Perhaps the most famous Polish Manitoban is Andrew Mynarski, a recipient of the Victoria Cross for his heroism in World War II.

In light of this history, I would like to highlight a very special exhibit which I had the pleasure of

attending at the Polish Museum Society Ogniwo. In the Footsteps of Polish Pioneers in Manitoba is an exhibit created by Lech and Grazyna Galezowski, who are here with us today, and supported by the Canadian Polish Congress.

The purpose of this project is to preserve the history and memory of early Polish settlers in Manitoba, as well as to raise awareness of their amazing contribution to, and impact on, the development of Manitoba culture.

Through informational and pictorial expositions, the Galezowskis paid tribute to all those early Polish settlers who came to Manitoba in search of a better life. It was their intention to reawaken the interest of the community in these long-forgotten places and record the heroic deeds of these early Polish pioneers.

There are approximately 80 locations scattered throughout Manitoba where Polish pioneers settled, struggled against the elements, faced many hardships and managed to establish a life for themselves.

In the Footsteps of Polish Pioneers in Manitoba pays particular attention to documenting the churches which sustained these communities and left the most visible and permanent mark on the prairies. For Polish settlers, the church was the main centre for religious, cultural, educational and social activities.

After the population grew and the community was strengthened, separate buildings dedicated solely for educational or social purposes were constructed. It is thanks to these early settlers and the successive waves of immigrants who followed them to Canada and Manitoba, that Polish Manitobans now number over 40,000 people.

The honourable member from St. Johns and myself would like to thank Lech and Grazyna Galezowski for their labour of love. I hope that all members will join me in celebrating the impact that Polish Manitobans have made on this province.

Thank you, Mr. Speaker.

#### **Oak Lake Community School**

**Mr. Larry Maguire (Arthur-Virden):** Mr. Speaker, it is my pleasure to congratulate the Oak Lake Community School for being recognized as the greenest school in Canada.

Oak Lake Community School was recently named the national Green Schools, Green Futures

Award winner for the 2012 by FedEx Express Canada and Tree Canada. The Green Schools, Green Futures Award is given annually to schools that have made positive changes to reduce waste, conserve energy, promote ecological school yards and encourage eco-education. As the national award winner, Oak Lake Community School received \$3,000 to put towards future green initiatives.

Environmental concerns have become one of the most important issues of our time. It is inspiring to see young people accepting this challenge head on with innovative ideas and solutions. At Oak Lake's community school, students and staff have diligently worked to create an environment that fosters both environmental sustainability and education. Students can be found working as eco-warriors in the school's outdoor classroom where they maintain a vegetable garden that provides food for the community.

\* (14:40)

Waste at the school has been reduced significantly through a litterless lunch campaign, composting, electronic correspondence and a battery recycling program. These efforts include the Push for Paperless project which aims to reduce paper consumption by 50 per cent.

In addition to Oak Lake Community School, Elmwood High School in Winnipeg was presented with a regional award for its environmental programs, partnerships with the—with community groups and emphasis on outdoor education.

Mr. Speaker, having two schools recognized by the national Green Schools, Green Futures Award program is certainly an achievement for our great province. We undoubtedly have a green future ahead of us with young leaders like these engaging themselves in the betterment of our natural environment.

Once again, I congratulate all students and staff of Oak Lake Community School and Elmwood High School on winning these awards.

Thank you, Mr. Speaker.

#### **Brandon YMCA Expansion**

**Mr. Drew Caldwell (Brandon East):** Mr. Speaker, a community is defined by the people and places within it. For over 125 years the YMCA has acted as a centre of recreation and learning for the Brandon community. For as long as Brandon has existed, our community has benefitted from this institution's

services, charity and open doors. I grew up close to the YMCA in downtown Brandon, learning to swim there as a child and I know experiences like mine are shared by many Brandonites, young and old.

The Dood Cristall Family YMCA is in the middle of a massive infrastructure expansion following an extensive capital building campaign. Along with over \$10 million in support from the Manitoba government, the federal government and the City of Brandon, the Brandon YMCA has also raised over \$5 million through private donations.

I was also privileged to table legislation during this session to support this development. The multilevel support received by the Dood Cristall Family YMCA along with the impressive public outpouring of funds demonstrates, perhaps better than any words can, how important the YMCA is to the Brandon community.

Built to meet Manitoba's green building policy and silver LEED accreditation, the new Dood Cristall Family YMCA will include a four-lane competitive swimming pool, a leisure pool with waterslide, hot tubs, four fully accessible and family-friendly change rooms, a fitness centre, multipurpose rooms, a studio, gymnasium, a children's play space and 48—and a 48-space child-care centre.

With so many options for living a healthy lifestyle and enjoying leisure activities under one roof, the new Dood Cristall Family YMCA will serve Brandon well for decades to come.

The YMCA has a long, proud history of developing spirit, mind and body through its provision of quality programs and services. Stemming from the belief that access to services comes first, the YMCA offers its services to everyone, regardless of income.

This commitment has made the YMCA a central meeting place for people of all walks of life in Brandon and it is a Brandon institution like no other. I feel proud to belong to a community where the nurturing of such an institution is taken seriously and given such overwhelming support.

On behalf of the government of Manitoba, I would like to congratulate all members of the Brandon YMCA for their work in making this new centre a reality. Together, we're building stronger kids, stronger families and a stronger community.

Thank you, Mr. Speaker.

### **Kelly Robertson**

**Mr. Stuart Briese (Agassiz):** Mr. Speaker, I rise today to honour Mr. Kelly Robertson, a Neepawa-based championship curler, local farmer and a family man.

In the past year and a half, Team Robertson has won the 2011 Manitoba senior men's championship, the 2011 Canada–Canadian senior men's championship in Halifax and the 2012 men's–senior men's championship in BC and the silver medal at the world stage in Denmark at the 2012 world's senior men's championships. However, I'd like to report that Team Robertson was actually undefeated in the world senior men's tournament until the gold medal game against Ireland, which is a remarkable achievement in itself, and that game came down to last rock.

Mr. Robertson is a grain and cattle farmer in the Neepawa area and a father of two. Mr. Robertson's wife and children and parents enjoy all aspects of curling, whether they're playing in league games, bonspiels or various levels of championships. Mr. Robertson's career 'begane'—began on a two-sheet curling rink in the village of Cordova and his extensive trophy 'clabinet' includes seven Westman Super League championships and competing in 18 provincial men's championships, 14 mixed provincial championships and four senior men's provincial championships. Mr. Robertson's team roster includes: third, Doug Armour of Souris; second, Peter Prokopowicz of Dauphin—of Sifton; and lead, Bob Scales of Winnipeg.

Mr. Robertson's recent success gave his rink a bit of a boost in popularity amongst the Manitoba Sportswriters and Sportscasters Association, where they were nominated for the MSSA team of the year in 2011.

Mr. Robertson and his family are big advocates of local curling, and they look forward to every season with great joy and optimism. I'm proud to honour the Robertsons today as an ambassador for local curling clubs and championship curlers from Neepawa.

Thank you, Mr. Speaker.

### **Interfaith Community Garden**

**Ms. Erna Braun (Rossmere):** Mr. Speaker, understanding and caring about our neighbours is the foundation of a community. Every group and person is different, and we can overcome these differences

through understanding. Over the backyard fence, across the table at tea, or even kneeling next to each other working in the garden, we can all learn a thing or two about each other if we take the time to ask questions and share hospitality.

Members of Guru Nanak Darbar Gurdwara and the River East Mennonite Brethren Church are demonstrating how to make community connections and that those connections can sprout and flourish, just like their interfaith community garden established last summer. How these communities have come together to learn about each other is an inspiring story of neighbours getting to know each other.

The interfaith community garden on the Northeast Pioneers Greenway near the corner of McLeod and Gateway was established through a co-operative—through the co-operative efforts of the church and gurdwara under the city's adopt-a-park program.

As both the Mennonite and Sikh communities are well represented in the area, there has been a recognized need for there to be more intercultural and interfaith sharing. Both groups share a profound connection to their faiths and emphasize the importance of service to the community. Getting together to tend and work in a community garden seemed like the natural starting point—pardon me, starting place for a lasting connection.

Since the groundbreaking last year, the two groups have shared meals, attended each other's services, learned about each other's faith, and grown closer as friends and neighbours.

Mr. Speaker, on June 3rd, I had the privilege of joining these two groups as they worked hand in hand to plant more prairie grasses and wildflowers. It is truly a marvellous initiative which is building bridges and understanding between these two faiths.

Over the course of the year, they have shared meals and learned about each other, and in the process they have brought a lovely splash of colour to the corner of McLeod and Raleigh in North Kildonan.

I applaud the members of Guru Nanak Darbar Gurdwara and the River East Mennonite Brethren Church for setting the example and showing us how to grow as a community.

Thank you, Mr. Speaker.

## ORDERS OF THE DAY GOVERNMENT BUSINESS

### House Business

**Hon. Jennifer Howard (Government House Leader):** On House business, I'd like to announce that the Standing Committee on Legislative Affairs will meet on Wednesday, June 13th, 2012, at 6 p.m. to consider the following reports: Annual Report of Elections Manitoba for the year ending December 31st, 2003, including the conduct of the 38th Provincial General Election June 3rd, 2003; Annual Report of Elections Manitoba for the year ending December 31st, 2007, including the conduct of the 39th Provincial General Election May 22nd, 2007; Annual Report of Elections Manitoba for the year ending December 31st, 2008; Annual Report of Elections Manitoba for the year ending December 31st, 2009; Annual Report of Elections Manitoba for the year ending December 31st, 2010, including the conduct of the Concordia by-election March 2nd, 2010.

**Mr. Speaker:** It has been announced that the Standing Committee on Legislative Affairs will meet on Wednesday, June the 13th, 2012, at 6 p.m. to consider the following reports: the Annual Report of Elections Manitoba for the year ending December 31st, 2003, including the conduct of the 38th Provincial General Election June 3rd, 2003; Annual Report of Elections Manitoba for the year ending December 31st, 2007, including the conduct of the 39th Provincial General Election May 22nd, 2007; Annual Report of Elections Manitoba for the year ending December 31st, 2008; Annual Report of Elections Manitoba for the year ending December 31st, 2009; and the Annual Report of Elections Manitoba for the year ending December 31st, 2010, including the conduct of the Concordia by-election March 2nd, 2010.

\* (14:50)

**Ms. Howard:** Yes, Mr. Speaker, on further House business regarding committee meetings this evening.

Is there leave to make the following changes: Bill 8 to be considered in the Human Resources committee rather than in Social and Economic Development; Bill 37 to be considered in the Human Resources committee rather than in Social and Economic Development; and Bill 38 to be considered in the Social and Economic Development committee rather than in Human Resources?

**Mr. Speaker:** Is there leave of the House to make the following changes: Bill 8 to be considered in the Human Resources committee rather than in Social and Economic Development; Bill 37 to be considered in the Human Resources committee rather than in Social and Economic Development; and Bill 38 to be considered in the Social and Economic Development committee rather than in Human Resources? Leave? *[Agreed]*

**Mrs. Mavis Taillieu (Official Opposition House Leader):** On House business.

**Mr. Speaker:** On House business.

**Mrs. Taillieu:** In accordance with rule 78(4) and 78(4.1), I am tabling the list of ministers to be considered in concurrence for tomorrow, Tuesday, June 12th, with the understanding the list of ministers is to be considered concurrently.

**Mr. Speaker:** I thank the honourable Official Opposition House Leader for the announcement.

#### OPPOSITION DAY MOTION

**Mr. Speaker:** And has previously been announced, Opposition Day motion for today is the one sponsored by the honourable member for Morris.

**Mrs. Mavis Taillieu (Morris):** I move, seconded by the member for Fort Whyte (Mr. McFadyen),

THAT the Legislative Assembly urge the provincial government to agree that the Premier and Cabinet ministers are not above the law, and when they break a law they must be held accountable with penalties as would any other Manitoban.

#### *Motion presented.*

**Mrs. Taillieu:** You know, when I read this motion out, I really have to say it is a really sad day today in Manitoba that we'd have to bring a motion like this before this House, Mr. Speaker, because we would assume and we would believe that any member of this House, any member of the elected public-elected as public position in this province would not be out there breaking a law on purpose. That is just something that should never, ever happen.

And, Mr. Speaker, further, after the law was broken, no penalties—nothing to be held accountable. This Minister of Health (Ms. Oswald)—and I will outline exactly what happened—but this Minister of Health broke the law here in this province with absolutely no penalties. No other Manitoban in this province could hope to just break the law and go and

say, oh, I'm sorry, I didn't mean to do it, and just get off with absolutely no penalties.

So, Mr. Speaker, this is what happened. During the 90-day blackout period in the last election the Minister of Health went out and made an announcement, and with this announcement she brought press releases, camera, staff and held a press conference in the time that she was not allowed to do so.

Now, to claim that she didn't know that she was doing it, is just outrageous. She's a Cabinet member; she sat at the Cabinet table when this law was developed; she stood in this House; she sat in this House and listened to debate. I'm sure she was at committee where she heard more debate and second and third readings. She knew full well what this law was saying, Mr. Speaker. So to come there afterwards and say, well, I really didn't know about the law and I didn't really mean to break it, I just think that is very, very sad. I don't know how she can claim that she didn't know what the law was. I suppose she would call it inadvertent; she inadvertently broke the law.

And, you know, Mr. Speaker, this has happened before. The former minister of Finance, former member of Swan River, also broke an election law, and what did she get for it? A promotion. That's what happens in this province; you break the law under the NDP government and if you're a Cabinet minister there are no consequences. In fact, you're applauded for it. That is terrible. I don't think anybody in this province would agree that that was a good thing to happen.

Can Manitobans get away with that kind of thing? No, Mr. Speaker, they can't. I can't imagine someone that was speeding by a photo radar trap and got caught, and saying to the police officer: Oh, sorry, officer. I'm sorry; I didn't know I broke the law. I can imagine that they still get a ticket. They still get a ticket because they're accountable, and they get a fine or something happens. There are consequences when you willfully and knowingly break the law, and this is what this is.

The Cabinet minister, the member for Seine River (Ms. Oswald), cannot say she didn't know what the law was. And, you know, really, Mr. Speaker, the hypocrisy of this is that right in this session we have two bills before the Legislature telling other levels of government how to behave, talking to school trustees asking for more

transparency with school boards, codes of conduct for municipal officials. So what they're saying is these people need to be controlled because we don't believe that they can act responsibly on their own, and yet what does this government do at exactly the same time that these bills are brought before this Legislature? They claim, oh, I didn't know about the law, I broke it. Yes, she kind of admitted she did because she said she was sorry, but that just doesn't cut it, especially the hypocrisy of bringing legislation for codes of conducts for other levels of government and yet allowing yourself to break the law with no consequences.

It's very interesting when you look at this, Mr. Speaker, and it says, again, the Opposition Day motion that I brought forward, says that we want this Assembly to agree that the Premier and Cabinet ministers are not above the law when they break a law. Now who can't agree with that? You can't—you really could not vote for something other than that. Or are they going to vote to say, no, we do think that we are above the law and we don't think that we break a law we need to be held accountable? Because that's what I'm saying here: They need to be held accountable with penalties.

And so, if they say, okay, yes, I guess we should be held accountable, well, then I want to know what the penalties will be. What will the penalties be for Cabinet ministers or any of those NDP MLAs over there who decide to break the law? Why should there not be penalties if you break a law, just the same as there are for other Manitobans?

This is a—I would—I guess I would classify this as a no-brainer. I think they have to vote for this resolution, Mr. Speaker; otherwise, if they don't vote for this resolution, they are telling everybody else in this province that they are above the law and they can break the law whenever they want to. And if they vote for this resolution, I certainly want to know what penalties the Minister of Health (Ms. Oswald) will suffer when she admits that she has broken the law and this government votes to say that she must be held accountable and there should be penalties. What will those penalties be?

I look forward to the vote later today, and I know there are many members who want to speak to this, so I'd like to thank the member for Fort Whyte (Mr. McFadyen), who seconded the motion, and look forward to his comments and others. Thank you, Mr. Speaker.

**Hon. Jennifer Howard (Minister of Family Services and Labour):** Well, I'm going to start by just describing accurately what happened in this situation.

Clearly, there was a complaint to the Commissioner of Elections. The Commissioner of Elections found that there had been a breach to that part of The Elections Act. The member in question acknowledged that it was not her intention to have breached it, but she apologized for that breach. Clearly, in his findings, the commissioner also concluded that this was done unintentionally.

\* (15:00)

I think it's worth remembering that this is a new part of the law. This was the first election to be run with—this was the first general election to be run with this part of the law in place. And I do think one—there are many outstanding complaints yet, on all sides of the House, and so we'll see at the end of the day what the commissioner finds when it comes to different parts of the law.

But I think what's important to note is that this is a piece of law that we're all understanding. We learnt a great deal, I think, from this last experience in this election. And it'll put us all in a better situation to make sure that we understand when we're in the pre-election mode what exactly that part—how that part of the law will be interpreted. I think that's another important point of this debate, Mr. Speaker, is that this election law, it's not like it's defined and interpreted ahead of time. It's defined and interpreted in the findings by the commissioner. So, in some ways, there's really no way to ascertain if you are running afoul of the law until it happens and the commissioner fined for that. But, that being said, the member in question has fully accepted responsibility and she has apologized.

But let's talk about who holds themselves above the law in this Chamber, and who holds themselves to a different standard. Let's just look in this last session; there's a great deal of discussion about hockey tickets, Mr. Speaker, a great deal of accusations hurled every which way. And when it came time for members to disclose which tickets they had received, which tickets they may have received from Crowns or from businesses, one side of this House, this side's fully disclosed those tickets that had been received, and another side of this House, the opposition, has yet to disclose if they had received any tickets from businesses, for example.

So there are—you know, there are a few things we could surmise. We could believe that every member over there paid for every game that they ever attended in the last year, which, if that's the case, I don't see why they wouldn't say that, or they have received tickets that they haven't paid for, and they will not disclose that. City councillors have disclosed the tickets that they've received from private businesses. Members on this side have disclosed the tickets that they've received from private businesses. And we've put in place a policy that is clear that we won't be accepting those tickets in future, but members on the other side seem to believe that a different standard of behaviour should apply to them and that they won't be disclosing that. Even when the member for St. Paul (Mr. Schuler) says, very clearly, on this whole issue, that they should declare. They should declare. He says these regulations are very clear; you're supposed to declare gifts. I think common sense would tell you that chances are that was a gift that you should have registered. And yet we are still waiting for disclosure of those gifts from the members opposite.

And, you know, Mr. Speaker, if we want to talk about election laws, well, there is a rich history on the other side to talk about in terms of running afoul of election laws. I won't even go into a great amount of detail on the vote-rigging scandal of 1995, which was, I think, the most grievous abuse of democracy ever seen in this province. It was a horrible abuse of the voters, not to mention Aboriginal people, who the party opposite tried to use in a very cynical way. But, you know, we can look at other examples. In the 1995 election, the party opposite was found to exceed the advertising cap by over \$13,000. But, you know, the laws in place at the time, Elections Manitoba were not able to do anything on that infraction, because it didn't come to light right away. Why didn't it come to light right away? Well, that overspending wasn't known until the missing financial records were recovered in a warehouse five years after the '95 election. That breach of the election finances law—had the evidence been provided to Elections Manitoba in a timely fashion, that would have resulted in a fine of \$20,000 to the party opposite. But no fine was levied in that case, because the evidence was not provided to Elections Manitoba.

Let's look at the issue of corporate donations—union and corporate donations. We on this side of the House have believed, since we came into office, that those donations to political parties should not be part

of the system, should not be part of the process, because they can put members and political parties in a difficult situation. That's why we banned union and corporate donations. The party opposite has never been on side with that ban. In fact, previous leaders have said that they would repeal that the moment that they formed government. And let's look at the history with corporate donations on the other side. Perhaps that will illuminate why they're in such a rush to get rid of that law.

After, Mr. Speaker, the party opposite campaigned in the '95 election was asked if they would sell the telephone system, said they wouldn't, then won the election and did sell it. The corporate donations to the Conservatives from the brokers who made money off the sale of MTS more than tripled. It's a very interesting fact and we can see why they have such a problem, now, with the ban on union and corporate donations.

So, Mr. Speaker, I don't think any of us are above the law on this side of the House. When somebody makes a mistake, when somebody does something that they shouldn't have done, even when it's unintentional, even when it's inadvertent, they own up and they make apologies and we learn from the way that we—and we learn from those mistakes and we move forward.

But, Mr. Speaker, I think it's a very clear contrast from the opposite side of the House where they hold themselves clearly above the law. They continue to deny 15, 20 years after the fact, that they did anything wrong in any of these situations. They continue to believe that it was okay to tell Manitobans we're not going to sell the phone system, and then come into office and do exactly that. The only reason, I think, that there is any chagrin to the vote-rigging scandal is the fact that they got caught after quite a lot of work by Elections Manitoba and others.

So I take the point that they're trying to make today, but, frankly, they should look to their own house first.

Thank you.

**Mr. Hugh McFadyen (Leader of the Official Opposition):** There are many factual inaccuracies in the comments just made by the member opposite. And, Mr. Speaker, I don't believe, or I don't want to believe that the member would deliberately put so many inaccuracies on the record, but it is important

that we set the record straight on some of those points, which I will do in just a moment.

I want to just begin by indicating that I am pleased to second the motion brought by the member from Morris and appreciate the comments made by the member, all of which are compelling.

And the reality is that it is unfortunate that we would have to debate something that should be just a given in a province like Manitoba, that members of government are not above the law. This is a point that most in a democracy would think was a given, but, unfortunately, with the passage of 12 years and increasing levels of arrogance amongst members opposite there seems to be a double standard in play in the province, one where senior members of government and ministers are exempt from following the law at a time when regular Manitobans are expected to follow the law and are penalized when they don't.

Mr. Speaker, the motion is important because it's a step toward improving transparency and fairness in our province and toward reaffirming fundamental principles of democracy, which is the government is not above the law and the government is a servant of the people and not the other way around.

We've seen a pattern with this government, not just the isolated incident that we're discussing today, but a pattern over many weeks and months where this government has demonstrated a lack of transparency, a lack of concern for fairness and a willingness to betray Manitobans by doing the opposite of what they promised to do.

So let's just take a look at the recent trend over the past number of years. When they needed to protect ministerial salaries, they changed the balanced budget law. When they needed to get around election blackout announcements, they just break the law and apologize later. When they needed to take more money from hard-working Manitoba taxpayers, they break their promise and raise taxes. When they need to stack this Chamber, they use an ADM and other civil servants to do their political work. When they want to take care of friends after elections, they appoint them to taxpayer-funded positions even as they cut front-line services in areas like rural development and addiction services.

And these are just a few examples, Mr. Speaker, of the type of arrogance and dishonesty that we are increasingly seeing in this Chamber and this government.

\* (15:10)

The motion today points to the foundation of the credibility of members of the House as legislators and the fundamental principle that ministers are not above the law. The Premier (Mr. Selinger) and ministers, with the exceptional powers that they have to impact on the lives of regular Manitobans, must be held to the same standard that they expect others to follow. But what we've seen, Mr. Speaker, by contrast, is that when the NDP do get caught, they make half-hearted apologies, they claim they didn't understand the law, even though they were the authors of the law, and they say that it was inadvertent.

It doesn't fly for them to say that they didn't understand the law, that this was the first election where we had experience with this section, when it was the former minister of Finance, the former member for Swan River, who was found to have breached the very same section in a by-election just a couple of years ago. So it's to—for them to claim that they didn't understand the operation of the section, Mr. Speaker, is simply not credible. When they say that, as another example, in the election campaign, they—the Premier told Manitobans that they were ahead of track in terms of reducing the deficit. And then after the election they disclosed that, in fact, that wasn't true, that they're, fact, well behind on the deficit and that they would break their promise and raise taxes.

This is a government that is governing on the basis of misinformation on a regular basis. They claim that they were going to keep hydro rates down, and then they came in with an emergency rate increase application just a couple of months ago, and it was only the PUB that stood in their way. They increased child-care fees on Manitoba families, something that they said they weren't going to do. They broke their promise to seniors and farmers, in terms of education property taxes, and they're now, Mr. Speaker, starting to lay the groundwork for an increase in the PST, a further punishing tax increase on Manitoba families, who are already the highest taxed in Canada.

Just last week, the Premier was incorrectly saying that Manitoba had the second lowest PST in the country, something which is at odds with the facts, and which, as a former Finance minister, the Premier would have known was at odds with the facts. Mr. Speaker, we have seen this government use this session to redefine the meaning of hypocrisy.

In the midst of all the promise-breaking since the session started, the NDP have introduced a number of bills, lecturing other Manitobans on their obligations and imposing new standards on other Manitobans in terms of their behaviour: more transparency for school boards, codes for conduct for RMs, transparency for triple P projects, all of which, coming down from on high from a government that has no regard for any of the rules that are put in place in this province.

So the hypocrisy is reaching levels that we have never seen before in this province. We see arrogance, we see deception, and these are the words that are becoming the defining characteristics of this NDP government. So, Mr. Speaker, the motion today would be a step forward toward turning this back. It's not the end of the story, but it would be a positive step forward, to send a clear message that no Manitoban and, particularly, no member of the government, is above the law. It's a motion that moves us closer toward transparency and assurance to those Manitobans who deserve better. We want to reaffirm a principle that Manitobans strongly believe in and that many have gone to war to fight, to preserve. And that is, that the Premier and Cabinet ministers and governments are bound by the same rules that apply to every other citizen of our province and country.

And as I said, Mr. Speaker, if this was the first incident, the issue with the Minister of Health (Ms. Oswald) breaching the law, if this was the first incident that had occurred, it might be possible to be more forgiving. But it's not the first incident; it's the latest in a long series of breaches of election rules and other laws by this NDP government, that have gone without consequence. And that failure to apply consequences is what continues to lead ministers to have this very low regard for their obligations to adhere to the rules that they introduce.

We saw it with the former member for Swan River, Mr. Speaker, and that member at the time was minister of Agriculture. Following this breach, she was promoted to the role of Finance minister. And so what we see in this NDP government is not just that these issues go unpunished, but that members are, in fact, promoted and rewarded after breaching the law. It sends a terrible signal throughout government, and it's something that needs to be addressed with urgency.

Mr. Speaker, we saw it and we know that the finding of the commissioner is very clear. In their

desperation, the lead-up to the election, the Minister of Health wanted a photo op and took steps to conceal the full extent of the activity. They didn't send a news release, and the reason they didn't was because they knew they had an issue with the law. So they brought along a couple of reporters knowing that they would get some coverage, but hoping that they could duck the legal consequences of that action by not issuing a news release and drawing attention to it to other members. So they knew they had an issue with the law when they did the event and they went ahead and they did it anyways.

The law was discussed at their Cabinet table by the very member who breached the law before it came to the House. It received three readings; it was debated; it went to committee. It's not a complicated section, as members opposite would like to suggest, it's a straightforward simple section that prohibits government announcements in the blackout period leading up to the election. That could not be more clear, and yet they chose to disregard it.

I want to deal with some of the misinformation that the member has put on the record about events of the past.

In 1995, members were found to have violated the law, they were taken to court, they were punished and they paid a price. In the lead-up to 1999, the former premier, Mr. Filmon, called the inquiry which led to the findings that the members like to refer to. He had the courage to get to the truth and hold people accountable. That sort of leadership is sadly lacking under this NDP government, Mr. Speaker, and that is why we have ongoing breaches of the law and no consequences under this government.

We need a Premier and a government with the kind of courage that Mr. Filmon showed to get to the bottom of these misdeeds and to ensure accountability when the rules are broken. That is the hallmark of leadership. Not an assumption that everybody's going to be perfect, but a willingness, Mr. Speaker, to do what's right when the circumstances—

**Mr. Speaker:** Order, please. The honourable Leader of the Official Opposition's time has expired.

**Mrs. Bonnie Mitchelson (River East):** And I know that we've heard from one member of government so far on this resolution and it would be a shame, Mr. Speaker, if we didn't have other members of the government benches stand up and add some

contribution. I would imagine many of the colleagues, especially the new ones over there, are somewhat embarrassed to be put in a situation where there's so—there's such a lack of credibility, you know, on the government benches.

And you know, when this kind of thing happens, with an arrogant government that's been in power for 12 years now, it sheds a bad light on all legislators, regardless of which side of the House they sit on, because they lump us all into the same category: As members of this government that have broken the law, misused the civil service and the rules for their own political benefit, and now, Mr. Speaker, are embarrassed to stand up and to defend actions that are indefensible.

And, Mr. Speaker, we know what happened and it's been articulated by colleagues on this side of the House, when the Minister of Health (Ms. Oswald) broke the election law which she knew and was quite well aware of but thought she could get away with it. And, obviously, she has got away with it because there are absolutely no consequences.

Mr. Speaker, we have a government who is brazen enough to bring in three pieces of legislation this session which ask others to respect the law and to ensure that they're not in conflict and there will be consequences should they not follow those rules. But they haven't placed that same standard on themselves, and that's a shame.

We see time and time again, over the history and the course of this governments rule and power in this Legislature, promises that have been broken and they haven't been held accountable for those broken promises. And we start right back to the very first promise when they got elected, and that was that they would end hallway medicine, in six months, with \$15 million. Well, Mr. Speaker, we know that hallway medicine is still alive and well today, and it's excuse after excuse after excuse. And they go back and blame other governments, 12 years later, for a promise that they made and a province—a promise that they haven't fulfilled.

\*(15:20)

And the beat goes on, Mr. Speaker. We see, today, them still making promises to Manitobans before an election and breaking those promises after, and some pretty significant promises were made this last election, including the fact that the Premier (Mr. Selinger) stood up and said he would not raise taxes. We saw what happened in the budget this year when

taxes were raised by \$184 million just a few short months after the Premier said, read my lips, no new taxes. No wonder the general public has no respect for politicians when we see that kind of action and that kind of activity.

When we see the kind of activity that the Minister responsible for Immigration and Multiculturalism has undertaken, Mr. Speaker, when she had a disagreement with the federal government who was funding 97 per cent of the settlement services in the province of Manitoba we saw—and we saw the federal government saying that they wanted a little more control and a little more accountability for the dollars that were being spent. We saw a Minister of Immigration who brought a resolution into this House and then used her civil servants in her department for her own political purposes to rally the troops, to bring them to the Legislature and try, I guess, to politicize in every way and place the fear of God in new immigrants who really were used by this NDP government.

And, Mr. Speaker, it has backfired on the government. It has backfired on the minister. We know that new immigrants to this province will continue to receive services that they should receive, and it doesn't matter which level of government delivers those programs. But it does matter that we're not using and placing the fear of God in new Manitobans that things are going to be different just because the dollars are going to flow in a different way.

And so we've seen that kind of activity and, Mr. Speaker, it reflects poorly on all of us as legislators. And I would hope that some members of government would look and take notice and question the kind of activity that has been undertaken when a government that's been in power for a long period of time has become so arrogant that they believe that they're above the law. They believe that the civil service is just an extension of their political party, and that really doesn't bode well for democracy in our province.

Mr. Speaker, I would hope that members on the government side of the House, and some of those in the backbenches and some of the newcomers to this Legislature, would stand up today and indicate support for this resolution, this resolution that's been brought forward through this Opposition Day, and we could seriously take a look at the rules that need to be put in place to make this Legislature work in a better way and to put some credibility back into the

jobs that we do on a day-to-day basis as legislators in the province of Manitoba. So I encourage them to stand up and to support this resolution today. Thank you.

**Mr. Ralph Eichler (Lakeside):** I do want to put a few things on the record in regards to the motion that was brought forward by the member from Morris.

And I am very disappointed the government of the day don't want to talk about this particular issue. And I know that the member from—that had just spoke—that it is important that we debate these issues. In fact, it's so important that we brought this Opposition Day motion forward about making sure that none of us in this House, us included, Mr. Speaker, are not above the law and we're to be held accountable.

In fact, you, Mr. Speaker, have to make various rulings on things that goes on in this House. It's a tough job, and we salute you for that. We know very much that we have rules and those rules are very important. We have to abide by those rules of the House, and if not, there's consequences, albeit, that we have proposed legislation changes coming forward and new legislation in regards to The Elections Act, and there's no mention in there about accountability. So, when we talk about accountability, and we look at each other each and every day in this House, we have to make sure that whether you're on the government side, the opposition side, as an independent member, we need to make sure that, in fact, that we are accountable, that we answer to the public.

Whenever we talk about particular issues in this House, whatever we put on the record stays on the record for eternity, and what that record states is the best of your ability to be able to get up and say, without a doubt, this is what the information I have. And yes—and, yes, Mr. Speaker, they'll be times that we misspeak. We have an opportunity to correct that record. There is no doubt about that. But, whenever we misspeak, and then we get by with it, that's wrong, because we have to be members in this House as accountable, the best of our ability.

And I know that the current government looks at the majority they got and, yes, the voters overwhelmingly elected them—37 seats. Is that a sign of arrogance or is it a sign of mistrust of what direction we really want to govern this province?

I hope that the government listens to what we have to say on this bill because, obviously, they're

not going to talk about it—this resolution, as I said, brought forward by the member from Morris.

And, whenever we look at the issues, whether it's during an election, after election, we have to make sure whatever we do put on the record, just like I am today, that it's going to be transparent and very, very clear. Whenever we talk about commitments at any election with respect to what we're going to do whenever we govern—and some of the other members have talked about what the government said they were going to do: they would not raise taxes but, yet, they did raise \$184 million in new taxes as a result of what they said they would not do. Now, the general public will hold us all to account—individual members, opposition, government—whenever the next election comes. But we shouldn't have to wait for that. We need to be transparent each and every day that we represent those fine people that elected us.

And I know that whenever we do put whatever we put on the record, that has to be accountable. So, whenever we say we're not going to raise taxes, we, in fact, won't raise taxes. In fact, whenever we talk about eliminating taxes for farmers, so they'll pay no tax on those farmlands, they went with their ballot—they went to the polls, they took the government at their word and they said that they would not raise taxes for those farmers. In fact, they would pay no tax.

They did the same thing with the seniors. They went to the seniors and said, give us your vote; we will make sure you don't pay any more education tax.

What did we do? We didn't come through with our promise. Oh, we're sorry.

But that's not going to hold true—that's going to hold true, Mr. Speaker, because those very same people that voted with their vote will remember. They will remember very clearly they were misled, and that's unfortunate. Whenever we make a promise, let's keep a promise. When we say we never got any Jets tickets, let's make sure we didn't get any Jets tickets. Whenever we say that whenever we're going to do something, we, in fact, do it.

In fact, Mr. Speaker, I know that I've been very passionate about the flood victims around Lake Manitoba, and all flood victims around Lake Manitoba. So what do they do? They went out, prior to the election, they talked about what they were going to do, and yet the minister stood up in House

today and said 65 per cent of those people are looked after.

Well, it's 35 per cent but what the government also didn't tell us was the fact that whenever we're looking—whenever we're looking at being transparent, being clear. In fact, two members, the member from Portage, the 'pender'—the member from Agassiz, stood up in the House today and questioned the government on, in fact, what those numbers look like—whether they were true numbers.

And that's what our job is in opposition. We will hold a government to account, but what we have to do, in fact, Mr. Speaker, is make sure that we get the right information. If that information's wrong, then we're not doing our job, and the government's not doing their job. Everybody has to be held to account: opposition and government.

\* (15:30)

Just in closing, Mr. Speaker, I know the—last Thursday we had an—our private members' business and resolutions whereby I brought forward Bill 217 on the Portage Diversion, and which I know very clearly that, in fact, today, what the Minister of EMO put on the record in regards to the Shellmouth Dam, that that was great legislation. They need to mirror that; need to be transparent; they need to be clear.

So, with that, I know there's other members on this side of the House that certainly want to talk about this. I encourage—I encourage—government members to stand up and say they really do care what this government does; they really do care whenever this government goes out and makes a commitment.

And as the member from River East stated, the new members—this is a grand opportunity for them to stand up and say, hey, finally we get it; we understand that we misled the House. We're going to be able to stand up and say once and for all, we are going to be transparent; we're going to be clean; we're going to make sure that whatever we say is what we mean.

Thank you, Mr. Speaker.

**Mrs. Heather Stefanson (Tuxedo):** I'm pleased to rise today to put a few words on the record with respect to this very, very good motion that was brought forward by the member for Morris (Mrs. Taillieu) and the member for Fort Right—Whyte, Mr. Speaker. Fort Right—Fort Whyte. I think it is a very

unfortunate thing when a motion like this must—it has to be brought forward in this Chamber.

I think it reflects very poorly on members opposite because of their—the things that they have done and how they've conducted themselves that has put us in a position where we have to bring such a motion forward to even have this debate in the Manitoba Legislature. But it is an important one, given various things that have gone on with respect to this government over the last number of years.

And I would say, Mr. Speaker, that the motion reads that the Legislative Assembly urge the provincial government to agree that the Premier (Mr. Selinger) and Cabinet ministers are not above the law. Well, if members opposite believe that they're not above the law, then they should vote in favour of this motion. It's a no-brainer. And it's unfortunate that members opposite are refusing to get up in the Chamber and to defend themselves and to support this motion because, obviously, they believe that they are above the law, then. So I think it's very unfortunate where we're—where this Legislature is going, where this NDP government is going.

One of the things that I have found over the last little while with the NDP, and certainly what happened in the last election, the previous by-election, we know that what the Minister of Health (Ms. Oswald) did in the—just before the last general election and that it was more important for her to go out and get a photo op—a photo opportunity on—in a health-care facility, Mr. Speaker. It was more important for her to get that photo op than actually abide by the laws of this province. And I think when we come to that in this province, where the arrogance—the sheer arrogance of a government such as this NDP government and the Minister of Health, see it—that it's more important to gain publicity than it is to abide by the law, that that's when we've—we come to this unfortunate situation of having to bring forward a motion such as this in the Manitoba Legislature for debate. And I think it's unfortunate that members opposite—I mean, they had a couple of people that got up and spoke to the motion, but they should have many more people get up and speak to this motion.

Mr. Speaker, the unfortunate thing about the NDP, we know that in the last election—before the 'elast' election, we had the Premier of the province, we had the Minister of Finance (Mr. Struthers), stand before Manitobans and promise not to raise taxes on Manitoba families. And their first available

opportunity, what did they do? They broke their promise and raised those taxes on Manitoba families. And I think that it's unfortunate that what we see is that a government that—the NDP slogan really should be: A promise made is a promise broken, because that's—those are the rules that they abide by on their side of the House, and I think it's really unfortunate.

When the NDP don't like the law, Mr. Speaker, of the province, they do one of two things: They either change the law to suit their own political agenda, or they break it. And either way it is not the way to govern a province—just to suit their own political agenda. And I think it's extremely unfortunate and there's been many examples of this that have been brought forward and have been mentioned in the Chamber today.

And I won't get into all of them, because many of them have already been mentioned, but, Mr. Speaker, I already spoke about the Premier (Mr. Selinger) and the Minister of Finance (Mr. Struthers) breaking their promise not to raise taxes. The Minister of Finance also said one thing in committee and admitted that he had misled the House, and he hid—hid behind this by saying that he inadvertently misled the House. And there seems to be a pattern when members opposite—with members opposite that they can do and say as they please without consequences for their actions.

We saw the Minister of Health (Ms. Oswald) go out and break the law of the Province, and there's been no consequences for the action—for her actions. And so I think that's incredibly unfortunate, especially when members opposite are bringing forth legislation before the House right now dealing with two bills that ask for—they're calling for codes of conducts on city councillors and municipal officials as well as on school trustees.

So everyone else has to abide by codes of conducts; everyone else in Manitoba has to abide by the law in Manitoba, other than the NDP Cabinet ministers, and I think that's extremely unfortunate. We also had the Minister of Immigration (Ms. Melnick) stand before the House and politicize the bureaucracy and use her own—okay—and use her own members of the bureaucracy within her own government department to politicize the bureaucracy to hold and organize a political event here in the Manitoba Legislature, and I think that that is not the right thing for Cabinet ministers to be doing. They should not be politicizing the bureaucracy of this Province.

And so, for a whole host of reasons, this is a no-brainer to support this motion that is before the Legislature today. And I encourage members opposite to stand and debate this motion. I'd like to hear what they have to say. Do they support it? Do they not support it? If they don't support it, why? Why do they believe that they are above the law in Manitoba? Why do they believe that laws only apply to everybody else but themselves, Mr. Speaker?

And I think that is extremely unfortunate, so I will be standing and supporting this motion. And I, again, want to thank the member for Morris (Mrs. Taillieu) and the member for Fort Whyte (Mr. McFadyen) for bringing forward this motion so that we can have this debate in the Manitoba Legislature today. Thank you.

**Mr. Ron Schuler (St. Paul):** I am more than willing to allow someone on the opposite side if they wanted to get up and speak to this bill—or to this motion. We're waiting for members opposite.

In fact, this motion is very appropriate, because it starts on a path after the 2007 election when the grise éminence, the member for Kildonan (Mr. Chomiak), brought forward amendments to The Elections Act. The member for Kildonan brought them forward, seconded by the premier of the day, to make changes to the election act, and he got up and he talked about accountability, and he talked about, we have to make election laws apply to everybody, and the member for Kildonan spoke on and on and on. In fact, it's very telling we still wait to this day for the member for Kildonan to give the apology that his boss, the Premier, the member for St. Boniface, asked him to bring to this Legislature, and apologize to all Manitobans, but it was the member for Kildonan who, after the 2007 election, brought forward changes to The Elections Act.

And it wasn't soon after—soon after—that those changes took place that we had the member for Seine River, the Minister of Health, hold a press conference right before the last provincial election. And if you listen to the member for Kildonan all of a sudden trying to weave and twist and spin that it was the member for Seine River inadvertently held this press conference, happened to bump into the media that she invited, and answered questions off of a press release that she handed out. But somehow she broke that law, the very law that the member for Kildonan had so proudly proclaimed not even four years previously. And to say that they didn't know, to say that they didn't have a clue, or that somehow they

didn't—they were misinformed on the legislation, their very own legislation—and I could understand if the member for Seine River hadn't have been in the Chamber when that legislation was introduced, because she was. I was here, current member for Steinbach (Mr. Goertzen) was here, many, many on the benches were here. We all know what the legislation said. We were all here when that bill was debated.

\* (15:40)

And that for the member for Seine River (Ms. Oswald) to somehow indicate that she didn't know her own legislation, her own government's legislation, the legislation brought forward by the member for Kildonan (Mr. Chomiak), the former minister of judges—Justice, is quite extraordinary. She knew; it was her government's legislation. She would have sat at Cabinet and would have agreed to that legislation. She would have been in caucus and would have agreed to that legislation. Yet, when the election came around, somehow she didn't know her own legislation, and that's what it comes down to.

And what is even more surprising, Mr. Speaker, in her previous life the Minister of Health (Ms. Oswald) was the vice-principal at Victor Mager School. And I wonder, when she walked those hallowed halls of Victor Mager School and she found that there were children that were saying, contravention of the code of conduct of the school. What was her approach? Would she say to that student, or would say to someone in the school, I'm—excuse me, but you are contravention of the rules, you have broken the rules and then would have left it at that.

It is inconceivable that, as a vice-principal, the minister for Seine River would have found somebody in contravention of the rules, would have found somebody in contravention of the bylaws, or whatever it is, their code of conduct, and there would have been no ramification. In fact, I suspect the Minister of Health, the member for Seine River, would have found that there were students in contravention of the bylaws, or the bullying rules, or whatever the rules were that were being broken, and she would have insisted on consequences. And, in fact, it might even come to a day suspension. She perhaps would have given a week's suspension or, in fact, students could have been removed from the school permanently.

And the question then is, why is it that when she becomes a Cabinet minister does nothing apply to

her anymore? Why do no ramifications apply to a minister of the Crown who sat in Cabinet when legislation came forward, sat in the caucus that put forward legislation, was in the House when it was all being debated and, yet, seemingly felt that she was not responsible for her actions during an election, and then, when found in contravention of the law, that there were no ramifications whatsoever for her for her actions? Yet a student who might have come late to school would have faced the consequences of breaking that law. A student who would have been in 'contravention'—contravention of any kinds of rule that might have gotten them suspended. She would have been the first one, as vice-principal, to have thrown them out of the school and given them, perhaps, a one day or a week suspension. Why is it that the rules and the code of conduct applies to a student in a school where she was vice principal, yet, at minister—as minister, nothing applies to her. She gets to walk away scot-free. That is very unfortunate.

And what's even more unfortunate about this entire debate is before the House we have two bills. We have Bill 21 and Bill 23. Bill 21 is about the code of conduct for school trustees, a code of a conduct that the Premier (Mr. Selinger) doesn't want to enforce on his own ministers, a code of conduct that should have been applied (a) on himself, No. 1, but also on the member for Kildonan, the member for Seine River, the Minister of Finance, and the list goes on and on.

Why is it that the NDP finds it no problem at all to pass legislation trying to force some kind of code—code of conduct? In fact, if you look at the bill, it even has what should be done in the case of someone contravening. And, it says, if you look at 35.2(1), censure the trustee. Why can't the Minister of Health be censured, the member for Seine River, or, furthermore, barring the trustee from attending all or part of a meeting? Why does that not apply? Why doesn't the Minister of Health, the member for Seine River, actually sit out a few days for having contravened the election law—or, suspending the trustee? Why do none of these things apply to Cabinet ministers in the NDP government, but they seemingly have to apply to every school trustee in the province?

Bill 23 deals with municipal politicians, Mr. Speaker, and in it says, councils are required to establish a code of conduct for council members. A member who is found to have breached the code may be censured by the council. It seems to be fine for school trustees. It seems to be fine for municipal

politicians. It's even fine in schools, but it's not fine for Cabinet ministers who are found in contravention of the law, the law brought in by the member for Kildonan (Mr. Chomiak), the law that she was debating in Cabinet and caucus, the law that was debated in this Chamber. And seemingly there are no repercussions for a Cabinet minister who's offside, and Mr. Speaker, that is very unfortunate.

I would recommend to members opposite, especially the new members who may not have the history on the NDP benches, may not know all this information, that they take this opportunity and get up and say, we are absolutely committed, absolutely committed, to some code of conduct. How about the same code of conduct that we would want have applied to students at Victor Mager School, where the member for Seine River (Ms. Oswald) was a vice-principal. Maybe those codes of conduct could apply here, or if that's not good enough, how about Bill 21, the code of conduct for school trustees?

I say to the new members, should that maybe not apply here? Should we maybe not put an amendment forward and have that NDP Cabinet ministers must comply with Bill 21 and a code of conduct expected, the least that could be expected for school trustees. And if that's not good enough, how about the code of conduct in Bill 23 for municipal officials? Should not that at least apply to members of the NDP Cabinet? Shouldn't there be a—some bar by which you have to be judged by? Should there not be a standard somewhere?

Currently, there's no standard for NDP Cabinet ministers. Member for Seine River, no standard, Mr. Speaker. So I would suggest to members, why don't you get up—we've had one member, the member for Fort Rouge (Ms. Howard) has spoken on the bill—on the resolution. Why don't members opposite take this opportunity and put your comments on the record? Have your say on what should be an appropriate code of conduct for members of this Chamber, all 57 of us. There should be a code of conduct and specifically to Cabinet ministers who, seemingly, can't seem to keep themselves from breaking the law. There should be some ramification. There should be a code of conduct. It applies to children in the schools. It, seemingly, now we have a legislation for school trustees, we have legislation for trustees; there should be something for Cabinet ministers as well, Mr. Speaker.

And I wait for members of the opposite, of the NDP benches, some of the new members perhaps,

who might want to get up and put some comments on the record. Thank you.

**Mr. Cliff Cullen (Spruce Woods):** Mr. Speaker, good afternoon. It's certainly a pleasure for me to speak to this particular motion, and I do want to thank the member for Morris (Mrs. Taillieu) for bringing forward this very important motion.

And I think this motion really speaks to transparency. It speaks to fairness of government and I think it speaks to democracy, and I just want to take a couple of minutes to speak to a couple of those points today, Mr. Speaker.

You know, as we go through government and as government gets along and stays in government, the longer they stay in government, there seems to be an arrogance develop around government and, quite frankly, I think the public looks at government with a certain degree of cynicism over time.

And, certainly, when they hear stories where they can't trust what their government says from day to day, that cynicism keeps expanding within the public and, unfortunately, we see that fairly regularly, Mr. Speaker. And it really talks about the voter turnout. I think voter turnout is reflected in the cynicism that the public see with politicians these days. Clearly, we've got a government that has a set of issues they bring forward, statements they bring forward previous to an election and then a set of circumstances we work with post-election. And quite often the pre-election and the post-election ideas and statements don't match, and clearly, the public is cynical of those particular mismatch in terms of ideology.

Mr. Speaker, we should view democracy as very important and a very important cornerstone of what we have here in our great country. Just this past weekend, I was able to attend a couple of events in my riding. One occurred Friday morning actually, where we had the unveiling of the Highway of Heroes on No. 1 highway, and clearly, there was a lot of local citizens out there. And we had quite an array of soldiers from CFB Shilo nearby there for the unveiling of those particular highway signs, and it was quite a great event. So hopefully that will serve as a monument for all the soldiers that have given the ultimate sacrifice.

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

\* (15:50)

And I think it's something, also, we should recognize when we travel that piece of highway, of

the military people that we do have working on our behalf, not only in Manitoba and across Canada but, in fact, across the world. And they're spreading the message of democracy, and I believe it's up to us as legislators to make sure that we are upholding the highest standards in terms of democracy when we govern, because that's what those people would expect us to do, Mr. Speaker.

The second event that I took part in was in Brandon, on Saturday morning, certainly, with my colleague from Brandon West, as well. And it was the Freedom of the City march occurred in Brandon on Saturday morning. And this is a—quite a unique event, where the—in this case, the City of Brandon granted the Princess Patricia's Canadian Light Infantry the honour to march through the city. And this is a time-honoured tradition that goes back centuries, Mr. Speaker, and it's based upon an understanding of trust—it's based on an understanding of trust. So the city allows the military—the army, in this case—to the freedom to walk through their cities, based on trust.

Now if we draw that analogy to the government of the day, the NDP government, I'm not sure the City of Brandon would bestow the same sort of trust on this Premier (Mr. Selinger) and this NDP government, because, clearly, what the government has said before the election is a lot different than their actions following the election last fall. And I give you one example, Mr. Speaker, and it certainly hit home, and hit home in my constituency, where the Premier and the minister said, you know, we're going to be there for you following this flood. We are going to make sure everyone is compensated fairly and accurately and adequately.

Well, Mr. Speaker, here we are after the election, and the government is in a state of denial. Many people have had their claims denied through the disaster financial assistance program. You know, some people are getting paid, neighbours down the street are not getting paid; there's no consistency in terms of the process. And it's certainly frustrating for people. And clearly they don't believe the government now, in terms of what they said prior to the election, because their actions are, certainly, much different than what they said a few short months ago. And, quite frankly, they should be frustrated and, quite frankly, the fight's not over yet. I know a lot of these will brought—will be brought to appeal, and we certainly will hope when those—those cases will be managed better into the future.

And, Mr. Speaker, I know there's a lot of other members on this side of the House want to speak to this resolution, so I do thank you for this opportunity. Thank you.

**Mr. Reg Helwer (Brandon West):** I do rise to—pleased to rise to speak to this motion, and it's an interesting motion, I think.

It's something that takes me back to—at least, the actions of this government, to when I used to coach hockey, and it was one of the reasons that I quit coaching bantam boys hockey, or bantam hockey, because the girls were certainly allowed to play in that age group as well. The 13- and 14-year-olds, you know, you have the grade 9s and 10s. So they're often going to separate schools and it's tough to put them together as a team.

But usually when you're talking to a male of that age, that the words come across as, it's not my fault. And that's what this government is saying to the people of Manitoba, is their actions are not their fault. And that's very sad to say. The other thing that you'd often get from the hockey players would be, it's also—it's all about them. And, indeed, in this House and in the province, it is, what we often hear in the media, all about them; it's not about Manitobans. But it is about Manitobans.

And that is something that I did have to battle in coaching hockey. When I would bring the players over after a shift, and I'd always bring them over in twos or threes, because you wouldn't want to talk to just one individual and single him out. And we would talk to the player about the particular play that unfolded and we—I would say, you know, you did a very good job pinching up here at the blue line, but you didn't quite take your man all the way through the play. And often I would get that response from the player, said, well, but Jason didn't pick up his man. Well, that's all fine, but we're not talking about Jason right now; we're talking about your actions and your response during that play.

And that is what this motion speaks to, is the actions of this government during the past several years and, in fact—in fact, the last several months. We need to lead by example, and I'm afraid we're not getting that because the word "inadvertent" comes out a lot. And one thing that we see is Manitobans look to their government and they hope that they're doing the right thing, and they look to their

government for leadership. And when that leadership is not there, they may follow the wrong things.

We've seen inadvertent used a lot on the other side of the House here: Well, I was inadvertent, accidental, I didn't mean to do it. You know, a recent ruling we've had, or not really a ruling, but the City of Brandon went to a lawyer to ask, was their mayor in a conflict of interest? Very strange to me that the wording from the litigator would come back, well, it was an inadvertent conflict of interest. Kind of odd, don't you think, that that's the same type of wording that we'd get from here.

So, obviously, people in Manitoba are watching. They're watching what this government does and they're following what this government does. And I think, in that regard, this is a bad road we're going down because we want the government to be held to a higher standard. We should be held to a higher standard than most Manitobans. We want to make sure that if there's any reward in the process, it's well-earned. And, unfortunately, we've seen, I think, in this regard, that this government is not being held to that higher standard. They're being let off when they make inadvertent claims that I didn't mean to do it, so, you know, I broke the law. I kind of know I broke the law, but I really didn't mean to, so there's no repercussions.

So I'm wondering, you know, we see this now in the city of Brandon, that it's an inadvertent conflict of interest. And how far is it going to go before a speeding ticket—I always—it was inadvertent. I didn't mean to speed. Are we going to be able to get off in that regard? I don't think so. I would think our courts would uphold those laws. So why aren't our laws being held—upheld all the way along?

The member from Spruce Woods spoke about the recent event in Brandon, the freedom of the city with the 2PPCLI, who we're very proud to have in that region, and it took a lot of work to get them there. But now that they're there, they're very happy to be there. And when I talk to the military, whether they be the RCA or the RCHA or the 2PPCLI, they are very proud of what they do. They weren't always that proud because 10 years ago, you know, there were some serious things going on in the military in the various theatres wherever they were operating that they weren't very proud of and the Canadian public wasn't very proud of. But they have rehabilitated themselves and they have rehabilitated their image in their actions in the recent theatres that they have undertaken. And we have, of course, the

deaths that we've had to grieve and we've—for those people that have unfortunately lost their lives defending this country and defending the ideals.

Those people are very proud, and to watch them march at a slow march in the driving rain in front of those who that were there to watch, I think that is the ideal that we need to held out for Manitobans. And those are some of the people that we are very proud to follow and very proud to have in our armed forces. But, unfortunately, the government, in this case, is not leading Manitobans in the proper directions and needs to take responsibility for their actions.

There needs to be some repercussions for things that you have done that are wrong, that are illegal, or that you should have known better. And, in that regard, I think that this government needs to look at themselves and say, are we doing the proper thing for Manitobans, and I believe Manitobans will probably say, no.

So, thank you, Mr. Speaker. I'll leave that—other words to other people to say, and I'm sure there'll be many, many more on this topic.

So thank you.

**Mrs. Myrna Driedger (Charleswood):** I just have a few comments to put on the record to add to this debate, and it certainly is about the need, a desperate need for more transparency and accountability and fairness by this government of Manitoba.

And I am going to specifically zero in on a couple of issues as it relates to the Minister of Health (Ms. Oswald). And, largely, this Opposition Day motion is related to something she did in the days before the last election during the blackout period when she knew full well that it was a blackout period and that the government wasn't to be having an unfair advantage in an election. But what this Minister of Health did and took along the Minister of Education (Ms. Allan) with her, was have a sweet little photo op at the birthing centre with only a few media invited. It certainly wasn't a news release that was put out there. It was covertly done. A few media were invited and it was a photo op, typical, you know, politicians and babies. And this Minister of Health knew she was breaking the law.

\* (16:00)

You can't tell me that she would not have known. She's a senior Cabinet minister. She's the one that was part of a government that brought in the law. It would've been discussed at their Cabinet

table. It was debated here in this Legislature. She knew full well, because she does keep an eye on what's going on around her, and she would've known full well that she was in breach of the law.

But, instead, I think, as is typical with this government, in an arrogant way, they think they can get away with things like that, and so she thought she would get away with it prior to an election where they were worried they were going to lose the election. They were looking to cheat, and that's exactly what they did do. They cheated and, you know, kids in school are taught that that's not the way to play the game. You play the game with fairness. This government has gone so far now as to stoop to cheating to win, and that's what this debate is about today. And it is wanting to ensure that this government does not behave as if they are above the law, because they aren't, and they send out a horrible message to the general public when they break a law and then they say, oh, *mea culpa*. I'm sorry, and that's it. The issue's done with.

Well, that's not the case. Even in the *Free Press* editorial, it said, being sorry is not good enough. And it isn't good enough. This government has to have teeth in its legislation, and they have to take responsibility if they break the law.

But this Minister of Health (Ms. Oswald) didn't have any trouble doing that before the election, but if we look at this Minister of Health's behaviour on other issues, we would have a better understanding of why she went so far as to break the law and to feel that standing in here with a, you know, a weak, I'm sorry, *mea culpa*, is enough, she's wrong.

When Brian Sinclair died, there was a cover-up by this government about the death of Brian Sinclair. It was a horrible cover-up, and the Minister of Health was part of that cover-up. This Minister of Health also didn't want to face the media, so she went MIA for a week until the media found her in a parking lot to get a comment from her about the death of Brian Sinclair.

So where's the leadership from the government when we have, probably, one of the worst breaches in health-care safety in this province, when we have a serious issue where a patient falls through the crack? The leadership of this government needs to stand and needs to make comments about that and be transparent and be accountable. Instead, that Minister of Health went MIA for a week until the media found her and got a comment from her, as she's running to her car, in the media.

Today, we also hear of another situation where this Minister of Health does not want to be accountable and transparent. So a question was asked today about the death of a patient, and this patient died, Frances MacKay died, because the health-care system failed her.

*Mr. Speaker in the Chair*

The minister was asked about this, and you know what, Mr. Speaker? Do you know what the Minister of Health did? She snuck out the side door after question period so she didn't have to face the family, and she didn't have to face the media. She ducked out again.

So where's the leadership from this government? Where's the accountability? Where's the transparency? We don't see any of it, Mr. Speaker, and that's why today's opposition motion is incredibly important, because we've got a government now that is so arrogant they think they can do whatever they want and it's just going to not affect them at all.

Well, people are starting to notice; it's affecting them. And this Minister of Health appears to be the leader of the pack in breaching the lack of transparency and accountability, and she's not setting a good example as a leader of a very, very important part of government and that is our health-care system. Thank you, Mr. Speaker.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I'm going to speak quite briefly on this important Opposition Day motion which deals with holding Cabinet ministers accountable, and I believe it is very reasonable that when Cabinet ministers break the law, that there be some sanctions.

And, certainly, we've seen an example in this Legislature of a bill which would bring sanctions to school trustees should they break their code of conduct. So I think that it would be quite reasonable to have some sanctions against Cabinet ministers who break the law, and it's about time that we show that this is a serious matter and proceed accordingly.

So, with those comments, I will let others speak, because I know there's many more who want to speak as well. Thank you.

**Mr. Ian Wishart (Portage la Prairie):** It's a pleasure to rise to speak to this motion on behalf of the opposition, and I'd like to thank the member for Morris (Mrs. Taillieu) for moving it, and the member for Fort Whyte (Mr. McFadyen) for seconding it.

I think this is important in that this bill speaks to the need for transparency and the need for fairness in government. The fact that the public watches us every day and should feel absolutely no concerns that we are following within the law, and now they're beginning to wonder and doubt more and more what is going on. But really, what we need here is an attempt by this government to lead by example, not to mislead, and that's what we've been getting—many attempts to mislead the public and use that to their advantage.

Many of us in this House are new this particular sitting, and we all had to abide by the new details of Elections Manitoba's act, which is very detailed. And certainly, I—being responsible, and before I threw my hat in the ring, I wanted to read The Elections Act and go through it all and make sure I could actually follow the terms and conditions that were in here and I didn't have a problem with any of them and that I understood. And those that I did not understand, I made an attempt to find out about.

Clearly, I must have been one of the few that did that, I'm sure that everyone on this side of House did, because no one else on that side of the House seems to understand this act. And in fact, they wrote it. And not only did they write it, but they breached it in the past. So certainly, you would think that you would learn from the example and make an attempt to follow.

And, you know, it leads on further when people do not follow the rules and regulations and legislation. And we see, occasionally, some legislation that we know, in fact, will be impossible to enforce. And much as we certainly support the need for bicycle helmets, that's one. I really don't see the police running around giving little kids tickets; it's an unenforceable law.

And it does not improve everyone's respect for the law. And these days, we often lament that there are sectors in society that seem to have decreasing respect for the law, and, frankly, I think their getting the example from what they see. No one else seems to have a great deal of respect for the law, so, certainly, why should we? So we are not leading by example. We have other sections—sectors of local government, such as the school trustees and the municipal councillors, who we've had to give very specific guidelines to, or feel we've had to give very specific guidelines to, to make sure that they come up to a standard. And yet, in this House, we're not following to the same standard as we should.

So I'll just—with those few comments, I would certainly like to thank the members for introducing this. We see a lot of playing with words in regards to this. Inadvertent seems to be the word of the day, and, as has been mentioned, it seems to be creeping into the jargon of the courts, which is cause for concern. The next thing, actually, we will see is probably that I accidentally did that. Well, accident, by definition, has a victim. Who's going to be the next victim?

Mr. Speaker, thank you for the opportunity.

**Mr. Larry Maguire (Arthur-Virden):** Mr. Speaker, it's my privilege to be able to put some words on the record in regards to this Opposition Day motion on behalf of the citizens of southwest Manitoba in Arthur-Virden.

And I want to just say that urging the provincial government to agree that the Premier (Mr. Selinger) and Cabinet ministers are not above the law, that when they break a law, they must be able—they must be held accountable with penalties, as would any other Manitoban, would seem like a common sense kind of thing to do, but we've got a list of things here that this government has breached that particular piece of common sense on.

Mr. Speaker, I just want to say that this government has taken control of a lot of areas of the province in regards to other jurisdictions of municipal bodies as well as other governmental agencies. And a prime example is just taking over the controls of reeves, councillors, and their staff by making rules that enforce, that say, what they should do, when they don't enforce them themselves. They're doing the same thing with school trustees, saying, here's how you shall abide by, what you shall abide by, but they don't have to do it themselves as MLAs or Cabinet ministers in this Chamber or on behalf of the citizens that they're making the other rules for.

\*(16:10)

They did it with farmers when they didn't discuss it—things like hog moratoriums, like being able to construct water-holding areas or draining in some other areas. Yet they put rules in place on municipalities that said thou shalt give us a plan for all of your municipal land use areas in your municipalities and you have to abide by it. They did the same thing with conservation districts. These are good ideas if they're used in a productive manner. But, Mr. Speaker, all too often we've seen them

abused or put on the shelf and made local organizations wait years and years before they were able to attain any kind of co-operation to move forward with the positive plans that they asked them to do.

The City of Winnipeg was another one, Mr. Speaker, in regards to waste-water management and, of course, there's a situation where they dumped—where there was an awful lot of effluent from south Winnipeg went into the Red River. And a number of areas there where this government hasn't, I guess you could say, proceeded in a—even a cautious manner in regards to that, but they put a lot of extra costs on the City of Winnipeg by forcing them to remove nitrogen from some of the waste-water treatment facilities when scientists have said they didn't need to.

And that's my point: these laws are made without any science. Another one in the rural areas was the cost of 10 to 20 thousand dollars to change your—a sewage ejector over to a field system. And last year was a prime example of why fields don't work, Mr. Speaker, when we saw water tables above the ground out in the area where I come from and in any place where there's an aquifer, where you've got an aquifer that's a prime source of water, some of the best drinking water in the world, these are the last types of waste disposal units that you want to have in those areas. But there, again, it was done on emotion and not science.

And, of course, the now-Minister of Finance (Mr. Struthers) was the one making some of those rules and he's making his budget based on emotion as opposed to facts, Mr. Speaker, because, of course, he might have been forced to by the former premier—the now-Premier, the former minister of Finance, who was there for 10 years and doesn't even know that the PST isn't—that Manitoba isn't the second lowest in Canada. I guess he forgot that Alberta doesn't have a PST and that Saskatchewan's at five. It's convenient that we're at seven going to eight, maybe nine, who knows where they'll stop. But, anyway, you know, he thinks that this will help where he hasn't even got a clue in regards to the kinds of billions of dollars' worth of savings that are there.

So, Mr. Speaker, I know that there's others that want to speak to this bill and I just want to close by saying that the, you know, even his former premier—and I was getting to that earlier—he left the government when he—because he believed in what he said. He did say that this government should be

defeated if we can't lower our greenhouse gas emissions, and they didn't so he left. I think that's a sign of an honest individual at least.

But I say this bill—this Opposition Day motion was based on the fact that we have a Minister of Health (Ms. Oswald) who broke the law, Mr. Speaker, and I've already done a grievance on that if anyone wants to check *Hansard* in regards to what I said on that day. She did it. She did it knowingly. She broke her own law. She did it with the compliance of her own Premier (Mr. Selinger), and I think that that speaks for itself.

So, Mr. Speaker, with that I'll stop and let others have a few words on the record on this Opposition Day motion. Thank you.

**Mr. Cameron Friesen (Morden-Winkler):** It's my pleasure to rise this afternoon, also, and put some words on the record with respect to this Opposition Day motion that the provincial government agree that the Premier and Cabinet ministers are not above the law and that when they break the law they have to be held accountable as would any other Manitoban.

And I want to thank the member for Morris (Mrs. Taillieu) for introducing this motion, and I agree with her when she says it's actually regrettable that we have to spend our time on this issue. It's tremendously disappointing not only to the members on this side of the House, but also to Manitobans that we have to turn our attention to the fact that the government in so many cases says one thing and then does another that they set two sets of rules: one for everyone else and then one for themselves.

And nowhere is this more apparent than in Bill 21 with respect to the bill that would call for a code of conduct for school trustees, and this is a bill that sets in place minimum requirements that trustees act with integrity and in a manner that maintains the dignity of the office.

And, furthermore, the bill calls trustees to respect others who have differing opinions, and then it says to keep in confidence information, and then if they do not do that, well, then, of course, the code of conduct calls for the censure of the trustee, barring the trustee from attending all or part of meetings. It even calls for the possibility for that trustee to be suspended from the school board.

And, Mr. Speaker, the real issue that we're looking at today and my colleagues have been unpacking this afternoon in their remarks, is the lack

of consistency between what this government is setting in place, both for Bill 21 and also in Bill 23, for municipal officials, and then their failure to enact anything that would approximate that for their own ministers, for the members of the Legislative Assembly. And we have seen example after example of ministers who have acted in a way that would—that could very well require sanction or censure. They've acted in a way that would require—or could compel the government to, perhaps, bar them from attending, perhaps, Cabinet meetings, or bar them from, perhaps, occupying their seat in the Chamber—I don't know.

And for—it's certainly the case that there are members of this Assembly on the government side who have acted in a way that, perhaps, there could have been some kind of a measure to suspend them from their duties for a while, but nothing like this has been done, and that's the disappointment that we all share, that we simply have here two standards: One for everyone else, one for the government. And I don't think we can overlook the fact that we must be held to a higher standard in this place, that we are setting an example and when we don't set an example, when we aren't held to a high standard, the public becomes increasingly cynical; they become turned off; they lose faith in the democratic process; they will lose faith in the structures; they will lose faith in us as representatives of them.

And so, Mr. Speaker, really this boils down to this: That this is a demonstration of integrity, and the government's failure to set in place any measures to approximate what they put in place for trustees and municipal officials, boils down to a lack of integrity; it shows a lack of leadership. Manitobans do not respect this, and I believe the government underestimates the extent to which Manitobans are recoiling because of this.

And so, Mr. Speaker, those are the comments that I wanted to put on the record this afternoon. I'm certainly eager to hear whether members opposite will want to put their own thoughts on the record and get behind us in calling for measures to make sure that Cabinet ministers are held accountable.

So those are the points I wanted to make. We have to just say to ourselves that this is really an attempt of the government to say, do as I say but not as I do, and that's unacceptable to us and to Manitobans.

**Mr. Wayne Ewasko (Lac du Bonnet):** I appreciate the opportunity to stand up today and put a few

comments on the record, and I thank the members from Morris and Fort Whyte for bringing this very important motion, because it will improve the transparency and fairness of the government of Manitoba.

Manitobans are hoping to see this Legislature take steps to restore transparency and fairness, something this NDP government have shown time and time again during the election, Mr. Speaker, and within the last eight and a half months, that they, the NDP, are above the law.

A few examples: We need to protect salaries—change the balanced budget law; need to sneak around the election blackout on announcements—just break the law and apologize later; need to raise money—just break the promise and raise taxes; and instead of just coming out and following with what they've been promising, just say, oops, and write a letter and say sorry. It doesn't seem fair to hundreds of thousands of law-abiding Manitobans.

That is just a few examples. Our motion today points to the foundation of our credibility as legislatures—legislators and we must follow the law. The Premier (Mr. Selinger) and the Cabinet ministers, with their powers to shape the life of every Manitoban, must be held to the highest standards when it comes to following the law.

As an educator who has worked with students for 17 years, I believe that all members of this House should support this motion. I look at this side and on the opposite side—I see fellow educators. But not only educators. But not only educators, Mr. Speaker, parents, Manitobans and Canadians.

\* (16:20)

As an educator who has worked with students for 17 years, I believe that all members of this House should support this motion. I look at this side and on the opposite side, I see fellow educators. We on this side of the House believe not only in transparency and fairness, but also accountability. All Manitobans want and expect transparency, fairness and accountability of their legislators.

This is an NDP party that went to the election and told Manitobans that they were on track with the deficit. They even said things were ahead of schedule. Then after the election, we suddenly discovered the deficit would be over \$1 billion.

This is an NDP party that promised Manitoba families—promised—that they would not raise taxes.

The member for St. Boniface (Mr. Selinger) made a clear promise that he will deliver on it. Then they turned around and handed Manitoba families one of the largest tax increases in history. These tax increases will take \$184 million out of the pockets of Manitoba families, probably a lot more.

This is on top of the increase in child-care fees, something I don't recall the NDP promising in the last election either. This is also on top of the NDP breaking their promise to remove education taxes from seniors and farmers. Not only did they fail to keep this promise, they kept their education support so education taxes around Manitoba are skyrocketing.

The Minister of Health (Ms. Oswald) broke the law. She wanted a photo op, but the law was set up so the governments could not abuse the power of their incumbency unfairly before a provincial election.

This is why today—why we should all vote in the House of what message will be sent to Manitobans. Supporting this motion would be a good way to rebuild some trust in those who govern. Voting against it will simply fuel cynicism amongst voters as they watch a 12-year government behave like emperors, feasting at the public trough while lecturing others on their own behaviour.

Thank you, Mr. Speaker.

**Mr. Dennis Smook (La Verendrye):** I would like to thank the member for Morris for bringing forward this resolution. The resolution that is on the floor this afternoon is one that is important to the people of Manitoba.

The Premier and the Cabinet ministers are not above the law, and when they break the law they must be held accountable with penalties as would any other Manitoban. Having seen the level of arrogance this NDP government has shown towards the public is not acceptable.

The Premier and his candidates during the election campaign promised no tax increases, and what did they do: \$184 million in fees and taxes for everyday Manitobans.

The NDP promised to remove education taxes from seniors and farmers; not only did they fail to keep this promise, they cut their education support, forcing school boards to increase education taxes. It now looks like the NDP are laying the groundwork for an increase in the PST.

We have seen ministers break the law and say it was inadvertent. I have heard the word inadvertent as many times in the last two months as I have in my whole life.

The NDP in this session have redefined the meaning of hypocrisy. In the midst of all their inadvertent mistakes, the NDP have introduced all sort of bills lecturing other governments on how to behave: codes of conduct for RMs and school boards. Why not for this government?

In this session, we have had several history 'leshen'—history lessons about the '90s. But what about what has happened in the last 12 years? This government has done a wonderful job increasing this province deficit, and no plans to pay it back.

Health care, budgeted—budgets continue to rise, medicine hallway.

I know that I've never been able to tell the police that I inadvertently left my car parked. I would urge everybody to please support this. Thank you.

**Mr. Kelvin Goertzen (Steinbach):** And I want to thank, as my colleagues have, the member for Morris (Mrs. Taillieu) for bringing forward this Opposition Day motion.

And I think it's important that members opposite focus on exactly what the motion is. And I've not heard from a lot of government members; they've been reluctant to speak. Mr. Speaker, I thought maybe the member for Kildonan (Mr. Chomiak) or the member for Thompson (Mr. Ashton), as senior members of the government, would stand up and speak to this motion.

I thought they might have something to say. I'm not going to take their silence as acceptance. We'll see how their vote goes, but I'm disappointed that they didn't take the opportunity to stand up and speak.

But I think it's important that they step back, and I know my colleagues have done a wonderful job of putting things on the record in terms of the many government malfeasances, whether it was the minister for Finance inadvertently not telling the truth at a committee or whether it was the Health Minister falling into a news conference. Those dastardly media, they show up almost anywhere you invite them, you know, and sure enough, they showed up when she invited them. And so of course that was inadvertent.

We haven't heard from the member for Kildonan (Mr. Chomiak). We've been waiting for his apology. We have two more days. I'm an optimist, Mr. Speaker; we might very well get the apology yet. Three more days, I'm corrected. Well, that's great. So he's got even one additional day to make the apology. I'm sure that that will happen. We would certainly give him leave after this vote, if he wanted to issue his apology then. That's the kind of people we are, gracious.

But, at the end of the day, Mr. Speaker, I think the government members opposite need to know what they're voting on, and even if you take away all the different things that the government has done in terms of breaking the law or not apologizing when they said that they would apologize, the motion is very simple.

The motion doesn't actually even refer to any of those things. The motion very simply says whether or not government MLAs, or any MLA for that matter, should be above the law and should be put in a better position than ordinary Manitobans.

That's all the resolution says. It doesn't speak to what the member for Kildonan did or didn't do. It doesn't speak to what the Minister of Finance (Mr. Struthers) did or didn't do. It doesn't speak to the laws that were broken by the Minister of Health (Ms. Oswald) and the Minister of Education (Ms. Allan). It simply says, do you as an MLA believe that you should be in a better position when you break the law than an ordinary Manitoban? That's it.

And, I mean, I think the one thing that all of us would agree here in—in this Assembly is that we are here to set the example for Manitobans. If they—if we don't set the example here, the member for St. Paul (Mr. Schuler) mentions it, you've mentioned it many times, Mr. Speaker, that there's schoolchildren sometimes in the gallery and we should be setting an example. Well, extend that.

And I try to listen to you, Mr. Speaker, when you say that, but extend that beyond the Chamber and beyond schoolchildren. We, as legislators, are elected to set the example for Manitobans generally, and all this resolution says is whether or not MLAs should be put in a better position when they break the law as opposed to ordinary Manitobans. That's it. It doesn't refer to anybody else.

When those members opposite, when the member for Selkirk (Mr. Dewar), when the Minister of Advanced Education (Ms. Selby), when the

member for Thompson (Mr. Ashton), when the MLA for Riel, when the MLA for Dawson Trail, when the MLA for Interlake, when the MLA for Brandon East, when the member for Kirkfield Park (Ms. Blady), when the member for Assiniboia (Mr. Rondeau), when each of them stand up and vote, what they are voting on is whether or not they should have a special advantage over other members of the Legislature if they break the law. That's it. That is what they're going to be voting on.

And now I know—I didn't include the member for Kildonan in that list because we know where he is already. We know that when individuals were seen to have gotten tickets for tickets that weren't actually legal, deemed by the court, Mr. Speaker, he said they shouldn't get their money back.

So we know, in fact, that the member for Kildonan, he's on the record in this House as saying that individuals who actually didn't break the law should have to pay a fine. So I don't expect that he is going to vote in any other way than with self-interest, but I do expect that some of the new members opposite would look at what this resolution is.

Do they truly believe that they should be treated in a special way, in a unique way than other ordinary Manitobans when a law is broken?

That is what they're going to be voting on in only a few seconds, Mr. Speaker. They need to determine whether or not they feel they are in a special, privileged position compared to everybody else.

We as Conservatives believe that we should be treated the same way as everybody else, where something happens, we are not above ordinary Manitobans. We are not in a special place from ordinary Manitobans. We stand with Manitobans. I want to know, where do you stand? Do you stand with Manitobans or do you think you have a special place?

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

The hour being 4:30 p.m., pursuant to rule 28(14), I must interrupt the debate to put the question on the motion of the honourable member for Morris (Mrs. Taillieu).

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

**Some Honourable Members:** Yes.

**Some Honourable Members:** No.

**Mr. Speaker:** I hear noes.

**Voice Vote**

**Mr. Speaker:** All those in favour of the motion, please signify by saying aye.

**Some Honourable Members:** Aye.

**Mr. Speaker:** All those opposed to the motion, please signify by saying nay.

**Some Honourable Members:** Nay.

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

**Formal Vote**

**Hon. Steve Ashton (Acting Government House Leader):** Recorded vote, Mr. Speaker.

**Mr. Speaker:** Recorded vote, having been requested, call in the members.

Order, please. The question before the House is the motion of the honourable member for Morris (Mrs. Taillieu).

Does the House wish to have the motion reread?

**Some Honourable Members:** Yes.

**Mr. Speaker:** I hear yes. The motion by the honourable Member for Morris:

THAT the Legislative Assembly urge the provincial government to agree that the Premier and Cabinet ministers are not above the law—when they break a law they must be held accountable with penalties as would any other Manitoban.

**Division**

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

**Yeas**

*Briese, Cullen, Driedger, Eichler, Ewasko, Friesen, Gerrard, Goertzen, Graydon, Helwer, Maguire, McFadyen, Mitchelson, Pedersen, Rowat, Schuler, Smook, Stefanson, Taillieu, Wishart.*

**Nays**

*Allan, Allum, Altemeyer, Ashton, Bjornson, Blady, Braun, Caldwell, Chief, Chomiak, Crothers, Dewar, Gaudreau, Howard, Jha, Kostyshyn, Lemieux, Mackintosh, Maloway, Marcelino (Logan), Marcelino (Tyndall Park), Melnick, Nevakshonoff, Oswald, Rondeau, Saran, Selby, Struthers, Wiebe, Wight.*

**Madam Clerk (Patricia Chaychuk):** Yeas 20, Nays 30.

**Mr. Speaker:** I declare the motion lost.

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**Hon. Jennifer Howard (Government House Leader):** We're prepared to move to third readings, starting with Bill 2.

**CONCURRENCE AND THIRD READINGS**

**Bill 2—The Protecting Affordability for University Students Act (Council on Post-Secondary Education Act Amended)**

**Mr. Speaker:** Now proceed with third readings and concurrence on bill, starting with Bill 2.

**Hon. Jennifer Howard (Government House Leader):** I move, seconded by the Minister of Advanced Education (Ms. Selby), that Bill 2, The Protecting Affordability for University Students Act (Council on Post-Secondary Education Act Amended); Loi sur la protection de l'accessibilité aux études universitaires (modification de la Loi sur le Conseil de l'enseignement postsecondaire), reported from the Standing Committee on Human Resources, be concurred in and be now read for a third time and passed.

*Motion presented.*

**Mr. Ron Schuler (St. Paul):** In Bill 2 we had the opportunity to be at committee and hear a lot of presentations come forward—

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

The hour being 5 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow morning.

# LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, June 11, 2012

## CONTENTS

<b>ROUTINE PROCEEDINGS</b>			
<b>Introduction of Bills</b>		Children in Care	
Bill 219—The Election Advertising Integrity Act (Elections Finances Act Amended)		Gerrard; Howard	2309
Goertzen	2301	Phoenix Sinclair Public Inquiry	
		Gerrard; Howard	2309
Bill 218—The Legislative Assembly Amendment Act		Premier's Healthy Living Awards	
Gerrard	2301	Wiebe; Rondeau	2310
<b>Petitions</b>		Pembina Valley Development Corporation	
PTH 16 and PTH 5 North—Traffic Signals		Pedersen; Kostyshyn	2311
Briese	2301	Pinawa Hospital	
		Ewasko; Oswald	2312
<b>Committee Reports</b>		<b>Speaker's Ruling</b>	
Standing Committee on Legislative Affairs First Report		Reid	2312
Wight	2302	<b>Members' Statements</b>	
<b>Tabling of Reports</b>		Polish Museum Society	
Manitoba Labour Board, Annual Report, 2010-2011		Wight	2314
Howard	2302	Oak Lake Community School	
Manitoba Ombudsman—2011 Annual Report under The Ombudsman Act and The Public Interest Disclosure (Whistleblower Protection) Act		Maguire	2315
Reid	2303	Brandon YMCA Expansion	
		Caldwell	2315
<b>Oral Questions</b>		Kelly Robertson	
Health-Care Services		Briese	2316
McFadyen; Oswald	2303	Interfaith Community Garden	
		Braun	2316
Frances MacKay Death			
Driedger; Oswald	2304		
Shellmouth Dam Flooding			
Maguire; Ashton	2305		
Flooding			
Wishart; Ashton	2306		
Flooding (Lake Manitoba)			
Briese; Ashton	2307		
Lyme Disease			
Graydon; Oswald	2308		

Wishart  
Maguire  
Friesen  
Ewasko  
Smook  
Goertzen

2331  
2332  
2333  
2334  
2335  
2335

**Concurrence and Third Readings**

Bill 2—The Protecting Affordability for  
University Students Act (Council on  
Post-Secondary Education Act Amended)

Schuler

2337

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are also available on the Internet at the following address:

**<http://www.gov.mb.ca/legislature/hansard/index.html>**