

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

Official Report
(Hansard)

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Speaker*

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Ninth Legislature

Member	Constituency	Political Affiliation
ALLAN, Nancy, Hon.	St. Vital	N.D.P.
ALTEMEYER, Rob	Wolseley	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
BJORNSON, Peter, Hon.	Gimli	N.D.P.
BLADY, Sharon	Kirkfield Park	N.D.P.
BLAIKIE, Bill, Hon.	Elmwood	N.D.P.
BOROTSIK, Rick	Brandon West	P.C.
BRAUN, Erna	Rossmere	N.D.P.
BRICK, Marilyn	St. Norbert	N.D.P.
BRIESE, Stuart	Ste. Rose	P.C.
CALDWELL, Drew	Brandon East	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CULLEN, Cliff	Turtle Mountain	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
EICHLER, Ralph	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin	Steinbach	P.C.
GRAYDON, Cliff	Emerson	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HICKES, George, Hon.	Point Douglas	N.D.P.
HOWARD, Jennifer, Hon.	Fort Rouge	N.D.P.
IRVIN-ROSS, Kerri, Hon.	Fort Garry	N.D.P.
JENNISSSEN, Gerard	Flin Flon	N.D.P.
JHA, Bidhu	Radisson	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LAMOUREUX, Kevin	Inkster	Lib.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MARCELINO, Flor, Hon.	Wellington	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McFADYEN, Hugh	Fort Whyte	P.C.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MELNICK, Christine, Hon.	Riel	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
OSWALD, Theresa, Hon.	Seine River	N.D.P.
PEDERSEN, Blaine	Carman	P.C.
REID, Daryl	Transcona	N.D.P.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
RONDEAU, Jim, Hon.	Assiniboia	N.D.P.
ROWAT, Leanne	Minnedosa	P.C.
SARAN, Mohinder	The Maples	N.D.P.
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SWAN, Andrew, Hon.	Minto	N.D.P.
TAILLIEU, Mavis	Morris	P.C.
WHITEHEAD, Frank	The Pas	N.D.P.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.
<i>Vacant</i>	Concordia	

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, December 2, 2009

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 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.

MATTER OF PRIVILEGE

Mr. Hugh McFadyen (Leader of the Official Opposition): Mr. Speaker, on a matter of privilege.

Mr. Speaker: On a matter of privilege.

Mr. McFadyen: Mr. Speaker, I rise today on a matter of privilege that relates to our ability as MLAs to properly undertake debate in this House on significant issues that are important to the people of Manitoba. The test for matter of privilege, as you know, is firstly, whether the matter's being raised at the earliest opportunity, and because the matter today is raised in connection with comments made in the Chamber yesterday, with conduct in the Chamber yesterday, we believe that that part of the two-part test is easily met.

The second part is whether there has in fact been a breach of the privileges of the House, whether a prima facie case of the breach has been made, and, in that case, it would be the ruling of the Speaker to allow the matter to proceed to the next step.

Mr. Speaker, the issues that have arisen relate to the very significant issues that have arisen in the context of reviews done in Manitoba Hydro, public disclosures made about concerns identified by a contractor who is on contract with Hydro for a period off and on of roughly four years, and it relates to our ability as MLAs to properly ensure that we're representing our constituents and representing Manitobans on issues of such significant concern.

The commentary from the authorities on matters of privilege that we have looked at seem to deal with the situation that we are giving rise to today, and it relates to our ability to undertake proper debate and analysis and discussion on very significant issues

related to our province's most important Crown corporation.

Now, the concern that I wanted to bring forward today in terms of its impact on our privileges and on our ability to properly advance the interests of our constituents relates to several comments made in the House yesterday on matters related to whistle-blowers and in connection with the audit that was undertaken—or was to be undertaken by the—by the provincial Auditor. And by my count—I'm reviewing *Hansard* from yesterday, Mr. Speaker—there were five different comments by the Premier (Mr. Selinger) in the context of the discussion that were not just honest errors or honest mistakes of fact but blatant misstatements of fact that make it impossible for members to even begin to have a proper debate on facts related to Manitoba Hydro.

Now, Mr. Speaker, we recognize that the test is very significant. We know that we don't rise on matters of privilege simply when we have a disagreement over facts or simply over a matter of differences of opinion, but we do rise when we have basic undisputed facts which are being—are—which are being presented in the House as something other than what they really are, making it impossible for members to get to the real issues that are in dispute.

And I want to just provide a few examples, the first of which, Mr. Speaker, was a comment made by the Premier yesterday where he said, and I quote, that under the whistle-blower legislation, the opportunity was there for an individual to bring forward a complaint anonymously and be protected in the process of doing that and the legislation has allowed that to happen in this case.

Mr. Speaker, what we know is that this individual was fired when they brought their concerns forward. What we know is that that individual has not been protected anonymously, that efforts have been undertaken to discredit the individual, both on and off the record, through various comments made by people who report to this Premier and to this minister. And there was a second comment made where the Premier also went on to say, in a similar vein on the same issue, that this individual had been protected and that there was—that the legislation was working. And again, it's very clear that this is absolutely, a hundred percent at

odds with what has actually happened in this situation.

Mr. Speaker, the second example of incorrect information put on the record on a very significant issue by the Premier was in connection with comments that he made about the Auditor General's review of the—of the whistle-blower's complaint. And in this case, the Premier said, and I quote: "The Auditor General was requested by the Ombudsman to undertake the investigation The member opposite knows that. The member opposite, if he has any civility at all, would simply get up and apologize for his error of fact and his misconstruction of the facts."

Well, Mr. Speaker, that's directly at odds with the news release issued on October the 21st, 2009, which I'll table, which is under the headline, "Province Requests Special Audit." Finance Minister today—then—the minister responsible for Manitoba Hydro today requested from the office of the Auditor General that they conduct a special audit of recent allegations made by an external consultant concerning Manitoba Hydro's risk management.

October the 21st, 2009, a request from his Hydro Minister to the Auditor General to undertake the review, and the Premier (Mr. Selinger) gets up yesterday and says that I ought to be apologizing for making the statement that it was his government that asked the provincial Auditor to undertake that audit arising from these issues relating to Hydro's risk management. And I'll table that news release, which is one hundred percent at odds with what the Premier said in the House yesterday, who then went on to demand, absurdly, an apology based on correct information put on the record by members on this side of the House following an incorrect assertion by the Premier yesterday.

Mr. Speaker, he made a fourth statement, which was that the opposition opposed the whistle-blower legislation when it was brought in, once again a hundred percent incorrect. Amendments were proposed, but members of the opposition supported the legislation in principle and in fact when it came forward.

Finally, Mr. Speaker, there was a statement made that Manitoba Hydro had achieved the debt-equity target of 75-25 three years ahead of time. We know that that's also factually incorrect, and, in fact, his predecessor, Mr. Doer, backed away from that statement when he was challenged on it earlier this year because he was aware of the—of the facts

brought forward by the contractor, which said that the 75-25 number was based on a fundamental and serious miscalculation of Manitoba Hydro's finances.

* (13:40)

So, on four serious occasions, Mr. Speaker, the Premier (Mr. Selinger) came into the House and was absolutely wrong, misleading, incorrect, and, in this sense, is interfering with our ability to have a proper debate.

Now, there're gonna be differences of opinion in this House, Mr. Speaker. We could have a debate on whether orange or blue is a better colour, but you can't even begin the debate when you have a member of the House standing up and saying that orange is purple and we can't even agree on basic facts related to the—to the established facts.

We'll agree to disagree on the Manitoba Hydro decision, on their decision on the route of the bipole line. That's not a matter of privilege, Mr. Speaker. But when he comes in—and when he comes into the House and would try to suggest that running down the Saskatchewan border is in fact running the line over the North Pole, you can't even begin to have a debate when the facts that he's putting forward are not even remotely connected to the reality of what's taking place.

And so we know that from past rulings, that allegations of misjudgment, mismanagement and maladministration are not matters of privilege—and we'll make those allegations in another context, not as a matter of privilege—but when a member, particularly the Premier of the province, gets up and puts blatantly false information on the record, we believe that it has an impact on our ability to serve our constituents, to ensure that we arrive at agreement on matters of fact that are indisputable matters, and then go forward and have a debate and have a disagreement on matters of opinion.

And there are matters where there may be an honest disagreement over what the facts are, but on matters where there's no dispute as to facts and you have somebody who comes in and puts statements on the record that are absolutely at odd with—at odds with those facts, Mr. Speaker, it's a major setback for members of this House in terms of our ability to conduct our business on behalf of our constituents as members of this Chamber.

And so, Mr. Speaker, we recognize that, in the past, Speaker Rocan has said that something can be inflammatory, disagreeable or even offensive, but

would not be a matter of privilege. We believe that the statements are inflammable, disagreeable and offensive, but they even go beyond that. They go right down to the issue of blatantly and deliberately factually inaccurate statements designed to prevent members from this House from dealing with the real issues before it, which are matters of serious misconduct, mismanagement under his watch at Manitoba Hydro.

And so, Mr. Speaker, I would ask that you give careful consideration to the precedents on this matter. We would ask and acknowledge the prior ruling of Speaker Dacquay on the point of it being virtually impossible to prove a member has deliberately misled the House. In this case, Mr. Speaker, we believe it is possible to establish that he has deliberately misled the House and, in that sense, this is a matter of privilege which interferes with our ability as members of the House to move forward on the important issues that are relevant to the people of Manitoba.

And so, Mr. Speaker, I move that the matter be moved to be considered by the Standing Committee on Legislative Affairs and then reported back to this House.

Mr. Speaker: The honourable First Minister on the same matter of privilege?

Hon. Greg Selinger (Premier): Yes, on the same matter of privilege, Mr. Speaker.

I would ask that you rule that this is clearly a dispute on the facts. The member seems to take the position that only he knows which facts are indisputable in this House. I don't think that's his role. I think it arrogates unto himself a position that puts him well above the role that he plays in this House, which is as a member to debate issues in the House, and the facts will emerge and the perspective on those facts will emerge as part of the debate in the process.

And then to suggest that somebody has blatantly and deliberately done something, once again, goes to motive, and I think it's completely inappropriate. It's like me suggesting that he has blatantly and deliberately abused the rules of privilege in this House. I can't imagine that he would do that. I'm taking it that he actually thinks he knows what he's doing when he gets up and makes this motion about this question of privilege. And because he thinks he knows what he's doing about this question of

privilege, he thinks that you should follow his advice.

I suggest to you, Mr. Speaker—I suggest to you this is just, once again, another attempt to dispute the facts by misusing the rules of the House, and I ask you to consider that in your deliberations. Thank you.

Some Honourable Members: Oh, oh.

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

The honourable member for—before I recognize the honourable member for River Heights, I'd just like to remind members that contributions at this time of honourable members are to be limited to strictly relevant comments as to whether the alleged matter of privilege has been raised at the earliest opportunity and whether a prima facie case has been established.

Hon. Jon Gerrard (River Heights): Mr. Speaker, on this matter of privilege, as the Speaker is well aware, the critical component of a matter of privilege of this type, where it may on the surface appear to be a dispute over the facts, is whether the Premier has intentionally misled the House. And this is the question, which you will, I'm sure, be making your judgment on, and that's the issue in particular that I want to speak to because as a new Premier, and there are the questions of credibility of the Premier, clearly, is a major issue here. And to have a Premier who—you know, it's not enough that the Premier might get his facts wrong, but has the Premier actually intentionally misled the House? That is the question.

And, you know, I think that on the issue here of the reference to the Auditor General of this matter, the allegations about the external consultant and the government's—coming from the Premier and his government's press release—which I believe all members should have access to—it specifically stated: We have asked the Auditor General to prioritize this special audit and have offered special assistance, the office of the Auditor General to bring out-of-province expertise to assist with the review.

We've also asked the Auditor to report her findings to the Legislative Assembly as soon as possible.

The question here is whether in fact this was a reference from the Ombudsman or whether this was a reference from the Premier and, clearly, this press

release shows that this was a reference from the Premier and his government.

And so it's not a question really of the facts, but it's a question of whether there was a deliberate attempt to misinform and mislead the House and, clearly, it is to the Premier's advantage if people believe that it was not him but it was the Ombudsman. And so the Premier has a reason for misinforming the House should he choose to have done so in this case.

And, certainly, you know, we are aware on this side of the House of some of the things that the Premier has done when he was Finance Minister in terms of misinformation and, certainly, it is our concern that in the Premier's statements yesterday, he did in fact deliberately misinform the House when he clearly should have had access, knew exactly what was going on and tried to deflect the blame from others than himself.

You know, this has one additional dimension, which I want to mention briefly, and that is that we have an issue which began, in terms of what we know, in sometime in 2007 when the Premier as Finance Minister learned that the consultant was coming forward with real concerns with Hydro and now we are sitting here, some two years later, and we're still in circumstances where it looks like it may take some more months to have this issue looked at in detail. And so, clearly, there is a delay here of an extraordinary nature in this being looked at carefully because of, you know, what might be called Ping-Pong back and forth between the Ombudsman and the Auditor General and back to the Ombudsman, and this delay, you know, clearly, the Premier, as we all know, was in a pretty awkward position.

But to have—you know, our concern is and our view is that we are quite concerned that he has in fact deliberately misinformed people, because he would have known this information that in fact it was his government that made the reference and, therefore, I believe that this is a matter that should go to a Legislative committee to have a look at because it is that serious.

* (13:50)

Hon. Bill Blaikie (Government House Leader): Mr. Speaker, I've heard a lot of points of privilege in my parliamentary lifetime, but I don't think I've ever

heard one so unworthy of the name of a point of privilege.

The fact of the matter is, Mr. Speaker, is you clearly have a dispute as to the facts before you. Honourable members can't do indirectly what they can't do directly, which is to make accusations as to whether or not people are deliberately misleading the House. That would be unparliamentary in and of itself. They can't do that in the context of a point of privilege, and this is clearly a dispute as to the facts.

The honourable—the Opposition House—House—the Leader of the Opposition, rather, might find himself inflamed and offended by an alternative view of the truth—in fact, the true view of the truth, as it turns out to be the case, Mr. Speaker—but the fact of the matter is, is that no matter what I think or he thinks or— *[interjection]*

Mr. Speaker: Order.

Mr. Blaikie: —the Premier (Mr. Selinger) thinks or anybody thinks—*[interjection]*—it's not a point of privilege.

Mr. Speaker: Order. Order.

I want to remind members: When a member is rising on a point of order or matter of privilege, it's a very serious time, and I need to have full attention to hear all the words that are spoken because I have to make a ruling, and I will make a ruling.

On the matter of privilege raised by the honourable Leader of the Official Opposition (Mr. McFadyen), I would like to inform the House that this is clearly a dispute of the facts.

To allege that a member has misled the House is a matter of order rather than privilege, and it's not unparliamentary, whether or not it is qualified by the adjective "unintentionally" or "inadvertently", to allege that a member has deliberately misled the House, and it's also a matter of order.

Beauchesne's citation 31(1) advises that a dispute over the facts does not fulfil the criteria for a prima facie case of privilege, while Joseph Maingot advises on page 241 of the second edition of *Parliamentary Privilege in Canada* that allegations that a member has misled the House are, in fact, matters of order and not matters of privilege.

I would therefore rule that the honourable member does not have a matter of privilege.

Mr. Gerald Hawranik (Official Opposition House Leader): We challenge the ruling.

Mr. Speaker: Okay, the ruling of the Chair has been challenged. Call in the members. Oh, oh, just wait.

Voice Vote

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

Some Honourable Members: Aye.

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

Some Honourable Members: Nay.

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

Formal Vote

Mr. Hawranik: A recorded vote, please.

Mr. Speaker: A recorded vote having been requested, call in the members.

Order. Order. The one-hour time has expired, so please shut the bells off.

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

Division

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

Yeas

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

Nays

Borotsik, Briese, Cullen, Derkach, Driedger, Dyck, Eichler, Faurshou, Gerrard, Goertzen, Graydon, Hawranik, Lamoureux, Maguire, McFadyen, Mitchelson, Pedersen, Rowat, Schuler, Stefanson, Taillieu.

Madam Clerk (Patricia Chaychuk): Yeas 32, Nays 21.

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

ROUTINE PROCEEDINGS

INTRODUCTION OF BILLS

Bill 2—The Legislative Assembly Amendment and Legislative Assembly Management Commission Amendment Act

Hon. Bill Blaikie (Minister of Conservation): Mr. Speaker, I move, seconded by the honourable member for Lac du Bonnet (Mr. Hawranik), that Bill No. 2, The Legislative Assembly Amendment and Legislative Assembly Management Commission Amendment Act; Loi modifiant la Loi sur l'Assemblée législative et la Loi sur la Commission de régie de l'Assemblée législative, be now read a first time.

Mr. Speaker: It's been moved by the honourable minister for Conservation, seconded by the honourable member for Lac du Bonnet, that Bill No. 2, The Legislative Assembly Amendment and Legislative Assembly Management Commission Amendment Act, be now read a first time.

Is it the pleasure of the House to adopt the motion? *[Agreed]*

Did the honourable minister wish to make a comment?

Mr. Blaikie: Mr. Speaker, this is the legislation to implement the recommendations of the Auditor.

Mr. Speaker: First readings.

Bill 201—The Social Inclusion and Anti-Poverty Act

Hon. Jon Gerrard (River Heights): Mr. Speaker, I move, seconded by the MLA for Inkster (Mr. Lamoureux), that Bill No. 201, The Social Inclusion and Anti-Poverty Act; la Loi sur l'inclusion sociale et la lutte contre la pauvreté, be now read a first time.

Mr. Speaker: It's been moved by the honourable member for River Heights, seconded by the honourable member for Inkster, that Bill No. 201, The Social Inclusion and Anti-Poverty Act, be now read a first time.

Mr. Gerrard: Mr. Speaker, this bill requires the government to establish and implement a provincial strategy to combat poverty and social inclusion and provides targets for the reduction of poverty as well as annual reporting to the Chamber.

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

**Bill 3—The City of Winnipeg Charter
Amendment and Municipal Amendment Act
(Derelict Property)**

Hon. Ron Lemieux (Minister of Local Government): I move, seconded by the Minister of Housing and Community Development (Ms. Irvin-Ross), that Bill No. 3, The City of Winnipeg Charter Amendment and Municipal Amendment Act (Derelict Property); Loi modifiant la Charte de la ville de Winnipeg et la Loi sur les municipalités (biens abandonnés), now be read for a first time.

Mr. Speaker: It's been moved by the honourable Minister for Local Government, seconded by the honourable Minister of Housing and Community Development, that Bill No. 3, The City of Winnipeg Charter Amendment and Municipal Amendment Act (Derelict Property), be now read a first time.

Mr. Lemieux: The revitalization and redevelopment of our communities is a key government priority of interest to all municipalities. Bill 3 strengthens the tools available to municipalities that support the revitalization initiatives existing Winnipeg authority to take title to vacant and derelict property in support of community revitalization will be strengthened and the authority extended to all municipalities.

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

**Bill 203—The Coat of Arms, Emblems and the
Manitoba Tartan Amendment Act (Provincial
Soil Designated)**

Mr. Cliff Cullen (Turtle Mountain): I move, seconded by the member for Lakeside (Mr. Eichler), that Bill 203, The Coat of Arms, Emblems and the Manitoba Tartan Amendment Act (Provincial Soil Designated), be now read a first time.

* (15:00)

Mr. Speaker: It's been moved by the honourable member for Turtle Mountain, seconded by the honourable member for Lakeside, that Bill No. 203, The Coat of Arms, Emblems and Manitoba Tartan Amendment Act (Provincial Soil Designated), be now read a first time.

Mr. Cullen: This bill designates the Newdale soil as the official provincial soil here in Manitoba.

As we celebrate today the Farmer Appreciation Day—the sixth annual Farmer Appreciation Day—we think, on this side of the House, it's significant that this legislation has been reintroduced. Hopefully, we

will have support from the new Minister of Agriculture (Mr. Struthers) on this endeavour.

This bill, this legislation will recognize the important role that agriculture plays in the province of Manitoba, and certainly it plays a historical importance and plays an important role in our economy, and it certainly will into the future as well.

Thank you very much.

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

**Bill 202—The Universal Newborn Hearing
Screening Act**

Hon. Jon Gerrard (River Heights): Mr. Speaker, I move, seconded by the MLA for Inkster, that Bill No. 202, The Universal Newborn Hearing Screening Act; la Loi sur le dépistage systématique des déficiences auditives chez les nouveau-nés, be now read a first time.

Mr. Speaker: It's been moved by the honourable member for River Heights, seconded by the honourable member for Inkster (Mr. Lamoureux), that Bill No. 202, The Universal Newborn Hearing Screening Act, be now read a first time.

Mr. Gerrard: Mr. Speaker, this situation at the moment is that too many children, newborns, fall through the cracks and are not detected early and are not detected until they are three or four years of age when it is too late to help them with their early speech development, so that this bill provides for universal newborn screening for hearing for all newborns in Manitoba, a essential step which is now being done in almost all other jurisdictions in North America.

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

**Bill 300—An Act to amend An Act to incorporate
The Portage District General Hospital
Foundation**

Mr. David Faurshou (Portage la Prairie): I move, seconded by the honourable member for Brandon West (Mr. Borotsik), that Bill No. 300, An Act to amend An Act to incorporate The Portage District General Hospital Foundation, be now read a first time.

Motion presented.

Mr. Faursehou: I truly appreciate the opportunity to introduce for first reading Bill No. 300.

This bill amends the existing act that was passed in 1986 by the Manitoba Legislative Assembly. Currently, the board of directors of the Portage District General Hospital Foundation consists of five people, two of whom are appointed by the City of Portage la Prairie and two by the Rural Municipality of Portage la Prairie. This bill increases the number of directors to seven. Each municipality is, through this legislation, able to appoint three directors. The bill essentially modernizes the act as previously passed in 1986.

I will also make statement to the House that this bill is in compliant with the petition that was submitted to the Legislative Assembly yesterday, having been previously advertised in the *Manitoba Gazette* and twice in the *Central Plains Herald Leader* press on two subsequent weeks. Thank you.

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

PETITIONS

Long-Term Care Facilities—Morden and Winkler

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

And these are the reasons for this petition:

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

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

This is signed by Midge Bergman, Elma Jones, Elda Schroeder and many, many others.

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

PTH 15

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

These are the reasons for this petition.

In August 2008, the Minister of Transportation (Mr. Lemieux) stated that traffic volumes at the intersection of PTH 15 and Highway No. 206 in Dugald, exceed those needed to warrant the installation of traffic signals.

Every school day up to 1,000 students travel through this intersection in Dugald where the lack of traffic signals puts their safety at risk.

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

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

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Transportation consider—

Mr. Speaker: Order. Order. We just may want to remind members that we are now in routine proceedings and our rules state very clearly there's to be no use of electronic devices during routine proceedings. So if any members have them on, please turn them off.

Please continue.

Mr. Schuler: In 2008, there was a 300 percent increase—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

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

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Transportation consider the immediate installation of traffic signals at the intersection of PTH No. 15 and Highway No. 206 in Dugald.

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

This petition signed by Doris Oneschuk, Rian Hawes, Audrey Vaags and many, many other Manitobans.

Community Police Offices

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

The background to the petition is as follows:

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

The NDP government did nothing to prevent the McPhillips Street Community Police Office and other offices from closing.

We petition the Legislative Assembly of Manitoba as follows:

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

Mr. Speaker, this is signed by I. Santos, E. Santos, and A. Mukalu and many, many other fine Manitobans.

Thank you Mr. Speaker.

* (15:10)

Ophthalmology Services—Swan River

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

These are the reasons for the petition:

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

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

This is signed by Nikki Highmoor, Gordon Glasscock, Marion Adamchuk and many, many others, Mr. Speaker.

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

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

These are the reasons for this petition:

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

Family doctors in Neepawa, Gladstone and Ste. Rose are unable to accept new patients. The nearby

community of McCreary has not had a doctor available to take patients in months.

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

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

This petition is signed by Olive Bjarnarson, Cheryl Waldner, Rena Innes and many, many other fine Manitobans.

Whiteshell Provincial Park–Lagoons

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

And these are the reasons for this petition:

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

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

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

Concerned stakeholders in the Whiteshell Provincial Park have repeatedly asked the provincial government to develop plans to address the shortcomings with the park's lagoons and to ensure the environment is protected, but the plans have not materialized.

We petition the Legislative Assembly of Manitoba as follows:

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

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

And, Mr. Speaker, this petition has been signed by Kevin Nally, Gail Nally, Mark Yakel and many, many other hardworking Manitobans.

TABLING OF REPORTS

Hon. Bill Blaikie (Minister of Conservation): I'm pleased to table the 2008-2009 Annual Report for the Department of Conservation. As well, Mr. Speaker, I'm pleased to table the 2008-2009 Annual Report for the Manitoba Sustainable Development Innovations Fund.

Hon. Eric Robinson (Minister of Aboriginal and Northern Affairs): Mr. Speaker, I'm pleased to table the 2008-2009 Annual Report and the Second Quarter Internal Financial Statements for the Communities Economic Development Fund.

ORAL QUESTIONS

Manitoba Hydro Rate Increases

Mr. Hugh McFadyen (Leader of the Official Opposition): Mr. Speaker, we have—we've heard a lot over the past while about the horrendous mismanagement at Manitoba Hydro under the watch of the current Premier. We heard him say on the day of the Throne Speech that the economy is flat. We know in Manitoba today that incomes are flat, pensions are down, people in parts of the province, including those who are with us today in Pine Falls and Powerview, are without incomes in many cases.

Mr. Speaker, all of the major economic indicators are either flat or down. The one thing that is going up, though, thanks to the mismanagement of this minister, is hydro rates. And the hydro—Hydro has asked for today rate increases totalling 6 percent over the next two years on top of the 6 percent that they've already been increased over the last two years at a time when Manitobans' incomes are flat.

Mr. Speaker, will the minister today apologize to Manitobans, that as a result of his mismanagement their hydro rates are going up at levels that are unaffordable?

Hon. Greg Selinger (Premier): Actually, Mr. Speaker, the member opposite was the one that ran in the last election on dramatically increasing hydro rates to full market value in Manitoba.

It's—and I quote some of his previous statements on—his policy statements: It's old orthodoxy to think cheap power will spur Manitoba's economic growth, and it may be time to review Hydro's pricing policies to make sure they maximize the return on investment. And that's his position.

Mr. Speaker, the only person that really wants to increase hydro rates in Manitoba beyond a reasonable rate that keeps them the lowest in North America, is the member, is the member from Fort Whyte. He—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Selinger: —ran on a policy. It was thoroughly rejected by all Manitobans.

Mr. McFadyen: Mr. Speaker, I—you know, I ran out of points earlier on the—on the matter of privilege, ran out of time to get into all of the points where he's dead wrong.

But another point that he made yesterday, which was absolutely wrong was that rates would go up by 40 percent. Market rates today are down from where they were two years ago, Mr. Speaker. They're down by 40 percent. He said that we want to raise them by 40 percent. The only people who are raising power prices in North America today are the members opposite because of their mismanagement, because of their waste, because of their failure to oversee the Crown corporation, because of his failure to deal with the issues brought forward by the whistle-blower.

He's raising rates. We want to lower them. Will he apologize to Manitobans today?

Mr. Selinger: Mr. Speaker, this—

Some Honourable Members: Oh, oh.

Mr. Selinger: Mr. Speaker, this is one of the—

Some Honourable Members: Oh, oh.

Mr. Selinger: This is one of the reasons—

Some Honourable Members: Oh, oh.

Mr. Selinger: This is one of the reasons the member has, once again, demonstrated his economic illiteracy. The rates aren't—the rates in every other jurisdiction—the rates in every other jurisdiction in Canada are higher than they are in Manitoba.

So if he wants a market rate, his rates would go up. He can pretend otherwise, but the base rate in every other constituency is five, six, \$700 more per home, and that's where he wants to go, and then—and then he wants to completely try to turn that around and go another way. Nobody believed him then; nobody believes him now.

Mr. McFadyen: Mr. Speaker, you know, I know—I know that he—he's much smarter than everybody else in the House with his—with his Ph.D. in social work. I know he knows a lot more about economics than members on this side of the House.

But the fact is, Mr. Speaker, that he's the one who misled Manitobans about Crocus on a sustained and a deliberate basis. He ignored the red flags. Manitobans paid the price. Today he's getting red flags from Hydro. He's been getting them from years. He ignored them. He tried to cover them up. Now Manitobans are gonna pay because rates are going up.

Will he apologize for his appalling record of mismanagement and, for a change, see if he can withhold the personal cheap shots? The shots, Mr. Speaker—you know, he comes in—he comes in—this sense of superiority. I know he's got a Ph.D. in social work from London School of Economics, but it doesn't entitle him—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. McFadyen: —to call into question the abilities of members of this House. Will he apologize for his mismanagement, and will he say to Manitobans that he wants lower rates instead of raising them at a time when they can't afford them?

* (15:20)

Mr. Selinger: Mr. Speaker, the member says rates are going down everywhere else. On April 1st, 2009, they were increased 9.7 percent by BC Hydro. That was up.

Mr. Speaker, in Saskatchewan, on June 1st, hydro rates went up 8 and a half percent. The

member—the member on the evidence is just factually wrong as he was in his lame attempt to use a question of privilege to make personal cheap shots at people and to suggest—and to suggest that somebody was deliberately misleading the House.

If the member says the rates are going down, could he please stand up and explain how they went up 9.7 percent at BC Hydro and how they went up 8 and a half percent in Saskatchewan hydro? Could the member explain that factual error that he's just put on the record once again?

Pembina Trails School Division Litigation Against Terminated Employee

Mr. Ron Schuler (Springfield): Mr. Speaker, this NDP government has a shameful track record when it comes to whistle-blowers. First they fired Pat Jacobsen. Then they turned their backs on a Manitoba Hydro whistle-blower, and now we learn that another whistle-blower, a hero, is being threatened and bullied with a lawsuit.

Mr. Speaker, Tracy Rose is a former school janitor who was not only fired but is now facing a potential lawsuit after blowing the whistle on the cover-up within the Pembina Trails School Division.

I ask this Minister of Education: Is she willing to admit that the NDP whistle-blower legislation is flawed and failed to protect Ms. Rose, a hero?

Hon. Nancy Allan (Minister of Education): Well, Mr. Speaker, and I just like to start off by saying how pleased I am to be in the Department of Education and having the opportunity to work with the MLA for Springfield. We did some excellent work together when I was in the Department of Labour and I look forward to doing some excellent work with him in the Department of Education.

I would just like to—I'd just like to remind the member opposite that the issue that he raised in regards to the employee in the school division, officials from my department have been in contact with the officials in the school division and they have every confidence that the matter is being dealt with appropriately.

Mr. Schuler: Well, Mr. Speaker, after the failure of the previous minister, we're hoping things will look up.

Tracy Rose tried to alarm senior school officials to a potential danger after a student asked her (a) how to clean up a lot of blood, (b) how to hide a

body, and (c) what kind of a gun to buy. Tracy's concerns fell on deaf ears and a few weeks later a tragedy occurred. That student now stands accused of killing and dismembering his father.

When Ms. Rose filed the complaint she was fired. Now she has been sent a letter advising her that for having the courage to come forward, she has been put on notice that a lawsuit may be forthcoming.

Can the minister explain to Tracy Rose and all other Manitobans who will now think twice before coming forward, what does she intend to do about fixing her flawed whistle-blower protection legislation?

Ms. Allan: Well, first of all, Mr. Speaker, I'd just like to remind the member that it's unfortunate that he started the question by personally attacking the former Minister of Education and that's really quite unfortunate. Then he followed that—

Some Honourable Members: Oh, oh.

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

Ms. Allan: And then he followed that, Mr. Speaker, with unfortunate sensational details about an issue in a school division and I would like him—

Some Honourable Members: Oh, oh.

Ms. Allan: —and I would just like him to know, Mr. Speaker, that we have been in touch with officials in the school division about this particular incident. We are concerned about it. We have been in touch with the officials in the school division.

Mr. Schuler: Well, Mr. Speaker, after she spoke with the school division, they then sent a letter to the whistle-blower threatening her with a lawsuit. That—please, please, minister, don't contact them anymore.

Yesterday the Premier (Mr. Selinger) lauded his flawed whistle-blower legislation and today we learn of a whistle-blower, a hero, being bullied and potentially sued. Does this Premier support the protection of whistle-blowers or does he think they should be fired and bullied and even sued by his government?

Will the Premier now admit that there are problems with his legislation and will he commit to work to amend the act and provide meaningful protection for Manitobans who come forward as whistle-blowers, like hero Ms. Rose? Will he please do that?

Ms. Allan: Well, I'm so pleased—I'm so pleased, Mr. Speaker, that the member opposite is interested in whistle-blower legislation, and, you know, I just want to remind him that his government brought—promised, issued a press release in 2004 and said they would be bringing in whistle-blower legislation, and we're still waiting for it.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Order.

Ms. Allan: It was our government—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Ms. Allan: It was our government that brought it in, Mr. Speaker, and it was our Premier that shepherded that legislation through this House that is the most—the broadest whistle-blower legislation of any jurisdiction in Canada.

Some Honourable Members: Oh, oh.

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

Ms. Allan: We have—we have the broadest legislation of any jurisdiction in Canada. *[interjection]*

Mr. Speaker: Order.

Ms. Allan: Thank you, Mr. Speaker, and we did review the legislation in 2008, and we made changes to it again in 2008, so we're very pleased with our legislation.

Tembec Lockout Ministerial Community Visit

Mr. Gerald Hawranik (Lac du Bonnet): Mr. Speaker, yesterday the Premier (Mr. Selinger) advised this House and listeners of CJOB that the employees of Tembec ought to seek binding arbitration as a solution to the lockout.

Immediately after his comments, I received an e-mail from employees advising me that Tembec employees are upset with that comment and also advising me that our Premier is not on the same page and perhaps he should be informed.

Given those comments, I ask the Minister of Labour (Ms. Howard), since she and the Premier refuse to travel one hour north of the Perimeter to listen to the concerns of our community, why didn't the Premier at least attend the meeting with

employees that was held here in this Legislature last Monday so he can make a more informed and appropriate comments to the media?

Some Honourable Members: Oh, oh.

Hon. Greg Selinger (Premier): Mr. Speaker, I thank the member for the question.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Order. Order. Order. I'd like to remind our guests in the gallery that there is to be no participation from our guests in the gallery. That also includes applauding.

The honourable First Minister has the floor.

Mr. Selinger: Yes, Mr. Speaker, as the member knows, there was a meeting with members of the community in the Legislature with at least three ministers attending. There was people here today. The Minister of Labour has met with them as well, and there has been a request from the Minister of Labour to bring the parties together to once again find a solution to this very difficult problem which is causing a great deal of stress for these families. And it would be a good idea to find a solution to this, and anything the government can do to facilitate that solution we will do within reason.

Mr. Hawranik: If the Minister of Labour and the Premier had listened to the concerns of our community, they would have known that binding arbitration is not an option at this time. Tembec is insisting that any referral to binding arbitration include arbitration on the benefits that employees would receive for pension.

This is completely unacceptable because the pension benefits agreement doesn't even expire until 2013. Had the Minister of Labour and the Premier visited our community, they would have known that. So I ask the Minister of Labour: Why has she and the Premier refused to attend Powerview-Pine Falls to listen to the concerns of our community so that they can make informed and appropriate comments?

Hon. Jennifer Howard (Minister of Labour and Immigration): Well, I want to thank the member for his question, for his concern about his constituents. We had the opportunity to talk by phone last week, he and I, to update each other on how things are going, and I look forward to continuing that relationship. I think it was a constructive discussion.

I want to thank the folks who are here today who withstood the snow and have been very patient,

waiting here to hear their issues addressed in the House. I had the opportunity to speak to them on the front steps. I've had the opportunity to hear from the people working—locked out in Pine Falls. I had the opportunity to meet with the town representatives, folks who worked in that mill and have retired, about their concerns about their pensions.

I've written to both the parties asking them to come back together so that we can help them resolve this dispute. I wrote to them yesterday to do that. I'm looking forward to a favourable response.

*(15:30)

Mr. Hawranik: I, too, am very pleased that the Tembec employees came here today to the Legislature, but the reality is, Mr. Speaker, they're looking for answers.

The pension plan is an extremely important issue to the employees. The pension plan agreement does not expire until 2013, yet Tembec is insisting that this agreement be thrown out and a new pension agreement be sent to arbitration. Sixty-five of the 270 Tembec employees are eligible for retirement in the next five years; 170 of those 270 are eligible to retire in the next 10 years, and it's an extremely important issue to these employees. If the pension agreement is sent to arbitration, the employees have said they will not ask for arbitration.

So I ask the Minister of Labour: Given this information, now what is her advice to those employees?

Ms. Howard: Mr. Speaker, in addition to trying to get the two parties to the collective agreement together—and myself and the ministers of Conservation and Aboriginal and Northern Affairs and Entrepreneurship, Training and Trade met with representatives of the workers and the First Nation, and we've also committed to a process to try to bring all those parties together to talk about some solutions.

I would say, as the member well knows as a lawyer, we're governed by The Labour Relations Act. I can't unilaterally decide on arbitration, decide what topics go to arbitration. I would suggest if—I would suggest if there are concerns about bargaining, if people are concerned that it hasn't been done in a fair way, they have a recourse to the Labour Board.

My goal, I think our shared goal in this House, is to try to get this lockout resolved and I'm prepared to

do what I can to bring those parties together to talk about it.

Tembec Lockout Ministerial Community Visit

Mr. Hugh McFadyen (Leader of the Official Opposition): I travelled to Pine Falls with the member for Lac du Bonnet (Mr. Hawranik) some time ago. I had the opportunity at that time to speak with men and women, many of whom have given over 30 years of their lives to this company and to this community. They're suffering, Mr. Speaker. Spike—strike pay is minimal. The offers—the last offer from the company is absolutely unacceptable in terms of their ability to survive in the community. They're fearful for their pensions.

We've seen leadership from the former premier, Mr. Doer, when issues arose at Tolko and other places. Why is this Premier so lacking when it comes to leadership for communities around Manitoba?

Hon. Greg Selinger (Premier): Mr. Speaker, the member—members opposite will know that in our Throne Speech we talked about strengthening pension regulations in Manitoba, and that is something we're very committed to doing. We do believe that pensions are extremely important for people that have given their lives in a certain industry, including the workers at Tembec who, over the years, have done many things to keep that industry alive, including, at one time, owning that mill.

So their pensions are extremely important. Pensions of all Manitobans are extremely important, which is why we identified it as an issue that we want to strengthen regulation around in the Throne Speech, and we will follow through on that, to strengthen pension legislation in this province of Manitoba.

Mr. McFadyen: Well, Mr. Speaker, we saw, in extreme circumstances that were impacting on communities like The Pas and other places, the direct intervention of Gary Doer when he was premier of Manitoba to resolve some of those issues. We know that in the case of—in the case of Pine Falls and the Tembec situation that the member for Thompson (Mr. Ashton) has taken the time to come and visit. The member for Minto (Mr. Swan) took the time to come and speak to the workers. I have been there personally and I know the member for Lac du Bonnet's spent a great deal of time with those workers.

Why is it that this Premier and his minister can't make the time for these workers? In fact, he couldn't even make the time to walk down the hallway of the Legislative Building. When is he going to start to show some leadership, Mr. Speaker?

Mr. Selinger: Not only—not only did we as a government show leadership on the pension issue—*[interjection]* Mr. Speaker, not only did we show leadership on the pension issue in our Throne Speech, and that issue is very important, it would apply to the workers of Tembec as well. We have, as a government, and when I was Minister of Finance, we had made additional resources available to Tembec to keep that plant going with respect to their investments in environmental technology out there. In addition, we, as a government, through our budgets, have made resources available to keep the rail line functioning up to Tembec so that the fibre can be moved in and out of that community.

Mr. Speaker, we will take all measures necessary to support a constructive resolution to this matter. I have talked to Tembec workers. I'd be happy to meet with them after question period today if they wish, with the Minister of Labour (Ms. Howard). I'd be happy to do that and—*[interjection]*—and we will make all efforts to facilitate a successful conclusion to collective bargaining there.

Mr. McFadyen: Well, Mr. Speaker, and I've spoken to the workers and they're well aware of money that has gone from this government into the company, but that is of no comfort to the workers when none of that money is making its way into the hands of the workers. There have been steps that have been taken to put money into the company. That money, the company has then turned around and made offers which are entirely unacceptable, and I don't blame the workers for taking the position that they've taken.

I want to ask the Premier why it is that, here we are, more than 90 days after the lockout started and only is it today, more than 90 days later, that he's prepared to meet with them now that they've had to come here to the Legislative Building to question period.

Why does he have to be shamed into taking action? Why doesn't he take the initiative on his own, Mr. Speaker? When's he going to show some leadership?

Mr. Selinger: Mr. Speaker, it is this government that has taken the initiative to protect pensions in this

province of Manitoba, well before—well before this specific dispute arose. We have taken very concrete measures to strengthen pension supports in this province of Manitoba. We will look at additional measures we can take to strengthen pensions.

We recognize how important pensions are for all working people in Manitoba which is why this New Democratic government will take additional measures as well as the ones we have in the past to protect pensions in Manitoba.

Economy Government Fiscal Update

Mr. Rick Borotsik (Brandon West): Mr. Speaker, the federal government has just provided Canadians with its fourth economic update. The Prime Minister released a 168-page document outlining Canada's fiscal future. Nova Scotia, British Columbia, Ontario, Alberta, and Saskatchewan have all done the same. We know the former Finance Minister, now Premier, has left Manitoba as a fiscal basket case, and many are wondering if the new Finance Minister is simply content to do nothing.

Mr. Speaker, is the—the NDP government has warned us of tough times ahead in this week's Throne Speech. Manitobans are looking for answers. Will the new Finance Minister provide this House with an economic update?

Hon. Rosann Wowchuk (Minister of Finance): Mr. Speaker, normally there is an update in the third week of December. If you look back at the records when other governments and other ministers have brought their update forward, it's in that period of time, and I will be bringing forward the update very shortly. However, we know we are in uncertain times, and there are some specific issues that we are still working on, but it will be brought forward in this time frame that it is normally brought forward in this province.

Mr. Borotsik: Well, Mr. Speaker, I don't know if the Finance Minister is aware of this, but this is not normal times and she can change the way she normally does business. It's obvious that the Finance Minister won't, can't or is incapable of providing those fiscal answers right now.

On the other hand, Mr. Speaker, the second-quarter financials for the end of September are completed. This NDP government always likes to wait until Christmas Eve to release the report. I don't particularly want to find that report under my

Christmas tree because it doesn't make for a really pleasant Christmas.

At the very least, rather than waiting till the third week in December, at the very least, will the new Finance Minister release the second quarter financials while this House is still in session?

Ms. Wowchuk: Mr. Speaker, indeed, we do normally release these outcomes and this quarterly report in December, mid-December. I can assure the member he is not going to get it in his Christmas stocking. It will not be in his Christmas stocking. I can assure you that he will have it before then, and I can assure this House that, as we outlined in the Throne Speech, as was outlined, there are challenges in this province as there are in other parts of the country and around the world, and that will be reflected in the quarterly report that will come before Christmas.

*(15:40)

Mr. Borotsik: There's very cold comfort, Mr. Speaker, that the Finance Minister is going to release a report in the third week of December when she has it sitting on her desk right now and we can analyze that report, but I'll—let me tell her what's in that report right now. Let me tell her. Own-source revenues are down, equalization is going to take a big hit in the next budget, our debt is out of control, spending is not under control, and we're in deficit.

If I'm wrong, Mr. Speaker, I would like the Finance Minister to table the second quarter financials right now so we can analyze it. Why wait till the third week in December?

Ms. Wowchuk: Mr. Speaker, I want to assure the member that if I had the second quarter report in my hand, I would give it to him. What I have in my hand is the quarterly report from April till June, which the member has. He has that report, and when the second quarter is ready, taking into account all of the issues that the member opposite talked about, I can assure you I will table it.

But I want to assure the member that spending is not under control [*inaudible*], nor are debt-servicing costs, because debt-servicing costs are down by 50 percent since 1999, [*inaudible*] cents on every dollar in revenue versus 13 and a half—13.2 cents in 1999. So the member opposite says we're—one says we're spending too much money—

Mr. Speaker: Order.

Agriculture Economic Challenges

Mr. Ralph Eichler (Lakeside): First of all, on behalf of all members of the House, I'd like to thank the Keystone Agriculture Producers for that wonderful lunch they provided this afternoon.

Mr. Speaker, I'd also like to welcome the agricultural minister to the job. I hope he gained a better understanding of the challenges and opportunities facing our agriculture sector when he attended the farmer appreciation earlier today.

The latest Throne Speech was another dud when it come to agricultural sector. There was not a single new program or service designed to help deal with the pressures like livestock feed supplies or help producers from reeling from effects of BSE, country-of-origin labelling, low commodity prices and high input costs.

Mr. Speaker, could the new Minister of Agriculture explain why producers were ignored in the Throne Speech?

Hon. Stan Struthers (Minister of Agriculture, Food and Rural Initiatives): Well, I want—I want to begin by thanking my friend from Lakeside for welcoming me to the department. Thank you very much. And I also want to thank Keystone Agricultural Producers for the fine job they did today for putting faces on farmers and giving them a voice in decision making. I think that's—I think that's very commendable and I think it's something that's very necessary.

First—[*interjection*] It doesn't sound like they're very much interested in agriculture over there, does it Mr. Speaker?

I want—I want to point out to the member for Lakeside that this government will go to bat for farmers. This government will work with farmers. I have met with Keystone Agricultural Producers. I've met with Manitoba hog producers. I've met with the cattle producers of Manitoba, met with the canola growers.

There's a long list of people that we're gonna sit and talk with about solutions in our farm country, Mr. Speaker.

Mr. Eichler: This is a—there's a previous minister in his other career that boycotted the hog industry and put 'em out of business.

Mr. Speaker, I don't think struggling producers will take a lot of comfort from that response. Many of them find it difficult to trust a minister who enacted a bill that's hammering the pork industry when it's down. Pork producers, producers in general, looked at the Throne Speech for some indication that agriculture is on the government's radar but were deeply disappointed, nothing for the Interlake cattle producers hit by excess moisture, trying to secure feed supplies for the winter, nothing for all producers hammered by low prices, trade relation issues, nothing for the grain farmer issues, no long-term vision whatsoever.

Mr. Speaker, is the new Minister of Agriculture's priority growth for agriculture sector or can we simply expect more bans and policy from him to damage the industry?

Mr. Struthers: You know, Mr. Speaker, I would suggest that members opposite get in touch with what's actually going on out in farm country instead of [*inaudible*] their own political agenda. They could—they could—

Some Honourable Members: Oh, oh.

Mr. Struthers: They could start—they could start—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Order.

Mr. Struthers: They could—

Some Honourable Members: Oh, oh.

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

Mr. Struthers: They could start by giving farmers a little bit of credit when it comes to the environment. Mr. Speaker. More than 6,500 Manitoba producers have taken up the Environmental Farm Plan challenge that we have. They're doing it; you're missing the boat.

Mr. Eichler: Mr. Speaker, here's a minister that don't even know where the clutch is. He probably got it in reverse, for heaven's sakes. He don't know what direction he's going.

Mr. Speaker, the Throne Speech failed Manitoba farmers under this government's watch. We've seen a significant exodus of cattle and hog producers. It's hard for farm families. It's hard on businesses that supply them. It's hard on the overall provincial economy.

In a press release issued by Keystone ag producers today, the Premier (Mr. Selinger) stated

and I quote: showing our willingness to work with farmers to help them meet their challenges as they farm for the future. End of quote.

I ask the Minister of Agriculture again, where is this government's willingness to work with our farmers? Will he stop the bans, stop develop—and develop policies aimed at improving the farm programs in this province, Mr. Speaker.

Mr. Struthers: Well, Mr. Speaker, there's a farmer across the way that attaches the horses to the equipment every morning to get going. His—the whole approach of members opposite is so out of touch. We're moving very quickly. We're moving very quickly—

Some Honourable Members: Oh, oh.

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

The honourable minister, to continue.

Mr. Struthers: We're moving very quickly to continue to build on the good announcements made by my predecessor and this government over the last 10 years, which did support farmers, which did support cattle farmers in all parts of our province, which did support hog producers in all parts of our province, which did support grain and oilseeds everywhere in Manitoba.

Mr. Speaker, we are continuing to meet with farmers. We are responding to the demands and the requests that they make. I'll continue to meet with them and continue—

Mr. Speaker: Order.

Child Day Care Centres Wait Lists

Hon. Jon Gerrard (River Heights): Mr. Speaker, yesterday I exposed the abysmal planning by this government when it comes to children and child care in this province. They keep no stats on the number of vacancies and no stats on the number of kids on wait lists and yet, yesterday, the Premier was quick to throw out a reference to an on-line program that parents can use to find children and vacancies in the province.

I checked the program out and, really, it's little more than a index of day-care spaces in the province, and it doesn't accurately tell the number of vacancies which are available. And I ask the Premier if he can

tell me how much this computer program cost and why it doesn't give accurate numbers for the number of spaces available.

Hon. Greg Selinger (Premier): I thank the member for the question, because he has confirmed that we have made this investment in an accessible tool to get knowledge to families about where day-care spaces are available. That has never been done before in the province of Manitoba.

It's part of our five-year plan. Our five-year plan includes better technology. It includes better wages for the people that work in the day-care system. It includes more spaces, includes more spaces for children. All of those are elements that we're rolling out systematically, year by year, in the province of Manitoba.

Mr. Gerrard: And yet, Mr. Speaker, there are hundreds and hundreds of people on waiting lists and no spaces available. The Premier is clearly not very well informed on this, because he doesn't even keep statistics and data to know what's happening.

Let me table another document that clearly indicates that the Province simply doesn't know how many vacancies they have. This one does provide a list, a number for potential vacancies. Mr. Speaker, I ask the Premier now how potential vacancies are helpful in addressing the long waiting lists for people. Last time I checked, kids need actual spaces and actual caregivers, not just some hypothetical potential caregivers. *[interjection]*

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

Will honourable members please wait until I recognize them before they speak, because *Hansard*—order, order—because *Hansard* needs to transcribe all the words that are spoken, please.

* (15:50)

Mr. Selinger: Mr. Speaker, what's important then to increase the—is to increase the number of spaces available for children and families. We've done that in our budget. The member has voted against that every single time. What's important is to have more wages to attract people to work in the day-care field. The member has voted against that in every single budget. What's important is to have more training opportunities so people can enter the field of child care, and every time we've put more resources available to do that, the member has voted against

that. And what's important is to have modern technology to give access to people on-line to where the spaces are, and again the member has voted against that.

Mr. Gerrard: Mr. Speaker, I voted against that budget because it was a bad budget and they were bad budgets, and they haven't solved the problem, and there can be no better proof than there's hundreds of kids waiting.

You know, the Premier's had 10 budgets. He's still dumping money blindly into child care with no information, no stats as to effectiveness. The Premier, instead of spending his time finding hundreds of millions of dollars to uselessly remove nitrogen from Winnipeg sewage, Mr. Premier should have been making sure that there were spaces available for children and child care in this province.

Can the Premier tell us how he's going to solve the child-care issue if he doesn't even have the stats? As this says, the information we requested doesn't exist. Why doesn't the Premier have the information?

Mr. Selinger: Mr. Speaker, once again—once again the member ignores the fact that this is the government that put a policy in place that every new school built in Manitoba will have day-care capacity within it. This is the first government in decades that has put forward a capital program to increase the number of new spaces available in modern facilities.

I was recently in Southdale, where we opened a brand new day-care facility, built with money that we put in place to do that. That's how we increase day-care spaces; we make significant investments in capital, in staff and in spaces. And I, once again, must point out to the member that he voted against every single one of those measures, every single year. He really can't have it both ways, Mr. Speaker.

Boreal Forest Sustainability Project

Ms. Sharon Blady (Kirkfield Park): Mr. Speaker, with the Copenhagen climate change summit fast approaching, increasing scientific evidence shows that protecting Canada's remaining boreal forest is of critical importance to the future of our planet.

Here in Manitoba we are fortunate to be stewards of part of this rich natural and cultural landscape. Can the Deputy Premier update this House on what Manitoba is doing to protect and sustain Manitoba's boreal forest?

Hon. Eric Robinson (Minister of Aboriginal and Northern Affairs): Mr. Speaker, I stand up with great pride, first of all, to tell you that I attended the Canadian Boreal Initiative's leadership council's third annual Boreal Awards gala last night in Ottawa, and I'm pleased to report to this House and to the people of Manitoba that our government's support for the Pimachiowin Aki UNESCO World Heritage project was met with jubilation, I would say, by people that are interested, both from the public sector, the private sector and First Nations people across this country of ours.

The legislation, as well, that we passed earlier this year to recognize and protect First Nations land use plans and their traditional territories on the east side of Lake Winnipeg and, at the same time, our government's foresight in saying no to running a bipole transmission line through the boreal forest and First Nations—

Mr. Speaker: Order.

Yellowhead Manor Project Status

Mr. Stuart Briese (Ste. Rose): Mr. Speaker, Yellowhead Manor is a Manitoba Housing complex that has been designated for extensive renovation to accommodate assisted living.

To date we have seen very little action, outside of the fact that cost estimates continue to rise at a rapid pace and construction deadlines are delayed. I ask, are Manitoba Health and Manitoba Housing committed to this project or is the minister making promises that they can't keep?

Hon. Kerri Irvin-Ross (Minister of Housing and Community Development): Mr. Speaker, I'm proud to stand up in the House today and speak about the commitment that we have made to housing in the province of Manitoba.

The commitment that we have made around the renovation, the new builds for social housing has been record breaking for the province of Manitoba, and we will continue to make that investment. We have HOMEWorks! Strategy, which is a three-year strategy that will look at the investment of developing seniors housing, housing for Aboriginal people, housing for new Canadians. We will continue to make those investments happen across the province.

Mr. Briese: Mr. Speaker, these announcements about—and the promises have gone on for four years.

No action is happening. You can't re-announce over and over and over again.

The people who live in the Yellowhead Manor are being left out in the dark. They are very concerned about what is happening, and they are getting no answers from the ministers.

Will the minister honour her promise, proceed with the project, inform the residents of Yellowhead Manor what is going to be done and when?

Ms. Irvin-Ross: Mr. Speaker, we continue to work with many stakeholders across the province, not-for-profit organizations, private industry, municipalities across this province to ensure that adequate and affordable housing is provided for everyone. We will continue to make those investments, and we will fulfill the commitments that we have made.

Mr. Speaker: Time for oral questions has expired.

MEMBERS' STATEMENTS

Verna Averill

Mrs. Leanne Rowat (Minnedosa): Mr. Speaker, I rise in the House today to pay tribute, or pay special tribute, to the late Verna Averill, an extremely generous woman who has continued to give extensively to her community of Minnedosa even after her passing.

Mrs. Verna Averill grew up in the small community of Basswood, a town located northwest of Minnedosa, and served as a schoolteacher in the various surrounding communities including Marney, Crocus Hill, Strathclair, Newdale and Neepawa, as well as Minnedosa.

Verna and her late husband, Leonard, were perpetual supporters of various community projects, and were always willing to donate to any local cause. Recently, the Minnedosa and District Foundation received a bequest of \$1 million from Mrs. Averill's estate.

Ms. Marilyn Brick, Deputy Speaker, in the Chair

This generous donation will support the community in providing capital for various community projects each year. Currently, many community groups in Minnedosa are undertaking a variety of capital projects including fundraising for a new recreational facility and a rebuilding of the Minnedosa United Church. Minnedosa is a community rich in selfless giving.

Mr. Speaker, I ask the members of this House to join me in paying tribute to Verna and Leonard Averill, and thanking all selfless residents of communities throughout Manitoba for giving so generously and for ensuring the prosperity and future growth of our communities.

DASCH Inc.

Mr. Doug Martindale (Burrows): Madam Deputy Speaker, I want to raise awareness about the indispensable work done by DASCH, a non-profit organization that provides services to more than 250 Manitobans living with a developmental disability.

DASCH, which stands for Direct Action in Support of Community Homes Inc., owns over 45 homes in Winnipeg and offers residential, day, foster and respite services to individuals supported by the program. DASCH provides a community lifestyle to residents, and guidance is given in the areas of self-care, community living, socialization, work, school, household activities and recreation. DASCH has also created a number of skill development groups to help participants integrate into the community and cope with life events.

The opportunity to live in a community, be responsible for themselves and care for their own homes truly provides the best quality of life for individuals living with a developmental disability. This essential work would not be possible without DASCH's excellent staff and dedicated volunteers, and I want to thank them for their efforts. Thanks to them, DASCH has been operating for 35 years, and I know the program will continue to be a success in the future.

Madam Deputy Speaker, I especially want to congratulate Scott and Susan Mellanby, who were recently recognized by DASCH. Scott, a former NHL star, and his wife, Susan, created the Mellanby Autism Foundation in 1999 in honour of their son, Carter, who had been diagnosed with a disability a year earlier. They later teamed up with friends to found the non-profit organization, Athletes Against Autism. This organization is made up of athletes who have been personally touched by autism, and they are combining their efforts to increase awareness and raise funds for research, treatment and education programs. Like DASCH, their work provides important services and hope for countless individuals.

* (16:00)

Tembec Lockout

Hon. Jon Gerrard (River Heights): Mr. Speaker, I want to speak for a moment about the situation in Pine Falls where workers at the Tembec plant are locked out.

This lockout has been going on for far too long, for more than 90 days, and it's having a serious impact on the lives and health of workers and people in Pine Falls and their families and, indeed, in the community. The situation represents an abysmal failure of this government to act and to make sure that situation is resolved.

It's very apparent that the current Premier (Mr. Selinger) is no Gary Doer. When the situation happened in The Pas, Gary Doer was there right away and had it solved. When this came across in Pine Falls, you know, Gary Doer, at that point, was half way to Washington and he wasn't really engaged in what was happening in the province and so it wasn't attended to. But the current Premier, after he was elected, certainly doesn't have what it takes to resolve critical issues like this. He has dillied and dallied and the situation is now unresolved for more than 90 days. It's a terrible indictment of the poor performance of this government and the new Premier.

There is also a sad situation in the Interlake. I was recently in Arborg meeting with a whole number of farmers there. They have had a situation where they've had poor years for either three out of the last five or four out of the last five years, depending on just where the farms are. And because one of the *[inaudible]* There needs to be effective action short-term and long-term *[inaudible]*.

The current Premier clearly doesn't understand the situation. In his Throne Speech he talked about—mentioned ordinary maintenance of several drains in the area, maintenance that should've happened years ago and should be ordinary matters of routine support. This wasn't the kind of drainage and *[inaudible]* management program that was needed. We should have had something much better.

Mr. Speaker in the Chair

Manitoba Living History Society

Ms. Erin Selby (Southdale): Mr. Speaker, as members of this House know, Manitoba is blessed with a deeply interesting history. The Manitoba Living History Society has been recreating and

honouring our province's history for well over two decades.

The MLHS is a community of men and women, young and old, who share a passion for Manitoba's vibrant past. Through costumes, crafts, research and gatherings, the personages, events and way of life of our ancestors are re-animated and, hopefully, better understood.

In just over two years we will mark the 200th anniversary of the arrival of the Selkirk Settlers in the Red River Valley, and in anticipation of this milestone, two members of the MLHS, Barry and Judy McPherson, have co-authored a wonderful guide to the clothing that would have been worn by the settlers.

The People of Red River—A Costume Guide is both a collection of artistic depictions of the manner of dress specific to the early 19th century Red River Valley, skilfully rendered by Janet La France, a young member of the organization, and a collection of art contemporaneous of the era of the Selkirk Settlement.

This valuable project was nurtured in part by a grant from the Department of Culture, Heritage and Tourism, and proceeds from the sales of the book will help the Manitoba Living History Society plan for 2012's Selkirk Settlers festivities.

I would like to thank Judy and Barry McPherson for their book. It constitutes both a fun exploration of an engaging chapter of Manitoba's history and a bulwark against the forgetting of the unique roots of our contemporary culture.

On behalf of members of this House, I thank the Manitoba Living History Society for their contributions to our province, and we look forward to the bicentennial anniversary of the Selkirk expedition knowing that our history is in capable hands. Thank you, Mr. Speaker.

MATTER OF PRIVILEGE

Mr. Cliff Cullen (Turtle Mountain): Mr. Speaker, on a matter of privilege.

Mr. Speaker: On a matter of privilege.

Mr. Cullen: As you know, a matter of privilege is a very serious matter because of the breach of privilege infringes on our limits and our ability as MLAs to effectively perform, and especially in our duty as opposition members.

As you know, Mr. Speaker, there's two issues relating to privilege and two conditions that must be met. One is that the matter being raised is at the earliest possible convenience and opportunity. Two, whether there in fact has been a breach of the privileges of this House and, in fact, whether a prima facie case of the breach of our privileges as legislators can be made.

Mr. Speaker, I listened intently to question period today, to the questions pertaining to Manitoba Hydro on behalf of our leader, and the responses on behalf of the Premier (Mr. Selinger). And, quite frankly, it's quite clear that the responses to those questions weren't in line with the questions at hand. And, in fact, I know the Leader of the Opposition (Mr. McFadyen) was referencing rates as they pertained to the U.S. markets. The response from the Premier was in regard to some of the spot prices here in Canada. So there's certainly a discrepancy in terms of the questions and answers.

And I also, Mr. Speaker, I had a chance to peruse a *Hansard* from yesterday and some of the responses of the Premier to questions pertaining to Manitoba Hydro yesterday. And, as you know, there are some serious allegations with one of our very important Crown corporations in terms of Manitoba Hydro. And the comments made by the Premier (Mr. Selinger) yesterday, and I quote from *Hansard*, and the Premier said: You know what? There is no dividend policy in Manitoba. No money is transferred from Manitoba Hydro from the capital—from the capital program.

Quite frankly, Mr. Speaker, this statement is far from the truth and I believe the Premier has been misleading the Chamber and those making those allegations. I think I can point out, without a doubt, this goes beyond a dispute over the facts. There is a clear indication in my mind that the Premier has been misleading the House and the members of the Chamber.

I can—I will take some time just to point out the facts of the matter. I think you will clearly recognize, once I point out the facts, that the Premier was misleading the members of the House. The truth of the matter, Mr. Speaker, is that since coming into power, this NDP government has taken almost \$2.5 billion from Manitoba Hydro, and I think all Manitobans would remember 2002 when the NDP government took a \$203-million special payment from Manitoba Hydro.

And, as you will recollect, Manitoba Hydro did not have the cash on hand and, in fact, was forced to borrow the money at that time. So, in reality is, the cost of borrowing the money was almost as high as the special payment itself. So the total cost of the special payment or the dividend that the Premier referenced yesterday was close to \$400 million, Mr. Speaker.

Now, partially as a result of the increase in the dividend, that one dividend, we've seen our Manitoba Hydro rates have increased 16 percent since this particular government has taken over office. And, as we see in the last day or two, Manitoba Hydro has brought forward their general rate increase—application for increase—and there's substantial increases requested going forward.

So we know that Manitobans will all be impacted by the dividends taken by this Province, and it's quite clear that the Premier didn't want to recognize the fact that there has been dividends taken from Manitoba Hydro by this government. Clearly, \$2.5 billion taken out of Manitoba Hydro will reflect quite seriously in the rates customers will pay into the future.

The other issue that the Premier neglected in his—to realize in his statement yesterday that the NDP government also takes water rental fees from Manitoba Hydro, and the NDP have, in fact, doubled the water rental rates over the last few years. And, Mr. Speaker, I was able to put together, just today, the figures for that from the Manitoba Hydro reports, annual reports, and I question the Premier on his statements because, in the year 2000, the water rental rates—and these are dollars per megawatt of power produced—the rates at that time were \$1.63; today, in fact in the year 2002, when the NDP came in, they actually more than doubled the water rental rates to \$3.34 per megawatt hour.

So those figures alone are very substantial and even in today's dollars, the NDP government is taking \$115-million dividend out of Manitoba Hydro, contrary to the statements made by the Premier yesterday.

The other thing that the Premier (Mr. Selinger) failed to realize and to pass on to the members of the Chamber was the debt guarantee that the NDP government charged Manitoba Hydro, and that fee, which is charges of percent of total debt, in 1999, was 0.5 percent. That's the rate charged on the total debt. Today, the NDP government is charging

Manitoba Hydro double that fee—exactly 1 percent of total debt—of a fee to guarantee the payments on behalf of Manitoba Hydro. That particular dividend, if you will, Mr. Speaker, amounts to \$74 million in this fiscal year.

And we also—the Premier forgot to mention in terms of his dividend statement was that there's other taxes paid directly on behalf of Manitoba Hydro to the government of Manitoba and, in fact, we're looking at a fee of about \$87 million turned over directly from Manitoba Hydro, in essence, in the form of a dividend. Mr. Speaker, this amounts to \$276 million of a—I would call a dividend—turned over to Manitobans, and I will table that information—

* (16:10)

Mr. Speaker: Order, order, order.

I've been listening very patiently and very carefully and when members are up on a point of order, I mean a matter of privilege, they should be discussing why this is a prima facie case and rather than debating the issue. When rising on a matter of privilege, it's to convince the Speaker that the matter is so urgent that we need to debate the issue right away at this moment, but not getting into debating the issue because I have not made a ruling yet. So I ask the honourable member to state his case on prima facie, if this is a prima facie case where it requires immediate debate.

Mr. Cullen: Thank you very much. I will. I'll get to the point of the matter, Mr. Speaker, and I appreciate your guidance on that. I think the point here is there's a direct contradiction from the CEO of Manitoba Hydro from what the Premier (Mr. Selinger) said yesterday in his statement. And I quote from a later—a letter from the CEO, October 26, 2009, directed to Manitoba Hydro staff, and he says here: Manitoba Hydro has been able to make substantial annual payments to the Province currently in excess of \$200 million per year. That is not what the Premier of the Province stated yesterday. I will for the benefit of the House, I will table the letter that the chairman—the CEO had put forth.

Mr. Speaker, I think it's pretty clear that the Premier had intentionally misled the House. In view of that, I move that this matter be moved to the—to be considered by the Standing Committee on Legislative Affairs and then reported back to this House.

Mr. Speaker: Does the honourable member have a seconder on his motion? Does the honourable member have a seconder? *[interjection]* Okay, before recognizing any other members, I'd like to remind members that to limit strictly relevant comments to whether the alleged matter of privilege has been raised at the earliest opportunity and whether a prima facie case has been established.

Hon. Bill Blaikie (Government House Leader): I haven't been here all that long, but I think it's pretty clear what's happening. People are seeking to put the Speaker in a position where he has to rule points of privilege would not be points of privilege so that then in a procedure that's rather rare across the country but exists in this particular Legislature the House is then able to be forced to a division on the ruling of the Speaker and then we'll have a vote. So we have another point of privilege here which is not a point of privilege. The goal of it is not to make a point of privilege. It's really to put you in the position where you have to rule on what is obviously not a point of privilege but something having to do with a dispute as to facts, so why don't—Mr. Speaker, I trust in your judgment on this matter as to whether it's a point of privilege or a matter having to do with a disputation of the facts and let's have your ruling and then presumably without wanting to presume upon your judgment, get to the real object of this which is to abuse the procedures of this House to cause another vote and to cause delay. Very transparent. Let's proceed.

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

I reminded members earlier that when members rise on a matter of privilege or a point of order, that it's a very serious matter, and I need to be able to hear every word so I ask the co-operation of all honourable members please.

The honourable member for Inkster, you wish to add some new information to—

Mr. Kevin Lamoureux (Inkster): Yes, I would, Mr. Speaker. I think that you have demonstrated through time your patience and willingness to understand the issue. In this case, it's a matter of privilege which I believe ultimately does deserve a decision from you, and what I would suggest is that we take a look at the *House of Commons Procedures and Practice* and on page 67, and I'll quote directly from it. It states: Thus, the House also claims the right to punish, as a contempt, any action which, though not a breach of a

specific privilege, tends to obstruct or impede the House in the performance of its functions; obstructs or impedes any member or officer of the House in discharge of their duties; or is an offence against the authority and the dignity of the House.

Mr. Speaker, I think that the critical thing here that we need to look at is, indeed, what it is that the Premier (Mr. Selinger) stated yesterday inside the—inside the Chamber during question period.

As you know, one of the primary roles that we have as members of opposition or, in fact, any member that's not in Cabinet, is to ask questions of the government, and you have made rulings in the past where you say, well, you know, it has to be demonstrated that it is intentionally on behalf of a minister where they're really trying to misdirect or provide false information to the Chamber. And it's a difficult thing to prove, Mr. Speaker.

But I'll suggest to you that the member from Turtle Mountain does bring up an issue that I think will make it a challenge for you to actually to make a ruling on this, Mr. Speaker, and I'll tell you why I believe that to be the case: because the Premier in his former capacity also had responsibility of Manitoba Hydro. So he would have been fully aware—and as Minister of Finance—he would have been fully aware of exactly what entitlements the Province receives from Manitoba Hydro in terms of financial benefits and so forth so that the now Premier would have known and had a full and complete understanding of that.

Now, like everyone else, I, too, was here and I heard the minister, and I appreciate the member from Turtle Mountain recited right from *Hansard* what the Premier stated. And let there be no doubt my interpretation and, if you read *Hansard*, Mr. Speaker, the Premier gave a clear impression that the Province general revenues, in essence, do not receive any form of dividends whatsoever from Manitoba Hydro. That's the impression he tried to give all members of this Chamber and the hundreds if not thousands of people that watch question period, whether it's through the television or through it's—the public gallery. That is what the Premier wanted to leave everyone to believe. And if it wasn't for the facts such as doing a little bit of research as the member from Turtle Mountain obviously has done, he was able to bring to the table documents, a letter, and all we need to do is to look at past budgets and we could see that that's not the case.

So I would argue, Mr. Speaker, that the minister of—the Premier did intentionally attempt to mislead the House, and that's where it becomes an issue of a privilege, and that's why I believe this is something that you might want to allow to go to committee or, at the very least, consider taking it under advisement so that we can get a ruling that would ultimately prevent government members, even if it's the Premier, from intentionally misleading this Chamber into the future.

Thank you, Mr. Speaker.

Mr. Speaker: Okay, on the matter of privilege raised by the honourable member for Turtle Mountain (Mr. Cullen), first of all, this matter of privilege was very similar to the matter of privilege that was raised earlier today. And, also, remind members that the Speaker, as my role as the Speaker, it is not my job to adjudicate facts, and so I'd like to inform the House that this is clearly a dispute of the facts, and to allege that a member has misled the House is a matter of order rather than privilege. And it is unparliamentary whether or not it is qualified by the adjective unintentionally or inadvertently to allege that a member has deliberately misled the House is also a matter of order.

Beauchesne's citation 31(1) advises that a dispute over the facts does not fulfil the criteria for a prima facie case of privilege, while Joseph—*[interjection]* Order, please. Order, please—while Joseph Maingot advises on page 241 of the second edition of *Parliamentary Privilege in Canada* that allegations that a member has misled the House are in fact matters of order and not matters of privilege.

I would therefore rule that the honourable member does not have a matter of privilege.

Mr. Gerald Hawranik (Official Opposition House Leader): Challenge the ruling, Mr. Speaker.

Mr. Speaker: Okay, the ruling of the Chair has been challenged.

* (16:20)

Voice Vote

Mr. Speaker: All those in favour of sustaining the ruling of the Chair, please say aye.

Some Honourable Members: Aye.

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

Some Honourable Members: Nay.

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

Formal Vote

Mr. Hawranik: Recorded vote, please.

Mr. Speaker: Recorded vote having been called for, call in the members.

* (17:00)

Mr. Speaker: Order. Order.

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

Division

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

Yeas

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

Nays

Borotsik, Briese, Cullen, Derkach, Driedger, Dyck, Eichler, Gerrard, Goertzen, Graydon, Hawranik, Lamoureux, Maguire, McFadyen, Mitchelson, Pedersen, Rowat, Schuler, Stefanson.

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

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

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, December 2, 2009

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