

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

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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.
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BRAUN, Erna	Rossmere	N.D.P.
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BRIESE, Stuart	Ste. Rose	P.C.
CALDWELL, Drew	Brandon East	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
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DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
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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	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.
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SWAN, Andrew, Hon.	Minto	N.D.P.
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WHITEHEAD, Frank	The Pas	N.D.P.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, June 10, 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 that which is in accordance with Thy will, that we may seek it with wisdom, know it with certainty and accomplish it perfectly for the glory and honour of Thy name and for the welfare of all our people. Amen.

Routine proceedings; introduction of bills.

ROUTINE PROCEEDINGS

INTRODUCTION OF BILLS

**Bill 239—The Highway Traffic Amendment Act
(Seizure of Vehicles and Suspension of Drivers'
Licences Arising from Drug Offences)**

Mr. Kelvin Goertzen (Steinbach): I move, seconded by the Member for Springfield (Mr. Schuler), that Bill No. 239, The Highway Traffic Amendment Act (Seizure of Vehicles and Suspension of Drivers' Licences Arising from Drug Offences), be now read for a first time.

Mr. Speaker: It's been moved by the honourable Member for Steinbach, seconded by the honourable Member for Springfield, that Bill No. 239, The Highway Traffic Amendment Act (Seizure of Vehicles and Suspension of Drivers' Licences Arising from Drug Offences), be now read a first time.

Mr. Goertzen: Mr. Speaker, we know that 80 percent of crime that happens in the province of Manitoba is as a result of drug, drugs whether individuals are doing crimes because they are addicted to drugs or they're doing it to get money for drugs. We also know that many drug dealers prey upon our children and the vulnerable to try to get them addicted to the deadly drugs that they sell.

This bill would take away two of the tools that drug dealers use, their driver's licence and their vehicles, to tie to traffic in those drugs. I recommend it to all members of the House, as I believe it'll be one more step in trying to reduce drug addiction and drug offences in our province.

Mr. Speaker: Is it the pleasure of the House to adopt the motion? Agreed? Agreed and so ordered.

Petitions.

PETITIONS

Seven Oaks Hospital—Emergency Services

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

The background to this petition is as follows:

The current Premier (Mr. Doer) and the NDP government are reducing emergency services at the Seven Oaks Hospital.

On October 6, 1995, the NDP introduced a matter of urgent public importance that stated that "the ordinary business of the House to be set aside to discuss a matter of urgent public importance, namely the threat to the health-care system posed by this government's plans to limit emergency services in the city of Winnipeg community hospitals."

On December 6, 1995, when the then-PC government suggested it was going to reduce emergency services at the Seven Oaks Hospital, the NDP leader then asked Premier Gary Filmon to "reverse the horrible decisions of his government and his Minister of Health and reopen our community-based emergency wards."

The NDP gave Manitobans the impression that they supported Seven Oaks Hospital having full emergency services seven days a week, 24 hours a day

We petition the Legislative Assembly of Manitoba as follows:

To request that the Premier of Manitoba consider how important it is to have the Seven Oaks Hospital provide full emergency services seven days a week, 24 hours a day.

Mr. Speaker, this is signed by J Coronía, L. Dela Cruz, M. Ramos and many, many other fine Manitobans. Thank you.

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

**Parkland Regional Health Authority—
Ambulance Station**

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

And these are the reasons for this petition:

The communities of Eddystone, Bacon Ridge and Ebb and Flow First Nation rely on emergency services—emergency medical services personnel based in Ste. Rose, which is about 45 minutes away.

These communities represent about 2,500 people. Other communities of a similar size within the region are equipped with at least one ambulance, but this area is not. As a result, residents must be transported in private vehicles to the nearest hospital if they cannot wait for emergency personnel to arrive.

There are qualified first responders living in these communities who want to serve the region but need an ambulance to do so.

A centrally-located ambulance and ambulance station in this area would be able to provide better and more responsive emergency services to these communities.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Minister of Health (Ms. Oswald) to consider working with the Parkland Regional Health Authority to provide a centrally located ambulance and station in the area of Eddystone, Bacon Ridge and Ebb and Flow First Nation.

This petition is signed by Franklin Roucette, Jordon Campbell, Fred Beaulieu and many, many other fine Manitobans.

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 the 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 the provincial government's failure to ensure there are adequate personal care home beds in the region.

We petition the Legislative Assembly of Manitoba as follows:

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

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

And this is signed by Henry Hamm, Isaac Fehr, Cornie Neufeld and many, many others.

**Traffic Signal Installation—PTH 15
and Highway 206**

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 206 in Dugald exceeded those needed to warrant the installation of traffic signals.

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

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

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

We petition the Legislative Assembly of Manitoba as follows:

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

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

Signed by Trustee Gladys Hayward Williams, Cathy King, Sandie King and many, many other Manitobans.

Ophthalmology Services—Swan River

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

These are the reasons for this petition:

The Swan Valley region has a high population of seniors and a very high incidence of diabetes. Every year, hundreds of patients from the Swan Valley region must travel to distant communities for cataract surgery and additional preoperative 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 Nick Macdonald, Jackie Macdonald, Aaron Acorn and many, many others, Mr. Speaker.

* (13:40)

Photo Radar

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

These are the reasons for this petition:

It is important to protect the safety of construction workers who are on the job by having reduced speeds in construction zones when workers are present.

The provincial government handed out tickets to thousands of Manitobans who were driving the regular posted speed limit in construction zones when there were no construction workers present.

A Manitoba court has ruled that the reduced speed zones in construction areas were intended to protect workers and that the tickets that were given when no construction workers were present were invalid.

The provincial government has decided not to collect unpaid fees given to motorists who were ticketed driving the normal posted speed limit when no construction workers were present.

The provincial government is refusing to refund the money to the many hardworking, law-abiding Manitobans who have already paid the fine for driving the regular speed limit in a construction zone when no workers were present.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Attorney General (Mr. Chomiak) consider refunding all monies collected from photo radar tickets given to motorists driving the regular posted speed limit in construction zones when no workers were present.

This is signed by Jean-Paul Lapointe, Sue Lapointe and R.L. Lapointe and many, many other fine Manitobans.

Twinning of Trans-Canada Highway

Mrs. Mavis Taillieu (Morris): And I wish to present the following petition to the Legislative Assembly of Manitoba.

And these are the reasons for this petition:

The six-kilometre stretch of the Trans-Canada Highway passing through Heading–Headingley is an extremely busy stretch of road averaging 18,000 vehicles daily.

This section of the Trans-Canada Highway is one of the few remaining stretches of undivided highway in Manitoba and has seen countless accidents, some of them fatal.

In its January 2009 budget, the federal government indicated it would work with the provincial government to cost share the improvements to this stretch of the Trans-Canada Highway.

In the interests of protecting motorist safety, it is critical that the dividing of the Trans-Canada Highway in Headingley is completed as soon as possible.

We petition the Legislative Assembly as follows:

To request that the Minister of Infrastructure and Transportation (Mr. Lemieux) consider meeting as soon as possible with his federal counterparts to finalize the cost-sharing arrangements needed to move the twinning of the Trans-Canada Highway forward in order to ensure that the federal monies available for this important project do not lapse.

To request that the Minister of Infrastructure and Transportation consider making the completion of the dividing of the Trans-Canada Highway in Headingley in 2009 an urgent provincial government priority.

And this is signed by Verna McGuckin, Marcy Froese, Roy McGuckin and many others, Mr. Speaker.

Mr. Speaker: Committee reports; tabling of reports.

TABLING OF REPORTS

Hon. Stan Struthers (Minister of Conservation): Mr. Speaker, it's my pleasure to table the 2008-09 Annual Report of the Manitoba Clean Environment Commission, and it's also my pleasure to table the 2008 Annual Report of the Manitoba Association for Resource Recovery Corporation.

Thank you, Mr. Speaker.

Mr. Speaker: Ministerial statements. *[interjection]*

Order. Order.

Introduction of Guests

Mr. Speaker: I'd like to draw the attention of honourable members to the public gallery where we have with us from Glenboro School, we have 28 grade 5 and 6 students under the direction of Mrs. Marilyn Cullen. This school is located in the constituency of the honourable Member for Turtle Mountain (Mr. Cullen).

And also in the public gallery we have the Red–Red Hat Society, Women of the Whiteshell. We have 10 visitors under the direction of Ms. Annabel Baker. This group is located in the constituency of the honourable Member for Lac du Bonnet (Mr. Hawranik).

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

Oral questions.

ORAL QUESTIONS

1999 Election

Campaign Returns–Premier's Awareness

Mr. Hugh McFadyen (Leader of the Official Opposition): The Premier has sent conflicting messages about his view of the, of the NDP election rebate scheme that they were caught engaging in, in 2000, by Elections Manitoba's forensic auditor.

First he said it was just a matter of different interpretations. Then he said, last week, that it was wrong. He indicated yesterday that it was illegal.

I want to ask the Premier what steps he took when he, when he became aware of it. But, first of all, who was it who made the Premier aware, in detail, of what his party had done back in 2001?

Hon. Gary Doer (Premier): Yes, Mr. Speaker, speaking of conflicting comments, on May 25th, in this House, the–Mr. McFadyen, Leader of the Opposition, said that–

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

Mr. Doer: –Leader of the Opposition. I withdraw Mr. McFadyen. I was directly quoting–asked Mr. Balasko to explain the investigation. He said, sorry, I can't talk to you about that. We asked the question over and over again.

In fact, Mr. Balasko answered a number of questions at the committee, both in May 25, 2009, and, and in July 10th, 2008.

The Chief Electoral Officer said, and I quote: We followed the advice given to him by both Mr. Michael Green and Blair Graham. With regard to the comment avoided charges, I think that welcomes the opportunity to reiterate—this is Elections Manitoba—that there, that there's a sole point of decision with regard to charges being laid that we ha—relied on specific legal analysis.

I'll go on further with your misrepresentation and Mr. Balasko's comments, Mr. Speaker.

Mr. McFadyen: And I'm not sure which set of comments from mis—Mr. Balasko he's referring to. He made, he made reference to independent legal opinions at committee. They told the *Free Press* they always rely on two independent legal opinions, and then he wrote to me afterward and told me that they rely on the final legal advice of their lawyers without referring to independent advice or what the preliminary advice was.

And so, Mr. Speaker, we've had now three different versions of it from the Chief Electoral Officer, but the question is not about what the Chief Electoral Officer said or didn't say; it's who told the Premier, in 2001, who told the Premier, in 2001, about the serious scheme his party had engaged in?

Would he just be up front about who let him know about it in 2001, and then we'll discuss the other points arising from that?

Mr. Doer: Mr. Speaker, he—Mr. Speaker, the—Mr. Balasko, again, inconsistent with what the Leader of the Opposition stated that we had—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Order. Order.

The honourable First Minister has the floor.

Mr. Doer: —specific legal analysis and specific recommendations that two counsels independently provided to the Chief Electoral Officer, acting consistent with the legal advice that had been received. There's a sole reason upon which these issues are determined. Two independent—and he goes on to say—two independent legal opinions from margably—arguably, and I would repeat this for the member opposite—arguably—the two most outstanding experts in their field with a long track record to point to, that's the sole reason that this action was taken, Mr. Speaker.

That's quite different what—than what the Leader of the Opposition said in this House and he said consistently to the media, Mr. Speaker.

Mr. McFadyen: I think the, the non-independent opinions that he is referring to are the ones that he's now refusing to provide to us, as well as the apparent Deloitte advice that was received by Elections Manitoba which they've also refused to provide, even though audits must be provided publicly as a result of amendments to election returns.

The other interesting thing is that Elections Manitoba wrote to Progressive Conservatives and said it was mandatory for amended returns to be audited, which is obviously different from the position they took with respect to the NDP's amended returns.

*(13:50)

Mr. Speaker, I want to ask, though, rather than be—rather than dwelling on what the Chief Electoral Officer is saying, the Premier knows what information was brought to his attention in 2001 and who brought it to his attention. Why doesn't he just respond directly to the question: Who brought the scheme to his attention in 2001?

Mr. Doer: Mr. Speaker, we are accountable, as members opposite are, to Elections Manitoba. The, the Leader of the Opposition is not the Chief Electoral Officer of this province. He is not the chief elections officer. With the greatest of respect, there is always issues with Elections Manitoba. That's why Elections Manitoba said, and I quote: that every political party has had to refile election submissions for purposes of rebates, and every political party has received—has had to pay back money. That's what he said in the committee, a full answer.

You know, if he wants to apply for the job of the Chief Electoral Officer in the future if it's ever vacant, Mr. Speaker, you know—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Order.

Mr. Doer: —you know, one would question his objectivity and one would question his knowledge, but, perhaps, Mr. Speaker, that's the job he seeks.

We seek to work for the people of Manitoba every day. That's what we get up and do, Mr. Speaker.

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

Mr. McFadyen: That is not a job I will be applying for. I want to assure him of that, Mr. Speaker.

I also want to assure him that whether or not I'm objective on these political matters, I do have a certain amount of faith when we hear things being said by people from all three parties, including the Minister of Finance (Mr. Selinger), Jim Treller, Tom Milne, who wrote getting Mr. Asselstine removed. These are three members of his own party who have all put things on the record that confirm the, the set of facts that we're now aware of, Mr. Speaker, that were concealed for all of these years, that there was a scheme by the NDP to take money from taxpayers, a scheme by the NDP to take money from taxpayers.

The Premier was advised of that scheme. Elections Manitoba was aware of that scheme in 2000. Why doesn't the Premier just say—because he said yesterday in the media scrum that he was made aware of it in 2001—why not just let everybody know who made him aware of it in 2001 and what did they tell him?

Mr. Doer: Mr. Speaker, the member keeps repeating mistakes and factual errors. This issue—this issue was in the Chief Electoral Officer's report. It was on page 17. It's fully delineated. Every constituency has fully delineated the issue in, in dispute—which was in dispute with our party, and I've said before that I asked our party to co-operate fully with Elections Manitoba. It talks about the auditor, talks about the audited statement, talks about the overpayment.

If it was concealed from the members opposite, it was tabled in a similar length of time from the overexpenditure in the 1995 election campaign, which was revealed to us in 2000. Arguably, overspending gives you a political advantage in an election campaign.

Mr. Speaker, this rebate issue that was dealt with by our party was tabled in the—tabled in this House in December. It was in the committee in December of 2004. You know, it was in the committee. It's a public document.

Mr. McFadyen: Well, Mr. Speaker, the, the report he's referring to was sent to the—the report he's referring to was sent to you on December 7, 2004. This is more than four years after the forensic auditor had discovered the NDP scheme. That's a remarkable lag of four years before it shows up in a report under the headline: Update to previously filed financial statements, refers to the fact that the NDP got to repay \$76,036, without fees, without penalties,

without disclosure earlier—earlier, no charges, no fines, nothing before the 2003 election, and, yet, a detailed report about Ellen Kowalski, an unsuccessful candidate who was charged and fined \$50.

So I want to ask the Premier, that if he—if there's any comparison at all in his mind between a deliberate scheme involving 13 campaigns, his central office, deliberately falsified returns, false invoices, cheque swaps and journal entries to generate a taxpayer rebate, compared to Ellen Kowalski and her \$50 matter.

Mr. Doer: You know, Mr. Speaker, Mr. Speaker, the members opposite in the last election campaign over—out, outspent us in the campaign. They outspent—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Order. Order. Order. Let's have a little decorum. Order. The honourable First Minister has the floor.

Mr. Doer: Yes, Mr. Speaker, that rebate that was filed by members opposite worked out to \$60,000 for every MLA elected under the Conservative Party, a way lot—a way lot more taxpayers' money than on this side of the House which was half as much—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Order. Order. Order. Order. Let's have some decorum, please. Please. We have guests in the gallery that have come a—from a long ways to hear the questions and the answers. Let's have some co-operation.

The honourable First Minister has the floor.

Mr. Doer: It works out, Mr. Speaker, to a, a—twice as much cost from the public, from the public that they're against getting any money from. Oh, they're always against money—getting money from the public in terms of rebates. They're Snow White. They're holier than thou, and they take \$60,000 for every MLA elected.

We got half as much from the public. We need no lectures from the members opposite, Mr. Speaker.

Mr. McFadyen: Mr. Speaker, other than the fact that virtually every point he just made is factually wrong, the fact is, the fact is it is, it is absurd—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. McFadyen: –to suggest that people honestly filing returns to Elections Manitoba are in the same category as people who deliberately falsified election returns, according to the Minister of Finance (Mr. Selinger), who had the returns changed on them with—in a scheme that was designed to trigger illegal taxpayer rebates based on expenses that, according to Jim Treller, the NDP official agent, expenses that never existed. That's the difference, Mr. Speaker.

And I want to ask the Premier why he won't tell the people of Manitoba who brought this to his attention in 2001. What is he hiding?

Mr. Doer: Mr. Speaker, point No. 1, it's already in the Chief Electoral Officer's report. The Chief Electoral Officer report, it reported almost five years ago. It's been before the elections committee that they never called four times since that time.

Now, Mr. Speaker, Nesbitt Burns gave nothing to the Conservatives between 1990 and '94. After they were a broker for the sale of the telephone system, they gave the Tories \$50,000. Wellington West gave the Tories zero between '90 and '94; \$41,000 after they sold the telephone system. Bieber Securities, zero; \$12,000 after they sold the phone system.

Mr. Speaker, that's why we banned union and corporate donations. We eliminated—

Some Honourable Members: Oh, oh.

Mr. Doer: And I know, Mr. Speaker—

Mr. Speaker: Order.

Mr. Doer: –there will be no investigation—

Mr. Speaker: Order. Order. Order.

1999 Election Campaign Returns

Mr. Kelvin Goertzen (Steinbach): Following the 1998 Monnin inquiry, every political party was asked to file a code of conduct, a code of ethics, and, also, a joint code of ethics was crafted between the political parties and put on election Manitoba's Web site. In June of 1999, the NDP drafted a code of ethics, and within it, it states: that members of the Manitoba NDP will not abuse a position of power, privilege or influence for a political purpose either within the party or within the NDP government.

Only months later, the Premier (Mr. Doer) was advised of David Asselstine's audit of their conduct into the 1999 election and pressure was placed on

Elections Manitoba to remove Mr. Asselstine, along with a threat that he wouldn't get any government contract work through his private business.

Does the Premier acknowledge that this is in direct contract—contrast to the NDP's 1999 code of ethics?

Hon. Dave Chomiak (Minister of Justice and Attorney General): Well, first of all, the member asked the Chief Electoral Officer that very same question, and he told the Member for Steinbach, no, you are wrong, with all due respect. That's what he said, Mr. Speaker.

In addition, Mr. Speaker, I want to under—I want—Mr. Speaker, in 1995—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

* (14:00)

Mr. Chomiak: In '95, the Tory party overspent. It became public knowledge when the report came out in 2001 that the Tories had overspent—six years later—and that they had to pay back, but there's one further point that I should read from the report. A prosecution under the act was barred because of the time limit provisions. In other words, they would have been criminally prosecuted for their offence, Mr. Speaker.

Now, flip forward to '99 where we made the rules more transparent—

Mr. Speaker: The honourable Member for Steinbach.

Mr. Goertzen: I only received the Manitoba NDP code of ethics yesterday. I don't even think it's a public document, so I certainly didn't ask about it in committee. The member simply continues to put wrong information on the record. But what is public, what is public is the shared code of ethical conduct, which all parties developed together, agreed to, signed on to, and which appear on the Elections Manitoba Web site. And on that Web site, on the shared code of ethical conduct, it says, political parties, political parties shall not enter into transactions or engage in accounting practices whose purpose is to alter the actual amount of election expenses incurred to improperly obtain election expense reimbursement for themselves or their members.

That's the shared code of ethics. That's exactly what the government and what the NDP party did. They broke the code of ethics.

Will they just admit it today?

Mr. Chomiak: Mr. Speaker, what we admitted today is the facts that you put on the record were wrong. The Leader of the Opposition (Mr. McFadyen) is wrong. You're making up—

Some Honourable Members: Oh, oh.

Mr. Chomiak: —you're making up in your head conspiracy theories and—

Mr. Speaker: Order. Order. I've been asking for decorum, and there will be consequences because we need to have decorum. We have guests in the gallery. We have the viewing public, and I can't hear a thing that is being said. We need some decorum in here.

The honourable Attorney General has the floor.

Mr. Chomiak: Yes, thank you, Mr. Speaker. When the Member for Steinbach, two weeks ago, and I think in '90–2003, 2004, 2006, 2007 indicated the Chief Electoral Officer said, there is not a political party in the House that hasn't refiled a financial statement that has not repaid reimbursement at one time, in some cases, more than once, and I wonder who that might be.

So this has happened in the past across the board having not resulted in prosecutions in other cases. Mr. Speaker, that's what he told the Member for Steinbach. Now the Member for Steinbach is denying that he heard that. He's denying that he heard that.

An Honourable Member: Remarkable.

Mr. Chomiak: It's remarkable, with his code of ethics that somehow—oh, I guess he didn't read his code of ethics either and he didn't *[inaudible]*

Mr. Speaker: Order.

Mr. Goertzen: Mr. Speaker, we didn't get a chance to ask this question at committee because the Minister of Justice shut the committee down after 40 minutes of questioning on this topic. There is a shared code of ethical conduct in the province of Manitoba that's on Elections Manitoba Web site that each political party agreed to, and it says that no political party shall purposely engage in accounting practices whose purpose is to try to get expense reimbursement that they're not entitled to. That is

exactly, exactly on point with what the NDP government did.

First of all, they broke their own NDP code of ethics, then they broke the shared code of ethics, and they probably broke The Elections Finances Act.

Why don't they just admit today that they don't want to agree to any rules?

Mr. Speaker: Order.

Mr. Chomiak: You know, it's always—it's, it's, it's hedged in probably did, maybe, maybe, it's in my mind, it's coming out of my grey matter, it's in my cranium.

The Chief Electoral Officer, who's an independent officer of this House, examined the amended statements. He indicated that 13 candidates filed amended election statements. That was tabled secretly in this House, given to all members of this House, secretly put on, secretly put on the Web site, secretly given to all the media, Mr. Speaker, and secretly discussed in four committees for eight, eight to 10 hours, secretly discussed for over two hours last week in front of the media, and he said, and he said, amongst all this secrecy, in this secret report, that in all cases, Manitoba—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Chomiak: —verified the amended returns—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Chomiak: —reflected the same information—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Order.

Mr. Chomiak: —as initially audited.

Mr. Speaker: Order.

1999 Election Campaign Returns

Mr. Leonard Derkach (Russell): Mr. Speaker, the Minister of Finance (Mr. Selinger) has, on two separate occasions in two separate issues, demonstrated that protecting his own skin is far more important than looking after and protecting the financial affairs of the people of Manitoba.

In 2000, the minister informed his Cabinet through a Cabinet submission of his knowledge of

the Crocus affair, but he failed to inform Crocus bondholders who were about to lose millions of dollars. In the NDP 1999 election fraud, the minister protected himself by demanding and receiving a letter exonerating him, but, once again, failed to protect taxpayers.

Can the minister explain why Manitobans should trust him any longer as steward of the Province's finances given his past unethical, questionable conduct?

Hon. Gary Doer (Premier): Well, Mr. Speaker, Mr. Speaker, Manitobans do trust the Minister of Finance. They do trust this government because we've had 10 years of balanced budgets. We've had tax reductions. You know, just last Friday, and I know the members opposite won't be asking any questions about jobs. They won't be asking any questions about agriculture. They won't be asking any questions about the economy because they won't be asking any questions about H1N1. They won't be asking any questions about what's important to Manitobans today and into the future. Every time they want to re-fight the '99 election, we still win it.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Order. Order.

Mr. Derkach: Well, Mr. Speaker, I think it's very clear that last Thursday, June the 4th, in *Hansard*, the Premier fingered the Minister of Finance as has— as have being involved in this NDP 1999 election scandal.

Mr. Speaker, the Minister of Finance failed to protect Crocus bondholders in 19, in 2000, and he failed to protect taxpayer dollars in the deliberate falsification of NDP '99 election—1999 election returns. He did not even inform his own department officials, who would have been compelled to take action to recover the money.

When will the minister break his silence and explain to Manitobans his lack of accountability and his deliberate attempt to withhold information that he had a significant—that have had a significant negative financial impact on the people of Manitoba?

Hon. Dave Chomiak (Minister of Justice and Attorney General): Mr. Speaker, when the member returns to his rural constituency, I hope all the constituents that are out there dealing with very severe agricultural issues will, will be very interested to hear that in, that in the report that the member—and his accusations that the Minister of Finance, his

name is mentioned. It's in this secret report. His name is mentioned having dealt with that. And I hope that the member talks about all of the time he spent dealing with all of the important issues like poverty and like the rural agriculture situation, about housing, about First Nations consti—consi—situations—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Chomiak: —about how he spent so much time dealing with the report. It was a public document that I guess he didn't read in 2003, just getting to it and just letting all his constituents—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Chomiak: —who I'm sure—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Order. Order.

Mr. Derkach: Well, Mr. Speaker, I think the Minister of Justice's recent performance in this House shows that he has absolutely no credibility on this issue.

Mr. Speaker, even though the Minister of Finance has a letter that he can wave around to say that he had no part in the 1999 election scandal, his Premier has said that he did have a role to play in it, and I want to simply ask the Minister of Finance whether he will come clean and tell us whether it is the letter that truly exonerates him or is it his Premier that is right about his involvement in the 1999 election scandal. Who's right, who's wrong?

* (14:10)

Mr. Doer: Mr. Speaker, you're not right, we're not right. Elections Manitoba is always right in the province of Manitoba, always right. If you disagree with them, they're the independent body and that, that's why we co-operated with Elections Manitoba.

I just want to say how proud I am of the Minister of Justice (Mr. Chomiak). Look at the great work. Look at all the critics on the immobilizer. Look at all the columns on the immobilizer campaign, 40 percent reduction in car thefts in Manitoba. Thank goodness we have our Minister of Justice, Mr. Speaker.

Manitoba Hydro Industrial Rate Increases

Mr. Cliff Cullen (Turtle Mountain): Yesterday in the House, the Premier indicated that we have the worst economic conditions since the 1930s. At the same time, Manitoba Hydro has proposed increases to electricity rates to new and expanding businesses here in Manitoba. Given the current economic situation, is this good policy for Manitobans?

Mr. Speaker, the NDP government has been silent on the issue of setting industrial electricity rates. In these challenging economic times, why has the government failed to clear the air and establish a policy for industrial power users?

Hon. Gary Doer (Premier): And, of course, the c-PUB has seized upon this issue and now you're asking us to interfere.

Mr. Speaker, I would point out, when I talked about the economy, I talked about the general situation of the economy. The Minister of Finance, federally, is talking about it. But I would point out, in these most difficult times since the 1930s, in terms of the economy, something, of course, members opposite aren't aware of, don't care about, Manitoba's GDP is predicted by Conference Board of Canada to have the highest growth in Canada.

On Friday, Mr. Speaker, on Friday, 3,900 jobs were created in Manitoba, the highest of any province in Canada. We're not perfect, but that's what we get up every morning worried about: jobs, the economy for the people of Manitoba.

Mr. Cullen: Well, Mr. Speaker, I guess, the old adage holds true: it's the best of times, it's the worst of times. You take your pick.

Mr. Speaker, the proposed industrial rates could serve to penalize new and expanding companies here in Manitoba. The public utility board recognizes this fact. Hearings on the new rates have been closed for almost five months now. Now, given the lack of government leadership and given the lack of public policy, the PUB is clearly uncomfortable bringing forward a ruling.

Mr. Speaker, why does this government lack the courage to set direction on this very important issue?

Hon. Greg Selinger (Minister charged with the administration of The Manitoba Hydro Act): Mr. Speaker, it's a—I welcome the opportunity to give an answer—

Some Honourable Members: Oh, oh.

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

Mr. Selinger: Mr. Speaker, the Leader of the Opposition (Mr. McFadyen), the member from Fort Whyte, said, it's old orthodoxy to think cheap power will spur Manitoba's economic growth. He supports, he supports an industrial rate policy. And might I remind members of the Legislature, it was this government that brought in a bill to equalize and lower energy rates for rural and northern Manitobans. Members opposite opposed it every step of the way. We lowered rates for rural and northern Manitobans, which makes them more competitive every single day.

Mr. Cullen: Well, Mr. Speaker, it's good to see the minister finally found the release for his seatbelt.

Now, Mr. Speaker, we can talk about other provinces. Other provinces have taken the initiative, provinces like B.C. and Québec. They've gone ahead and established guidelines. But it's not up to the PUB to set policy here on industrial rates. It's up to the provincial government.

The business community is looking for a positive signal from this government. They are looking for an energy policy that would attract business and provide stability into the future.

Why has this government failed in this very important leadership role?

Mr. Selinger: Mr. Speaker, it was a pleasure to take the bike to work this week, and there's no seatbelt on it, I should just let the member know that.

But the reality is, is that the rates in Manitoba for industrial users are among the lowest in North America, and the key to the future of Manitoba is to use that energy efficiently, which is what we've been doing with business.

We work with them to actually reduce their power demands so that they can have a more efficient business operation, and when you take a look—and when you take a look at the cost of doing business in Manitoba, among the most competitive in North America, every single measure that we have taken to make business competitive in Manitoba, members opposite have voted against it time and time again.

**Influenza A (H1N1)
Patient Care Plan**

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, 26 very ill patients with H1N1 are on respirators in city ICUs.

I'd like to ask the Minister of Health if she could tell us: Are all of these patients kept in isolation rooms, or are they mixed in with other ICU patients?

Hon. Theresa Oswald (Minister of Health): We know that we have an increase in number of individuals that are on ventilators as we see an increase in situations of severe respiratory illness and H1N1. We know that our medical officers of health and our medical doctors are dealing with appropriate protocols concerning isolation. We're very pleased that we have invested over \$4 million across the province to increase our isolation capacity to some 123 different areas for such protocols.

We know that this is a very serious situation. The pandemic plan has allowed us to ensure that we have these protocols in place and we're following that plan.

Mrs. Driedger: Mr. Speaker, if it's such a serious issue, I don't know why she wouldn't answer that question.

Mr. Speaker, the WRHA—[interjection] Mr. Speaker, the WRHA has indicated that suspected H1N1 patients will be put into the emergency room beds if they run out of ICU beds. Considering that the ERs are already trying to handle 200 more patients a day than they would normally see, how in the world are they going to be able to take care of H1N1 patients that cannot fit into the ICUs?

How in the world are the emergency rooms supposed to handle this and what kind of a plan is that?

Ms. Oswald: Well, thank you very much, Mr. Speaker, and allow me to clarify the record, as usual, when the member speaks.

There is a pandemic plan in place that includes surge capacity, and, in that context, that means that very early on in the process additional ventilators were ordered by the WRHA, 20 of them. That's keeping 20 additional Manitobans alive today.

Isolation protocols are in place, as recommended by medical professionals in ICUs. If there has to be additional capacity in other areas of the hospital, regardless of whether that's an emergency room or a

different medical ward, then isolation and infection control procedures will be put in place, which is part of the plan.

That's why we rebuilt those isolation areas and we rebuilt health-care facilities that were so sorely neglected by members opposite.

Mrs. Driedger: Mr. Speaker, that's two questions now that the Minister of Health has not answered specifically.

Mr. Speaker, it sounds like patients are going to be shuffled around the city and the province as part of the government's surge plan. We'd like to ask the Minister of Health where she intends to get the ambulances in order to shuffle these patients all around the city and the province, considering front-line paramedics have told us that several hours of every day there is not an available ambulance in Winnipeg.

How are they supposed to move all of these patients around when sometimes there is no ambulance in Winnipeg?

Ms. Oswald: Well, Mr. Speaker, first of all, we have replaced the fleet in the ambulance, 160 ambulances across Manitoba. We've added additional capacity to Manitoba with ambulances. I can let the member know that absolutely—[interjection]

I, I must have made the error, Mr. Speaker, of thinking that members from the Conservative Party thought this was a serious issue. We on this side of the House believe it's a serious issue, and I can tell you that as part of the pandemic plan, in partnership with the Winnipeg Regional Health Authority and all regions across the province, when there is a surge in needs for ambulances, for isolation capacity, for infection control, that plan is in place and we're following that plan.

It is serious and we're taking the plan very seriously.

*(14:20)

**Influenza A (H1N1)
Case Statistics**

Hon. Jon Gerrard (River Heights): Mr. Speaker, we have a very serious situation in Manitoba with at least 26 people with the flu seriously ill in respirators. This kind of problem has progressed. It's come up quickly. The minister's been aware of it, but the minister's Web site is still reporting only

40 confirmed cases of H1N1 flu in Manitoba. I table this.

The *Globe and Mail* today says that it's believed that there are a thousand cases of H1N1 flu for every person who's in hospital. If that was true, there'd be at least 26,000 people infected with flu in Manitoba.

This is a bit of a credibility problem, so I ask the minister: Which is accurate? Have there been 40 cases of H1N1 flu in Manitoba or are there tens of thousands?

Hon. Theresa Oswald (Minister of Health): Well, Mr. Speaker, I can inform the member and all members of this House, as they receive a bulletin, a daily, when it is produced, that we provide to the public information about confirmed cases, the number of confirmed cases as of yesterday was 40. There will be another public information session with Dr. Kettner at 2:30 today, as scheduled. I caution the member not to put false information on the record. The very last thing that we need is to scare people unduly. They need to have factual information. That's why we're working with our First Nations leadership, with our partners in the federal government, and we're going to continue to do that.

The member has historically put alarming and irresponsible information on the record, and I caution him not to do it.

Mr. Gerrard: Mr. Speaker, it was Dr. Kettner who was quoted in the *Globe and Mail* as saying there's a thousand people exposed and presumably infected with H1 flu for every person in hospital. *[interjection]*

Mr. Speaker: Order.

Mr. Gerrard: It's Dr. Kettner—*[interjection]* Not at all. I think it's important that the government be open and honest with what's happening in this province. Do we have 40 cases or do we have H1N1 flu all over the province? Why are so many—so few cases being reported? Are there few tests being done? What's happening? Mr. Minister—Madam Minister needs to provide a clearer explanation of what the situation is in Manitoba.

Ms. Oswald: Again, we have on a regular basis had Dr. Kettner providing information to the public that is accurate. We know that it's very crucial that accurate information is provided.

I might remember that this is not the latest irresponsible out—this is just the latest irresponsible outburst. We know that the Leader of the Liberal

Party went against all public health medical advice in calling for quarantines against all advice. The only person we know that agreed with him was President Hu in China, who, of course, was roundly condemned by public health officials for being irresponsible about quarantining healthy Canadians and Mexicans. We know that this member went against the Public Health Agency of Canada and recommended guidelines on issues of pub-reporting suspected cases—

Mr. Speaker: Order.

Mr. Gerrard: When we have a very serious situation with a lot of people on respirators with severe respiratory disease, it's important that there be clear communication from the minister and from the government about what's happening.

Are there just 40 people with H1N1 flu in Manitoba, or is this flu very widespread around the province so that, in fact, there have been thousands or tens and thousands of people who have been with H1N1 flu? We need information about—there's a preventive, Tamiflu, which can be used. What are the criteria for it being used?

There was a community up north, St. Theresa Point, with no pandemic plan. How many communities in Manitoba don't have a pandemic plan and aren't ready?

Ms. Oswald: The member's just wrong, Mr. Speaker. It's been recommended by the Public Health Agency of Canada, by the federal Minister of Health that we are not reporting suspected cases, but we are reporting confirmed cases. We learned this from the aftermath of the SARS outbreak some years back.

Mr. Speaker, I can tell you that Dr. Kettner has been on the record many, many times, saying that H1N1 and severe respiratory illness is in a lot of places in Manitoba, in Canada and, indeed, internationally. We're reporting on confirmed cases, but we're acting according to the guidelines from the Public Health Agency of Canada and from the nationally recommended guidelines on pandemic planning.

The member opposite was quoted yesterday on the radio criticizing the print—provincial and federal government, despite the fact that he said: I don't exactly know what's happening at the moment. Maybe he should pick up the phone and get some facts before he scares people.

Farmers' Markets Guideline Changes

Ms. Marilyn Brick (St. Norbert): This past, this past Saturday, I had the pleasure of participating with Bartley Kives and Terry MacLeod in the local food race for harvest to open the St. Norbert Farmers' Market.

Can the Minister of Agriculture, Food and Rural Initiatives inform the House of what she is doing to increase the availability of these products so Manitobans can enjoy and support their local economies?

On this side of the House, we care about agriculture.

Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives): And I thank the member for the question.

Farmers' markets are very popular in Manitoba, because it provides the opportunity for producers to grow a product and for many people who want that fresh product to get it.

Mr. Speaker, we have worked with the Farmers' Markets Association. We've reviewed the guidelines, and I'm very proud to say that we've almost doubled the days that farmers' markets can be opened because we have moved to two days a week. This will allow farmers' markets to be opened 24 days through a summer rather than 14 days.

Mr. Speaker: Time for oral questions has expired.

Members' statements.

MEMBERS' STATEMENTS

Chai Folk Ensemble

Mr. Larry Maguire (Arthur-Virden): On May 19th, the Sarah Sommer Chai Folk Ensemble provided a sterling performance at Winnipeg's Centennial Concert Hall. This celebratory performance was to mark this significant milestone of 45 years of music, song and dance, as delivered through the Chai Folk Arts Council Incorporated. This renowned group was founded by Sarah Sommer, however, upon her death in 1969, her husband Alex carried on her vision of making sure Chai lived on.

At the special ceremony—or, pardon me—at the special anniversary, Mr. Alex Sommer was recognized by the Chai Folk Ensemble as their special honouree for not only perform—forming its

board of directors, but also for providing an opportunity for the hope and dreams of many youth to excel in performance.

And their tradition carries on, as their son, Hillel Sommer, is now president of Chai. His first-hand knowledge of Chai's importance comes from having been a performer and a past musical and artistic director with the ensemble. He provided inspirational opening remarks and had the privilege of presenting his father, Alex, as their honoree at this 45th anniversary performance. His daughter, Chai—his daughter is now a singer with Chai, as well.

Last summer I attended Chai's performance at Folklorama here in Winnipeg and witnessed first-hand the wonderful precision of all dancers, singers and musicians. I know they have performed in Toronto, Detroit and Vancouver, and next week will perform in Edmonton. My enthusiasm for the Chai Folk Ensemble comes not only from being the Member of the Legislative Assembly for Arthur-Virden in southwest Manitoba, but also because of my bias as the uncle of a young talented Chai dancer, my niece, Elan Marchinko.

However, in my capacity as a legislative member, I want to say, mazel tov, Alex, Hillel and all directors, governors, performers administrators and instructors for your ongoing dedication to the sum—Sarah Sommer Chai Ensem—Folk Ensemble. Thank you, Mr. Speaker.

Bruce Middle School Living Future Film Festival

Ms. Sharon Blady (Kirkfield Park): Mr. Speaker, on May 14, Bruce Middle School held its first bilingual film festival to promote environmental awareness, sustainability and bilingualism.

The St. James-Assiniboia School Division places a large emphasis on sustainability in education, and, in the Enhanced French Program Guide, includes environmental themes.

Les enseignants de Bruce Middle School cherchaient une façon amusante de combiner les thèmes du français et la durabilité tout en encourageant l'interaction entre les élèves.

Translation

The teachers of Bruce Middle School were looking for a fun way to combine the themes of French and sustainability while encouraging interaction among students.

English

After some discussions between Laura McGowan, Matt Henderson and Paul Harland, teachers at Bruce Middle School, the idea of a bilingual film festival was conceived. To ensure the success of the project, the school applied and received a provincial citizenship grant of \$1,000.

Bien les—des étudiants ont pu profiter d'un atelier sur le cinéma de Freeze Frame. En tout, environ de 120 étudiants se sont mis à l'œuvre et ont réalisé quatre-vingt courts métrages.

Translation

Many students were able to benefit from a film workshop given by Freeze Frame. In all, around 120 students participated and created eighty short films.

English

The festival highlighted many key issues regarding sustainable living at home and at school including reducing, reusing, recycling, hazardous waste disposal, energy conservation and water conservation. Films were completed in both French and English.

Toute la population de l'école a pu visionner le festival de films le 14 mai en après-midi, suivi d'un spectacle du groupe Entre parenthèses qui abordait des thèmes de l'environnement.

Translation

In the afternoon of May 14, the entire school population was able to view the film festival, followed by a live performance by Entre parenthèses, a group whose songs deal with environmental issues.

English

Parents, friends and relatives were welcomed to the festival in the evening of the 14th. Doors opened at 6:30 with information displays from Manitoba Hydro PowerSmart, Resource Conservation Manitoba, Norwex Enviro Products, Canadian Parks and Wilderness Society, and Climate Change Connection.

The festival began at 7 p.m. with opening comments by guest presenter Josh Brandon from Resource Conservation Manitoba. I attended the Film Festival as well and was honoured to share in the experience with the students. Popcorn and refreshments were served free of charge for viewing enjoyment.

I would like to congratulate the students for the ingenuity and creati—creativity displayed in the films and applaud the teachers at Bruce Middle School for a creative idea for amalgamating teaching concepts in such a unique manner.

J'aimerais féliciter—

Mr. Speaker: Order.

Ms. Blady: —les étudiants et étudiantes—

Translation

I would like to congratulate—the students—

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

An Honourable Member: Leave to complete the final sentence?

Mr. Speaker: Does the honourable member have leave?

Some Honourable Members: Leave.

Mr. Speaker: Okay, leave has been granted.

The honourable member, Kirkfield Park, to continue.

Ms. Blady: J'aimerais féliciter les étudiants et étudiantes pour leur créativité et j'applaudis les enseignants et enseignantes de Bruce Middle School pour les—le succès de ce festival de films. Merci.

Translation

I would like to congratulate the students for their creativity, and I applaud the teachers of Bruce Middle School for the success of this film festival. Thank you.

Child and Family Services of Western Manitoba

Mrs. Leanne Rowat (Minnedosa): Mr. Speaker, I would like to take this opportunity to rise in the House today and congratulate the Child and Family Services of Western Manitoba on a number of milestones that they are celebrating this year.

This year marks the 110th anniversary of CFS Western Manitoba, which was established in 1899. For over a century, the hardworking and dedicated staff and volunteers of CFS western Manitoba have served the needs of children and families in their community.

I was privileged to recently attend the, the CFS Western Manitoba's AGM, and am a proud supporter of the work that they do. The programs and services

they offer truly work to strengthen and support families, and they provide model leadership in the community for parents who are concerned with—who have concerns with raising their children as healthy and caring community citizens.

One of the successful programs is the parent-child program which is celebrating its 25th year. This program encourages and empowers parents by helping them learn the value of reading, talking and playing with their children. Parents are encouraged and supported in re-realizing their roles as their children's first and most important teacher. Twenty families participated in this program in the last year, including four in rural Manitoba. Special thanks to the Royal Bank of Canada, who has been a strong supporter of this program for several years.

CFS Western Manitoba is celebrating another milestone this year with a 25th anniversary of the Elspeth Reid Family Resource Centre. The centre is a community-based centre that offers support, education and services to parents in an open and welcoming atmosphere. The centre staff members talk with parents about the joys and challenges of parenting, and provide assistance with the numerous programs that the centre offers.

Mr. Speaker, CFS Western Manitoba provides an exemplary model through their programs and services so parents can, can gain knowledge and skills to be great parents to their children. They have been financially supported by the community, who realize the value of the organization's contributions to the well-being of its citizens. I would like to acknowledge the ongoing dedication of all the staff and volunteers of CFS Western Manitoba and thank them for their hard work.

And, once again, Mr. Speaker, I'd like to congratulate CFS Western Manitoba on celebrating their 110th anniversary this year, the 25th anniversary of the child-or parent-child home program, and the 25th anniversary of the Elspeth Reid Family Resource Centre. I wish them all the very best in the years to come. Thank you.

Bright Futures Program

Mr. Doug Martindale (Burrows): Mr. Speaker, there is a new and exciting program in our community that provides an opportunity for students to develop their potential.

The Bright Futures Program is a community-based program that focuses on high-school-aged students living in the Elwick Village and Lord

Selkirk Park communities of Winnipeg. It is run outside of regular school hours and includes: tutoring, career exploration, community mentorship and community service. The program enables community organizations and schools to improve high school graduation rates and increase access to and retention in post-secondary education for disadvantaged, underrepresented and low-income students.

Students who participate in the program must devote three hours each week to after-school tutoring, participate in four hours of individual or group mentorship, give back to the community through volunteering and attend school regularly. Students who complete the program successfully receive a scholarship of \$1,000 a year for the student's post-secondary education.

The Bright Futures Program was established in 2008. Over the year, it has expanded to include an off-site location and a summer program that is planned for July. The summer program will focus on career exploration and community service opportunities for students.

Parents and students have found the program to be greatly beneficial. One student said that, the program has already encouraged me to do things I never would of thought to do, like study. Me and the word "study" never used to be in the same sentence, but with everybody from the Bright Futures Program help, I've gone from failing to passing in less than a term.

Mr. Speaker, it is stories like this that show the impact Bright Futures has had on students, and I'm proud to be part of a government that invests in young people.

I would like to thank the co-ordinators, volunteers, parents and mostly the students for their hard work and dedication and encourage them to continue their commitment to the program in hopes of building a strong foundation for their education.

Dr. Richard Stanwick

Hon. Jon Gerrard (River Heights): Mr. Speaker, I would like to pay a tribute to Dr. Richard Stanwick, who this week is receiving an award for his work in public health from the Canadian Public Health Association.

Dr. Stanwick was on the staff and the faculty of the Children's Hospital Winnipeg for quite a number of years and very strong advocate for improving the

safety of children. He worked very hard to decrease, for example, sleepwear that was flammable to make sure that children were far better protected, and measures that have been adopted and made changes in the way that sleepwear is designed and manufactured since then to protect children.

He's also been very active in his recent position in the Vancouver area as a senior public health official. He continues to be a strong advocate for the health and safety of children. He has indeed been a very strong advocate for the importance of bike helmets, mandatory bike helmets and booster seats, and it is in this context which we appreciate, in particular, the work that Dr. Stanwick has done on the cel-health and safety of children all across Canada.

We are sad that the government has not seen fit to support these measures here in Manitoba. And I understand that Dr. Stanwick is indicating that the Canadian Public Health Association should, in fact, be careful in terms of where it has meetings in the future to make sure they're in places which, in fact, are at the forefront of health care and public health as opposed to jurisdictions like Manitoba which have not caught up to the rest of the provinces. I think this is something we should listen to, and today, as we hear of a child who has died as a result of an accident on a bike, not wearing a helmet, we send out condolences to the family and friends and hope that out of this very tragic event will come a movement in Manitoba to make sure that bike helmets are mandatory in this province.

MATTERS OF URGENT PUBLIC IMPORTANCE

Mr. Hugh McFadyen (Leader of the Official Opposition): Mr. Speaker, in accordance with rule 36 sub 1, I move, seconded by the Member for Steinbach (Mr. Goertzen), that the regularly scheduled business of the House be set aside to discuss a matter of urgent public importance, namely, the need for a meeting of the Standing Committee on Legislative Affairs on or before Friday, June, 19, 2009, to discuss the annual report of Elections Manitoba for the year ending December 31, 2003.

Mr. Speaker: Before recognizing the honourable Leader of the Official Opposition, I believe I should remind all mem—all members that under rule 36, bracket 2, the mover of a motion on a matter of urgent public importance and one member from the other parties in the House is allowed not more than

10 minutes to explain the urgency of debating the matter immediately.

As stated in *Beauchesne* citation 390, urgency in this context means the urgency of immediate debate, not of the subject matter of the motion. In their remarks, members should focus exclusively on whether or not there is urgency of debate and whether or not the ordinary opportunities for debate will enable the House to consider the matter early enough to ensure that the public interest will not suffer.

Mr. McFadyen: Thank you, Mr. Speaker, and thank you for, for again reminding the House of the, of the guidelines that would apply to this motion.

And I rise today, Mr. Speaker, because over the past 12 months or so, through a variety of people coming forward, the people of Manitoba have learned about a scheme that was undertaken by the NDP during and after the 1999 election to deliberately submit falsified expense claims in their election statements to Elections Manitoba with a view toward collecting more than \$76,000 in taxpayers' money that they were not entitled to and that they knew they were not entitled to.

*(14:40)

Mr. Speaker, these facts did not come to surf—come to the surface until after May of, of last year, and they have come to our attention as a result of, not opposition MLAs, but as a result of information provided by a former NDP official agent dre—Jim Trellier, as a result of correspondence written by the past NDP provincial secretary Tom Milne to Scott Gordon of Elections Manitoba in 2002. The information has come to our attention from a forensic auditor and certified fraud examiner, David Asselstine, who's the former forensic auditor for Elections Manitoba and currently provides forensic audits for the International Monetary Fund, among other organizations.

Mr. Asselstine's correspondence to Blair Graham, who was and is counsel to Elections Manitoba, underscores the, the severity and the seriousness of what he found in the course of his audit after the 1999 election. That correspondence, Mr. Speaker, discloses also an agreement that Mr. Asselstine characterizes as, as an agreement between himself and Mr. Graham that if the facts of that scheme had been known to the Manitoba public before the 2003 election, it may have had an impact on the outcome of that election.

Mr. Speaker, subsequently, the Minister of Finance (Mr. Selinger) has, the Minister of Finance has confirmed certain elements of the scheme. The Minister of Finance indicated that it was Tom Milne, the former provincial secretary, who was responsible for it. He's indicated that he became aware of the scheme just before the call of the 2003 election, and that he asked for and obtained election from—a letter from his party in essence holding him harmless in the event that there was any subsequent public disclosure or, or prosecution, both he and his official agent.

All of this information, Mr. Speaker, has come to our attention, not from opposition MLAs, but from members of the governing party. As I said, Jim Treller, Tom Milne, the Minister of Finance, as well as comments made by the Premier (Mr. Doer), indicated that he was aware of the matter in 2001, and he said, and I quote: that it was wrong.

So, Mr. Speaker, all of this information which has come forward has arrived to our—at our attention subsequent to the publication of the 2003 annual report of Elections Manitoba, which wasn't released until December 7th, 2004, which is more than four years after the NDP scheme was discovered by the forensic auditor and more than a year after the 2003 general election.

When it did appear, Mr. Speaker, it appeared on page 17 under the misleading heading: Update to previously filed financial statements. And then there was a subsequent heading: Update on prosecutions, from the 1999 General Election that, that provided quite detailed outlines of prosecutions undertaken by Elections Manitoba of opposition MLAs, and all of those are provided in great deal—detail on pages 17 and 18 of that report.

The concealment of the, of the scheme until December 2004 and the misleading description of the scheme in the 2003 annual report didn't provide any adequate basis for MLAs from political parties to understand what had, in fact, taken place versus what was described in the Elections Manitoba annual report.

Mr. Speaker, the reason I rise on the matter of urgent public importance today is that we have now new information, new disclosures, as recently as a public disclosure last week by Mr. Treller, followed by the disclosure of the correspondence I've made reference to, including Mr. Milne's letter to Elections Manitoba pressuring Elections Manitoba to get rid of the forensic auditor, which, in fact, Elections Manitoba later did after the 2003 general election for

reasons that have never been explained to members of this Assembly.

Mr. Speaker, we have never had an explanation for why the money was allowed to be repaid three years later with no interest, no penalties, no disclosure until December of 2004. And so it's a very significant issue that goes to the conduct of an independent officer of this Legislature and it relates to the, the way in which elections are conducted in Manitoba, and it's been the comment of almost every major media outlet in the province. Members of the New Democratic Party have called for a public inquiry. Manitobans from all walks of life are expressing concern and disgust over what the NDP did and how it has subsequently been handled.

For that reason, Mr. Speaker, we're now in a situation with all of this recent information coming to our attention of having to deal with this issue on an urgent basis. We cannot allow the situation to continue where we have an independent officer of the Legislature, in effect, hiding behind a provision of the act that was repealed last year, Mr. Speaker, in order to refuse requests for disclosure on the part of the people—or made by people that that person is accountable to: members of the Assembly.

So, Mr. Speaker, we're asking for the meeting to be called without time limits, with power to call witnesses, including Mr. Milne and Mr. Asselstine, with the ability to ensure that relevant documents including the so-called independent legal opinions and the advice from Deloitte's, which has been referred to by both the NDP leader and the Chief Electoral Officer but never released publicly, to have that information released so that we can have an informed discussion at committee with this independent officer of the Legislature.

Mr. Speaker, it's urgent because we have only a—one more day left in this sitting of the House. Under the rules of the House, we have to rise by tomorrow. The government could recall the House immediately thereafter if it chose, but we know, through discussions, that the government is unwilling to call the House back immediately after it rises tomorrow. So, this is what goes to the urgency of debating the matter.

There was an agreement, Mr. Speaker, our party requested—*[interjection]*

Point of Order

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

The honourable Attorney General, on, on a point of order?

Hon. Dave Chomiak (Government House Leader): In fact, it may be a point of privilege, Mr. Speaker, and I don't want to extend the debate in this House.

But the member cannot say that, in a negotiated agreement, which has a negotiated comeback period for the committee of Legislative Affairs, that somehow we could agree to come back tomorrow and that we didn't agree to come back on Friday. There was never a request to do that and, in fact, we have a negotiated House agreement that deals with that.

I think—I rarely, Mr. Speaker, I—the member, the Leader of the Opposition ought to withdraw that. It is against House practice to even wander into that territory, and in, in fact, if it wasn't for House business, I would do it as a matter of privilege because it is not correct, accurate, or helps in the dealings between members in this House for him to make that accusation. That is not correct.

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

Mr. McFadyen: On the point of order, the—first of all, I don't know whether it is a point of, of order or a dispute over facts.

The minister and the House leader is correct. The discussions took place.

Mr. Speaker, I want to withdraw the reference to those discussions. I think that there is a different understanding of what was proposed by us and rejected by the government. But, beyond that, I do want to withdraw that reference to those discussions between House leaders.

Mr. Speaker: Okay. The honourable member has withdrawn the reference to the comment, and I think that should take care of the matter.

* * *

Mr. Speaker: The honourable Leader of the Official Opposition to continue, please.

Mr. McFadyen: Thank, thank you, Mr. Speaker, and I was addressing the issue of urgency of debating this matter today.

Mr. Speaker, as has been agreed, there is one more sitting this spring, and then there will be a sitting of the Legislature this fall. We're concerned

that if the matter that we are discussing today is allowed to be delayed unnecessarily, that the, that the growing lack of confidence and concern about the way this matter was handled by Elections Manitoba could do continued harm to the perception of that agency.

That's why we believe it's urgent that it be debated today. By agreement, the House does not resume until the fall. We believe it's important to debate this today. We've got roughly eight hours left of sitting between now and the time that we rise tomorrow at 5 p.m., including the balance of the day today and what's scheduled for tomorrow.

There are a number of government bills on the Order Paper. There are a number of other matters. There's one question period tomorrow, but, Mr. Speaker, one can hardly imagine a situation more important than dealing with the perception of a lack of independence on the part of our election referee in Manitoba. That is a critically important issue that requires immediate debate and immediate discussion around the need to convene the Committee on Legislative Affairs without the time limits that the op—members opposite have attempted to impose on it and with the ability to call people to that committee who have the relevant information relating to this matter.

To not have to deal with it in the way that we have in the past where the members opposite use their majority to refuse to extend sittings of that committee and to refuse to allow opposition members to continue down lines of questions that are very, very important.

*(14:50)

So we have very little time left today and the balance of tomorrow. We have an urgent matter in terms of the perception of a lack of independence on the part of, of an independent office of the Legislature.

We have other items that need to be dealt with today as well. I know the Member for River Heights (Mr. Gerrard) will be bringing forward a motion with respect to H1N1 which we agree is, is every bit as urgent, Mr. Speaker, and which we will support.

But we have the matters of, of democracy in Manitoba. We have the matter of a pandemic. These are urgent matters that we believe call for the setting aside of other business of the House in order to be dealt with immediately.

To allocate up to two hours to the matter of democracy in Manitoba seems like a reasonable position to take in the circumstances, Mr. Speaker, and another allocation of time to deal with the very serious H1N1 issue I believe is a reasonable position to take.

But coming back to the immediate motion that's before you, Mr. Speaker, we are—have limited hours available to us. We have serious outstanding issues. We have information coming forward from sources that are not opposition sources but sources from across the board, and we would argue that it needs to be dealt with immediately.

Thank you, Mr. Speaker.

Mr. Chomiak: Mr. Speaker, I, I, I rise with a good deal of confidence in dealing with this matter to indicate that not only is the—a lot of the information put on the record by the Leader of the Opposition not factually accurate, but this matter is, is not a matter of urgent public importance.

In fact, Mr. Speaker, this matter is of such urgent public importance and can be dealt with—the members asked questions on it Monday, Tuesday, Wednesday, Thursday. The members tabled letters. The letter, the letter that the member tabled of utmost importance which is dated 2004–2004 is the urgent new information—was dealt with in a report that was tabled in the House in 2004 and dealt with the matters that are raised by the Leader of the Opposition (Mr. McFadyen).

So, Mr. Speaker, if it was of such urgent importance—the member asked that same question, they could of done it Monday, Tuesday, Wednesday, Thursday. In fact, all of the questions that the member has asked in the last four days of question period the member asked during the two hours of committee hearing we had. And I have parts of the transcript here dealing with the *[inaudible]* matter. I quote—let me quote from the Chief Electoral Officer. Do we think that was in compliance with the act? Absolutely, we think that's in compliance with the ac—in compliance with the act. That's the Chief Electoral Officer on the member's new point.

On the question of changes, on the question of changes, the Chief Electoral Officer said in committee two weeks ago, on the new, so-called new point of the Leader of the Opposition: The only changes on these returns are changes resulting from Elections Manitoba interpretation, so applying their interpretation to it and are legal to it, having said

that, we identified the changes. We're in the best position to identify changes and those were the only changes that were identified.

The Chief Electoral Officer dealt with two hours of grueling—very, I think, myself, personally, not credible questions from members of the opposition, answered them all 'cause the members could not get their answers the way they wanted, and they now want to make an issue out of something, Mr. Speaker, that was already decided four years ago.

The letter that the member cites that's so important, that was provided to everybody, that's a legal opinion, is a self-serving letter justifying an opinion that Elections Manitoba disagreed with, an opinion that the lawyers of Elections Manitoba disagreed with, an opinion that the Elections Manitoba, an independent body that viewed the evidence, disagreed with. Now the member wants to go back and re-fight the 1999 election, Mr. Speaker.

The matter was discussed for two hours. Not only that, Mr. Speaker, the 2003 report that the member refers to has been discussed in committee four separate occasions, and now the member says it's so urgent that we have to set aside discussions about important government bills, matters of extreme urgency like the H1N1, and he wants to talk about a report that deals with the 1999 election that has already been dealt with in this Chamber through four separate committees.

Mr. Speaker, not only did the Elections Manitoba independent officer answer the questions, he reiterated that the investigation referred to and conducted by independent individuals was conducted by objective individuals. Every argument the member puts forward is wrong, firstly. Secondly, every argument the member's put forward, he's already put forward both in committee, where it was answered directly, as I've quoted, by the Chief Electoral Officer, and it's been answered in question period.

Now, the question then becomes, where is the urgency today to do it? Perhaps the member has run out of issues. Perhaps they are a party of no issues. Perhaps the fact they haven't asked an agricultural question. Perhaps the fact they haven't dealt with the economy. Perhaps the fact, Mr. Speaker, that members can't get any issues off the ground is why the member is sort of skulking in the area of conspiracy all over the place. It speaks more to the tactics, as usual, than to—it speaks more to tactics than to issues. It's all hat. It's all hat. Not only that,

but it questions the testimony in committee of the independent Chief Electoral Officer and the report offered by the Chief Electoral Officer and the report offered by the Chief Electoral Officer dealt with by independent agents utilizing a letter that was tabled in 2004, which is supposed to be startling information, which is an opinion which was rejected, which was self-serving, and which the Chief Electoral Officer already referred to, that the *[inaudible]* report was referred to by Chief Electoral Officer in the committee, et cetera.

So, Mr. Speaker, to even remotely suggest that there's urgency belies the fact that members opposite have other things like conspiracy, planning, schemes, and only tactics on their mind, but, in addition, to get to the facts, they raised these questions all this week. They could have brought a motion all this week. They did not. They raised the questions at committee. They did not. And it's just another attempt to vent, for them to launch a balloon that's collapsed and to play a style of politics where you go after individuals and you attack people, but you avoid issues. You avoid important public issues like the economy, like child care, like rural agriculture issues, like the north, like First Nations. All of those issues could be debated in this House today. Like H1N1.

No. They want to talk about the '99 election, but frankly, Mr. Speaker, they have never got over losing, and they've been fighting it since '99, which is why they lost seats, that's—which is why they lost seats in 2003, which is why they lost seats in 2007. The Manitoba public knows better; you can't fool them. They know that a Tory is a Tory is a Tory and it's all hat.

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

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I request leave to be able to address the issue.

Mr. Speaker: Does the honourable member have leave?

Some Honourable Members: Leave.

Mr. Speaker: Does the honourable member have leave to address the MUPI?

Some Honourable Members: Leave.

Mr. Speaker: Leave has been granted.

Mr. Lamoureux: Thank you, Mr. Speaker. I would like to start off by just emphasizing how important

the independence of Elections Manitoba really and truly is. It is one of the fundamentals of our democratic process that Elections Manitoba have the confidence, not of one political party but of all political parties. And I want to emphasize that particular point.

We need to recognize what it is that this particular motion is calling for. What the motion wants to see is Elections Manitoba come before a standing committee of the Legislature between now and June the 19th. Given, Mr. Speaker, everything that has taken place over the last number of weeks, I believe that there is a sense of urgency to this debate.

* (15:00)

Mr. Speaker, after tomorrow, opposition will lose the opportunity to be able to see the debate. Any sort of obligation or put any sort of real obligation inside this Chamber on the Government House Leader, in fact, the government of the day, to call for a standing committee of the Legislative Affairs.

Mr. Speaker, I think we need to be very clear as to why it is that it's important that Elections Manitoba come before the standing committee. There are very serious allegations that question the integrity of the elections, Elections Manitoba. And I think that those allegations need to be clarified and the best way to seek that clarity is to have the Elections Manitoba appear before a standing committee.

Mr. Speaker, like many members of this Chamber, we, in the Manitoba Liberal Party, share the concerns that have been expressed in terms of behaviours that have come out of Elections Manitoba's office. I have attempted, like others, to, to raise the issue during question period because we do believe it is of a very serious nature.

Elections Manitoba is very unique. I would ultimately argue, more unique than other offices that report directly to this Legislature. That of the auditors, or the child advocates or the provincial Ombudsman, all of which are of an independent nature that report to this Legislature.

Elections Manitoba even goes further than that, Mr. Speaker. Political parties need to feel comfortable and confident that the—our Election's officer is, in fact, truly independent and is addressing issues in an apolitical fashion. I think that you will see that there, there is a cloud over Elections Manitoba today. And the independence of that office, I believe, supersedes the needs of this particular

government. And for that reason, I ultimately believe, that we, as a Legislature, have not only a moral obligation or I should say, not only a legal obligation, I would suggest, but also a moral obligation, to clear the air and provide Manitobans as a whole, that Elections Manitoba is, in fact, or does, in fact, have the support of this House.

Elections Manitoba needs to be able to come to a standing committee and be held accountable for a number of decisions that it has, that it has made, Mr. Speaker. And if it doesn't come before a standing committee, given that we are going to be recessing tomorrow, there is going to be a very dark cloud over the integrity of what is supposed to be a politically independent office. We need to, we need to, and, and that, and that is the point, you know.

Many, including, including myself, Mr. Speaker, have serious doubts about the independence of Elections Manitoba based on a number of things that we have seen happened. And we need to be able to put forward our questions, questions of concern, in order to alleviate the co—the, the issues surrounding Elections Manitoba.

We've attempted to do that during question periods, during previous meetings of the Legislative Affairs. With regards to Legislative Affairs, the time did not allow for us. We would've liked to have seen us sit longer so that all questions and answers could have been provided. In terms of question period, Mr. Speaker, you have been sitting in the Chair yourself and listening to the responses. We will ask a, a question that is very specific and there is absolutely zero relevance to the actual answering of the question.

As a opposition member or as a member of a political party which depends on Elections Manitoba being apolitical and being fair to all political parties, I have serious, serious concerns, Mr. Speaker, related, in particular, to—I could cite a few issues but one in particular, and that is the one that's been raised for the last number of weeks inside this Legislature and outside this Legislature.

There is no doubt that there was an attempt from the New Democratic Party to make a change, a change in financial records from a donation in kind to a, a tax-receiptable cheque exchange type with a number of workers that would've led to thousands of dollars being taken away.

The question that looms is why, on the surface, it appears the NDP got preferential treatment, and that

is how the public, I believe, is perceiving this. This is how I believe many of us inside this Chamber are perceiving, that there was preferential treatment given. And in order for us to, to clear the air, politicians like myself have to be afforded the opportunity to ask the number of questions that we believe are necessary in order to achieve comfort in knowing that Elections Manitoba does serve all political parties and all Manitobans, that it is not giving special treatment to one political party, Mr. Speaker.

And that's why it's so critical that we allow the debate to, to occur today. Because what we're talking about is one of the, the foundations—stones of our, of our system, of our democratic system and how critically important it is, Mr. Speaker, that that be perceived as being apolitical, that Elections Manitoba does not favour a political party.

Well, Mr. Speaker, I, I, I'm not comfortable with Elections Manitoba today. I have a good number of questions that need to be answered, and by having and supporting this motion, by having Elections Manitoba come before a standing committee of Legislative Affairs, it will afford individuals such as myself representing the Liberal Party to question and try to get answers to critical questions. Elections Manitoba has to and must be held accountable for the decisions that it is—that it has been made, that has allowed for these clouds of suspicion to be over that office.

So for, for the integrity of the system I would suggest to you, Mr. Speaker, that this is worthy of a two-hour debate that the Manitoba Legislature allow the issue to, to be debated so that we can clear the air. There is very few issues that I would suggest to you that would supersede an issue of this nature. We are here because we have Elections Manitoba. And if there is favouritism being given to one political party, as it would appear in certain situations here, that we should all be concerned about that. And I would suggest to you, Mr. Speaker, it goes beyond the, the Liberals and the Conservatives inside this Chamber, that even honourable members from within the New Democratic Party should be concerned about what's taken place with the Elections Manitoba.

Mr. Speaker, it is very clear, in terms of what took place in 1999, today, and when we start hearing from official agents from the New Democrats and the, and the 13 candidates, and, and when we hear from the Minister of Finance (Mr. Selinger) in terms

of the actions that he has taken, there is a good reason why we should all be concerned. And it's not good enough just to sweep this thing under the rug.

Mr. Speaker, you will recall, and I, and I would close—you will recall the Monnin re-inquiry was issued well after the offences had taken, taken place, years after. Here we have found what appears to be a clear violation of the code of ethics and possibly others. There was definitely an attempt to break The Election Finances Act.

Well, why did Elections Manitoba not pursue these critical issues? They did pursue other, other candidates. They made it publicly known. There's a valid point there. And I believe there are other incidences that I would like to be able to share with Elections Manitoba by asking questions and answers and that's why we believe and support the motion before us. Thank you, Mr. Speaker.

Mr. Speaker: I thank the honourable members for their advice to the Chair and whether the motion proposed by the honourable Leader of the Official Opposition should be debated today.

The notice required by rule 36(1) was provided. Under our rules and practices the subject matter requiring urgent consideration must be so pressing that the public interest will suffer if the matter is not given the immediate attention. There must also be no other reasonable opportunities to raise the matter.

I have listened very carefully to the arguments put forward. However, I was not persuaded that the ordinary business of the House should be set aside to deal with this issue today. Although this is an issue that some members may have a concern about, I do not believe that the public interest will be harmed if the business of the House is not set aside to debate the motion today.

* (15:10)

Additionally, I would like to note that other avenues exist for members to raise this issue, including question period, members' statements and grievances.

Therefore, with the greatest of respect, I must rule that this matter does not meet the criteria set by our rules and precedents, and I rule the motion out of order as a matter of urgent public importance.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I, I move that, under rule 36, the ordinary business—

Mr. Speaker: Order. Order.

I must advise the House that motion that is being put forward is out of order. Our rule 36(5)(a) regarding matters of urgent public importance states that not more than one such motion may be made at the same sitting.

Given that we have already had a motion come forward today from the Leader of the Official Opposition (Mr. McFadyen) as a matter of urgent public importance, in accordance with rule 36(5)(a), the motion of the Member for River Heights is therefore out of order.

Mr. Gerrard: Mr. Speaker, I believe if you canvass the House there would be leave for me to be able to move this motion.

Mr. Speaker: Does the honourable member have leave to, to move his motion for a matter, a matter of urgent public importance?

Some Honourable Members: Leave.

Mr. Speaker: Leave has been granted.

Mr. Gerrard: Mr. Speaker, I move that, under rule 36, the ordinary business of the House be set aside to discuss a matter of urgent public importance, namely, concern about the spread of H1N1 flu in Manitoba and the number of people severely ill on respirators, seconded by the Member for Inkster (Mr. Lamoureux).

Mr. Speaker: Before recognizing the honourable Member for River Heights, I believe I should remind, once again, all members that under rule 36(2), the mover of a motion on a matter of urgent public importance and one member from the other parties in the House is allowed not more than 10 minutes to explain the urgency of debating the matter immediately.

As stated in *Beauchesne's* citation 390, urgency in this context means the urgency of immediate debate, not of the subject matter of the motion.

In their remarks, the members should focus exclusively on whether or not there is urgency of debate and whether or not the ordinary opportunities for debate will enable the House to consider the

matter early enough to ensure that the public interest will not suffer.

The honourable member for River—oh, the honourable Government House Leader.

Mr. Chomiak: Yes, thank you, Mr. Speaker. House business.

Mr. Speaker: You're interrupting for House business?

Mr. Chomiak: I can indicate, Mr. Speaker, on House business, that there's an agreement of all members of this House that the, that the member shall, that the member shall speak for 10 minutes on his motion and that both the official opposition and the government will speak for 10 minutes each on the motion. *[interjection]* Two members each from both.

Mr. Speaker: For information of the House, we have to deal with the, with the motion first, and then I will make a ruling. Then I, I will make a ruling and, in members' comments, they just might want to state they're in agreement of, of debating, I don't know, but, but, it's entirely up to members—*[interjection]*

Order. Order. It's entirely up to members because from the information that I, that I receive from the, the, the mover of the motion and one representative from the official parties, from that information, then I will make a decision whether we move forward or not.

The honourable Member for River Heights to, to, to debate the urgency, debate the urgency of hearing this motion.

Mr. Gerrard: Mr. Speaker, this is very urgent. We have a widespread H1N1 flu situation in Manitoba with 26 people in respirators. I think that there is agreement that this has not only been brought up at the earliest possible convenience but that this warrants debate at this time, and I think if, let the House leader for the opposition speak, but I think you will find that there's House agreement to proceed with this debate.

Mr. Chomiak: Mr. Speaker, given the information that's come forward as recently, as recently as yesterday and as recently as 2:30 by the Chief Medical Officer of Manitoba, I, I, I cannot think of a, of a more—that actually information has come out

even after question period, I cannot think of a more urgent and appropriate matter for this Chamber to debate at this time.

Mr. Gerald Hawranik (Official Opposition House Leader): Yes, Mr. Speaker, just to add a few brief words. I would concur with the Government House Leader and, of course, the member from River Heights, this matter is of urgent public importance, and we would support debate on this matter to proceed in this House. Thank you.

Mr. Speaker: Okay, I thank the honourable members for their advice to the Chair on whether the motion proposed by the honourable Member for River Heights should be debated today. The notice required by rule 36(1) was provided under our rules and practices. Subject matter requiring urgent consideration must be so pressing that the public interest will suffer if the matter is not given immediate attention. There must also be no other reasonable opportunity to raise the matter.

I have listened carefully to the arguments put forward. However, I was not persuaded that the ordinary business of the House should be set aside to deal with this issue today. Although this is an issue that some members may have a concern about, I do not believe that the public interest will be harmed if the business of the House is not set aside to debate the motion today. Additionally, I would like to note that other avenues exist for members to raise the issue, including question period, members' statements and grievances.

Therefore, with the greatest of respect, I must rule that this matter does not meet the criteria set by our rules and precedents, and I rule the motion out of order as a matter of urgent public importance.

However, despite the procedural shortcomings, there does appear to be a willingness to debate the issue. I shall then put the question to the House. Shall the debate proceed?

Some Honourable Members: Agreed.

Mr. Speaker: Agreed. It's been agreed to. The debate lasts for two hours and, as a reminder to members, the speaking time limit is 10 minutes, and there is no vote on a MUPI.

Mr. Chomiak: Mr. Speaker, now I understand why you sit between Moses and Solon.

There had, there's—we've reached an agreement amongst all parties that the Leader of the Liberal Party will speak for 10 minutes, to be followed by a

representative from the opposition to speak for 10 minutes, a representative from our, our party to speak for 10 minutes, followed by a representative of the opposition again for 10 minutes, followed by a representative of our party for 10 minutes, which would then conclude the debate. That would be—all things being equal, five speakers at 10 minutes each will be within an hour, Mr. Speaker. Thank you.

Mr. Speaker: Can I have agreement of the House that, instead of following our rule of two hours, that we have five members speak for 10 minutes each?

Some Honourable Members: Agreed.

Mr. Speaker: Okay, we have that agreement?

Some Honourable Members: Agreed.

Mr. Speaker: Okay, we do have the agreement.

* (15:20)

Mr. Gerrard: Mr. Speaker, let me start with a brief recap of where we are with the H1N1 flu. This is a new strain of influenza, a flu, a virus that was first identified in Mexico approximately two months ago, in April, and it spread very rapidly in parts of Mexico. There were a significant number of people who died. At one point, it was believed to be about 150, but then it was shortened down or decreased when things were looked at very critically to about 50 people.

It was identified as a virus which was potentially quite severe which was affecting people in the age range of under 60, but quite a number of people who were in the 20 and 30s, and so this was unusual in terms of a, an influenza outbreak. It had some similarities to the pattern of how people were affected in 1918, which was a severe pandemic, and this outbreak was followed particularly closely by the World Health Organization and others.

Ms. Bonnie Korzeniowski, Deputy Speaker, in the Chair

And, thanks in part to some wonderful work by people at our laboratory here in Winnipeg, which has done incredible work on, on flu viruses and in other infectious agents around the world.

As this virus was followed and identified, it was determined that it was an influenza virus which included parts of human influenza, parts of swine influenza, parts of a bird influenza. It was a relat—it was a novel virus, a new type of virus but a new form of this virus, influenza virus. It had characteristics which were—had some similarities to

the virus of 1918, but it did not seem to have on the genetic DNA identification, the severest forms of the most virulent forms of that of 1918. And, indeed, as we have followed the transmission of this virus around the world, it is, from what we've seen for the most part, been a relatively mild influenza virus, but clearly the exceptions in quite a number of people in Mexico and, and, more recently, the exception and the severity of the cases in Manitoba with 26, at least, people with flu systems severely ill and on respirators. I am informed that these are individuals who are exhibiting flu-like syndrome who are then going on to have a progression to what would medically be called adult respiratory distress syndrome, a severe lung problem and that this is why these individuals are on respirators.

Now, it is alarming when we have this number of patients on respirators and, and there needs to be some clarity in terms of the understanding and the communication around this, this virus infection in Manitoba.

Now, there's some very important questions which are still not communicated well. How wide spread is this virus in Manitoba? I suspect from what I know that it's widespread essentially all over the province, and yet we have just 40 and now 56 cases in the most recent report confirmed in Manitoba, and it appears that, you know, there really aren't very many cases in Manitoba when you look at the report of the number of confirmed cases. You compare this to other jurisdictions which have got a lot more confirmed cases, and they appear to be much more serious.

However, there was some clarity in comments from Dr. Joel Kettner yesterday which appeared in *The Globe and Mail*. He indicated that the proportion of people exposed to the virus who were ending up in hospital right now is in the order of magnitude of one in a thousand. And we know the infectivity of this flu virus is high, that the large majority of people appear to be having mild infections and so, for example, if the infectivity rate were 80 percent and you had a thousand people exposed, that's 800 people with the virus, a large majority of those with mild forms.

And it—this is quite important, understand what the denominator is, what the number of people who have got this virus in Manitoba is. Because if, if you took it at face value that you've got 26 people on respirators out of 56 people who've got the virus, that's a very, very serious situation. But if, in fact, it's

20 people on respirators out of tens of thousands of people who have the virus, you know, then we can understand that it's a pretty mild virus and it starts to make sense.

And so, knowing this and being able to communicate this from what I would interpret from Dr. Kettner's comments, is that there are probably tens of thousands of cases of this virus infection around Manitoba, and that the vast majority of these are mild cases but that we have at least 26 cases which are very severe, on respirators, and the number who have been hospitalized is not as apparent.

I presume that there's quite a number of people who are hospitalized but not on respirators but, you know, maybe that's not 25, maybe 26, maybe that's 50, maybe that's 75. I mean, we would like that information but we don't have that. So if, if we understand that there are probably tens of thousands of Manitobans infected that most of these, a huge majority, have mild infections but that there's a few who have severe infections then we can begin to have a better public understanding of what's happening in Manitoba.

You know I asked a, a, you know, a senior public health official, you know, how many Indian communities were affected and his response was, you know, all, and, and that really is just a reflection of how widespread this is. Now I don't know if that's accurate and I don't know if, you know, but, but I would say this, that what is important is that we do have and a broad understanding that this is a very widely disseminated virus in Manitoba.

The second thing that is important to understand is that we do have a drug, the Tamiflu, which can be effectively used in the first 48 hours to prevent progression to severe respirator disease and therefore it becomes critically important to identify situations where Tamiflu should be used, and to protect people. And, and there are probably a number and, and this should be open for discussion and this should be communicated clearly so that people have an expectation when it's gonna be used and when it's not gonna be used. And, and that people who are in that kind of situation then are asking for it. People who are not in that situation are not clamouring to get Tamiflu because, you know, they're not gonna need it.

I mean, I, I think that one should consider where you've got an intensive outbreak in St. Theresa Point that early on in that outbreak it makes logical sense

to start using Tamiflu as a preventive measure widely because, I mean, clearly we're in a major problem a—a—and we don't want all the respirators, all the ICU beds being used up. I mean that would be a huge problem.

We need to be preventive. We need to be treating significant numbers of people early on with Tamiflu. From the number of pregnant women who, from the reports that I've seen, are on respirators that this may be another group of people who should be given Tamiflu quickly if they start to get flu symptoms. Perhaps those under two years of age, we've got people reported with under two years of age. I mean, I don't know the precise answer but what is important is that, that this be communicated clearly to people so if somebody is pregnant and has the flu that they know they should be requesting and getting Tamiflu, but if they're not pregnant or they're not under two years of age or in a, in a, in a group or under situation where it's likely that this could be more severe that, you know, that they're not expecting to have Tamiflu but it used to be used well.

It needs to have a protocol. It needs to be communicated clearly and, and this is adding to the confusion. Clearly, there's some issues around resources and I think all of us would like, you know, some assurance from the Minister of Health (Ms. Oswald) that the preventive measures, the treatment measures, all of these are being used well so that we don't end up in a situation where we're exhausting the ICUs, the isolation areas in the province.

I mean, I think that there are some long-term fundamental questions. You know why was there no, you know, hospital with the ability to treat people on respirators in the Island Lake's area. I mean it's 14,000 people in those number of communities. That's, you know, similar to say Portage la Prairie, and yet there'd be respirator capacity in Portage la Prairie.

There's a lot of issues here. One of the big—

Madam Deputy Speaker: Order, please. Order, please. The honourable member's time has expired.

* (15:30)

Mrs. Myrna Driedger (Charleswood): Madam Deputy Speaker, I'm pleased to rise today and put a few words on the record in support of this motion today as most Manitobans, I'm sure, are going to agree that the surge in serious cases of H1N1 flu is very much a matter of urgent public importance and

something that should be discussed by members of this Legislature immediately.

I note today that the WRHA has put out a news release asking the public to, if possible, stay away from the hospital, to not visit their loved ones if that is possible, and it's certainly speaking to the significance of what is happening right now.

I will speak to the urgency of this on four levels: One is the significant spread of severe cases. A second is the strain on resources. A third is the impact on Aboriginal communities, and the fourth is on the cracks in the so-called pandemic plan.

Madam Deputy Speaker, the first aspect of this that makes it important is because of the significant spread of severe cases. The spread of H1N1 in Manitoba and particularly among First Nations communities has certainly caught the attention of the World Health Organization, not the kind of attention we would have been looking for, but they've certainly sat up and taken notice of what is happening here in our Aboriginal communities.

Twenty-six Manitobans are currently on respirators in intensive care units, and as the Member for River Heights (Mr. Gerrard) just indicated, that that is a significant percentage of the overall patients that have this severely enough that they are actually on respirators. Three of those are children. More than half are First Nations.

As of yesterday, there were 40 confirmed cases to date from six health regions, and I just note that overnight that has changed by 16, and we are now at 56 confirmed cases in Manitoba.

The second reason for the urgency of debating this today is because of the strain on resources. Certainly Manitobans are concerned that our health-care system might not be able to handle a sustained outbreak. We know that our ERs are already maxed out. They are already on overload. They see about 800 patients a day. Now with the flu, there are 200 more patients visiting the ERs, and I think those were numbers as of perhaps yesterday, and I'm sure those numbers are going to be going up every day, too. There is some serious concern about whether the health-care system can handle this.

The—certainly the high number of severe cases is putting a strain on the intensive care units. We know that, you know, a few years ago, in 2007, the accreditation report of the WRHA—and in interviews that they had done with people in the system, there had been some recommendations being made to

enlarge the capacity of our intensive care units. I don't know whether or not the government took that to heart and did anything with that, but they felt that there was an urgent need to look at the request that was coming from front-line workers and to have an urgent discussion about whether or not we needed to add capacity in that case.

There's certainly concern about non-urgent surgeries being bumped. We know what happened years ago with cardiac surgeries, and when patients were bumped, even those that were not considered urgent, but those that were bumped, a number of them eventually did die after being bumped. So you can see where non-urgent bumping eventually turned into urgent cases, and those patients ended up passing away because of the delay.

We've already been made aware that there are perhaps not enough beds in the system, that patients are going to be moved around the city. We know already ICU patients are being moved around the city. We've heard that happening again through the accreditation report of the WRHA and the warnings that that accreditation report gave, that that was a dangerous practice and that practice should stop. Instead, here we are, two years later, and this is still going to be happening, and it does beg the question, how many beds do we have in the system and do we have enough?

How many patients that are in the hospital should be in personal care homes? We see that there are dozens and dozens of patients that need to be in personal care homes but, instead, are being kept in hospitals. Why is that? Is it because the NDP government has not put in the capacity in the personal care home numbers in order to be able to handle that?

Last week, two paramedics reported possible exposure to the virus because they weren't told that they were transporting patients with severe respiratory symptoms. We know communication is a vital part of any pandemic plan, and if we had a plan and it was in place, why did these two paramedics perhaps have been exposed to the virus?

I think there are some very, very serious questions about surge capacity, whether it's related to not enough ICU beds or not enough staff. We know, according to the last FIPPA, that there are severe shortages of ICU nurses and ER nurses and that has been going on for a very, very long time. We are short, according to the last FIPPA, 79 ICU nurses and 48 ER nurses. That is going to have a significant

impact on this crisis if it evolves into that. It is going to add a lot of strain on the system and particularly, on the front-line staff that are trying to hold it together.

Jan Currie of the WRHA has already indicated that nurses are being put in the position of having to work overtime, and there will not be any other way to manage this except by forcing nurses to continue to work overtime. And because the shortages of critical care nurses is so high, it is going to have a significant impact on the system's ability to provide safe, quality care.

Whether or not our, our ERs are prepared for an influx, I guess we'll wait and see but certainly it does not appear that that is what is in place. The ERs are already at capacity. The ERs are already doing their best. I think the front-line staff are probably going above and beyond the call of duty and I think this is going to have a huge negative impact on the ERs and on the staff that are trying to do a good job.

The impact on Aboriginal communities, we're, we're seeing something that I don't think anybody expected to and that's the high proportion of Aboriginal people that have been infected with H1N1 and it raises some very, very serious concerns. And it has certainly highlighted the need for better pandemic planning on reserves but it's also highlighted the severity of the living conditions in some remote northern communities that makes stopping the spread of H1N1 very difficult. Whether there is no running water or crowded living conditions, this is going to raise the challenge significantly in those communities. Now, in some communities, schools have been closed and public gatherings have been prohibited. And when we look again at, at the Aboriginal communities, this is all certainly adding to the urgency of the situation and supporting the notion that this is a matter of urgent public importance.

And the fourth reason why I think it's an urgent situation is there are cracks in the pandemic plan. We've been asking the Province for a pandemic plan for years and years. What looks like is occurring now—at the moment is crisis management, rather than a well-executed plan. The WRHA's 2007 accreditation report noted that the WRHA did not have a pandemic plan in place nor did the Province of Manitoba. We started asking about that at the time.

An emergency task force here in, in Manitoba in 2004, identified concerns about the ability to provide

adequate infection control measures in light of SARS and pandemic influenza. So the red flags were going up as early as 2004. It took the government years to proclaim its new Public Health Act, and that only happened after a push from this side of the House, Madam Deputy Speaker. And we need to take advantage of the lessons learned from SARS and, and I'm very concerned that this government is not prepared and didn't learn from that, and instead, that patients in Manitoba are going to be affected by the lack of adequate preparedness.

Mr. Speaker in the Chair

We've asked the minister for information on numerous occasions. She has yet to respond to written letters and it raises some very, very concerns for me and the concerns continue to exist because of her lack of answers in the House and her lack of response to two, to two letters that were written to her. And, and, certainly, I, I think we saw today that there are some very questionable decisions being made about how to handle surge capacity in the, you know, in the system. And I do not feel a real comfort level at all that there is a pandemic plan. And if the minister's prepared to table the two binders she's said she has, I would certainly think it would be appropriate for that to happen.

Also, I don't think it's appropriate for the Minister of Health in Manitoba to take pot shots at the federal minister. I don't think that helps at all. Thank you, Mr. Speaker.

* (15:40)

Hon. Theresa Oswald (Minister of Health): I'm pleased to stand today to put some comments on the record concerning the H1N1 situation that is occurring in Manitoba, in Canada, internationally and, of course, around the globe. I might start by making a couple of mentions of comments by the member opposite and just clarifying a few issues. The Leader of the Liberal Party is asking questions concerning how widespread is the illness and purports that there have been no pieces of information given to the public on this. This is incorrect, Mr. Speaker.

I can inform the member, of course, that for many, many days now the Chief Public Health Officer, medical officer of health in Manitoba, Dr. Joel Kettner, has made it very clear that H1N1 is everywhere. It's everywhere in Manitoba; it's everywhere in Canada, the United States, Mexico, and in many other countries in the world. And that is

not a small point, because when we talk about precautionary measures that need to be taken or we, we talk about preventative actions that one can take, one mustn't get the impression that one would only use those precautions with certain groups in society or in relation to people from certain communities. That's absolutely the wrong message, and we saw some pretty terrible things happening here in Manitoba last week as a result of that. So his message has been exceedingly clear on the fact that it doesn't matter from which community you come in Manitoba or, indeed, the world, you need to be taking precautions concerning the issue of H1N1.

I also wanted to point out that the guidelines that exist concerning the discussion of suspected cases has been asked and answered by the Public Health Agency of Canada, by our federal Minister of Health. She has been very clear. In fact, both opposition parties in Manitoba were calling on governments to provide information on suspected cases, and the federal Minister of Health on April 30th sent a letter to all provinces and territories saying the following: I would like to stress the importance of only reporting on confirmed cases, to provide Canadians with clear, unambiguous information. I do understand the intense pressure from media for data on suspected cases. Providing such information only serves to alarm Canadians unnecessarily. It also confuses the direct impact of this virus with a large number of unrelated infections.

And so we are following that national advice and those national guidelines in, in, con, reporting on confirmed cases.

I can let the House know, of course, that we do have, as of the recent press conference, 56 confirmed cases in Manitoba. As a point of context, we know Saskatchewan, in their most recent data, which I believe is Monday's, Saskatchewan, Ontario and Alberta-Saskatchewan is reporting 210 cases; Ontario, over 1,200; Alberta, 172 cases—but what is significant in Manitoba is what has been raised by members opposite, and that is the number of severe cases that we are seeing emerging in Manitoba. So, while our numbers in contacts will, of confirmed cases, will seem smaller. The number of severe cases, cases requiring hospitalization, have certainly captured the interest of health officials nationally and internationally, and it is indeed a serious situation.

I know members opposite may call for more information. Indeed, there has been a call for medical

officers of Health to name communities and confirm cases in communities. The medical officers of Health recommend that this information be reported by region. We saw very quickly last week what happened when information was revealed, not by medical officers of Health but by others, about potential outbreaks or confirmed cases in individual communities.

There was almost instantaneous stigmatization, Mr. Speaker, reports of individuals being thrown out of hotels and not being admitted, allowed admission to hot-hotels and other types of stigmatization that does not serve the public well and, in fact, indeed, provides bad public health information. So there are reasons for information that's provided in the way that it's provided.

I also want to make mention of the Member for Charleswood (Mrs. Driedger) discussing system readiness and talking about, about beds in the system. We know that in 2001, she, she called for the de-bedding of the health-care system and on May 23rd of '01 described the Tory bed closures of the '90s as a good thing. And yet today, we hear comments about beds in the system and it's curious, Mr. Speaker, but now is not the time to, to belabour that point. We can talk about that in various other forums when we discuss our differences on health-care system and health-care planning.

What I do want to tell the House, of course, is that we are acting aggressively to respond to this outbreak and that, of course, begins with the development of the pandemic plan. Our medical officers of health, our public health officials have been working very closely on the national stage in developing pandemic plans and pandemic guidelines and that plan is in full force here in Manitoba.

We know that with this surge that we are seeing that is very serious that, indeed, our, our front-line nurses and doctors and health professionals are doing what they do best and that is, of course, working to take very good care of the people in Manitoba who need them at these difficult times. And, and I commend them and I would believe that all members of this House would join me in commending the very hard work that doctors and nurses are doing.

I can inform the House that—[interjection] Yes. I can inform the House that when this situation first came to light internationally, the WRHA immediately set about purchasing additional ventilator equipment and that has been a very good decision because they are keeping more Manitobans

alive today. We have another stock of ventilators from the national emergency stockpile on hand if we, we need to use them.

It is true that the Winnipeg Regional Health Authority is working to reschedule and transfer some elective surgeries, where safe, Mr. Speaker, that may be putting pressure on ICUs in this surge situation. I don't believe this to be a bad thing in the sense that we are facing a very unique situation. Doctors will make good decisions about what is safe and what is appropriate to build for this, this surge and to build that capacity. We know that hospital patients are being prioritized to personal care homes, in addition, to free up hospital beds.

We know that Manitoba Health has taken over the dispatch of basic air ambulance services to free up time for nurses in our northern communities. This was a request from the federal government and we have met that request. We want those nurses spending as much time as possible with patients. We're also working to ensure that the air ambulance companies are improving their turnaround times for medevac flights. We're providing additional doctor resources through the Northern Medical Unit.

The federal government, again, has the responsibility for taking the lead in our northern communities, but we are partners with them. We have made offers of assistance to them and they have declined them when they were not needed, but they have asked for them when they were needed. They are asking for us to build some capacity five days hence, to support them with doctors and nurses and we are working to build that plan, bearing in mind our health human resources are, of course, working overtime.

But I want to assure that we're going to continue to communicate with the public through our Chief Medical Officer of Health. We need to take advice from our medical professionals. We're going to continue to communicate through our First Nations leadership. This is of great concern to them and we're going to continue to work with them. We want to provide the Manitoba public with timely information, with accurate information, Mr. Speaker, based on the protocols advised in the medical—or in the pandemic plan and advised on a national stage.

But I can say this: one of the central pieces of the pandemic plan is to treat an individual illness accordingly. It isn't a cookie-cutter model, Mr. Speaker, and federal epidemiologists are working with our medical officers of health to look at the

unique principles and properties of this illness. And if changes need to be made to the use of antivirals, to the use of personal protection equipment, those changes are going to be made because that was in the plan in the first place. We need to react to this illness; we need to learn from this illness. We're going to do that and we're going to be leaders in Canada and na-internationally in working on, on this issue. Thank you.

* (15:50)

Mr. Hugh McFadyen (Leader of the Official Opposition): Mr. Speaker, I, I would like to support the motion brought by the Member for River Heights (Mr. Gerrard) to debate the, the matter that's before the House related to the H1N1 flu outbreak and the, the implications of this for, for Manitobans.

The, the requirement under the section of the rules to have something deemed a matter of urgent public importance is that there are no other reasonable opportunities to debate the matter and that, that where we are in terms of the legislative process is such that there are no other matters in front of the House that would take precedence over it. I agree—we agree with the Member for River Heights that this is such a matter.

Mr. Speaker, we have one day left of sitting in this session of the House before the House rises at 5 p.m. tomorrow, and so the, the various matters currently before the House are ones that, that should just wait momentarily to allow members to fully debate the issue that's been brought forward, which is one of significant concern to all Manitobans.

We've been following the, the coverage of the story in the news media. Obviously, there's a high level of public interest and concern about the potential health impacts on, on individuals and their love ones as this, as this flu virus continues to spread. And, obviously, there is a, an urgent requirement on the part of Manitobans to understand very clearly what plans the government has in place to manage this, this outbreak and what, what levels of assurance they can receive that the government is providing timely and accurate information to Manitobans to allow them to take the right steps.

We agree, Mr. Speaker, there is a balance that must be sought by government in providing information to Manitobans that is timely, accurate and useful, but also a desire not to generate—not generate irrational fears and unreasonable overreactions to what we're dealing with, and so

that's the line the government must walk. And obviously we support the, the efforts—any efforts to ensure that that is what takes place.

Mr. Speaker, the Member for—the Member for Charleswood (Mrs. Driedger) has very correctly brought forward this issue at various points as the matter has evolved. She's asked many important questions on a variety of issues, including the capacity of the system, in terms of ambulance and transportation of, of patients, air ambulance, the issue of, of, of dealing with this outbreak in northern communities, First Nations communities where there's a particularly high risk and, and a significant degree of, of concern today, and an effort on the part of First Nations' leaders to attempt to deal with this issue within their communities which are isolated and remote, and, and which, in many cases, have many people living within fairly small, confined spaces.

We know very well the very inadequate situation related to housing in many of our northern communities and the fact that there are, in far too many communities in Manitoba, people living in, in very difficult circumstances, and all of these situations which contribute to, which contribute to overcrowding within housing, which involve the concerns in terms of standard of living, have an impact on people's health and make some communities susceptible to an outbreak like the one that we're now dealing with.

And so these are the right questions to have asked by our Health critic and deputy leader, and I commend her for asking the questions, and encourage her to continue to do so as all of us who are interested in this issue will do.

Mr. Speaker, the, the Member for Charleswood has also been raising questions about, about the allocation of resources. The strain on emergency rooms, which it has been reported are very busy as it currently stands, and, and continuing to get busier as new cases arise. She has made reference to the strain on intensive care units within our hospitals, and has also, I think, very legitimately and correctly raised concerns about the way the government discloses information to the public and the way that it makes decisions about allocating resources.

Furthermore, Mr. Speaker, if you look back at the public record, what you'll find is that members on this side of the House have asked questions about the delay, the unnecessary delay in the proclamation of the legislation that was, that was brought in. There

has been a delay in the publication of, of pandemic plans by the government. That delay is not something that is the creation of members of the opposition. That has been cited in independent reports and reviews that have been done into the regional health authorities.

This was an issue brought forward last year, when the Winnipeg Regional Health Authority was reviewed, and the outside reviewers made comments within their reports about concerns with delays in published pandemic plans on the part of the government.

And so these are independent accreditation bodies that are raising these concerns, Mr. Speaker, and it is the opposition that's bringing them forward. And so if the minister wants to be angry with members of the opposition for bringing issues forward, we would encourage her to not shoot the messenger. If she's angry about what's being brought forward, take it up with the independent, highly trained accreditation agencies that are raising these concerns and not with members of the opposition who are simply bringing them forward and asking reasonable questions.

And so, Mr. Speaker, we've got concerns about the delay in the proclamation of the legislation, the concerns raised about six months ago about the inadequate planning done to date, the, the delays in government appointments to key positions within government with respect to management of any pandemic. And, also, we have concerns about what would appear to be politically motivated finger pointing at the federal government at a time when all governments are attempting and all members, regardless of party, are attempting to be constructive and working together to arrive at an appropriate plan and solution to what is taking place.

So the politically motivated finger pointing from the Minister of Health (Ms. Oswald), who has a track record of putting incorrect information in the public domain is not, is not helpful, Mr. Speaker. The Brian Sinclair case and other situations, as well as the minister's, the minister's endorsement of brown envelope tendering within her department, these are all issues that don't inspire confidence in Manitobans or members of the opposition when we get into a more severe situation such as the one that we're in today.

Notwithstanding all of those concerns, Mr. Speaker, we do acknowledge that there are many, many Manitobans at the front lines of health care—

nurses, physicians, other health-care professionals, people who are working in our labs who are doing the testing today, other people throughout the health-care system who are working very hard to try to ensure accurate diagnoses and appropriate swift treatment for the benefit of Manitobans.

We know there are people at the level of planning who are attempting to identify locations of outbreaks and take the appropriate step to ensure that this outbreak is contained to the greatest extent possible and that those who have been, who have contracted the H1N1 virus are appropriately treated.

And so, Mr. Speaker, we acknowledge the great work being done by many Manitobans today on this issue. We do have concerns about some of the public communications coming from the political level of this government, particularly against the backdrop of the, of the delayed proclamation of the act, delayed appointments to key positions, outside independent agencies commenting on the lack of, of preparation and planning and a variety of other concerns that we have.

But these are concerns that we hope are in the past tense, Mr. Speaker, and we're looking forward in the debate today to have the government attempt to re-establish confidence in, in the handling of this at the political level, and I would reiterate, though, that we have much confidence in the many other Manitobans who are at the ground-floor level of this, the front-line level, who are working very, very hard.

And so the matter is one that's appropriate for, for a matter of ur-urgent public importance. We encourage the Speaker to accept the submissions and to acknowledge that this is a matter that ought to be dealt with on an urgent basis by the Legislature.

Thank you, Mr. Speaker.

*(16:00)

Hon. Steve Ashton (Minister of Intergovernmental Affairs): I, I certainly want to indicate that I fully supported this matter being discussed, debated today, Mr. Speaker.

And I, I think at times, when we look at our legislative agenda and some of the issues that are tossed around in question period or various other parts of our considerations, I do think a-at times, we need a bit of a reality check, and a reality check starts, I believe, with recognizing we have had a significant outbreak of flu. And whether it's type A flu, generally, or H1N1, there's been a surge in the

number of cases and it's very clear it is now being seen at the international level as, as being on the verge of becoming a pandemic, Mr. Speaker.

And here in Manitoba we have significant incidences of flu particularly in, in, in northern communities, northern Aboriginal communities. And I think that's an important starting point because I have seen first-hand and I have talked to people who are both dealing on the professional side and have been impacted in, on the community side by the outbreak of influenza.

I think it's also important to indicate, Mr. Speaker, that we have been advised by health-care professionals for quite some time that we are always at risk of a, a pandemic, that there are various stages in a pandemic and the critical element of a pandemic is both the planning and response functions of it. But what I want to particularly also acknowledge when we discuss this is what I think Dr. Joel Kettner publicly stated yesterday and has repeated again today, and that's the disproportion impact of the flu, possible flu pandemic, but certainly the flu outbreak on Aboriginal people.

And I think it's important to note, by the way, that flu is not, not a discriminating ill-illness in the sense that it, it will im-many people will catch the flu, but those who are most at risk of severe illness and death from the flu are the most vulnerable. And that is exactly what we're seeing take place here in Manitoba right now. A majority of the cases, the 26 cases of flu that are on the-on respirators, the vast majority which are likely to be H1N1 flu victims were Aboriginal.

And, just as during the flood, we acknowledged on the public record the disproportional impact of the flooding this spring on Aboriginal communities. It's important to note what we're talking about here. Floods have impact everyone but when you see a disproportionate impact on First Nations because of the, the communities, the location of the communities and the lack of, of mitigation you have to identify that. It's no different, Mr. Speaker, when it comes to the flu. And I want to put on the record that certainly our Minister of Health (Ms. Oswald), the Department of Health, the Chief Medical Officer of Health have clearly recognized that vulnerability, and did so in advance of the recognition by the World Health Organization.

In fact they, yesterday, Mr. Speaker, in a press conference from their headquarters specifically an-identified the fact that we are close to the declaration

of a pandemic and that here in Canada there was particular concern with the impact and the incidence of severe cases of the flu in northern Aboriginal communities. That's the WHO. That is clearly something we have to look at in Canada and I think look at some of the underlying elements and dynamics behind that.

Let's be very clear why First Nations communities, Aboriginal communities, generally, are most significantly being impacted. Well, Mr. Speaker, it's because very much of the living conditions that people in many northern Aboriginal communities are facing and I think it's about time that we recognize those conditions in our midst. And I see it in communities that I visit, that I represent, and I see it more directly and the impact it has. And I have seen so many people pass away at premature age because of the, the living conditions and the poor state of public health in our First Nations communities.

And whatever we do in response to this flu outbreak, most likely a flu pandemic, we have to also commit ourselves not just to the immediate response, and I do believe, Mr. Speaker, and I think Dr. Kettner pointed very clearly today in his comments that the degree of communications, co-ordination, inclusion, consultation effective action for public health emergency. I do believe that there has been a, a, a very significant amount of work that has been done, and I do want to credit the minister and her department, the Chief Medical Officer of Health.

But, you know, I think it's also important to understand that dynamic, that so long as people live in overcrowded housing conditions, so long as there's a poor state of public health, and so long as you have communities, and I look at St. Theresa Point, Mr. Speaker, where the resources, I believe, that the entire Island Lake Tribal Council had for pandemic planning. This is St. Theresa Point, this is Garden Hill, this is Red Sucker Lake, this is Wasagamack. Those four communities had \$3,000 from FNIHB, Mr. Speaker—\$3,000 to do pandemic planning.

So we need to recognize the reality of what's happening on, on the ground. And I want to acknowledge, by the way, statements of the chief of St. Theresa Point, the chief of Garden Hill, I know, who have been very public. But I also want to note, Mr. Speaker, the impact in other communities, OPCN, for example, about the statement, flu outbreak may not have been H1N1, and it impacted young people. Again, something that has got to be a

very significant concern. OPCN, I know there's been an outbreak of flu, very significantly, in Split Lake. And here in southern Manitoba there was a significant outbreak of flu in Dauphin. This is something that is impacting across the board.

But it's important to recognize that the flu, Mr. Speaker, has been with us for many years. But one of the reasons so many people die with previous pandemics, let's take the, the, the Spanish influenza outbreak after the First World War. It was because of the poor state of public health, in this case, post-war Western Europe and in Canada. It struck down many people because of the poor state of public health in our country and across Europe.

You cannot stop flu outbreaks, but you can mitigate them, and you can mitigate the impact on people. And when I see a majority of the patients on respirators being Aboriginal people, I, I want to put on the public record that I really appreciate the fact that the Minister of Health (Ms. Oswald) and Dr. Kettner both recognize, Mr. Speaker, this very significant fact. Yes, the flu impacts across the board, but it's having a disproportionate impact on First Nations communities.

So out of that I want to, in my concluding remarks, say that it's important over the next period of time, because we know with pandemics, there's a second and, potentially, a third wave. And the H1N1 may not, in fact, be the major sustained pandemic that we have been planning for and expecting. We will find out over the next days and weeks.

But, you know, Mr. Speaker, we cannot get complacent. Canada, right now, along with the United States and Australia, have the most significant number of clusters of flu experienced. And it's not just in Manitoba, it's in other areas across Canada. And in the numbers now in Canada are starting to approach on a per capita basis those in Mexico. I advise people to check the WHO's site. We cannot get complacent, and that is why we need to, we need to all work together on this. And I want to commend the health-care professionals who've been working around the clock, planning and responding to the flu.

But what I want to put on the public record is a plea that we recognize that underlying cause that is driving the particular impact on First Nations communities. We have to rededicate ourselves, we have to work with Aboriginal leaders, we have to work with the federal government, because we

cannot sit by, idly by and not recognize what's happening. I believe that's been an important thing that the Minister of Health has done. I credit the Minister of Health—in fact, the Department of Health offered 13 times assistance to the federal government, Mr. Speaker. We are working all together as Manitobans.

But you know what, Mr. Speaker? We have to do a lot more to deal with the underlying living conditions that make so many people in Manitoba vulnerable. That's a clear lesson that we might have to take over the developments in the last few weeks.

Mr. Speaker: Okay, that's, that should be the fifth speaker, as previously agreed. We will now move on to or—grievances, we'll do grievances first.

No grievances. We'll do orders of the day.

* (16:10)

ORDERS OF THE DAY

GOVERNMENT BUSINESS

Hon. Dave Chomiak (Government House Leader): Mr. Speaker, can we do report stage debate of Bills 30, 18, 5, 14, and 20?

Mr. Speaker: Okay, we'll deal with report stage amendment in this order. We'll start with 30, 18, 5, 14, and 20.

REPORT STAGE AMENDMENTS

Bill 30—The Budget Implementation and Tax Statutes Amendment Act, 2009

Mr. Speaker: Call report stage amendment on Bill No. 30, The Budget Implementation and Tax Statutes Amendment Act, 2009.

Mr. Rick Borotsik (Brandon West): Amendment, Mr. Speaker. I move, seconded by the member from Emerson, that Bill 30 be amended by repealing clause 1.

Mr. Speaker: It's been moved by the honourable Member for Brandon West, seconded by the honourable Member for Emerson (Mr. Graydon), that Bill 30 be amended by repealing clause 1.

Mr. Borotsik: I think it's very important that members opposite and certainly Manitobans themselves recognize exactly what's happened with respect to Bill 30, and this amendment, Mr. Speaker, is exactly what Bill 30 should represent. It should be, as the BITSA bill, should reflect what is identified in the budget, and that didn't happen.

As a matter of fact, the government put forward the clause 1 which took out of the budget the necessity to repay the debt, and as we know, just recently, there was a government in Atlantic Canada that actually suggested that they weren't gonna repay the debt and an opposition party took them to the polls based on that very issue that they should repay their debt. They should repay their debt is exactly what they promised in Nova Scotia, but this government has decided that, after Bill 38, Bill 38, which said that they would spend \$110 million a year to repay a debt that is now out of control in this province. So this, in fact, takes it back to where it should be.

The promises that they made in Bill 38—as a matter of fact, talk about broken promises. They broke their promise to keep balanced budget legislation, Mr. Speaker, and they changed that with Bill 38. They changed Bill 38 in the budget. They changed the budget in BITSA. It's wrong. Absolutely wrong, and this takes BITSA back to what it should be at Bill 38.

Retiring debt is necessary for the province of Manitoba in order to compete in this global world, Mr. Speaker, and this government is not prepared to do it. As a matter of fact, it's quite the opposite. We hear the pri—the Premier (Mr. Doer) standing up right now and say, well, isn't it wonderful. We've got the largest increase in GDP of any province in the nation. What he doesn't tell you is we've got the lowest GDP in the nation, therefore, any type of an increase certainly doesn't mean that there's that much that's going to be increased, but if he is so sure of himself with respect to the economy of this province, then he can go back to his original promise which was to pay down the debt at \$110 million per year, which was reflected in the 1995 budget, balanced budget legislation, which was reflected in their co-operation with balanced budget legislation and was also shown in Bill 38 which they would repay \$110 million worth of debt on an annual basis.

Bill 30, the BITSA, should reflect that. It doesn't. This amendment, Mr. Speaker, would change it and change it for the better. Every member on that side should be voting for this amendment. Thank you.

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is the amendment moved by the honourable Member for Brandon West.

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

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

Mr. Speaker: All those in favour of the amendment, say aye.

Some Honourable Members: Aye.

Mr. Speaker: All those opposed to the amendment, say nay.

Some Honourable Members: Nay.

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

* * *

Mr. Gerald Hawranik (Official Opposition House Leader): A recorded vote, Mr. Speaker.

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

The question before the House is the amendment moved by the honourable Member for Brandon West (Mr. Borotsik).

Division

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

Yeas

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

Nays

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

Madam Clerk (Patricia Chaychuk): Yeas 19, Nays 31.

Mr. Speaker: I declare the amendment lost.

* * *

Mr. Speaker: Okay, we'll move to the next amendment.

Mr. Borotsik: Mr. Speaker, I move, seconded by the member from Portage la Prairie, that Bill 30 be amended by replacing clause 1 with the following: The Balanced Budget Fiscal Management and Taxpayer Accountability Act is amended by adding the following after subsection 13(2): Exception for 2009-10 and 2010-11, 13(2.1), subsection 2 does not apply to the 2009-10 and 2010-11 fiscal years. However, in each of those years the minister must transfer a minimum of \$110,495,180 plus 7 percent of all debt repayments made under section 14 to the debt retirement account.

Mr. Speaker: It's been moved by the honourable Member for Brandon West, seconded by the honourable Member for Portage la Prairie (Mr. Faurshou), that Bill 30 be amended by replacing clause 1 with the following: The Balanced Budget Fiscal Management—dispense?

* (16:30)

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

Mr. Borotsik: Mr. Speaker, a simple amendment. It actually goes back to the promise that the Finance Minister made to this House in Bill 38. That he said he would pay \$110 million per year to the, to the debt retirement of the province. It's the same amount of money, Mr. Speaker, that was in the previous balanced budget legislation. It's a promise that this Finance Minister made to this House in Bill 38, yet broke that promise.

So, Mr. Speaker, I cannot see how the Finance Minister cannot vote in favour of this amendment because it's his promise that it was made. Thank you.

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is the amendment moved by the honourable Member for Brandon West.

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

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Speaker: All those in favour of the amendment, say aye.

Some Honourable Members: Aye.

Mr. Speaker: All those opposed to the amendment, say nay.

Some Honourable Members: Nay.

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

Mr. Hawranik: It's on division, Mr. Speaker.

Mr. Speaker: On division.

* * *

Mr. Speaker: The honourable Government House Leader, on House business, or do we con—okay, we'll continue on.

I'm going to now call amendment to Bill No. 8.

Hon. Dave Chomiak (Government House Leader): Yes, Mr. Speaker, I wonder if we might have leave to distribute the amendment by the Member for River Heights (Mr. Gerrard) with respect to Bill 18, and withdraw the previous amendment.

Mr. Speaker: And so is there leave to dis—distribute the amendment and to wi—withdraw the amendment that's on the Order Paper? Is there agreement?

Some Honourable Members: Agreed.

Mr. Speaker: Okay, there is agreement.

Bill 18—The Regulated Health Professions Act

Hon. Jon Gerrard (River Heights): I move, seconded by the MLA for Inkster (Mr. Lamoureux), that Bill 18 be amended in clause 128(4) by adding "or the complainant" after "member", and, two, by adding "if any part of a hearing was held in private and in the absence of the complainant, the complainant may not examine the record of proceedings or receive a copy of the transcript related to that part of the hearing" at the end. And be by adding the following after clause 128(4) "protecting privacy and personal health information." And 128(5), before making the transcript available to the complainant under subsection 4, the college may edit it for the purposes of protecting (a) the personal health information of the investigated member and (b) the privacy including the personal health information of any person other than the investigated member or the complainant.

Mr. Speaker: Does the honourable member have leave to move that amendment?

Some Honourable Members: Leave.

Mr. Speaker: Okay, leave has been granted.

Is there agreement for the House to accept, accept the amendment as distributed, not as read?

Some Honourable Members: Agreed.

THAT Bill 18 be amended

(a) in Clause 128(4),

(i) by adding "or the complainant" after "member", and

(ii) by adding "However, if any part of a hearing was held in private and in the absence of the complainant, the complainant may not examine the record of proceedings, or receive a copy of the transcript, relating to that part of the hearing." at the end; and

(b) by adding the following after Clause 128(4):

Protecting privacy and personal health information 128(5) Before making the transcript available to the complainant under subsection (4), the college may edit it for the purpose of protecting

(a) the personal health information of the investigated member; and

(b) the privacy (including the personal health information) of any person, other than the investigated member or the complainant.

Mr. Speaker: Okay, it's been moved by the honourable Member for River Heights, seconded by the honourable Member for, for Inkster, that Bill 18—

An Honourable Member: Dispense.

Mr. Speaker: Dispense? Dispense.

Mr. Gerrard: Mr. Speaker, this amendment relates to the availability of the transcript of the proceedings of an investigation where there is a complaint coming into the college with regard to a member of the college. The goal here is to make sure that the complainant has access to the transcript as does the member who is being investigated. And it is also hoped that the process will provide a little more opening up of what happens in the investigative procedure and enable the complainant to be reassured that the investigation was done in a very professional manner and comes to a professional and proper conclusion.

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is the amendment moved by the honourable Member for River Heights.

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

Some Honourable Members: Agreed.

Mr. Speaker: Agreed? Agreed and so ordered.

**Bill 5—The Highway Traffic Amendment Act
(Promoting Safer and Healthier Conditions
in Motor Vehicles)**

Mr. Speaker: Okay, I will now call the amendments to Bill 5, The Highway Traffic Amendment Act (Promoting Safer and Healthier Conditions in Motor Vehicles).

Hon. Kerri Irvin-Ross (Minister of Healthy Living): I move, seconded by the Minister of Education, Citizenship and Youth (Mr. Bjornson), that Bill 5 be amended in clause 3 by adding the following after the proposed subsection 2, 215.1(3.1): Exceptions, certain radios and other equipment". 215.1(3.2) subsection 2 does not apply to the use of a radio apparatus as defined in section 2 of the Radiocommunication Act, Canada, that is operated under the authority of a radio operator certificate issued under the act, must, in order for its operator to communicate with another person, transmit radio signals to another radio apparatus that's operated under the authority of a radio licence, issued under the act, other than a radio licence issued to a cellular telephone network provider, or is the type of radio apparatus commonly known as the citizens band radio, or family band radio, or mobile data terminal that is used for dispatch or other business-related communications in a vehicle used for business purposes and is not held in the driver's hand when the vehicle is moving.

Mr. Speaker: It's been moved by the honourable minister for Healthy Living, seconded by the honourable minister for Education, that Bill 5—dispense?

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

Ms. Irvin-Ross: The purpose of this amendment is in response to the presentations made in the committee last week by stakeholders that made

compelling arguments about their need to be exempt from the legislation for safety reasons. These current concerns have been carefully addressed by this amendment. This amendment will exempt those operating radio op—apparatuses with radio operator certificates, including ham radios and family radios.

* (16:40)

We all agree that safety is the No. 1 priority. That's why we brought forward this legislation to improve safety on our roads. We, we were always prepared to make exemptions by regulations when legitimate safety concerns were presented. This, these amendment puts these exemptions into the law to provide greater certainty to those stakeholders. These exemptions do not undermine the strength and enforceability of the law. The amendments tabled today have been developed carefully to allow industries to both accomplish their goals, but still maintain the integrity of the legislation, which is safety.

Mr. Larry Maguire (Arthur-Virden): I just, I know that the minister's brought this amendment forward. I've been in discussions with her as results of the committee work that was done by ham operators, taxi drivers, Manitoba Trucking Association and others that appeared before—bus, school bus drivers—that appeared before the committee last week, and we have other amendments to bring forward to this.

And it's been brought to my attention that this particular amendment still will not cover all of the needs of some of those particular individuals, Mr. Speaker, and so with that, we raise a concern about the amendment. Certainly, all we're saying is that it could be—should be expanded in regards to its opportunities, and I'll leave it at that for now.

Mr. Kevin Lamoureux (Inkster): I do have some concerns. As the member from Arthur-Virden has pointed out—and I would look to, to the minister and I think it would alleviate that concern if she could actually indicate to, to the Legislature that in fact what she's doing here is clearly providing an exemption for our school buses and our taxi industry, and there was concern in, in regards to licensed hand-radio operators, Mr. Speaker.

I think it would assist the procedures of the Chamber if she could give a clear indication that those, those ones in particular are in fact exempted by this legislation with this particular amendment. If she could say that, then I know I won't have to move

an amendment myself, Mr. Speaker, and I suspect even likewise for the member from Arthur-Virden, as a possibility. But we'd look to her to stand up and say that yes, this amendment does exempt those industries.

Mr. Speaker: House ready for the question?

Some Honourable Members: Question.

Mr. Speaker: The question before the House will be the amendment as printed, 'kay?

THAT Bill 5 be amended in Clause 3 by adding the following after the proposed subsection 215.1(3.1):

Exception—certain radios and other equipment

215.1(3.2) *Subsection (2) does not apply to the use of*

(a) a radio apparatus, as defined in section 2 of the Radiocommunication Act (Canada), that

(i) is operated under the authority of a radio operator certificate issued under that Act,

(ii) must, in order for its operator to communicate with another person, transmit radio signals to another radio apparatus that is operated under the authority of a radio licence issued under that Act, other than a radio licence issued to a cellular telephone network provider, or

(iii) is the type of radio apparatus commonly known as citizen's band radio or family band radio; or

(b) a mobile data terminal that

(i) is used for dispatch or other business related communications in a vehicle used for business purposes, and

(ii) is not held in the driver's hand when the vehicle is moving.

And we'll be voting on the amendment moved by the honourable Minister for Healthy Living (Ms. Irvin-Ross).

Is the pleasure of the House to adopt the amendment?

Some Honourable Members: Agreed.

Some Honourable Members: No.

Voice Vote

Mr. Speaker: All those in favour of the amendment, say aye.

Some Honourable Members: Aye.

Mr. Speaker: All those opposed to the amendment, say nay.

Some Honourable Members: Nay.

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

Mr. Gerald Hawranik (Official Opposition House Leader): On division.

Mr. Speaker: On division.

* * *

Mr. Lamoureux: Mr. Speaker, I would move, seconded by the member from Arthur-Virden, that Bill 5 be amended in clause 3 by adding the following after the proposed subsection 215.1 in (3.1): Exception, transportation tracking system used by taxis, school buses, et cetera. 215.1(3.2) as an exception to the subsection 2, a person may use a hand-operated electronic device by hand if it is part of a logistical transportation tracking system that is being used (a) for commercial purposes to track vehicle location, driver status or delivery of packages or other goods; or (b) to track the location of school buses.

Exception, use of amateur radio, 215.1(3.3) as an exemption to subsection 2, a person may use a hand-operated electronic device by hand if he or she is licensed, certified or otherwise authorized to operate radio apparatus under the Radiocommunication Act (Canada).

Mr. Speaker: I must advise the House that the report stage amendment proposed by the honourable Member for Inkster (Mr. Lamoureux) is out of order.

The House has just adopted a report stage amendment proposed by the honourable Minister of Healthy Living (Ms. Irvin-Ross) that amends the same section of Bill 5 as a report stage amendment proposed by the honourable Member for Inkster and seeks the same results and intent, although the wording used is somewhat different.

Given that the report stage amendment of the honourable Minister of Healthy Living has been adopted by the House, the report stage amendment proposed by the honourable Member for Inkster is now procedurally unacceptable and cannot be proceeded with.

With the greatest of respect, I must therefore rule the report stage amendment for the Member for Inkster out of order.

Mr. Lamoureux: Mr. Speaker, then, if I understand the ruling correctly, it's out of order because her legislation or her sub—the minister's subamendment does include excluding buses and taxis. That would be correct?

Mr. Speaker: Order. For, for clarification of amendments, the honourable member would have to ask the minister. The Speaker—the questions addressed to the Speaker would not be appropriate because I don't have the information.

Mr. Lamoureux: Mr. Speaker, I would look to the minister then to, to respond to the, to the question, and if leave is required, I would request leave to put the question to the minister.

Mr. Speaker: By leave, does the honourable member have leave?

Some Honourable Members: Leave.

Hon. Dave Chomiak (Government House Leader): I believe that the amendment covers the matters as outlined by the, by the minister and other, other changes are applicable in the regulation.

Mr. Lamoureux: Mr. Speaker, if it's applicable by regulation, then I would argue that it, it should be in order because we're changing the legislation not the regulation.

Mr. Speaker: Order. For the informa—for—order. Order. Order. For the information of the honourable member, the advice that I'm given is by Legislative Counsel and the member's rulings are—the Speaker's rulings are not debatable. They are either accepted or challenged.

Mr. Maguire: I, too, have an amendment—proposed amendment to Bill 5 for report stage here, and I move, seconded by the member from Inkster, that, that Bill 5 be amended in clause 3 by adding the following after the proposed subsection 215.1(3.1): Exception, taxicabs, semi trucks, school buses and amateur radio operators, 215.1(3.2) subsection 2 does not apply to the following: (a) in respect of a taxicab, a personal licence to drive a taxicab who uses a mobile data terminal in carrying out his or her duties as a driver of a taxicab; (b) in respect of a Class 1 vehicle as defined under The Drivers and Vehicles Act, person licensed to drive a Class 1 vehicle who uses a mobile data terminal or a push-to-talk device in carrying out his or her duties as the driver of a Class 1 vehicle; (c) in respect of a cla—school bus as defined under The Public Schools Act, a school bus driver who uses a hand-operated

electronic device that is not normally held in the driver's hand during use in carrying out his or her duties as a driver of a school bus; (d) in respect of any other motor vehicle, a person who holds a radio operator certificate issued under the radiocommunications act, Canada, who uses radio apparatus as defined in that act while driving as a, a motor vehicle.

Mr. Speaker: I must advise the House that the report stage amendment proposed by the honourable Member for Arthur-Virden (Mr. Maguire) is out of order.

* (16:50)

The, the House has just adopted a report stage amendment proposed by the honourable Minister of Healthy Living (Ms. Irvin-Ross) that amends the same section of Bill No. 5 at the report stage amendment proposed by the honourable Member for Arthur-Virden—[interjection]—order—and seeks the same results and intent, although the wording used is somewhat different.

Given that the report stage amendment of the honourable Minister of Healthy Living has been adopted by the House, the report stage amendment proposed by the honourable Member for Arthur-Virden is now proced—procedurally unacceptable and cannot be proceeded with.

With the greatest of respect, I must, therefore, rule the report stage amendment for the Member for Arthur-Virden out of order.

Bill 14—The Consumer Protection Amendment Act (Payday Loans)

Mr. Speaker: Okay, we will now move—we will now move on to Bill No. 14, The Consumer Protection Amendment Act (Payday Loans).

Mr. David Faurshou (Portage la Prairie): Mr. Speaker, I appreciate the opportunity to rise and propose amendment to Bill 14, The Consumer Protection Amendment Act (Payday Loans).

I move, seconded by the honourable Member for Emerson (Mr. Graydon), that Bill 14 be amended by (a) by placing the proposed clause 163(1)(f.1), as set out in clause 9(1)(e) of the bill, with the following: (f1.1) the purpose of the section 147 and for the purpose of protecting borrowers and the financial health of payday lenders fixing it at just and reasonable levels, (i) the maximum cost of the credit for payday loan or establishing a rate formula or

tariff for determining, and (ii) the maximum amount for components of cost of credit or establishing rates, formulas or tariffs for determining them, (b) by placing the proposed clause 163, subsection 1, sub i, as set out in clause 9, subsection 1–subsection h of the bill, with the following: (i) the purpose of the, the sub–of the section 152 and for the purpose of protecting borrowers and the financial health of payday lenders prescribing just and reasonable fees or costs or establishing rates, formulas or tariffs for determining just and reasonable fees or costs that may be charged, charged, required or accepted in relationship to the replacement loan or extension of renewed–renewal of payday loan.

Mr. Speaker: It's been moved by the honourable Member for Portage la Prairie, seconded by the honourable Member for Emerson, that Bill 14 be amended–dispense?

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

Mr. Faurshou: Mr. Speaker, I appreciate the opportunity to bring forward this amendment, as it pertains to Bill 14, on, on the basis, that, according to legal counsel, the current bill, as it is written and presented to the House, does not allow for any opportunity for either the borrower or the lender to appeal the Order-in-Council established rates.

And I think it's very, very important that the laws passed by the Manitoba Legislature Assembly do not put themselves above the judicial system and that the judicial system always has opportunity to hear from Manitobans as to the pros and cons of any of our legislation through an appeal to the, to the court system.

So, I think this, this particular amendment allows the legislation to be, indeed, contested by–in court by either borrower or a lender and is most appropriately to adopted by the House.

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is the amendment moved by the honourable Member for Portage la Prairie.

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

Some Honourable Members: Aye.

Some Honourable Members: No.

Voice Vote

Mr. Speaker: All those in favour of the amendment, say aye.

Some Honourable Members: Aye.

Mr. Speaker: All those opposed to the amendment, say nay.

Some Honourable Members: Nay.

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

Mr. Gerald Hawranik (Official Opposition House Leader): On division, Mr. Speaker.

Mr. Speaker: On division.

* * *

Mr. Speaker: First, the second amendment–the honourable Member for Portage la Prairie.

Mr. Faurshou: Mr. Speaker, I move, seconded by the honourable Member for Ste. Rose (Mr. Briese), that Bill No. 14 be amended in clause 10 by replacing the proposed subsection 164(6) with the following: Participant's costs 164, subsection 6, on the application of a participant in the co–in the consultation, the board must (a) determine the participant's reasonable costs related to the consultation; and (b) require the government to reimburse a participant for those costs.

Mr. Speaker: Moved by the honourable Member for Portage la Prairie, seconded by the honourable Member for Ste. Rose, that Bill No.–dispense?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Mr. Faurshou: Mr. Speaker, the amendment before the House this afternoon recognizes that Manitoba, the licensing of payday loan institutions is significantly higher than any other jurisdiction in Canada, more than \$1,500 per, per lending institution and it is for that reason that the additional monies are placed in the government treasury for the purpose of expended–to be expended when necessary to those individuals asked within the consultation process be able to be reimbursed.

So there's more than enough money collected by government in order to provide for out-of-pocket costs for any and all those individuals called before the Public Utilities Board for contribution to

information regarding Order-in-Council establishing the rates. Thank you.

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

An Honourable Member: Question.

Mr. Speaker: The question before the House is amendment moved by the honourable Member for Portage la Prairie. Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: Agreed.

Some Honourable Members: No.

Voice Vote

Mr. Speaker: All those in favour of the amendment, say aye.

Some Honourable Members: Aye.

Mr. Speaker: All those opposed, say nay.

Some Honourable Members: Nay.

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

* (17:00)

Formal Vote

Mr. Hawranik: A recorded vote, Mr. Speaker.

Mr. Speaker: A recorded vote having been—a recorded vote having been called, call in the members.

Order. The question before the House is the amendment moved by the honourable Member for Portage la Prairie (Mr. Faurichou).

Division

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

Yeas

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

Nays

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

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

Mr. Speaker: I declare the amendment lost.

Bill 20—The Manitoba Hydro Amendment and Public Utilities Board Amendment Act (Electricity Reliability)

Mr. Speaker: The hour now being past—order.

The hour being now past 5 p.m., in accordance with the sessional order adopted by the House on June 1st, the Speaker must interrupt proceedings and, without seeing the clock, take all steps necessary to con—conclude report stage on all specified bills then at that stage.

For today the specified bill that must have report stage concluded is Bill No. 20, The Manitoba Hydro Amendment and Public Utilities Board Amendment Act (Electricity Reliability).

If the report stage amendment has not yet been moved, the mover of the motion will get to move and speak to the motion. Immediately after, the Speaker must put the question necessary to dispose of the motion without further debate or amendment.

So now I'm calling the amendment for Bill No. 20, The Manitoba Hydro Amendment and Public Utilities Board Amendment Act (Electricity Reliability).

Mr. Gerald Hawranik (Official Opposition House Leader): Yes, Mr. Speaker, I was just, I, I, I understand that we will require leave in order to do some debate on one amendment for Bill 20. Can we—I wonder if we can canvass the House—

Mr. Speaker: The mover of the motion, the mover of the motion moves the motion, and it's only the mover of the motion that gets to debate it, unless there is leave, unless there is leave requested for other members to speak to it; otherwise it's just the mover that gets to debate it.

Okay for clarification?

Mr. Cliff Cullen (Turtle Mountain): Mr. Speaker. I move, seconded by the Member for Tuxedo (Mrs. Stefanson), that Bill 20 be amended in clause 8 by replacing the proposed subsection 134(5) with the following: Use of money from monetary penalties, 134, subsection 5, the government may only use money received from monetary penalties to fund (a) programs to enhance electricity reliability; (b) programs to produce electricity by non-traditional means; or (c) research and development about

electricity reliability and the production of electricity by non-traditional means or technology to incorporate electricity produced by non-traditional means into the conventional electricity grid.

Report about use of funds, 134, subsection 6, a person, institution or organization that receive funds under subsection 5 must, without delay after the end of a fiscal year in which it uses any of the funds, provide the minister with a report on how it used the funds.

Tabling of reports in the Assembly, 134, subsection 7, the minister must table a copy of the report in the Assembly within 15 days after receiving it if the Assembly is sitting or, if it is not, within 15 days after the next sitting begins.

Mr. Speaker: It's been moved by the honourable Member for Turtle Mountain, seconded by the honourable Member for Tuxedo, that Bill No. 20—dispense?

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

Mr. Cullen: Very, very quickly, Mr. Speaker.

We certainly on this side of the House understand the intent of this piece of legislation being brought forward, and obviously, the government of the day should be looking at it seriously about the reliability issue pertaining to transmission lines in the province of Manitoba and, as such, they should be looking seriously on the east-side power transmission line here in the province of Manitoba.

Mr. Speaker, I could go on at length, but the intent of this particular amendment was to replace

one section, 134(5), which gives the Cabinet powers to divvy up money imposed by penalty under this particular legislation and, quite frankly, we're, we're opposed to that, that situation happening. Hence, this is why we put the amendment forward on this particular piece of legislation. Thank you very much.

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is the amendment moved, amendment moved by the honourable Member for Turtle Mountain. Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: Agreed.

Some Honourable Members: No.

Voice Vote

Mr. Speaker: All those in favour of the amendment, say aye.

Some Honourable Members: Aye.

Mr. Speaker: All those opposed to the amendment, say nay.

Some Honourable Members: Nay.

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

Mr. Hawranik: On division.

Mr. Speaker: On division.

* * *

Mr. Speaker: Okay, that's—so we've done all the provisions that was required.

And the hour being past 5 o'clock, this House now is adjourned and stands adjourned until 10 a.m. tomorrow morning

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, June 10, 2009

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