

**Second Session - Thirty-Ninth Legislature**  
**of the**  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
**on**  
**Justice**

*Chairperson*  
*Mr. Daryl Reid*  
*Constituency of Transcona*

**Vol. LX No. 2 - 4 p.m., Monday, May 26, 2008**

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

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
ALLAN, Nancy, Hon.	St. Vital	N.D.P.
ALTEMEYER, Rob	Wolseley	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
BJORNSON, Peter, Hon.	Gimli	N.D.P.
BLADY, Sharon	Kirkfield Park	N.D.P.
BOROTSIK, Rick	Brandon West	P.C.
BRAUN, Erna	Rossmere	N.D.P.
BRICK, Marilyn	St. Norbert	N.D.P.
BRIESE, Stuart	Ste. Rose	P.C.
CALDWELL, Drew	Brandon East	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CULLEN, Cliff	Turtle Mountain	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
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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.
JENNISSON, Gerard	Flin Flon	N.D.P.
JHA, Bidhu	Radisson	N.D.P.
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LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MALOWAY, Jim	Elmwood	N.D.P.
MARCELINO, Flor	Wellington	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McFADYEN, Hugh	Fort Whyte	P.C.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MELNICK, Christine, Hon.	Riel	N.D.P.
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WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

**LEGISLATIVE ASSEMBLY OF MANITOBA  
THE STANDING COMMITTEE ON JUSTICE**

**Monday, May 26, 2008**

**TIME – 4 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Mr. Daryl Reid (Transcona)**

**VICE-CHAIRPERSON – Ms. Marilyn Brick  
(St. Norbert)**

**ATTENDANCE – 11 QUORUM – 6**

*Members of the Committee present:*

Hon. Mr. Chomiak, Hon. Ms. Irvin-Ross

Mr. Borotsik, Ms. Brick, Messrs. Goertzen,  
Graydon, Ms. Howard, Messrs. Jennissen,  
Martindale, McFadyen, Reid

**APPEARING:**

Mr. Kevin Lamoureux, MLA for Inkster

Mrs. Bonnie Mitchelson, MLA for River East

Hon. Gary Doer, MLA for Concordia

Mrs. Myrna Driedger, MLA for Charleswood

**WITNESSES:**

Bill 26–The Legal Profession Amendment Act

Mr. Allan Fineblit, Law Society of Manitoba

Mr. Sydney Green, Private Citizen

Bill 37–The Lobbyists Registration Act and  
Amendments to The Elections Act, The  
Elections Finances Act, The Legislative  
Assembly Act and the Legislative Assembly  
Management Commission Act

Mr. Graham Starmer, Manitoba Chambers of  
Commerce

Ms. Norma Lacroix-Gagné, Private Citizen

Mr. Shannon Martin, Canadian Federation of  
Independent Business

Mr. Mike Waddell, Private Citizen

Mr. Stephen Montague, Brandon University  
Students' Union

Mr. Ken Waddell, Private Citizen

Ms. Christine Waddell, Private Citizen

Mr. Sam Uskiw, Private Citizen

Mr. Harvey Dann, Private Citizen

Ms. Pat Bowlaugh, Private Citizen

**WRITTEN SUBMISSIONS:**

Bill 37–The Lobbyists Registration Act and  
Amendments to The Elections Act, The  
Elections Finances Act, The Legislative  
Assembly Act and the Legislative Assembly  
Management Commission Act

R.M. Swayze, Private Citizen

Clair and Valerie Davies, Private Citizens

Ms. P. Campbell, Private Citizen

Matt Kawchuk, Private Citizen

John Sushelnitsky, Private Citizen

Elizabeth Fleming, Private Citizen

Gordon Henderson, Private Citizen

Roméo Lemieux, Private Citizen

Iris Nowakowski, Private Citizen

Beverley Ranson, Private Citizen

Jim Reid, Private Citizen

Mr. Taggart, Private Citizen

Mr. B. Short, Private Citizen

Antoine Gagné, Private Citizen

Jake and Lynn Kroeger, Private Citizens

Lloyd and Annis Osborne, Private Citizens

Kerry Maxwell, Private Citizen

**MATTERS UNDER CONSIDERATION:**

Bill 14–The Criminal Property Forfeiture  
Amendment Act

Bill 26–The Legal Profession Amendment Act

Bill 35–The Statutes Correction and Minor  
Amendments Act, 2008

Bill 37–The Lobbyists Registration Act and  
Amendments to The Elections Act, The  
Elections Finances Act, The Legislative  
Assembly Act and the Legislative Assembly  
Management Commission Act

Bill 39–The Court of Appeal Amendment Act

Bill 40–The Drivers and Vehicles Amendment,  
Highway Traffic Amendment and Manitoba  
Public Insurance Corporation Amendment Act

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**Mr. Chairperson:** Good evening, everyone. Will the  
Standing Committee on Justice please come to order.

Our first item of business is the election of a Vice-Chairperson. Are there any nominations?

**Ms. Jennifer Howard (Fort Rouge):** I would like to nominate Marilyn Brick.

**Mr. Chairperson:** Ms. Brick has been nominated. Are there any further nominations?

**Mr. Kelvin Goertzen (Steinbach):** I would like to nominate Mr. Borotsik.

**Mr. Chairperson:** Mr. Borotsik has been nominated. Are there any further nominations?

**Mr. Goertzen:** I'd like to nominate Mr. Graydon.

**Mr. Chairperson:** Mr. Graydon. Any further nominations? Yes, Mr. Goertzen.

#### Point of Order

**Mr. Goertzen:** A point of order, Mr. Chairperson. I would just reference *Beauchesne*, the 6th Edition, regarding freedom of speech. I think it might be valuable, and I know the Premier (Mr. Doer) has been speaking about the need for freedom of speech on the radio and the different forums prior to this committee. So it's timely, I think, this reference to section 75 regarding allowing those nominated candidates, and I recognize, Mr. Chairperson, that having more than one person nominated as Vice-Chair for this committee or any committee in the Legislature is unusual, but that esteemed position clearly has drawn more contestants than normally would be the case.

\* (16:10)

I wonder, under the auspices of section 75, if it wouldn't be valuable to have the nominated candidates just maybe speak a little bit in terms of why it is that they think that they should be elected by this committee, by voting members of the committee, to take that particular position. I think in relation to section 75 from *Beauchesne*, Mr. Chairperson, and certainly in the spirit of the bill that we're debating here today as relates to elections and free elections, and certainly there is some controversy about the bill, that there be value in having each of the members who are nominated, including, of course, the member for the New Democratic Party to have that.

I'm sure, if you reflected, Mr. Chairperson, you'd probably find some precedent for this decision to have some debate or to have the individuals nominated have an opportunity to speak to the value of their nomination. If you weren't able to find a

precedent, I rely on the words of our House Speaker, who has indicated recently that sometimes you needn't be bound by the decisions of previous Speakers or previous chairpersons acting in their role.

So I think, given not only the nature of the bill, which we are debating here today, but certainly also the fact that we'll be sitting for a long time. Normally, the role of the Vice-Chair might not be as important. I'm certainly not reflecting on your office, Mr. Chairperson. Your role is always the highest of importance, but because this committee will likely sit for days because of the number of presenters—when I looked just recently I saw that we are now up to 107 presenters. My list might be incorrect. On my list, the last presenter is Darrell Rankin from the Communist Party, but perhaps there will be others added to that list.

I do think, in the fashion of having a true election for this important position, there would be value in having each of the members, and I see some affirmation from my colleagues that the member nominated on the other side of the table would also like to have the opportunity to speak to this particular nomination of theirs. In fact, one could argue, Mr. Chairperson, that—

**An Honourable Member:** Filibustering.

**Mr. Goertzen:** Well, I can deal perhaps with the Attorney General's (Mr. Chomiak) comments at a later point of order, if you'd like me to, but we really don't even know if those who are nominated want the position because there wasn't sort of a show of hands or any sort of indication whether the nomination was accepted. That being the case, there's almost a two-pronged—I rely on section 75 from *Beauchesne* and the issue of freedom of speech, but I do think there's two valid reasons for this point of order to be seen, the first, of course, being, as I've mentioned, to ensure that we have a full understanding of why we should be voting or not voting for individuals in certain positions. Secondly, of course, because we need to ensure that those individual candidates have accepted their nomination because, at this point, we are not aware that their nomination has been accepted. *[interjection]*

Well, one could also argue about qualifications. I've nominated two candidates, so there's no doubt in my mind about the qualifications of the two members that I've nominated for this position. I personally have had the opportunity to work with both of them, and I know that they are valued

members of the Legislature and to Manitobans. They would, each individually, do a fine job. I'd have a hard time, frankly, choosing between the two of them. If I could cast my vote, and perhaps we should have a preferential ballot, but I would have a difficult time myself determining which of the two individuals would be a better order. Not to cast aspersions on any other candidate nominated, but my decision, my difficulty, will be between the two members nominated representing the Conservative Party.

So then, for three reasons, relying upon section 75 of *Beauchesne* and the need for freedom of speech, there's many other sections I could refer to, but that seemed to be the most poignant and relevant at this time. I would say those three reasons: the first being the need to ensure that the nomination has been accepted; the second, of course, to ensure that we hear in a fulsome way the qualifications and the desires and how the individuals have performed their roles over the next several days as Vice-Chairperson, their availability, their time. One could argue that they might not all be able to fulfill the time. Perhaps they have other duties either in the Legislature or otherwise so there wouldn't even be any suitable candidate as Vice-Chair.

I would expect, Mr. Chairperson, that you have had to set aside a certain amount of time in recognizing that there could be days, if not weeks, this committee will be sitting. That's a specific commitment that you have made and I laud you for that commitment, but perhaps other members haven't thought about the time commitment that it will take. It's important that we have that debate and that discussion regarding that.

Then, of course, the third and final reason I think that it's important beyond the parliamentary reason cited under section 75, is that the qualifications can be discussed and debated and measured and weighed by all members of this committee who have a decision to make in terms of who will be their Vice-Chair. I think, Mr. Chairperson, it's not a position that acts, not impartially.

You, I know, Mr. Chairperson, and I rely upon you, I say, over these days to act impartially and with fair balance. I know you as a man who will fulfil those roles and will not succumb to the pressures that sometimes are made to bear by other people. I know that you'll act reasonably, responsibly and fairly in your role as Chairperson. I have the confidence in

saying that from having worked with you over the past four years.

But, certainly, I'm not entirely sure that every member opposite, I could put the full weight of my confidence in, I could be persuaded. I like to think that I have an open mind to this issue. If there are members opposite who are nominated for this particular position who can provide a reason why they believe that they would act in a fair, and not an arbitrary manner.

We've had debates about arbitrariness in the Legislature. I'm open to that discussion. I like to think that this will be a non-partisan debate and discussion throughout the days that we're here. We need to ensure that our Vice-Chairperson maintains and holds those values dear and true as I know you do, Mr. Chairperson, as we will rely upon you in the days ahead.

I'm sure that there are other members of this committee who would like to add comments to this point of order and then, I'm sure, with your favourable ruling, we can proceed to hear the speeches and the comments regarding who would best suit the important position of Vice-Chair.

With those comments, I look forward to hearing other presenters.

**Hon. Dave Chomiak (Minister of Justice and Attorney General):** It's patently obvious that we had to drag this opposition to get the committee going. There are people in the gallery. It's obvious to all. We want to hear what the public wants to say. Not only is this not a point of order, Mr. Chairperson, but it's a blatant tactic to drag out the committee hearings.

We are here to hear the public. Let us get on with it, Mr. Chairperson. Not only is it not a point of order, but it's a very obvious tactic to talk about voting for a chairperson, have us give their credentials when we sit in the Legislature every day and do that otherwise.

I suspect we'll have numerous votes. You wonder sometimes why the public becomes sceptical about debate in the Legislature, when we have all these people here to hear from and the member wants to talk about tactics and in fact is out of order.

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

**Mr. Chairperson:** I have a current point of order on the floor, Mr. Borotsik. Mr. Borotsik, the standard practice of the legislative committees is that there

would be no points of order entertained during the voting of the Vice-Chair or the Chairperson of the committees.

In fairness to the committee, I've decided to allow one person from each side of the table to add comment, including the original point of order. So, at this point in time, I'm prepared to make a ruling with respect to the point of order that's currently on the floor. Of course, then, we have the issue with respect to the outstanding individuals that have been nominated as persons for the Vice-Chairperson of this committee.

In the opinion of the Chair of this committee, there is no point of order. We've given sufficient latitude with respect to that point. I think, at this point in time, there is a dispute over the facts.

\* \* \*

\* (16:20)

**Mr. Chairperson:** We have before us currently three individuals, Ms. Brick, Mr. Borotsik and Mr. Graydon, that have been nominated for the position of chairperson and that the rules are quite clear. We can read the rules back if you want to give us a moment with respect to the ruling of the Chair, with respect to that. We have to first proceed through the election of the individual for Vice-Chairperson position and let the will of the committee decide how that will be determined.

At this point in time, we have three individuals that I've indicated, Ms. Brick, Mr. Borotsik and Mr. Graydon, that have been nominated for the Vice-Chairperson position.

All those in favour of Ms. Brick as the Vice-Chairperson for the committee, please raise your hands.

All those in favour of Mr. Borotsik as the Vice-Chairperson of this committee, please raise your hands.

All those in favour of Mr. Graydon for the position of Vice-Chairperson of this committee, please raise your hands. [*interjection*]

We're in the middle of a vote, Mr. Graydon. I cannot entertain points of order at this point in time, sir.

**Clerk Assistant (Mr. Rick Yarish):** Ms. Brick, 6; Mr. Borotsik, 3; Mr. Graydon, 1.

**Mr. Chairperson:** It appears that the committee has indicated that Ms. Brick will be the Vice-Chairperson for this committee hearing.

#### Point of Order

**Mr. Goertzen:** I refer to section 64 of the *Parliamentary Rules & Forms, Beauchesne's* 6th Edition, just regarding reflections on members. During the context of the last debate—and I apologize. I wasn't able to raise a point of order during your ruling, nor was I intending to, Mr. Chairperson. I respect your ruling.

The Minister of Justice (Mr. Chomiak) referred to some of the discussion that we had about having a dutiful election, having some freedom of speech and having individuals have the floor to raise concerns or to have their qualifications vetted by this committee, as a blatant tactic.

Certainly, under section 64, Mr. Chairperson—and I know you'll review it—the committee and members have often taken a notice of reflections upon members. I think it's important, at this early stage, as you reflect on *Beauchesne*, that the tone of this committee be set in a way that there's no concern by members of the public.

I believe, certainly, before we reach the top of the hour or some later time, that we will be hearing from members of the public. The Minister of Justice doesn't believe that to be the case but I believe that, in fairly short order, we will be hearing presentations from the public. At that time, I think, all of us will want to have the assurance and the confidence that this committee will be run respectfully, as we would expect elections, such as we're dealing with under this bill and any other procedure here at committee, to be done in a respectful way and one that doesn't insight the cynicism of the public, which the Minister of Justice, himself, references.

He specifically says that the public has become cynical. I wouldn't want him to add to the very allegation that he puts forward. He, at one point, says that the public has become cynical about the debate that happens at committees or at legislatures; yet, he adds to that cynicism in the very point that he tries to make, by referring to members that call for an election or to have discussion; you ruled on that.

I respect that ruling, but he refers to that as a tactic, a blatant tactic. I think that it sets a bad start for this committee hearing; it sets a bad tone. Realistically, we expect that we will be here for days, perhaps, weeks debating the important issue.

I'm glad the Premier (Mr. Doer) looks forward to the weeks ahead; I do, too. Perhaps, we'll get to know each other better and appreciate our views better over the course of those weeks. Whatever it takes, Mr. Chairperson, I hope that the debate will be respectful and that the full implications of section 64 will be applied in this particular committee.

Everybody who steps before the mike as a presenter or committee members—sometimes committee members change in the course of committees themselves. There are substitutions in a variety of different things that happen at those committees but we all should have the assurance that, when we come to this committee, we will be treated as honourable members and there won't be aspersions and reflections cast upon us as individuals, because we all represent a group of other individuals.

I know we represent a political party here at the Legislature. We represent a caucus; we have our own roles within those responsibilities, but the reality is that, beyond this committee and beyond the walls of this committee, we have a number of other responsibilities to 20,000 and sometimes 30,000 people, depending on the size of individual constituencies.

So that engages respect. I respect the fact that the Premier and the Minister of Justice (Mr. Chomiak) and the Member for Burrows (Mr. Martindale), and I can go down the line for the individual constituencies, have been duly elected to those constituencies and represent the people. I don't begrudge that. While I would have liked to seen a different outcome in each of those ridings, I don't begrudge the fact, Mr. Chairperson, that they did, in fact, win the confidence of the voters. I don't think that these voters would have expected that their members in coming to the Legislature would be levelling accusations like blatant tactics and those sorts of comments at other members of the Legislature; I would have expected the public would have a higher sense for the debate that happens here in committee, and we're an extension of the Legislature, of the House. They would expect us to have a higher level of debate and decorum. In fact, it's not just an expectation. We can respond to a public expectation. I certainly think that that would be enough.

But you need to rely, Mr. Chairperson, on *Beauchesne* and the rules of this Legislature. It's not simply my will and my desire that we have that sort

of decorum and debate, but it's incumbent upon us, it's enforced upon us by *Beauchesne* that says, we must, we must ensure that our comments don't reflect upon the members of the Legislature.

I suspect that there's a long history that you don't want me to go into, Mr. Chairperson, nor do I intend to, in terms of how that rule came to be. I could cite, I'm sure, many precedent rulings from previous Chairpeople and Speakers, perhaps some from yourself. I know you've occupied that position for some time, and you yourself may have, at different times, ruled on section 64 and found the member's decorum was wanting in one way or another. But there must be, and I know that there is, a very good reason why this particular section of *Beauchesne* has becoming entrenched, and it's not something moved easily or changed.

We can look at the decades that *Beauchesne* has ruled this Legislature and others across the land and together with other different points and rules of orders that have come into force and into use in other legislatures and other levels of government, that each of these is there for a reason. I would expect the Minister of Justice, the Attorney General, and all members, and I'll try to hold myself to that same standard. I don't want to come here to say that I'm going to expect the Minister of Justice to act one way and the Premier (Mr. Doer) act one way and that I'm going to act another. But I would expect you, Mr. Chairperson, if I was out of order or was just saying something that reflected upon the Member for Kildonan (Mr. Chomiak), that you would call me to order and that you would say to me that that comment is not in keeping with what we're expecting here as legislators, that you would be the first to call me to order. I would expect nothing less. I would accept that admonition from you because I know that you would be bringing it forward with all the right intentions, with all the best meanings at heart, and I would take it as such.

So, I'm hopeful, Mr. Chairperson, that you will rule on this initial point of order on section 64 from *Beauchesne's* and the reflection that the member put on me and not just on me again, on all members of this committee. I know that, whether it's the Member for Inkster (Mr. Lamoureux) or the Member for Fort Rouge (Ms. Howard) or the Member for St. Norbert (Ms. Brick), each of them would want me to stand up for their rights. I don't do it simply on my own accord—[interjection] Well, and I hear that the Member for Fort Rouge—I know that the Member for Burrows (Mr. Martindale) can take care of himself—

says she can take care of herself, and that's fine, if that's how things evolve in the committee. But I do think that there is a responsibility for each of us to stand up for the basic rules of order that we have and that are outlined and reflected in *Beauchesne*.

\* (16:30)

So I look forward to your ruling as you yourself take into account the various points that I've raised in terms of setting an early tone for the committee and for all members and to give the public an assurance as they come before—to give the public the assurance as they come to this committee and present that they will, in fact, have the full confidence of this House and Assembly that their motivations—and I'll leave you on this point, Mr. Chairperson, but I do want to emphasize it because I've heard some comments from the Premier in the past days that their motivation, their motivation for coming to this committee will not be questioned and that, through the questions that come from committee members, they will not be pointed and directed at those who are presenting in an accusatory fashion, and that they will not have their integrity reflected upon because each of them are Manitobans, just as I am a Manitoban, elected in a position that I hold in high esteem and that I'm grateful for, but each of them—I can do another one, if you want—each of them will come to this committee, I believe, and we will take them at their word, with the best of intentions and with the idea of trying to improve legislation and improve the province of Manitoba.

I hope, Mr. Chairperson, with your positive ruling on this issue, it will set a proper tone, and that each of these members will come before the committee with that assurance that no member, no member will question their motivation and try to cast aspersions upon them.

**Mr. Chairperson:** Thank you, Mr. Goertzen.

On the point of order that has been raised here with respect to comments that were made both on and off the record, it's my understanding, having heard the comments, that they were not in unparliamentary language.

Nevertheless, having said that, it would be greatly appreciated by the Chair of this committee that, if all members would pick and choose their words very carefully during debate here, they would allow for the smooth and perhaps co-operative flow of business through this committee here as we sit this evening.

On that, I believe there's no point of order. But just a word of advice and caution to committee members, please pick and choose your words very carefully.

\* \* \*

**Mr. Chairperson:** Now to proceed with the business of this committee, as was agreed in the House on May 22, this committee will sit this evening until 10 p.m. and will meet again in this room tomorrow from 4 p.m. until 10 p.m.

This meeting has been called to consider the following bills: Bill 14, The Criminal Property Forfeiture Amendment Act; Bill 26, The Legal Profession Amendment Act; Bill 35, The Statutes Correction and Minor Amendments Act, 2008; Bill 37, The Lobbyists Registration Act and Amendments to The Elections Act, The Elections Finances Act, The Legislative Assembly Act and The Legislative Assembly Management Commission Act; Bill 39, The Court of Appeal Amendment Act; and Bill 40, The Drivers and Vehicles Amendment, Highway Traffic Amendment and Manitoba Public Insurance Corporation Amendment Act.

Now we have a number of presenters with us this evening who are registered to speak, and they're listed on the sheets before members of this committee. Hopefully, you have copies of that list. They're also posted on the notice board at the entrance to this committee room.

Before we proceed with presentations, I will ask for your patience as we do have a number of items and points of information to consider here.

First of all, if there is anyone in the audience here this evening who would like to make a presentation and is not currently registered on the list shown on the board in the hallway, please see our staff at the back of the Chamber here, and we'll assist you with adding your name to the list.

Also, for the information of all presenters with us this evening, while written versions of presentations are not required, if you are going to accompany your presentation with written materials, we ask that you provide 20 copies. If you need help with photocopying, please see our staff in this room at the back of the Chamber here, and we'll assist you with the photocopying.

As well, I would like to inform presenters that, in accordance with our rules, a time limit of 10 minutes has been allotted for presentations, with



an additional five minutes allowed for questions from the various committee members.

Also in accordance with our rules, if a presenter is not in attendance when their name is called, they will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called a second time, they will be removed from the list of presenters.

Written submissions on Bill 37 from the following persons have been received and have been, I believe, distributed to committee members: R.M. Swayze, Clair and Valerie Davies, P. Campbell, Matt Kawchuk, John Sushelnitsky, Elizabeth Fleming, Gordon Henderson, Roméo Lemieux, Iris Nowakowski, Beverley Ranson, Jim Reid, Mr. Taggart, Mr. B. Short.

Does the committee agree to have these documents appear in the *Hansard* transcript of this meeting? [Agreed]

On the topic of determining the order of public presentations, I will note that we do have out-of-town presenters in attendance this evening. They're marked with an asterisk on the list that has been provided to the committee members.

Also, the following individuals registered to speak to Bill 37 but are now unable to attend are Ray Paziuk, No. 95 on your list; Elaine Henbotte, No. 94 on your list; and Bev Reeves, No. 97. These individuals have now asked to have their presentations read into the record by Craig Colin, who is also—or Colin Craig, pardon me—who is listed as the first presenter on our list for that bill.

What is the will of the committee with respect to this request?

**Mr. Goertzen:** Mr. Chairperson, I certainly think that that's a reasonable request. Obviously, we're sitting at times that won't always be convenient for members of the public. We, as paid politicians, are not obligated always, but certainly we have a higher responsibility to be here, having receiving remuneration for it and setting aside our time accordingly. But I suspect that there'll be many members of the public that won't always be able to attend at any given time at the beck and the call of the committee. It goes to an earlier point about the length of this committee and the need for whether there's a Vice-Chairperson or anybody to have that sort of commitment among us as legislators. But, of course, the public, I think, we would have a different expectation.

I know that the Premier (Mr. Doer) has made comments on the radio this morning about the fact that this is a public debate and that we welcome many, many people to come and to speak. This is all about freedom of speech, and so I would be shocked, shocked almost out of my skin, as I've heard one of his ministers say recently, if you wouldn't accept this. To do otherwise, I think, would set a very negative tone for this particular committee because, of course, Mr. Chairperson, to allow somebody to have their voice heard through another is not something that's unprecedented at this committee.

We've often allowed individuals who couldn't make it to have somebody else present on behalf of them. I've sat at committees for a number of times where we haven't been able to hear from the individual who's written the presentation, but their voice was expressed. Their voice was expressed through the written word that they had put pen to paper, but then another person came and gave those expressions. In the reflection of *Hansard*, of course, Mr. Chairperson, it doesn't have much of an importance between who was actually reading the particular report, but I do think it's important that somebody reads it because you take, in forms of information, you take different things.

When you're listening to a presentation, all of us as committee members—I know that many committee members might go back and read *Hansard* at a different time, but we might not have the opportunity or we might not remember whatever came up. Now we would, of course, have to and be happy to hear the oral presentation. I would think that members of the presenting public might also garner ideas from it. I mean, it's not just for us, Mr. Chairperson. They, too, have the right to hear those presentations because they might think of an idea from that presentation of another.

One of the great things about this sort of a committee process, I think, Mr. Chairperson, although I think it might be advantageous to having a public sort of hearing on this sort of bill outside of the Legislature—but setting that aside for the moment—one of the, I think, advantageous aspects of having this sort of a committee is that people who are presenting can have that. We'll hear them in short order; I am confident that in just a number of minutes we'll be hearing presenters. They can hear from other people who are presenting. They can get ideas. I wouldn't go so far as to say people might change their mind from presenter to presenter, but

certainly they might get an idea or latch on to a thought that they wouldn't have had before.

Now, if the government is proposing that—and I'm not sure that they are. I mean, we'll hear. I just want to certainly set the table for a good decision, Mr. Chairperson. If the government would propose that they just simply table these reports and it just goes into the record, that would strip the public—the public—from the right to hear those presentations that would be read in by, I believe, it was Mr. Craig, that those who would hear Mr. Craig's position here tonight wouldn't otherwise have that ability because they wouldn't have the full benefit of hearing those presentations and they might craft their own presentation in a different way.

\* (16:40)

So I think that there is not only precedent—and we don't always live by precedent in the Legislature here or in a courtroom or other places, and sometimes precedent seems to be the bane of our existence in the Legislature—but we must look beyond precedent, although I think precedent is on my side on this one. I'm happy to argue on precedent, but more on the issue of fairness and the need for the public to hear, in a full way, the discussions that are happening and the thoughts of all Manitobans who wanted to come and make a presentation to this committee.

I know that there'll be a fair decision made by the government, and how could it be otherwise with the Premier (Mr. Doer) himself saying this morning that it was important that voices be heard, however those voices come to the Legislature? I rely on the word of the Premier. I've been disappointed in the past on relying on his word; I'm certain I won't be disappointed tonight because he only made those comments this morning. I'm sure that he wouldn't change his mind in a short period of 12 hours.

I look forward then to having those comments read into the record, Mr. Chairperson.

**Mr. Chairperson:** Thank you, Mr. Goertzen.

**Mr. Doug Martindale (Burrows):** Rather than give one person 40 minutes when our rule is normally 10 minutes per presenter, I would recommend that we do what we normally do in committees, and that is to allow written presentations to be tabled. They're then printed and part of *Hansard*, part of the written record. Certainly, members will get a chance to read those before we're finished here.

I think we should follow our normal procedure. Sometimes people aren't able to be here in person. Sometimes they have to leave early and can't stay till the end of the committee meeting, and they often ask to have their written presentation made part of the official record. In my experience, we always agree to do that, and I think we should follow that normal practice today.

**Mr. Kevin Lamoureux (Inkster):** I think that, for my purposes, I want to try to be as neutral as I can on this particular issue and indicate that my experiences in the past have been that if we get—I've seen where presenters have come before the committee where we've had two individuals agree to have one person speak and I've even seen the second person then be asked a question.

The principle of allowing others to be able to speak on someone else's behalf seems to have been done in the past, and that was done when it was in the government's best interest. It was agreed upon because then it speeds up the process. My concern is more so the principle of fairness, that if it was good in those types of situations, I think the same principle should apply in this situation where, whether one likes it or not, yes, there are a lot of presenters, I think that we have to respect the fact that we might, on occasion, get one presenter requesting another person to do it for whatever reasons. I think we need to be consistent, so I would suggest, Mr. Chair, as the Chair, that you might want to reflect on the principle of what's being asked. I would suggest to you that we should allow for someone to read on someone else's behalf.

**Mr. Rick Borotsik (Brandon West):** I also respect the Chair and his opportunity to put forward a ruling on this particular issue. We have a number of presentations that have been submitted, presentations that have been well thought out, well written and certainly have a position that they have taken with respect to a number of bills but specifically, Bill 37, which is a bill dealing with democracy. I think we at this table should take democracy and our freedoms and our freedom of speech extremely seriously.

In saying that, Mr. Chairman, as you're well aware, we're going to have an awful lot of time sitting at this table over the next numbers of days and perhaps cannot consider these written presentations in the spirit in which they were tabled here.

Not only the one presentation that has been requested to have read by Mr. Craig, I think it would be important to have the presentations certainly read

into the record. These people took an awful lot of time and effort to put their words to paper. This is not something that's frivolous by any stretch of the imagination. These individuals want to be heard. They want their voices to be put into the record of *Hansard* on this committee and not just simply tabled and have the members around the table have them placed in *Hansard* without having been read in. I believe that they should be heard. Certainly, the one request to have Mr. Craig read the one report into the record should be expanded to have all of these reports that have been tabled, all of these presentations that have been tabled here read into the record.

We talk about democratic process, and this bill speaks specifically to democratic process. There's no stronger process that we have in Canada, that we have in this province of Manitoba, as to have people given the opportunity to speak to pieces of legislation and to issues. That's exactly what this process is all about.

Not to have this read into the record is, in my opinion, a travesty. Certainly, it would be totally opposed to what we all believe around this table to being our democratic rights, which extend not only from the electorate putting us here as elected members of our own constituencies, but to the individuals who, as I said, have spent an awful lot of time, not only researching the legislation, not only forming opinions, very strong opinions that they have. People don't just simply send a letter to a committee or send a letter to an MLA if they aren't very serious about it. This is the most important issue to these individuals right now that they've sent to this august committee. For us not to have us hear those words spoken as opposed to just simply put into *Hansard* is really, as I say, a travesty of our democratic process.

Mr. Speaker, I do wish you would rule, certainly on the request to have Mr. Craig read, not only the one presentation into the record, but I think it would be important, Mr. Speaker—or Mr. Chairman. I've been giving you a promotion already to Speaker, but that may well happen. Who knows. As for the Chair right now, Mr. Chair, I do know that you are a fair and honourable individual, and that you, too, would love to be able to hear the spoken word of this written presentation. I think it's only fair, as was mentioned earlier, to have these people's words heard at this committee, so that each and every one of these members of the committee, sitting at both sides of the table, can certainly take full value as to what

these individuals would like us to hear. It's only right, it's only fair, it's only democratic. It's only the best we can possibly do with respect to our own freedom of speech and the rights that these individuals have as Manitobans to this committee.

Mr. Chairman, I do hope that you would make an opportunity for these individuals to be heard, even though in absentia. As was mentioned by the Member for Steinbach (Mr. Goertzen), there are a lot of very hard-working Manitobans, as we are well aware, not only hard-working but heavily taxed. So I think that they should have the right to certainly put their words before this committee. Those hard-working individuals are out there, unfortunately, during the afternoon, doing what they do best, working for their families, supporting their lifestyle, and cannot, unfortunately, be here, cannot make their time available to be here in person at this committee, but they could be heard in absentia, simply with the matter of being read into the record.

I think that's absolutely important, absolutely important that this right be given to those individuals.

**Mr. Cliff Graydon (Emerson):** I, too, agree with my colleagues that have made the case that the people who are unable to attend today, that their written presentations be read into the record. I think it's pretty important. They certainly took the time to write these presentations, which we all know is something that not a lot of the people do take the time to do. They are very proud of the opinions that they have. They took the time to write them down, and I suggest when they are read into the record that they'll also probably spawn some other ideas by other presenters who are here as well.

Also, I think they're proud enough of what they have written that they want people to know what their opinion is. They want the people, the presenters who are here, to know that they also support the positions of everyone who is here. They certainly don't want to be muzzled. I don't think they should be muzzled. It's a freedom of expression that we talk about here, and I think this here is certainly one way we can demonstrate that we are all interested in the freedom of expression, Mr. Chair.

As far as Mr. Craig reading one in, I would suggest that, if he's willing, he could read them all into the record. I think that's a basic right of the people who have taken the time to present them and to bring them forward.

\* (16:50)

You have to understand that they're not always available to come here. In some cases, it could be a hardship. It could be a financial hardship to come here. It could be that they can't get away from work. It also could be that they don't have the means to travel here, not just the financial, but it could be that they may be handicapped and they may not be able to come.

I think it's very important that their voices get heard in today's society especially. We as legislators sit to make rules and regulations and pass bills for the freedom of speech, and for us to deny that today, I think, would be a terrible misjustice. We definitely owe it to these people that have taken the time to do the writing. Today I think, Mr. Chairperson, that you will do the right thing and you will have them read into the record.

**Mr. Hugh McFadyen (Leader of the Official Opposition):** I would like to just say Bill 37 is a bill that is sweeping in its reach. It has an impact on the very framework of rules by which we run elections here in Manitoba, and one can hardly imagine a bill or a piece of legislation more important and fundamental in terms of our sense of how we govern our province, the way priorities are set and the way that we go about both financing political parties as well as dealing with issues of the right of the public to know what is happening with their tax dollars, what is happening with their government, and what is taking place here in the Legislature, which is the people's Legislature. This bill touches on a variety of areas which are absolutely fundamental to the way that we operate here in Manitoba.

The bill itself contains some 48 pages and, just as a rough estimate, close to 6,000 words of legislation. It is not your average piece of legislation by any stretch of the imagination. It is an important bill not only in terms of its length at 6,000 words, but it's an important bill in terms of its impact on our democratic institutions here in Manitoba. It deals with the issues of elected MLAs and their ability to communicate with Manitobans on issues of importance to them, including the failure of the government to end hallway medicine, including the disastrous decision to run the next hydro transmission line down the west side of the province at a cost to Manitobans of anywhere between a billion and two billion dollars; it relates, Mr. Chairperson, to a range of other issues which are the more important issues to lots of Manitobans in terms

of impact on their day-to-day lives, and so it is a massively important piece of legislation.

In some respects, given the issues that it touches on, it is a piece of legislation that has constitutional implications. It touches on areas that are addressed both in the Canadian Charter of Rights and Freedoms and in the BNA Act as amended over many years relating to both the relationship between political parties and the state. It relates to the rights of taxpayers; it relates to the rights of average citizens in Manitoba as well as to the rights of their elected representatives to communicate with Manitobans on issues of importance to them.

In addition to that, it deals with the ability of individuals, hired guns, to influence the course of public policy, those who may be paid significant sums to lobby Cabinet in order to get their way on significant issues, and so the impact of this bill, of course, is dramatic, potentially impacting on decisions that could make the difference between the ability of the government to meet pressing priorities in the areas of health care, public safety, infrastructure, roads, the state of our lakes, and so many other areas.

Because of the fundamental importance of Bill 37, Mr. Chairperson, we believe it's important that every Manitoban have every opportunity to have their views known and to be able to express their case in as open a way as we can possibly imagine.

I think that Mr. Goertzen and the comments made by Mr. Graydon are on the mark, that it is important that the presentations that have been in writing to this committee be read out in public so that all Manitobans who have chosen to be here in person will have the opportunity to hear what it is that those who are unable to attend in person are saying.

Having said that, Mr. Chairperson, there are, of course, some practical considerations that we think should be borne in mind. We have many Manitobans present here tonight who are ready and waiting to make their presentations. We want to get on with that process to make sure that they can be heard, those who are present and in person.

What I would want to suggest is perhaps some way of dealing both with the issues that have been raised by Mr. Goertzen and Mr. Graydon who, I think, have made the point absolutely right, and Mr. Borotsik, who have all made the point that it's important for the presentations to be read out and to

not adopt the extreme position advanced by Mr. Martindale, which is not quite closure, but moving in the direction of closure when it comes to the rights of Manitobans to have their views heard, a direct contradiction of what the leader of his party said this morning on radio only 12 hours ago, who said that he wants a process, when we deal with our democratic rules and rights, an open process where all Manitobans can be heard.

So the approach that we may be able to adopt, if Mr. Craig is willing, is to have him make his presentation, the presentation that he has prepared for himself, to have other presenters come forward who are here, present and in person, and then if Mr. Craig is willing, to wait and read those other presentations into the record after some of the other people who are here present and in person have had an opportunity to make their presentations tonight. It might be a fair and honourable compromise that allows us to achieve the objectives that Mr. Goertzen, Mr. Graydon, Mr. Borotsik have set out, but not go to the extreme lengths set out by Mr. Martindale and to avoid the inconvenience to those who are present and in person.

So, I would suggest, and perhaps the committee can agree to this compromise, that we permit everybody who is here and present to make their presentation first and allow Mr. Craig, if he's prepared to, to come back after these other presentations have been made, to read those written presentations into the record. That may be the way to avoid inconvenience to members of the public who are here present and in person tonight, but also to achieve the goal of allowing for full input of those Manitobans who have submitted their presentations in writing, but who are unable to be present here in person this evening.

Thank you, Mr. Chairperson.

**Mr. Chairperson:** Thank you, Mr. McFadyen.

**Mr. Chomiak:** Yes, Mr. Chairperson, we set aside, with the opposition parties, six hours tonight to listen to the presentations from the public. We've now sat here for an hour and not heard a word from the public, so I suggest that we get on hearing from the public which is what this committee is designed to do.

**Mr. Chairperson:** Well, I thank all members of the committee for your advice with respect to the question that's been posed with respect to the additional three individuals' wish to have their

comments read into the record, but doesn't seem like there is an agreement amongst committee members. Therefore, the Chair is looking for other advice. Mr. Martindale?

**Mr. Martindale:** Mr. Chairperson, I move that presenters 94, 95 and 97 be allowed to submit written briefs on Bill 37, and that these briefs be made part of the official *Hansard* record of the Standing Committee on Justice.

*Motion presented.*

**Mr. Chairperson:** This motion is in order. Floor is open for questions.

\* (17:00)

**Mr. Borotsik:** Speaking to the motion, speaking against the motion, again, I believe that the individuals have the right to have their words spoken into the record—spoken into the record, Mr. Chairperson. I should also say that there a number of presentations here that are in favour of the bill. I believe it would be certainly within the support of the government that they would like to see those letters of support to the bill also read into the record; I mean as we do. We have individuals here not only from organizations but individuals who have substantial backgrounds, very well educated backgrounds who have put some very poignant positions forward, and I believe that just having it tabled into *Hansard* is not serving the purpose very well, Mr. Chairman.

I, again, go back to my original comment. There are some presentations here certainly that are in favour of the legislation, so I don't see why that could not as well be read into the record. I think it's important that those people who favour the legislation should also be heard.

I would certainly speak against the motion of just simply having those presenters, having their written presentations written into *Hansard* without having it read into the record. So I would speak against the motion.

**Mr. Graydon:** I have to speak against this motion. We have Bill 37 that deals with censorship and freedom of speech, and here we have two people who are from out of town. They have made, taken the time to write a presentation, and we don't want to take the time to read it into the record.

What type of democracy are we promoting here tonight? With that type of a resolution, I have to

speaking against the resolution, Mr. Chairman. These people deserve to have this read in.

**An Honourable Member:** So do these people.

**Mr. Graydon:** Everyone deserves that. I agree with you, Mr. Premier; everyone deserves that.

These people were unable to come in because they are from a long distance. You have no idea why they are not here, you just know that they're not. They took the opportunity to write these things, and I can't believe that you want to deny them the right to have that read in. So, Mr. Chairperson, I speak against this motion.

**Mr. Goertzen:** I'm disappointed, you know. I think we were moving. I would have expected, if this hadn't have happened, we would have been hearing from presenters already, if it hadn't been for the Minister of Justice's (Mr. Chomiak) decision to try to shut down the democratic debate and discussion here, with the support, obviously, of his Premier. I know the Premier was sitting beside him. He could have leaned over and said to him, well, let's have these presentations read into the record. I would have thought he would have wanted to do it, if nothing else, to be consistent with the comments that he made this morning. But sitting between the mover of the motion to, essentially, deny the voices to be heard of those who presented, and, on the other side, the Attorney General (Mr. Chomiak) who also moved to shut down the voices being heard at this committee, it won't speak well for the future of how this committee will proceed.

Certainly, all of us have the right to rely on the word of members, not just in the Legislature. I know that there's parliamentary precedent for ensuring that the truth is spoken in the Legislature, and that's fine, but even outside the Legislature—

**An Honourable Member:** People want to speak. This is silly.

**Mr. Goertzen:** —while it's not governed by the Legislature—and I hear the Premier say that it's silly that we expect him to live up to his word. I don't think it's silly. I actually believe that, whether it's in the Legislature, or whether it's on the radio, Manitobans have the right to believe what the Premier or any elected official is saying in terms of their motivation—

**An Honourable Member:** And they do.

**Mr. Goertzen:** —for a variety of things. Well, and the Premier says now that they do have that right. So

it seems like he's got a few different positions on this. He has his stated position on the radio this morning that there should be the right to have the voices heard in a variety of different fashions here at the Legislature, and then he has his more parliamentary position at the committee to try to restrict those voices from being heard.

It's no wonder that we have this bill before us, this bill that in many different fashions is intended to restrict the voices of us as legislators, but also the right for the public to hear, the right for the public to hear what is happening at the Legislature. When you look at the variety or the various sections of this bill, we can see it was crafted by somebody who had the intent, the clear intent to stop voices from being heard, and to stop public debate on a variety of issues.

I wouldn't want to assert that there is a direct correlation between the Premier's (Mr. Doer) actions here at committee tonight and this legislation, but certainly others could. I think people could draw a connection between the legislation that we would have been hoping to have presentations on already if not for the Minister of Justice's (Mr. Chomiak) decision to prevent the voices from being heard. There could be a clear connection drawn between this legislation and its intention to shut down the democratic voice of members of the Legislature in one of its sections and the decision of the Premier here tonight to, again, do the same thing and try to restrict the voices.

The Leader of the Official Opposition (Mr. McFadyen), I think, brought forward a reasonable compromise, one that would allow the presenters who are registered to come forward now and to have their presentations heard, but to still, at a later time, today or another day, to have it read into the record the other presenters who aren't able to make it to committee.

I thought I'd heard the Minister of Justice (Mr. Chomiak) say, yes, that was something he wanted to hear people speak, and then as soon as he gets the mike, he said something completely different. So one is not surprised why we have this concern about the legislation when we see here at committee that this is a government that is trying to do all that it can to restrict the criticism.

Quite frankly, Mr. Chairperson, I'm not sure what's in those reports. It might be actually favourable to the government's position. So I'm not even sure why it is that they're running from that.

They just seem to want to shut down debate on all sides on this bill. They just want it to go into a dark night to get passed at some point and not have to have it fully vetted and debated by people of the public. Those reports that were not now, if this continues on in this fashion, are not going to be able to hear in a voiced way—those might very well support the government's position. They don't even want to hear that. They want to simply shut down any sort of democratic discussion, despite what the Premier said this morning, despite his assurance to the public, despite his promise—I would say, promise—to the public that they would have every opportunity to have their voices or have their expressions voiced at the Legislature.

I think it's a shame on the Premier. Perhaps he will go on the radio tomorrow and apologize. It would be the honourable thing to do if he did. I would move on from this point, I suppose, and just chalk it up to bad judgment, Mr. Chairperson. So, perhaps, he'll do that. Perhaps, he'll find it within him to go onto the same radio station that he was on this morning, and say, you know what, at some point during the day I changed my mind. I don't want to hear, in an expressed way, the views of the public. I'm not as concerned about freedom of speech as I made it out to be. Let's just ram this legislation through. Let's stop as many people as possible from having their voices heard. If that's his position, I encourage him to bring that to the public record by going back on the radio tomorrow and saying that he misled the public deliberately or otherwise.

**Mr. McFadyen:** Mr. Chairperson, I think it's regrettable that, rather than accept the compromise that was offered earlier, the Member for Burrows (Mr. Martindale) would then put forward a motion that would cause us to delay public presentations to the committee tonight. I think we all want to move to public presentations right away.

So I would just like to say that the government's tactics on this are transparent: the way they introduced the bill at the last minute on the last day; the way they misrepresented the contents of the bill; the way they are attempting to push it through the legislative process with as much haste as they can because they know what we know, and that is that to know Bill 37 is to not like Bill 37. The more people get to know Bill 37, the less they are going to like it. That is why the government's tactics are transparent. They want to move it through this committee and through the Legislature as quickly as they can in the hopes that Manitobans won't have the opportunity to

study all 6,000 words of it carefully, to understand the implications for a democratic process, and that they won't have the opportunity to come forward and make presentations.

So I regret that the Member for Burrows would introduce a motion when we could have been on to public presentations at this point, of this nature. I would not support this motion, Mr. Chairperson, and we would certainly want to move on to public presentations in accordance with the compromise that had been proposed earlier. However, the government, of course, their agenda is transparent. It's to rush this bill through as quickly as they possibly can so that Manitobans don't have the opportunity to study it, to get to know it, and to stand up against it, as we know most Manitobans will as they get to know Bill 37.

To know Bill 37 is to not like it, which is why we believe that time needs to be set aside on weekday evenings, not weekends, not mornings, not other times when the public doesn't have an opportunity to participate. Weekday evenings, Monday to Thursday, so we have an opportunity for full public input. The government agreed to that for this week. We hope they'll agree to that for next week and the week afterward and that they won't use tactics to keep the committee running through weekends and other times that deny Manitobans the opportunity to be heard, just as the Member for Burrows' motion is intended to do, deny the opportunity for Manitobans to be heard on this bill.

\* (17:10)

So, Mr. Chairperson, I will vote against this motion. We'll all look forward to moving very quickly to public presentations.

**Mr. Chairperson:** I thank all committee members for the advice.

The question has been called. Wish to have the motion read back?

**Some Honourable Members:** Yes.

**Mr. Chairperson:** It's been moved by Mr. Martindale that presenters 94, 95 and 97 be allowed to submit written briefs on Bill 37, and that these briefs be made part of the official *Hansard* record of the Standing Committee on Justice.

As I've previously ruled, the motion is in order.

Shall the motion pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Voice Vote**

**Mr. Chairperson:** All those in favour of the motion, please indicate by saying yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All opposed, by nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In the opinion of the Chair, the Yeas have it.

**Formal Vote**

**Mr. Goertzen:** Recorded vote, Mr. Chairperson.

**Mr. Chairperson:** A recorded vote has been requested.

*A COUNT-OUT VOTE was taken, the result being as follows: Yeas 6, Nays 4.*

**Mr. Chairperson:** The motion is accordingly passed.

\* \* \*

**Mr. Chairperson:** Now, to move on with the business of the committee.

For further advice of committee members, as well, we have had a request from Norma Gagné, presenter No. 38, for Bill 37, to make a presentation in French. We do have translation staff on hand to accommodate consecutive translation. Ms. Gagné has informed us, though, that due to medical and family arrangements she will be unable to attend the meeting until 7 p.m. this evening.

With these considerations in mind, then, does the committee wish to hear the presentations for the sake of our folks, the public, who are here with us this evening, to hear the committee presentations where we have a few presenters, such as Bills 26 and 40 where we have one presenter each, I believe, and then Bills 14, 35, 39, and then 37?

**Mr. Martindale:** Yes, Mr. Chairperson, since the list that we were given has one presenter on Bill 26 and one presenter on Bill 40, I would concur with you that we should have those presenters go first. Since there are 107 presenters on Bill 37, or maybe 104 now, those two individuals be allowed to go first, and the usual rule about out-of-town presenters first as well.

**Mr. Goertzen:** Maybe we could just deal with one issue at a time rather than deal with the out-of-town

presenters. But, on the issue of whether or not we should move to bills that have less presenters, I certainly am conscious of the fact that members of the public are here on a number of different bills. So they would like to present on a variety of bills, and they might not have recognized what order this would proceed in, and may not have planned their evening accordingly, Mr. Chairperson.

But I do think it's reasonable to have the presenters who are on bills other than 37, where there are not as many presenters registered to come forward—I expect then that you, at the end of the presentations on those individual bills, will put a call out to the public to see if there are any other individuals who want to speak to those bills to ensure that nobody's voice—unfortunately, we've already had a number of voices who won't be heard as a result of the government, but I'm hopeful that that trend won't continue and will ensure—I know you will, through the fairness of your office—we can't rely on the government, but I rely on you, Mr. Chairperson, to ensure that a call goes out to all the public that are here in case they want to make a presentation to those bills as well.

**Mr. Chairperson:** I thank committee members for the advice then. It seems like there's an agreement to proceed with the bills that have one presenter each. That's agreed by committee? *[Agreed]*

I thank committee members and members of the public for your patience, and just prior to proceeding with public presentations, I would like to advise members of the public who are with us here this evening regarding the process for speaking when you appear before a committee.

The proceedings of our meetings are recorded in order to provide a verbatim transcript, and each time someone wishes to speak, whether it be an MLA or a presenter, the Chairperson must first say that person's name. This is a signal to the *Hansard* folks that are sitting here behind me to turn the recording mikes on and off. So I thank you for your patience, and we'll now proceed with public presentations.

**Bill 26—The Legal Profession Amendment Act**

**Mr. Chairperson:** The first bill that I have with a presenter is Bill 26, The Legal Profession Amendment Act, and we have Allan Fineblit from the Law Society of Manitoba as the presenter. Would you please come forward, sir.

Good evening to you, sir. Do you have a written presentation?



**Mr. Allan Fineblit (Law Society of Manitoba):** I don't.

**Mr. Chairperson:** Okay, just a verbal presentation. You may proceed when you're ready, then.

**Mr. Fineblit:** Thank you very much, and I also thank all of you from the bottom my heart for taking this first. When I saw 107 names on the list, I thought I should phone my family and tell them not to expect to see me this week, so I appreciate your kindness.

I really just come to speak in support of this bill. These are a number of housekeeping amendments that the Law Society has full support for, that have accumulated over a number of years since The Legal Profession Act was created. Some of you may know The Legal Profession Act used to be called the Law Society act. A number of years ago, as part of a move to put legislation into plain language, the act was completely rewritten. It is now called The Legal Profession Act, and, over time and working with that new legislation, a number of areas have been identified that we think would improve the public protection capacity of the Law Society, and those come together in this bill.

I know you've got a lot of people and I won't take a lot of time simply to say that these amendments, I think, are primarily housekeeping in nature and will facilitate our ability to do our work. I'm happy to answer any questions of the committee.

**Mr. Chairperson:** Thank you very much for your presentation this evening.

**Mr. Kelvin Goertzen (Steinbach):** Thank you, Mr. Fineblit, for your presentation, for taking the time to be here with us this evening. I know you would have been intimidated walking in the room with a number of presenters, and I'm happy for you, not to say otherwise about other presenters, but happy for you that you were able to come tonight.

Certainly, the Law Society of Manitoba, we appreciate the work that you do and your members do in the province of Manitoba, regulation and regulating the industry, an important industry, one that probably the Law Society and lawyers in general may not always be top of the mind for the public when they're thinking of the work that they appreciate in the province, but I certainly think that all of our members of the legal community add a great deal to the province and certainly help the commerce run and a variety of other things happen in an expedient fashion.

Can you indicate for the committee what consultation was involved between the Law Society and the government or members of the Department of Justice in terms of drafting this legislation?

**Mr. Fineblit:** Yes, I can, and I can indicate that we had a fair bit of consultation. We, as I say, have been in touch with government for a number of years, actually started the discussion with the previous minister of Justice around some of the issues that are in this bill and that we've had regular contact with Legislative Counsel as the bill was progressing around the language and so on. So I think we're in support of the bill as it's drafted now.

**Mr. Goertzen:** Maybe you can educate me, Mr. Fineblit, on how you determine what it is that your organization is looking for. You had the consultation with the government, but then do you have consultation with your members, or how do you solicit advice to ensure that you're asking for something that's reflective? Is it limited simply to members of the Law Society, or do you go beyond that for advice?

\*(17:20)

**Mr. Fineblit:** As you may know, the governance of the legal profession is done through elected representatives called benchers. Those people are elected 10 from the city of Winnipeg and six from regions outside of Winnipeg. In the course of developing legislation, they obviously consult with those in their communities, with those they know, and all of these have been voted on in terms of discussions by the benchers.

You should also know that the Law Society governing body includes four members who are not lawyers, who are lay members called lay benchers and who represent the public, come from a variety of backgrounds and bring a public perspective that's very valuable to the Law Society.

Again, the purpose of the Law Society and the reason we're in business is public protection, so we try and do that in a way that is transparent and fair and so on, but, ultimately, whether our members like it or not, and sometimes they don't like it, we see our mandate as public protection and look for things that are necessary to protect the public.

**Mr. Rick Borotsik (Brandon West):** Mr. Chair, through you to Mr. Fineblit. Welcome, as was mentioned by my colleague. It's certainly nice to have members speak to the legislation.

I have a couple of questions. First of all, we're blessed in our caucus to have some lawyers with us as well. Whether that's a blessing or not, I'm sure we'll soon find out. I know that they certainly as lawyers would have more detailed questions to the legislation, but as a layperson, and you do have laypeople on your board, how long have these amendments been in the works?

You had said that they're primarily housekeeping amendments. Has this been going on for some period of time where you've had these consultations and certainly your society has been putting forward the amendments? As an add-on to that question: Is this a normal process? I mean it's a living, breathing document. Things change obviously in our society. The rules and requirements that are necessary for the legal profession change along with that society. So how long have they been in the works? Do we expect to have amendments to this act on a regular basis, or do you sort of build them up over a period of years and then just sort of hit them all at the same time?

**Mr. Fineblit:** These have been in the works for a number of years, some of them. Some of them are more recent. The general advice we get is that Legislature is a busy place and that getting time on a legislative agenda is tough. If we have urgent matters, then certainly they can be advanced, but otherwise we have been encouraged to gather up the housekeeping stuff and try and bring it forward all at once. So over time we've been gathering these up and bundle them up together, and they're now before you.

It is a regular process. You're quite right that the world changes. I'm often stunned. I've been at the Law Society now for 10 years, and am stunned by the pace of change and by how quickly the world evolves and our needs evolve in terms of public protection. One of the most significant changes for us is that lawyers are much more mobile. Client needs are much more mobile. You might have parties getting a divorce. One lives in Manitoba; one lives in another province but came from Manitoba. You need to be able to regulate lawyers who are in national firms now.

So these changes require us to come back periodically. The kind of the information we get is come back certainly when you have an urgent need, but otherwise in terms of the housekeeping stuff gather it. Don't come back every session. Come back when you have a bunch gathered up, and that's what we're doing here.

**Mr. Hugh McFadyen (Leader of the Official Opposition):** Thank you, Mr. Fineblit, for being here with us tonight and for the good work you continue to do on behalf of the profession and on behalf of the public of Manitoba as it relates to the regulation of the legal profession.

Within the bill there are just a couple of points. I just want to ask for your comments on the thinking behind the recommendations that led to two amendments in particular, one of which is under clause 5. It adds the words "and general accounts" at the end of the provision in question.

My question to you: We know that the society has always had the right to audit funds, trust accounts where lawyers are holding funds or assets on account of other individuals, and certainly that ability to audit and review those accounts is very important.

My question is whether the addition of the words "and general accounts" provides the Law Society with the power then to also audit the general business accounts of lawyers and law firms in addition to trust accounts? Is that what that amendment is intended to do, and can you just provide your comments on what the thinking was behind the recommendation that would have led to this amendment?

**Mr. Fineblit:** I think that is the intention. The Law Society doesn't normally, and doesn't intend to, audit general accounts except that, you will know, lawyers sometimes move money from trust to general and general into trust and it's often necessary in following an audit trail to follow the money through the general account and back into the trust account. Every law society in Canada has that authority. It is something that has been available to us by consent, but it's not a matter that we think we can be without. We have had a number of occasions where, unfortunately, lawyers have taken trust money that is client money, money they're supposed to be holding for the client, and improperly deposited it into a general account. In order to track transactions, we feel we need that in order to better protect the public, and that's why we're seeking this amendment. It's not unique. We're unique in not having it.

**Mr. McFadyen:** One final question to you, Mr. Fineblit, through the Chair, and it relates to proceedings for civil contempt of court against witnesses who fail to comply with a subpoena or for a variety of other causes. Can you just outline what the rationale was for the addition of that added power to bring civil proceedings for contempt of court?

What was the weakness in the current legislation that this has attempted to deal with? And if I could also ask whether this is meant to deal specifically with contempt of proceedings or failures to provide evidence in a context of disciplinary hearings at the Law Society level, which this would then have the effect of bringing those proceedings into the civil courts in pursuit of this remedy. Is that what it is designed to do, and what is the weakness in the current legislation that this is designed to remedy?

**Mr. Fineblit:** What happened was that when—I mentioned earlier the conversion to The Legal Profession Act and the plain-language rewrite of the legislation. It used to be in the old legislation, in the Law Society act, there was a provision that the Law Society, when they wanted to subpoena a witness, and the member of the Law Society, the lawyer, when they were involved—and it is for discipline proceedings, primarily—when they wanted to subpoena a witness, then they would go to the Court of Queen's Bench, and the Court of Queen's Bench would issue a subpoena. In those cases, failure to comply was deemed to be contempt of court. Unfortunately, there was no process for subpoenaing of witnesses in The Legal Profession Act, and so the amendment is intended to create a process for the subpoenaing of witnesses. Of course, if you subpoena witnesses and they don't appear, you have to have a remedy, and that was thought to be the most appropriate remedy to bring it to the court in order to deal with the failure to comply. So, again, it was a housekeeping to clean up an omission, I think, from The Legal Profession Act amendment.

**Mr. Chairperson:** Any additional questions? Seeing none, thank you, Mr. Fineblit, for coming out and for your patience here this evening. Thank you, sir.

Now, that concludes the list of presenters that I have on the list before me. Are there any additional presenters that may be in the audience here this evening that wish to come forward and speak to Bill 26, The Legal Profession Amendment Act?

Good evening, Mr. Green. Do you have a written presentation, sir?

**Mr. Sydney Green (Private Citizen):** No, I don't.

**Mr. Chairperson:** A verbal presentation?

**Mr. Green:** Yes.

**Mr. Chairperson:** Please proceed when you're ready, sir.

\* (17:30)

**Mr. Green:** Mr. Chairperson and gentlemen and ladies, it's fortuitous that I'm here because I've been arguing with the Law Society for three years. They have demanded the right to see my general accounts, and I have refused them the right to see my general accounts. It's not correct, as Mr. Fineblit says, that it's just to see if a payment was made. They now send out a demand that you answer for their general accounts, and it's three pages long. I have always put I decline to answer these questions. I didn't know this was going to be on the agenda, so this is being snuck in on the basis that what I said was illegal for three years will now be made legal so that if I decline next year, they will come and take action against me.

They have no business with my general accounts. If I transfer money from trust to general, they have on the record that I've taken money out of my trust account. If I do, they have a right to say, what did that money go for? Where is it? But they have no right to see what I pay my secretary or what I give my mistress.

That is none of their business. That is an unwarranted search and seizure and, if the Legislature passes this, I will move to have it declared unconstitutional.

My learned friend says it's housekeeping. For over a hundred years, they have audited trust accounts and they have been able to obtain convictions and reimbursements of people who have gone out of their trust accounts, and that is unusual. Only lawyers have to do that, but I'm not complaining. If I'm holding money in trust for others, they have a right to audit it.

Once it goes to my general account and what I spend out of my general account is none of their business. This is an intrusion which is unwarranted, and I didn't know that it was happening. When you called Mr. Fineblit, I was here on another bill which is equally unconstitutional.

I suggest to you that the Law Society has existed for a hundred years, more than a hundred years. They have been able to audit trust accounts which is money that other people have. What I have is none of their concern. How I spend my money is none of their concern.

I have no objection to them auditing trust accounts. I would like you to know—and Mr. Fineblit is here—that, for the past three years and only for the past three years and when I was on the committee—I was at the benchers when they brought this in—I said

it's only for the purpose of finding out what monies were transferred from trust to current and to follow it into general.

I said, what do you need that for? It's gone from trust to general. After it gets to general, what I spend it for is none of your concern. If the transfer from trust to general is wrong, you have that. The words were, this is not the thin edge of the wedge to find out what you are doing with your general account. It was passed because benchers always pass what the administration asks for.

If Mr. Fineblit says it's done in every other jurisdiction, first of all, I don't know that is so. If it is, it's because what happened in other jurisdictions is what happened here tonight. The secretary of the Law Society comes and said this is housekeeping, doesn't affect anybody, doesn't do anything, just cleans up and we're here to protect the public.

The lawyers aren't members of the public and, if you are here to protect the public, you are here to protect lawyers. I am a lawyer and I don't want the Law Society involved in my own money, my general account.

I say to you that it existed for a hundred years without this, and it'll exist for a thousand years without it. They don't have to go to my general account. That's my money and, if it's that account, why not my personal account? If the money is transferred from trust to personal, will they come next year with a housekeeping amendment to go into my personal account? They don't need it.

If they can go to my trust account, see what I've taken out of it and I've taken something out wrong, where it goes is no business of theirs. If they want to chase the money, they can chase me. What they're to do and what there has been—and by the way, it's not the case. There has been no consultation with the lawyers on this question.

They send out a monthly bulletin. The last monthly bulletin had my picture in it and laudatory statements about me by the CEO of the Law Society. I don't know whether that will be in the next bulletin, but then they say to the lawyers, we are going to go to the Legislature and seek amendments so that we have the legal right to audit your general account? No. They didn't say that.

Do you know why they didn't do it? Because there are a thousand lawyers in the province of Manitoba, and only one of them said, I won't give you information about my general account. But the

price of liberty is eternal vigilance and because people are not complaining, doesn't mean it's right. It leads to a state intrusion on individual rights, and I tell you that the Law Society will exist and exist and protect the public, which includes lawyers, without going into the general accounts.

The general accounts are the use by a lawyer of his own money. If he has transferred money from the trust account to a general account to which he is not entitled, that will show in his trust account. So I urge you, don't regard this as housekeeping. This is the slippery slope, in saying, well, this isn't going to hurt anybody. The next thing they'll say is that they want to go into your basement or into your bedrooms.

This is your general account. The Law Society has no business going into a lawyer's general account. I have not permitted them to do so. They didn't do anything to me over the past three years. They've always had that statement: I decline to answer. But now they'll come back to me and say, well, Mr. Green, we have a law that says you have to do it, and then I'll have another fight with them. It'll be a constitutional argument.

But you can avoid that. Let them continue in their merry way and leave my personal general account alone. Now they say you have to have a general account. What if I did all my business out of my personal account? There's no law that I have to have a general account, except now that you make one. The trust account is what they have as the right to manage. Don't let them come in and say, this is nothing. It is something. It's been fought against for three years and for three years I have won. Now you're going to pass a law against me so that I'll lose, and I just happened to be here by accident. But somebody up there said, Green, go to committee on this Law Society business, and here I am.

**Mr. Chairperson:** Thank you, Mr. Green, for your presentation.

Questions for Mr. Green.

**Mr. McFadyen:** Thanks, Mr. Green, for the comments. I just want to ask, because I know it may not be apparent to all members of the public what this could signify if the Law Society was able to go in and audit general accounts.

Many may not realize that the benchers of the Law Society, the majority of whom are lawyers, are in competition with one another in terms of their law practices. Part of the mischief that you may be concerned about here is the potential for competitors

to go in and look at what an individual lawyer may be billing various clients. Many lawyers will bill large, sophisticated corporate clients at much higher rates than what they might bill somebody who they may do pro bono work for, somebody who may not be able to afford to hire a lawyer or any number of other things.

I'm wondering if you can just express your view as to whether you would have concerns about competitors being able to look at billing rates and, in fact, use that in some way that may be disadvantageous to lawyers who are interested in doing pro bono work for some clients and charging other clients at certain rates that would be important competitive information within the legal profession.

\* (17:40)

**Mr. Green:** Mr. Chairman, you should be aware that I was a bencher for eight years. Of the four years, twice I topped the electoral list of benchers. I am now a life bencher. They made it a law that a life bencher can't run for office. I think it was directed at me, because I am no longer a bencher.

There are many things that are private to you in your general account. What you pay your secretary, what you pay your mistress, what you pay, the income tax. The Law Society has a notion that if I withhold money from my secretary because it's a withholding and I'm supposed to pay to the government, that if I don't pay the government, it's a breach of trust. It is not a breach of trust. Sometimes the money isn't there in the first place, but that's none of their concern. But they want to make it their concern because they hire auditors. If they hire auditors, the auditors have to do something, so they go much further.

Even the spot audit goes much further than it was ever intended to go. When they discontinued the practice of requiring a lawyer to show the amounts in his trust accounts, and every client's by a reconciliation statement, I said if I do that then the Law Society will have the names of every client by Aikins & MacAulay, and there may be hundreds. And the amount that's in their trust account. No bencher said a word.

I refused to provide it. I said, I will give you a number but not the name of the client, and the amount. The administration was in the room and they said, Mr. Green, a number will be satisfactory. But until the administration said, a number, no lawyer saw anything wrong with this. I say there's lots

wrong with it. They are required to check my trust account. Even that used to be not mandatory, but we accept that.

Each one of you has personal affairs. Some of you may be in business. Why is the professional association entitled to do an audit on my personal affairs? If they say I've transferred money from trust to general, they have a right to ask me what it was for, because it's a trust transfer. The fact that it's now in my general account, if it was wrong, they can go after me. They don't have to know what I did with it from my general account. My general account is my personal account of expenditures. I spend all kinds of money out of my general account that I don't want my good friend, Mr. Fineblit, to know about. I have the same right as any of you to say that I don't have, he has the right to know about it.

They came here, under what consultation? What consultation did they have with the lawyers? On the benchers he neglected to tell you there was a big fight about this amendment. For the past three years, I have refused to give them that information. Now they want to pass a law that says I have to give it to them.

**Mr. Chairperson:** Thank you, Mr. Green, for your presentation here this evening. The time has expired. Thank you, sir.

#### Point of Order

**Mr. Chairperson:** Mr. Goertzen, on a point of order?

**Mr. Goertzen:** Thank you. I'm sure I could get leave from the committee, so my colleague from Brandon had a question. Is there leave to have him pose a question to Mr. Green?

**Mr. Chairperson:** Is there leave of the committee to allow Mr. Borotsik to ask a question? *[Agreed]*

Mr. Borotsik, for a short question, please, sir.

\* \* \*

**Mr. Borotsik:** A very short question to Mr. Green and, again, thank you. I'm glad you were in the gallery, Mr. Green, so you could make presentation.

A very quick question. You'd said that there was no consultation of the lawyers. You mentioned a thousand lawyers. I appreciate that. Is the normal process, when they're talking about amendments to the bill, that there would be a copy of the bill or the amendments that would be circulated, not only through the Law Society, but to lawyers, so that they

could have a look at what the amendments that were being proposed?

I find it somewhat difficult that you as an individual lawyer would not be made aware of what the amendments would be to the act of which you have to work under.

**Mr. Green:** Normal process is for the Law Society to run against a problem which has to be corrected by legislation. To take it to the benchers, the benchers are told by the administration that this has to be corrected, and the benchers are easy to get by. *[interjection]* Well, it wasn't easy to get by when I was there, but the benchers don't want to rock the boat. *[interjection]* I knew that they were coming. I didn't know they were coming tonight, because I told them you have no legal authority to audit general accounts. So I knew that they were going to seek the legal authority, but they never told us that they're going to seek the legal—they go to the benchers and they quite properly say, the benchers are elected by the profession. We didn't ask for this. The benchers asked for it.

That's not how it happens. They go to the benchers and they say, we need these amendments, and the benchers say, aye, sir, and they give them the amendments, and I didn't. There was a fight about this.

By the way, they've done it without legislative authority for the past three years. They've asked me. Now they do an audit every year. We have to send them a self-audit of how we practise law, including our trust account, all of which questions I answer. Then there are three pages on general account, and I put at the top, I decline to answer. That's why they're here. They're here because of me.

**Mr. Chairperson:** Thank you, Mr. Green, for your presentation here this evening.

#### Point of Order

**Mr. Chairperson:** On a point of order, Mr. Goertzen.

**Mr. Goertzen:** I wonder—and this is unusual. I don't think any of us foresaw this, but I wonder, if there's the will of the committee, I think it would be beneficial for all of us if we could recall Mr. Fineblit for some questions as a relation to Mr. Green's. I think not only would the committee welcome it, I suspect he may welcome it as well.

**Mr. Chairperson:** I believe, Mr. Goertzen, that that's unusual in our practice of this committee,

although this committee has the ability through leave, if there's will of the committee, to allow the first presenter to reappear. What's the will of the committee?

**Hon. Dave Chomiak (Minister of Justice and Attorney General):** The matter, as I understand it, was debated at the benchers, the recommendation, as Mr. Green has testified and indicated. The matter came before us for debate and discussion. We are having that debate and discussion in committee. I'm not sure if we could accomplish anything by going into a discussion between individuals who had the opportunity to discuss it at a previous occasion.

So it just seems to me that if we break into that kind of discourse during the course of this committee, we won't have the opportunity to hear all of the members of the public. I again point out that we're now two hours into committee, and we've only had two presenters, and there are many members of the public who are here who want the opportunity to speak.

So the best I could think of is perhaps the member can ask those questions at committee when we get down to clause-by-clause. We'll make sure that we have the appropriate responses for the member and we can deal with it that way rather than have a debate now when members of the public are here to talk about a whole number of matters.

**Mr. Goertzen:** I'm glad that Mr. Green did come and speak to it. Actually, it makes my point. If Mr. Fineblit had not been here, the Premier (Mr. Doer) would have made him table a report and Mr. Green never would have heard these comments, so I think the debate that we had earlier on is certainly relevant.

So the point has been made and I appreciate Mr. Green making that. I do think it's important, though, Mr. Chairperson—and I know it's unusual. I'm not suggesting that this is the normal course of practice, nor am I suggesting this would be the normal course of practice for the rest of the committee. We talked a bit about precedent before. I'm not suggesting this would set a precedent.

\* (17:50)

However, there were some pretty serious points made by Mr. Green that I think are important points, and we will have that discussion when we get to clause-by-clause on the bill, but I do think it might be beneficial, because of the significant nature of the points made by Mr. Green, to hear in response Mr. Fineblit. I mean, Mr. Green asserted, essentially, that

this bill or this portion of the bill is about him, and it would be unusual, I think, for a government to bring forward legislation that's directed at an individual. *[interjection]*

Well, there you have it. The Minister of Justice says that that actually can't be done. So I think he makes my point that it is important to have the former presenter come forward, to bring forward the points that he wishes to, perhaps, on this issue. Then we will have a greater debate. I don't expect this to be a Ping-Pong match. I don't think we are going to go back and forth and back and forth on it. I think my proposal is to have Mr. Fineblit come forward and maybe answer a couple of questions of the committee, and then we'll move on to other presenters.

It's a disturbing trend that the Minister of Justice and his Premier have entered into tonight by trying to stifle this sort of debate. I know the Premier is a bit embarrassed perhaps by the legislation. He probably thought this one would slide through like a puck on ice, but obviously there are some issues that were raised by it. While he might be embarrassed by it and have some pointed questions to his Minister of Justice, we welcome those questions, but that doesn't mean that he should try to shy away from having this sort of debate.

So I understand, Mr. Chairperson, that it's not a usual course of business and I'm not intending to make it the usual course of business for this committee, but I would think that all members of this committee—whether they've been here for some twenty or thirty years as the Premier has been, or others of us who are much younger—regardless of how long we've been here in the Legislature, I would say that this is unusual, and so it's an unusual situation that calls for an unusual remedy. I look forward to your positive ruling, Mr. Chairperson.

**Mr. Chairperson:** I thank all committee members for their advice. It is a request under a point of order whether or not this committee would give leave to recalling a presenter, and it's the opinion of the Chair there does not appear to be that leave. Therefore, there is no point of order.

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**Mr. Chairperson:** We have perhaps canvassed the floor of the committee room for additional presenters on Bill 26, The Legal Profession Amendment Act. Are there any additional folks that may wish to make a presentation here this evening on this bill?

For the third and final time, are there any additional presenters on Bill 26, The Legal Profession Amendment Act? Seeing no additional presenters, is it the will of the committee to close public presentations on Bill 26?

**An Honourable Member:** Agreed.

#### Point of Order

**Mr. Goertzen:** Point of order, Mr. Chairperson. I know the Minister of Justice quickly moved closure, but this committee is going to sit for some time yet debating other bills. I think it would be reasonable just to leave it open to have other presenters come forward on this bill. We have many days of this committee, and I'm sure Mr. Fineblit's comments and Mr. Green's might spark some debate within the legal community. Certainly we might have counter-opinions that would want to come forward on the bill.

I'm sure that there is absolutely no reason that the Minister of Justice, who spent a few minutes earlier in this committee defending the democracy and the right to presenters saying he wanted to hear presenters, that he and his Premier (Mr. Doer) have now reversed that position within the course of minutes. I know we went on different positions from the Premier in the morning and now, just a few minutes ago, he said he wanted to hear more presenters and the more the better.

I'm certain that the Minister of Justice and the Premier will be happy to leave open the ability for presenters to come forward on this bill until this committee closes, and I look forward to his agreement because anything short of that, I'm sure, would be tantamount to closure, Mr. Chairperson.

**Mr. Chairperson:** Is it the will of the committee to leave the public presentation portion of Bill 26 open?

**An Honourable Member:** No.

**Some Honourable Members:** Agreed.

**Mr. Chairperson:** The honourable Minister of Justice?

**Mr. Chomiak:** No.

**Mr. Chairperson:** There doesn't seem to be a willingness of the committee to leave the public presentation open.

**Mr. McFadyen:** Mr. Chairman, the point made by Mr. Goertzen was to not have other presenters come forward tonight on this bill but to simply leave it

open. Mr. Fineblit presented the amendments, characterized them as being in the nature of housekeeping. Mr. Green has clearly taken issue with that and has raised questions that, I think, in likelihood Mr. Fineblit and other members of the Law Society may want to be able to respond to, given the fact that in some respects their characterization of the amendments has been impugned tonight.

I think to deny members of the profession the opportunity to come forward to address all of the issues at this stage shows contempt not only for the process but for the profession and those members of it who may have strong feelings about the rights of the Law Society to enter into and examine their accounts, which may relate to important matters, such as the pro bono work that they undertake for less fortunate members of the community, as well as other things.

To close off the opportunity for people to come forward at this stage, given the seriousness of the comments made already, is really quite disturbing, Mr. Chairperson. We'd certainly ask for a ruling that presentations be left open, not for tonight, because we want to get on with public presentations on the other bills, but the process is going to carry on for some days now.

We would want members of the profession to be able to come forward, not tonight but other nights, to deal with the points that have been made, important points on Bill 26. We'd ask for a ruling that it be left open.

**Mr. Chairperson:** There doesn't seem to be a consensus here amongst the committee members and, therefore, the Chair is trying to find some common ground here. There doesn't seem to be any. So I'd have to rule that there is no point of order with respect to this issue and, therefore, we'll have to have that matter extended on that.

**Mr. Goertzen:** I challenge your ruling with respect to this, Mr. Chairperson.

**Ms. Jennifer Howard (Fort Rouge):** Sorry, Mr. Chairperson, I had my hand up, I think, at the same time that Mr. Goertzen did. I don't think you saw me, but I did want to speak to the point of order that had been raised. I wonder if I might be permitted to do that.

**Mr. Chairperson:** There was request made by Ms. Howard for leave to speak to the point of order. The

Chair had already ruled on that point of order. What's the will of the committee?

**Some Honourable Members:** Leave.

**Mr. Chairperson:** Leave.

**Ms. Howard:** I just want to be very brief. I do think that our process here at committee—and I've had the experience of presenting at committee as well as now being on the committee—I think we have one of the more open processes in the country where anybody can come and register and speak. There aren't limits on presentations and, even as we saw tonight, people can come who weren't even registered to speak on a bill and to speak.

I think, always, we have tried to be as open as possible to hear people speak. There're many, many people who want to speak, I know, tonight to other bills. I'm certainly anxious to hear what they have to say on those bills. So I would just like to suggest that there is not a point of order and that we should move on and hear the people who have now been waiting two hours to speak on Bill 37.

**Mr. Borotsik:** Mr. Chairperson, I accept the comments but the last comment was that the member would like to hear what the opinions are for other bills. I feel that I would also like to hear the opinions as to this specific bill, Bill 26, on which we do have a substantial differing of opinion.

I'm not a lawyer, thank goodness. We have enough of those around the table in most cases. However, there are certain issues here, now that there has been a question raised as to the validity or the necessity of having the general accounts audit. I would like to hear from, certainly, the Law Society as to why it's necessary if, in fact, there are audits done on a regular basis or if they're on a complaint-driven basis. Mr. Chair, is it simply because Mr. Green did not sign his request, that's why this particular amendment's put forward?

Mr. Chairperson, you were here when I asked the question as to whether this was simply housekeeping and how often did they gather these housekeeping amendments to put forward. Then we were told it takes years and years to bring them forward; finally, when you get enough that are not of any substantive amendment, they go through.

As the member said just two seconds ago, it's important to hear the opinions of other individuals with respect to pieces of legislation. This now seems to be a piece of legislation that's being questioned.



It's not something that's quite as simple as to let those simple housekeeping amendments go through.

I agree with the member. We should listen to people who want to make presentation to these pieces of legislation.

Thank you, Mr. Chairperson.

\* (18:00)

**Mr. Chairperson:** The Chair thanks the advice of committee members.

I just want, for sake of clarity here, to have committee members be very clear on what we're discussing here. There was a challenge to the Chair. The Chair had been asked whether or not there was leave of the committee with respect to recalling of a presenter, and there was no leave of the committee. Therefore the Chair ruled based on the committee's willingness not to provide any leave, that there was no point of order, and so that the ruling of the Chair has been challenged on that fact. Just want to be sure committee members understand that, and that, since the ruling of the Chair has been challenged, the Chair will canvass the committee members.

#### Voice Vote

**Mr. Chairperson:** Shall the ruling of the Chair be sustained? All those please signify by saying yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those opposed by saying nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In the opinion of the Chair, the Yeas have it.

#### Formal Vote

**Mr. Goertzen:** Recorded vote, Mr. Chairperson.

**Mr. Chairperson:** Recorded vote has been requested. Clerk, please count the members of the committee.

*A COUNT-OUT VOTE was taken, the result being as follows: Yeas 6, Nays 4.*

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

\* \* \*

**Mr. Chairperson:** Then we'll now, I believe—

**Mrs. Bonnie Mitchelson (River East):** Just for a point of clarification, I think you called the vote on something that wasn't before this committee to vote

on. I think that the question was, can we leave the committee process open for more presenters to come forward, not to bring the former presenter back? I think that the ruling was challenged based on closure that was put forward as recommended by the minister and the government on allowing further presentations to be heard to keep the committee open until after possibly presentations on Bill 37, should people—or more people want to come forward on Bill 26. I think the vote was on the wrong issue. I'd just like some clarification of that.

**Mr. Chomiak:** I've been on this committee now and sitting in committee for 18 years and the normal practice has been after the bill—after the presenters have made the presentation it then moves onto another bill and it's closed to presenters. Otherwise, Mr. Chairperson, there would be no opportunity for bills to move out of committee or to canvass opinion, et cetera.

We have the most open process in the country. We've agreed to meet in committee. We're prepared as a government. We're sitting this week. We're prepared to sit this week to meet long hours to meet the needs of the committee. We're sitting hours to meet the needs of members of the Legislature, some of whom can't be available. We've juggled in order to meet that expectation so that the bills can pass.

The normal practice of the committee has not been to call back individuals after, Mr. Chairperson, otherwise we wait a virtual—again, as I've said many times, we've spent two hours. The members of the public have six hours to speak tonight and we've heard two presentations. I suggest that members of— it's the big F-word, filibuster, that's going on.

Our job is to listen to the public. Let's get on to listening with the public and let's follow the practices that we've always practised in order to listen to the public and stop what the tactics that members of the opposition are utilizing in this committee, and have utilized since we commenced at 4 o'clock, to only hear two speakers from the public in a room that's full of 50 or 60 individuals. Let's hear from the public.

**Mr. Chairperson:** I think the Chair has heard enough advice on this matter. I just want to clarify on the point of order that's been raised here. There's two issues here that, perhaps, some members of the committee are confused on.

The Chair was asked to rule on a point of order that was used to raise the matter on whether or not

there was leave of the committee, and since the committee denied leave to recall a presenter, the Chair had an obligation to rule on whether or not there was a point of order. So there are two separate and distinct issues here that are being talked about. Perhaps there is some confusion on whether or not they're one and the same, but the Chair is obligated to rule that there was no point of order.

It would have been, perhaps, advisable for any committee member that if they have requesting leave of the committee, you don't necessarily have to do that under a point of order. You can just gain access to the floor and then request whether or not the Chair would canvass whether or not there is leave to seek recall of a presenter.

So it's not necessarily done under the basis of a point of order. Therefore, the rule was obligated to rule that there was no point of order. I hope that explains it for the benefit of committee members.

**Mr. Cliff Graydon (Emerson):** Mr. Chairperson, I'm totally confused.

I understood that there was a point of order on recalling. However, I believe that we had an agreement—or at least I thought there was an agreement—that we were all in agreement that we wanted as many presenters as possible to all of the bills that are here tonight.

So why would one want to have closure on presenting on Bill 26 then? That's what the point of order, I understood, was, Mr. Chairperson, but if it's not, I would speak to keeping this bill open. Keep the opportunity open. I mean, that's what we're here for. We are being paid to hear from people. We will be sitting regardless, so let's hear from these people.

**Mr. Chairperson:** Thank you, Mr. Graydon. Perhaps my explanation is not providing enough clarity. Perhaps, Mr. Goertzen, you can assist me in that regard.

**Mr. Goertzen:** Well, yeah, I think I started down this road, so I'll try to end it. I think that I had raised a point of order on recalling—it's my recollection. I raised a point of order on recalling Mr. Fineblit. I believe you ruled on that then, Mr. Chair, saying that was not a point of order, and I did not challenge that ruling. Then we went to a new point of order on whether or not the committee should remain open, and I'm not sure if you posed the question incorrectly, and that's causing the confusion. But I think the original point of order you ruled on on the recall of Mr. Fineblit, and that was not challenged.

Then we did challenge the keeping it open, if I'm correct.

The Minister of Justice (Mr. Chomiak) refers to the big F-word. I think of the big F-word as freedom, freedom of speech and freedom of democracy. He obviously sees it as something else. If he wants to speak again democracy and freedom, well, he already is speaking against democracy. He did speak against freedom by trying to shut down any future presenters. He knows this bill won't move from committee to the House after today because the bill, itself, clause-by-clause hasn't been considered. So there's nothing to prevent speakers, not today but tomorrow and the weeks ahead, from coming forward who want to speak. Obviously, it just goes against the Premier (Mr. Doer) and it's very transparent.

Now, what the Premier and the Minister of Justice's comments were, on the radio or otherwise, they were to give a public illusion that they were interested in hearing presenters, whether it's 37 or any other bill before this committee, but their actions speak much louder than their words in this committee, because they are not allowing further presenters to come forward, and there is no reasonable legislative explanation in terms of why they wouldn't do it.

The Minister of Justice relies on precedent, but I don't think that there's a lot of precedent to stand on in terms of the number of presenters that we have and the fact that this committee will go on for days, if not weeks. So to shut down this particular part of the presenters on this particular bill serves no legislative purpose. The only purpose it serves is for the Premier and the Minister of Justice to prevent people from coming forward off of Mr. Fineblit's comments or off of Mr. Green's comments to provide perhaps even greater clarity to their two arguments. So to suggest, Mr. Chairperson, that this is about anything but a restriction of freedom by the Minister of Justice, by the Premier, I think is shameful, and the record will show.

Specifically to this point, though, to try to bring clarity to it, I believe the first point of order was dealt with regarding the recall issue of Mr. Fineblit. The second point of order was about keeping the committee open to allow other presenters, which the Premier and the Minister of Justice don't want to hear other Manitobans. So that's what that second point was.

Maybe it was presented—I don't remember—maybe it was presented wrong when you addressed the committee on the point. Maybe you presented it right. I don't remember that. You might want to re-put the question if there's any uncertainty, Mr. Chairperson.

\*(18:10)

**Mr. Chairperson:** Well, I thank committee members for their advice on this matter. Sorry for the confusion. Perhaps I didn't—I admit this openly—pick and choose my words carefully in my explanation as Chair, but the Chair, as the impartial person charged with the conduct and operations of this committee, my role is not to rule on whether or not there is leave of the committee with respect to the recall of presenters. That's up to the will of the committee.

The Chair can only rule on whether or not, based on what the Chair hears, whether or not there is leave of that committee. As Chair, I'm obligated to rule on whether or not there was a point of order. Since the committee has decided itself that there was no leave, the Chair then left it up to the will of the committee who had made that decision.

The Chair can only rule that there was no point of order. They're separate items from each other; they're not one and the same. I hope that provides greater clarification. I didn't pick and choose my words very carefully when I explained it the first time. I hope that provides greater clarity.

Is that clear now? Thank you, members of the committee.

**Bill 40—The Drivers and Vehicles Amendment,  
Highway Traffic Amendment and Manitoba  
Public Insurance Corporation Amendment Act**

**Mr. Chairperson:** We'll then proceed to canvass for Bill 40, The Drivers and Vehicles Amendment, Highway Traffic Amendment and MPIC Amendment Act.

The name I have listed here this evening is Destiny Watt, private citizen. Please come forward if you're in the audience. Calling Destiny Watt, private citizen. Calling Destiny Watt, private citizen. For the last time, calling Destiny Watt, private citizen. Seeing that Ms. Watt is not here this evening, her name will be dropped to the bottom of the list.

Are there any additional members of the public with us here this evening that may wish to make a presentation to Bill 40? For the second time, are there any additional members of the public wishing

to make a presentation to Bill 40, The Drivers and Vehicles Amendment, Highway Traffic Amendment and MPIC Amendment Act?

Seeing no additional presentations—Mr. Goertzen?

**Mr. Kelvin Goertzen (Steinbach):** I wonder—and I won't raise this as a point of order, unless we get into the confusion that I raised last time, Mr. Chairperson. I'm trying to learn from my mistakes as I commit them.

Could you, perhaps, seek leave of the committee whether or not we can leave open presenters for Bill 40? As you know, we'll be here for days, if not weeks. Certainly, Ms. Watt, I believe was the name, or others who might come forward to committee, who want to present on Bill 40—we've had no presenters on the bill, but that doesn't mean that, in time, some might not see the bill and see some concerns and, perhaps, agree with the legislation and want to come to committee to make those presentations.

I think it would be, to echo the words of the Premier (Mr. Doer) who said that he wants to hear from Manitobans and wants to give them every opportunity to come and hear their concerns or their agreement with legislation, particularly because we've not had the opportunity to hear from Ms. Watt or others, I think it would serve this committee well.

I'm seeking leave that it be left open for the duration of this committee that presenters might come forward on Bill 40. I do that in recognition of the words by the Member for Fort Rouge (Ms. Howard) who said that she wanted to hear as many people as possible. Those are her words, and I think she's right in that. Certainly, Mr. Chairperson, I hope that her comments will ring true with the Premier's comments this morning about wanting to hear from Manitobans. They might be in direct contrast to their actions previously, but the old saying is that it's never wrong to do the right thing.

I suspect this is the right time to allow and to look for leave to have all the presenters heard. Could we leave open the presenters till the duration of this committee, Mr. Chairperson?

**Mr. Chairperson:** It's been requested by Mr. Goertzen that this committee give leave to allowing this Bill 40 to remain open, with the name of Destiny Watt to be called at a subsequent committee meeting.

What's the will of the committee?

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. There's no leave.

**Mr. Goertzen:** For the record, it was the New Democratic members who denied leave, Mr. Chairperson.

**Mr. Chairperson:** There's no point of order.

#### **Bill 14—The Criminal Property Forfeiture Amendment Act**

**Mr. Chairperson:** The next bill for consideration of the committee is Bill 14, The Criminal Property Forfeiture Amendment Act.

Seeing no presenters registered to speak to this bill, I'll canvass the public. Are there any members of the public with us this evening that wish to make a presentation to Bill 14? For the second time, are there any members of the public wishing to make a presentation to Bill 14? For the third and final time, are there any members of the public wishing to make a presentation to Bill 14, The Criminal Property Forfeiture Amendment Act?

Seeing none, Mr. Goertzen.

**Mr. Kelvin Goertzen (Steinbach):** I probably won't shock you with this, Mr. Chairperson. I'm not intending to try to surprise you as the committee goes along, but you'll note, and you'll know, that The Criminal Property Forfeiture Amendment Act is not an act of insignificance in that it allows—and this is, I believe, the second sort of try at this for not this current minister, but, certainly, this government. I think they've had problems with the previous version of this act because they weren't able to get it right the first time, and so there were no applications made under the previous act. This is a correction of that, sort of a second try.

I think we should, and I'll be seeking leave, Mr. Chairperson, to leave open the ability for presenters to come to speak to Bill 14. It might very well be that there will be individuals of the public who might be able to give good advice to the minister on how this act might succeed where the previous act failed. In fact, it's worth the public knowing that, I think, under the previous act, there were never any applications for the forfeiture of proceeds of crime from criminals. Nobody would believe that there are no criminals in Manitoba, Mr. Chairperson, or that there are no criminals taking advantage of crime and getting assets as a result of their criminal activity so

it must have, obviously, been an error in the legislation.

This legislation, we're led to believe, and the minister says, trust me, this time I got it right. Maybe he has, maybe he hasn't, but I would certainly like to leave it open to have members of the public come forward to give their views on this legislation particularly because he struck out so badly on the first, or his predecessor, actually, to be fair, Mr. Chairperson, struck out so badly on the first piece of legislation, and this one, I don't think we can afford to get it wrong again.

As they say, you're not out after two strikes but when it comes to fighting criminals, you're pretty close to being out, so I would hope that the committee would give leave to allow presenters to come forward to this committee even after today, to leave it open because we know that it'll be days, perhaps weeks, until we deal with all of these bills. This one falls specifically under the Minister of Justice (Mr. Chomiak). I can't imagine why he wouldn't want to hear the advice of people who might want to come forward. I'm sure he wouldn't want to hide from any good advice on such an important issue.

Other provinces, of course, have gotten it right where this Minister of Justice has gotten it wrong, and to not want to hear advice, I think, is not only undemocratic but it would probably be a strike to arrogance, Mr. Chairperson. So I know, and I'm confident, even though my success on this particular motion hasn't been resounding over the last 20 minutes, I'd be shocked if the Minister of Justice would be so arrogant that he would not want to leave it open to have suggestions come from the public. There's no harm.

\* (18:20)

Of course, this bill won't go to the House until all the considerations of clause-by-clause have happened, so there's no legislative reason for him not to want to have the bill come to, or not to have presenters come to this hearing and this body to hear presentations over the next days or weeks. I'm confident, some might say naively so, but I'm confident that this time, the Minister of Justice will do the right thing and side on the side of democracy and freedom of speech and agree, together with his Premier, that we should allow Manitobans every opportunity, as the Member for Fort Rouge (Ms. Howard)—I'm siding with the Member for Fort Rouge on this one, we should have every opportunity to

have members of the public come forward to have presentations.

I'm seeking leave, Mr. Chairperson.

**Mr. Hugh McFadyen (Leader of the Official Opposition):** I just want to just add a couple of comments to what my friend and colleague, the Member for Steinbach (Mr. Goertzen), has said in his request that the leave of the committee be sought to leave open presentations.

This bill is a significant piece of legislation, as the member has indicated. It deals with processes by which the government can require the forfeiture of property by criminals. But it also, and just as importantly, deals with the issues of how monies are paid out to victims of crime. There are many organizations in the province that represent the perspective of victims of crime. None of them are represented tonight to speak to the bill. I have a concern that perhaps, given all the attention to Bills 37 and 38, as well as Bill 17, and the amount of attention that these bills have generated, that there may have been a sense that tonight's committee was going to deal only with Bill 37, and there may have been some confusion on the part of interested groups around this bill and the opportunities to present.

So I want to support the Member for Steinbach in his request that the committee grant leave, that opportunities to present on this bill, particularly for victims of crime who will have a real interest in how this bill is going to operate, I think, people who deserve to have a voice at committee. I want to speak and support the Member for Steinbach in his desire to give a voice to victims of crime in Manitoba and speak against any attempt by the government to shut down the opportunity for victims of crime to be able to speak to such an important piece of legislation.

**Hon. Dave Chomiak (Minister of Justice and Attorney General):** Mr. Chairperson, I would have thought the Leader of the Opposition, who knew these bills were all coming when he sent the e-mail to his membership, and now the other individuals that he sent the mail-out on, would have mentioned the fact that this bill was at the committee hearing as well, not just Bill 37 that he referred to in the mail-out and e-mail that he did, as well as the advertising he took out on it.

I just want to point out that in normal practices, we're allowed committee hearings and then clause-by-clause consideration, and then the matter goes back to the House and there's ample opportunity to

speaking on it. So if not, Mr. Chairperson, we wouldn't have the most open process in the country that allows people to come and speak to bills.

As I've said over and over again, it's now almost two and a half hours since the committee has commenced and, even though the Leader of the Opposition sent out the e-mail asking people to come to speak to committee only on Bill 37, Mr. Chairperson, we've only heard two or three speakers from the public. I urge the members to stop filibustering; let's hear from the public. If the members want to filibuster in committee, they can filibuster later on during clause by clause but, right now, people are sitting. Many individuals who the member knows very well are sitting there waiting to have their opportunity to speak. Let them speak. We can deal with the tactics and the maneuvering and the minutiae of the members opposite when the public has had their chance to speak. But let's get on and let the people speak.

**Mr. Chairperson:** I think the Chair has heard enough advice on this. There was a question raised on whether or not there was leave of the committee to allow this matter, Bill 14, The Criminal Property Forfeiture Amendment Act, to remain open and to allow for additional public presenters.

What is the will of the committee?

**Some Honourable Members:** Agreed.

**Some Honourable Members:** No.

**Mr. Chairperson:** In the opinion of the Chairperson, there is no leave of the committee to allow for that leave that has been requested.

#### Point of Order

**Mr. Chairperson:** Mr. Goertzen, on a point of order.

**Mr. Goertzen:** Just for the record, Mr. Chairperson, it was the New Democratic members who voted against allowing people to come and present at this committee.

**Mr. Chairperson:** There is no point of order.

#### Bill 35—The Statutes Correction and Minor Amendments Act, 2008

**Mr. Chairperson:** We'll now proceed with Bill 35, The Statutes Correction and Minor Amendments Act, 2008.

I'll canvass the audience. Are there additional public presentations? Are there any presentations on

Bill 35? For the second time, I canvass the audience, are there any presenters on Bill 35, The Statutes Correction and Minor Amendments Act, 2008? For the third and final time, are there any presentations on Bill 35, The Statutes Correction and Minor Amendments Act, 2008?

Seeing no public presentations—Mr. Goertzen.

**Mr. Kelvin Goertzen (Steinbach):** Mr. Chairperson, this will surprise you, but I will be asking for leave of the committee to allow this bill to remain open to have presenters come before the committee.

As you know, we'll be speaking here for days, if not weeks, on a variety of different bills. While no presenters came forward on the—I should mention, I think this bill only went to committee on Thursday of last week. So it's not as though there have been weeks or months for presenters to know when the committee is going to be held.

To listen to the Minister of Justice (Mr. Chomiak), you'd think that there were billboards—and there are billboards around Manitoba. There are billboards around the province, speaking to other bills in this Legislature, other democratic issues that are happening in Manitoba, but it's not as though there was a billboard about when Bill 35 would be coming to committee. So anybody who wasn't paying attention—and you know most people have rapt attention to the *Hansard* in the Legislature—but those who don't, Mr. Chairperson, wouldn't have known that Bill 35 was coming to committee on Monday night.

There are many amendments in this bill, whether it's to The Apology Act which I know was brought forward by the member—the leader of the independent party brought forward The Apology Act to hear in Manitoba. I think it was a good piece of legislation that he brought forward. We have amendments to The Elections Reform Act, The Electoral Divisions Act, really almost—I won't say every act in Manitoba, but a significant number of acts. Almost a hundred acts are somehow amended by this omnibus piece of legislation, Mr. Chairperson—*[interjection]*—there are 10 of us.

**Floor Comment:** No, it's more than that.

**Mr. Goertzen:** I would say, Mr. Chairperson, that there's good reason to leave it open so that not only can members of the public realize that this committee is considering this bill—and we might have a similar experience to Mr. Green who came here

under the auspices of a completely different bill. He said it was gratuitous, and that he was here to hear the comments of the Law Society. There might be many others who would have a similar reaction to some of the changes that are happening in Bill 35.

I can't imagine that the Minister of Justice or the Premier (Mr. Doer) will vote against the democratic right of people to come and present at committee for a fourth time, Mr. Chairperson.

I don't know, in the relatively short time that I have been a member here, that I've ever seen the government in one committee hearing in the short period of time vote four times against the democratic right of individual Manitobans to come before a committee when there was no legislative reason why they shouldn't be able to come forward and make presentation.

To shut down and to close off the ability—I think the Minister of Justice talks about freedom. I heard the F-word there, the lack of freedom that he's presenting in allowing members to come forward. If somebody comes to this committee tomorrow night—and we'll be sitting from 4 till 10, I believe, again, Mr. Chairperson. I know you look forward to it, as do I—but if somebody comes forward to this committee and says, you know what? I only heard about this, that this Bill 35 is going on, that there's an amendment, a consequential amendment to The Vital Statistics Act, and I want to make a presentation. It won't be long; I might not even be opposed to the government, but it might be something that they want to speak to.

You, as the Chairperson—and I say this as much as in defence of you—you have to say, I'm sorry; I'm sorry you can't make this presentation because of the government. You might not phrase it that way, but I would. The government decided last night that you wouldn't be able to speak, and so you have to go home now and your concerns are no longer valid.

They might turn to you and say, the committee is still going on; there are still presentations. I understand you might be sitting here for weeks. What would be the reason that I can't make the presentation?

The only reason—because the bill will still be before committee; 35 will still be sitting at committee. It won't be going to the Legislature until clause-by-clause is done in days or weeks from now. You'll have to say to them, the only reason that you, as a member of the public, as a taxpayer, as a citizen,

as somebody with an opinion, can't come and make a presentation is because members of the government—there's the Member for Fort Rouge (Ms. Howard), or the Premier (Mr. Doer), or the Member for Kildonan (Mr. Chomiak), the Member for Burrows (Mr. Martindale), the Member for Flin Flon (Mr. Jennissen), any of the members on the opposite side—you'll have to say to them—*[interjection]*—I'm not trying to hurt anybody's feelings. What I'm trying to do is defend democracy here, Mr. Chairperson. You'll have to say to them the reason that you can't make a presentation on this bill is because government members didn't want to hear from you, despite the fact that the committee is going on.

\* (18:30)

So, for that reason, Mr. Chairperson, I think that all members of this committee should vote for leave to allow this bill to remain open for presenters until the work of this committee is done. If the government for a fourth time votes against the democratic principles, their own word, their own suggestions in the public and other places that they wanted to hear presenters—the Member for Fort Rouge confirmed that she wanted to hear presenters by word but has voted against it several times now; she has still the ability to do the right thing.

So I ask for you to canvass, Mr. Chairperson, this committee and to see that there is leave, not only for the members to come and make presentations, but for the dignity and for the right of democracy.

**Mr. Hugh McFadyen (Leader of the Official Opposition):** Mr. Chairperson, I just want to say a few words in support of my friend and colleague the Member for Steinbach (Mr. Goertzen) on this point and to highlight the concern that we have.

Bill 35, which is The Statutes Correction and Minor Amendments Act, has been characterized by the Member for Burrows as correcting typos, but it does far more than that. There are 100 different pieces of legislation that this bill attempts to amend, including The Elections Reform Act, The Emergency Medical Response and Stretcher Transportation Act. It includes other acts that are important to Manitobans.

As an example, there's a section in the bill that goes well beyond correcting typos. Section 7 proposed, as an amendment to The Ground Water and Water Well Act—it says, an officer of the department authorized by the minister has access to all wells and to all records, plants and equipment

relating to, or used in, or in connection with wells and the drilling of wells. Every well driller and owner must permit such an officer to enter upon the premises at all reasonable times, inspect wells, operations, records, plants or equipment there.

So, this is well beyond typos, Mr. Chairperson, and there are a variety of other provisions within this bill that provide substantive new powers to members of the government.

As another example, Mr. Chair, the Minister of Conservation (Mr. Struthers) is now able to delegate his or her powers to any member of his staff in respect to fisheries. This could have implications for the well-being of the Lake Dauphin fishery which we know is jeopardy today. To not allow Manitobans who might have a concern about some of the things that are buried within Bill 35 put forward by the government and characterized as a housekeeping bill, which it is anything but, is to deny Manitobans the opportunity to consider.

I know they're in a hurry tonight to try and jam their legislative agenda through the process. I want to take issue with comments made by the Attorney General (Mr. Chomiak). We have, in opposition, taken the time to review these bills to the greatest extent possible. We've attempted to engage Manitobans in this debate by communicating to them opportunities to speak on bills of higher levels of interest, but there are many, many bills.

The government does this deliberately. They introduce a large package of legislation; they attempt to push it through by a certain deadline. They introduce it at the last minute to minimize the amount of scrutiny and public debate, and it's done deliberately.

So we, in opposition, have focussed on engaging Manitobans on a variety of pieces of legislation, but we would also want that opportunity to be there for victims of crime, for those who have an interest in the Lake Dauphin fishery and for those who have an interest in a variety of other important issues, including the right of the government to access records related to wells and other things, Mr. Chairperson.

I would support the Member for Steinbach (Mr. Goertzen) in his plea to this committee that presentations be left open on this important bill, Bill 35 which, again, Mr. Chair, amends 100 pieces of legislation and which the government has incorrectly characterized as a housekeeping piece of legislation.

**Hon. Dave Chomiak (Minister of Justice and Attorney General):** Mr. Chairperson, I don't understand where the Leader of Opposition is coming from. When we negotiated the schedule for the introduction of bills and the date by which bills would pass, we negotiated that. We also negotiated the hours of this committee; we negotiated the hours this committee would sit to maximize public presentations.

All I've heard are points of order from the members opposite now for two and a half hours. The normal course of this committee is to go through bills and hear all of the public; all I've heard is the Leader of the Opposition and mostly the Member for Steinbach talking about rules of order, instead of hearing from the public whom we're supposed to hear.

Mr. Chairperson, we're here to hear from members of the public. I wish we could get on with it. The public can make their comments and we could follow. The normal course of action is to hear from the public. When we finish hearing from the public, go clause by clause and then the bills go back into the Legislature, as negotiated with the members opposite.

**Mr. Chairperson:** Thank you for the advice the Chair has received from committee members on this matter. Leave was requested to allow the Bill 35, The Statutes Correction and Minor Amendments Act, 2008, public presentations to remain open and the committee has—what's the will of the committee?

**Some Honourable Members:** Agreed.

**An Honourable Member:** No.

**Mr. Chairperson:** The Chair hears a no. Leave has been denied.

#### Point of Order

**Mr. Chairperson:** Mr. Goertzen, on a point of order.

**Mr. Goertzen:** For the record, Mr. Chairperson, it was New Democratic members who denied democracy to allow people to speak.

**Mr. Chairperson:** That's not a point of order.

#### Bill 39—The Court of Appeal Amendment Act

**Mr. Chairperson:** We'll now proceed with the next bill, Bill 39, The Court of Appeal Amendment Act.

I'll canvass the audience this evening to see if there's presentations for Bill 39. There are no

presenters registered to speak to this bill. Are there any members of the audience that wish to make a presentation on Bill 39, The Court of Appeal Amendment Act? The third and final time, are there any members of the public with us here this evening that wish to make a presentation on Bill 39, The Court of Appeal Amendment Act?

Seeing no presentations, Mr. Goertzen.

**Mr. Kelvin Goertzen (Steinbach):** Thank you, Mr. Chairperson, my mother didn't raise a quitter, so I'm not going to quit now.

Again, when you look at this particular piece of legislation which looks to add a member to the Court of Appeal to increase the complement of the justices that we have on the Court of Appeal here in Manitoba, this is not a small bill, Mr. Chair. It's not insignificant. In fact, to a large extent, I think we, as an opposition, would find some merit with the bill.

We, in the last campaign, talked about making sure that the justice system ran more effectively to ensure that every link in the chain of Justice was operating properly, and that means an efficient court system; it means effective prosecutors who have the time to do their job; it means ensuring that there are proper detention facilities so that those who break the law have—the judges have the ability to ensure that they're sentenced, and that they have a place to go, so that when you put, you know, somebody who's sentenced to prison in Headingley in the front door, another one doesn't pop out the back, because there's simply not enough room for individuals to be incarcerated. So this is a bill, I think, that has long-term consequences for the province.

While I generally agree with a lot of what's in the bill, I'm not one to say that the legislation is perfect. The Minister of Justice (Mr. Chomiak) who's responsible for the legislation may, in fact, think that the bill is perfect, may not have any corrections for it. I wouldn't go that far. I think that there's merit in the legislation. I do believe that there probably are Manitobans, when they hear about the legislation, who could come forward and give us some direction. Mr. Chairperson, you know, sometimes in the media people are interested about the appointment in judges. We've seen that at different times in history where the debate about judge appointments comes to the forefront and so here, in fact, is an opportunity for that to happen, to have that debate.

So I look forward to hearing from the committee in asking for leave to have this bill remain open so



the presenters can come forward and I know that members will agree and allow this bill to remain open for presenters to come forward.

**Mr. Hugh McFadyen (Leader of the Official Opposition):** Just as the Member for Steinbach's mother didn't raise a quitter, my mother didn't raise somebody who cuts and runs on his friends, and so I want to support the Member for Steinbach in what he's saying. This adds one new judge to the Manitoba Court of Appeal and I know that it's been informally nicknamed the no-lawyer-left-behind bill, introduced by the Attorney General (Mr. Chomiak), and I think the public will have an interest in it and we should leave it open. I want to support the Member for Steinbach.

**Mr. Chairperson:** Leave has been requested to allow this matter, Bill 39, The Court of Appeal Amendment Act, to remain, public presentations to remain open. What's the will of the committee?

**Some Honourable Members:** Agreed.

**Some Honourable Members:** No.

**Mr. Chairperson:** The Chair hears a no. Leave has been denied.

\* (18:40)

**Bill 37—The Lobbyists Registration Act  
and Amendments to The Elections Act,  
The Elections Finances Act, The Legislative  
Assembly Act and The Legislative Assembly  
Management Commission Act**

**Mr. Chairperson:** We'll now proceed with Bill 37, The Lobbyists Registration Act and Amendments to The Elections Act, The Elections Finances Act, The Legislative Assembly Act and The Legislative Assembly Management Commission Act.

I have a list of presenters here before me. Is it the will of the committee to hear out-of-town presenters first? *[Agreed]* Thank you to committee members. We'll proceed with out-of-town committee presenters first.

The first name I have on the list is Graham Starmer, Manitoba Chambers of Commerce. Mr. Starmer, if you're here, good evening, sir. Please come forward.

Do you have a written presentation, sir?

**Mr. Graham Starmer (Manitoba Chambers of Commerce):** Yes, Mr. Chair, I do.

**Mr. Chairperson:** If you'll hand it to our committee assistant, we'll distribute it and then we can proceed in a few moments, sir.

I believe all committee members have copies of your presentation, Mr. Starmer. Please proceed when you're ready, sir.

**Mr. Starmer:** Thank you, Mr. Chair. Before I start, I wonder whether I could offer a recommendation to the government that they get some of those little flashing lights that they have at restaurants so that people that are due up for the next table, get to speak next. It might be worth investing in and probably assist with the efficiency of government.

Mr. Chair, Mr. Premier, Ministers, MLAs, the Manitoba Chambers is an umbrella organization for Manitoba's Chamber movement. With a membership comprised of 75 local chambers and 350 direct corporate members, in total, we represent over 10,000 businesses across Manitoba.

Our membership is not confined to a specific region within Manitoba nor do we represent only one size of business. In fact, the Manitoba Chambers represents the entire spectrum of business from sole proprietorships to some of the largest companies in Manitoba, nor do we represent only one particular sector of the economy. To cite but a few examples, our membership includes representatives within the service industries, manufacturing, transportation, mining, information communication technologies, and agriculture.

To speed things up, I'm just going to cover a number of points that are collected.

We applaud the government for its decision to move to fixed election dates. The Manitoba Chambers' advocacy mandate is largely set by the local chambers voting on resolutions at our annual meeting. As fate would have it, our recent AGM saw our membership pass a resolution on fixed election dates. It sets out the details of that policy that was put forward. The only difference is the specific date suggested. It is a matter of little import and doesn't affect our support of proposed legislation.

What we do note that's missing out of that legislation is a provision, should there be a conflict of a day of cultural religious significance, for the Chief Electoral Officer to recommend alternate polling days. We don't believe that that's in the bill.

It does raise concern related to section 49.1(2)(a), as we do not understand why the

legislation would not apply to the current term of this administration.

Moving on to The Lobbyists Registration Act, unfortunately, we've not had sufficient time to completely review the legislation in depth and compare it to other jurisdictions. That said, our reading of the bill does raise some concerns.

We do believe this bill could be improved by further enhancing the transparency by reducing the groups or persons that would be considered exempt. That would be done simply by following the list of exemptions that are outlined in the federal Lobbyists Registration Act which would, in essence, delete subsections (e) and (k) in 3(1) under the non-application of the act. That is, officers, directors, employees of a charitable or non-profit organization unless the organization is constituted to serve management, union or professional interests. We don't understand that subsection, as the majority of members that are of for-profit organizations are representatives for profit organizations.

For instance, the Manitoba Chamber, if it was purely an umbrella organization that covered other non-profit organizations, would it be covered or would it not be covered? We've had some discussions with the persons drafting the origins of this bill and there's no clarity to that particular area.

In addition, we would suggest following the Federal Registry Act list of exemptions when it comes to oral and written submissions. This would result in the deletion of subsections (c) and (e) in 3(2) under the non application of the act section. That would be: The act does not apply to certain submissions. That would be read as, made to a public official by an individual on behalf of persons or organizations in direct response to a written request from a public official or advice or comment on the matter.

It would also do away with: made to a public official by a union relating to administration and negotiation of collective agreement or representation of a member or former member of bargaining unit. We feel that there should be some uniformity across Canada on this particular legislation, and the current acts in other provinces don't include that. So we would suggest that it be deleted.

Also, in support of that, we would say that submissions made to a public official by an individual on behalf of a person or organization in direct response to a written request from a public

official for advice or comment on the matter, clearly Bill 37 is intended in part to expose undue influence or at least ensure that undue influence does not occur.

It seems likely that any public official that is under the sway of an entity would seek out that entity's advice. Therefore, the exemption created by section 3(2)(c) would provide an easy way to circumvent the intent of the legislation. While it is true that there would at least be a paper trail due to the need for a written request, it would not have the degree of public exposure that other lobbying activities falling under the act will have.

Annual allowance for registered political parties: We are deeply troubled that this government wants to reach deeper into the public coffers to fund its campaigning and has not provided a greater public consultation on this issue. Whereas we are committing to consultations related to Senate appointments, we find that in this particular area there could have been more discussion on a more important issue.

We also outline in the correspondence some comments made by the Canadian Taxpayers Federation which was articulated in the May 22 op-ed piece. We make mention of the political parties' \$1.25 for each vote received in the 2007 political election. We note that taxpayers' dollars will be involuntarily used to hand \$1 million to the NDP, \$264,000 to the Liberals and \$800,000 to the PC party over the next four years.

So let's consider the tax dollars that the political parties in Manitoba are already receiving. First donors to political parties are given generous tax receipts for their contributions. For example, if you give \$100 to a political party, you get \$75 back. However, if you donate \$100 to a charity like the Winnipeg Humane Society, you only get \$15 back or depending on what your level of income is.

In conclusion, I'd like to say that it's unfortunate the government has seen fit to meld together these complex series of reforms that strike at the heart of our democracy but has left so little time for a full and comprehensive analysis and public discussion.

\* (18:50)

If the government is insistent on carrying through with Bill 37 rather than deferring it for further study and consultation, we would submit that the following changes be entered, and I've mentioned a couple of those. That's the: include the current term

of the administration in fixed legislation; that we follow the exemptions outlined in the federal lobbyists registry act which, in essence, deletes sections (e) and (k) of 3(1) under the non-application of the act; and we follow the federal registry act list of exemptions when it comes to oral and written submissions. This would result in the deletion of (c) and (e) in 3(2) under the non-application. Also, remove the written submission exemption for lobbyist reforms, and remove in its entirety the annual allowance for registered parties contemplated in section 70.2.

That's the submission, Mr. Chairperson.

**Mr. Chairperson:** Thank you, Mr. Starmer, for your presentation this evening.

**Hon. Gary Doer (Premier):** Yes, and just on the proposed lobbyist legislation, we will look at all advice we're receiving and we are committed to—there's a second piece of legislation proceeding potentially through the committees, proposed at the committees, that will allow us to have an independent officer of the Legislature for purposes of the adjudication and registration in that regard. But thank you for your comments.

A couple of questions dealing with the traditional position of the Taxpayers Association, is the Manitoba Chambers of Commerce, do they support or reject the position of The Elections Finances Act in Manitoba to ban union and corporate donations?

**Mr. Starmer:** Good question, Mr. Premier. I think that corporate donations assist in the democratic process and that less reliance should be made on, particularly, receiving money from the general public. I think that voluntary is always better in when you're dealing with elections and if there can be some method to allow money to be received to the parties from the general public and for companies or organizations, that would be preferable to the taxpayer paying it out.

**Mr. Doer:** Yes, thank you. So you would go back to the old way of allowing for unfettered donations from corporations and unions in Manitoba.

A second question: the federal Conservative government has just recently brought in the accountability act, the federal elections and accountability act which reduced and eliminated and banned the donation of union and corporate donations and extended and enhanced the per capita, per vote provision in the accountability act up to

\$1.95 indexed. So, you're against Mr. Harper's public financing to deal with the banning of union and corporate donations in Ottawa. Have you taken that position with the Harper government and has the Canadian Chamber of Commerce taken a consistent position?

**Mr. Starmer:** No, the Canadian Chamber hasn't taken a position, nor has the Manitoba Chamber. Our position is consistent. We would like less taxpayers' dollars going to election systems.

**Mr. Doer:** Yes. Do you not think that government should be perceived to be, and actually passing laws and setting budgets that are not perceived to be a potential relationship with previous donations, and do you not think, as Mr. Harper has now proposed in Ottawa, that this allows for the public perception of laws and budgets to be passed on the basis of the public good, not on the perception of a company paying a lot of money to a political party, with the kind of cynicism that may go along with that?

I'm assuming, from your position, you want Manitoba to go back to the days of allowing unfettered donations from union and corporate entities in Manitoba.

**Mr. Starmer:** I think that things should be voluntary. As you know, Mr. Harper's got enough problems with that piece of legislation as it stands at the moment. Perhaps he knows it, I don't know. But the general public, I think, would like voluntary.

**Mr. Doer:** I guess that's the great part of democracy. We've had a belief in banning union and corporate donations. You don't. Obviously, the financing provisions Mr. Harper dealt with in the accountability act to go along with the banning of union and corporate donations is fairly consistent with the partial funding here.

So, I guess, on the lobbyist position, we will work hard on some of the concerns you've raised, and on the issue of banning union and corporate donations, we agree to disagree.

**Mrs. Bonnie Mitchelson (River East):** Thanks very much, Mr. Starmer, for your presentation. It's unfortunate that the Premier always tends to deflect questions away at federal responsibility and federal legislation rather than taking a close look at the legislation that he has put in front of us and ask pertinent questions on this legislation.

Mr. Starmer, you indicated that you really didn't have time to take a good thorough look at this

legislation. We've been advocating in the Legislature for the Premier to open up the Senate committee hearings that he has committed to hold around the province, and hold this legislation and take it before an all-party committee, travel the province, and ask Manitobans for meaningful input. We wouldn't be going through what we're going through here tonight if, in fact, the Premier had been open and had been honest and wanted genuine input from citizens of Manitoba.

Might I just ask you if, possibly, we should take a sober second look at this legislation? And would you, if you had the opportunity, recommend to the Premier and to government that they have an all-party committee, with a set schedule and meetings held around the province on set dates so that all Manitobans could have an opportunity to take a look at the legislation and bring forward concrete suggestions and ideas on how it might be made better?

**Mr. Starmer:** I think that that would be a good idea. I'm not sure that hooking it to Senate discussions would be wise. I think that the general public is unfamiliar with this legislation. I know it's been in the newspapers and it's been discussed amongst politicians, but I'm not sure if you talked to the person on the ground in the communities that they really know that this unfortunate process is occurring.

So I think that if there were public hearings, I think it would be interesting. We may even change our position related to the funding if the public, in general, considered that to be the way to go, because that is a form of taxation.

**Mr. Kelvin Goertzen (Steinbach):** Thank you, Mr. Starmer, for coming to present here tonight and for the careful considered comments that you provided in your written brief.

At the end of your brief, Mr. Starmer, on page 5, you note, and I'll just quote; it's after the conclusion heading: "It is unfortunate that this government has seen fit to meld together a complex series of reforms that strike at the heart of our democracy." I think that that's well stated, perhaps better stated than I've—I know better stated than I've been able to put in the Legislature, and I might steal that line, if you don't mind, and use it in other places.

The question relates to specifically that, though. There are omnibus bills that this Premier and his government have brought in, in the past, to try to

bring together pieces of legislation that generally find acceptance in the public and in the Legislature, together with other pieces of legislation that are more controversial. You note, yourself, that you're in favour of the set election dates provision, as are we, generally, as a party, not with the escape clause that's provided in this bill but, generally, in favour of the set election date provisions but, obviously, have serious concerns with other parts of the bill that restrict democracy and force tax to vote, essentially, that the Premier has put on.

Would it be wise, do you think, would the government take wise counsel to split the bill? When you look at it, it's really set up in a series of different schedules, one dealing with fixed elections and lobbying and the Legislative Assembly, and that. Would it be wise to split the bill into a variety of different sections, reintroduce it if they're not willing to go to the public hearings, as my colleague from River East says, but to reintroduce it into the House as separate bills because they really are dealing with quite distinct things? Do you think that that would be a good idea?

\* (19:00)

**Mr. Starmer:** I think that that's one process to follow if you're going to put this in suspension until you do public hearings, which would be the advisable process to go, then you'd have no choice, I believe, to split the bill. I don't know what the rules or the parliamentary process of that are or whether there the capability of doing that once it's put together, but I'm sure our Chairman would know the rules of that.

**Mr. Rick Borotsik (Brandon West):** Two very quick questions, Mr. Starmer.

First of all, you've mentioned public hearings a number of times in your dissertation. I appreciate that, as we do believe that the public should have the opportunity and the right to certainly look at this very, very complex bill in the certain sections that are there, and they should be able to take them in little bites and talk about it.

Are you suggesting, or would you suggest that these public hearings be a travelling hearing? That other regions in the province should have opportunity to speak to this legislation as well? In a lot of cases, the Province does travel throughout the different regions and set up other hearings. Would you suggest a travelling hearing?

**Mr. Starmer:** I think that we've done a lot of travelling around with government and some previous bills that are less important than this particular one. I think that there's a capability of doing that. I don't see that that's outside the possibility.

**Mr. Borotsik:** One more question, if you would, Mr. Chair.

The \$1.25, the vote cost, you've given your position quite well on that one. Are you aware, Mr. Starmer, that in this particular piece of legislation, there is indexation on that particular \$1.25, so as the CPI is calculated that the \$1.25 will increase.

Do you find it rather ironic that there's a CPI clause built into this particular contribution to political parties by the taxpayers of Manitoba but we don't have indexation with respect to the basic personal exemption or the tax brackets that we have in this province which they do in other jurisdictions? Do you and your members find that, perhaps, a bit ironic that there is indexation paid into contributions to political parties by the taxpayer?

**Mr. Starmer:** If they're not supportive of the issue of even contributing, I think that that's a moot point. Because indexation, if you didn't have it, you wouldn't need to index it. I'm sure there's plenty of my compadres from the social community that would like indexation to their settlement allowance.

**Mr. Chairperson:** Any further questions? Seeing none, thank you, Mr. Starmer, for your presentation here this evening.

Earlier in the committee meetings this evening, I asked for consideration of committee members with respect to a presentation from presenter No. 38 on your list, Norma Gagné, for this Bill 37, and because there were translation services that were required, is it the will of the committee to allow this presentation to occur now, despite it not being an out-of-town presenter?

**Mr. Goertzen:** Mr. Chairperson, I think members of our party have taken a consistent position throughout the night that wherever we can facilitate an individual being able to speak we would do that.

I know the government members have taken an opposite position, but I would hope on this situation they would change their minds.

**Hon. Dave Chomiak (Minister of Justice and Attorney General):** Yes. Of course. Our whole modus operandi at this meeting has been to try to

keep MLAs from talking and let the public speak. So, of course, we welcome it.

**Mr. Chairperson:** There seems to be agreement in the committee.

Then we'll call Norma Gagné and our translation services, as well, please.

Bonsoir, Madame. Commencez, s'il vous plaît.

*Good evening. Please begin.*

### **Bilingual presentation**

**Ms. Norma Lacroix-Gagné (Private Citizen):** Bonsoir, merci. Je m'appelle Norma Lacroix-Gagné. Comme vous voyez, j'ai préparé une présentation bilingue, mais ils m'ont avisé ce soir que je devrais utiliser un traducteur.

*My name is Norma Lacroix-Gagné. As you can see I prepared a bilingual presentation but I was advised this evening that I should use a translator.*

Je suis une citoyenne manitobaine. J'ai enseigné ici et je suis maintenant à la retraite. Je m'inquiète au sujet de certains dispositions du Projet de loi 37 proposé par notre gouvernement.

*I am a citizen of Manitoba. I taught here and am now retired. I am concerned about certain provisions of Bill 37, which our government is proposing.*

Je parle de l'Annexe C : la Loi modifiant la loi sur le financement des campagnes électorales. Le paragraphe 10.6 (1.1) traite du Rajustement en fonction de l'inflation. Cela prendrait plus de 10 minutes à décrire tous les rajustements proposés par le gouvernement pour les dépenses des élections provinciales.

*I am speaking of Schedule C, The Elections Finances Amendment Act. Section 10.6 (1.1), deals with inflation adjustment. It would take more than 10 minutes to describe all the adjustments the government is proposing for provincial election expenses.*

Je parle du paragraphe 38(3), de l'augmentation des montants qui est proposée. Par exemple, de 15 \$ aujourd'hui à 25 \$ en 2010, et de 45 \$ aujourd'hui à 75 \$ en 2010.

*I am speaking about subsection 38(3) and its proposed amounts increases. For example, from \$15*

today to \$25 in 2010, and from \$45 today to \$75 in 2010.

Je parle des paragraphes 42.1(1) et 42.1(2) qui exigent un rajustement en fonction de l'inflation pour les contributions, prêts et allocations. Si j'ai bien compris, le rajustement annuel d'un plein coefficient de l'indice des prix à la consommation sera la norme. Je me demande: les contributions à quoi? Des prêts de qui? Des allocations pour quoi? Ce n'est pas expliqué.

*I am speaking about subsections 42.1(1) and 42.1(2), which require inflation adjustments for contributions, loans and allowances. If I understand correctly, a full annual adjustment based on the Consumer Price Index will be the norm. I'm wondering: contributions to what? Loans by whom? Allowances for what? That is not explained.*

Je me sens blessée, fâchée même, que les députés de l'Assemblée exigent un rajustement de vie chère à 100 pour cent pour leurs dépenses électorales et leurs contributions. Pourquoi suis-je fâchée? Parce que le gouvernement refuse de m'offrir ce plein rajustement. Et moi, j'ai payé pour ce rajustement de vie chère, le fameux COLA, par mes cotisations.

*I feel hurt, angry even, that the members of the legislature are calling for a 100% cost of living adjustment for their election expenses and their contributions. Why am I angry? Because the government refuses to offer me this adjustment. And yet, I have paid for this cost of living adjustment, the famous COLA, through my contributions.*

Je ne comprends pas où et comment vous trouvez les fonds pour ce plein rajustement de vie chère quand vous me dites, encore et encore, qu'il n'y a pas d'argent pour me payer ce rajustement de vie chère auquel j'ai cotisé.

*I do not understand how and where you find the funds for this full adjustment when you tell me, over and over, that there is no money to pay me this COLA towards which I contributed.*

J'ai toujours eu le plus grand respect pour le parti NPD. J'ai cru que le NPD travaillait pour le bien des citoyens. Et j'avais confiance que le parti NPD ferait ce qui est correct et juste.

*I've always had the greatest respect for the NDP. I believed that the NDP worked for the good of citizens. And I had confidence that the NDP would do what is right and just.*

Maintenant je ne sais pas. Où est la justice?

*Now I am not so sure. Where is justice?*

\* (19:10)

Si vous, qui êtes le gouvernement, ne faites pas ce qui est correct et juste dans cette question du rajustement de vie chère, si vous avez une mesure pour vous-mêmes et une autre mesure pour moi, croyez-vous que vous aurez mon vote à la prochaine élection? Ou les votes de ma famille et mes amis? En toute justice, n'est-il pas mieux de faire envers les autres ce que vous proposez de faire pour vous-mêmes?

*If you who are the government cannot do what is correct and just in this matter of a cost of living adjustment, if you use one measure for yourselves and another measure for me, do you think that you will have my vote at the next election, or the votes of my family and friends? In all justice, isn't it better to do unto others as you propose to do for yourselves?*

Je vous remercie de votre attention, et bonsoir.

*Thank you for your attention, and good evening.*

**Mr. Chairperson:** Merci, Madame Gagné.

Are there any questions for this presenter?

**Mr. Goertzen:** Thank you very much for your presentation. I'm not certain how the translation will work back. Do you want to do a translation back?

**Ms. Lacroix-Gagné:** Je comprends l'anglais.

*I understand English.*

**Mr. Goertzen:** Thank you very much for your presentation and for your years working in teaching. We do appreciate it as a Legislature. I also want to say that, certainly, members of our party have not asked for any additional provisions or COLAs or more money for political parties. We don't believe it's necessary or needed so this is a government initiative. It's the initiative of the NDP.

Can you answer for me whether or not you believe it would be better to take the money that the Premier (Mr. Doer) and his government are proposing to use to fund more money for political parties and, instead of doing that and proceeding with that, taking that money and using as a first step to providing a fair COLA?

**Ms. Lacroix-Gagné:** I believe that justice should be served wherever it should be, to have it distributed according to the just way of doing it.

**Mr. Goertzen:** And that's a fair comment and I appreciate that. And, in determining what's just and what's fair for the public, it's often not impossible, but I would think that it's presumptuous of us as legislators to sit, whether it's at a committee or in a Legislature, and to pretend that we always know what is just or what is fair because often we come with our own sort of preconceived notions or perhaps in this case there are certain motivations that the government might have for wanting to take more money, more taxpayers' dollars to fund elections. I as an individual legislator don't always want to presume that I know what's best or what is fair and just in your eloquent words.

Do you think we would be better served as members of the Legislature to take this bill to the public in the form of broad public consultations, perhaps with all parties represented so it's fair from a political perspective, but to allow members of the public to come and determine whether or not they think the COLA provisions in the bill and the taxpayer-funded portions of the bill are appropriate?

**Ms. Lacroix-Gagné:** Isn't that what we're doing now?

**Mr. Goertzen:** Well, I think one of the differences is that I don't know that we get a full hearing because certainly not everybody is able to come to these committees and to make presentations. I certainly know the Premier in past has taken the argument of the Senate, for example, and decided that hearings like this weren't enough to determine how senators should be elected, so he took the step of saying it's not enough to have these sorts of hearings for Senate considerations because you don't truly get a true representation because you're not able to travel to different parts of the province.

So the Premier decided that we were going to have public consultations around the province and to take more time as members and as parties to consider that particular provision of the bill. So it is different and the Premier has acknowledged it is different. So we've suggested that these provisions should also be taken to the public perhaps with the Senate hearings and have that discussion then.

Do you think that there would be any harm in doing that sort of consultation with the public?

**Ms. Lacroix-Gagné:** I don't think it would do harm, however, I think it will be very expensive.

**Mr. Goertzen:** Even though a committee is already established and the government has decided to

already have that hearing, so it wouldn't be a different hearing it would just simply be added on to the hearings that are already being proposed. There would be no additional sort of cost or travel. It was just another consideration for the committee.

**Ms. Lacroix-Gagné:** Well, I'm not sure. I have difficulty in believing that. When you have to travel there are travel costs, hotel costs, because we have a very large province here. I believe, personally, we do most of our discussions among family, friends, organizations, through e-mail, through newsletters, the smallest expenses possible because we are all volunteers in whatever we do.

I'm wondering whether the members of the Legislature would be doing this out of the goodness of their heart or whether they would expect to be reimbursed for all their expenses, which could be very costly, I know.

**Mr. Goertzen:** Thank you for your comments. You articulate some very—a small "c" of conservative values which I appreciate you bringing here to the committee tonight.

I'll turn it over to my colleague from Brandon West.

**Mr. Chomiak:** Merci, Madame. Je voudrais vous remercier pour votre présentation aujourd'hui. Je pense que c'est très important de parler la langue française ici au comité.

*Thank you, Mrs. Gagné. I would like to thank you for your presentation today. I think it's very important to speak French here in committee.*

Je crois que nous allons étudier vos propos en caucus et chercher la solution. Je pense que la justice est quelque chose de très difficile à atteindre, mais j'espère qu'on va faire de notre mieux pour tous les Manitobains.

*I think we'll take your comments into consideration in caucus and look for a solution. I think justice is something that is very difficult to achieve, but I hope we will do our best for all Manitobans.*

**Ms. Lacroix-Gagné:** Merci.

*Thank you.*

**Mr. Borotsik:** Merci, Madame Gagné. Je ne parle pas français. J'apprends à parler français.

*Thank you, Madame Gagné. I don't speak French but I am learning to.*

Je parle un petit peu, mais je parle anglais.

*I do talk a little, but I speak English.*

You're very passionate and I appreciate that. I appreciate your passion in coming forward with your presentation. I do totally understand where you're coming from where there is fairness and there is justice when it comes to treating all people equally. Unfortunately, at this point in time after having spent your whole lifetime in a career that we appreciate you spending at, unfortunately, it's a difficult time now to not have been treated fair with fairness and justice.

I have two questions. One of them we already talked about—the contribution that is being expected under this legislation—two parties, political parties, the \$1.25 that's being identified here and certainly the worst part about that is the COLA or the CPI that's involved in that. Would it be your intention to speak in opposition of that \$1.25 contribution totally, that there should not be any kind of contribution on a vote basis given to any of the political parties at this time?

**Ms. Lacroix-Gagné:** Well, I don't understand the logistics of it. I would not be able to form an opinion that might be justifiable.

**Mr. Borotsik:** I think your opinion, if it was known, would be justifiable. We don't believe that there should be any contribution to a political party based on taxpayers' dollars going to that party. So we'll leave it at that.

Another part of this legislation which is very complex, and I do appreciate the fact that you zeroed in on one very important issue that deals with you personally.

Mr. Chairperson, one of these sections deals with communications. I'm an MLA for Brandon, and it's my job to communicate with my constituents on a regular basis. That's what I get paid for. That's what I should be doing. One of the sections in this act is trying to censor my communications. The government's bill is trying to suggest that they will vet the communications that I would like to put forward to my constituents, perhaps it would be a retired teachers poll where I would be in favour of it and I would put forward a piece of communications which they didn't agree with—they would stop me from doing that. Do you think, in your opinion and your life's experience, that that's fair, that they should be able to stop me from communicating with my constituents just because they feel my communications may be too political?

\* (19:20)

**Ms. Lacroix-Gagné:** Well, I didn't know this was a situation within the government. I thought this was a free country with freedom of speech.

**Mr. Chairperson:** Mr. McFadyen, did you have your hand up? No.

**Ms. Jennifer Howard (Fort Rouge):** Moi aussi, je vous remercie de parler en français ce soir.

*I too thank you for speaking French this evening.*

C'est très important au Manitoba qu'on parle en anglais et en français et en d'autres langues de temps en temps.

*It's very important in Manitoba that we speak English and French and other languages from time to time.*

I did want to ask you a question following on Mr. Borotsik's question, I don't know if you are aware but currently the federal government has gone \$7.5 million over budget on the allowances made to members to mail to their constituents. I wonder if you think it's important that we try to remain within our budget as we do those mailings.

**Ms. Lacroix-Gagné:** Yes, I do believe so. I've read about that and I'm totally in agreement that people should stay within their budgets. As a person, I must stay within my budget. I can't go around spending the bank's money because they'll want it back. And somehow the government can spend my money but they won't give it back.

**Ms. Howard:** Merci.

*Thank you.*

**Mr. Hugh McFadyen (Leader of the Official Opposition):** Thank you, Madame, bonsoir, merci. So you've just made the point about living within your budget, and I don't know if you're aware that there's another piece of legislation, Bill 38, which allows the government to run deficits on its operating budget.

I wonder if you feel that Bill 38 can be justified that allows government deficits from year to year given that the rest of Manitobans are required to live within their budgets.

**Ms. Lacroix-Gagné:** Well, I haven't read all of Bill 38. I'm not aware of all the different things in there; however, I believe people should stay within their budgets. I mean, as a person, I couldn't live if I wasn't within my budget.



**Mr. Chairperson:** Any further questions of the presenter? Merci beaucoup, Madame Gagné.

**Ms. Lacroix-Gagné:** Bonsoir.

**Mr. Chairperson:** Are there any other presenters wishing Translation Services that are with us here this evening? Is it then leave of the committee to allow for translation services to leave the committee this evening then, no longer requiring their services? Seeing no further presenters, thank you from members of the committee.

I've asked for leave of committee members, this committee has received a number of presentations for folks that are both not on the list and not in attendance this evening but have left with us written presentations. Is there leave of the committee to accept for *Hansard* presentations from Antoine Gagné, Jake and Lynn Kroeger, Lloyd Osborne and Kerry Maxwell? *[Agreed]*

Is that agreed? Thank you. They'll be distributed to committee members in a few moments. Thank you to committee members for the leave.

We'll now proceed with the next presentation from out-of-town presenter Shannon Martin, Canadian Federation of Independent Business. Good evening, Mr. Martin, welcome to this committee. Do you have a written presentation, sir?

**Mr. Shannon Martin (Canadian Federation of Independent Business):** No, I don't.

**Mr. Chairperson:** Please proceed when you're ready, sir.

**Mr. Martin:** Sorry, I just need to stretch a little bit. It's been a long two hours, two and a half hours.

**Mr. Chairperson:** Please proceed, Mr. Martin, when you're ready.

**Mr. Martin:** Good evening. My name is Shannon Martin. I am the director of provincial affairs for the Canadian Federation of Independent Business and, yes, members of the committee, I am a lobbyist. On behalf of the CFIB, I am here this evening regarding Bill 37, The Lobbyists Registration Act and Amendments to The Elections Act, The Elections Finances Act, The Legislative Amendment Act and The Legislative Assembly Management Commission Act.

CFIB is a non-partisan organization representing the interests of 105,000 small- and medium-sized businesses in Canada, and 400,800 here in the province of Manitoba. We are entirely funded by our

members and take direction from them through surveys on various issues. While there are some aspects of the omnibus bill that CFIB supports and has indeed lobbied for, such as the establishment of fixed election dates, we strenuously object to several other aspects of the proposed legislation.

Prior to delving into Bill 37, I believe it is important to comment on the dichotomy that has been created as a result of the Premier's (Mr. Doer) April 30 press release with its bold headline, and I quote, "democracy would be enhanced" with the fact that this bill is comprised of five separate acts, significant acts, but because of the 10-minute time limit per presentation an individual is limited to just two minutes per act, hardly enough time to read the title of the bill, much less hear what the public has to say, as noted earlier by the Minister of Justice (Mr. Chomiak).

This, coupled with the fact that Bill 37 was introduced at the last possible moment to ensure passage this session, hardly provides Manitobans, quote, "access to a modern and transparent democratic process," as promised by the Premier.

This government did not include the proposals contained in Bill 37 that substantially alter democracy in Manitoba as part of its 2007 election platform. In the case of fixed election dates, this government actually actively campaigned against them. It appears that this lack of mandate is just another aspect of enhancing democracy.

Regarding the creation of the lobbyist registry, CFIB has publicly stated that, in principle, we take no issue with providing to government the same level of transparency and accountability that our members demand of government. However, there are two aspects of the registry worth noting. Section 3(2)(e) which exempts unions from application under the act. While this exemption does exist in other registries, it does not exist in all registries.

Alberta's Minister of Justice noted that, in reference to his jurisdiction's registry, Albertans deserve a good picture of who is being paid to influence decision makers. Therefore, unions will remain subject to the act. CFIB is of the view that Manitobans deserve an equal level of accountability here.

Section 11, which puts the power to appoint the registrar with the Lieutenant-Governor-in-Council, is also something that needs to be addressed. Failure to

amend this section and place the power in the hands of an independent party such as the Ombudsman will only result in the view that the registry is more a tool of government than transparency to Manitobans. If this government is truly interested in providing a full appreciation of the efforts to influence the decisions of Cabinet, I would suggest a far more simple solution. At the end of each week, photocopy, PDF, and post online each minister's appointment book.

In reference to the elections amendment act, CFIB has consistently lobbied in support of the establishment of fixed election dates. While this government formally rejected this policy in the recent 2007 election, we welcome your change of position, but our concern, that it's inclusion is more a diversionary tactic than anything to do with enhancing democracy.

While the government is in the mood to enhance democracy, consideration should be given to similar legislation in Newfoundland and Labrador and Saskatchewan which also ensures that any by-election be held within 90 days of the vacancy occurring, as opposed to the current 12-month time frame in Manitoba. Political representation, as with general elections, should not be held hostage to the political whims and polling results of the government in office.

Concerning the elections finances amendment act, CFIB is astounded that this government, which continues to deny the benefits of automatic indexation of personal income tax brackets and exemptions would extend those very benefits to its political arm, as noted in section 42.1(2).

CFIB has lobbied government to end bracket creep as almost every other jurisdiction in this country has, and despite 79 percent of our members supporting such a policy, we've been consistently told by government officials that tax dollars are, quote, scarce. Had this government begun indexing when it introduced its own tax on net income, the middle and top brackets would be at least \$5,000 higher than they are today.

Despite tax dollars being scarce, millions of tax dollars that could be used to provide that very indexation in fairness to all Manitobans is instead of being funnelled to perpetuate the political views of some Manitobans. The fact that annual inflation adjustments will increase the limit on a variety of components within the act only reinforces this government's recognition that automatic indexation

is a valid government policy except when it comes to the taxpaying public.

The annual one-half million-plus dollars going to Manitoba's political parties represents the equivalent of the total provincial income tax paid by 161 middle-income Manitobans. I challenge those MLAs who support this act to stop the first 161 constituents they encounter and let them know that every single provincial tax dollar that they contribute this year will not be going to rescuing health care, investing in highways, or renewing education, but instead will be funnelled directly to the bank accounts of political parties.

Inherent within Bill 37 is a policy of hypocrisy, one that fails Manitobans in terms of fairness and makes the proposed legislation even more objectionable. Furthermore, that Bill 37 denies individuals choice, a fundamental component in any healthy democracy, by forcing taxpayers to pay hundreds of thousands of dollars year over year to political parties, all because they decided to participate in the democratic process and cast a ballot in the provincial election is objectionable, to put it mildly.

Will this government consider an addition to the ballot allowing a voter to opt out of the mandatory payment scheme, allowing them to freely vote without being wedded to funding a political party for the next four years?

\*(19:30)

Regarding The Legislative Assembly Management Commission Act, CFIB notes that there will always be times when the government of Manitoba and the opposition parties disagree on a matter of public policy. It is hoped that, through these disagreements and accompanying debate, the policy in question is improved upon for the benefit of Manitoba.

A key component of those disagreements and debate should be the ability of all political parties to produce and distribute materials to the public without fear of censorship on the part of the ruling party. Our political system is, by its very nature, partisan, an inescapable fact. Any attempt to impose a ruling party's view of non-partisan to the point that it disrupts or limits communications to constituents is, in itself, partisan.

To illustrate the absurdity of the governing political party imposing its view of partisan on its political opponents, one only needs to look to

*Hansard*. Under this bill, potentially no MLA would be able to send his or her constituents a copy of *Hansard*, the official record of the Manitoba Legislative Assembly and probably the most partisan document produced by government. Is the government prepared to have *Hansard*, prior to its publication and distribution, at taxpayer expense—the same logic they extend to the censorship—submitted to the Legislative Assembly Management Commission to review?

Increasing voter turnout, awareness and education will only be curtailed by the Orwellian aspects of this legislation.

In conclusion, while CFIB endorses some aspects of Bill 37, we must reject the majority of the content and encourage the government to put off implementation of this bill until after the next election.

On a final note, I know the Premier has publicly commented that he would like to see myself and my organization, CFIB, put out of business. I would suggest that legislation like Bill 37 is moving that goal in the opposite direction. Thank you.

**Mr. Chairperson:** Thank you very much for your presentation this evening, Mr. Martin.

Questions for the presenter?

**Mr. Doer:** Thank you very much, Mr. Martin.

Certainly, the context of my comments was dealing with the fact that we will soon eliminate the small business tax. We think that would be a useful development for your organization, notwithstanding the fact that years ago, when you had a different career in this building, the small business tax was 9 percent. I think we're moving it progressively down to a lower level.

Mr. Martin, the Canadian Federation of Independent Business took a position on the banning of union and corporate donations. Can you tell me the position of the CFIB, as it presently stands, on the banning of union and corporate donations in Manitoba?

**Mr. Martin:** I would suggest if the Premier is looking to undo legislation that's already been done there is far more important legislation that can be changed in the province of Manitoba, such as re-engaging a secret ballot vote for automatic certification. I think there are far more pressing problems to the province of Manitoba, to the

economy of Manitoba and to CFIB than the issue of union and corporate donations.

That being said, the government has banned them. They have been banned for several years. I don't remember the wheels falling off the democracy bus in that time frame. I don't see any particular need to go back to that system. The government and its opposition parties, all told, have survived those limitations as imposed by the government.

**Mr. Doer:** As I recall it, your spokesperson, I believe his name was Mr. Kelly, had previously opposed it publicly and then did a survey of his members, which actually supported the fact that union and corporate donations were banned and then, of course, accordingly, reversed the position of the CFIB accordingly. That is the current and previous position of the CFIB membership, to ban union and corporate donations. You're right, some people said the sky would fall. You have assumed, notwithstanding the opposition at the time and of a great partisan debate we had at that time, then, in retrospect, that was a good move for Manitoba's democracy.

**Mr. Martin:** What I'm suggesting, Mr. Premier, is that, as a result, democracy itself did not collapse. All political parties were able to actively engage the public and fundraise. New methods of engaging the public in fundraising had to be thought of. At the end of the day, it was decision made. I don't think it was a bad decision, but, like I said, I think there are far more important issues facing this province than whether or not we should return to union and corporate financing of political parties here in the province of Manitoba.

**Mr. Borotsik:** I read the legislation, but I didn't see in there a repeal of the legislation with respect to union and corporate donations, so I think we're probably getting a little off track of this particular legislation.

Mr. Martin, thank you very much for your presentation. I do appreciate it. Thank you very much for staying around as long as you did to make the presentation. It was well thought out. It was well articulated.

A couple of points. I take it from your opposition to the funding arrangement that's proposed in this legislation that you still believe it should be the individual's choice as to whether they should donate or not donate to a particular political

party, and certainly not be forced to do so by this particular legislation. I use that as just a comment.

Two things you talked about. One was indexation. You did mention that. I know it's not a part of this legislation other than the fact that there's indexation on the contribution section. On the basic personal exemption, I think you had mentioned that with respect to indexation on that in this section, indexation on tax brackets. Is that one of those areas that we should be more concerned with right now than having contributions made on our behalf to political parties by this legislation? Would that be more of a concern of yours than, certainly, this section in the act?

**Mr. Martin:** Absolutely. I mean, the issue of bracket creep in indexation has been around for quite some years. Members who are currently in government were well aware of the issue in opposition and spoke out against it. I think it's important for the record to note that almost every jurisdiction in this country, including the federal government, indexes its tax system to inflation to protect their various taxpayers from those very effects. It was actually the NDP in Saskatchewan that introduced full indexation there, arguing that the greatest benefits went to those individuals on fixed and low income.

So for the government to argue that tax dollars are scarce when it comes to providing indexation to taxpayers and to regular Manitobans, and yet, with this bill, suddenly indexation is fully embraced when it comes to the funding of political parties, I think it's hypocritical.

**Mr. Borotsik:** One very short question.

I was intrigued with your suggestion of the time lines to be set on by-elections. Right now there's a requirement to hold a by-election within 12 months. It was your suggestion to take that to 90 days. Would you suggest an amendment to the legislation to include that into the fixed-date elections?

**Mr. Martin:** Well, what I'm suggesting is, if the government is so hell-bent on enhancing democracy, that is one way in which democracy could be enhanced, and it's something worth considering. I don't know if the government did look at that and rejected it. They may well have, at the Cabinet table, but I am not aware of any public discussion of that concept.

**Mr. Chairperson:** Mr. Graydon.

**Mr. Borotsik:** There was no public discussion with your organization or any of your members with respect to—

**Mr. Chairperson:** Mr. Borotsik. One sec, sir. I have to recognize you for the *Hansard* folks. I had mentioned Mr. Graydon's name because he had his hand up as well.

If you have one short question then.

**Mr. Borotsik:** Thank you, Mr. Chairman. I kind of lost my train of thought after I was interrupted. That's fine. I'll let Graydon speak, okay?

**Mr. Cliff Graydon (Emerson):** Thank you, Mr. Chairman.

**An Honourable Member:** That was a good point.

**Mr. Graydon:** I beg your pardon, Mr. Premier. Did you want to speak, too? You can ask next.

I'd like to thank you for your presentation tonight, Mr. Martin. We really appreciated some of the things that you had said tonight.

The advertising limits on the gag laws that were implemented in 2001 by the NDP have been confirmed and expanded in Bill 37. In your presentation, I don't know that you specifically referred to these, but I'm not exactly sure what your opinion was on that. Could you give me a clear indication of what your opinion is?

**Mr. Martin:** I'll be very forthcoming with you. That was not a priority of myself going to Bill 37. There was a lot to deal with in Bill 37, as well as other legislation and issues; 38, 17, 31, for example, all legislation that needs to be dealt with. I had to prioritize and that was not an issue that was of primary concern to me in making this presentation tonight.

**Mr. McFadyen:** I want to thank you, as well, Mr. Martin, for the presentation; of course, the good work you continue to do on behalf of independent business in Manitoba. Many of them are smaller businesses that operate with margins that are small compared to some other big companies within the province. So, obviously, they're very sensitive to tax rates and government expenditures and the way in which their dollars are allocated. So we appreciate your advocacy on their behalf.

\* (19:40)

There's a lot of substance to this Bill 37. You've covered some of the key points. The Premier (Mr.

Doer) has opened up the issue of going back to the debate some eight years ago that took place around the issue of union and corporate donations. I think everybody will recall that there was lively debate at the time. Those amendments were introduced at the time purporting to ban union and corporate donations, but as all of us know, subsequent to that, the NDP found a loophole in the union donation ban and engaged in a practice called bundling. Bundling is a practice by which the NDP used the donations from unions but attached a list of names of union members in order to create the impression of voluntary individual donations even while the unions were making the contributions in the names of individual members, to create the appearance of individual donations when, in fact, it was the union in the background that was orchestrating those contributions to their party.

In light of that, I'm wondering if you're aware of the NDP bundling scandal and if you would have a view now as we look back on that debate over banning union versus corporate donations, whether the amendment at the time, setting aside whether or not the ban was right, should have more specifically closed off the loophole that the NDP built into that legislation at the time.

**Mr. Martin:** As much as I appreciate the Leader of the Opposition's comments, and I get what he's trying to do, it doesn't change my fundamental position that the banning of union and corporate donations is old news in the province of Manitoba. I think it's time we turn the page. As I said, the wheels on the democratic bus haven't fallen off. I mean, will there be times that—parties of all political stripes all looked at the legislation and tried to find, I guess for lack of a better word, creative means to get around the rules? I mean, I would leave it to Elections Manitoba to properly investigate those situations to make sure that the laws of Manitoba as laid out by the Province of Manitoba be followed.

**Mr. Chomiak:** Just two questions. Has the CFIB made the same presentation to Ottawa vis-à-vis their election funding legislation?

**Mr. Martin:** Again, I appreciate the minister's comments and it's passing strange that the government is suddenly embracing the Conservative government's legislation because there's a lot of things that the government could be looking at similarly in terms of federal government initiatives such as the fact that the federal government does index—*[interjection]* I am answering your question,

Minister, and I would ask for just a moment to articulate my comments.

The federal government does provide indexation. The federal government does offer a policy that it's trying to put through in terms of marketing choice in regards to the Canadian Wheat Board, and the federal government has recently implemented a two-point cut in their goods and services tax. Now, if what you're telling me is that embracing this policy here in Manitoba will lead to marketing choice for our farmers, will lead to a two-point cut in the PST, and will lead to indexation, then I'm more than prepared to discuss that with you.

**Mr. Chomiak:** I wasn't discussing it with you. I was asking if you made a presentation to Ottawa, and I take it from your defence of the Conservative Party that you haven't, because the issue with the question was have you made a presentation on election financing to the Conservative Party?

My next question to you is, are you aware, as a former candidate, of yourself and other candidates, have you taken the election financing money and are now saying that that is inappropriate to do?

**Mr. Martin:** Well, in answer to your first question, the short answer is, no, I have not personally attended the Parliament of Canada to present to the Conservative government in reference to the funding of elections on a per vote basis.

As to my 1999 candidacy, that time was a phenomenal experience and I truly enjoyed the opportunity to be in the Kildonan riding. I found—and the number of people that were quite engaging, and I have to say that what truly impressed me during the course of that election, was the number of people who, despite the fact that they may not have personally endorsed your policy, held a great deal of respect for their MLA. I remember saying that to you at the time.

But, as to the decisions and the funding of my campaign, I can tell you that very little money was spent, as I'm sure you can appreciate. The submission of any documents was done by the accountant and my chief financial officer and were all reported through Elections Manitoba.

**Mr. Chomiak:** I thank him, and I felt likewise as a candidate. I thought we had a very engaging campaign and I found you a very honourable person.

The point is, if we are going to publicly finance campaigns to keep big-style money out and allow

people to have real choices, then it's incumbent upon political parties who take that position to not take the money and take the other position. That's what I find frustrating about the Conservative mantra with respect to election financing. They will take the money and complain about it, take the money and say it's hypocritical. That's the difficulty I have with the position that they're taking.

**Mr. Martin:** Again, I appreciate the partisan nature of the system that we're under, but to take the minister's analogy then, Bill 17 which proposes to ban hog barns within a wide swath of the province of Manitoba—those very farmers whose livelihood depends on it, who come before this committee or a legislative committee and speak out against it—subsequent to the passage of that legislation, if they are to abide by those rules, are they themselves hypocrites?

The laws of land are the laws of the land.

**Mr. Chairperson:** Thank you, Mr. Martin, for your presentation here this evening. We've greatly exceeded our time limit for the presentation on this individual by some threefold, but we appreciate you coming here to this committee to make a presentation this evening. We need to move on to the other—

**Mr. Martin:** Always a pleasure. I thank the Chair very much.

**An Honourable Member:** May I have leave just to ask one more question?

**Mr. Chairperson:** Is there leave of the committee to ask one more question of the presenter?

**Some Honourable Members:** No.

**Mr. Chairperson:** Leave has been denied.

The next presenter we have on the list for out-of-town presenters is Don Halbert. Is Don Halbert in the audience here this evening? Second call for Don Halbert. Third call for Mr. Don Halbert. Mr. Halbert's name will be dropped to the bottom of the list.

Next out-of-town presenter we have on our list for committee members is Karen Dudeck. Is Karen Dudeck in the audience this evening? Second call for Ms. Dudeck. Third call for Ms. Dudeck. Ms. Dudeck's name will be dropped to the bottom of the list.

Next presenter we have on our list of out-of-town presenters is Mike Waddell. Is Mr. Waddell in

the audience this evening? Welcome, sir. Please come forward. Do you have a written presentation, sir?

**Mr. Mike Waddell (Private Citizen):** No, sir, I do not.

**Mr. Chairperson:** Then you may proceed when you are ready.

**Mr. Mike Waddell:** Thank you, Mr. Chairperson. Thank you, members of this committee. I appreciate the opportunity to voice my concern tonight about Bill 37.

Just by way of background, my family believes very deeply in democracy, as was mentioned today in the House, and I appreciated the comments from both sides of the House today. I'm not sure of the tone from the government side, but I do appreciate the recognition of our family's involvement and investment in democracy.

*Madam Vice-Chairperson in the Chair*

In mid-April 1912, our family came to Canada because they believed in freedom and an opportunity. In the early '40s, the outbreak of the Second World War, my grandfather enlisted to protect democracy, enlisted right here with the Winnipeg Rifles.

My mother is present tonight. I do not wish to intentionally embarrass her, but one of my earliest memories was seeing a photo of her with none other than a Pierre Elliott Trudeau sign, in all her miniskirted glory in our family photo album. Sorry, Mom, but just had to, by way of context, on how much—[interjection]—my mom's eyes are open, thank you.

By way of background, we're a family that believes very passionately in democracy. As I considered running in the most recent election, one of the things that weighed very heavily on me was the timing of the election because, unlike many people that get into politics who are independently financed through, maybe, owning their own business or those who are in part-time work and able to run because their schedules are flexible or semi-retired or from a number of opportunities, I have to work full-time. Because I don't come from money, I don't come from privilege or wealth and because I had young family, as I moved towards running, one of the big, big issues was election timing.

The year, year and a half, leading up to the most recent election was actually excruciating at times on

our family. The call to election readiness, the backing off, the call to election readiness, the backing off, as the government advertising built to a crescendo and then appeared to back off.

So it was actually with delight recently that I saw the headline one evening and then the next morning as a bill came out late in the day that there was going to be fixed election dates, because I'm not yet one hundred percent that I'll ever run again. If I am going to, one of the critical things for me is timing as it is for many, many people.

\* (19:50)

Many of the people that I've talked to that would like to be candidates for a variety of parties, for them, timing and planning simple things like family events, simple things like work schedules, when a person has to know when to take their holidays—see, I burnt my holidays to run for office, five weeks that I had banked of time and holidays, and I remained on-call while running for office because my job is such in a ministry that, when people have need, I'm there for them.

So it's with delight that I saw that there was going to be fixed election dates for June of 2011, but much to my dismay, the next day, as I began to read the bill and hear the further discourse on the bill, I found that, no, no, there won't really be fixed election dates. There's a fixed end date, with still the option being held by the government to declare an election sometime previous or prior to that date, and with all the nuances and the ins and outs. So, we won't yet have fixed election dates in 2011. We'll have them down the road, so I want to express my concern and my dismay that this is not yet the case for Manitoba when so many jurisdictions in the country are moving towards a true fixed election date and not retaining that ability to run an endgame on the opposition or on the citizens of a province, and possibly removing good, quality candidates from all parties from being able to be involved in an election process.

For me it was particularly ironic today as I left Brandon University campus where I was at an event today listening to Chief Clarence Louie, a duly elected official in a First Nations community in Osoyoos, B.C., as he spoke of leadership, clear leadership and defined boundaries, and as he gave hope and talked about economic opportunity and his firm belief in democracy. I listened to him on a university campus where one Mr. Tommy Douglas himself got his first degree. Then again, today, as I

drove to Winnipeg for work—was able to move my work schedule to do some meetings in Winnipeg this afternoon and then to present here this evening—drove past Austin, Manitoba, where Tommy Douglas first stood in the pulpit and began to realize his concern and care for people from the point of ministry.

While I may disagree ideologically with Mr. Douglas on many things, I do agree fully with his passion for democracy, so I wish to voice my concern with Bill 37, specifically for its lack of clarity and its inability to actually set a true set election date.

The other thing I wish to register as a concern is on the side of the lobbyists. At this point in time, my wife is a full-time, stay-at-home mom. She does have an entrepreneurial bent and should I be so privileged someday as to be a member of this House, I'm concerned that if I'm elected and she engages in a business, that may even want to do business as simple as catering—because she happens to be a phenomenal cook; as those of you who might have known me when I was much younger; I'm about 35 pounds heavier than when I first got married—if she were to wish to cater an event that was involving government business, I'd be concerned that this lobbyist bill right now does not address the reality and does not protect families where one member of the family may run a business and one may be an elected official and where there might be a crossover as to how do we deal with that on a lobbyist registry. I don't suggest at all that we register every Thanksgiving dinner and every breakfast, lunch and supper where the family member that may be doing business with government in which there's a home in which there's an elected official, but I would express concern that there's no clarity to that aspect of The Lobbyists Registration Act.

Tonight, again by way of background, we're part of a family that very, very firmly believes in democracy and though we have not won very many elections, I believe that the fact that we still believe in democracy in spite of our own defeats at times, although we have had our victories, in spite of that, the fact that I still believe in democracy should be testimony to the fact that our family believes in it.

I thank you tonight for the opportunity to just share briefly my two concerns: that of fixed election dates, that I truly wish and believe should be fixed election dates, so there can't be gamesmanship, so there cannot be manoeuvring and finagling as to

when and how an election can be called. Especially, it was interesting to note this last time the interesting way in which it was called at the news hour on a Friday evening when no one could book advertising over the weekend, where no one could book off a space. It was creative in its approach to calling an election that worked really well, I think, for the city and government, too, that it would be on a Tuesday morning after a long weekend. It would be really good if we could do away with that kind of gamesmanship and allow an actual level playing field for those people who wish to run.

Thank you very much for the opportunity to present.

**Madam Vice-Chairperson:** Thank you, Mr. Waddell.

**Mr. Borotsik:** Thank you, Mr. Waddell, for your presentation. I always appreciate you standing at the pulpit, making the presentation.

Make no apologies, Mr. Waddell, for being a candidate, none whatsoever. In fact, it's the open democratic process that we are so happy to have in this country, in this province. When you hear comments about well, there's a candidate making a presentation, I take that with a grain of salt because you have a right, as does everyone else have that right, whether you be a union member or whether you be a former candidate. So I really appreciate you coming and making this presentation, Mr. Waddell.

You have keyed in on the set election date and, certainly, that was the focus of any of the government press releases when Bill 37 was put out. That's not necessarily the major thrust of this piece of legislation, but certainly, it was the attempt of the government to make that the focal point.

I saw the Premier shake his head when you had said that there is really not a set election date at this point in time. There are some outs, if you will, for the government. Can you just, perhaps, touch on that particular out that you're referring to with respect to the non-so-fixed election dates?

**Floor Comment:** Well—

**Madam Vice-Chairperson:** Mr. Waddell, I have to recognize you.

**Mr. Mike Waddell:** Thank you.

Mr. Borotsik, thank you for your encouraging words. I appreciate that. It's always good to have the opportunity to interact. I know you're working hard

here in the House to represent half of Brandon, if not more, and I appreciate that.

Specifically, it's my understanding and, again, as someone who is somewhat of a political rookie and not able to do this full time—and I realize that there's no full-time political person or, you know, you're either full time or you're not. It's kind of like being somewhat pregnant. So my understanding, though, from reading the bill through a couple of times is that the Premier retains the right as does, I believe, the Lieutenant-Governor to dissolve the House and call an election prior to the set election date and, to me, that's the out that I understand will still be there for the Premier and the sitting government.

**Mr. Borotsik:** Yes, you're absolutely correct. It's clause 49.1(1) where it says, nothing in this section affects the powers of the Lieutenant Governor, including the power to dissolve the Legislature at the Lieutenant Governor's discretion.

Certainly, the Premier, if he did approach the Lieutenant-Governor, the Lieutenant-Governor still has the discretion under that clause to be able to dissolve the House. So there's not necessarily that particular fixed election date, as the Premier's still shaking his head.

So thank you, Mr. Waddell, for your presentation. Thank you for bringing forward that particular section.

**Madam Vice-Chairperson:** Did you have a response you wanted to make, Mr. Waddell?

**Mr. Mike Waddell:** Very briefly on that. I guess for me the interesting part is with the mandate that has, unfortunately, from my perspective, been handed to this government, I would like to suggest that there is no reason to leave that out in the bill. There's absolutely no reason, from my perspective, to leave that out in the bill except for the possibility of advantageous timing to the current government. That, again, call me maybe, possibly naïve, but that's what I see.

**Ms. Howard:** I wanted to thank you for your presentation, Mr. Waddell, and, of course, echo your sentiments. I know your family's very dedicated to democracy. I had the pleasure of running with your mother, against your mother in Fort Rouge and, certainly, found myself in the good company of the First Minister and the Member for Brandon East who, I can assure you, does an admirable job of representing his constituents every day of the one of those that got to run against one of the Waddells, so I



certainly want to thank you for your commitment to democracy.

I heard you speak about the need for a level playing field and how you don't come from a position of privilege or money. Neither do I, and I wanted you to—I'm wondering if, in this experience of running this last time, if you did receive public financing in the form of a rebate for some of your election expenses and whether you found that to be helpful in financing your run for an election.

**Mr. Mike Waddell:** Ms. Howard, thank you for your encouragement. The last time you and I had opportunity to interact was actually at the Folk Festival a couple of years ago. I have the opportunity to now doubly congratulate you, to congratulate you on your opportunity to have won your nomination because, last time we met, actually, you light-heartedly asked me if I'd like to buy a membership to Folk Festival, and now you see geography and ideology prevented it on both counts. So, Ms. Howard, I also congratulate you on running a good race in Fort Rouge.

I did not specifically address anything about the public financing this evening. It's my understanding that every candidate that runs is entitled to financing rebate under the current set-up. My personal belief is I don't believe we need to see that expanded.

\* (20:00)

**Mr. Graydon:** Thank you, Mr. Waddell, for your presentation tonight and for your courage to step up to be a candidate in any election. It takes a great deal of intestinal fortitude to do that. Many, many people don't take that opportunity, although they would like to. There's also a great sacrifice to your family and so I congratulate you on taking that initiative.

We on this side of the House have called for many, many years now for a set election date, however, the next election will be at the whim of the Premier (Mr. Doer). The Premier has refused to give up the power to call an election when it has suited him, for the next provincial election. It's only after that next election that we'll have a set date, a certain, not quite set, but almost set.

However, on another issue, because it was raised by the member opposite for Fort Rouge about the financing, the election financing, the \$1.25 per vote for the political parties that's being proposed under this, and in my opinion is a tax grab. However, I'm wondering, in the profession that you're in, would

that money be better used in another way than financing a political party?

**Mr. Mike Waddell:** Mr. Graydon, thank you for your very excellent question.

I wish to note, Minister Wowchuk, actually, I want to thank you for your comments this morning introducing Chief Clarence Louie, in which you referred to CFS work that's being done in the province. I would suggest that the monies annually that potentially are going into what some are referring to as a vote tax would be much better spent in the care of the children.

**Mr. McFadyen:** Thank you, Madam Vice-Chair. I want to thank you as well, Mr. Waddell, for the presentation and for your track record of commitment to democracy in our province and the very thoughtful comments made tonight.

I want to ask you, because one of the questions you received tonight has touched on it, and one of the questions asked of the last presenter by the Attorney General, and I wanted to follow up with the last presenter on it but was denied leave by the committee to do so, but I want to put the same point to you and see if you agree. I think most Manitobans want to believe that there's a level playing field between the various political parties under the rules related to fundraising, under the rules related to how votes are cast, et cetera. But the reality is, and to some extent it's going to be inevitable, that the governing party is going to have certain advantages.

What Bill 37 does is it attempts to exaggerate that advantage to the governing party, particularly the \$1.25 vote tax which is contained within the bill. You've commented already that you had been in receipt of the reimbursement under the existing legislation in this election and you stated your opposition to the idea that even more tax dollars come to political parties, this time in the form of an annual grant on the \$1.25 vote tax.

The real story on this is that the governing party does have a significant advantage. It sets the rules. It uses its majority to push those rules through, in this case, a rule that's going to give their party \$50,000 more per year than our party and a significant amount more than other political parties. So what happens is that the governing party introduces the rule, they jam it through the process, they themselves take the money arising from it and then they turn around and they say, well, if you opposition parties who are already getting less under the bill, if you're

really opposed to the bill, then you should just walk away from the money and not take it, thereby creating a situation where the monopolist, in essence, the dominant player setting the rules takes all the money and then they turn around and say to the opposition parties who are already underdogs, that you shouldn't take the money.

I want to ask the presenter if he believes that it is as outrageous, arrogant and disingenuous a position as I do for the governing party to say that opposition parties should walk away from the lesser sum that they're entitled to receive under the bill, when in our view, that money should be used by opposition parties to fight the arrogant, greedy, monopolist party. I wonder if you'll agree with that position.

**Madam Vice-Chairperson:** Mr. Waddell, and just for a short answer because we're out of time.

**Mr. Mike Waddell:** Very short answer. A large part of my work in the ministry has been actually in the field of sports. While I've not seen it specifically at the level of sport I deal with, in the Western Hockey League and junior hockey, I do know from many, many reports at various levels of sport, that it's not very long that the people who get caught taking performance-enhancing drugs get away with it. It doesn't take much longer after that before everyone realizes they have to do something, whether it's an holistic product or whether it's something that maybe the other team's already taking. But it doesn't make taking the performance-enhancing drugs, in the first place, right.

**Madam Vice-Chairperson:** Thank you very much, Mr. Waddell.

**Mr. Mike Waddell:** Thank you.

**Madam Vice-Chairperson:** For the information of the committee, presenter No. 11, Stephen Montague, from the Brandon University Students' Union, should be listed as an out-of-town presenter. So, with the leave from committee, I would like to call Mr. Stephen Montague, No. 11 on the committee's list, who is from out of town.

Mr. Montague, do you have a written presentation you want to circulate? No? Then please proceed.

**Mr. Stephen Montague (Brandon University Students' Union):** Thank you. Thank you to the committee for granting leave.

My name is Stephen Montague. I'm the president of the Brandon University Students' Union. On

behalf of our over 3,000 students and potential voters of Brandon University, I would like to thank the committee for allowing me to appear here today to address the proposed Bill 37.

A trend we've seen over the past few elections and, historically, in Canada and municipal, provincial and federal elections is a low youth and student voter turnout. As a student leader, I am deeply concerned with the low percentage of youth voter turnout, and I hope that this committee shares my concerns. It is for this reason that I appear here in front of you today.

As I read through Bill 37, I'm very much in favour on the bill's proposal to establish the fixed election dates in our province. This is primarily where my focus will be today. While I favour the fixed election day concept, I, unfortunately, cannot support the proposed dates within this legislation. By placing the proposed election dates on the second Tuesday of June, beginning June 14, 2011, I think we will limit the ability of students to vote and the access of information to students. The reason for this is that our school cycle ends in the beginning of April. Then our students enter exams and then they leave for work.

Many students travel out of province to work. Many students travel internationally to work, for work experiences. I think by placing a fixed election date outside the realms of when students are attending classes, I think does a disservice to the students of Manitoba, and especially a disservice to some of our more rural students at Brandon, as we have a larger percentage of them than some of the institutions here in Winnipeg.

I would ask and, in some consultation with colleagues in the province and some talks that we've had, I would support looking at an election date, say, of October, in the third week. What this does, it also eliminates the need for the section 51, which would set parameters due to floods and other circumstances in the province.

What it would do is allow for a set date that we all know will be the set election date every four years and allow us to access our membership as a non-partisan organization to promote the effects and the issues that are most important to us, such issues as affordable, accessible education. We can encourage our membership to vote as a non-partisan organization and access and give the information to them, and partner with other organizations in our communities—such as we did for the last provincial

election with the Chamber of Commerce—to hold an all-candidates forum in Brandon, which we invited all our membership to attend and promoted within our institution.

Other changes that I would like to see, and as are mentioned in this act, would go further to even implement issues that would allow students to have greater access to voting, such as the right to students to declare their electoral district as either their in-study residence or their family residence for the purposes of enumeration or voting.

Being an institution that has a large segment of rural students and a lot of northern students, I know it's a big issue for them to be able to vote, when they spend eight months of the year at Brandon attending classes, four months of the year, say, back up in Thompson, then have to vote where they spend the least time. Over a four-year period, they're going to spend 75 percent of that time in the in-studies residence. So you should have the choice, I believe, in Manitoba of where they want to vote in that instance, just like property owners have in municipal elections. You can choose to which jurisdiction you wish to vote.

\* (20:10)

I would also ask the committee to consider the acceptance of post-secondary identification cards for the purpose of voter identification and enumeration, as well as the use of post-secondary institutional documentation, residence agreements and ministerial documentation, such as financial aid documents for the purposes of enumeration and voting. Some students don't have the identification needed. These all provide very similar identification as a Manitoba Hydro bill will, which is currently accepted under The Elections Act.

I would also ask for the establishment of at least one enumeration station on university and college and campuses. The reason for this is because our schedules are very different than a lot of other Manitobans. We go to class all day, spend nights in the library and we're working part-time jobs to pay for our education. Because of this, we oftentimes miss the enumerator when they come around to collect data for a provincial election.

In the last election, I was lucky enough that I was caught in the 10 minutes I was at home to grab a sandwich. I would definitely appreciate something like this being able to register at school.

I would also look for advanced polling stations on campuses. At our institution, about 15 percent of our membership resides within our institution. Others that have the busy lifestyle can't always get away to vote on the election days. An advanced polling station on campus would do a multitude of things, like promoting and encouraging to vote, as it's very accessible, where we spend the majority of our time while in classes.

I would also look, as a more prominent rural institution, at the ability of students to vote in any riding within the province on the campus, in some sort of a super-poll system where our northern students could vote in our institution, anywhere within the province, whether they come from Flin Flon, Thompson or Minnedosa.

With that, I'd welcome any questions.

**Mr. Doer:** Thank you very much for your presentation and the presentation of the students' union association.

First of all, you made a lot of very specific recommendations to the committee in a very constructive way.

I think, in terms of enumeration, advanced polling and documentation, all of those we'll take a very, very close look at and really appreciate the advice you're giving us.

On the issue of the fixed election date, you're right. We've had floods in the spring and we've had floods in the summer. We've had some regional flooding in the fall but very little. So you make two points. One is, don't have the flooding exemption, and, two, accommodate students better by an October date rather than a June date. It's a strong feeling of students that that is a preferred date.

Once we go to a fixed election date, it's going to be, one assumes, not just a one-time-only event, but I would suggest in perpetuity, unless we have minority governments.

Is that the solid recommendation of the student's union in Brandon?

**Mr. Montague:** In the brief time that we've had, I was actually in Ottawa for a conference for the past week. So with my executive, we did have a discussion.

In looking at all timelines of the year and considering all Manitobans, not just students in the process, we considered agriculture producers that

have the effects of calving and seeding. We looked at municipal elections but, with them coming in 2010, it shouldn't be an issue in 2011.

We took all other aspects into play, vacations in summers, when at work. When it came down to when student issues really were and the effects that we could have with our membership in encouraging them to vote, we found out that, say, the third week of October would probably be the best time through the year.

It's far enough away from Christmas. It's eight weeks, seven weeks into the school year, so students are more accustomed and it's not putting it shortly following Christmas. I think it best suits the year for students and for Manitobans.

**Mr. Doer:** There is a number of changing religious holidays in October. Did the student union take a look at those issues as well or would you suggest it?

If your recommendation is to go to another date, we could go to wording that would allow the Chief Electoral Officer, not the government, to alter in terms of voting date. Did you consider that?

**Mr. Montague:** That was something that actually did come up and I was pleased to hear it also come from the Manitoba Chamber of Commerce. We'd, of course, look for a legislation that would allow for cultural and religion holidays, to allow the most Manitobans possible to be able to vote, which is why I'm here, requesting it moving into October to allow more students to be able to vote. So it's the same for any cultural or religious holiday.

**Mr. McFadyen:** I want to thank you as well, echo the Premier's comments about the constructive and specific suggestions that have been made to the committee. You've given us, I think, some good points for consideration as a committee. I think, all politics aside, there are some good points that you put on the record today.

All of us as committee members want to take a hard look and see whether we can accommodate. Certainly, the goal is to maximize the opportunity for Manitoba students to participate fully in the process both in terms of the scheduling of the election but as well in terms of the way in which enumerations take place and balloting opportunities at advance polls and on election day. So thank you very much for all of those suggestions and for the time and thought that went into the presentation today.

You've touched on one element of the bill which is an important one relating to the dates. This bill does many other things as well, as I think you're probably quite aware by now. I'm wondering if you could comment, because one of the items that has not been addressed to a great extent tonight, but one of the elements of the bill requires opposition or MLAs to have their material vetted by a committee controlled by a majority of government members. I wonder if you could just indicate how you would feel as a candidate for a student union election if you were required to vet your material through your opponent prior to being able to issue it in the course of the election.

**Mr. Montague:** I believe that if the party is paying for the material themselves and want to put it out, I'm an advocate for the most information possible to make a decision on an election.

*Mr. Chairperson in the Chair*

We do the same as the student union. We spend our resources within our student body providing information they need to be able to make the decision that they best can on the issues that are important to them. I feel that if an MLA is wanting to communicate with their constituents—which is, I believe, a fundamental principle of the job you play as MLAs and representing them here at the Legislature—I think you should have that ability to do so.

**Mr. Borotsik:** Thank you, Mr. Montague. I have to say, your presentation was certainly well thought out and very well prepared. I do appreciate it and I know that the Brandon University students are certainly going to be very proud of your presentation here this evening and certainly appreciative. In fact, I would say that you probably put more thought into the election date than the Premier's office did when they put forward this legislation, so I do thank you for that.

You did talk a number of very important issues that certainly have to be dealt with but the most important, I think, and you just touched on it, and perhaps it's not dealt with in this legislation, but I'd like to hear your comments on it. There's a disconnect. There's a disconnect from 18-year-olds to 25- to 30-year-olds, a political disconnect. It's difficult. You live with those individuals on a daily basis in Brandon University. As the president of Brandon University, you obviously are political yourself, which is commendable. What is it that we can do as legislators and certainly members of the

Legislative Assembly, what can we do to get youth more involved and certainly more connected with politics?

We talked about even stopping our communications. This government wanting to stop our communications is one thing that we have to fight desperately. What is it that we can do to make that connection with the youth of our city right now and certainly our province to try to get them more involved?

**Mr. Montague:** There's a multitude of things that could be done that I could—There are many more presenters that want to go. The basic thing is connecting with students and I think having them feel that their voices are heard. We do this on a municipal level. On a kind of a side note, I think creating a youth council that allows youth representation at the municipal council level as a non-voting member, which is a section of The Municipal Act. I was very pleased to push that initiative in Brandon and have it implemented.

The biggest thing that we've discussed, too, this year is when elections are coming is time on campuses. We've discussed this with the executive, and I think most of them are open to having discussions and welcoming members of the government, members of the opposition, and members of all parties to come to campuses and discuss with students. As I'm sure you're all very much aware, we have a multitude of issues on our campuses that need to be addressed and students wish to discuss it.

\* (20:20)

In terms of youth as a whole, it's a tricky thing that I don't think there is one simple answer. I think some of the things we could look at is tracking of stats. I know in Manitoba we don't have demographic stats on voters. We don't know how many youth are voting in Manitoba. We do know nationally in a federal election how many 18-to-24 are voting. Provincially, we don't know those numbers.

So possibly government initiatives like get out the vote and stuff like that, feeding the information down through mediums that they access, like social networking sites like Facebook, other things like that where we can access them in their mediums, not ours, because not a lot of them read the *Winnipeg Free Press*. They don't read the *Brandon Sun*. They get a lot of the information from us through student unions and other networks and through their parents.

So I think just a good access of information to them, the ability within their means to be receiving it and getting out there and speaking with them and making them feel like their opinions are valued and looked for by this government in terms of setting the direction because we are the current and future taxpayers of this province and we want to see the province prosperous and grow and reflect our values when we do get older.

**Mr. Kevin Lamoureux (Inkster):** I really appreciate you taking the time from Brandon to make the presentation.

I have talked to University of Winnipeg and University of Manitoba students also, and they have indicated very clearly that a fall election would, in fact, be better enabling. I guess it's kind of difficult in a sense when the government's already made the announcement—and I can appreciate and understand why it is that it was chosen as June—but I was going to suggest or just maybe even ask of the presenter: Would you say having it in October, then, would be the single most important thing from a university student perspective in terms of increasing the vote? Would it really make that much of a difference, in your opinion?

**Mr. Montague:** In terms of accessibility for students and when you're going to reach the largest number of students in one time, I think later October would be that time. That's my opinion; I can't speak for the University of Winnipeg or the University of Manitoba. I think, in terms of looking at the impacts of our demographic of our students being primarily rural, we have the largest segment of a rural population in Manitoba for our institution. We also have the Assiniboine Community College in Brandon, which is a doubling of our population. Students in Brandon represent 15 percent of the population of that city when you combine the population of the two institutions, so I think it shows that we would be able to access the students the most, in terms of the year-round commitments that we have relating to exams, other events that we do have going on, on campus and when most students are available to do. In terms of the date, which you kind of reference and just to put something out there, I can speak for myself in saying our student union would definitely be willing to talk to anybody in the committee or anyone in the Legislature regarding this and how we can best suit students, and more than willing to be accessible if anyone on the committee or the Legislature does need. *[interjection]*

**Ms. Howard:** Thank you very much, and I also want to thank you for making the drive out from Brandon. It's a drive I know well. Also, I'm glad to have you here from Brandon University Students' Union, a place I also know well, having been elected there a long time ago now.

I just wanted to reflect that the constituency I represent has a great number of students, and I noticed in this last election some of the things that Elections Manitoba had put in place, having more polling stations—for example, many large apartments had polling stations right in the apartment—having some of these, I don't know what they're called, super polls in malls and at the airport where you could go from any constituency and vote in advance. I noticed that that helped a lot of people who could vote, people who were leaving, students who were leaving the province to work, could vote before they did that.

So I just wonder if, in your experience in the last election, if you would say those things were helping turnout. Have you any reflections on some of this stuff that Elections Manitoba has done in the last election, if that helped student turnout?

**Mr. Montague:** Thank you. Relating to the travel, actually, my flight landed at 4 o'clock, and I just had to drive here. So it was a much shorter flight to get here than it is to go home, so I'm not looking forward to that.

In terms of polling, I think the greater access that students have and the closer availability, I know there's something else in here that's shortening the distance that all Manitobans would have to travel to access a poll for populations of 50 or more.

I think the more polls that are there and I think especially putting them on campus gives them the greater visibility and a greater access. Like I said, our schedules are so busy now, and we have such hectic lives as students with working part-time, full-time jobs, plus full-time studies that, if we have the ability to quickly access a poll on campus, within our apartment block, or within a distance very relatively short, I think that would be a great benefit.

In terms of the super poll, I, unfortunately, wasn't able to research it, but I know Saskatchewan has done them as well. From my words that I have had with student unions in Saskatchewan, it did greatly affect the ability of the students to vote. I was hoping to research that tomorrow when I got back to the office, but I'm here today.

So I think having that for us is greatly beneficial because, like I said, we have a lot of northern students, a lot of rural students. If you're in the school for your class at 8:30, you're there till supper. You're in the library doing research. Polls close at eight. You can't get home to vote at a riding otherwise, and sometimes things do come up for students. To have that ability there, on campus, to be able to vote when we need to, and to be able to vote at any riding in Manitoba, I think, would be greatly beneficial in being able to access that. We could even advertise coming up to the election that we would have the poll in our building, or on our campus at some point to allow students that access to vote. I think it would just make it easier and much more accessible for them.

**Mr. Chairperson:** The time has expired. Thank you very much, Mr. Montague, for your presentation this evening.

The next out-of-town presenter we have on our list is Randy Bialek. Mr. Bialek, if you are in the audience, please come forward. Mr. Bialek, if you're in the audience, would you please come forward, sir. Seeing that he is not here, his name will be dropped to the bottom of the list.

The next out-of-town presenter we have listed is Ken Waddell. Mr. Waddell, good evening, sir. Welcome. Do you have a written presentation, sir?

**Mr. Ken Waddell (Private Citizen):** No, sir. I just have the verbal.

**Mr. Chairperson:** Okay. Please proceed when you're ready.

**Mr. Ken Waddell:** Thank you, Mr. Chair, and members of the committee. It is, indeed I consider it, a privilege and an honour to speak in this room and to have the privilege of bringing forth views to members of the Legislature.

I have had, I guess, a long career. I am an old man. I'm two years older—two days older than the Premier (Mr. Doer). So I have had a long career.

For the last 20 years I have been the publisher of two weekly newspapers, institutions that, by definition and by practice of those two particular newspapers, are devoted to freedom of speech and to democracy.

My career goes back, though, to probably 1970. My first job was at Brandon University. I was a recruiter for the BUNTEP program, Brandon University Native Training and Education Program,

in 1970. I moved on from there to be an ag rep. I worked as a researcher briefly at the University of Manitoba. I was an ag rep with the Department of Agriculture, and my first boss there was the Honourable Sam Uskiw.

I served under two parties and retired from the government in 1979 to begin an auction business. I auctioned for 20 years and then, overlapping with that, a farming career, and toward the end of the farming career overlapping into the newspaper business.

So I'm well acquainted with the written word, well acquainted with the power of the press, and well acquainted with the need for preservation of democracy. I was very pleased to hear that fixed election dates might indeed be a reality in Manitoba.

I'm not pleased that we may not have fixed election dates quite as soon as we thought, and that's very unfortunate.

\* (20:30)

As some of you know, the Waddell family has been involved in politics. As some of you know, I was a candidate in the 2007 election in the constituency of Concordia. If we were to have fixed election dates, certainly the people of Concordia and the people of many other constituencies, probably all of them, would benefit because candidates could properly prepare, could properly plan, could properly fundraise and could properly set up a campaign, knowing when to take holidays or a leave of absence or to provide for cover in their business or their farm or whatever. As it is now, it's very haphazard, and it curtails the recruitment of candidates from all parties.

Now, when I campaigned in Concordia, I knocked on over 4,000 doors. In the process of that, I conducted a little survey. I asked people in a certain number of houses, a significant number of houses, do you know who your MLA is? I was very surprised and, actually, genuinely disappointed that people were so disengaged that 75 percent of the people in the constituency of Concordia could not name their MLA.

I began to think about that, and I realized that perhaps there hadn't been enough advertising done. I find it strange that the governing party whose leader seems to be unknown to 75 percent of his constituents is willing to fall over backwards here to limit advertising. Now, I know I'm biased because I believe that advertising is a wonderful thing. It's the

lifeblood of a newspaper. I fully believe that advertising pays. Isn't it strange that the government would want to limit the ability of political parties to advertise? Then it began to make sense because this government is the party of minimalist effort. Satisfied to begin the acrostic, Manitoba stands for mediocrity. That, Mr. Chairperson, is how elections are won. Parties, and specifically the NDP party, keep expectations low, limit their advertising, manage to convince three out of 10 people in a constituency to vote for them, knowing full well that five out of 10 don't vote. So three out of 10 becomes three out of five, which wins an election.

I'm wondering if it's a strange kind of self-serving here that they want to limit advertising. Now, I don't know if that's the case or not, obviously, but I just thought I would pose that. I suggest that the NDP party and all parties, but specifically NDP party, will want to spend a lot of money on advertising in the near future. They will have to spend a lot of advertising to convince the hog farmers of Manitoba that they're their friends. They will have to convince a lot of people in Concordia that they actually have an MLA. Then, I guess, I realized that—and I can't imagine, I can't imagine the honourable Premier (Mr. Doer) stooping this low, but maybe he's going to depend on the government advertising to get his name out there. That would seem rather strange, but perhaps that would happen, that the unrestricted amount of advertising that governments put out—and I'll admit governments of all stripes and in all eras might somehow promote the case of the Premier.

That all being said and, admittedly, somewhat tongue-in-cheek, Mr. Chairman, but it is strange that a party dedicated, and indeed with the very name democratic embedded in their title, would want to limit political parties from putting forward their message to the people of Manitoba. I find that very strange and I find it very disturbing.

Now as far as the public subsidy of votes, I would say that if the government really cared about the people of Manitoba, they would scrap this portion of the bill, the \$1.25 vote, and they would devote that money. I think it my provide clean drinking water for two Aboriginal communities, which I submit, Mr. Chairman, would be a far better use of public money than subsidizing political parties.

It is strange that we have so many anomalies in our province. I find it distasteful that money can be

freely spent even on something like subsidizing votes for a political party. I know, tonight, that many children will go to bed without the safety of clean drinking water in their home.

My last point, Mr. Chair, would be on the censorship of caucus communications. It's absolutely astounding that you will lead us to believe that an all-party committee, dominated by the government of the day, should have the nerve and the audacity to say, we will edit our opposition's mailing pieces. I find that incredible. I know you don't really like it when old-time politicians like us draw up analogies about Communism, but it seems to me that when you squelch freedom of speech that blatantly you certainly deserve a title that's less than complimentary. Thank you.

**Mr. Chairperson:** Thank you, Mr. Waddell, for your presentation.

**Mr. Chomiak:** Yes, Mr. Waddell, did you read the bill?

**Mr. Ken Waddell:** I'm sorry?

**Mr. Chomiak:** Did you read the bill?

**Mr. Ken Waddell:** Yes, sir, I did.

**Mr. Chomiak:** Could you outline for me where you saw the Communist nature of the bill or the squelching of free speech?

**Mr. Ken Waddell:** Yes, I'd be glad to. When a party, when a government party or the governing party can have a limitation on the frequency or the content of the opposing parties' mailer pieces or advertising, what they send out to their constituents, that to me is an extreme restriction on free speech.

**Mr. Chomiak:** I think that's a wrong interpretation of the act, in my view. I think we can discuss that in clause by clause.

You make the presentation about commitment in advertising and you talk about clean water. It seems to me that we could go a long way toward representing all Manitobans by having them all active at election time, and all active in the political process, and all representative. That can be accomplished through a level playing field.

\* (20:40)

There was a time in 1995 when one political party tried to fix elections by putting money into fixing elections. To me that was probably the worst example of—if you want to talk about Communism

and controlling thoughts, and something that was disgraceful, in my lifetime, that was probably one of the worst examples, maybe, the worst example I'd seen. I think that going toward a level playing field of allowing everyone to participate based on votes, based on a process that's available to all, not giving the advantage to big companies or big unions to contribute, probably means more to putting forward the interests of all of Manitobans, including First Nations and clean water and all of the Manitobans that have been marginalized for the years, we can work together on that. I think it goes a lot longer and a lot further towards that by allowing active participation than what I've seen in the past when people were forgotten and people were taken advantage of.

My question is for an individual who's watched the political process as you have and participated, I find it astounding that you would be against a level playing field and make the point about First Nations and then make the argument that somehow this legislation which designed to be fair to everyone is communistic.

**Mr. Ken Waddell:** Mr. Chair, I welcome the question. As always, I welcome the challenging way that the minister presents his material because he's obviously very passionate about it, but, unfortunately, his passion is misplaced, as usual. That is to be summed up by this: that \$1.25 a vote does little, if anything, to level the playing field.

I think his reaction about my comments about the First Nations community is based a lot more out of guilt than concern because there is what, 70 communities in Manitoba with a boil-water order right now? That's shameful that we should here tonight and argue about votes and high-handed ways of dealing with opposition parties and curtailing the opposition, and you have 70 communities, sir, in this province that don't have clean water and you have done nothing about it. So challenge me if you will, sir, but I will challenge you.

**Mr. Chomiak:** I'll challenge you that there were no boiling-water orders prior because they were not kept track of when your party was in government, sir, and we did not know which communities needed boil-water orders, sir.

**Mr. Ken Waddell:** You've had 10 years since you started counting. What have you done, sir?

**Mrs. Myrna Driedger (Charleswood):** I have to say I'm really, you know, in my 10 years of politics, I



don't know that I've ever been at a committee, public hearing like this where I've heard the Justice Minister or the Premier (Mr. Doer) take some tones as they have tonight with presenters who have come here, and whatever side of the fence they're on, you know, we're here talking about a bill on democracy and what that should mean. I have never heard a premier or a Justice minister behave the way they have tonight and personally attacked, the way they have publicly attacked presenters. I think that is pretty abominable in today's day and age, and I'm amazed at some of the behaviour of the people around the table tonight that are condoning some of this.

#### Point of Order

**Mr. Chairperson:** Ms. Howard, on a point of order.

**Ms. Howard:** I wonder, Mr. Chair, there are a number of presenters here tonight, I have some questions for this presenter, if you could ask the member to put her question.

**Mr. Chairperson:** Mr. Goertzen, same point of order?

**Mr. Goertzen:** On the same point of order, Mr. Chairperson, the Member for Charleswood, while the Member for Fort Rouge may not like the point, has a point of order, and I can reference—or sorry, that the Member for Fort Rouge raises a point of order, simply doesn't understand that the Member for Charleswood was trying to ensure that decorum is kept here in the committee. You will know, Mr. Chairperson, that under our rules it is your responsibility to ensure that decorum is kept, and I would say that you've done an admirable job of that this evening, but, at this point, with the Minister of Justice, the way he's been assailing different witnesses and trying to impugn their own motives and attack these individuals who've come here.

You know, on the one hand, the Premier and the Minister of Justice before say that they want to hear public presenters, that they want to hear what Manitobans have to say. Then, on the other hand, they try to use the opportunity to besmirch the reputation or to attack the points that they bring forward. You know, it's a wonder that anybody wants to come to committee at all to present when they might be faced with the sort of allegations and the sort of heavy-handed comments that we've heard from the Minister of Justice, not just on the most recent witness but on previous witnesses at all. This is the same Minister of Justice—this is the ironic part, I suppose, sadly ironic but ironic nonetheless—who at

the beginning of this committee said that there was a lot of scepticism about the debate that goes on in the Legislature. Well, and he nods his head now in affirmation.

It's one thing for us as parliamentarians to debate back and forth. I think there's a level of acceptance that we're going to have disagreements with each other, but when a member from the public, whether he's ran for your political party or my political party, comes before the Legislature and wants to present on a bill, it's not an election time. He's not currently carrying the electoral banner of a political party. He's come here to make some specific and valid points on the legislation. The minister begins his interrogation, if I can call it, by questioning whether or not the member of the public has read the bill, and then goes on to question what his motives are and to question what he believes with the legislation, question his priorities. I think he laid out, the presenter laid out very well that there are priorities that are different than what are represented in this bill, clean water for individuals and a host of other priorities. I'm sure had he given the time he could have listed a number of different things in Manitoba that would be a higher priority than giving \$1.25 to political parties as a vote tax.

So the presenter, public presenter comes here with all the best intentions, comes here doing what the Minister of Justice said was the most open process in Canada, and this is supposed to be held up in high esteem, and yet he comes here and he gets assailed by the minister, simply by exercising his democratic right, simply by trying to be a participant in this particular democratic process.

I think it bears repeating that future people and members of the public who might look at this proceeding might not want to come to this committee again, might not want to present if they believe that they're going to have their motives questioned and be the subject of debate. I think it would bode the minister well to respectfully listen to all presenters regardless of which political party he might believe they represent and which political party he might believe they support and then respectfully ask questions if he has questions that can be posed in a respectful fashion.

So I would say, Mr. Chairperson, that the Member for Fort Rouge (Ms. Howard), her point of order is misplaced. She should be raising a point of order on the conduct of the Minister of Justice

(Mr. Chomiak) and the conduct and the decorum that is happening in this particular setting.

I would ask you, Mr. Chairperson, to call the Minister of Justice to order and to ensure that he acts respectfully for future witnesses who will come before our committee.

**Mr. Chairperson:** I thank honourable members of the committee for their advice.

On the point of order, there is no point of order, but perhaps this is a good time for the Chair to remind all committee members that we seem to be losing our focus a little bit here, and the Chair would greatly appreciate if members of the committee would address any comments or questions that they might have through the Chair to our presenters here this evening. That will allow us to facilitate a smooth flow of our operations as a committee.

\* \* \*

**Mr. Chomiak:** I'll apologize for any comments directed towards the presenter and for perhaps being too strong in my comments. I take what the Member for Steinbach says correctly, and I think he's right. I should have been much more objective, and so I take back my comments and I do apologize to the presenter.

**Mr. McFadyen:** Mr. Chairman, I know the Minister of Justice has apologized to the presenter, and I want to just say that we appreciate that and just ask, though, because much of the commentary was also directed at members of the committee, opposition members of the committee, whether that apology also extends to opposition members of the committee who were impugned, and in my view unfairly, by some of the comments that were made by the Minister of Justice. If not then I'll have a point of order.

**Mr. Chomiak:** Oh, yes, Mr. Chairperson, I will apologize to any members that might have their motivation impugned by my comments.

**Mr. Chairperson:** I thank the honourable Minister of Justice.

Mrs. Driedger, to continue with the questioning.

\*(20:50)

**Mrs. Driedger:** Thank you, Mr. Waddell, for coming here and making a presentation before our committee.

I'd like to ask you, if you knew that government was able and are spending between \$10 million to \$15 million a year just on government advertising, how fair and balanced and democratic do you feel that is when in our case in opposition we're only allowed to spend 50,000 a year against government's \$10 million to \$15 million a year? Do you think that puts out there a fair and balanced playing field in politics in Manitoba?

**Mr. Ken Waddell:** Mr. Chairman, two quick things.

One, to the Minister of Justice (Mr. Chomiak), thank you for your apology. It is appreciated.

Secondly, as I said earlier, I am a newspaper publisher and I do directly benefit from advertising from many sources, including government, and I want that made very clear. There's no—I want that very transparent. But we do believe in advertising. Otherwise, we would not work each week. In our offices across Manitoba, some 45 newspapers work, weekly papers, to put out a product of advertising and news for our readers.

In direct answer to the question, it is not fair. The ratio is obviously patently unfair. We would obviously like to see much more balance achievable in presenting views. I have had, in nearly 20 years in the newspaper business, have received advertising from several governments, both provincial and federal, and fairness would be something that we would certainly want to see.

**Ms. Howard:** I want to thank you for coming here tonight and presenting, and I do certainly appreciate, also, your commitment to democracy, having been a former candidate.

In your presentation, I believe you spoke against the \$1.25 public financing of political parties, and I wonder if your opposition also extends to the current public financing that is in place that you would have received as a candidate in the form of a rebate of your last election expenses. Are you also against that public financing, or only the public financing in this bill?

**Mr. Ken Waddell:** I think the question needs some clarification, and it has been tossed around in several formats tonight. Now I wasn't aware and I don't believe I benefited in any way from the financing. The campaign did. I personally did not receive any money from the government or from anybody else in running for political office. That has been thrown out tonight, and some who are not quite as familiar as

perhaps the rest of us are here with that might understand that.

However, it can be noted as a matter of public record that there was several thousand dollars in personal expenses allocated from the campaign funds to the Premier (Mr. Doer) in Concordia constituency in 2003. It's quite legal because they do not have to define what those expenses were. It could be child care, it could be food, it could be a new tie, whatever, but that did happen, and I've asked about that because that puzzled me.

Now that didn't happen in my campaign.

Your question is, do I object to the \$1.25 vote tax only, or do I object to public funding of the political parties in the current legislation? I speak personally as a private citizen, as a democrat and a person who believes deeply in freedom of speech. I do not personally agree with any public funding of political parties.

**Ms. Howard:** I just wanted to sort of clarify my question. Certainly, I did not mean to suggest that you had benefited personally from that rebate, as none of us did. Those rebates do, I think, depending on the party, go to defray election expenses and legitimate election expenses that are reviewed by Elections Manitoba.

I just wanted to clarify then that you are opposed to all public financing. I imagine that would include the tax deductions that people get for making donations to political parties, as whenever we do make a donation to a political party, any political party, there's a rather generous tax deduction that one gets for that. I believe it was put in place with the idea that—income tax deduction. I believe that was put in place with the idea that there is a public responsibility to fund democracy as well

So would your objections to public financing extend to income tax deductions for political donations as well?

**Mr. Ken Waddell:** My personal belief, and I don't speak for any organization, nor even for other members of my family. I'm smart enough to do that and you will find out shortly why, when my wife speaks. But I, personally, do not believe in it. In an ideal world, political funding should be voluntary, as was mentioned by Mr. Starmer of the Manitoba Chambers of Commerce. It should not be tied to public subsidy, as I said earlier. My comments, obviously, raised the ire of some around the table.

But I think public money should be spent for a greater public good than financing politicians.

**Mr. McFadyen:** Thank you. Mr. Waddell. I want to thank you, as well, for the presentation and for the various sacrifices that you have made personally in terms of your time and own finances to be a candidate and a very active participant in the political process. I know well what a vigorous campaigner you are, having been on the opposite side of one campaign from you. So I want to thank you for being with us tonight.

You've highlighted one issue and that is the level of personal expenditures claimed by different candidates in the campaign, all of which are perfectly legal. You have highlighted that the Member for Concordia (Mr. Doer) currently—and it's just a matter of record—has the, by a significant number, the highest claim for personal expenses of, I think, any MLA in the Legislature.

You've certainly raised a question—and I stand to be corrected on that point—but you've raised the question about whether or not there needs to be a look at personal expenditures on the part of candidates.

But the question to you is this: The Attorney General (Mr. Chomiak) and his reaction to your comments. You had made the statement that, perhaps, the million dollars earmarked under Bill 37 to flow into the NDP's bank accounts could be better spent on clean drinking water in First Nations communities. The Minister of Justice responded to that by saying, in essence, no. Rather than putting that money directly into services to Manitobans, the best way to achieve justice for Manitobans is to put more and more money into the bank account of the NDP. Obviously, the implication of that argument is that the NDP has a monopoly on justice and doing good work for the people of Manitoba. Don't put the money into hallway medicine. Don't put the money into Child and Family Services. Don't put the money directly into COLA for teachers. Give us the money so that we have a better chance of winning elections. We'll take care of all those people.

I think that what that belies, in my view, and I want to get your reaction, is the attitude of entitlement and arrogance. In a sense, within the governing party, they have a monopoly on fairness and justice in the province, that the way to fix problems is simply give our party more money, rather than put the money directly into services.

I wonder if I could get your reaction to the premise behind the Attorney General's comments that the NDP has a monopoly on doing what's right for Manitobans.

**Mr. Ken Waddell:** It would be easy to assume, from comments made tonight and comments made historically, that there is a sense of entitlement in a long-standing government. It seems to be blatant at times here in Manitoba in recent years.

I stand by my statement that money spent, allocated under this dome, could be reallocated much, much better for schooling on First Nations, for clean water in our communities, for job training. The list could go on. I could speak for an hour just on the shortcomings, not only of this government, but governments of the past.

It's a cruel thing to impose upon the people of Manitoba a sense of arrogance and entitlement. I would caution not only the Minister of Justice (Mr. Chomiak), but the Premier (Mr. Doer), his Cabinet members and, indeed, all MLAs to never fall into that trap.

\* (21:00)

Regarding your comment about personal expenses in an election campaign, I find it strange that Elections Manitoba will send back an election return because it's out by \$1.42 and yet won't question or indicate to us how several thousand dollars can be spent, or even several hundred dollars, on personal expenses in an election campaign. I think some of the things that we do in election financing also tend to grasp on to a sense of arrogance and entitlement, and we must do everything we can to fight against that.

**Mr. Chairperson:** Thank you, Mr. Waddell, for your presentation and answers to the questions here this evening.

We'll now move on to the next out-of-town presenter, and that would be Christine Waddell. Would you please come forward. Do you have a written presentation?

**Ms. Christine Waddell (Private Citizen):** No, Sir.

**Mr. Chairperson:** Then you may proceed when you are ready.

**Ms. Waddell:** Thank you, Mr. Chairman, for this opportunity to speak. This is the last Waddell for tonight unless our son, who lives in Winnipeg, decides to get political and come and speak. He has

the pleasure of residing in Fort Rouge now, but he's not nearly as political as the rest of us.

We drove, I drove, because I did drive, for over two hours at my expense to come and present tonight concerning Bill 37 to which I am opposed. I echo what others have said tonight concerning the good feeling we had when we saw the first headline, fixed election dates, what we've been asking for, what many people have been asking for, only to be dismayed to read beneath the surface and see beneath the surface that this is just a gloss, just a little smoke and mirrors to hide several other factors concerning our elections act which is already overbearing and meticulous in straining out gnats while we swallow camels.

I would also like to thank you for the opportunity to speak tonight because I am relieved to know that we still do have the public hearings. We can come and speak before bills, and I trust that there would be no smoke and mirrors in future legislation that would disallow this part of the democratic process. I'm very thankful that we as individual citizens can still come and say how disappointed we are that, with the gloss and sugar of fixed election dates, we are given a bitter pill of control and dubious financing to muddy the waters, to unlevel the playing field.

We've talked about levelling the playing field, that starting with Election 2007 or the present elections, how many votes each political party has had. What if, in the future, another political party should arise in Manitoba, what if, in the days when the Tommy Douglasses of our history were setting out to try and right wrongs, stood up and went out to the public door to door, coffee shop to coffee shop, hall to hall, at their own expense, and brought forth causes that have changed this province, that have changed this country, that political opportunity is being cut off at the knees by a bill like this because the existing parties will get their votes, their money. They have the rebate from the previous election. They have their \$1.25 per year from the previous election, and if someone comes up with a new point of view, this total control of the system will disallow new, dissenting voices.

Mr. Chair, it's very nice to think that we'll have fixed election dates, fixed in capital letters. My political experience is limited. I have only run for office twice, and both very dismal situations. Congratulations, Jennifer, or Ms. Howard, on the election. I did speak to you at the time of the

election. I congratulate you again, and on the job you are doing representing Fort Rouge. I've run against an incumbent school trustee and was not successful then. But that has not stopped me from caring and being involved and wanting to see democracy in action.

Mr. Chair, my history goes back to a paternal great-grandfather, Colonel Ivins [*phonetic*], out on the western side of the province, who, along with other municipal elected officials, banded together to form the Association of Manitoba Municipalities. They saw the need to be able to lobby, to come forward as a group to our provincial governments and speak as a united voice. That seed that goes back to a generation that I did not even know is something I hold dear. My father who came to this country not knowing English, starting school in a little one-room school and not speaking a word of English, who went out into the fields as an eight-year-old to drive a four-horse team to put in the seed in the soil, that man cared enough about democracy to become the chairman of our local school board and to make sure that our education was taken care of in our local area. That seed of democracy is real and alive, and by having public financing of a \$1.25 a vote, past history, disallows new people, new parties, new voices, from coming forward.

I had the pleasure of being part of this last election process. I really believe that we do need that fixed election date. It was interesting, because, as has been already stated by Mr. Montague, students are disenfranchised by this whim of when to have a vote. An election date on May 22, May 23, disallows university students. They're busy writing exams, planning for summer jobs, and they aren't interested in trying to figure out where they vote or why. They're trying to get on with the next stage of their life. So fixed election dates are very important.

The fact of the smoke and mirrors of this bill, this omnibus bill. An omnibus bill is when you have a bunch of correspondence that you can deal with as a lump, not when you include financing and timing, and the perusal of the opposition on your mailer pieces to your constituents. If I had to ask *The Minnedosa Tribune* and *The Neepawa Press* if they would approve our editorials or our stories, we would not have a newspaper. But there is freedom and we don't have to ask them. They can write an opposing editorial. They can write letters to the editor. They can skewer us any way they want, but they can't control what's on our page. This legislation, hidden behind the sugar of a supposed

fixed election date, allows for control of the financing of elections and for the content of election pieces.

\* (21:10)

This isn't what I had written down. I did have notes. But after listening to some of the things that have gone on tonight, after seeing—and I appreciate, as Momma Bear in the Waddell household, the apology of the Minister of Justice (Mr. Chomiak). But I know what it is to go door to door in an election campaign in this province and have someone come to the door, look to the left, look to the right, pull me inside their apartment, and say, good, I've got a Conservative candidate. They would not say it out in the hall. Does that say that, possibly, our zero tolerance for bullying does not extend to the political realm?

I think some of things that are in this ominous bill are bullying, and they're trying to sugar-coat it with supposed fixed elections dates. I oppose it. I want it gone on the record that it is undemocratic and a shame to what this House is capable of. Thank you.

**Mr. Chairperson:** Thank you Ms. Waddell, for your presentation this evening.

Questions to the presenter?

**Ms. Marilyn Brick (St. Norbert):** First of all, I wanted to thank you very much for coming before the committee. I applaud your interest in the democratic process and your interest in being a candidate. I know it takes a lot of nerve to come forward to do that, so I congratulate you and your entire family on your interests in politics.

I just sort of had a question for you. When I listened to your presentation, you talked about the potential of a new fledgling party and how difficult it would be for that party. I just wanted to put a couple things before you, and that's that there are a couple things in this bill that would actually provide for funding for a new party that would not be provided currently.

It's my understanding that, currently, you have to reach a certain threshold, and if you don't reach that threshold with your number of votes, you would not receive any funding.

That's not the case when you would receive \$1.25. It doesn't talk about there being a minimum number of votes, when I read through this, that you have to receive. As well, there would be, it looks like \$600 that a party would receive annually as well.

So, to my way of looking at it, a fledgling new party would do better under this current proposed legislation than it would under the current existing legislation. But I'll let you give me your perception of that.

**Ms. Waddell:** That would be after an election, after they spent the money. That wouldn't cover the four years in between.

It cost me \$100 just to drive to Winnipeg today. It's going to cost me \$125 to stay in Winnipeg overnight if we choose not to drive back. There goes two-thirds of my \$600. That's after an election. All this money that existing parties have, they have it already. They already have process in place, historic funding. But this new funding, our present parties have four years of that funding in place before an election even starts. It doesn't help in that election.

**Ms. Brick:** But you would say that this would be, if you were a fledgling party, if you had run before, this would help you more than the current legislation is right now helping a fledgling new party.

**Ms. Waddell:** A \$1.25, it would, but I don't agree with it. I don't think any of the parties should have that \$1.25 per vote.

**Mr. McFadyen:** Just one quick question. Thank you very much, Ms. Waddell, for the very passionate and thoughtful presentation.

I know that, if the government was interested in just helping fledgling parties, they would have capped the annual contribution at some lower number, maybe \$50,000, but instead, they've set it at \$250,000, so the NDP can milk as much out of the system as possible.

Don't feel badly about the last question asked by the Member for St. Norbert (Ms. Brick). If they were really interested in helping fledgling parties, they could have set the cap much, much lower, and they didn't.

I just want to ask, the normal process before major introduction or amendments are introduced to these major pieces of legislation, with The Elections Act, is that there's an all-party committee that goes through a process of reviewing amendments, and those potential amendments are vetted through that all-party committee. In the case of this bill, that committee hasn't met in two years. There was no review by that all-party committee prior to this bill being tabled in the Legislature.

Similarly, the changes to the Legislative Assembly part of this, which relates to MLA's mailing privileges, are normally vetted through an all-party committee there as well. Again, there was no review by that all-party committee of these amendments. What, in fact, happened is that the bill was tabled in the House with no consultation prior to the tabling of the bill just a few weeks ago, and none of the normal required procedures were followed going into this package of amendments. Perhaps not surprisingly, because I know the government knows that if all-party scrutiny had taken place and if the bright light of public scrutiny had been shone on this bill prior to its introduction, it never would have made it into the Legislature in the first place.

But here we are some weeks later after the introduction of that bill without any due process leading up to it in a committee process, and you have taken the time and made the expenditure to be with us tonight, as has other members of your family as well as other interested Manitobans who are with us.

I just want to get your view, though, as to whether, in your opinion, it is appropriate for the government to be threatening to run this committee over weekends, during the mornings and at other times when it would be inconvenient for people to attend, or whether the government should run the committee evenings only during the week, Monday to Thursday, with as much notice as possible, thereby providing Manitobans like you and others with a full opportunity to participate in this process, given that none of that participation was allowed prior to the introduction of the bill.

I wonder if I can get your reaction on the process issues that I've outlined.

**Ms. Waddell:** By what I understand you to say, true democratic process has not been used to this point in this bill. The normal process has not been used. The democratic process has not been used with proper vetting of the bill to the all-party committee. Is that what you have said, Mr. McFadyen?

**Mr. McFadyen:** That's correct. There was no vetting by the all-party committee under The Elections Act or by LAMC, which is a legislative committee, and so now we are in a position of responding to an onerous bill on little notice.

I wonder what your feelings would be if the government were to start to speed up committee through weekend and morning hearings in order to

try to jam this bill through with minimal opportunities for further public input.

**Ms. Waddell:** In response to Mr. McFadyen's question, that would be highly undemocratic and quite unfair to the general population of this province. I understand there are a large number of people who have put their names on the list to speak to this bill, and if that is our fair, due and democratic process, I do believe that it should be followed. I believe it was stated earlier in the evening by one of the presenters that perhaps this should go on the road and make an opportunity for people in other areas of the province who are unable to travel easily to come and speak to this. Coming and speaking is challenging enough because you do not know what time or what place in the speaking order you'll be, and I see the rudeness has not disseminated at all. You weren't here, not everyone was here when the Minister of Justice showed some decorum. Some people missed that, and it's unfortunate. But democratic process should be followed, and I thank you that I've had the opportunity to speak before this committee.

**Mr. Chairperson:** Thank you, Ms. Waddell, for your presentation here this evening. The time has expired.

The next presenter we have on the list, and it's through an oversight of mine, for an out-of-town presenter, Sam Uskiw. Mr. Uskiw, are you present this evening, sir? Yes, you are. Please come forward. Welcome.

Do you have a written presentation, sir? We'll distribute your presentation to committee members and then we'll give you the signal to go ahead.

Please proceed when you're ready, Mr. Uskiw.

\* (21:20)

**Mr. Sam Uskiw (Private Citizen):** Mr. Chairperson, members of the committee and fellow Manitobans, it has been about 22 years since I was a member of the Law Amendments Committee, having served for approximately 20 years. Law Amendments Committee and other committees of the Legislature, I believe, have served Manitobans well over the years. They have permitted the public an opportunity to express their views on proposed legislation with the intent of providing constructive criticism or suggestions for members of the Legislature to consider before third and final reading in the Legislative Chamber. On occasion, these committees were a vehicle through which open

opposition and hostility to government policies were pursued. The best example of that was the act establishing the Manitoba Public Insurance Corporation. My submission should be viewed as constructive, not hostile.

May I begin by offering an opinion on principle with respect to election laws. A guiding principle in drafting election laws should embody fairness and should be non-partisan. The ideal approach would be that an all-party committee of the Legislature should be responsible to recommend changes that legislatures could enact. In any event, any changes to The Elections Act, The Elections Finances Act, The Legislative Assembly Act, and the new Lobbyists Registration Act should be the product of a non-partisan group, and the guiding principle should be that no political party would gain an advantage from the changes or from new legislation.

My first observation of the legislative proposals before us is the failure to meet the non-partisan criteria in that the election amendment act provides an advantage to the current government over their political opponents by not having the change come into effect for the next election. Mr. Chairperson, that is relatively simple to correct by amending the bill with a date specific for the next election that would ensure fairness to all parties. I would hope that the current government believes in a degree of fairness and would take kindly to my suggestion.

My second observation is focussed on The Elections Finances Act. Here I have major concerns, but before I indulge into that area, I want to briefly point out to members of the committee some background to reinforce the logic of my contribution to this committee. Most, if not all, of this room, people in this room, will not be aware of the players and circumstances of an era gone by. But, for whatever it's worth, when I was president of the Manitoba New Democratic Party, I recall having to co-sign a promissory note for \$250,000 in order to keep the party financially afloat and to prepare for an election. Due to the party's financial situation in 1969, my most difficult task was to convince Edward Schreyer to resign his seat in the federal Parliament and to come back to Manitoba to run for the leadership of the party and to subsequently lead the NDP to its first electoral victory.

At that time, the party did not have much money with which to finance a proper election campaign. Government members of this committee may wish to pause for a moment to remember that that piece of

history is why they are here today. Government members might appreciate that huge personal sacrifices were made by many dedicated people, elected and non-elected, who pioneered their way into public acceptance and governance. Most of my travels across this province to organize the NDP, to campaign with candidates and to give speeches throughout Manitoba was all done at my personal expense, i.e., car travel, hotels and meals, et cetera.

The point I'm making is that at that time there was no balance or equality of political opportunities for parties. Some parties were very well financed, while others were not. Democracy requires a level playing field, along with an informed electorate, properly financed parties which are able to communicate with the electorate, hence the reason for my being here before your committee, pleading that you think through the provisions in these bills that are before us and to remind you of your past or your party's past and to encourage you not to use the power you have electorally as a vehicle to suppress democracy.

I am mindful of the fact that much progress has been made towards creating a level playing field for all parties. I believe in the concept of some public financing, but limited private financing as a means to maintain our democracy. However, to my surprise in reading Bill 37, I find that democracy in Manitoba died a few years ago when limits in advertising expenses of a registered political party were imposed. In my opinion, the only limit that a political party should have for its election or non-election year is the amount of money that the Manitoba donors wish to contribute. Given that corporations and unions are not permitted to finance political parties, what is wrong with Manitobans voicing their views with cheques to their political leaders? That, indeed, is democracy at work.

I also wish to draw attention to the fact that political motivation is often driven by issues. Let me give you some examples. Apparently, the government of Manitoba has not increased welfare rates since 1993. The same time, all sectors of society, i.e., unions, CEOs, professionals, ministers, government MLAs, MPs have enjoyed regular wage and salary adjustments. Some sectors receive increases in order to offset inflation. Others take increases far beyond the inflation index.

Welfare recipients do not have much political power to keep their benefits consistent with economic conditions. Your government minister

commented, and I'm paraphrasing, that the policy towards welfare rates is bent on encouraging people to find jobs, a noble objective no doubt. However, the government does not differentiate significantly between people who can work and are on welfare and those who are disabled and also on welfare.

Logic would dictate that a two-tiered system would look after the disabled, while the work option can still be pursued for those able to work. In any event, the disabled are paying a harsh penalty due to the government's focus, or focussing on the employment option. Politics of today demand that political parties be armed with resources for advocate activity. In this context, if I were in the Legislature as an opposition member, I would want my party to budget about \$25,000 for outreach activities such as dialogue with welfare recipients, social planning council, trade unions, chamber of commerce, in order to properly represent the concerns of the welfare recipients in the Legislature.

My second observation is the Manitoba government caucus has two citizens of Indian or Aboriginal background who, I believe, are both in the Cabinet. I am thrilled to see that kind of representation. However, having governed since 1999, I do not recall any government initiative that will deal with the changing demographics in Manitoba, i.e. the growing Indian population that, in about 30 years, will represent one-third of Manitoba's population. My numbers have not been personally researched, but I believe that they'd be fairly accurate.

We need policies for Indian people that will bring them into mainstream society economically and culturally. Any political party worth its status would want to set aside about \$50,000 per year to pursue a dialogue and to develop a policy for the future well-being of our Indian citizens.

Manitoba wage laws, i.e., minimum wages. I have studied Manitoba working for minimum wages over the last five years. In my first study, I discovered that there were about 19,000 Manitobans working for minimum wages. Two years later, I did an update, which revealed that there were 43,000 people working for the minimum wage in Manitoba; i.e., working poor numbers more than doubled in two years.

\* (21:30)

A political party doing its work should budget about \$25,000 a year to liaise with workers and to



help minimum wage earners through the political process. If governments are going to set wages for Manitobans, they should update them on a regular basis, i.e. indexing, so that adjustments would occur as a result of indexing as opposed to government's discretion or political motivation. For example, using the year 1992 as a base, the minimum wage today would be \$10.65 per hour. Mr. Chair, it's only around 8-something right now. Why is political indifference allowed to victimize the working poor?

Agriculture, one of our economic pillars which has been very unstable for many years. Apart from the major changes taking place within the agriculture industry, which require constant political vigilance, recently, an environmental issue has surfaced which has pitted the pork industry against the government. I would hope that the government's position is based on scientific analysis and not on environmental sound bites or pressure groups. However, suffice it to say that this industry is deserving of constant political liaison given its importance to the Manitoba economy. A budget of about \$25,000 a year for a political party would produce piloted research and dialogue for the development of contemporary policies.

Item No. 5. This is the last example of why spending limits on political activities do not make any sense. Current government policy re the building of a new power line, i.e. building it on the west side of Lake Winnipeg versus a much cheaper route on the east side of Lake Winnipeg, and, at the same time, ignoring the synergy values and connection with the isolated communities located east of Lake Winnipeg if the line were built there.

Manitoba Hydro and the government of Manitoba should joint venture a road connecting the communities to the Manitoba highway system. This would not only de-isolate the communities, but reduce the cost of travel, as well as the cost of transporting goods and services to the communities east of Lake Winnipeg. A significant increase in revenue for Manitoba Hydro would also be realized. This decision is so important for the future of Manitoba that all of society should be mobilized and alerted to the pros and cons of the two options, and all political parties must seize the initiative on such an important issue. To do so would require expertise, analysis, discussion, perhaps a hundred town-hall meetings. I would want to budget \$250,000 for this process if a party that I was part of would raise the money from donors.

So may I repeat, how dare any government impose spending limits on their political opponents. I do not know what penalties the government would impose on political parties who violate non-election spending limits. Whatever they are or would be, I believe that the principle of political freedom is so profound that I would want to challenge the law to the point of disobedience.

One observation I must make again and that is that the government, whoever it is, will have the advantage at all times, pre-election times and non-election periods, to get its message out via ministerial offices, departments, Crown corporations, government agencies, et cetera. Again, this measure fails to comply with the principle of fairness.

My last point of interest is—two points of interest, rather—on the question of the appointment of a registrar, as well as the Cabinet defining the rules by regulation as defined in The Lobbyists Registration Act. A non-partisan approach is the missing component. Creation of the Legislative Assembly Management Commission as a vehicle to monitor and guide members' communications should be amended to embrace the principle of non-partisan monitoring control mechanism.

In closing, I thank the members of the committee for their interest in public opinion on these important pieces of legislation.

**Mr. Chairperson:** Thank you, Mr. Uskiw, for your presentation.

Questions for Mr. Uskiw?

**Mr. Lamoureux:** Thank you, Mr. Uskiw. I truly appreciate the presentation. In fact, I had a great deal of sympathy for you, if not empathy as you were reading the first couple of pages, feeling maybe some of the things that you were feeling a number of years ago and wanting to ensure that what is right is, in fact, done. I do plan to use this in future speeches, I must say.

I'd ask the presenter, in terms of, and it's a little bit off topic, but I think it's an important issue. When we talk about resources, resources are critically important in terms of being able to communicate with people. In the Legislature, we have a rule that says in order to get such and such resources, you have to have four elected members. I can't recall anyone that has ever told me in terms of the justification of four, so it predates me, that being in '88.

I'm wondering if you could share with the committee in terms of how important you think it is, even as a caucus of two, other provinces have recognized caucuses too as a party, if you feel that that would be in Manitoba's best interest, that even a caucus of two should be given appropriate resources in opposition.

**Mr. Uskiw:** My response to that would be that you don't need to be defined as a political party to qualify for a benefit. I think the numbers should represent a proportional allocation of funding for you. That would, to me, seem to be a fair compromise in that political status or party status is merely to suggest that you have some particular backing of the community at large that qualifies you to receive all these things. But I don't think that's important. I think you should be able to get them based on a proportional basis.

**Mr. Chairperson:** Any further questions of the presenter? Seeing none, thank you, Mr. Uskiw, for your presentation this evening, sir.

The next out-of-town presenter we have on our list this evening is Melanie Sobering. Is Melanie Sobering in the audience this evening? Melanie Sobering? Seeing that she's not here, her name will be dropped to the bottom of the list.

Next out-of-town presenter is Drew Ostash. Is Drew Ostash with us this evening? Seeing that Mr. Ostash is not here, his name will be dropped to the bottom of the list.

Next out-of-town presenter is Brad Zander. Is Brad Zander with us this evening? Brad Zander? Seeing that Brad Zander is not with us, his name will be dropped to the bottom of the list.

Next out-of-town presenter is Harvey Dann. Good evening, Mr. Dann. Welcome. Do you have your written presentation, sir?

**Mr. Harvey Dann (Private Citizen):** No, I don't.

**Mr. Chairperson:** Verbal. Please proceed when you are ready, sir.

**Mr. Dann:** Mr. Chairperson, members of the committee, thank you very much for the opportunity and privilege to speak on Bill 37 today.

Mr. Chair, legislation that's being proposed today sometimes makes me wonder how long our rights and privileges will continue if any government will have this type of power. I will address three

areas of the bill: vote tax, communications and censorship.

It's always easy to criticize, so I've also included a possible solution for each of my comments. By the way, I would be just as concerned and blunt if any party were proposing this type of legislation in what I like to consider a democratic society.

Just as a matter of interest, I was told to be here at 4 o'clock. It's now nearly 10. If you truly want a participation event like this, with the technology available today, one should be able to minimize, the minimum of waste time the presenter has to spend. If you don't have a calculator, 15 minutes times 4 is four people an hour. I noted some people go to the bottom of the list. It's no wonder you don't have participation. You're operating in the 18th century.

Since the time when contributions from unions and corporations were not allowed, it is my understanding initially the NDP collected more money, whereas now the PCs have collected more. It would appear to me that the government in power is now trying to collect more in an attempt to even things up. Correct me if I'm wrong. If any party gets an automatic checkoff, accountability declines. To put through legislation like this is nothing but dictatorial and not acceptable.

Suggestion: Keep the voluntary method of financing for all parties.

Number 2, Communications. It looks to me some severe limits are being placed on all political parties except for the one in power, which appears to me that to have unlimited resources from the taxpayer-funded advertising, to unrestricted accesses to resources until 60 days before an election is nothing short of a joke.

\* (21:40)

Solution: Either everybody has the same freedom or again remove the privilege from the party in power or everybody. You can't operate anything with any degree of integrity and fairness by being partially pregnant.

Number 3, Censorship. Having a Cabinet-appointed registrar or having access to all information about all MLAs is nothing short, again, of a dictatorship. I don't know. I've gone through life and always like to sit on both sides of a contract, that I feel good, because if you are sitting on one side and it's only good for you and the other guy's getting screwed, it's a short time. So I would encourage you

to look at it, no matter what party you're with. Take either side of a contract. If you can sit on both sides, chances are it's a fair deal.

This legislation opens up a hornet's nest. In my experience, there are no secrets in business. Any party will use the information gained here to try and embarrass the other while, at the same time, wasting taxpayers' money and everybody's time. No party should have this type of power.

Everyone benefits from constructive criticism that is given a bill, rather than some of the misspent energy that sometimes comes from this institution as you saw here tonight. To pass legislation of this nature is a step backward for all Manitobans.

Whether any party in power realizes or not, we are all shareholders in this great province and share the right to accurate information in order to assess the accountability of any member or any party.

The solution: a proven necessary budget for all to follow and leave the party to look after their own affairs, or have a limit in spending as long as the rules are followed. In other words, if we're not going to have corporations or unions, you make the penalty so stiff that they don't want to do it. Throwing an opposition leader in jail or the Premier (Mr. Doer) in jail for actions that are unbecoming, that's fairly stiff enough, I would think, wouldn't you say, Mr. Premier?

Thank you for your time in allowing me to present this.

**Mr. Chairperson:** Thank you very much for your presentation here this evening.

Questions to the presenter?

**Mr. Doer:** Thank you very much for your presentation. I just want to let you know that we've said this in the House and want to make sure at the committee that we are—and it was only on a Web site in a media outlet, not in the regular publication, as I understand it, but we have another piece creating an adjudicator for purposes of working for the Ombudsman as an independent officer to the Legislature. It is just like the returning officers were formerly appointed by Cabinet. They're the referees for every riding. We have now created the situation where a chief electoral officer hires or fires those people, not the Cabinet of the day.

I totally agree with you. We are going to amend this law as that bill potentially passes to make it very

clear that this function will reside with an independent officer of the Legislature, and it will not be residing with Cabinet and we—I just wanted you to know that because I agree with you. The government of the day shouldn't have that registry and that information, and want to make that commitment to you further to your presentation.

**Mr. Chairperson:** Mr. Dann, you have a comment?

**Mr. Dann:** No, that answers that part of it.

**Mr. Borotsik:** I just wanted to say thank you, Mr. Dann, for being so patient waiting here until almost 10 o'clock this evening since 4 o'clock, as did a lot of other presenters. I do appreciate that. We will be putting forward some amendments, and a lot of what you had to say this evening will certainly be fodder for those amendments, so I do thank you on behalf of our side for being here and making the presentation.

**Mr. Dann:** If one word comes out of a sentence that makes something better, nobody's got a monopoly on brains here, whether you think it or not. If one word comes out, and an idea, this is what it's about, but just waiting the six hours, I'm not on overtime. I don't know about you guys.

**Mr. Chairperson:** Any other questions of the presenter?

Seeing none, thank you very much, Mr. Dann, for coming out this evening and for your patience, sir. We appreciate it.

**Mr. Dann:** I just have one comment to make.

**Mr. Chairperson:** Please.

**Mr. Dann:** After sitting here for six hours, I'm very glad we don't get all the government we paid for.

**Mr. Chairperson:** The next presenter we have on our list for out-of-town presenters is Nathan Peto, Brandon Chamber of Commerce. Is Nathan in the audience? Nathan Peto? Last call for Nathan Peto. Seeing Nathan is not here, we'll drop the name to the bottom of the list.

Next out-of-town presenter I have on the list is Tom Crockatt. Is Tom Crockatt in the audience? Seeing that Tom Crockatt is not here, the name will drop to the bottom of the list.

The next out-of-town presenter is Gordie Dehnn. Is Gordie Dehnn in the audience? Seeing that Gordie Dehnn is not here, the name will drop to the bottom of the list.

The next name I have is Larry Oakden. Larry Oakden? Seeing that Larry Oakden is not here, the name will drop to the bottom of the list.

The next name I have for out-of-town presenters is Cindy Vandebossche. Is Cindy Vandebossche in the audience this evening? Seeing that Ms. Vandebossche is not here, the name will drop to the bottom of the list.

The next name we have for out-of-town presenters is Scott Hayward. Scott Hayward in the audience? Seeing that Scott Hayward is not here, the name will drop to the bottom of the list.

The next name I have is Pat Bowslaugh. I hope I have pronounced your name right. Sorry if I've mispronounced it. Please come forward. Do you have a written presentation, ma'am?

**Ms. Pat Bowslaugh (Private Citizen):** Yes, I do.

**Mr. Chairperson:** If you give us a few moments to distribute your presentation, then you can proceed.

Please proceed when you're ready, ma'am.

**Ms. Bowslaugh:** Good evening, everyone. Mr. Chair and the committee, thank you for your endurance of a very long and arduous evening. But I appreciate this opportunity to speak.

Recently, in the news, there have been some announcements about the proposal of a fixed election date. I pondered it momentarily and thought, yes, that is good. There will be no more guessing. Having known some people that worked for the elections, they're really pushed for time. So now people won't be rushed to get ready for it following surprise announcements. Yes, this is good.

However, only in the last few days has the news leaked out through the media that Bill 37 carries more points carefully avoided or omitted in the first announcements. Then I went to the government Web page, and although I did not have the time to read the whole 6,000 words—that I found out there are tonight—I found the following: Annual allowance: The annual allowance is the lesser of the following amounts, as determined by the Chief Electoral Officer. And I'll skip down to: the amount equal to the product obtained by multiplying \$1.25 by the number of valid votes received by each candidate endorsed by the party in the most recent general election to a maximum of a quarter of a million dollars. Wow. Okay.

I was overwhelmed that this government would do such a thing as vote money out of public funds to help parties finance elections. I am well aware that, in the past, companies, organizations and individuals support the party of their choice, and I am well aware of the tax receipt. But this baffles me, that this plan could be hidden under fixing the election date. It didn't seem kosher. With due respect, this sounds like an attempt to buy insurance, retroactively.

Secondly, in my opinion, this is blatantly unfair. The big winners win again by receiving the biggest pot, and the little tail-enders receive the littlest amount basically trying to ensure that they would, again, be the tail-enders if they were depending on this money to support their campaign.

\* (21:50)

Thus, thirdly, this whole plan grieves me terribly as someone who has, I believe, a very strong philosophy on equity and fairness. This plan is inequitable and is not fair to all parties, and with that I have a huge problem. Then, ultimately, it is not fair to taxpayers.

However, as I read on, I came to an even more startling item, Inflation adjustment. Inflation adjustment, well, I happen to know a little bit about inflation lately. At the beginning of each calendar year, and I quote from the Web page, after 2008, the Chief Electoral Officer must adjust the amounts in subsection 1 and publish the new amounts in *The Manitoba Gazette*. The Chief Electoral Officer shall make the adjustment by determining the ratio between the consumer price index for Winnipeg—Winnipeg?—at the beginning of the 2008 calendar year and the consumer price index for Winnipeg at the beginning of the calendar year for which the adjustment is made, and applying the ratio to the amounts in subsection 1.

Okay, my first thought, obviously, coming from Brandon, having driven in, left at 1 o'clock, been sitting here since 4 o'clock, I'm thinking: Winnipeg. Why Winnipeg? Why not even say in Manitoba, for goodness' sake, since this is the Manitoba government. At this point, I now emerge from being a concerned citizen to, as their president, to a speaker on behalf of the 72,000 members of the Retired Teachers' Association of Manitoba. And why? I found this portion of the bill completely incomprehensible. When, as many of you know, our organization has been begging this government for the respect that it deserves in terms of our cost of

living adjustment. For eight of the last nine years, it has been abysmal and downright disgraceful.

Do you know that The Teachers' Pension Act, which still sits within the realm of this jurisdiction here at the Leg, states that there is to be a full cost of living adjustment based on CPI where funding is available? Do you realize that this government, its lack of effort, has betrayed our members? I use the word "betrayed" seriously, for most of whom have been traditionally NDP voters, many of who now live below the poverty line.

Do each of you at this table realize that the COLA for retired teachers has sunk as low as 19.2 percent of CPI, and that was when CPI was at 2.2 percent? So the multiplier for figuring out our COLA that year was 0.4, although the average pension for our pensioner in Manitoba, retired teacher in Manitoba, that year was \$19,200 for the year. I'm being really generous in saying, if it was \$20,000, that would amount to \$80 for the year, \$80. Have you lined up at the pumps lately? Have you gone to Safeway to buy groceries lately? Have you looked at the hydro bills lately, the water bills? The list goes on and on, and we are supposed to have some of our people, on the average, this is the average, manage on less than \$7 a month. Seven dollars a month.

Do you realize that, because there was not enough money in the TRAF fund to provide the TRAF share of COLA, the government was off the hook in that particular year for \$1.6 million? That meant that, because there was not enough money in TRAF to put forth the full portion of the TRAF, the government didn't have to match anything more than what they had, and it was that abysmal amount. It was pathetic. Wonder where this figure comes from? I can explain it.

I trust that this helps you understand the trauma that this proposed Bill 37 causes our members when we see that government is allocating a fully inflation-protected amount to itself. True, \$1.25 may not sound like much money today, but, with our nation being warned of an upcoming inflation, and, by the way, inflation that's obviously going to hit when we hear about the next bill on Thursday night when the unfunded commitment of government with an unbalanced budget is coming forth and they're going to propose that Hydro can help boost that amount of money, whoa. People that are not getting a fully funded COLA and, with our tax dollars going to support parties to the tune of half a million dollars a

year, this is an unconscionable action. I'm sorry, I have to say absolutely unconscionable.

There's an old saying that states: what is the good for the goose is good for the gander too. So, in this case, if the goose can lay a golden egg for its future, could it please share in its good fortune with the retired teachers of Manitoba who actually paid thousands upon thousands of dollars for their own cost-of-living adjustment, only to have it disintegrate since 1999. Please think of the ramifications of this bill. There are many.

Thank you for hearing me out.

**Mr. Chairperson:** Thank you, Ms. Bowslaugh, for your presentation.

Questions for the presenter.

**Mr. Borotsik:** Thank you, Ms. Bowslaugh, for being here at this late hour and being here early in the afternoon. You had mentioned, and I appreciate the tie-in with respect to the \$1.25 per vote, which, by the way, amounts to about \$2 million over the four-year period, which could probably be used for a different purpose. We're not particularly keen on taking it, but, obviously, others are, so we'll see where the cards fall there.

You talked about your 0.4 percent of COLA at one point in time. What was the COLA last year?

**Ms. Bowslaugh:** It was a 39 percent COLA last year.

**Mr. Chairperson:** Ms. Bowslaugh. Mr. Borotsik. Sorry, my fault.

**Ms. Bowslaugh:** Sorry. It was a 39 percent CPI last year. Year before, it was a 29 percent. The year before it was a 19.2 percent.

**Mr. Borotsik:** Mr. Chairperson, I apologize. It worked out to about 0.63 percent if memory serves me correctly. It works out to \$80. I just have, perhaps, a bit of advice for you, more so than a question. I don't think you should probably go out and put that money in a gas tank because this year your car registration's going up \$20 and, if you do have Pharmacare, it's going up \$72. So, off the batch, you're in the ditch by about \$12. So I think maybe you just might want to just save some of those dollars before going out and spending it on a meal, Ms. Bowslaugh.

**Ms. Bowslaugh:** On a personal note, several of the last announcements that I have had for when our cost of living adjustment is announced in July and we get

our new printout, between the Blue Cross premiums and between the income tax, et cetera, et cetera, it looks abysmal on paper. It is even worse in reality because I actually have been out of the public school classroom. I now have a second career. I teach at university to sort of get that extra pin money so I can travel, which was my dream for when I retired. Actually, I have to be on deck first thing in the morning back in Brandon. So, when I think back to the fact that we've done the calculations and, from the time that I retired to the value of my dollar today, it is 90 cents, and it's 90 cents for every one of the 11,200 retired teachers in the province of Manitoba.

**Mr. Chairperson:** Mr. Borotsik, short question, sir. We're almost out of time.

**Mr. Borotsik:** One very short question. What would the amount be to do a COLA? And I know it's more than \$2 million that's being proposed here. What would the amount be for a full COLA from the 0.63 percent to the full COLA?

\* (22:00)

**Ms. Bowslaugh:** If we use that one for calculation, I used that on purpose because when I rounded it up to 20,000 and I rounded the 19.2 percent COLA up to 20, well, five times the 80 would have been \$400, but in fact we got approximately 80. That's what we had paid for.

I don't think people understood that throughout our teaching careers we were told we had one of the best retirement plans in all of Canada. We were fed that information repeatedly, repeatedly, repeatedly, and when I look back and see the picture of Mr. Schreyer in 1977, that is the man who recognized the plight of teachers because they had traditionally made such horrendously low salaries.

My salary when I started teaching 48 years ago was \$2,900 a year. My take-home pay was \$199 a month, and we made our contributions because they came off our cheque. It wasn't a choice, and we were told, this will pay off. You will do fine when you get to retirement because we've got one of the best retirement plans in Canada.

Well, a lot of us did a lot of upgrading, spent nights and weekends and summers at summer schools so that we ended up with degrees and, yes, our salaries did go up, slowly, very slowly, a lot more slowly than they're going up now, but the cost of living has also gone up now, so I'm very empathetic toward the active teachers. I just pray as we go through this dilemma that government is

dealing with at the present time that none of those teachers that are agreeing to the present situation are going to come back and bite you and say, look, we didn't know what we were voting for. Because that's very often what happens. People are so busy doing their job on a day-to-day basis looking after those children in the classroom that to talk about a cost-of-living adjustment, they don't even really pay attention.

To think that it isn't a full COLA even though the pension act says it's 100 percent, don't even listen. It's not on their radar screen, because they're too busy doing what they are hired to do, teach children, and you all know that the children today have high demands. We have a lot of dysfunctional families. We've got alcoholics, drugs, the whole nine miles that we deal with, gangs. All the things that government deals with, they start some place, and the parents of some of those children, those children are in our schools.

**Mr. Chairperson:** Thank you, Ms. Bowslaugh, for your presentation this evening. The time has expired.

There was unanimous consent of the House that this committee would sit until 10 p.m. and we've reached that, passed that point in time. Just before we rise, I would ask the committee members to please leave behind the bills that we have so we might use these bills for subsequent committee hearings.

Just a reminder to committee members and to our public that are with us this evening, the committee will reconvene tomorrow at 4 p.m.

The hour being past 10 p.m., committee rise.

**COMMITTEE ROSE AT: 10:03 p.m.**

**WRITTEN PRESENTATIONS PRESENTED  
BUT NOT READ**

Re: Bill 37

I respectfully request that you table the following comments with the Legislative Committee hearing input on Bill 37.

As a Manitoba resident I wish to state my absolute lack of support for payment, as proposed in Bill 37, to political parties for votes gleaned during an election. I am satisfied that the provisions for financial contributions by individual's to their party of choice, and the income tax considerations made as a result of such pledges, are sufficient. For the Government to provide for payment from my already too high taxes to be made to a party I do not support

is without reason and, in my opinion, completely inappropriate.

Secondly I wish to take exception to the provision in the same Bill that proposes "full annual CPI adjustments" to the amount proposed. I might be able to agree to such adjustments (should I be persuaded the credit for votes provision is reasonable) if they were in place for other similar circumstances in the Province of Manitoba, such as the adjustments made to members of the Civil Service and Teachers' Association in their salary negotiations and retirement allowances. If I have misread the Bill and, indeed, it is the Government's intent to make such provisions for its "employees", then I might be persuaded to support Bill 37.

Respectively submitted,

R.M. Swayze

\* \* \*

Re: Bill 37

Dear Committee Chair for Bill 37:

As we are unable to be present in person at the hearing on Monday and Tuesday, please consider this email as our expression of deep concern that the government is considering full COLA protection on money Manitoba politicians receive to try to get re-elected, when it is simultaneously trying to take away the right of retired teachers to earn a full COLA when financial conditions allow. There are retired Manitoba educators who dedicated their lives to making brighter futures for Manitoba youth, and those retirees are struggling financially as their pensions fail to keep up with the cost of living. Paying yourselves, while others have the purchasing power of their pensions continue to decline, is not at all fair. The premier and the MLA's are elected to represent the people, not to fill their own pockets, especially at the expense of the less fortunate.

I request that during the deliberations regarding Bill 37, the retired teachers' plight be brought to the attention of those ready to give assent to Bill 37.

Thank you for addressing our deep concern.

Sincerely,

Clair and Valerie Davies

(Both of us receive a TRAF pension.)

\* \* \*

Re: Bill 37

Dear Sir/Madam,

I respectfully request that you table the following comments with the Legislative Committee hearing input on Bill 37.

I strongly object to the idea that we would make donations to political parties based on votes. I regularly donate to the NDP Party and I assume people who feel strongly for other parties will donate to the party of their choice. We receive a tax deduction for our donations which is adequate. The system as it is works.

Balancing the budget is admirable but please do not do it on the backs of retired people and their pensions. Without a fair COLA some retired people fall farther and farther behind and can not afford anymore expenditures.

This does not sound like NDP Philosophy at all. This has always been a fair minded party who remembers the less advantaged (like seniors). I supported that philosophy as a young woman and I support that philosophy even more as I get closer to being a senior.

Thank-you for you time.

Ms. P. Campbell

\* \* \*

Re: Bills 37 and 38

Subject: OBJECTION TO PROPOSED BILLS 37 and 38

Please table the following to the Legislative Committee Hearings on Bills 37 and 38

My name is Matt Kawchuk and I currently reside in Brandon. I am a retired teacher who devoted 39 years of service to education as a classroom teacher and principal of schools in southwestern Manitoba. I began teaching at Oak Lake in 1954-58, was a teacher and principal at Russell for 12 years, principal at Virden Collegiate for 18 years, principal at Elkhorn School for 5 years, and I retired in 1993.

I was astounded to read that the Manitoba Government is endeavouring to legislate:

(a) Bill 37, whereby members of the legislature would receive \$1.25 per vote received in the previous election plus index their pension to a full COLA;

(b) Bill 38, whereby the government could use money from government corporations such as Manitoba Hydro, MPIC and Manitoba Liquor Commission to balance the budget. If this bill is passed it could allow governments to be fiscally irresponsible and still boast of having a balanced budget.

This will undoubtedly reflect in increased rates to the consumer of those services.

On the other hand the Manitoba Government is denying me and other retired teachers a fair Cost-of-Living. I believe it was in 1977 when the Manitoba Teachers' Society under the leadership of George Strang negotiated with the Government, and a full Cost-of-Living increase was enacted in legislation by former Premier, Ed. Schreyer. This feature in the teachers' pension plan was at a cost to each teacher. The Teachers' Society also declined the free government disability plan and formed its own disability plan funded by teachers in exchange for COLA. The teachers paid 60% more into their pension COLA plan so that they would receive full Cost-of-Living pension increases upon retirement. This was so for a number of years until the present NDP Government did not deem the retired teachers worthy of a fair cost-of-living. For example, when I retired I was receiving a full Cola annually for a number of years. However, my pension increases in the past three years were 0.2, 0.4 and 0.65 percent respectfully. One does not buy much gasoline at that rate.

Now you can see why I strongly object to the Government wanting to give its members full COLA and pay retroactively for votes received while denying me and my colleagues a fair annual Cost-of-Living for which we prepaid during our working years.

Respectfully yours,

Matt Kawchuk

\* \* \*

Re: Bill 37

Concerning Bill 37 to be dealt with Monday, May 26, 2008 in room 255 of the Legislature:

According to information I have received, the Manitoba Government is considering fixing the date of provincial elections as the Americans have done. This would be quite a departure from the British example that we have been following for all of our

history. Aside from that radical departure, I also note that politicians are considering a new way to reward themselves with taxpayers' money. In the old days, we are told, it was a regular practice of Canadian politicians to drop of a bottle of booze in the direction of some voters who needed to be persuaded to vote for the right party.

This new idea of giving \$1.25 to political parties for each vote received in the previous election is an ingenious way to buy a crate of booze for the political parties themselves. I'm sure that there is no shame involved for it must surely not be the first time politicians have given themselves taxpayers' money. It does provide, however, some great motivation to "get the vote out" at election time!

On another but related front, I note that the \$1.25 is only the beginning of the march to the trough. By including a full annual CPI adjustment, the Government, and to a lesser extent, the other political parties will be able to buy booze even if the Manitoba Liquor Commission decides to raise prices. Excuse me, not only the Liquor Commission! The whole economy can contribute to the welfare of all the parties. As the price of gas goes up, so does the cost of getting a vote in the election!

There might be a fly in the ointment, however. According to the Sale Report, which the Government seems intent on adopting, there is an indication from the Government that retired teachers should get a maximum of 2/3 CPI for their Cost of Living Adjustment. I'm sure that politicians would not want to take a full COLA when those people who spent decades teaching the children of politicians are to get only zero to 2/3. The new policy of this Government must certainly be "zero to 2/3" "for everyone. If it's good enough for the retired teachers it's good enough for everyone.

On the other hand, if the Government is serious about giving itself a full 100% CPI adjustment i.e. COLA, it had better rethink the Sale Report's recommendation of a zero to 2/3 maximum for retired teachers. It would be a sad sight to see the Government, on its way to the 100% CPI trough, tripping over the fallen enfeebled bodies of retired teachers.

John Sushelnitsky, retired and tired teacher, Portage la Prairie, MB

\* \* \*



Re: Bill 37

For the record, I am registered for hearings on Bills 31 and 37 but both have been scheduled for the same time, 4 p.m. Monday May 26 2008, and I have a previous commitment for the early evening. I am therefore sending my regrets for the meeting of the Standing Committee on Justice on Bill 37, The Lobbyists Registration Act and amendments to four election-related Act.

I would like to ask the committee not to pass Bill 37 until it has gone to a full public consultation. By "full" I mean a two-way consultation that allows members of the public and the opposition parties to ask the legislators for clarifications.

If the government majority on the standing committee is determined to proceed, it should pay close attention to the amendments that will be proposed by the public and the opposition parties. The sections of Schedules D and E of Bill 37 that would allow the government majority of the day to restrict the legitimate communications of opposition parties are unfair and undemocratic and should be omitted. Bill 37 needs to be improved in the interests of all Manitobans and not those of a partisan majority.

The Government is to be commended for introducing a Lobbyists Registration Act for Manitoba that makes transparent and publicly known the identities, causes and conduct of lobbyists without restricting their legitimate lobbying of public officials. I would recommend that the City of Winnipeg be required to establish a lobbyists registry also.

The Lobbyists Registration Act could be improved by including a Lobbyists Code of Conduct and a Commissioner of Lobbying with the power to enforce the code. This is the case under Newfoundland and Labrador's Lobbyists Registration Act (2004) which is ranked the highest in Canada according to Professor Raj Chari et al [Regulating Lobbyists: A Comparative Analysis of the United States, Canada, Germany and the European Union. The Political Quarterly, Vol. 78, No. 3, July-September 2007]. Canada and Quebec have also adopted codes of conduct for lobbying.

It is of interest to note that Professor Chari, using a scale based on that of the Center for Public Integrity, rates the rigour of Canada's strongest lobbying legislation (Newfoundland's) lower than that of more than forty states in the U.S.

Yours sincerely,

Elizabeth Fleming

\* \* \*

Re: Bill 37

I respectfully wish to express my opposition to Bill 37, the passing of which would use money received by government to subsidize political parties. I am of the opinion that any political party should be helped, financially and otherwise, by persons who support that party or its goals. Revenue raised by government, including taxes which I pay, should not be used to finance the operation of any political party unless I authorize such. Doing otherwise would require me to support financially parties which I do not wish to support.

Citizens can already show their support for parties by donating to one or more political parties for which they receive credit(s) when they complete their income tax returns each year. That support is adequate. If any political party needs additional support let it raise funds.

Gordon Henderson

\* \* \*

Re: Bill 37

Dear Chairperson,

It is with great concern that I must address a number of proposals being made in Bills 37 and 38. I respectfully ask that you give serious consideration to my thoughts and that your committee deliberate carefully so that changes to legislation reflect the legitimate needs of the province and not solely that of the party in power.

Under Schedule C of the Elections Finances Amendment Act the government proposes to levy a remuneration of \$1.25 per vote cast for a party in the recent election. This reprehensible measure would potentially impoverish the already over-taxed Manitoban to the tune of a quarter of a million dollars. How can this be justified? What ethical right has government to levy a fee for the exercise of the most basic of our democratic freedoms, namely that of casting a vote in an election? Indeed, I speak for many who correctly view this onerous fee as one which will likely turn people away from the polls. If political parties are in desperate need of funds to finance their internal affairs, then I suggest to you sir that they raise their own membership fees or do as the other needy organizations in this province

do...hold a raffle or a monthly bake sale! It seems to me that elected members receive sufficient salary for them to be able to sustain their own parties without imposing this privilege penalty on the electorate.

This calls to attention another unacceptable proposal under Schedule C article 10.6 (1.1) which, if enacted would grant our elected officials a full yearly cost of living allowance. I must protest strongly that this is blatantly unfair given the government's unyielding opposition to granting Manitoba's retired teachers this same right. Bear in mind, sir, that this proposal is doubly egregious given that the retired teachers I speak of actually paid with monies out of meager wages through increased fees, administrative costs and premiums for a CPI COLA in a legitimately-negotiated agreement with the government in 1977 to have this right. Those in government truly have not earned this entitlement and it must not therefore be given. How can COLA be deemed unwarranted for teachers and yet be so deserved by those refuting the teachers' legitimate claim? For government to be seen as fair and equitable, it must first place the needs of the people it serves before its own. We the people have believed in this government and trusted that it would lead by example. Government will stand on its honor or fall for its lack of integrity. The choice is ultimately theirs to make.

A final proposal must be studied. This under Schedule D being The Legislative Assembly Amendment Act, article 52.22 (A) concerning a member's mailing and printing privileges. As I understand it, the amendment proposes that such privileges shall cease 60 days before fixed date election. Furthermore, that this amendment will apply to all media; newspapers, magazines, billboards and so on! To what end? I ask. Is this to ensure that controversial issues not be aired for fear that the government in power be embarrassed or be obliged to defend itself in the court of public scrutiny? Since when has democracy been properly experienced in legislated silence? Are we the electorate to assume that the absence of contrary opinion is a sign that all is well in all aspects of the governance of our province? How shall the voting public know what the issues are? Are they to forego their right to know? How will the governing power be held accountable? What shall then follow? Shall the government ban the right to assemble? Shall we soon see the abolition of public debate? The proposed muting of democratically elected officials 60 days before an election cannot be seen as

anything but the bullying tactic of a government that knows itself guilty of its misuse of power, fearful of the truth, and its inability to satisfactorily explain its behavior while in office. Sir, I urge your committee to do all it can to strike down this proposed amendment for it is undoubtedly the first and surest step towards Communism wherein all media too become puppets of the state. I must impress upon you the need to remember that tens of thousands of our countrymen and women died in 2 World Wars to protect this freedom of speech, this proud democracy, and to ensure its longevity. Are we now going to mock their enormous sacrifice by giving up the very thing that the enemy could not take from us? What cowardice is this? I urge you sir to understand the slippery slope to totalitarianism this proposed legislation presents us! Be not fooled into believing that it is a desirable economic measure that will protect the taxpayer from needless costs. Let the taxpayer decide that he/she will or will not read the literature. An informed voter cannot be found in a politically censored arena. And do not ignore that the voting public becomes very active just prior to an election. Is this not what the present government would wish to avoid...dealing with an informed and active electorate? I cannot see any other reason for this proposed amendment. Sir, it is upon you to reason with the committee so that this amendment does not proceed.

I am alarmed and deeply disappointed with the proposals contained in Bill 38. While I could enter into great detail, I shall be brief in order to underscore the essence of my dismay. Pure and simple, Bill 38 is an attempt by the NDP to wash its hands of its responsibility to good financial management. It appears that this government will be given the power to spend as it wishes for it will be permitted to break into the piggy banks of other well-managed Crown Corporations such as MPIC, Hydro et al, to cover its deficits at whim. At a time of considerable global economic turmoil this attitude of "robbing Peter to pay Paul" is immature and ignorant in the extreme. The Manitoban taxpayer is without exception struggling to cope with rising costs in food, shelter and transportation totally outside of its control without having irresponsible fiscal policies to worry about as well. These ill-conceived and shortsighted amendments must not be allowed if Manitoba is to avoid becoming another "have not province".

In closing, I thank you for giving these thoughts your earnest consideration and I trust that you shall

share this letter of concern with the other members of the committee. To do so is to ensure the continuance of dialogue which is itself democracy at its best.

Again, my thanks.

Roméo Lemieux, B.Ed., M.Ed.

\* \* \*

Re: Bill 37

Comments for legislative committee re: bill 37

I, as a lifetime citizen of the province of Manitoba object to the MLAs voting themselves a full annual CPI when the government employees and others who have officially served their province in the health and education areas are denied the same increases.

Respectfully submitted,

Iris Nowakowski

\* \* \*

Re: Bill 37, Bill 38

I am totally amazed at what you – our government who supposedly represent the people – are proposing to do. I request that you table my opposition to both Bill 37 and Bill 38.

Beverley Ranson

\* \* \*

Re: Bill 37

To: Committee Chair, Bill 37 Review

Dear Sir/Madam:

I wish to make representation on Bill 37 in the public consultation segment of this bill's consideration. Since I will be unable to attend the hearings this week in person, I request that my comments below be considered as if I were there to deliver them.

There are some sections of this bill that are appropriate and reasonable, including a fixed election date. However, the section that fully indexes funds received by political parties for each vote they receive offends me greatly. How can the government justify giving political parties full COLA protection on money they receive as a reward for voter support when it is simultaneously trying to take away the right of retired teachers to earn a full COLA when financial conditions allow for it? As a retired educator I strenuously object to the indifference of

the government to the history and the sacrifices made by teachers in Manitoba, while being attentive to the future protection of political parties' war chests. If you can afford to pay yourselves a full COLA on election money, you can afford to discuss improvements to the teacher pension COLA account with retired teachers.

Jim Reid

\* \* \*

Re: Bill 37, Bill 38

I would like to express my opposition to Bill 37 & 38. The NDP government does not support full COLA for retired teachers, and they have paid for that benefit, so how can the government of the day honestly vote for full CPI for themselves.

Mr. Taggart

\* \* \*

Re: Bill 37

The following documents on Bill 37 are submitted on behalf of the IAMAW by GLR B. Short that we would like presented for consideration.

Thank you for your consideration.

Mr. B. Short

Grand Lodge Representative

International Association of Machinists and Aerospace Workers

We are pleased to have the opportunity to present the views of the International Association of Machinists and Aerospace Workers (IAM) on Bill 37, amending legislation on political activity and its financing in Manitoba.

The IAM is an international union representing over 2,500 workers in the province of Manitoba, primarily in the air transport and manufacturing industries.

In general, the IAM believes that Bill 37 represents an important and progressive step in making Manitoba's political system fairer and more open and transparent. It further builds on the reforms of 2000, which took to banning corporate and union political contributions and set limits on individual contributions. At that time, important limits on third-party spending were also introduced.

Those changes went some distance towards ensuring fairness in Manitoba politics. They made it

clear that democracy could not be bought, and encouraged the participation of individual citizens in the political process.

The IAM would like to comment on just a couple of the aspects that Bill 37 provides.

Bill 37 provides several further reforms, many of which are already in place in other Canadian jurisdictions.

The move to a fixed election date will improve the quality of the voters list, a key element in democratic participation. It also serves to level the political playing field by allowing all parties an equal ability to prepare for an election. Equity is also enhanced by the extended restrictions on government and third-party advertising leading up to the election period.

Earlier opening times at voting places will facilitate and encourage voting by allowing many people increased flexibility to vote on their way home from work or at their convenience.

The IAM would like to stress that probably the most important element of Bill 37 is the provision for providing annual funding to registered political parties based on their electoral support. It is essential to recognize the costs of effective participation in politics, without allowing the political process to be driven by money and controlled by those with the deepest pockets.

The allowances proposed in Bill 37, \$1.25 per vote to a maximum of \$250,000, are modest compared to the support provided in other Canadian jurisdictions. While the allowance would provide parties with a stable financial base, it is far from covering all of the costs of modern day political activity and election campaigns so that parties will still be primarily dependent on the direct financial support of individual Manitobans. This, despite what some self-serving constituents may believe, is important to Manitobans.

The IAM also welcomes the provisions of Bill 37 requiring the registration and public reporting of lobbyists and lobbying activity. While it is certainly legitimate for individuals and groups to make their views and opinions known to government and members of the Legislative Assembly, there is no reason for such activities to be secret. Transparency in lobbying activity is essential to maintain public trust, respect and confidence in government. We have seen far too much in the way of influence and patronage in other Canadian

jurisdictions. This provision goes a long way towards avoiding those pitfalls.

In summary, overall, the IAM believes that Bill 37 will bring increased fairness to the political process in Manitoba and congratulates the government for its initiatives.

Again, we thank you for the opportunity to present our views on this important legislation.

Respectfully submitted.

Mr. B. Short

\* \* \*

Re: Bill 37

My name is Antoine Gagné.

I have registered to speak about Bill 37.

I speak against Schedule C, The Elections Finances Amendment Act, which proposes a cost-of-living allowance according to the consumer price index for Winnipeg for election expenses.

Unfortunately, I must be at the Health Sciences Centre for a medical procedure on May 26 and so will be unable to speak before the Standing Committee.

Thank you for registering my opinion.

Antoine Gagné.

\* \* \*

Re: Bill 37

Why should the political parties receive \$1.25 for each vote they get?

This money could be better used for health care or education or the farming community.

If you want my vote, you will need to earn my support voluntarily, the good old-fashioned way.

Sincerely,

Jake and Lynn Kroeger

\* \* \*

Re: Bill 37

We highly object to any parties receiving \$1.25 for any votes received in last election or in future elections. Parties who are elected need to earn their way into government. Once in there, they receive more benefits than the normal worker. When is this

government ever going to quit taking from the pockets of the people to pay themselves, for taxing us?

Lloyd and Annis Osborne

\* \* \*

Re: Bill 37

Buried in a Bill which offers a fixed election date and creating better and potentially more transparent means of tracking so-called non-partisan mail expenditures for MLAs is a complicated little formula which sees political parties gain more money from the taxpayer.

The proposal calls for a \$1.25 amount to be collected for every vote cast for a political party in all ridings, every year. The maximum paid to the political parties is capped at \$250,000, or in other words, a possible one million dollars every election term.

So, as a taxpayer, not only am I being charged a fee to vote, but I have no recourse in being

compensated for that fee. There are no provisions in Bill 37 to refund that money to anyone for any reason.

In essence, I am being told I have to support all the political parties that run in my riding. I have no option. This is dangerously close to extortion.

A dollar and 25 cents a year for four years is \$5. If I asked for one, I could donate \$5 to my party of choice and get a receipt. Here I have to pony up the money through my taxes and a complicated tax formula, but I still pay \$5. Will receipts be issued to every Manitoban for their political contributions?

Regardless of which political party is successful, I have no option but to support them. Every registered party is entitled to collect, using this scheme. In essence, I vote for my choice of candidate and their party, but am forced to support other parties against my will. How is this process democratic?

Just because the feds do it doesn't make it right.

Kerry Maxwell

The Legislative Assembly of Manitoba Debates and Proceedings  
are also available on the Internet at the following address:

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