

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

Chairperson
Mr. Daryl Reid
Constituency of Transcona

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Ninth Legislature

Member	Constituency	Political Affiliation
ALLAN, Nancy, Hon.	St. Vital	N.D.P.
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ASHTON, Steve, Hon.	Thompson	N.D.P.
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BRAUN, Erna	Rossmere	N.D.P.
BRICK, Marilyn	St. Norbert	N.D.P.
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CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
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GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin	Steinbach	P.C.
GRAYDON, Cliff	Emerson	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
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HOWARD, Jennifer	Fort Rouge	N.D.P.
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MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
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MARTINDALE, Doug	Burrows	N.D.P.
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**LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON JUSTICE**

Tuesday, June 3, 2008

TIME – 6 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. Messrs. Bjornson, Swan, Hon. Ms. Wowchuk

Ms. Brick, Messrs. Eichler, Goertzen, Graydon, Jennissen, Ms. Marcelino, Mr. Reid, Mrs. Stefanson

APPEARING:

Mr. Ron Schuler, MLA for Springfield
Mr. Kevin Lamoureux, MLA for Inkster
Mrs. Leanne Rowat, MLA for Minnedosa
Mr. Leonard Derkach, MLA for Russell
Mrs. Bonnie Mitchelson, MLA for River East

WITNESSES:

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. Gordon Gillies, Private Citizen
Ms. Kelly de Groot, Private Citizen
Dr. Robert Diamond, Private Citizen
Ms. Nataliya Hryshko, 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. Flor Marcelino (Wellington): Mr. Chair, I respectfully nominate Marilyn Brick as Vice-Chair.

Mr. Chairperson: Ms. Brick.

Mr. Kelvin Goertzen (Steinbach): Mr. Chair, not to cast aspersions on Mrs. Brick, who, I'm sure, would be a fine Vice-Chair for this Justice committee, but I wonder if I could nominate the honourable Member for Lakeside (Mr. Eichler) as Vice-Chair of this committee.

Mr. Chairperson: Mr. Eichler's been nominated.

Mr. Cliff Graydon (Emerson): I actually think that I'd like to nominate the honourable Minister of Agriculture (Ms. Wowchuk).

Mr. Chairperson: Mr. Graydon, members of Cabinet can't be nominated as Chair or Vice-Chair of committees.

Any further nominations? Seeing no further nominations—

Point of Order

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

Mr. Goertzen: Mr. Chairperson, I wonder, we've got probably some hours ahead of us yet. The role of the Vice-Chair will be a significant role as we roll through the night and, perhaps, into the other hours of the day, if the government acts as it did yesterday. If it acts democratically, it won't be an issue.

I do think, because we don't know what the motivation of the government will be tonight, perhaps we could hear speeches from those who are

nominated. I know Mrs. Brick a little bit from, we did—

Ms. Marilyn Brick (St. Norbert): Ms. Brick.

Mr. Goertzen: —Ms. Brick, I'm sorry, Madam Minister. I know her from a couple of radio shows we did together. I don't really know her as a person. I'm sure she'd fulfil the role well.

But I know my colleague from Lakeside is a tremendous individual, both personally and otherwise, has the respect of Manitobans, really, across this great province. There's almost no corner of the province that I'm not able to go and hear good words and accolades about the Member for Lakeside (Mr. Eichler), in particular, his fight against this moratorium to kill the pork industry brought forward by the Minister of Agriculture (Ms. Wowchuk). He's building a strong reputation, but not every member of this committee, Mr. Chairperson, may know about how strong the Member for Lakeside truly is. I suspect he might be at a disadvantage on this committee when I look at the number of government members there are and the mere band of opposition MLAs that we have here.

If there was just simply a straight vote, you know, and democracy is one of the things we're debating here tonight. It would seem strange that the members opposite wouldn't want to hear, you know, not a long speech, relatively, maybe half an hour from each of the members. *[interjection]* Well, it's not a presidential speech or anything. I don't want to go over the top or anything, but just a speech to allow each of the members to put forward their views. There might be people who change their minds. I might listen to the Member for St. Norbert (Ms. Brick) and then think, well, maybe she could fulfil the role on a short-term, you know, this particular debate and this particular place that we are in the Legislature, but I think the Member for Lakeside would probably convince a lot of the government members that he would be a more appropriate Vice-Chair. Without that ability to hear—and what's more democratic within our system than the ability to hear from somebody who wants to be elected.

If we don't pass this—I'm not putting it as a motion but, Mr. Chairperson, if you rule against me, think about the precedent, think about the precedent it would set. Next, the government would be bringing forward a bill that people who are running for office couldn't speak and they couldn't actually be heard. They couldn't actually try to convince

members about why they would be better people to vote for. So this is more than just a point of order. I think it's, in fact, a precedent; a precedent, Mr. Chairperson, that will live long beyond the days of the Legislature.

I want to refer, specifically, to *Beauchesne's*, Mr. Chairperson, I'm going to get the relevant section for you, because I know you would admonish me if I didn't provide you with an authority on which to base my point of order. It's going to be in relation to freedom of speech. Any committee members who have *Beauchesne* with them tonight, I would encourage them to bring forward their particular edition and look at section 75. I'm referring to the sixth edition of *Parliamentary Rules & Forms, Beauchesne's*, published by Carswell. Not a cheap book, I might add. Surprising, you often, when you're younger, you sort of look at how long a book is and you sort of think that's relevant to the cost. This is only 450 pages, but it was considerably more money than I expected it to be. But I'm surprised how often I've used it, actually, in the short time that I've been here in the Legislature, so it was a good investment, not that the government knows much about good investments, but if you look under section—

An Honourable Member: You could take it to Ottawa.

Mr. Goertzen: I could take it to Ottawa. There would be very little use for it for me if I'm just travelling to Ottawa with my family or looking at the war memorials. You know, there are a number of different things I'd like to take my son to Ottawa now that the member mentions it, but that's sort of irrelevant. I'm sorry that the Minister of Justice (Mr. Chomiak) has taken me down that rabbit trail.

But if you look under section 75, Mr. Chairperson—for me, it's on page 22—and it relates to the freedom of speech of a member. It says that it's the least questioned and the most fundamental right of a member of Parliament, and I know that applies equally to the members of the Legislature—*[interjection]*

Well, I'm happy to hear that the Minister of Justice is running federally. He talks so much about federal laws and now he can maybe actually make a difference. Of course, he'll have to switch parties if he wants to get elected into government, but I'm glad to think that he's considering running for the position that he always says all the responsibility lies with.

But under section 75 related to freedom of speech, the least questioned and most fundamental right of a member of Parliament, or therefore, a member of the Legislature. I'd be surprised if any of these government members would question this particular right, Mr. Chairperson, because it's set out so clearly in *Beauchesne*.

* (18:10)

The role of the Vice-Chair—and you could, if you were able to speak to it, Mr. Chairperson, I know that you would, but it would probably be unusual for the Chairperson to enter into this debate. But probably nobody more—[interjection] Well, you can see how challenging the role is. Mikes can fall over and those sorts of things.

But, you know, Mr. Chairperson, I think that if you could speak to this motion, you would say to us as committee members, be careful and judicious in terms of how you pick your Vice-Chair because you may regret the decision in the long run as we have longer committee hearings. Ultimately, we rely on the person who's filling your chair, and I want to compliment you. You've done a good job, I think, of being balanced and reasonable, not an easy position to be in. I know you've experienced both sides of the debate. When you were in the opposition, you had to listen, ad nauseam, as the Member for Thompson (Mr. Ashton) filibustered members of the public during the MTS debates for hours and hours, not letting them present, and that was his right. Of course, he had a strategic role in doing that. He obviously was trying to achieve a particular goal.

But, Mr. Chairperson, I think you would probably caution each of us fairly and reasonably to ensure that we pick the Vice-Chair with wisdom. How else can you pick a Vice-Chair, or any position, with wisdom if you don't listen and try to stop and hear what the individual candidates, as a result of section 75, freedom of speech, would be offering us as advice?

That advice, I think, could go in a number of different directions as it relates to section 75. One, I think a Vice-Chair candidate would want to speak to their qualifications for that particular role. You wouldn't want to just elect somebody who didn't have the wherewithal and the fortitude to fulfil the mandate of their role, to ensure that they would be a judicious and a fair Vice-Chair. You, more than others, would know that you have to have an even hand to ensure that all members are not only treated fairly but that there's a proper decorum.

I can cite the specific sections of our rules where you are entrusted—you or the designate in your place which would most often be the Vice-Chair—to ensure that there's order and decorum. I refer to section 820, the rule on order and decorum, and it specifically says: The Chairman of the committee is responsible for order and decorum in that committee. We've seen examples, most recently yesterday, where there was a lack of decorum. I hate to point out individual members, of course, but the Minister of Justice (Mr. Chomiak) I think displayed on a few occasions a lack of decorum and respect for all members. Now, to his credit he often backed off of those particular actions, and I think that that does speak to the credit of the Minister of Justice.

Other members have had problems. I look at the Member for Minto (Mr. Swan) who's trying to ignore me because he knew that I would be looking at him for this particular issue. He would know that sometimes in the heat of the moment and when you're going through debates, you say things that you regret later on. Sometimes it takes longer for members to recognize that regret. The Member for Minto, it took a weekend before it sort of came to him that he regretted the comments; the Minister of Justice, less time, often. But, the Vice-Chair role, because you need to ensure there's order and decorum through section 820, Mr. Chairperson, is important for that reason. So allowing an individual to present in terms of why they could fulfil those qualifications, I think, is vital.

There's more than simply ensuring that you can maintain decorum and order, though, in the context of a committee hearing. You also need to ensure that you're fair and impartial. You know, I've tried during my time in the Legislature always to be fair and impartial in my debates and deliberations, Mr. Chair. Sometimes I've failed and maybe haven't always been as impartial as I would have liked, and so maybe I wouldn't be an appropriate chairperson. Perhaps that's why I wasn't nominated. I'm not taking offence to it, but, you know, I've been now in this committee for five or six days, and I have not been nominated as Vice-Chair. Probably one of the reasons is because my colleagues and maybe members opposite don't think that I would be impartial and neutral. That would come out during the speeches. That would come out during the debate as the nominated candidates were able to speak to those issues.

Now, I know my colleague from Lakeside, he can delve into the partisan nature as much as

anybody can, I think, in the Legislature, but, by and large, people know him as a fair and even individual, passionate, of course, about the agriculture industry and willing to—[interjection] Well, auctioneers is a good example. Auctioneers, you know—if the Member for Lakeside (Mr. Eichler) was able to speak—often have to be impartial because you have two bidders. You have bidders on either side. You have somebody who wants to buy an item and another person, probably across the room, who wants to buy an item equally as much.

That's not unlike this committee. We have people on either side of the committee, and government members want to ram through an agenda with strong motivation, and opposition members want to fight for democracy and stop that agenda from being rammed through. You know, maybe an auctioneer wouldn't be bad in a situation like this. You could go back and forth and try to determine who had the stronger hand. Now, if the Member for Lakeside was able to speak to that, he could, of course, tell us all the other qualifications that auctioneers would have that could come to this particular committee.

The other issue, of course, is time. We all have time pressures, Mr. Chairperson, in our lives. It's never easy being an elected official, and I say this to my friends across the way, I know we all have difficult and challenging schedules. Some of us have families, young families, and we're away from those families because of what our commitments often force us to do or rely on us to do. We need to ensure that the Vice-Chair is here and is able to fulfil those strong time commitments. My colleague from Lakeside, I know, has the stamina of 10 men when it comes to being able to debate and to listen, and I know he would demonstrate that.

I have no reason to believe, actually, that the Member for St. Norbert (Ms. Brick) doesn't have that same sort of strength and stamina, and probably at some point in the middle of the night that'll be tested if the government decides to try to ram these bills through the middle of the night again, but I don't know. Maybe she'd want to speak to that in the context of her nomination speech.

We've been fortunate to witness the democratic primary in the United States that may actually draw to a conclusion tonight, and, boy, has that been a test of wills. I think all of us, as members, would sort of look at that with some admiration, whether you're a Democrat or a Republican or really aren't interested

in the race at all. I know there are a number of junior Republicans on the other side of the way, followers of George Bush and raising the mission accomplished sign behind them after every announcement.

But I do think it's important, when you look at the ability for a Chairperson to maintain their stamina through the context of their role as the Chairperson, to make sure we don't make the wrong decision, because it's very hard to reverse these decisions after they're made. I mean, you could just imagine the spectacle of a Vice-Chair falling over in the chair at 4 in the morning and there's nobody else to take that position. What would we do? I mean, you'd want to call a point of order, but there'd be nobody to receive that point of order if the Vice-Chair wasn't able to respond because they lack the stamina to make it through the night. So, Mr. Chairperson, that's another reason, I think, that it's important that we have these speeches.

The other thing is, in relation to freedom of speech, we need to ensure—[interjection] Well, you know, it was whispered into my ear almost like a voice from on high that not unlike the relationship between the president and the vice-president, the vice-president is only a heartbeat away, a heartbeat away from that high position. When you look at the history over time of vice-presidents being selected and, again, both Mr. McCain and presumably Mr. Obama, will have to select a vice-president candidate soon. If Mr. Obama and—you know, I had the opportunity, actually, to go to Grand Forks and hear both Hillary Clinton and Barack Obama give their speeches. [interjection]

Well, you know, it's funny. I come back in the Legislature and the Premier (Mr. Doer), he's calling me a Democrat and the next day he's calling me a Republican. It's sort of both sides of the equation with the Premier who—you know, I look out the window. I almost see the jet flying by as he tips his wing on the way to Mexico, Mr. Chairperson, on the way to sunshine and *macarenas* in Mexico. I'm sorry that the members opposite have to stay here while their Premier, their leader—but this falls into my example. It's a perfect segue, I would say, because, you know, the Premier is the one who said not long ago that we need to be prepared to work seven days a week for 24 hours a day, nose to the grindstone, and he barely got those words out of his mouth and he's got sand on his sandals as he's walking down the beach in Mazatlán or wherever he is in Mexico.

* (18:20)

One day he's talking about we need to work and put our nose to the grindstone because the Lord only rested on one day and so we shouldn't rest more than one day, and the next day he's drinking tequilas on the beaches of Mexico as his colleagues slave away here and do the work that he's foisted upon them.

So, clearly, had the Premier been here and been nominated, I would have said he wouldn't have been a proper candidate for Vice-Chair because he clearly wouldn't demonstrate the stamina that a Vice-Chair would need. He would've been—*[interjection]* Well, it's true, you know, the Chairperson has strong stamina. He's been able, both mentally and physically, to withstand the rigours of this particular committee. But the Premier obviously wouldn't have had those same values, internal and otherwise, to be a good Vice-Chair.

So the speeches are important to vet that out and to ensure that we don't make a decision that we're all going to have to live with. I do this as much for the members opposite as I do this for myself, because each member on this committee may have to rely upon the Vice-Chair. Each of you might, for whatever reason, need to have the rules enforced, and you want to ensure that you're able to get a fair ruling, because fairness just doesn't fall to the opposition. Sometimes we think that we need to rely on the Chair more so than government because a lot of members on the opposite side don't speak.

I know the Member for Radisson (Mr. Jha) may not be a part of this committee this evening, but he himself may have had to rely on the Chair just a few days ago when the Member for Minto (Mr. Swan), refused to allow him to ask a question. I thought that the Member for Radisson would've raised a point of order at that time and said to the Chair, I should be free to ask a question, even though the Member for Minto has shut me down and is not allowing me to raise a valid question at this committee. Had he had the opportunity to raise that point of order, had he not been worried about what would've happened because of the Whip in their party the next day putting on the strong hammer, the Member for Selkirk (Mr. Dewar) coming in—I know that people freeze over when he walks into the caucus because they're worried about what he might say. Mr. Ice, I know they call him, because when he walks in, he puts a cold freeze all over their caucus.

Had the Member for Radisson not been concerned about that particular member coming into

caucus, he may have raised a point of order himself. Had he raised that point of order himself—I was thinking of *Raiders of the Lost Ark*, I think, and my desire to go see that movie sometime, but had the Member for Radisson raised that point of order himself, he would've relied upon the Chair and perhaps the Vice-Chair to ensure that there would be a fair decision. And what happens if that Vice-Chair wouldn't have had that same sense of fairness?

So had you been in the Chair, Mr. Chairperson, I wouldn't have worried for one second, because I would've known that the point of order that would've been raised by the Member for Radisson would've been fairly dispensed under your close watch. But not all chairs would be able to have that same ability of fairness, and I look at the members opposite. I look at the Member for Flin Flon (Mr. Jennissen), who I know, not as well as other members of this committee, but I'm a little surprised and maybe saddened that that member wasn't nominated as Vice-Chair. I think he would've done a wonderful job, and I hope that there's not some sort of a rift within the NDP caucus, that the Member for Flin Flon is being isolated from these important positions because I do think that he would do a fair job as Vice-Chair. Perhaps, you know, after the speeches from both the Member for Lakeside (Mr. Eichler), and the Member for St. Norbert (Ms. Brick), we'll find that they're both wanting for whatever reason. Probably not the Member for Lakeside, but you never know, and at that point we might want to hear from the Member for Flin Flon to see what he might want to say and how he would act as the Vice-Chair.

And what an example we would set for committees, not only in this Legislature, but right across Canada. We could be the first. The Attorney General likes to say that we're the only committee in Canada that has these types of hearings where we actually hear people before we put bills into third readings. Well, why don't we extend that? Why don't we be the only committee in Canada that allows vice-chairs to have a strong nomination process? The speeches can be heard. Let's go forward and not back. This is a bill—Bill 37 is, particularly, a bill, I think, that goes back and is an affront to democracy.

Mr. Chairperson, we can't afford to make the wrong decision here, and I don't envy your position because you're going to set a precedent through your ruling that will stand the test of time. I know that the Speaker in the House has said in the past that he's not bound by precedent. Perhaps you'll feel that same, Mr. Chairperson, in the times ahead. It's not an easy

thing for you. I know it probably is mentally taxing as well. I know that there are times you probably go home and revisit decisions in your mind that you made at committee and to wonder whether or not you made the right decision or whether or not you impacted somebody's life for a longer period of time. That's not an easy weight to bear for any individual.

I'm not sure if you were even able to sleep last night when we left here at 1:30 or 2 or whatever the time was that we left. You probably tossed around a few different points of order in your mind to think. Perhaps you got out of bed at 3 or 4 in the morning, walking the floor of your home, reviewing *Beauchesne* and Marleau and Montpetit to see whether or not you really were on the right side of that decision. I believe most of the time you are, Mr. Chairperson. You do an excellent job, but not everybody would have that same ability to have that mental load.

I've talked to judges in the past and those who might be future judges actually in the future. Many of those people often remark upon the fact that the decisions that they are forced to make from the bench, which is not unlike the role of Vice-Chair or the Chair, is one that weighs on the minds of individuals for a long time. Judges will tell me that the cases really never leave them, that while there's a dispensation in one form or the other from a judicial case, the cases never really leave their mind. They're always wondering whether or not the proper evidence was presented, whether or not an attorney for the prosecution or for the defence really put forward the proper case for that individual before the bench. They can't revisit it. There's no way for a judge to go back and try to change a decision after it's made. They live with that, they live with that burden, Mr. Chairperson, for all the days of their life.

We need to know that whoever is selected as Vice-Chair can ensure that they can withstand that heavy scrutiny over time. We don't need a Vice-Chair burning out. There would be nothing more sad than seeing a Vice-Chair burn out early in their vice-chairmanship career. Then we'd have to come back and select another Vice-Chair, and we'd have to have all of those elections again, Mr. Chairperson, which I think would be very disappointing for all of us. None of us want to see a career prematurely ended, whether it's in politics or any other sort of profession.

I think of a sporting analogy. We've had sporting analogies here in the past where people are sometimes, when they're drafted at a young age and

they get placed into the major leagues or some sort of professional sports team position, they're rushed into it. They never truly recover.

I think of Ryan Leaf. I'm not sure if that name rings a bell to any of the members of the committee. Ryan Leaf was a young man who was a quarterback. He was actually drafted in the same year as Peyton Manning was drafted. I believe Mr. Manning, Peyton Manning not Preston Manning, was drafted first overall and Ryan Leaf was selected second. Mr. Leaf was selected by the San Diego Chargers and Peyton Manning, as members might know, was selected by the Indianapolis Colts. *[interjection]* Preston could throw a couple of fastballs, but they were usually in the political arena.

Peyton Manning made a strong argument about why he should be selected No. 1. Many members of the committee might not know that Ryan Leaf actually almost was selected by the Indianapolis Colts. What a decision that would have been. We all know historically the Colts have gone on to win a Super Bowl and have been one of the most successful NFL teams over the last 10 years. The San Diego Chargers have gone from quarterback to quarterback and have struggled. Now, they've got some good prospects at quarterback in Philip Rivers, who I had the opportunity to see last year actually in Minnesota when the Vikings were playing the Chargers. That was interesting.

I digress because I want to stay on point, Mr. Chairperson. The point being, Ryan Leaf was rushed into his position and he simply wasn't ready to become a starting quarterback in the NFL for the San Diego Chargers or any other team. It was a disservice of what happened to Ryan Leaf. He may have gone on to have a very good career as an NFL quarterback had he been eased into the position, had he been eased into the role and not rushed into it by the San Diego Chargers.

I say that, Mr. Chairperson, the reason I would like to see speeches come forward through Vice-Chair, in relation to section 75, in freedom of speech in *Beauchesne*—

* (18:30)

Mr. Chairperson: Order, please. The Chair notes a camera in the room, and I'm unfamiliar on whether or not the individual's a member of the media. I think all members of the committee know that photographs are only permitted by members of the media in the committee rooms and in the Chamber.

I ask members of the audience that are with us here this evening to please respect the committee and not take photographs of this committee while it's in operation, please. Thank you.

Mr. Goertzen, to continue.

Mr. Goertzen: Thank you, Mr. Chairperson. I know that the individual taking pictures was unaware of the rules and would never have done anything to offend this committee.

But, you make a good point for me, Mr. Chairperson, because not everybody would've known those rules. I wouldn't have. Had I been nominated as the Chair, been sitting in the Chair and seeing somebody taking a picture, it wouldn't have seemed strange to me. Sure, the individual is wearing a Bill 37 anti-freedom of speech T-shirt, and that may have been a reason to wonder, but I wouldn't have known that obscure rule.

I look through our rule book, and it's thick, it's voluminous, and there are more pages than I care to count. It's a heavy book. You could hear it thump on the table, Mr. Chairperson. I know that you know all of those rules. You've gone through them. You couldn't have assumed your role without knowing them. Maybe there's a test involved. I'm not sure how one becomes Chairperson of the committee.

But you know those rules. You've demonstrated that here today. You've demonstrated, very clearly, about the need to ensure that individuals who are in those positions understand all the rules of the Legislature. Otherwise, people could be coming in and snapping pictures willy-nilly, and where would that lead to? If our pictures were all in the paper—we all know that we run for politics to be anonymous, and we don't want people just coming in and taking pictures whenever they want to take pictures.

So, you make a very good demonstration of the point, Mr. Chairperson, about why we need to ensure that people are able to speak and to hear the nominated candidates, because we might have a test. I mean, I might want to ask my colleague for Lakeside whether or not he understands all of the rules of *Beauchesne*. I might say to him, what rule is on page 36 of *Beauchesne*? Maybe he could answer that and maybe he couldn't. Or I might say, what is section 86, which is a common section that's cited in *Beauchesne*, and he might draw a blank. Then I might say, well, maybe he shouldn't be the candidate. I would be fair about this. I'm trying to be even-handed about it. The same with the Member for St.

Norbert (Ms. Brick). If she could ace all of those questions, I might be convinced to vote for her.

But, in particular, I want to draw your attention, Mr. Chairperson, to the reason to have this point of order ruled upon favourably, is very much because of the bills that we're looking at right here today. There are a number of different bills but, in particular, Bill 37, which talks about the democratic rights of each of us as individuals here in the Legislature. Is there a more democratic right than the ability to speak? It's vested in our Constitution. That's how strong of a right it is, that we decided, when we went to England and wrested the Constitution back from the Queen, that we would put in our Charter of Rights and Freedoms the right to freedom of speech.

I hope, Mr. Chairperson, that as you consider this particular role, that you would consider the need to hear from each of the nominated candidates. I look forward to hearing from my friend, my colleague from St. Norbert, and also my esteemed friend from Lakeside, their speech.

I know that you'll rule in favour of me because there's no precedent ruling against this, Mr. Chairperson, so you'll see the wisdom of having individuals speak freely, will know that we've made the right decision, and all committee members can have confidence in that decision.

I look forward to your positive ruling, Mr. Chairperson.

Mr. Chairperson: I thank members of the committee for their advice on this point of order. I must relay to members of the committee that during the election of a Chair and Vice-Chair of this committee, the only business that we may consider at the time is the election of the Chair and Vice-Chairperson, as per rule 7(3), which states that during the election of a Speaker, Chairperson or Vice-Chairperson, that no debate should occur. That's indicated in Marleau and Montpetit, I believe on page 797, for the benefit of committee members.

So I must indicate at this time that there is no point of order.

Mr. Chairperson: We'll proceed with the election of a Vice-Chairperson of this committee. There have been two individuals that have been nominated for the position of Vice-Chairperson of this committee.

A COUNT-OUT VOTE WAS TAKEN, the result being as follows: Ms. Brick, 6; Mr. Eichler, 4.

Mr. Chairperson: Ms. Brick has been elected as Vice-Chairperson of this committee.

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

As was announced in the House, this committee will also meet in this room to consider these bills on the following occasions: Wednesday, June 4, at 10 a.m.; Wednesday, June 4, at 6 p.m.; and Thursday, June 5, at 6 p.m.

We have a number of presenters registered to speak this evening, listed on the sheets that were before each member of the committee and also posted on the notice board at the entrance to this committee room. For the information of all presenters, 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 assistance with photocopying, please speak with our staff at the entrance to this committee room, and we will assist you with the photocopying.

As well, I would like to inform the 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 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. Further, if a presenter is not in attendance when their name is called a second time, they will be removed from the presenters' list.

Before proceeding with public presentations, I would like to advise members of the public about the process for speaking in committee. The proceedings of our meeting this evening are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA as a part of this committee, or as a presenter at the podium here, I first, as Chairperson, must indicate that person's

name as a signal for the *Hansard* folks, sitting behind me here, to turn the microphones on and off.

I ask for your co-operation in that regard, I thank you for your patience and will now proceed with public presentations.

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: The first person we have on our list this evening for Bill 37 is Don Bruce who is being called for the second time. Don Bruce, private citizen. Don Bruce's name will be struck from the list.

The second person we have registered to speak and being called for the second time is Wayne Anderson, private citizen. Wayne Anderson? Wayne Anderson? Wayne Anderson's name will be dropped from the list.

The third name on the list is Gordon Gillies, being called for the second time.

Gordon Gillies? Good evening, sir. Welcome. Thank you very much for your patience, sir.

Do you have a written presentation?

Mr. Gordon Gillies (Private Citizen): It's notes; it's not really a written presentation.

Mr. Chairperson: That's fine. Please proceed when you're ready, sir.

* (18:40)

Mr. Gillies: Thank you, Mr. Chairman and MLAs, ladies and gentlemen. I want to thank you for allowing me to speak on this bill, Bill 37, the so-called vote tax bill. I don't do much public speaking, so please bear with me.

I've been listening to the processes here, and there must be a better way of doing this. This method of public consultation is fine but suppressive and restrictive, because we have to sit here through hours and hours of presentations and so on. It would be much easier if we turned around and had this some other way.

This process seems to be weighed in the government's favour because a lot of the people who want to speak don't show up because they don't know when they're supposed to be here. If you're truly and sincerely interested in making democracy better then

why not have public town houses and holding public town meetings throughout the province in rural towns and the larger cities? We should be asked for our input, not told what it should be. It seems to me that everybody around the table forgets that we're the government. We elect you people to work for us. It seems some of you might have forgotten that. You are only the custodians of our rights and our freedom and our democracy.

Now this bill appears to be undemocratic and quite probably and possibly unconstitutional. Let me point out some of the items in this bill that I oppose.

The funding of political parties. I believe there is a current process in place that reimburses up to 50 percent of election expenses to political parties, and it seems fair to me. I believe also that political parties should be and must receive a minimum of 5 percent or whatever it is of the public vote in order to qualify for any refunds. I think that's adequate too.

This proposed legislation of distributing the vote tax to political parties is unfair. The one party with the most votes in the previous election seems to be the big winner here. They get the biggest piece of the pie. This is aimed solely at keeping the status quo and keeping the present government in power. Also, I don't want my tax dollars spent supporting political ideology that I don't and can't support. The present practice of putting your money where your mouth is seems appropriate to me. If I believe in something, I ante up and I help make it happen. I don't see why I should have to pay for opposing views. That seems to me unfair, undemocratic.

The proposed vote tax will also allow for many minor parties' points of view, this clouding the electoral process and possibly leading, if unchecked, to coalition governing. We've seen how this works in the European countries like Italy, and it doesn't work very well. While I support the right of anyone or any one group to their point of view, I still believe that I should not have to fund it. The funding process is biased in the government's favour or the group in power, you pick. You are not the government. We are. You work for us. It seems that we forget that. At best this proposed vote tax legislation should be put to a referendum where all Manitobans have the right to express their views.

It's a change in our democratic process. We should have a right to say so. This proposed vote tax is pegged to inflation. I don't agree with that. Guaranteed to make more money for the largest parties at taxpayers' expense again, this is wrong.

There are enough things and more important things that need our attention and our tax dollars such as education, health care, welfare and a few other things.

Another point I'd like to bring out is the communications aspect of this bill. This bill, Bill 37, would appear to restrict communications between political parties and their constituents. Thoroughly undemocratic. Political parties should have the right to communicate to their constituents wherever, whenever and however and as many times as they want to on whatever they want to. No government or party forming government should have the right to censure or edit or deny another party's communications with their constituents. This is not Russia. Under this legislation, the government retains the right to unlimited communications to the public in any media form they want for the purpose of supporting their political agendas. These are the so called feel-good ads that we saw in the last election.

Third parties will be allowed to campaign for the parties of their choice, albeit there's a 60-day moratorium prior to election if the things happen. This, however, seems to be supported only if it seems to be in the government's best interest.

There is no funding of political parties allowed by businesses or unions now. However, Bill 37 will allow unlimited union propaganda supporting the parties of their choice. This happens in the last election when many of the unions produced pamphlets and billboards and media spots distributing information to support the government's cause.

With fixed election dates, there will be a 60-day moratorium, and I believe this is great except it isn't enough because everybody knows, and we will be inundated with propaganda prior to that 60-day period. This proposed legislation appears to restrict the other political parties from challenging the content of the sometimes dubious union ads, censoring the democratic right to free speech. Shame on this government, whoever wants to take the responsibility, the governing party, whoever. Again, this undermines our democratic principles and introduces a Russian-style censure of our rights. If this Legislature passes on this stand, I will support any court challenge to its unconstitutionality.

On the good side, I will say that I do agree with the election date act, having fixed election dates. However, I think we should start with the next election and announce the date now instead of

allowing the current Premier to set the date at his will. And there are other things that I do agree with in this act, but there's so much I disagree with I hope you rethink it before you finally pass it. Thank you very much.

Mr. Chairperson: Thank you very much for your presentation here, Mr. Gillies.

Questions of the presenter.

Mr. Kelvin Goertzen (Steinbach): Thank you very much, Mr. Gillies, for your presentation. A few questions. You may be aware, you may not be aware that, in Ottawa, in Parliament, one of the ways they handle committees—and there's a travelling committee actually in Manitoba today, I think, dealing with the lives of seniors—is schedule those committees in communities around Canada. In our case, it would be around the province, and they phone up presenters who've indicated they want to present and they tell them specifically what time they'll be presenting or they ask them, what would be good for you? They sort of work it out, and then they slot everybody in half-hour increments and people can come for the whole day if they want or they can just simply come for the time when they're scheduled to speak. You indicated that this is a flawed process, and I agree with you. Do you think that that would be a better process?

Mr. Gillies: Yes, anything that would help people like myself get here. I'm fortunately—some may not consider that, but fortunately I'm retired so I can make my own time, but I do have things that I have to do and I do have doctor's appointments and so on. I was unaware that I had been called a first time. I'm lucky. I thought this was the first time. It was the second time, so I'm glad I'm here.

It seems that I could not have appeared every night and every day to sit here and wait till my time came up so, yes, I would think that anything that would give you a set time would be much better. Thank you.

Mr. Goertzen: Thank you for those comments. I agree with you and, unlike baseball, here it's two strikes and you're out so I'm glad you were here today because if you missed the call, you would have been dropped from the list, unfortunately.

You mentioned the part about a 60-day freeze for advertising prior to the election, and many people don't realize it's not prior from the call of the election, it's actually from the election date, as the government would be able to, under this bill,

continue to advertise some 28 days prior to the election actually being called so that's somewhat deceptive for those who don't read legislation for a living.

Because of that, I think a lot of people feel that this bill is overwhelming. I agree with you that there should be public consultations or a referendum, as you indicate, but it's an omnibus piece of legislation that has sort of five distinct parts to it. Some of the presenters have come before us over the last few days and suggested that the bill, at the very least, be split up into five parts so that it can be digested in smaller chunks and then people could understand them better. That might not be the ultimate solution, of course, because it would still, you know, be five pieces of bad legislation as opposed to one omnibus piece of legislation, but would that at least be a step towards ensuring there's proper scrutiny on the bill itself?

*(18:50)

Mr. Gillies: Yes, if you were to split it up, it would give people like me a little better chance of understanding what is really in there. I think the present one is somewhere around 48 pages, and I'm not a lawyer so it's very difficult to go through and understand exactly and everything that is meant. I made a mistake on the 60-day clause, and I'm sorry about that, but allowing the government to set the election date allows them all the free chance of propaganda up to that election date. I disagree with that. I like fixed election dates.

Mr. Goertzen: Please don't apologize on the 60-day issue. I think the first time I read it, I took it at that value too, and I have legal training. So I understand where it is that your confusion may have come in.

I know my colleagues have some questions, so I'll simply defer to them now, Mr. Chairperson.

Mr. Ron Schuler (Springfield): Thank you very much for being so patient and for coming out. I've been involved in these kinds of committees since 1999, and they are definitely flawed. I think it's healthy that people are coming forward and pointing it out to the committee and certainly to the majority on the committee, that maybe it will get through. We have to do something and I think we should start looking for ideas to improve it.

I want to go back to your comment, and it's something that troubles us as the opposition party, because what we have now is a system whereby I will produce a brochure, and it might say, I think the

government's wrong in one area. Then I will go cap in hand to the high altar of the government, lay down my brochure and say, may I get approval for this, and if it's offensive or in any way offends the Premier (Mr. Doer), they can stamp it rejected and I have no recourse.

So, basically, my allowance will now be used to send out pro-government propaganda, even though many people voted for an opposition. Can you just reflect on that for us, please?

Mr. Gillies: Well, yes, I guess I can say a few things. I certainly disagree with any government being able to censor any other piece of political mail. I do not believe that we in a democracy should allow that. If you want to say anything against the government, and it is true or it can be proven, you should be allowed to do so. If it can be proven false, then it's up to you to take the heat.

I don't see why a government can turn around and say, you can't spend your money the way you want to. It's my money. I should be able to spend it the way I want to and I should be able to say anything I want to say. This is a democracy.

Mr. Kevin Lamoureux (Inkster): I appreciate the presentation. I just want to run a thought by you, if you can just kind of respond to it.

I'm not too sure if you're familiar with how the legislation came about. Virtually everyone inside the Legislature—and I would ultimately argue even many of the New Democratic MLAs—one day were sitting inside the Legislature, and then we find out that this bill is before us. To the very best of my knowledge, not one other political party that's elected into the Legislature or even non-elected outside—the Greens, the Communist Party and so forth—actually supports the entire package that's being proposed.

The question that I'm looking for some feedback on is: In your opinion, is there a difference when one political party that happens to be in government makes changes to The Elections Act and The Elections Finances Act and does not have the support of any other political party? What does that tell you?

Mr. Gillies: Well, it tells me that they're trying to be undemocratic. It tells me they're trying to have an authoritarian state where they control everything that goes on. It flies against democracy. I think there was a good article in the paper this past weekend from Preston Manning pointing out that Tommy Douglas would likely flip in his grave because he was one of the great believers in democracy, and this is not

democracy, what's going on here with this bill. That's all I can say.

Mr. Chairperson: Mr. Graydon first, yes.

Mr. Cliff Graydon (Emerson): Mr. Gillies, you made a wonderful presentation and you have no need to make an apology for not understanding this legislation because it is, at best, poorly written. I think it's been written to confuse people, and there are a number of pieces of legislation that are in this particular bill.

When you suggested that this was your second call and you were lucky to be here, we have a number of people that are in the same situation as you are. Some of those people will come from out of town and have come and were not able to get on the docket. They have traveled a long distance, spent quite a bit of money on gas, as you can imagine, at the price of gas at the pumps.

Some of them did get on the docket and some of these people had the same expertise that you do when you put together a presentation. You've done an excellent presentation. You analyzed the bill well, I think, and when they were making their presentation and we came to the question part of it—and I give this Chair plenty of credit. They've been pretty flexible. However, the rules are clear that there's 10 minutes and five minutes, 10 minutes for presentation, five minutes for questioning.

Do you think that that's true democracy, when people have spent an hour and a half on the road to get here, maybe sat for three or four hours in a committee when there's a number of presenters, and then they have to drive that hour and a half home for 10 minutes? Do you feel that that's true democracy?

Mr. Gillies: I don't believe it is quite true democracy. Again, as I said before, it's weighed in the government's favour because an awful lot of the people who put their names down for one reason or another will be late, can't make it or do spend a lot of money and time coming to Winnipeg and end up missing a whole day of work, or whatever, not to be heard that day but be pushed to another day. I think that is wrong. I think there should be a better way of doing it, and the easiest way, as Mr. Kelvin Goertzen said, was to turn around and allow individuals a set time, so that the times are set out ahead of time and things don't change too much.

Like, here we've had mornings added. I think tomorrow's a day that has been added and things like that, so it's crazy for people trying to keep up to the

process. I know there's legislative people phoning me, saying, oh, you might be on today or you have to come today or we've added another one at 9 o'clock in the morning, but I have things to do, too.

Mrs. Leanne Rowat (Minnedosa): I want to thank you for attending the committee tonight and presenting your thoughts on Bill 37. You have said several times through the presentation that this was an undemocratic bill, and a lot of the legislation that's being presented.

Can you indicate to me why you would think the government wouldn't take the advice that you presented and have town halls? What do you think the reason would be why the government would bring in legislation so late and then confuse the process by adding committee times, et cetera?

Mr. Gillies: Do you mean that I think that the government is trying to force this through before the summer recess and that to set up town hall meetings and so on would push this way into the fall with possibly a vote on this bill sometime next spring? I think that would answer the question.

No, they're not being very democratic about it. They're trying to force something through at their will, so they're making this process as hard as they can, which I don't think is democracy in place. There're a lot of people, I'm sure, out there that would like to say things. They don't have the time or the money to leave their work or their job. How's somebody in Brandon working at the hog plant supposed to make it all the way to Winnipeg, sit through one or two days here of speeches and wrangling and then turn around and be heard for 10 minutes and then go home?

So anybody who does come from out of town, you got to say thank you to them. You got to give them credit for practising democracy, because it costs them. If we went to—if the government went to them, and I say we because I'm a voter. I elect government, so they actually work for me.

So, yeah, I would like to see government go to the little rural towns and set up a meeting and everything else and hear people there, and then go to the next town. Accommodation, that's what it's all about.

Mr. Chairperson: Thank you very much for your presentation this evening, Mr. Gillies. Time has expired.

Mr. Gillies: Thank you very much.

Mr. Chairperson: The next presenter we have on the list and called for the second time is Kelly de Groot. Kelly de Groot?

Good evening, Ms. de Groot. Welcome. Thank you for your patience.

Ms. Kelly de Groot (Private Citizen): Thank you.

Mr. Chairperson: Do you have a written presentation?

Ms. de Groot: Just oral.

Mr. Chairperson: That's fine. Please proceed when you're ready.

* (19:00)

Ms. de Groot: Thank you. My name is Kelly de Groot and thank you for the opportunity to speak to you today. I'm here to speak against Bill 37.

Bill 37 is comprised of 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. It has many areas that deeply concern me because of how it restricts our democracy.

As elected representatives, this government is responsible to govern and represent the whole population and not push through legislation, as unjust as Bill 37, without comprehensive debate and public consultation.

As I was reading through Bill 37, the same question kept running through my mind. Where is the benefit to Manitobans when there are so many other priorities facing our province every day, like hallway medicine, children in crisis, our agricultural community being deserted, lack of economic and business growth, and the have-not province reliant on federal transfer payments? Why is there the urgency to push through this legislation?

In my opinion, the only answer is that Bill 37 is an attempt to benefit the NDP at the expense of democracy and at the expense of the taxpayers of Manitoba. This is not only undemocratic legislation, but dangerously close to autocratic rule that does not benefit Manitobans but, most certainly, does benefit the NDP.

Specifically, I have many concerns on Bill 37, and a few of them are: the fixed date election. Now, on the surface, this might look like a good thing, but Bill 37 says that a general election must be held on

Tuesday, June 14, 2011, unless a general election has been held between the coming into force of this section and June 13, 2011.

I'm fairly certain that this wasn't made clear to the public. It is only after the next election that a general election must be held on the second Tuesday in June, four years after the previous election. In my opinion, this leaves the Premier (Mr. Doer) with a loophole to call the next general election when it is convenient for him.

If the NDP truly wanted to fix the election dates, which I believe is a good thing, amend the bill by actually setting a date for the next general election.

The extension of limits on political party advertising: the annual limit on advertising expenses incurred by a registered political party outside of an election period, which was implemented by the NDP in 2011, is increased from \$50,000 to \$75,000 in a non-election year and \$150,000 in a fixed-dated election year.

On the surface, this would seem like a good thing also. However, the definition of advertising expenses is expanded in a fixed-date election year to include posters and leaflets, letters, cards, signs, and banners and any similar printed material, the purpose of which is to support or oppose, directly or indirectly, a registered political party. Therefore, any additional room for advertising is taken out by expanding the definition of this advertising, an unfair limitation of communication to our public, which takes me to my next concern, the unlimited, taxpayer-funded, government advertising.

Now, while political parties are severely restricted by unfair advertising limits, Bill 37 continues to allow virtually unrestricted, taxpayer-funded, government advertising campaigns to continue up until 60 days before the election day. This is only a few weeks before a campaign period.

We have all seen the various government advertising campaigns, such as the Manitoba Means Business, that are taxpayer-funded and, in my opinion, do little to attract new, viable, business opportunities to our province. This is another unfair and one-sided example that only benefits the governing party.

Can you please tell me the last head office that came to Manitoba as a result of taxpayer-funded advertising?

I also am concerned about the vote tax, the public subsidy. In my opinion, Bill 37 provides for taxpayer financing of annual allowances to register political parties and, in a non-election year, the annual allowance is the lesser of the product of a \$1.25, multiplied by the number of votes received by the party's candidates, or the total expenses paid by the party in the year.

In an election year, a different funding formula applies. In my opinion, this is nothing more than a vote tax and will cost taxpayers \$500,000 annually, half of which will go to the NDP. Passing a law to spend hard-earned taxpayer money for this reason is wasteful and wrong. It's another indication that this government has its priorities out of touch with hard-working Manitobans.

Cabinet-appointed registrar of lobbyists: Bill 37 allows Cabinet to define the rules for lobbyist registration and appoint the registrar. This Cabinet-appointed registrar will have access to information about meetings involving all MLAs including the opposition MLAs. The outcome will not benefit Manitobans and, in fact, will discourage Manitobans from sharing information with their elected representatives.

The censorship of caucus communications: In effect the Legislative Assembly Management Commission controlled by the majority party is being given powers to censor communications from opposition MLAs and defying the budget. Under Bill 37 the Legislative Assembly Management Commission will be required to establish new non-partisan criteria or guidelines that would apply to a broad range of materials and advertising distributed by a member or a caucus. Now this is designed to prevent opposition MLAs from informing Manitobans of poor decisions and failures by the NDP government. If this isn't an attempt to impede a political party's right to free speech and ability to communicate with Manitobans, I don't know what is.

Bill 37 also requires the Legislative Assembly Management Commission to establish a mailing expense budget for members in caucuses beginning in 2009 and '10, so this means that the Legislative Assembly Management Commission can control the amount of mail and advertising that is distributed, and plans to exceed this budget would require prior approval by the Speaker. How can this be good for democracy? And how does this benefit Manitobans? The answer is it can't. It only benefits the NDP and

it's another example of how, I believe, their judgment has to be seriously questioned.

In closing, to quote Preston Manning from the May 20, 2008, *Globe and Mail*: "Bill 37, which seeks to amend Manitoba's election laws, seriously restricts the capacity of opposition parties to communicate with electors while allowing the government to expand its capacity. By restricting freedom of speech on political grounds it therefore strikes at the very exercise of democracy itself."

So, for the last time, I ask you: Where is the benefit to Manitobans in Bill 37? Thank you.

Mr. Chairperson: Thank you very much, Ms. de Groot, for your presentation this evening.

Questions of committee members for the presenter?

Mrs. Heather Stefanson (Tuxedo): Thank you, Ms. de Groot, for your presentation this evening. It was very thorough and you've obviously had a chance to peruse the legislation in detail, and you've mentioned a number of things that you are concerned with, with respect to this legislation, and rightly so.

One of the questions I have for you is—and it was brought up with the previous presenter—it has to do with the public consultation process. Clearly, there wasn't a lot of consultation that went on before this bill coming out, in many ways, in the darkness of night. But, certainly, with the public presentation process that is taking place, I know that I have sat at other committees where you have presented at least to one other bill. You've had a chance to come down; you've had to sit through many other presentations and, obviously, taking time out of your busy schedule: What do you feel about the process and the way it is? Does it work the way it is or do you feel that there is room for improvement so that we can hear as many people as possible?

Ms. de Groot: Thank you. I believe having committee meetings is wonderful. The opportunity to be heard is a very good thing; however, there has to be a better way in terms of the process. Like you mentioned, I have been down here several times. I have used personal vacation time from my work to be able to come down and to be able to make my presentation and then be told that I wouldn't be on the agenda for the day. So, listening to the previous speaker, it does take a personal sacrifice and we are all here because we believe that this sacrifice is worth it. We do not believe this is a good bill and good legislation, so we are willing to make that

sacrifice, but there's always room for improvement. This process definitely could use some improvement in terms of the process and co-ordination with the public.

* (19:10)

Mrs. Stefanson: Thank you very much for that. I guess in a follow-up question to that, would maybe a better way of—and certainly we know that there have been people who've travelled upwards of three, three and a half, sometimes four, five hours for some bills waiting to be heard and then only to be told that, you know, they're probably not going to be heard that evening because of so many other presenters.

Do you think that maybe a better way of looking to do this might be to go out into the communities and hold public consultations and allow for public presentations outside of the Legislature and in fact go out into the communities to listen and hear what people have to say?

Ms. de Groot: Absolutely, and I have seen many times in the past that the government has taken consultation of various forms out into the public. You see it in the newspapers. You see that there's meetings scheduled. To be frank, sometimes I look at the issues that are in the paper about the meetings. They don't affect me personally, but I know the people in that community will come out and listen and put forward their voice. Where this bill is affecting every Manitoban in so many different ways, for there not be more comprehensive consultation, to me it just doesn't make sense. To me, I feel that there's just an agenda here and I don't appreciate it.

Mrs. Stefanson: One more quick follow-up to that then. With respect to this bill and where we're at right now, would you like to maybe see us stop the rest of this process and the way it's going, take this bill—in fact, stop this legislation from going through and take this bill out into the communities before it is sort of passed through in the darkness of night in the Manitoba Legislature, in fact, get out there in the light of day in the many communities across this great province of ours to listen and hear what many other people have to say?

Ms. de Groot: Yes, I believe that would be a very good idea. I know I've talked to people, my own friends, family and co-workers, and have told them a little bit about this bill. They're not even aware of it. They're not aware of all the details and how it will affect them. When I start telling them about some of

the things that I feel they should be concerned about, they go, well, I didn't know about that. I think the opportunity to have more consultation to be able to really inform people of what this means, if there are ways to improve it, let's talk about that. Consultation into the community in Manitoba would be the fair thing to do.

Mr. Graydon: Thank you, Ms. de Groot, for your presentation. It was very well put together and well thought out. I commend you for that. You did speak against the vote tax, as I'll refer to it, the \$1.25. You didn't feel that that was a proper way to raise funds or election funds at any time. However, I'm sure that you are aware that currently there is a process whereby during an election you can get half of your expenses back. Do you have a problem with that?

Ms. de Groot: The current legislation or the vote tax, sorry?

Mr. Graydon: The current legislation that exists today, because it happens once a year rather than a vote tax that would happen, or once during the election rather than a vote tax which would be an ongoing yearly thing. Do you have any objection to the type of election financing that exists today?

Ms. de Groot: To be honest with you, I haven't really considered the financing act as it is today. I think there were reasons it was brought in as law. I would have to look back and see what those reasons were. However, speaking on the vote tax, my issue there is that \$500,000 is a lot of money. I worked in this provincial government for six years as a civil servant, as a finance director, and I prepared estimates and cash flows. I know how hard it was as an employee to manage the budget of a department to find money and to be able to provide services and programs. To think that \$500,000 isn't a lot of money that could be delivered somewhere else way more effectively for the public is just mind boggling. So it is very offensive to me that this vote tax would go through with the other priorities of the government of the day.

Mr. Graydon: Thank you for that.

I have one more question. If the NDP were sitting on this side of the fence, the side that we are as an opposition, and a Conservative government was bringing this type of legislation forward which would, of course, never happen, but if it was so, if that scenario was a real scenario, do you believe that they would be acting any different than what we are today?

Ms. de Groot: You know, it's hard to say how they would act. I think a political party is run by their values. I believe I know the values of the Progressive Conservative Party, and I don't think that they would waste taxpayers' money in this fashion, and I see it as a waste.

Mr. Graydon: It's not just the financing. The whole act also would include the censorship of mailouts. It would include all of the other aspects of this act. That would be part of the question that I would have asked.

Mr. Chairperson: Ms. de Groot, did you want to respond?

Ms. de Groot: Sorry, thank you. I didn't get the whole question there.

Absolutely. Because of the undemocratic Bill 37, I don't believe that there's any political party that would take the changes that are being presented here as something that would be good for any society, and I wouldn't want to see it in Manitoba.

Mr. Chairperson: Thank you very much, Ms. de Groot, for your presentation this evening. Time has expired.

Mr. Leonard Derkach (Russell): Since we don't have to be in a rush this evening, would the committee grant leave to allow for a question or two more? I know Mr. Eichler has a question and I had one of Ms. de Groot.

I was wondering whether we would allow for some latitude to get these questions on the record.

Hon. Andrew Swan (Minister of Competitiveness, Training and Trade): Well, Mr. Chair, I noted that you, with the advice of the Clerk, have been exceedingly generous, actually, tonight to allow some additional time to every presenter, including the last presenter.

I think in the interests of fairness for all Manitobans, we want everybody who's here tonight to be able to present, so I think we should take our advice from you. I think that you've been doing a good job of extending the time for each witness tonight, and it's been very reasonably done so far.

Mr. Chairperson: There has been a request from Mr. Derkach to allow for leave to extend the time for questions from committee members to presenters. What's the will of committee?

An Honourable Member: No.

An Honourable Member: Agreed.

Mr. Chairperson: I hear a no. Leave has been denied.

Just for the information of committee members, the Chair has exercised some latitude and has allowed for additional time for some questions and answers from presenters in addition to extra time for presentations. So I just want committee members to be aware that the Chair has exercised some discretion to allow for committee members to pose additional questions to this point in time already.

I thank you for your co-operation, and we'll proceed with the next presenter. The next presenter we have on the list is David Keam. Second call for David Keam.

Point of Order

Mr. Chairperson: Mr. Schuler, on a point of order?

Mr. Schuler: Point of order. I happened to have the chance to bump into Mr. David Keam this afternoon and happened to know that he was on the committee. I said to him, well, I guess we'll be seeing you tonight and he said, well, no, he had gotten a call from the Clerk's office saying that he could come tomorrow, and now I hear you say he's being dropped for the second time.

Is it possible that we could get that clarified with him? We don't need to stall the committee because you know that's not our intention. We could actually refer this to the clerks. Maybe they could contact him because he was under the impression he was going to be coming back tomorrow.

I don't want to be, by any stretch of the imagination, accused of filibustering, so I will leave it at that.

Mr. Chairperson: On the point of order raised by Mr. Schuler, it's my understanding and I've been advised that prior to each committee sitting time, members of the public are called by the Clerk's office and advised of the committee hearings that are scheduled and advised where they are on the current list of presenters.

* (19:20)

So it's my understanding that Mr. Keam has been advised where he is with respect to other presenters on this list and when this committee is sitting, as was scheduled for today, and also was advised that there may be additional sittings of this committee on

subsequent days, and the dates and times were indicated to the presenter.

So Mr. Keam, I believe, should have been made fully aware of the activities of this committee.

I must rule on that regard then that there's no point of order.

Mr. Goertzen: Well, I wonder if I could then seek leave of the committee, Mr. Chairperson, given the circumstances and given the information brought forward by my honourable friend from Springfield, that Mr. Keam then not be dropped from the list. I'm sure then that he'll be able to perhaps come tomorrow.

Well, I know the heavy hand of the Minister of Agriculture (Ms. Wowchuk) is there, wants to drop him from the list. He's only a Manitoban who contributes millions of dollars to the economy through his business and employs perhaps hundreds of people. I know she has little regard for this or many Manitobans, but I'm still going to ask for leave of the committee if he could not be dropped from the list so that he could present. If the members opposite truly want to hear from Manitobans, as they feign that they do, and as their Premier (Mr. Doer) has said, I know that they'll grant leave and make it unanimous on this motion, Mr. Chairperson.

Mr. Chairperson: There's been a request by Mr. Goertzen to ask this committee if there's leave to allow Mr. Keam's name to remain on the list of presenters for a second call.

What's the will of committee?

Some Honourable Members: Agreed.

An Honourable Member: No.

Mr. Chairperson: I hear a no. Leave has been denied.

Point of Order

Mr. Chairperson: Mr. Schuler, on a point of order.

Mr. Schuler: I actually heard no nos. Maybe it was just there was—I think I heard a yo.

Could you, once again, canvass the House so that—you know, we'll make sure that there's silence at committee this time, that it's very clear that it was a yo, not a no. Could we ask, Mr. Chairperson?

Mr. Chairperson: On the point of order raised by Mr. Schuler, with respect to the question posed by

the Chairperson with respect to leave, it's to the satisfaction of the Chair and the Chair's discretion on what the Chair hears as a comment indicated by members of the committee. The Chair is satisfied that he heard a no with respect to the question that was posed for leave.

So the Chair is satisfied on that, and there is no point of order.

* * *

Mr. Goertzen: I would then—and I respect your judgment, Mr. Chairperson. I would then ask for leave of the committee that no presenters from this point forward who are called for a second time be dropped, not specifically to Mr. Keam, but that no presenters who are called for a second time and aren't present be dropped from this committee this evening, and they have the opportunity to come forward. So it's a different request that I'm making.

Mr. Chairperson: It's been requested by Mr. Goertzen asking this committee for leave to indicate that no presenters' names will be dropped from the list for those that are being called for the second time.

What's the will of the committee with respect to the leave that's been requested?

Is it the will of the committee to grant leave?

Some Honourable Members: Agreed.

An Honourable Member: No.

Mr. Chairperson: The Chair hears a no.

Point of Order

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

You were actually proven to be correct, Mr. Chairperson. It's the Minister of Education (Mr. Bjornson) who refuses to hear a public presentation. I just want the record to reflect that.

Mr. Schuler, on the same point of order.

Mr. Schuler: On the same point of order. I actually was giving the Minister of Education the benefit of the doubt that he was saying, yo, to Dave Keam, but actually the Minister of Education, the Member for Gimli (Mr. Bjornson), said no to Mr. David Keam and others. I guess that's a kind of civic lesson he was, I hope, not teaching when he was in his classroom.

Mr. Chairperson: I thank all members of the committee for advice on the point of order.

The Chair rules that there is no point of order.

* * *

Mr. Chairperson: I believe we'll then proceed to continue to call the list of presenters that I believe we have here with us this evening.

Final call of second call for Mr. David Keam. David Keam. David Keam's name will be dropped from the list.

Next name we have on the list is Dr. Robert Diamond, private citizen. Second call for Dr. Robert Diamond.

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

Mr. Robert Diamond (Private Citizen): No, I just have some notes.

Mr. Chairperson: Thank you for your patience, sir. That's fine. Please proceed.

Mr. Diamond: Mr. Chairperson, MLAs, I'm a pediatric dentist in Manitoba. I deal with little children all day long and boy, it's nice to be able to come here in the evening and deal with them again.

In my practice, when children like to get their way, for whatever reason—because if they jump up and down and they try and get their way from their parents and they're trying to do something that is not in their best interest, I very firmly tell them no. Then I settle them down and with what we call STD—it's not sexually transmitted disease, it's show, tell and do—we get them to understand where they made their mistake, how things can be corrected and how we can get them back into a good state of health.

Another thing that children ask me sometimes is, is this going to hurt? When you're in the dentist office, what's the biggest fear? No, it's not a syringe, it's a silver-coloured pen. That's what everyone is afraid of. In my mind, although I never say this to them, I'm thinking, if you move, it's going to hurt.

This government has stirred enough in the citizens of Manitoba that we're hurting. This Bill 37, what I'd like to call it is, shame. There was a former MLA who occasionally brought up this term in the Legislature and I think you all know who that is, the honourable Mr. Jim Downey. When something came up he would say, shame. Did any of you in this room, do you know what that means? It's an

acronym. It's an acronym for—so how are Manitobans affected? I'm going to tell you how they are.

Bill 37, it's a shame. It includes The Lobbyists Registration Act, the amendments to The Elections Act, The Elections Finances Act, The Legislative Assembly Act and what you seem to call LAMC. You've heard enough presentations so you know what LAMC stands for.

What an omnibus bill. On the surface, Bill 37 looks like a grand idea. All of these things indeed sound like they would make democracy in our province of Manitoba more transparent, accessible and fair. When you get past its shiny veneer, like a new crown, this proposed piece of legislation doesn't look quite so great unless you're already in government. Shame.

I'm not surprised that this government did everything it could to make certain a surface understanding of Bill 37 is all the opposition and the media were able to get when it was presented. The proposed legislation came out of nowhere, late, I believe, on a Wednesday afternoon, catching everyone outside the Premier's (Mr. Doer) office by surprise. Why were copies of the bill not circulated to the opposition parties prior to its announcement? I thought this was normal practice. There's shame.

The late day timing of the release made it virtually impossible for the opposition MLAs to offer much in the way of criticism or comment when approached by the media. The significance of the proposed electoral changes ensured the story would capture high-profile coverage in evening broadcasts and next day newspapers. The result of that story broke on the government's terms and it was, no doubt, by design. The focus was, of course, on the first thing mentioned in the official press release, fixed election dates. The more technical matters buried in the document were played down or ignored altogether. Once one had the time to examine all the elements of this piece of government legislation more thoroughly, you discover how self-serving it is. There's the shame. We should examine the key concerns of Bill 37 which is similar to a Trojan horse. Nice and shiny on the outside—or even a piñata—who knows what's on the inside?

* (19:30)

Cabinet-appointed registrar of lobbyists. Just to break away from my notes, I've had, I guess I could say, the privilege of having private meetings with the then Health Minister Chomiak. I've even been able—

some people wonder how I got it, but you can get anything for money—a meeting with the Premier (Mr. Doer). We had dinner for two and half hours one evening. It was to discuss my concerns with respect to pediatric dentistry and the delivery of oral health care in this province.

Would I then have to register as a lobbyist, to bring forth concerns from my group? I'm not a lobbyist; I don't have big money. I just have a big heart when it concerns the interests of the children of this province. Anyway, this same dysfunctional model about registering lobbyists was in place when Adscam occurred and was rejected by the Gomery commission.

Giving a Cabinet-appointed watchdog the power to monitor meetings involving individual MLAs, opposition and government alike, will discourage average Manitobans from sharing information with their elected representatives. Might as well bug the room. It's easier. Shame in that.

What about amendments to The Election Act? Contrary to what this NDP government would like Manitobans to believe, if this bill were to pass into law, the fixed election date does not have to be held on Tuesday, June 14, 2011. It will be real easy for me to remember when to vote, because June 14 is my birthday.

The Premier has a loophole to call the next general election when it is convenient for him, up to June 13, 2011. It is only after that next election that a general election must be held on the second Tuesday in June, four years after the previous election, barring a major flood.

What defines a major flood? It doesn't say. Where exactly does this flood have to occur? Is it in Winnipeg? Is it in Brandon? What is the timing for this to subside? If we have a natural disaster such as the flood, is up to 30 days before or 90 days before that it changes this? There's nothing in this legislation that says that.

Either this bill provides for fixed election dates, or it does not. The next provincial election should be June 14, 2011, if this bill passes—no ands, ifs, or buts.

The Elections Finances Act: the proposed amendments raise many questions of concern. With regard to election financing, the NDP several years ago imposed tough restrictions on political advertising outside of the election period. The new bill proposes to raise the allowable expenses to

\$150,000 in the year of the fixed-date election and keeps it at \$75,000 in other years.

However, the definition of advertising expenses is expanded in a fixed-date election year to include posters, leaflets, et cetera, printed material, the purpose of which is to support or oppose, directly or indirectly, a registered political party. These caps interfere with a political party's right to free speech and its ability to reach out to all Manitobans. A gag law and hardly democratic. Shame.

While political parties are severely restricted by unfair advertising limits—I think it works out to about 10 or 11 cents a voter—this Bill 37 continues to allow virtually unrestricted taxpayer funding of government advertising campaigns to continue up until 60 days before the election day, only a few weeks prior to the start of the campaign period itself. Shame.

The goal of Bill 37 is to limit the right of Manitobans to know. It is designed to prevent opposition parties from telling the people of this province about the bad decisions that this government is making. There are supposed to be distinctions between government and the governing party but, in reality, this line is quite blurred.

Recent provincial ad campaigns are as much, if not more, about touting the achievements of this government's economic and environmental policies as they are about a government communicating with its citizens. The same goes for the ads the government ran earlier this year promoting its latest budget.

The Legislative Assembly Management Commission, LAMC, should be empowered to censor communications, so that there is a very distinct line between the governing party and the government of the day.

One of the most self-serving aspects of this bill is the \$1.25 per vote scheme. Shame. How did you people arrive at \$1.25 a vote? Whatever happened to—tongue-in-cheek—69 cents?

The Premier says it's the first time the public will finance political parties. Wrong. Taxpayers already fund political parties and the Premier knows that. This new scheme, or vote tax, would be retroactive for each vote received in the 2007 provincial election. After each election, political parties receive taxpayer support for 50 percent of their election expenses. That's the first way the public finances political parties.

The second way is when someone makes a donation and that, you get—if you make a hundred dollar donation you get \$75 back. If you donate, say, to the Humane Society, a hundred dollars, you only get \$15 back. And the third way to subsidize political parties is this vote tax that's taking money away from services that people of this province need. There's hypocrisy in this legislation because it's indexed to the—*[interjection]* cost of living, thank you—it's been a long day—and you're going to be redirecting more tax money away from services that the people in this province need.

Having the LAMC monitor publications that are sent out and literature that's being sent out is censoring the people of this province, and it's very important that we maintain our democracy, Mr. Doer. Ask us, don't tell us, how it should be reformed. You are here at our pleasure and our pleasure can become short when these sort of tactics only serve to undermine democracy, not enhance it. Shame. So how are Manitobans affected? Now you know. Thank you.

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

Questions of the presenter by committee members?

Mr. Derkach: Mr. Diamond, you made a comment in your presentation earlier referencing a meeting with the Premier, and it was a fairly strong comment that you made regarding something about, you can get anything for money. Are you suggesting that somehow there was a cost involved in meeting with the Premier?

Mr. Diamond: Yes, there was.

An Honourable Member: Could you explain—

Mr. Chairperson: Mr. Derkach.

Mr. Derkach: I'm sorry, Mr. Chair, I should know better. Can you explain that, please, Mr. Diamond?

Mr. Diamond: It's sort of a yes and no—I was playing in a golf tournament at which the Premier was playing in for the Health Sciences Centre Foundation. It was the Mondetta golf tournament. It was held at Niakwa Golf Club, I believe about—it'll be two years ago this August. To raise money for the Health Sciences Centre Foundation, one of the items up for bid, live auction, was dinner with the Premier at 529, and there was some lively bidding on this item as there was on other items. Some of the people bidding, I've seen them before and they went in, in

previous years, and my bid was successful, and I did have dinner with the Premier. The money did not go to the Premier or did not go to any political party. It went to support an extremely, in my mind, wonderful thing in this province, the Health Sciences Centre of Manitoba. That is why I bid on it because I knew that the money was going to that, but to answer your question, yes, I did pay to have dinner with the Premier.

Mr. Derkach: Thank you for that explanation, Mr. Diamond.

Another question: Have you ever had occasion to meet with the Premier outside of this one event to express your views on the way the government was proceeding with some of the bills that it has introduced in this session?

Mr. Diamond: No, I haven't, although I would have liked to have had the opportunity.

Mr. Derkach: Well, as one Manitoban, I want to thank you for your clear views on this legislation because I think that is what we've been hearing from many Manitobans regarding Bill 37. I think it's a pretty well-known fact that Manitobans see this as an infringement on their democratic rights and freedoms and something a democratic government should not be doing, so I thank you for your presentation and your views tonight.

Mr. Chairperson: Mr. Diamond, do you wish to comment or I'll move to the next question.

Mr. Diamond: Next question.

* (19:40)

Mr. Ralph Eichler (Lakeside): Thank you, Mr. Diamond, for your presentation.

You did mention that—obviously, you've done an awful lot of research on this particular bill. In your circle of friends, how many people think that this is just about set election dates rather than the detail that you pointed out in your presentation?

Mr. Diamond: I had spoken to a couple of individuals, my professional contemporaries, this afternoon because I wanted to get some feedback from other people, what they thought about it, and they just think it's about the election date. They have no idea that these other items are in the bill.

Mr. Eichler: Having said that, Mr. Diamond, do you feel that this bill should be taken to the public for consultation in order to make the bill a little more

significant and have the impact that it needs to have for all Manitobans, as a result of this bill being so messed up, so to speak?

Mr. Diamond: Yes, I do, but as I've heard other presenters before me mention, they would like to see it divided, not as one piece of legislation. The fixing of the election date, a lot of Manitobans seem to like that idea; some of these other things, yes, no.

So there are good points in the bill. There are some things that I believe should be presented to Manitobans and they will embrace, and other things, as this committee has probably heard, are not that way.

Mr. Schuler: Thank you very much for coming to committee and presenting. I don't know if you had the opportunity to read this morning's *New York Times*, but one of the headlines reads: Kremlin rules. It isn't magic. Putin opponents are made to vanish from TV. Critics of the government and Vladimir V. Putin have been placed on the roster of individuals barred from TV news and political talk shows.

Flash to Bill 37. We have a bill right now that if we want to put out a brochure as members of the Legislature, we actually have to present it to the NDP government, to the caucus of the NDP, and they will decide if we can send that out or not. They can reject our message.

I have a question for you. What's the difference between those two headlines?

Mr. Diamond: I don't think there's anything. I just think that it's outright censorship. If the voters of Manitoba actually knew what was going on, if they could have the public information which from what you're saying now would be denied and that's what this bill would do, no one would know. I think it's just an attempt to slide things under the table. Keep the status quo; everybody's happy; you have a little of this, a little of that; don't worry; we'll take care of you. Things are just trying to be slid in.

As a Manitoban, as a voter, I'm just happy that I've had this privilege to be able to present my feelings so that, if I can use the term correctly—if not, please tell me—both sides of the House understand the citizens of this province. As I said towards the end of my presentation, you're here at our pleasure. You're here at the voters' pleasure, and you destroy that pleasure, you won't be here.

Mr. Chairperson: Thank you very much for your presentation, Mr. Diamond. Time has expired.

The next presenter I have listed for a second call is Nataliya Hryshko. I hope I've pronounced your name correctly. Do you have a written presentation?

Ms. Nataliya Hryshko (Private Citizen): I have just notes.

Mr. Chairperson: Just notes. That's fine. Thank you for your patience. Please proceed when you're ready.

Ms. Hryshko: Thank you, Chairperson, and all honourable members of this committee. Thank you for giving me the opportunity to speak to you today. First of all, I would like to mention—*[interjection]* Well, thank you again, Chairperson, and all the honourable members of this committee. Thank you for giving me the opportunity to speak to you today.

First of all, I would like to mention that I'm not in favour of this bill, and I don't think this bill should be passed. The bottom line or slogan of this bill is, you vote, you pay, as was mentioned in the *Winnipeg Sun* on May 4 by Tom Brodbeck. I would completely agree with this statement.

First of all, all taxes should be intended to pay for your and my health care, education, justice and others. If we let this pass, we'll be paying for political campaign promotions, which, to be honest, I don't support at all.

Second of all, people in Manitoba are cheap. My parents own a shoe store which carries more expensive shoes than an ordinary shoe shop; most people will complain the shoes are too expensive. They'd rather go to Payless and wear a shoe for a month and then go and buy one more, rather than buying an expensive shoe that will last them for a year, but it's beside the point. The bottom line remains that people are cheap here, and every penny is meaningful to them.

Third of all, you have to consider the fact of what youth are going to think about this. What kind of influence will this have on us, the youth? All of the promotions, campaigns and all that advertising, all of the finances that the government has spent will go down the drain to promote the youth to vote, because no youth would be attracted or interested to vote, because it will cost them. Sure, that's just \$1.25—that's just a Slurpee at 7-Eleven—but that surely won't promote any teen to vote.

Most of the youth are not involved in politics; therefore, they don't know what they pay for it, because they don't care. If they don't care, they won't pay, nor will they vote.

So keep on educating us and getting us to have an interest in politics, instead of making us pay for our votes. Thank you.

Mr. Chairperson: Thank you very much for your presentation Ms. Hryshko. Have I pronounced your name correctly?

Ms. Hryshko: Hryshko.

Mr. Chairperson: Good, thank you for correcting me.

Questions for the presenter?

Mr. Schuler: Thank you very much. It takes a lot of courage to come and sit in front of a whole committee room, full of politicians who are seasoned and know how to give speeches on the fly. Here you get up and you gave a wonderful presentation.

If I understand you correctly, what you're saying is, take that \$500,000 a year that this bill would cost and use that money better to educate young people about how important democracy is, rather than giving it to political parties. Is that what you were basically trying to say with your presentation?

Ms. Hryshko: Exactly. I know a lot of my friends, they don't—we were just working in the classroom about political cartoons. We had the challenge—the cartoon was presented about one of the countries; people were trying to help them out because they had issues there, but most people didn't even know what the story was behind it, because no one reads newspapers or watches news in these cases. It's sad, but it's true.

Mr. Derkach: Thank you for your presentation, Ms. Hryshko. I certainly appreciated the views of a youth of Manitoba.

I have a question regarding how some of your friends who, perhaps, know about this legislation feel. Do they feel much the same way as you do in that your money, as a taxpayer in this province, is going in an involuntary way to support, perhaps, causes that you don't believe in, a party that you don't believe in, or parties for that matter that you don't believe in and, yet, you have no say and no way to stop that kind of flow of money from your pocket into those whose, perhaps, philosophies you don't support?

Ms. Hryshko: Yes. I attend Springs Christian and there are a lot of things that we do to get involved with each other. You have Youth Parliament and

other things that we try to stay aware of, what's going on in politics that will affect us and affect our future.

Yes, there are a lot of kids who—teens these days have a reputation as bad kids, and they think what they think, it's not important to politics. They don't bother speaking out, because they know no one will hear them. That's the reason, after it comes out, that youth don't speak up and do not want their views to be heard—because they know no one will care, pretty much.

Mr. Eichler: Thank you for your presentation. You did a fantastic job. This is what we need—more young people speaking out. So I commend you for your efforts and, definitely, your wisdom for what you brought forward here to the committee tonight.

As you know, this is more than just about fixed election dates. It's also a money bill. There are a lot of things rolled into it. When you're talking to your friends out in your world, what are they saying to you? Do they understand that this is more than just a set election date bill, as far as they're concerned?

*(19:50)

Ms. Hryshko: Yes, there are some friends of mine that are aware of politics and they are interested. There are others who know about it, but they don't bother to have their views to be heard. Like I said before, they know that their views won't have any effect just because they're youth and they have that reputation and why bother saying anything.

There are kids who, yeah, have very big influence in it and me and my friend, in our history class, we do bulletin boards and we have to present something that affects Canadian history or Canada right now at present. Like, something I didn't hear about, talking between my friends, until I had to get to get myself educated. It's about, I believe, a Bill C-448, it's about abortion, how if you kill a pregnant woman then it's a two-crime, with two crimes you should be charged and, yeah, there are kids that want to be heard and who want to start a petition to send to our MPs and other stuff like that.

If there is interesting stuff that will get us promoted to get us heard—I don't know, I guess, a meeting for teens only—then I think more people will be more interested and they will know that their views would have some kind of an effect and you want to know what we think.

Mr. Goertzen: Thank you very much and it was a good—I'll echo my colleague's comments, a great

presentation. We're very happy that you came out tonight, and you touched on a point that I want to touch on as well in your comments regarding the federal bill in Ottawa, The Unborn Victims of Crime Act, which was brought forward by Mr. Epp from Alberta that would make it a crime, as you mentioned, for somebody to kill an unborn child when assaulting or killing a woman. That's relevant in Manitoba because we've had a couple of cases like that. I'm glad that you raised that issue and that you're concerned about this bill as well.

You mentioned that it might be good to have meetings just for young people and we've had some discussions about whether or not we should take this bill out to Manitobans and have public forums and have people come and make presentations there, but something that I hadn't thought of until you mentioned it now, so I'm very happy you came, is maybe it would also be a good idea for us to take this bill into high schools or other schools and, you know, couldn't do every high school, obviously, but certainly some in different areas and say—and the Minister of Education (Mr. Bjornson) is here, so I'm sure he would support that—go to young people and say, what do you think of this legislation? It might be a way to engage young people, from my perspective, but I'd like to hear your perspective. You think that that would be a good idea to maybe go into the high schools and have sort of a committee not exactly like this, but to have discussions with young people? Would that help to get interest going?

Ms. Hryshko: Yes, of course, having anything interesting to get, I think, a teen interested into anything is there's got to be some kind of fun interest, not just come hear someone else talking but, say, in your own language, I guess, not like anything formal, and that their views would be heard. I think a lot of people would be interested not even just the kids who are highly academic and who are interested in politics as well as teaching the average students who just want to express thoughts and their feelings about whatever the issue is, so I think that would be very encouraging for everyone.

Mrs. Rowat: I want to congratulate you on coming forward and presenting. I know that it would be very overwhelming, but I want to congratulate you on doing that and I'm most impressed that your school does take an interest in current and public affairs and, obviously, are very concerned about how different events and different legislation will affect you as a citizen and as a future taxpayer of the province. I think Kelvin has sort of focussed on some

of the point in asking whether having, you know, MLAs or ministers come into the school and talk about legislation, but I think it would be extremely helpful to go through different pieces of legislation with different classes or different individuals who have an interest in current and public affairs. I think that if you could take this back to your class and encourage public input and public support on this process, we will be very healthy in the future, so thank you very much for doing that.

Mr. Chairperson: Ms. Hryshko, did you wish to comment?

Ms. Hryshko: Yes. Thank you for your comments.

Yes, I feel encouraged. You can tell probably, I'm a newcomer to Canada. I'm not Canadian. I was born in Ukraine, and then I came here five years ago, but now I have Canadian citizenship, so I mean—*[interjection]* Thank you. Knowing that I can say what I think and have some kind of input or perhaps even influence, if not now then later, then, yes, I'm very encouraged and passionate about politics. I know, back home in Ukraine, it's true, but sad, the only way you can get into power is through money. That's the way it always has been there, and here, coming to a new country and learning about the true democracy—there is democracy but with a different definition. So, I mean, coming here and having to say what I think and being more encouraged than tell me to be quiet, then it's just encouraging. So thank you.

Mr. Lamoureux: I, too, just want to add a few comments. I think, like every member of the committee, we're really impressed with your presence and the presentation and so forth, and really commend you on coming out to make it.

In the legislation itself, what the government is proposing to do is to be able to know the content of what I'm putting in an envelope before I mail it out to my constituents. I'd be interested in knowing how you feel about that. The second thing, to kind of pick up from where the Member for Minnedosa had commented, I would be more than happy, and I'm sure the Member for Steinbach (Mr. Goertzen), I know, has an interest in this type of thing in terms of going out to your school with a government member to talk to your class or any other class that might be interested. If you could come out here, I'm sure we'd be prepared to go out there to further the dialogue on this very important bill. So, if there is some interest, you let us know, and we'll see what we can do. After all, you came out here.

Ms. Hryshko: I can definitely guarantee you that there are a lot of kids, especially like the school that I go to. I know for other kids—I get to know them so I know a lot them are interested in politics, and like that's why we have for a very long time something called Youth Parliament. I'm pretty sure some of you were there. You have people just get excited about letting other students know and visitors to know that yes, we care and we want to have our voices heard. We want to have some kind of impact. So I'm definitely thinking that especially kids in our school have big passion about having some kind of influence in society for our future and future of our kids. It's just something that a lot of kids are, especially in our school, passionate about, and I guess that's why I'm here too. So, just here presenting and yes, it's very encouraging in knowing that I have some kind of impact and that my voice is heard.

Mr. Lamoureux: A quick thought in terms of should the government have a right to know what I'm putting in my envelope before I mail it out, in your opinion.

Ms. Hryshko: Well, then I guess it won't be called freedom of speech. That would be just going against our Charter of Rights and, if I was say I was in a party and if I wanted people to know what I want to do for a future or what my plans are, so what other way am I going to let them know just like—thinking in my head instead of—*[interjection]*

Hon. Peter Bjornson (Minister of Education, Citizenship and Youth): Yes, thank you, Ms. Hryshko. I appreciate you taking your time to come here and make the presentation. As a teacher who happens to be the Education Minister, I also taught civics and social studies so I'm always delighted to see students that take the initiative to be a part of this process. I think it's a very important process.

* (20:00)

This is more a comment than a question, but I just wanted to assure you, you mentioned that you appreciate the opportunity for your voice to be heard. There are a number of things that we do that allow students the opportunity to be heard, whether it's forums on citizenship, education, whether it's the Manitoba MB4Youth, minister's advisory council, or youth town halls at Rural Forum. I would hope that when these opportunities arise that you would take the opportunity to be there and be a part of that process. It's very important to hear from our young

people, and we do listen to our young people. So I thank you for your presentation.

Mr. Chairperson: Ms. Hryshko, did you wish to comment?

Ms. Hryshko: Yes. I thank you again for the encouragement and, yes, I've been actually researching since last year about just, like, since I became Canadian citizenship, finding out what I can do, what I can get active, especially in the summertime. I don't work, so I can sit at home and just watch TV and hang out, but there's got to be some kind of more meaning to life and do some kind of impact, not just for me but everyone who surrounds me. Yes, I found out about the MP youth and, yes, definitely getting some thoughts on that.

Mrs. Bonnie Mitchelson (River East): Thanks very much, Nataliya, for coming out tonight. I have had the occasion to be at your Youth Parliament and I find it invigorating. It's really great to see students involved and taking different positions. No matter what you see around the table here in differences of opinion, we all are legislators and we all hope to always have democracy and the ability to speak freely and present our point of view. We will never always agree on things. There are certain things that we do agree on, but we never will always agree on everything and that's what makes us different, that's what makes us a democracy, and that's what gives us the opportunity to be able to speak freely.

Some of those freedoms are being taken away through Bill 37, and it's unfortunate. I know that you talked about democracy being a little different in the Ukraine than it is here and democracy is relatively new for the Ukraine too. It's unfortunate that we see ourselves through legislation like this, taking steps backwards, not forwards.

If I could just ask you whether you feel that a debate around this legislation by politicians, all political parties in this House, if we could encourage government and opposition parties to come out to your school and debate this legislation, do you think it might be something that would be helpful in getting young people interested and involved in the political process?

Ms. Hryshko: Yes, it definitely would. It's true that people live and that there comes a point that they have to pass away, right? And there's got to be a new generation that going to come after along. If you're not going to educate us, then if you're not going to tell us how or fix us or on our mistake, then tell us

what is wrong and what is right and tell difference between good and bad and letting us know that we should say what we feel like and then no one can stop us, then we'll definitely have an impact not only now, but for the future.

So, if you guys would want to come to our school, I think a lot of people be excited about that. That's for sure.

Mr. Chairperson: Any other questions of the presenter?

Mr. Derkach: Just very briefly in one word: [*Ukrainian spoken*]. Thank you very much.

Mr. Chairperson: Thank you very much for your presentation this evening, Ms. Hryshko. We really appreciate your coming here and sharing your time with the committee members and welcome to Canada and welcome to Manitoba. Thank you for choosing our province.

Ms. Hryshko: Thank you.

Mr. Chairperson: Order, please. Next presenter we have on our list is Marni Larkin.

Mr. Goertzen: Mr. Chairperson, I note from the list—and boy, that was a stirring last presentation—and, as I look through the list, I can say with confidence that I have spoken or we've had contact with all the remaining presenters as there were only five in number, but I do know that each of these five presenters are able to present tomorrow. For a variety of different reasons, these five couldn't be here tonight to present, but not only are they willing, but they want to speak to this committee tomorrow.

I know that there are some distinguished Manitobans on the list that we've already, unfortunately, as a result of the government members, lost Mr. Keam to speak, but I do know that the remaining five, who have a variety of different experiences, some of them past legislators, are able to speak to this committee tomorrow but not tonight.

I wonder if, through you, Mr. Chairperson, I could seek leave of the committee that this committee do now adjourn and then tomorrow we'll hear from the remaining five presenters, and then following that, I suppose, we would be on to clause-by-clause consideration of the bill. I know, given the comments from the members opposite about wanting to hear from Manitobans, they would be, I don't want to use the word "hypocritical" but something akin to that, if they wouldn't accept that. So I ask in the interest of ensuring more opportunity for presenters

to speak, in the interest of input to this legislation and other pieces of legislation, in the interest of ensuring that all Manitobans who want to have their voice heard, I now ask that this committee do adjourn.

Mr. Chairperson: I believe, if I understand correctly, Mr. Goertzen has asked for leave of this committee to adjourn to allow for presenters to be heard at subsequent meetings of this particular committee. Is there leave of the committee—

An Honourable Member: It's only five more and then we do clause by clause. Why not?

An Honourable Member: But they're not here. They can't be here.

Mr. Chairperson: Is there leave of the committee to allow for this request?

An Honourable Member: No.

Some Honourable Members: Yes.

Mr. Chairperson: Leave has been denied.

Point of Order

Mr. Derkach: Well, on a point of order then, Mr. Chair. It's regrettable that we have degenerated to a state in this committee where not only are we dealing with a bill that restricts the freedoms of speech in a democracy, but now this committee is moving towards restricting the freedom of speech of people who want to present at this committee.

Mr. Chair, this committee is supposed to have been set up to listen to Manitobans. Now Manitobans are busy people and, indeed, nobody who registers for this committee knows how many people there are ahead or behind them and so, therefore, they register with the best intentions to come before this committee to make their presentations. I find it regrettable that members of the government are so determined to push this legislation through and impose it on Manitobans that they are prepared to embarrass themselves by restricting the presentations from Manitobans to this committee.

We saw earlier this evening the request to allow Mr. David Keam to come forward and present because he was on the list and he made it known to members of this committee that he couldn't be here tonight, but he would be prepared to come back and present tomorrow. Now I ask a question to this committee: What is it this committee will lose by not allowing this individual to present? I understand that the committee has been called for tomorrow

morning, and this committee will continue sitting until this bill is ready to proceed into the House, and that will be determined by members of the committee, not by the government. I don't know why this government is putting itself in such an embarrassing and shameful position where it's refusing to allow Manitobans to voice their opinions, to voice their advice, and to voice their concerns to Manitobans.

So, Mr. Chairman, I think this is a breach of the rules of this committee that has been operating for years and years and years to hear Manitobans. Yes, there were times when we would sit into the wee hours of the morning, but since we've been able to revamp the rules, we have done that in the spirit of trying to make it more flexible for Manitobans to present at reasonable hours.

* (20:10)

Now I remember this very same committee, when the government now was in opposition, argue that we needed to ensure that full access was given to Manitobans for presentation and, Mr. Chair, I remember sitting in the chair where the Minister of Competitiveness (Mr. Swan) is now, and we agreed that evening to ensure that Manitobans would be given every opportunity to come before this committee even if it meant extending the length of the committee.

Today, Mr. Chair, we are restricting those freedoms for Manitobans. We are restricting that freedom of speech just as this bill is doing to Manitobans if it is passed. I think that we should reflect once again on whether or not perhaps cooler and calmer minds can prevail and allow for Manitobans to be called before this committee who can't appear tonight but can appear at a subsequent meeting. Therefore, I am a little embarrassed at being a member of a committee whose majority, being the government, has decided to use that majority to disallow Manitobans to come forward. I think it's regrettable and it's a sorry state of affairs for this province.

We just had a young woman who comes from a country that was ruled by an anti-democratic government, was ruled by a Communist government for decades, Mr. Chair, where there was no freedom of speech. That is why those people emigrated to this country because they felt that in Canada we lived by the rule of democracy, where freedom of speech was practised, where freedom of speech was respected. Where no one would be shut out from speaking to a

committee before the government when laws were being passed. Yet this same young woman that presented tonight is witnessing the erosion of that democratic right that we as Manitobans have enjoyed since this province became a province and, indeed, freedoms that this country enjoys.

Mr. Chair, I think that it is a breach of rules of this committee and that this is a matter that you, as Mr. Chair, need to reflect on carefully and that somehow we need to get by this situation and allow for presentations to come forward. Because if they don't come forward, we will continue to have this kind of debate in this committee between the government and ourselves in terms of why it is that the government feels that it has to restrict access to Manitobans to this committee. Why it has to restrict the freedom of speech of people.

It's bad enough that we won't even allow—now, in this committee, Mr. Chair, and I have to give you full marks for that. I've been in the other committee for the last number of days. This is the first evening that I've sat at this committee. Mr. Chair, I have to give you full marks for allowing latitude as a Chair of this committee to allow presentations to be made beyond the 10-minute limit and to allow questions beyond the five-minute limit. I know that this committee has in a very, very serious way been led by a Chair who recognizes the importance of freedom of speech and the importance of people expressing themselves.

I thank you for that, Mr. Chair, because I seriously think that you have ruled firmly but indeed wisely. That has to be respected and appreciated. I look at the members on the government side of the House. All of us maybe don't agree on each and every point, but there is one principle that we hold dearly no matter if we are in the House or whether we are running an election campaign. Other countries don't have those privileges. Other countries don't have those freedoms.

I look at the mix around our Legislature. We have people who have come to this country from other jurisdictions where perhaps those freedoms are not granted. In Canada we have always had the democratic right and in Manitoba we need to appreciate it. I look at the government members sitting on the other side of the table here, and I ask them whether it's their constituents who are asking them to pass this kind of legislation but, more importantly, to disallow Manitobans the opportunity to come before this committee. If it were members of

the government—and we have had friends of the government who have presented in other bills and that is fair ball. That is fair game. That is how democracy is played. That is how laws are made in the best interests of all Manitobans so that we listen to all sides of an argument. This is what we need to do in this committee. Whether we like the presentation or not, it is our obligation and indeed our duty to listen and to take the advice and perhaps, at times, the criticism and admonishment of Manitobans who come before this committee.

So, Mr. Chair, I ask members on the government side to reconsider the question that was asked and to allow for Manitobans who perhaps have been called twice tonight but couldn't appear tonight for very good and valid reasons, to be able to come before this committee and to make their voices heard and to allow their opinions to be heard by this committee. And we're going to be here. There is no rush, because by the time we finish these committees, it only takes a few minutes to pass the bill into the House and then to be able to debate it in third reading and, yes, if there are amendments, we'll pass those as well. But it's very, very important to allow Manitobans to have their voices heard.

Thank you, Mr. Chair.

Mr. Chairperson: Mr. Eichler, on the same point of order?

Mr. Eichler: Yes, on the same point of order. I do think it's important that we do allow the presentations to be carried over. I know the Member for Steinbach (Mr. Goertzen) has done a fantastic job in assuring that voices are heard throughout Manitoba. We just heard from a very young presenter that did a fantastic job, that I know the Member for Russell did an eloquent job outlining the way the procedure has been and we know that this needs, in fact, to be re-evaluated, and in fact we know that every Manitoban needs to be heard.

This is a very important bill, and I know that members on the other side of the table are mixed on this, and there are feelings out there that, in fact, we need to make sure that every Manitoban and their voice is in fact heard.

So I know that there are other members that want to speak on this, and I know that you, Mr. Chair, in the last presenter, allowed a lot of extra time for the last presenter in order to make sure that her voice was heard. There are other voices out there that are crying out, that want to be heard, and by

limiting the debate tonight it calls an end to debate on this on a democratic reform on this Bill 37. These people are just crying out wanting to be heard. In fact, we did talk about David Keam earlier and that request was denied. But, unfortunately, he thought he would be able to present tomorrow, but we weren't able to.

So, with that, I know the Minister of Agriculture (Ms. Wowchuk) must want to put something on the record in regard to this. She's certainly been more than fair, and I know that she wants to make sure that all the voices are heard. She talks about consultation with the various farm groups that she represents, and I know that she's said many times in the House that she wants to make sure that their voices are heard, and I know that she cares deeply about Manitobans, otherwise she wouldn't have put that on the record. I know in the past that she's considered herself to be a very fair woman, and we talked about several bills as they came forward, that she's brought forward in the House, and we asked about her consultation. She always said she consults with all groups.

So what we want to do here tonight is make sure that each and every voice is heard that is on the list. We know there are rules to be followed, but from time to time we need to look at that and make sure that each of those voices in fact will be heard, because they are crying out, Mr. Chair.

So I ask for your indulgence on this point of order and ask the people on that side of the House to act favourably in the request that's been made by the Member for Steinbach (Mr. Goertzen) in order that these voices, in fact, will be heard.

Mr. Chairperson: Mr. Goertzen, on the same point of order?

* (20:20)

Mr. Goertzen: On the same point of order, Mr. Chairperson, I hear the now Vice-Chair of the committee saying that these members should come on down. I mean, it's not *The Price is Right*. It's a committee, and it's an important committee. We don't get presenters to committees the way we get union members. We don't knock on their door in the middle of the night and say sign this card, you know, and drag them out to committee. They have jobs, they have lives, and they run businesses, some of them. We've already lost a businessperson tonight. There are a lot of different circumstances why people can't come to committee. That's why I've argued, I think passionately, in my own mind perhaps, that we

need to have a different system, a system where people can be slotted in respectfully and reasonably to come and make presentations at committee.

When I look at *Beauchesne*, when I look at section 688 of *Beauchesne*, where it talks about the functions of committee and the need for a committee to carefully consider clauses of bills, Mr. Chairperson, section 688 and section 693 both give instructions to us about how we debate bills at committee and the need to go line by line carefully.

We have an added element here in Manitoba. I recognize that it's relatively unique to Canada, where we do have the opportunity to hear from presenters and ordinary Manitobans, if I could use the term. I think the reason that we do that is because we often get good ideas and suggestions from those very same Manitobans. It would be an arrogant government to suggest that they couldn't learn from a Manitoban or that they couldn't get a good idea from somebody else in their own area. There might be constituents of the members opposite who would have good ideas on the bills who could come forward.

I know that we're not going to allow any more presenters. That's a battle we've waged and lost because the heavy hand of the government has come down and they're not going to allow more people to register for this particular bill, but there are five esteemed Manitobans who still wish to have their voices heard on this particular piece of legislation.

The actions of the government are very different than the words that they put on the record. Any opportunity that the Premier (Mr. Doer) or the ministers have to speak—I know the back benches aren't allowed to ever speak in public, but the Premier and the ministers, when they're speaking, they quickly say that they want to hear from Manitobans and that we need to get on with presenters. I heard the Premier say it yesterday in the hallway after question period. I heard him say today, before he flew off with his Mexican band to go to Mexico, that we wanted to hear more presenters, that we wanted to hear from more Manitobans.

Madam Vice-Chairperson in the Chair

But we wouldn't want to give up a day. Oh, the Minister of Agriculture (Ms. Wowchuk) wouldn't want to give up one precious day to allow these five Manitobans to come forward. What does she think is going to happen in 24 hours that's going to be so monumental in the province of Manitoba that it's not worth 24 hours to hear these presenters.

There are only five other presenters to be heard. I am confident we would hear them tomorrow evening, that they would give their presentations, and then we would get into the process of going line by line and clause by clause. That won't be a quick process either. But we would be doing those individuals a disservice if we didn't allow them to come forward so that we could take their comments into our deliberations.

Not to prioritize any of the individuals because I think they all have much to add, but I look at Mr. Newman. It's funny—and I should of mentioned this before. Mr. Newman is the individual who came to this Legislature a couple of days ago and found a "Closed" sign on the door of the Legislature, that individual who now is one of the ones we're contemplating whether or not the government is going to have them called a second time and dropped off the list.

I would hope that this wouldn't be a conflict of interest. I mean, perhaps the members opposite want him to be dropped off the list because they may be embarrassed by what he has to say about that particular issue, about the closed sign being placed on the outside of the door when others were coming to present. Maybe that's an ulterior motive because I can't think of any other reason why the government wouldn't want to have an individual come and make a presentation with his background, with his legal expertise, with his parliamentary expertise. I'm sure that he could give us some instruction on how to improve the bill when we got to clause by clause. I think the only reason is perhaps because they're concerned about that happening, the closed sign being on the door and the embarrassment to the government.

With those comments, I look forward to your ruling. I look forward to a positive ruling and we can have all the speakers present.

Mr. Lamoureux: Madam Vice-Chairperson, I also want to add some comments on the record in regard to the point of order that's being raised. I think that there are some very valid concerns in regard to it.

Before I actually start, I would request that a quorum count be called, Madam Vice-Chairperson, at this time and would request that the doors be shut.

Madam Vice-Chairperson: A quorum count has been requested. I will have the Clerk count the members who are present.

Clerk Assistant (Mr. Rick Yarish): Honourable Mr. Bjornson, Mr. Jennissen, Ms. Marcelino, Honourable Ms. Wowchuk, Honourable Mr. Swan, Ms. Brick. Six members present. A quorum is present.

Mr. Swan: Let the record show there's not one single Conservative member of the committee in the committee room at this time; that's a shame.

An Honourable Member: Is that a point of order?

Madam Vice-Chairperson: It's not a point of order. It's a point of information.

Are you speaking on this point of order, Mr. Lamoureux?

Mr. Lamoureux: Yes, I would like to continue on with the point of order.

Madam Vice-Chairperson: So you're speaking back to the point of order now.

Mr. Lamoureux: Right.

Madam Vice-Chairperson: Just prior to that, the doors can open once again.

Mr. Lamoureux, you can proceed to speak.

Mr. Lamoureux: In calling for the quorum count, the Member for Minto (Mr. Swan) made reference to the Conservative participation. I think that we've seen a great deal of opposition participation in this whole process. We have not seen the same sort of presence from the Premier (Mr. Doer), Madam Vice-Chairperson.

I think that, given the very nature of the bill, we should be seeing at the table, ultimately, the minister who introduced the bill, or the Premier, the one that ultimately instructed that the bill be introduced.

I look at the number of presenters who have gone through and the hours of discussion. It is important for us to recognize that we haven't had the type of participation from some of those significant players, Madam Vice-Chairperson, who should be sitting around the table.

When we look at the issue in terms of the number of presenters, I would suggest to you that there's a finite number. We know that because, under the rules, we're not allowing for additional members to register in order to speak to Bill 37, but there are a number of individuals—if I look at the sheet, there are 12 that were registered to come here this evening, four of which have already spoken; three have been dropped off the list.

If we were to review, in terms of what's taken place over the last few days, we'll see that there have been individuals who are on this list and have not had the opportunity to speak but have, in fact, attended committee hearings. It's because of the structure that we have failed, as a committee, in terms of accommodating those individuals who did have an interest in being able to present on Bill 37.

* (20:30)

As opposed to continuing to read off the names which, for the most part, the government will recognize, by reading off those names, the individuals will be dropped if they're not present this evening, I believe that—given what has taken place, i.e., the closed sign that was on the doors, to the manner in which presenters have come before the committee. There is a very good chance that some of them might not have been able to make it here this evening, that there is some justification in terms of looking at how we might be able to better facilitate those individuals that are currently on the list as opposed to just dropping them off. I think it's important for us to recognize the significance of Bill 37, and, given the very nature of the bill, I believe that we should look at other ways that would accommodate those presentations to take place.

The idea of informing those that were unable to make it this evening, informing them that they will have another opportunity tomorrow night, I think would be an appropriate thing, given, as I say, in terms of what has been taking place in regard to the whole public hearings on Bill 37.

I believe it was even suggested after those presentations that we'll be in a better position then to be able to go into the clause by clause. I think that's what the government is ultimately wanting to see happen. If, by a chance, and I don't know for sure, one of those presenters is in the room, they could always present this evening. It's not to prevent anyone that's in the room that is prepared to present, but, for those that are not in the room, that they be afforded the opportunity to be able to come tomorrow.

This way the opposition, and I would ultimately argue, the public's interest would be best served by allowing us the opportunity to hear those presentations, and then—somewhat lost my train of thought on that, go figure—we would at least have the opportunity to hear those presentations, thereby allowing the opposition and the public to win. The individuals would be afforded that last opportunity.

The government would also win. The government would win because then it will wind down the presentations. I get this feeling, Madam Vice-Chairperson, and I don't know if we've resolved in terms of what time it is that we would be sitting till tonight, but I think that it would probably be a more healthy compromise if we were to agree that these presenters be informed, for those that are not here tonight, that they be informed that tomorrow night, tomorrow evening would be their last opportunity to be able to make presentation.

All we're talking about is eight presenters, and that's at maximum. Provide them the opportunity. We could even indicate that we'll get started right at 6 o'clock. The Chair would have my word that I would do absolutely nothing to prevent them from being able to speak right at 6 o'clock. In other words, I'll refrain from points of order or comments on the condition that we are allowing these individuals the opportunity to make a public presentation.

So even if you use our current time restrictions, Madam Vice-Chair, what you would find is that we would have it dealt with before 8 o'clock tomorrow night. Then the government would be in a position in which it could actually deal with the legislation, and that's what, ultimately, want to be able to do. The government wants us to deal with the clause by clause. So if that's what the government wants, and the opposition wants to ensure that, because of the extenuating circumstances, that those individuals that are currently on here be afforded the opportunity, the final opportunity, to make presentation in an orderly fashion. This suggestion will accommodate that.

And then finally, the final point, as I say, is that I truly believe that it would be a much healthier environment if we were to acknowledge that at this stage, and I see it as everyone wins. Or what I could see happening, Madam Vice-Chair, is that the dialogue will continue on into what time I'm not sure. But I think that is something which should also be factored in, in the minds of all those that are present.

With those few words, Madam Vice-Chair, I hope and trust in particular that the government members will see the wisdom in terms of allowing these names to be carried over tomorrow, because everyone wins in that situation. Thank you.

Mr. Derkach: Madam Vice-Chair, not to elaborate or to delay the process but we would be spending our time more wisely if we would be listening to presentations from Manitobans rather than going

back and forth this way. I would suggest that we would invest our time in listening to Manitobans even if it is tomorrow. Now, we always take time for a variety of things and we always pride ourselves in opening our doors to Manitobans.

Tomorrow morning, for example, I just learned from the minister that she's going to be hosting a breakfast to talk about the great Manitoba products we have, and we have time to do that. We have time to listen to Manitobans in that way, and then for some reason, when we get into a committee process of this kind, we feel that we have to be very strict in terms of the time allocations even though we waste more time than we invest on issues because of the fact that we get into arguments about how much time Manitobans should have to present.

Madam Vice-Chair, my colleague indicated there are five people that are on the list to present and they were supposed to be here tonight but for unavoidable reasons could not, and so therefore we are requesting that they be allowed to present tomorrow. It's not going to change the world but certainly it's going to allow for a democratic process to be followed, and I encourage you, Madam Vice-Chair, to support the point of order that was raised regarding the participation of Manitobans in this democratic process.

Mr. Goertzen: I had a few concluding comments, actually, when I had spoken before, and then I was rushed out of the room for an emergency outside in the hallway. But I just want to conclude with a few comments.

You know, when we look at *Beauchesne* and the sections that relate to the function of the committee, 688 and 689, and the importance of ensuring that there's proper deliberation on bills. In Manitoba that context is different because it also includes the necessity to have public presentations. So, when you look, particularly at 688, I'm struck by the comments where it says the function of the committee on a bill is to go through the text of the bill clause by clause and, if necessary, word by word with a view to making such amendments in it as may seem likely to render it more generally acceptable.

In Manitoba we've added on an extension to that by the public presentations because obviously those who came before us, in their wisdom, decided that it would be advantageous in trying to determine how to make a bill more generally acceptable to have members from the public come forward. I know that this has never been logged, I'm sure, but it would be

an instructive study perhaps for a student who wanted to get bogged down in this sort of thing to look back at the different committees to see how many Manitobans' suggestions were taken at a committee hearing.

I might be stepping out on a limb a bit but I suggest it would probably be hundreds, hundreds of suggestions that ordinary Manitobans coming forth and making presentations have found their way into our law and anything that the government tries to do to shut that process down and to limit public presenters, not only is in direct contrast to the words of the Premier (Mr. Doer) and to the words of other ministers here at this committee and those who aren't in attendance at the committee, but it certainly is counter to what we have heard from the government when they say, let the presenters speak. We want to hear from Manitobans. We want to hear their ideas, and what we've seen tonight is the opposite when a good Manitoban and Mr. Keam has been dropped from the list, unable to present as a result of this government's heavy hand, and now we risk losing another five Manitobans.

You know, for the sake of five Manitobans this government won't allow the committee to make changes. I know there's some wind outside. I'm going to close the window. Usually, the wind is inside the committee room not outside the committee room, but it's how it's worked out here today. But I do think it's important to get these additional five Manitobans ability to speak in accordance with section 688 and I know I'm adding just somewhat of an addendum to it because of the different functions that we have here in the province of Manitoba.

* (20:40)

The reality, you know, when we look at the—let's look at the raw political reality, I would appeal to my friends opposite on this issue. My parents used to always say to me that you can do things the hard way or you can do things the easy way, and doing them the hard way is not learning from the past.

We're obviously, and I don't think I'm telling state secrets here, when I say that we're going to do all that we can to ensure these five Manitobans have the opportunity to present. If that means procedural rules to ensure that these five Manitobans have their voice heard, I have no problem with that. That doesn't bother me. I think fighting for democracy, fighting for the right for Manitobans to speak is a fight worth engaging in. I'm certainly prepared to have that fight and I'm well prepared to have that

fight long into the night, and the end result will be the same whether we make the agreement and adjourn committee now and have the presenters tomorrow, and they get into clause-by-clause, or whether we fight it out through the night with a variety of different procedural tactics. I can assure the members of this committee, at the end of the day those five Manitobans will be heard.

So I hearken back then to my parents who said you can do things the easy way or you can do things the hard way and, really, I guess the government will decide which one they choose. I can certainly assure all the members that we will—and at the end of the day and tomorrow if the dawn comes up on the Legislative Building and the sun shines early in the morning on the Golden Boy and the media come in and they're wondering why are you still sitting in committee at 8 in the morning, the government will go there and say, well, we refused to allow five members to speak to the committee. And we'll say, well, we fought hard to ensure that five more Manitobans could have their views heard on this bill. I'm okay with those arguments. I have no problem fighting on those grounds.

In fact, I feel quite comfortable fighting on those particular grounds, so I appeal to the members opposite to recognize the situation for what it is. I know we can all sort of flex our legislative muscles and try to play a game of legislative chicken here, but, again, I'm more than willing to use the rules at our disposal to ensure that we hear these five presenters one way or the other. I just don't know that it serves, you know, a great purpose on anybody's behalf because we'll hear them anyway. If we want to battle it through the night, we'll battle it through the night, but at the end of the day democracy will be served and we'll all stand proudly in front of anybody who asks and say, we did it so that five more Manitobans could present, and the government chose not hear from five Manitobans.

Those are the political realities, quite apart from *Beauchesne* and Marleau and Montpetit, which we're all governed by here in the Legislature. They're all valid rules and respect the history by which they were crafted and formed over the strands of time, but the raw politics of it is we really should hear from these five Manitobans and we will do our best to ensure that their voices are heard and for the government to stall it, I don't think is procedurally smart. I don't think it's politically smart and I don't think it's practically smart.

So, with those comments, Madam Vice-Chairperson, if there are other members of the committee who wish to speak to the point of order, I look forward to hearing it.

Mrs. Stefanson: I know with points of order we should be bringing some oftentimes new information to the table with respect to why would we be supporting these various points of order. I think certainly the Member for Steinbach has talked about supporting the five members left on the list, giving them the opportunity to come forward and voice their opinions at these hearings and beyond this into other hearings. I think it should be allowed, and as long as we are in this committee and as long as we are debating various bills within this committee, and Bill 37 isn't the only one, but certainly that's the one where a number of Manitobans have signed up because they've wanted their voice heard in this committee and they wanted their voice heard by this government.

I think it's unfortunate that members of the government want to shut down the democratic process. They want to disallow Manitobans who are anxious to come out and speak to this legislation. They're very concerned about the legislation. We've heard from many presenters tonight with respect to this Bill 37 and certainly, you know, they have said that they have a lot of concerns with respect to this bill. We know that there are the other five members, as the Member for Steinbach (Mr. Goertzen) and the Member for Russell (Mr. Derkach) and others have talked about tonight. But I think there are also the other three presenters who were also on this list and were also not able to make it out tonight, and I think—those people being Don Bruce, Wayne Anderson and David Keam—who also this government wants to shut out from being a part of this democratic process and coming forward and speaking their mind. I think it's unfortunate.

We also know one of the presenters, one of the five that the other members have spoken about, one David Newman has—and we know quite well that Mr. Newman has come out to speak on this bill another evening where he's taken time out of his very busy schedule. He tried to come into the Legislature and speak to this legislation, but unfortunately he came up to the front doors of the Legislature, and on the front door of the Legislature there was a closed sign—

Madam Vice-Chairperson: Order. The matter that the member is speaking about has been taken under

advisement and ruled on already—[*interjection*] Okay.

Mrs. Stefanson, please proceed.

Mrs. Stefanson: Yes, my mistake. I know that that has been taken under advisement. I know that we are not able to speak about those things and so, certainly, I will refrain from going there. But again, I think it's just indicative of this government of how they want to muzzle people when it comes to the democratic process in this province.

We had a wonderful presentation from Nataliya Hryshko this evening who has come here and moved here from Ukraine. You know, she gave us a very wonderful presentation tonight about what it's like living in Ukraine and coming to Canada, and what she expects from Canada is what she should expect, is that there's freedom and democracy, and there should be freedom of speech, and all of those rights associated with that.

I think what's unfortunate is that she had to come forward in a committee like this, this evening, and be subjected to a process which is very anti-democratic and goes against the very rights and freedoms of what we believe in, in a democratic society, and a free and democratic society. I think it's incumbent upon this government to think twice about what they're really doing here. If they were really, truly a New Democratic Party—you know, the very word "democratic" and democracy being part of who they are supposedly for and what they're supposedly for—they should be ashamed of themselves for disallowing other members of this—other members who are on this list from coming out and speaking and being a part of this democratic process.

Certainly, these people obviously had something else on tonight, as perhaps they did other nights, and they were prevented from being able to come out. It could be—I look at some of the people. I know who they are. They're probably spending time with their families in the evenings with their children and at various soccer games and baseball games, and all of those things, hockey games, all of the things that families like to do with one another in a truly free and democratic society.

* (20:50)

What's unfortunate, though, is that, you know—it's unfortunate that they're not given the opportunity to come at perhaps another time when they do have some spare time and they want to come down, and they would—you know, if they were given a time slot

or certainly within a certain period of time to come down, I think they would make the time—[*interjection*] a time frame, yes. The Member for Steinbach (Mr. Goertzen) is rightly calling it a time frame, and I should have been able to find those words; unfortunately, I couldn't at the time. But I thank the Member for Steinbach for giving that word to me.

Certainly, if these members of this list were given a time frame to come down and speak between a specific time frame and not required to come down night after night in the deep dark of the night and, you know, during working hours, during the day. I know that many of these people are employed, gainfully employed, and they can't afford to take the time off out of their busy schedules and time off work to come down and present to these bills.

But they have taken the first step which is so important. They have called in to the Clerk's office. They've put their names on these lists. It's an indication that they believe strongly, one way or another—and we don't know until they have the opportunity to come down and speak to this bill, but one way or another, these people believe very, very strongly about this legislation, strongly enough to call up the Clerk's office to get their name on a list, because at some point it is their intention to come down here and give a presentation to this committee.

I think they're expecting to be able to have that opportunity as citizens in our province, in a province that's supposed to be part of a free and democratic society, but, unfortunately, they're being shut out of this because they'll be called twice and their name will fall to the bottom of the list. Well, what's a list anyway? I think it's quite important that, you know, what really is a list anyway? I think it's more important for members of this committee to either give leave or perhaps speak to this point of order that I think is a very valid point of order.

Common sense really should prevail, and I think that these people had the intention of coming down here, every intention of wanting to come down and speak their mind about this bill, but, unfortunately, after tonight, the NDP is going to prevent them from being able to do so. I think that is unfortunate because the NDP should not only be allowing these people to come forward at a different time, maybe we should provide an opportunity to go out and see them in their communities.

That has been mentioned several times by various presenters this evening and other evenings,

that that part of the process we should consider, like they do in other jurisdictions. I mean, heaven forbid that we would get out of the Legislative Building and actually go out into the communities and listen to people and what they're talking about out in the communities. These people would probably be able to go down to their local community centre if we offered them the opportunity to head down to their—*[interjection]* Yes, absolutely, to various community centres in different areas.

I bet they would take the time because it is just down the street from where they are and where they live. We've seen many people in committee over the last number of days that we've been in committee, and certainly some of them have travelled upwards of five hours, Madam Vice-Chairperson. I think we owe these Manitobans the kind of respect that they deserve in what is supposedly a free and democratic society. We're supposed to be a free and democratic province. We're supposed to uphold the rights and privileges of the people in our province, and that includes giving them the opportunity to come down to the Legislature or to maybe have us go out to their communities, so they are heard.

We know how this bill was brought about. It was brought about in a very undemocratic way, slithered into the Legislature. It's unfortunate that from the get-go, when this bill was introduced, it was done in a very anti-democratic way. I think it's unfortunate because I think Manitobans want and deserve much better than they have received. They deserve to be heard. Thank you very much.

Mr. Swan: I believe the debate started with the Member for Russell (Mr. Derkach) who brought the point of order. He made comments that certain things were regrettable, and what I do think is regrettable is that rather than having a process where Manitobans could come and could present, instead they were faced with hour after hour after hour of motions and points of order without any realistic hope of success nor, frankly, any real root in any need to try to make this process work better, simply delaying tactics by the members of the Conservatives.

Unfortunately, it is apparent that certain Manitobans have decided that, in light of the delaying tactics, of the stalling tactics, of the filibuster being run by the Conservatives, indeed, they did have better things to do than to present to this committee.

I'm very pleased, Madam Vice-Chairperson, that we are in a province where not only do people have

this right but, if people register to speak and then for whatever reason decide that the time constraints are such that it doesn't work for them or that they do become frustrated by the ongoing filibustering by the Conservatives, if they make that decision, they do have some other alternatives.

We have had a number of presenters—one Stu Murray, I seem to recall, became frustrated with the Conservative tactics and, indeed, left a letter with the Clerk which, I understand, in the other committee was put into *Hansard*.

If there are individuals—I expect there may be some Manitobans who have decided they have better things to do than to listen to endless points of order from the other side but, certainly, we're very lucky to live in Manitoba where, indeed, they can submit letters or e-mails and have their views, not only put before the committee, but actually put into *Hansard* and form part of the permanent legislative record of this Province.

It certainly is instructive to see how useful *Hansard* can be. For example, in *Hansard*, there is a track kept of time. So, indeed, I'm expecting that one exercise we may use is to add up exactly how many hours of not just this committee's time, but the Legislature's time, the Clerk's time, the *Hansard* officials' time and Manitobans' time have been wasted by the Conservative opposition and, to a very small extent, by the unofficial third party in these proceedings.

The other thing which *Hansard* will reveal is that, indeed, when the independent member called for a quorum count about half an hour ago—it's very instructive, and I'm glad there is a member of the media here who will certainly note this—there was not one single Conservative committee member who could even be bothered to be in the room at that time.

On a night like this, people can banter back and forth across the table but, indeed, *Hansard* does not lie. Indeed, Mr. Clerk did get up and put that on the record, once and for all, so that every Manitoban will know that, even though we hear the Conservatives girding their loins and telling us this is apparently the fight of their lives, they will know that not one of them could be bothered to be in the committee room when a snapshot was taken of whom was in the room by the Clerk and forever put in *Hansard*, so I do want to put that on the record.

Certainly, we do want to get on to discussing Bill 37, line by line. We've now had all these

presenters who've had the chance not once, but twice, to put their comments on the record in *Hansard* or, for that matter, provide us with a letter or an e-mail.

We do want to get on to line-by-line discussion of Bill 37. I expect my friends opposite may have one or two amendments that they may choose to put forward and choose to justify. Certainly—*[interjection]*—I know Mr. Derkach is telling me they're not going to have any amendments, but I think Mr. Goertzen has suggested they will have a couple. We look forward to that; we look forward to that debate.

I believe that the Minister of Justice (Mr. Chomiak) with a number of presenters—not all of them, because we want to leave as much time as possible for the opposition members to pose questions—made presenters quite certain that we are listening to the comments they have. I believe the members opposite shouldn't be surprised when they note there will be some amendments coming forward from the government side as well.

Again, it's disappointing that Mr. Derkach is, strangely enough, denigrating this very committee process where Manitobans have come forward and have given ideas. Indeed, I think there have been some thoughtful comments put by people on the bill. I believe that, as legislators, all of us on this committee have tried our best to listen and, indeed, we will—again, you shouldn't be surprised to know there will be some government amendments coming forward as well.

It is regrettable that the member has taken up time, not having a point of order. In fact, the Member for Russell (Mr. Derkach) raised his point of order which, as I understand it, is the point out of breach of the rules and then very quickly in his comments confirmed that, indeed, the rules have been followed.

So I'm looking forward to getting on to some line-by-line discussion. I know there will be some fierce debate. I know that various members around the table hold some strong views, and I look forward to getting going on that and starting that process in a few minutes, as apparently there are no more presenters to speak to this bill.

Thank you, Madam Vice-Chairperson.

* (21:00)

Mr. Derkach: The minister just motivated me to come back to the mike for one more comment on this

point of order, because, you see, when the quorum count was called, what the minister seems to misunderstand, it is not up to the opposition to keep the quorum in committee, it is up to the government to keep the quorum, and not one of us called for a quorum count. The Liberal member called for a quorum count, as is his right. As is his right, and sometimes it's called—a quorum count is called to simply bring attention to the committee that, perhaps, the government is starting to slide away in the numbers of people that it has, and sometimes it's by design that members walk out of a committee because the government members are not attentive to their tasks and, therefore, by leaving the room for a few minutes it certainly does put an exclamation mark on what the role of the government should be and what it is not doing.

Madam Vice-Chairperson: Order. I'm sorry, I'm having some trouble hearing the speaker, so I am going to ask members to proceed to the back of the room if they would like to have a private conversation.

Mr. Derkach: Thank you, and I appreciate that. The minister also alluded to getting on to the bill line by line because he doesn't want to hear the rest of the presenters, he's made up his mind, and the Minister of Agriculture (Ms. Wowchuk) says, well, you'll be surprised by some of the amendments that we may have to offer on this bill. Well, I think that Manitobans have spoken fairly clearly about this bill and about the fact that it is undemocratic, and about the fact that never in the history of this province have we seen such draconian and aggressive measures taken by a government in trying to, I guess, disallow freedom of expression and censor information that is going between MLAs and Manitobans.

Also, all of this comes as a result of the government being sensitive to us doing our job, and an opposition that does its job is going to point out to Manitobans where the government could be held more accountable for matters that it has to deal with. It also is going to, an effective opposition is going to, perhaps, criticize where criticism is warranted from that opposition's point of view but, no, the government is so sensitive to that and it says no we can't do that anymore. Yet I recall very, very specifically that no one sent out more direct mail than the Member for Thompson (Mr. Ashton), when he was in opposition. No other MLA in the Legislature sent out more direct mail criticizing the government of the day, that happened to be a Conservative government, than the Member for

Thompson, and nobody said anything about it. That was his right and he used it. But now the government finds it somewhat against its own principles for members of the Legislature to express their views on policies and directions the government is taking.

What this bill does, not only prohibits people, MLAs from sending out information without it being censored, the other thing is it caps the amount of information that can be sent out. Now, Manitobans didn't send us to the Legislature to be shut down in terms of expressing what goes on in the Legislature, they want the information, and it not always has to come from government. Now, the strange thing is that MLAs are shut down from doing it but government can continue to communicate its propaganda or its message in any way it feels right. The bill goes on to try to impose some other negative issues onto members and onto Manitobans that Manitobans find regrettable.

I think that we should reconsider as a committee before we start going line by line and allow those Manitobans who have indicated their intentions to present to be given another chance to present. Thank you.

Mr. Lamoureux: Madam Vice-Chairperson, I wanted to add comment, because, in listening to the Member for Minto (Mr. Swan), I do take exception to the fact that I had to leave the committee room to go to the washroom facility and check in on the other committee room and then come back in and hear the member imputing motives as to why it is that I might have called quorum.

Mr. Chairperson in the Chair

The member doesn't need to impute motives on my behalf. I'm more than happy to tell him why I called quorum or requested quorum. The reality is, Mr. Chairperson, that the government does have a responsibility to be here. You'll recall, in the many different presentations that we had that were made from the public, there were commentaries that were being made from the presenters. Presenters felt that it was not appropriate to be looking at the committee where there are MLAs and they're reading newspapers, they're doing all sorts of other things, but not listening to what it is that they were actually saying. I believe, as was expressed by a number of presenters, that that is disrespectful.

The government does have an obligation. They're the ones that chose to bring in the legislation. They're the ones that chose to bring in the legislation

without any consultation, and they do have a responsibility to go through the public hearing process, listen to what is being said to them. Ultimately, I would argue that the Premier (Mr. Doer) should be here more than he is, Mr. Chairperson.

But there is an obligation for the government to listen to what Manitobans are saying about their legislation. The purpose of calling the quorum is to ensure that the government members are in fact paying attention and present for the committee, much like a presenter that looks at the government and sees that it's disrespectful for them not to be listening. I recall one presenter said, at least look like you're interested in what it is that he is saying. I think that there's a lot of merit to that. I would reinforce that. The government has an obligation to be here. It's their legislation and, by having a quorum call, what it does is it obligates the government members to be here.

There's no lack of interest from opposition members, Mr. Chairperson. The number of opposition members inside the committee room in most cases has been greater than the number of government members. If you were to review *Hansard*, you will find that the opposition is very much interested in this legislation. So the quorum call, as I say, the Member for Minto (Mr. Swan) was imputing my motives as to why it is I called the quorum has nothing to do with the attendance of the official opposition. It has everything to do with trying to make sure that this government is respectful for the process. When a presenter is there, if you're not interested, at least try to look like you're interested in what it is that the presenter is saying. *[interjection]*

The member says it's not appropriate to say that. That's some comments which were put on the record from individuals that came before the committee. I'm going to add to that by suggesting not only do they have a responsibility to that extent, and one might say it's more of a moral responsibility. Whatever type of responsibility you want to call it, for me, I think it is an issue of respect.

There's also an obligation for the government to be here present in the committee room to hear what's being discussed and debated. We don't know, Mr. Chairperson, in terms of what took place in their caucus. We don't know if the government backbenchers have any idea what was in this bill before it was actually introduced.

An Honourable Member: We know they don't.

* (21:10)

Mr. Lamoureux: As the Member for Russell (Mr. Derkach) suggests, they don't. That's one of the reasons why it is that you have to be here and listen as to what's being said. What you'll find is that a vast majority of legislation that goes through a committee is relatively non-controversial. It goes through the system quite quickly and that's great. But where government has made mistakes and opposition highlights those mistakes, certain strategies are put into place to try to raise the profile of the issue. Doing that is no different today than what it was during the '90s. There is no difference. It's important and it's the responsibility of opposition, including myself, to highlight where the government has made significant error, and in this legislation there is significant error that has to be rectified.

If the government does not acknowledge the need to bring in amendments, I would think that it would be most inappropriate, based on the type of presentations that we have heard to date. Out of all the presenters I cannot recall—I shouldn't say that. I believe there was the one student that didn't seem—he was unsure whether or not the freedom of speech was an issue, but with the exception of that one presenter, and even if I wasn't here, I might have been in my office listening to the presentations, Mr. Chairperson, but I've done my best to try to be here for all presentations—I cannot recall anyone else supporting the government knowing what it is that I want to put in my mail. No one.

On the other hand, everyone supports the fixed election date with the exception of, again, one presenter who commented, that I can recall. So it's important that the government members be here and that's the reason why it is that I requested the quorum. It's to ensure that the government respects the process. Thank you.

Ms. Flor Marcelino (Wellington): Mr. Chair, I've been here two nights in a row this week and it's only Tuesday. I was here at least three nights and I'll speak for myself.

Whenever there's a presenter, whether they are for or against Bill 37, I listen attentively. Those persons, I don't know where they come from, but I give them respect for the courage and the dedication to come here and prepare for whatever presentation they have to share with us. Anyone from this side of the table and even, there's one lady who mentioned, I

think last night or the night before, that people were not listening.

I beg to disagree. If she were looking, she would see. I know my, I don't know who, particularly my—I was looking for people on this side and I've seen them listening patiently and when people from your side ask very self-serving questions, I listen patiently—

An Honourable Member: That's a judgment.

Ms. Marcelino: I know, but people have the right to express what they want and even ask questions what they want, even insane questions, whatever. *[interjection]* You have the right to ask whatever questions.

Anyway, I take offence that anybody would say people are not listening or paying attention. I speak for myself and I'm listening and I wanted to hear what they're saying. Anyway, again, you folks were saying, people from this—this bill came about in the stealth of the night and members don't even know about it. You're wrong. Before any bill comes out, it's shared with the caucus, and we have input; it's deliberated on. No one just crafts a bill without consultation. That's our culture. We share it. We discuss it. Not all of us may be in favour so we come to some sort of a consensus.

So it's wrong to say, it's very wrong to say that this bill is totally unknown to us. We're just here listening patiently—

An Honourable Member: Who supported free speech in your caucus?

Ms. Marcelino: All of us, yes, and I—all the assumptions and presumptions will see the light of day and the truth will come out once the amendments are deliberated on. So, if only you folks just stuck to the issues, we probably would have finished this by now, and we should have heard all these people on the list. Thank you.

Mr. Chairperson: I think the Chair has heard a fair amount of advice from committee members. I thank all committee members for the advice on the point of order. It was a very in-depth discussion and debate regarding this point, but considering all matters and comments that were made by committee members, I must respectfully rule that there was no point of order. There's been sufficient opportunity for members of the public, and there still continues to be opportunities for members of the public, to make presentation here this evening.

So I must rule that there is no point of order.

* * *

Mr. Goertzen: Given that we've been sitting for three hours, I wonder if you could canvass committee to see if there's a will to take a 10-minute recess, Mr. Chairperson?

Mr. Chairperson: Is there a will of the committee to take a 10-minute recess?

Some Honourable Members: Agreed.

Mr. Chairperson: Ten minutes and we'll recall the committee at 9:25 p.m.

The committee recessed at 9:15 p.m.

The committee resumed at 10:06 p.m.

Mr. Chairperson: Order, please. We'll call the committee back from its recess. Thank you for the co-operation from committee members to allow us to undertake a certain amount of government-opposition business. I'll turn the floor over to the honourable minister.

Mr. Swan: I wonder if you would canvass the committee to see if we have leave to order the committee's affairs as follows:

(1) That we would agree that the proceedings this evening would be adjourned,

(2) When this committee resumes at 10 a.m. tomorrow, it's agreed by the parties that we would proceed with clause-by-clause discussion of Bill 14 from 10 a.m. until 12 noon, when the committee's to rise. Then, at 6 p.m., the next time this committee is to sit, we would return to the presenters on Bill 37. There'd be an agreement that each of the five presenters, who have not yet been called for a second time, would have the opportunity to attend and present at 6 p.m.

Mr. Goertzen: I thank the minister for those comments and the suggestion which, I think, we agree with, that we'll adjourn and then tomorrow, from 10 to 12, we'll have consideration of clause-by-clause on Bill 14, The Criminal Property Forfeiture Amendment Act. Then we'll resume these

proceedings on presenters for Bill 37 at 6 p.m. with the five that haven't been called.

I would add to that Mr. David Keam, who, I understand, may be available tomorrow to present as well. So that's what we would be asking for leave with.

Mr. Swan: I know it'd be highly unusual to allow Mr. Keam to re-attend. The Member for Springfield (Mr. Schuler) has just said Mr. Keam may have misunderstood but, in any event, I take Mr. Schuler at his word. I'd think we'd be agreeable to Mr. Keam presenting tomorrow evening or having one final chance to come to committee to present.

* (22:10)

Mr. Chairperson: Sounds like there's agreement amongst the committee members then, if I understand correctly. This committee has agreed, if I understand correctly, that this committee will adjourn for the evening, with the understanding that tomorrow morning at 10 a.m. this committee will reconvene and consider Bill 14, The Criminal Property Forfeiture Amendment Act, clause-by-clause consideration until 12 noon, and then the further subsequent sitting of this committee would reconvene 6 p.m. tomorrow evening to consider public presentations for second call for presenters that remain on the list, including Mr. David Keam, and that would then conclude the list of presenters.

Is the committee agreed on that? *[Agreed]*

Thank you. One other question for committee to consider is with respect to the calling of those presenters who remain for second call on our list. Does the committee wish the Clerk's office to contact those individuals to make sure that they are made aware? *[Agreed]*

Thank you to committee. Prior to adjourning, if members of the committee would please leave behind any unused bills for subsequent committee meetings, we would appreciate that. I'd like to thank all members of the committee for their co-operation here this evening and for relatively smooth operations. Thank you, and we'll see you tomorrow, 10 a.m.

Committee rise.

COMMITTEE ROSE AT: 10:11 p.m.

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