

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

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

Monday, June 2, 2008

TIME – 9 a.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Daryl Reid (Transcona)

**VICE-CHAIRPERSON – Mr. Rob Altemeyer
(Wolseley)**

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Messrs. Chomiak, Swan

Mr. Altemeyer, Mrs. Driedger, Mr. Goertzen,
Ms. Howard, Ms. Marcelino, Mrs. Mitchelson,
Mr. Reid, Mr. Saran, Mrs. Taillieu

APPEARING:

Mr. Stuart Briese, MLA for Ste. Rose
Mr. Ron Schuler, MLA for Springfield
Mr. Kevin Lamoureux, MLA for Inkster
Mr. Larry Maguire, MLA for Arthur-Virden
Mr. Ralph Eichler, MLA for Lakeside
Mr. Hugh McFadyen, MLA for Fort Whyte
Mrs. Leanne Rowat, MLA for Minnedosa
Mr. Cliff Graydon, MLA for Emerson
Mr. Blaine Pedersen, MLA for Carman

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 morning, everyone. Will the Standing Committee on Justice please come to order.

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

At our previous meeting last Thursday evening, Mr. Goertzen moved the following motion:

THAT this committee recommend to the House that the honourable Member for Minto (Mr. Swan) be censured for his disrespectful treatment of public presenters at committee.

At that time, the motion was ruled in order, and, at the time of adjournment, Mr. Briese had the floor with three minutes remaining. As I have indicated, Mr. Briese had the floor at that time, and so we'll continue. Mr. Briese, you have three minutes remaining, sir.

Mr. Stuart Briese (Ste. Rose): Good morning, everyone. I think everybody looks a little bit brighter-eyed than they did on Thursday evening when we were very late closing down the committee. I had got through most of my remarks the other evening, but there were a couple of other things I just wanted to add.

I, as I said the other night, considered the comments from the Member for Minto toward Trudy Turner as being very disrespectful. I listened very carefully to you, Mr. Chair, when you went through the criteria that we're to use when we're dealing with presenters and kind of an accepted protocol that goes for how we respond and approach the presenters. I felt that the remarks from the Member for Minto were very inappropriate, and I think it's appropriate that we are taking this resolution seriously. I think it would be certainly right for the minister to consider making an apology to Ms. Turner on this issue.

Once again, I hope that is the eventual outcome of this, and I hope that he will take our remarks under consideration. Thank you very much.

Hon. Andrew Swan (Minister of Competitiveness, Training and Trade): Indeed, I've reflected on the events of Thursday evening, and, although I haven't yet seen the *Hansard*, I believe my remarks were measured. However, an objective measure is not necessarily the whole thing, and I am prepared to acknowledge that subjectively the presenter may have been upset by either the wording of the question or the tone of the question.

I called the presenter at home on Saturday afternoon. I didn't get her in person. I left a message on her answering machine apologizing if what was said or the tone or anything else that was said was upsetting to her. I left her my personal cellphone number, which I hope she won't be broadcasting too broadly, and invited her to call me if she wanted to discuss it. I haven't heard anything from her.

I offer the same apology to this committee if the wording of the question or, indeed, the tone or my demeanour was subjectively upsetting to the presenter, I do unconditionally apologize. So I hope that will allow us to move on this morning to hear what other Manitobans have to say about the bills that are before the committee.

Mr. Kelvin Goertzen (Steinbach): Well, thank you very much, Mr. Chairperson, and good morning to you and to the rest of the committee members.

I thank my honourable friend from Minto for his comments. You know, this weighed heavily on me over the weekend. I wouldn't say it ruined my weekend, but I was trying to watch the Stanley Cup, and I would think about this issue. I was trying to see what the Democratic national rules committee would do with the disputed votes in Michigan and Florida, and it kept coming to my mind, this particular issue, as I watched the results from Puerto Rico come in for Senator Clinton.

I could only think about what we would do on this committee on Monday morning and how we would resolve this difficult issue, this troubling issue, Mr. Chairperson. It troubled me because I know the Member for Minto, I guess, as well as I can at this stage of our political careers. We've shared a forum together on CJOB radio. He's humbled me a few different times on a political trivia game, although I disputed one, and, I think, I probably, had I taken that to the credentials committee, I would have won

that particular issue. It troubled me, because I do think that the Member for Minto is a man of honour.

* (09:10)

It was fortuitous, not fortuitous in the sense of Sid Green coming here and then hearing the changes to the illegal amendment act and realizing they were about him—not that sort of fortuitous, but fortuitous in the sense that as I struggle to think how we were going to get through this impasse, this quagmire, if you would, Mr. Chairperson.

It was last night, I was spending some time with my son, Malachi, and for the benefit of *Hansard* that's Malachi. As we sat there reading—my son loves to be read to; he's 19 months old. I always loved reading as a kid and spent some time reading. The first real reading I did was the *Lord of the Rings* trilogy when I think I was—[interjection]—not to Malachi, no, I wouldn't want to scare him with Frodo and the struggle of the ring—but my own reading when I was in elementary school, actually. It was the first heavy reading I had done at that stage. I love to read and I've always loved to read, so we've taken that tradition with my son as well.

He's got more books than we're ever going to be able to read. At this stage, he's got stacks of them—you're wondering where I'm going with this; you'll see—there are stacks of them in the closet. He'll go to the closet; he'll bring me a book and we'll read it. Often, I've never seen the book because he's just got so many that we've never got through.

He brought me a particular book yesterday. I was sitting there, wondering and struggling and looking at the Puerto Rico results for the Democratic primary and wondering why Puerto Rico was even voting. He brought to me a book that I'd never seen before, but I think it was instructive for the moment.

I actually brought the book with me today. It's from the Winnie the Pooh series. It's entitled, *Just Be Nice and Say You're Sorry*. I thought that was instructive for this particular moment.

I wondered or not whether the member would do—

Point of Order

Mr. Chairperson: Honourable Minister of Justice, on a point of order.

Hon. Dave Chomiak (Minister of Justice and Attorney General): Point of order. I appreciate where the member is going. I would recommend the

Berenstain Bears—there's enough blame to go around—as more appropriate.

Mr. Goertzen: I'm not sure that it's a point of order, but I'll take the issue as instructive. I always say we have a lot to learn from Winnie the Pooh and Tigger too.

Mr. Chairperson: I believe there's no point of order.

* * *

Mr. Goertzen: It was just shortly after I'd started to read this book to my son that I received a phone call from Trudy Turner. Trudy indicated that the honourable Member for Minto (Mr. Swan) had, in fact, given her a phone call. I don't believe they spoke in person, but there was a message left on her machine, and he had apologized.

It made my heart feel good late yesterday, on a Sunday night, as I sat there reading to my son, realizing that I probably wouldn't see him for another week because of this government's stubborn decision to try to ram this legislation through the middle of the night over the course of this week in different times.

It made me feel good to know that the Member for Minto is the man that I thought he was. It seemed out of character to me last week when he wasn't apologizing at the committee; I do think it was just simply a moment out of character.

There are going to be times through this committee wherein the honourable Clerk will correct me, if I'm wrong. I think we're in the 25th hour now of this particular committee; there'll be times when things get a little heated and testy and that sort of thing.

That's okay. I might fall victim to that myself, Mr. Chairperson. I think if we all step back and reflect a little bit, we'll realize that there are better ways to handle ourselves in a more dignified way at a committee.

I want to thank the Member for Minto for doing the honourable thing. I believe that Mrs. Turner—I won't speak for her. They might have an opportunity at some point to speak. I believe she accepted the apology in fullness and with grace.

I would suggest that, Mr. Speaker, given the events that have transpired over the weekend and now this morning in this committee room, the motion be withdrawn and we proceed with other important issues that will relate to this committee.

Mr. Chairperson: I thank all honourable members.

Mrs. Bonnie Mitchelson (River East): Mr. Chair, I just want to add a few comments to this issue. I know that an apology has been provided and, I believe, accepted.

I guess, sometimes, there are some benefits to being around this place for a long time, and some of those benefits are that many of us, including the minister today, have been on both sides of the table in government and in opposition. I think what happened at the committee the other night is a lesson to be learned for all of us and maybe to some of the newer members that are here sitting around the table. I want you to know that every government, regardless of political stripe, brings in legislation and some of that legislation is good, and both sides of the House agree that there are amendments that need to be made and changes that need to be made to try to make our laws a little bit better.

But there are times, and it's usually a handful of bills every session that create some controversy, bills that government brings in that the opposition believes are bad legislation and those are the bills that we tend to get caught up in. Those are the bills that generate a lot of attention around this table when we hear public presentations. I can certainly recall times when we, as the government, or I, as the minister, brought in legislation that didn't appeal much to the opposition within the House and so, you know, there was a significant orchestration by the opposition in ensuring that supporters representing their point of view were here at committee and were heard.

It's not a fun process when you're sitting as the minister at the front of the table and you have presenter after presenter that presents a different point of view from what you believe in. I always took the approach that no matter who was speaking and what position they took, I listened with respect to those presenters, thanked them for their presentation, and moved on to the next presenter. I think that's what we as legislators have to be mindful of, that there will be Manitobans that disagree, no matter which government is in power. I always say you never make a decision that pleases everyone. Very often, there's someone out there that might be impacted in a negative way by decisions that are made.

So it's just, again, a lesson to all of us to ensure that we treat Manitobans with respect, no matter what their point of view is on a piece of legislation. I

hope that's a lesson well-learned on both sides of the House and, you know, again, members sometimes are chastised for their lack of attention, I guess, to people that are making presentations. There are some that sit around the table and read papers. There are some that are busy doing other things, and I believe it's incumbent upon all of us, no matter which side of the table we're sitting on, when Manitobans come here and genuinely present their point of view that we listen with respect. We may not agree all the time with their position or their point of view, but they are Manitobans, they are taxpayers, and they are voters, and there's never a political party in this House that's going to get 100 percent of the vote because everyone is going to believe in the direction or the position that that party takes.

So let's all look to the process that we put in place. One would argue that it's certainly not a perfect process, but one would argue that opposition parties very often use the committee process as a tool to get their message out to have Manitobans understand where they are coming from. It's no different today with our party in opposition than it was when the NDP were in opposition and the government of the day brought in bills that were controversial or bills that the New Democratic Party wouldn't support or couldn't support.

* (09:20)

So I wanted to put some comments on the record and indicate that that's what democracy is all about, and if we're trying to silence members of the public from presenting their point of view by talking down to them, by demeaning them, or by asking them questions that put them on the spot, that's not the right approach. The presenters here aren't necessarily here to have to defend their position or be asked questions that put them in an uncomfortable position. They're to be asked questions around clarification, questions around whether amendments or changes to the legislation would improve it in their minds, but they're not here to be taken on personally for the position that they take. In a democratic society, a position that a person takes is their position. We do still, in this Legislature, I believe, have freedom of speech.

I think that Bill 37, in some ways, is going to diminish that opportunity for us to be able to speak freely and openly as legislators to let our constituents know how we feel about what's happening in the Legislature, but we still do have a democracy here in Manitoba. I would hope that presenters, members of

the public, taxpaying Manitobans, have the opportunity to speak freely without being censored or talked down to by members of this committee.

I guess a lesson well learned, and I do value the opportunity to speak my mind here in the Legislature and I would hope all Manitobans, without fear or favour, have the opportunity to speak their minds as they come before this committee to present their point of view which may not, in many instances, reflect the views of all members around the table. Thanks, Mr. Chair.

Mr. Chairperson: Before the Chair recognizes other speakers, Mr. Goertzen had indicated that he wished to withdraw his motion. The Chair must pose the question to committee before we can proceed to other speakers so I ask if there's leave of the committee to allow the motion to be withdrawn. *[Agreed]* Thank you, committee members.

Mr. Goertzen: Mr. Chairperson, I have a motion for the committee. I move that this committee recommend to the House that it waive rule 92(7) for these committee meetings to allow members of the public to register to present to the committee.

Motion presented.

Mr. Chairperson: The motion is in order. The floor is open for comment.

Mr. Goertzen: Rule 92(7), as most members will be aware, is the rule within the set of rules that govern the Manitoba Legislative Assembly that indicates that, after midnight on the third evening that a standing or a special committee meets to consider a bill, no presenter may be registered to make a presentation. So, as it applies to this committee as of Thursday midnight, there would be no ability, or there was no ability for presenters to register to speak to Bill 37 or to any of the other bills that are for consideration for this particular committee.

What I'm asking for through this resolution, I believe, is reasoned and reasonable in the spirit of democracy, and it's not ironic and it's not lost on me that one of the key debates we're having here is the issue of democracy, how democracy will be applied within Manitoba and within the Legislature. While that might be somewhat unusual, I don't think it's unreasonable to ask for this particular motion to be passed by members opposite. In fact, in some ways, I'm surprised that the government itself didn't bring forward this motion, given some of the discussions that they've had and the public comments that they've made on the record.

Mr. Chairperson, I know that the Premier (Mr. Doer) and others have said that they want to hear from Manitobans, and as many Manitobans as possible, but, of course, under our rules we're not actually able to continue to have members register, even though we're a long way from having these bills passed. We haven't even begun clause-by-clause consideration. I'm sure there might be a handful of amendments that will come forward to the various bills as we move into those bills. So we're a long way out, say, from having these bills pass the Legislature in absence of any agreement between the House leaders.

With that in mind, it doesn't seem unreasonable to me to allow Manitobans, who might not have heard of the meetings or maybe who are on a spring holiday or a variety of different reasons, to come forward and say, yes, I want to add my name to the list and to be heard. In fact, it seems quite reasonable to me and quite, I think, accommodating, that when we have bills debated on our democracy and other bills of importance, that we allow all Manitobans who want to register for this bill to be heard, particularly given a couple of things, the first being that we're having hearings at what I would consider to be awkward times for the public. I've spoken to the Government House Leader and to other members of the government—sorry, Mr. Chairperson, it's a little early in the week to be losing my voice, but perhaps the members opposite might hope that that's the case.

Given the fact that we're sitting at odd times, in the morning—and I always consider to be awkward more than odd for the public—and late into the night, it's difficult to get all members of the public engaged to come and present, but also to hear, to listen to what's happening in the Legislature because it's more than just being able to present, it's also about being able to listen to the debates.

But, in particular, with this motion, Mr. Chairperson, I think it's important that we continue to reopen the door and allow people to present because not all of them will be able to make a morning sitting or will want to stay past 10 o'clock to have presentations. I have no objection and I don't mind putting it on the record for time immemorial, to have committee hearings between 6 and 10, I think those are reasonable hours generally and people can normally fit that into the schedule or make arrangements, but to ask people to, you know, to stay past 10 o'clock, you know, when they have families and when they have other sorts of commitments, I

don't think is reasonable. The way the crime rate is in Winnipeg, I'm not even sure that it's safe to ask members to come out onto the street after 10 o'clock. I know the Member for Fort Rouge (Ms. Howard) seemed to take some objection to that notion. I raised this actually with the Minister of Justice (Mr. Chomiak) when I asked him why it was that he was looking to extend the voting hours to 7 a.m. in this particular bill, as opposed to trying to extend it from 8 p.m. to 9 p.m. I suggested to him that maybe it's because the streets in Winnipeg aren't safe after 8 p.m., and he wouldn't want to force members of the public out onto the street to have to vote after 8 p.m., so I'm not sure that is entirely unlikely that that is part of the situation.

The other issue, of course, and I want to be clear in my comments here, is we have an issue that's been taken under advisement by the Speaker in the Legislature about the point of a closed sign being put on the doors of the Legislature. I'm not going to speak to whether or not that is a matter of privilege for members, whether or not that occurrence breached the privilege of a member of the Legislature in the ability for them to do their job, but the issue of the sign being out there is not disputed. That's been agreed upon. It's not exactly judicial notice, but it's been agreed upon by the government; it's been agreed upon by the opposition; it's been agreed upon by the independent members.

* (09:30)

So that is not in dispute, about whether or not the sign was actually there, and I understand that that's agreed upon, and I won't speak to the issue of it being privilege, but the mere fact that the sign was there, in and of itself, Mr. Chairperson, I think speaks to a large concern about whether or not members of the public may have come to speak to this, or any other bill, over the course of the last week and thought that something had happened, that they weren't able, in fact, to come forward.

Point of Order

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

Mr. Ron Schuler (Springfield): Yes, thank you very much, Mr. Chair, I've been listening intently to the Member for Steinbach, and most presenters can't be here this morning because they have jobs that don't allow it.

There is a presenter, No. 3, George Fraser, Canadian Society of Association Executives, and I was wondering if you could canvass the committee

to see if there would be the will to allow him to present and then continue on with the motion.

Mr. Swan: Obviously, I'll take advice from the Chair, but I think what Mr. Schuler is suggesting is quite reasonable. We do want to hear from Manitobans so, if it is in order to do that, we would agree.

Mr. Chairperson: I recognize that members have an interest in hearing from public presenters, but my understanding of the rules, and I've been advised that once a motion has been entertained by the committee and it's been ruled in order, the motion takes precedent as the order of business of the committee, and we must resolve that matter prior to being able to proceed with other matters of the committee, despite whether or not there's leave of the committee or not.

Mr. Schuler: Just for further clarification, would that include even unanimous consent of committee to give leave to set aside the motion and hear a presenter?

Mr. Chairperson: My understanding, and I've been advised that the motion still takes precedent, despite or even if there is unanimous consent of the committee to proceed. So this committee must resolve the matter outstanding, which is the motion before us that is currently being debated, and, therefore, we must resolve that matter prior to proceeding with public presentations.

So I must rule that there's no point of order.

* * *

Mr. Chairperson: Mr. Goertzen, you had the floor, sir.

Mr. Goertzen: Thank you, Mr. Chairperson. I was speaking to the issue of the closed sign being on the door of the Legislature, and not the matter of privilege, but just simply the fact that it was there and how there may have been presenters over the course of the last few weeks who would have come to the Legislature and found that, in fact, they weren't able to—or they didn't believe that they were able to access the building.

That's why I think it's important, Mr. Chairperson, that this motion be considered and approved. I don't know that there would be hundreds of more people that would register to speak to any of these bills. I don't know that there would be dozens of more people. We simply don't know, and, frankly, I don't know which side of this fence they would fall upon. Some of them might register to speak in favour

of certain bills on our consideration. Others may be opposed to some of them. So it's not even a value-loaded question. I think, in fact, it's a reasonable request for the government to consider, a government who says that they want to hear from the public, that they want to, in fact, have as many Manitobans come forward.

I don't know the genesis of this particular rule, Mr. Chairperson. I'm sure, like any rule that comes into the Legislature and forms part of our rules—I'm sure that any rule that forms part of our rule book and, therefore, becomes part of the procedure of the Legislature, there's a good reason for it. Often, there's something that triggers rules, something within our own events that happen in the Legislature that makes it important to have a rule drafted or crafted.

In this particular situation, I think we deal with a unique bill, a unique situation, and there is, in fact, probably a good reason to waive this rule in this case. I'm not asking that the rule be struck from the book and that it never be considered again, but, certainly, in the context of the bills here before us, and particularly Bill 37, it makes a lot of sense to me to waive this rule, and also in light of the circumstances of the closed sign being on the door of the Legislature, and there may have been people who feel that they were disenfranchised and want to speak. And really, what's our hurry? It's only June 1, you know. There's lots of time left. The House is supposed to go until June 12, I understand, so there's no shortage of time. I know that there are some people, obviously, who have commitments always on this committee, you know. But, even today, we have a visit of the monarch here, one of the monarchs, Royal Family members are here at the grounds of the Legislature. I can hear the bands playing outside welcoming Prince, Earl, to Manitoba—*[interjection]*

An Honourable Member: Prince Edward.

Mr. Goertzen: Sorry, Prince Edward. I'm not, perhaps a—Earl of Wessex. I'm not actually the strongest monarch, probably, on the committee. I do certainly appreciate the monarchy and its role in our constitutional framework, but that doesn't mean that I have sort of a historical understanding of everybody within the family. I do appreciate the fact that it's a unique event here in Manitoba and that all of us as MLAs probably would like to participate in some form or the other, Mr. Chairperson.

I'm not sure why we rushed to have committee hearings this morning and this evening and why we're shutting down presenters from registering, because, in fact, there does seem to be lots of time left for the committee, not lots of time left for me on this motion, Mr. Chairperson, but lots of time for the committee itself to have people come forward.

I would say to the government as I leave off on this motion, if they're truly committed, if they truly believe that they want to hear from Manitobans and want to have as many Manitobans put their views on the record as possible, that they'll support this motion, and I'm optimistic. On this Monday morning, I come with optimism as I hear the band playing in the background. I'm optimistic that this will be a motion that will get unanimous consent that will allow people to register for the days ahead. I look forward to comments from my colleagues and members opposite and for this motion passing.

Mr. Kevin Lamoureux (Inkster): I do have a number, I guess, of thoughts in regard to the motion that I would like to share with the committee. I understand and can appreciate why it is the Member for Steinbach would move such a motion. I think that we need to put into proper perspective why it is that this is an important piece of legislation, and if we reflect on many of the presentations that were made, I believe we could put into summary some very consistent ideas or expressions that were being put forward.

One of them, and I personally genuinely believe this, that given the very nature of the type of legislation that we're dealing with, The Elections Act in particular, there is a need to ensure that there is public input. I look at certain pieces of legislation where government should not take it upon themselves to bring forward unless they have a clear indication that political parties have been made aware of the changes and that there has been some form of consensus built, Mr. Chairperson. We have mechanisms in place to allow for that to occur, and I suspect had that taken place that the public hearings would have been far more efficient. We probably would have had this bill dealt with by now.

If we were to take a look at the elections advisory committee, and then there's the elections finance advisory committee—I think there are just the two of them that do meet on an ad hoc basis to look at how changes could be made in order to better facilitate democracy in the province of Manitoba. I know I have had the privilege of attending and

representing my party at a few of those meetings, and the biggest difference I found is that there's a better sense of consensus building and the fact that there are political parties that are at the table that are not necessarily even at this table, Mr. Chairperson. I think that we need to respect that fact that it's not just parties that have elected MLAs, it's parties that have taken advantage of the opportunity within our democracy to register and to field candidates, all of which are made to feel welcome to attend these meetings.

* (09:40)

Why that is important is because through these advisory committees, Elections Manitoba is told how they believe the—or Elections Manitoba is told on how they believe this committee would believe that The Elections Act and finances act could or should be changed. It's done more so based on that consensus. Had that happened, we wouldn't have as much pressure to be going out to rural communities or reopening for public input this whole process.

I think that's really where the mistake was made. You know, if we were to—and I believe this to be the case; I'm not 100 percent sure—but, if we were to look at the fixed-date portion of the legislation as an example, you will find that, if not directly, indirectly, Elections Manitoba has made reference to the need or the need to move towards fixed dates. I believe it was one of their annual reports where it made reference to other provinces that have already incorporated fixed election dates, you know. I guess we should even look at the naming. Personally, I don't like calling it fixed election dates. It should be called set election dates, but that's just a personal thing.

The point is, Mr. Chairperson, that Elections Manitoba has the expertise and the experience and the availability of these advisory committees to bring forward ideas that could gain or should be able to gain political support inside the Chamber that would allow for us just to, you know, stick within the confines of the building in order to be able to deal with legislation that changes The Elections Act or the Elections Finances Act.

Here, it's quite unique in the sense that, again, we have a government that is bringing in legislation, and what makes it difficult to deal with the legislation that we have before us is that it should, in all likelihood, be at least four bills. We've kind of put, you know, a bunch of stuff that should have been dealt with in separate bills all as one bill, and so

we have a situation where presenters come forward and they say, well, this is good, this is good, this is bad, this is bad, and stay away from this, type of thing. It could have been different bills, but as a result, it's a lot more controversial. Because it's controversial, fortunately, there has been some media attention brought to the issue. What we have seen is members of the public that have, in fact, taken the time to come out to make their thoughts known about the legislation that's being proposed.

There was one presenter that came and she had indicated that she had almost decided not to attend, or at least implied that. It was because of what was taking place prior. Then at the end of the day she made the last, her final decision, yes, I am going to come forward. I am going to make my presentation. In making the presentation, I very much appreciated the fact that it was the first time that she had presented to committee on any type of legislation.

But what I thought was interesting, and just to tie into what the Member for Steinbach (Mr. Goertzen) was saying in regard to the building itself being closed, as far as we know, for at least one night, possibly even more—and when I say being closed, where the sign was on this door. I've got to be careful because of the issue that's been brought up in the Chamber, but the only reason I make reference to it, Mr. Chairperson, is I suspect that there might have been one or two or more individuals that might have just kind of walked away from the building that could have been having full intentions on presenting.

I say that because, when I had walked in, one of the things that I had asked some of the Clerk's office, staff within the Clerk's office, was how many presenters are registered to speak to Bill 37. I believe it was 27 presenters that were still wanting to speak.

I know the other day, we read off some names and some people were even dropped off the list. I just thought, you know, how tragic it would be if we are losing people because of our collective neglect. For whatever reasons, negligence, I suspect, could be levelled at all sides, even possibly yet at myself, Mr. Chairperson, in terms of not doing what we could to facilitate everyone that wanted to speak to speak.

So, having said that, what I wanted to suggest is that there is a need for us to ensure that the public feels that they've had the opportunity to contribute to this debate, at the very least by allowing the issue to be reopened so that, if there are additional people that would like to be able to speak or even with some of those names, at the very least, that have been

dropped off, maybe what we should be doing is informing everyone that has not made a presentation, informing them that they do have an opportunity to be able to present to the committee. I think that should be done at the very least because of a number of factors that I've mentioned.

You indicate that I have a minute to go. Well, I guess I would conclude by saying that we shouldn't underestimate the public interest in this issue. I'll no doubt get an opportunity in the future to be able to talk about the opportunity I had when I went out into rural Manitoba and the city of Winnipeg to canvass the opinion of people regarding election reform, and I can tell you I was genuinely impressed with the numbers and the level of interest and benefited immensely by it.

If you're prepared to engage the public and you want to engage the public on this type of reform or changes, the interest is there, but they need to be made aware of the opportunity. We have to do what we can in order to be able to accommodate their interest in terms of their presentations and so forth. We can make the legislation better. I hope that we will see some amendments at the very least, but anything that can open up the process a little bit more to allow for more public input. At least let's protect those that have already been dropped from the list and those that are currently on the list by informing them that they should be able to speak. Thank you for the opportunity, Mr. Chairperson.

Mr. Chairperson: Before I proceed to Mrs. Taillieu, I wish to advise committee members to be very cautious when they pick and choose their words. We have a matter under advisement by the Speaker regarding access to the Legislative Building, and I caution all members not to reference that matter that's currently before the Speaker, pending a decision.

Mrs. Mavis Taillieu (Morris): Before I speak to the motion put forward by the Member for Steinbach on waiving rule 97.2 and allowing more people to register to speak, I just want to reflect for a moment on the previous motion because, as I was driving down to work this morning, I was contemplating that and, because I was registered to speak on that, what I might say. But I do want to just say that I'm very pleased that the minister, the Member for Minto (Mr. Swan), has apologized to Trudy Turner and certainly respect him for doing that. I know that we hold different views in this Legislature, but we are all respectful, I would hope, of one another. I think it

was a very important thing because when the public does come down to the Legislature, in no way should they feel intimidated and leave the building feeling less than worthy of their presentation. So I just wanted to mention that.

* (09:50)

I think that waiving this rule would be very beneficial for the public. I think that the public does want to have more opportunity to make their presentation on some of this very important legislation that we see before us. I know, just having spoken with a number of people from outside of the city over the weekend about these bills, a bit of a sense of outrage in some ways and a sense of rallying, I suppose if you want to call it that, that people feel, well, I feel like I need to be heard on this because I haven't been heard. I don't recall any consultation process going around the province. Many people said, well, why don't we have the opportunity to be heard in our own communities? Certainly, if you have to travel a distance to come into the city, and many people do that because they feel very strongly about the legislation, but, certainly, it would be a much easier process to have consultations in various communities outside of the city.

That would allow more people to have the opportunity to voice their opinions and have the government hear their concerns about some of the legislation. It certainly, I don't think, is a democratic way to go by shutting down the number of people that can present to the committee, and we certainly would want to have an openness, both to the office of the Clerk and to the building itself so that people could come here and make their presentations.

I think that the nature of the bills that are before us, I think it's been alluded to before, that some of these bills are quite controversial, and when you have an omnibus bill that has maybe four or five bills really in one bill and people look at one portion of the bill and may agree with it and not look further into the bill and not see the implications that are there, I think that's done by design by the government design. But, certainly, the public hasn't had the full opportunity to review the legislation and then decide whether they really do want to come and make a presentation.

Presentation, the times of presentation I don't believe are always in the best interests of when people are available. I think the Member for Steinbach (Mr. Goertzen) himself said that perhaps

reasonable times for hearing presenters would be between 6 and 10 in the evening, and I think we have plenty of time to do that.

This bill could have been introduced when we first began sitting in April, and there would have been plenty of time to hear committees and have all the presenters register. If we had waived Bill 97, too, we could've still had people registering to hear this bill. But, the government has chosen to introduce this piece of legislation on the very last day possible, and have it still passed in this session which then limited the amount of time for committee hearings, and in fact then limited the number of presenters who felt they wanted to come forward.

Then by cutting off the time frame in which people can no longer register, that really is to me just like cutting off a person's ability to speak freely and have the opportunity to be heard. That isn't really democracy. As well, it's not not really democracy, it's just not democracy.

Certainly the Member for Inkster (Mr. Lamoureux) mentioned earlier as well that, at the very least, we should hear all the presenters whose names have been dropped from the list or are pending being dropped from the list because they haven't been heard. When speakers come to the Legislature and have to wait several hours because of the number of presenters, some people have other obligations and some people cannot be there at their speaking time, their allotted time comes up.

So, at the very least, we should present the opportunity to all those registered on the list that have not yet had the opportunity to speak. Certainly, we know that there is a desire on behalf of these people to speak, and we certainly should hear them. The whole idea of having the public come before this committee is everybody has a different point of view and can bring a different perspective and can bring new and thoughtful ideas and suggestions, which then ought to be considered by the government in terms of amendments to these pieces of legislation.

I think there are a number of people out there that have good ideas and have good suggestions and would welcome the opportunity to come forward and bring their suggestions to the record. Their suggestions then become a matter of record, public record and we can look back on those and say, this was an excellent suggestion; an amendment was proposed by a certain member of the public, and yet the government chose to ignore that. Or perhaps the

government chose to have a look at that and say, well, perhaps there's merit in that suggestion.

But we don't know what those suggestions will be until we allow for broader participation from the public, and in this instance, by waiving rule number 97(2), we would have the ability for more people to register and more people to come forward with their ideas.

Certainly, I wouldn't think that we would want to cut that off, Mr. Chair. I would think that if the public knew they had further opportunity to register, we might see many, many more people put their names forward and want to speak to the legislation because, as I was saying, the people I spoke to over the weekend in rural Manitoba really had not had the opportunity to really have a look at the legislation and drill deeply into the meanings of the legislation. When you have a bill such as we have before us, Bill 37, where it suggests that we have set election dates, people refer to it as the fixed election date bill. But, certainly, when they are informed of the other portions of the bill that are not as democratic as that, the notion that freedom of speech is curtailed by the fact that literature wanting to be sent out by opposition parties must be vetted by members of the government certainly does not sit well with people who feel that freedom of speech is a very important notion.

I can say that the first Sunday in June of every year is designated as Veterans Day, that being yesterday, June 1, and Veterans Day is a day that we reflect on those who served our country and fought for the freedoms that we all enjoy today. One of those is, of course, our freedom of speech. Thank you very much.

Mr. Schuler: It's an honour to be able to address the committee and, in particular, this motion. I guess what's most troubling for our committee is that we have before us a piece of legislation that was snuck in in the darkness of night, the last moment possible that it could be brought in, and it's a very overreaching piece of legislation. Of course we're referring to Bill 37.

It's a very, very overreaching, very powerful piece of legislation. In fact, I believe we should have a constitutional amendment whereby you can't change the rules of the next election; they would only come into effect after the next election. I think we're getting on a slippery slope in that successive political parties will get elected, will look at what, perhaps, will be in their best interest, introduce

legislation like was done here, the darkness of night, put closure on the legislation and try to change the rules that benefit them in the next election.

* (10:00)

I don't remember this happening before. I don't recall this kind of thing taking place. Yet, we've seen it happening at the federal level. And I looked at what was going on and that was with Jean Chrétien and the Paul Martin government, where the rules were being changed, and that was rules being changed by one party, not by agreement. And, again, I'd always put a caveat if all members of the Legislature agree that there has to be a rule change, that's acceptable, but it can't be tyranny of the majority imposing a rule change on democracy and not at least allowing one election to pass. You know, for this committee, that is troubling.

Here we sit Monday morning, committee called at 9 o'clock, and there are a lot of people who don't have the luxury that we have—well, luxury; it's our job to sit here—but they don't have the luxury to say to their employer, I'm sorry, I have other duties, I can't come to work, I'm going to committee. They don't have that luxury.

I worked at Bay Bronze industries, in the foundry, and I can tell this committee, by about 4 in the morning the blast furnaces were fired up, and that would be Monday morning they fired them up, and the blast furnaces would run day and night, day and night, until Friday afternoon depending if we had to work Saturday overtime, and then they would shut them down. There was no, oh, excuse me, could you please not heat up the ovens, the blast furnaces, and start melting the metal because I have committee to go to. I mean it's preposterous, nobody would expect that, nobody would view that as being reasonable. Yet, here we sit on a Monday morning, with very little notice to the public at best and we somehow expect people to come out to this committee.

What we are suggesting with this motion is that we allow people to register, that if, perhaps, they were bumped off the list because they couldn't make it here, they could register once again. We think that that would be imminently reasonable, and, again, it's not like this is an innocuous piece of legislation that there might be one or two presenters might have put their name on, it would be easy to contact and see if they wanted to provide their presentation in written format. This is substantial legislation.

We've heard many, many presenters bringing forward some very serious and well-thought-out comments on the bill, and I go back to Sid Green's speech—riveting is I guess how you would put it—and, you know, if you just put aside even the presentation and just read what he had to say, there's some very, very sage advice. I, as one member, didn't agree with everything he had to say—delivery was great, by the way, that was one of my favourite, favourite moments and any time he comes to this committee it's sort of like all hands on deck, you kind of have to fight to keep the other committee going because everybody wants to be here. But he did make some very good points and, again, here is an individual who had the liberty to come whenever and sit and wait. But if we look this morning, individuals can't be here, and if we call them now they're dropped off and they can't re-register.

This motion is in order. It's the right motion. It's the right thing to do. In the end, the government will get its legislation through. They have the majority. They have 36 members. What's the drive? What's the push? Hear the presenters. It's not like there are, like other committees, 400, 500, 600 individuals looking to speak. It's not that long of a list, and yet we should be hearing them.

I'm always uneasy when I see governments—whether it be here in what we would consider to be a modern democracy, or whether it would be in fledgling democracies or in places like Myanmar where we saw a horrible storm hit a country and they continued to push forward with a plebiscite, with a referendum to keep themselves even more tightly in power. That is the kind of thing that is unnerving. We all look at that and we say, shame, shame, bad, bad government. How can you do that kind of a thing? Yet, in a mild form, that's what's happening here. We have legislation that's being pounded through. Again, it did not get fullness of time for debate. It was snuck through at the last minute, the darkness of night and, now, committee meetings are being held when there's really no opportunity for the middle class, for the working men and women, working young people, students, who might either be finishing off their education, whether they're 11 or 12, or out working at their summer jobs. They don't have the liberty to walk into their employer's office and say, oh, excuse me, you know, I know I just started a couple of days ago, but, you know, I really have to go to committee because the NDP government is trying to ram legislation through that I think is harmful to the province. They have to work.

They can't be here. They get dropped off and basically their voice is squelched.

What we do here as a committee is have the opportunity to listen to people, to hear their presentations, to hear what they have to say, and that is not being allowed today. We know that there are individuals that want to be here. We know that there are individuals that wish to speak that are, you know, prepared and ready to go, and didn't realize that again, under the cover of darkness, this committee would be called to sit early on a Monday morning when they have no opportunity to be here. This is really a slap in the face to the public. It's really unfortunate to the working men and women, the middle class that doesn't have the opportunity to go to their employer and say, sorry, can't be in, hope you don't dock me my pay, but I've got to go to do my democratic duty.

So I would think that members on this committee would take their duty serious. I know that there are individuals at this committee who have had experiences in their life and have really, you know, really gained a lot of experience in other places and other—

Point of Order

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

Mr. Goertzen: Thank you, Mr. Chairperson.

I just came from the other committee and I understand, what I understand—I witnessed it. They have adjourned for, I believe, 40 minutes as a result of the Prince's visit. That was a motion that was brought forward from Mr. Maloway. It may have been in co-ordination with the House leader. I'm not aware of that, but I know that Mr. Maloway moved a motion. It was agreed that there was a—they were also in the middle of a motion, and they moved an adjournment for about 40 minutes so that members of the committee could go and see the Prince here, and then they'll recess—I'm sorry if I'm using the wrong term—and then they'll resume the motion after that. So I know I can't do it by way of point of order, but I needed to gain the floor.

I wonder if we could get a motion for 25 minutes to recess the committee so the members may attend the functions by the Prince in the back of the Legislature, and then we'll return with the debate on the motion.

Mr. Chairperson: I believe—Mr. Goertzen, order, please.

Mr. Goertzen, you've raised a point of order. I understand that you wanted to gain access to the floor. I'll rule that there's no point of order.

* * *

Mr. Chairperson: I will pose the question to the committee members, if there is leave of this committee to recess for 25 minutes to allow members of the committee to attend the function that's on the south lawn of the Legislature with the member of the Royal Family. If there is leave of the committee then we may proceed in that direction.

Is there leave of the committee? [*Agreed*]

This committee will recess for 25 minutes then and then reconvene at that time.

The committee recessed at 10:09 a.m.

The committee resumed at 10:41 a.m.

Mr. Chairperson: Will the Standing Committee on Justice please come to order. Before this committee recessed, Mr. Schuler had the floor, and he has about one minute and 20 seconds remaining.

Mr. Schuler: Probably now would be as good a time as any to begin my concluding remarks. I would recommend to the committee that this is a substantive motion. This is a well-thought-out motion, and it would be most appropriate for us as a committee to take that sober second thought that is often referred to as the Senate of the Canadian Parliament and reflect on the motion and allow those who can't make it during the day to be able to leave their names on the list, or put their names on the list one more time, so that they, too, could address this committee and give input and fulfil their democratic duty to speak to this committee. We feel that that's important that the cut-off be moved to a degree to allow those individuals the right to come in the evenings and make their presentations. So, with that, I will conclude and allow my colleague to put a few comments on the record.

Mr. Larry Maguire (Arthur-Virden): It's my privilege to be able to speak to this motion as well, a very substantive motion, as the Member for Steinbach has pointed out this morning when he brought it forward as well, but the Member for Springfield just spoke to as well.

Mr. Chair, this type of motion probably wouldn't be necessary under most normal circumstances, but I know that there is legislation important to the government that they would like to push through the Legislature. My concern is that all Manitobans need to have an opportunity, and I just returned from Winnipeg last evening in regard to meeting with a number of my constituents over the weekend, again.

There certainly is growing support for getting more information out on this type of legislation that's coming forward in the Manitoba Legislature. It's rather ironic when I tell them that the opportunity, through Bill 37, to have that information sent out to them may be limited somewhat or skewed in regard to what might be an MLA's views, not just mine, but any MLA's view. It could even be a backbencher from the government, Mr. Chairman, in regard to Bill 37.

I raise it with concern for not only my constituents, but all of Manitobans. As we look at the opportunity, you know, I know the present opportunity allows for three days to sign speakers up on these kinds of bills, Mr. Chair, but, when you've got a situation where you are changing the political process in Manitoba, you are not changing a bill that may impact one industry or another or an individual in their business as, say, a bill like 17 does, where you've got a moratorium on hogs in half of the province of Manitoba. I must correct that. The initial moratorium was, of course, a full moratorium on the province of Manitoba to go as long as the Clean Environment Commission hearings—till they reported, and then, of course, it was understood, based on some kind of science, that that moratorium would be removed and they'd be able to continue to expand their operations or to build new ones in the total province of Manitoba.

I think it's indicative of the fact that there are over 400 people now signed up, virtually, to speak to Bill 17, that people want to come forward and have a say on these types of bills, as they did when the present opposition was in government as well on some issues.

Mr. Chairperson, the motion this morning is looking at amending the situation to allow rule 97(2) to be opened to more speakers after the three days, as you know, and allow more Manitobans the opportunity to speak to these legislative committees, not just on 37 and 38 which, in my own view, are the most blatant, tough bills to be passed in Manitoba in the history of this province.

I think that the onus is on many members of the Legislature, the government side and us, to have the opportunity to hear the Manitobans that want to come forward to these. I know it's not the jurisdiction of the minister that's sitting beside you this morning, but he should be concerned as well in regard—and he is, I'm sure, as Cabinet minister and particularly the critic responsibility that I have as well for Competitiveness, Training and Trade.

I know he wants to enhance trade in the province of Manitoba and he would like to see us doing more to be a more competitive province at every opportunity. I know that we need to have good training opportunities but, Mr. Chairperson, we're not going to have the opportunities to express ourselves freely in Manitoba, if Bill 37 continues to push forward in the future.

That's what I'm hearing from constituents over the weekend. I want to go back to an extreme case, but one that was made by Mr. Sid Green, as the Member for Springfield (Mr. Schuler) pointed out earlier. His dynamic presentation in this House last week or in the committee was something that—and I didn't have a chance to hear all of it—is one of those immortal presentations in *Hansard* that I'm sure will be framed on some walls at some point, some place, maybe even the Premier's office in regard to his previous relationship with this former Cabinet minister of the New Democratic government.

To take it to the extreme where you have a bill like 37 that wants to take \$1.25 out of the general revenue for each voter that's in the province of Manitoba is something that's not being met very kindly by Manitobans. All political parties in this province have a history of being able to go out and raise funds themselves for their operations and to fight elections. Mr. Chair, I believe that's the way it should be, personally.

I always believed that as a farm leader in western Canada as well. Many times, some of the membership in the organizations that I came forward with felt that there needed to be blanket coverage, that we should go to the government and seek blanket coverage for farm membership. That's particularly, perhaps sage, in regard to what was done here in Manitoba when you have that kind of legislation for a general farm organization, but the one that I represented was a voluntary membership and the people paid their memberships based on the performance of the organization.

I believe that's the way that people look at political parties as well, Mr. Chair. I would sense, perhaps, that's why our party on this side of the House was able to raise more funds than the New Democratic Party in the last few years.

It's just rather sad that the government has to bring in legislation even impacting further on the ability of a political party to put its view forward or its voice forward. As I've been reminded, even by some of the governing side, the shoe always turns at some point. They know that they will be in opposition at some point down the road as well, and this legislation will negatively impact them as well.

* (10:50)

So I think it's incumbent upon the government to look at amendments. Those amendments will come from listening to the people of Manitoba. When you, through whatever circumstance, have a situation where people either misinterpreted the opportunity to be heard or to have access to the building, and I know the Chair has reminded us that that is before the Speaker, so I won't comment further on that, but to have Manitobans—you know, a lot of them don't understand or may not know that there's a three-day signup after a bill comes to committee. They may feel that as long as the House is sitting, they have the opportunity to come to a committee and make a presentation, which, of course, isn't the case. Committees are called and there has been a time limit on it. But when you've got this kind of derogatory legislation coming forward in the province of Manitoba, as the news editorials make people more aware of this type of legislation—and I'm speaking particularly of Bill 37 and Bill 38—then it's a much greater impact on their lives, and they know that it will impact them negatively down the road.

There are a few trying to say that, oh, well, what's wrong with balancing the books once every four years instead of every year, as Bill 38 allows the government to do, and they've missed the point completely, Mr. Chair. The fact is that with undefined disasters, the government doesn't have to balance the books even in that fourth year. That's what's most disconcerting to a lot of people that I've spoken with as well, when you define a disaster as a weather-related impact or an impact by another level of government, and yet you don't define what a weather item is and you don't define the word "impact." It's open-ended and most of the people that I've spoken with that have come forward to me, as well, have indicated that they just think that's wrong.

So we need to have the opportunity of keeping the House open so that people can continue to come and make presentations to this committee, particularly on Justice and the Legislative Affairs Committee, to be able to continue with presentations on it—and this is the Justice Committee, pardon me—and Bill 37 and other bills that are listed, particularly for the Order Paper today.

I think that whether it's Bill 14, 26, 35, 37, 39, and 40 have been listed for this committee at this particular time, and there are other bills, some obviously not as controversial from the government's side as what the ones that I've outlined are. But there are still people coming forward to speak to those, Mr. Chair, and I think that they should have the opportunity to do so.

So I would conclude by indicating that—can I just conclude by indicating that I support the motion that was presented this morning.

Mr. Ralph Eichler (Lakeside): I do want to put a few comments on the record in regard to the motion that was brought forward by the Member for Steinbach (Mr. Goertzen) on bringing presenters forward on Bill 37.

It just brings me to the point about presenters overall and the debate that we had on Thursday night in regard to the whole policy that we're following in regard to how committee is called and how it needs to be revamped and allow for presenters and the people of Manitoba the opportunity that's awarded to them and afforded to them, so they'll be able to have their democratic right, so their voices, in fact, will be heard.

I know there have been a number of presenters called on this bill. Some haven't been able to make it. Under our current rules, as the Chair is well aware and members of this committee, once the name is called twice, it drops off the list. I know there's a number of people that have approached me, and constituents, that would have liked to be able to present on this particular bill and, in fact, on other bills in the past.

But the whole thing needs to have an in-depth look at it as far as how the whole policy is being developed with regard to how committee is run. I talked on Thursday night about sitting all night like they used to and sitting till midnight now. We certainly made some significant gains. There is more that needs to be done, and we realize that on this side

of the House and I think on that side of the House that there is an appetite to see the rules be revamped.

We need the best decisions that we can possibly make and the best input that we can possibly make based on the information that's brought forward by the private citizen and by those that are aware of a lot more than what we are, working with it as a day-to-day operation.

I'm thinking in particular with the Bill 38, with the finances, there are an awful lot of people out there that are so knowledgeable that would need to be relied on. I understand the other night that they had leave of the committee to listen to one Clayton Manness for almost half an hour who was very instrumental in bringing forward the balanced budget legislation back in 1995. And when we talk about presentation, we have to be cognizant of the time, there's no doubt about that, but having said that, we do have to be making sure we have the best possible tools that are left, that are made available to us in order to make the necessary amendments, the necessary changes, the necessary information we need in order to make sure that the bill is not flawed in any way.

We know that we're not perfect on this side of the House or on that side and we do want to have the presentations presented in a timely manner, but to allow a presenter to come in and continue to register until the committee rises, I think, would be beneficial. I know that it's one of the things that we could probably negotiate through rule changes, through ways of which we'd be able to make those changes in order to make sure that they do happen the way they should be. I think we have the opportunity, with the minds around the table, and through the Clerk's office, work in a way that would be sustainable for the committee in order to make that happen.

I checked with the Clerk's office this morning with respect to Bill 17. We have, as of 8:43 this morning, 399 presenters, which is a substantial number of presenters. I know that a number of those people would be wanting the opportunity to make sure their voices are heard, and the thing that's so important that we make sure of is that these people would in fact have that opportunity.

I know there are a number of people that would love to be able to present, bring their families in. There are a number of farm operations that are in fact family operations, mom and pop. In fact, I was talking to a constituent in another area outside mine

that wanted to bring their family in and said, do you have any idea of when we'll be able to present? The way the current rules are set up, the Clerk's office makes the initial call—and when we think about 399 presenters on a particular bill, or any bill for that matter, the number and the policy of which we follow now is flawed, and we need to make sure that each of these people, their voices will be heard. But getting back to the story I was going to tell you in regard to the family that wanted to come in and have a voice heard on Bill 17, they have four young children and they hope that someday their family will be able to take over the family farm, and in fact they really didn't know where they would be placed, whether it would be in a hallway or in the chairs that we have here. And we all know on the first night when committee is called, it's a real schmozzle around here when it comes to trying to house people, trying to place them in a way that—I understand the privacy rules in regard to notifying people about when they're going to be called, but if we would look at the fact of maybe only calling 24 people per night, and we know that some of those will not be called so we allow for a margin of error of, say, three presenters, maybe that would be a new way of doing business within the House.

So, if we could do that and maybe sit from, say, 5:30 and call some of the urban people first and then rural people secondly—normally, we like to call the rural people first in order to give them the opportunity to make their presentation and get home in a timely manner. Looking at the list on Bill 17, I know that we have people from Virden, we have people from Brandon, people from Neepawa and, actually, Emerson and the other communities outside the city, you know, which is a two-and-a-half-, three-, four-hour drive, maybe even five for those people in the Russell area, but we need to take them into account as well.

* (11:00)

So I think that, if we do the right thing and look at the way our whole policy is outlined in regard to running a committee, that it would benefit not only us as Legislature members but also presenters as they come forward. I know that when we look at and listen to the presenters, most of them are very inexperienced. Especially we saw that the other night with some of our presenters on Bill 37 in committee, and when you start talking about Bill 17 and the hog moratorium, a lot of these are family people that have never, ever had the opportunity to even be in

this building, and what an honour it is to invite them in in order to have their voices heard.

I know that I've had a number of calls from most of them; none even know where the front door is at and what they should be doing whenever they get here, a simple thing as parking. Whenever you think about 400 presenters on Bill 17, that's going to be a significant issue for us, as well, because when the Clerk's office makes that initial call in order to give the 48 hours' notice, that in fact will trigger the game plan into place. What's going to happen is that a number of these people will come in the first time, making that trip, you know, and gas at a buck thirty a litre is certainly going to have a significant impact, and a lot of them won't be able to afford the opportunity to come back again.

So, unless we can change that whole format, a number of these people will make one trip, and then they make the second trip hoping that they will be in, and, as a result of that, they may not get called till well after midnight and we've agreed to adjourn. But I think there are ways and means of which we can look at this situation and allow for them to make their presentations in a meaningful way and that yet their voice will still be heard.

I know that some of the other members have talked about a number of the other bills and the presenters there. I know if you count Bill 17, Bill 37, Bill 38 and Bill 28, there are well over 800 presenters that are going to be heard by members of this Assembly, which I think that it's our duty, our obligation, to make sure, in fact, that the voices are heard, and that takes a significant amount of time. When we call these bills, the bills are drafted. I know that the Legislative Counsel does a wonderful job, and I know the ministers do the best job they can, but sometimes we find that there are flaws in them, and, of course, the people want to make sure that their voice is heard on these proposed changes as they come forward. I know that without that voice being heard, sometimes we can't make the necessary amendments that need to be made in a meaningful way.

So I know that my time is about up on this particular proposal that was brought forward by the Member for Steinbach (Mr. Goertzen), but I do want to make sure that over the summer and in the next session that we have another look at this. I know that members on this side of the House do want to make sure that there is reform, that there are changes

brought forward that will be more conducive to family.

So I know the Chair has given me the time, and I thank the committee for their indulgence on my short words that I was able to put on the record today. So thank you.

Mr. Hugh McFadyen (Leader of the Official Opposition): Thank you very much, Mr. Chairman, for the opportunity to put some words on the record in support of the motion brought by my friend the honourable Member for Steinbach on the question of ensuring as many Manitobans as possible can have an opportunity to participate in the deliberations around these important pieces of legislation.

And lest anyone take any position, and I know that hasn't been the case today, but lest anyone be considering taking the position that the Member for Steinbach's motions serve a limited purpose, I want to just outline the fact that the last motion brought by the Member for Steinbach resulted in a very appropriate apology from the Member for Minto (Mr. Swan), and so I think we've moved forward in response to that motion. We have a presenter who has felt she had been treated badly, who, I think, feels that some measure of justice has been done and some form of contrition has been shown by the Member for Minto, and I want to thank the Member for Minto and congratulate him for doing that. It's not an easy thing to do, and he is to be commended for that.

I want to thank, as well, the Member for Steinbach for bringing the motion. I think that, if it hadn't been for the initiative taken by the Member for Steinbach, we may very well today have a member of the public feeling as though this process did not treat them very well, and as a result of that motion and the courageous apology by the Member for Minto, we now, I think, would have a sense from all Manitobans that they've been treated respectfully through this process, and to the extent that there was any sense that they hadn't been treated with respect, that that had been rectified.

I want to just say, in support of the current motion, another valuable motion from the Member for Steinbach, aimed at treating Manitobans with respect and giving them every opportunity to participate in this process, that it is important that every Manitoban be given an opportunity to present, that presentations be handled in such a way that

people feel as though they're being heard and being listened to and being respected in the process.

What these committee hearings highlight in some sense is the need for us as legislators, all of us, from all parties, to reconsider some of the rules under which we operate. I want to just, for a moment, thank the staff of the Clerk's office of the Legislative Assembly for the outstanding work that they've done to accommodate the many speakers who have registered, and to ensure that those names have appeared on the list and that Manitobans have been provided with information with the time and date and place of hearings and had it explained to them the process by which they make presentations. So the Clerk's office is to be commended. The circumstances are difficult, given the numbers that have been calling in to register, and they've responded extremely well to that in a challenging situation.

It may be time for us as legislators to look at the framework of rules under which the Clerk's office is operating and under which we operate as a committee. In order to ensure that we can perhaps stage things in a way, particularly on non-urgent bills, on important bills that are not urgent, stage things in a way that maximizes the opportunity for public participation and for individuals to be present in person at public hearings. I know there was a presenter last week who made the comment that we ought to make more opportunities for those who live outside of Winnipeg to present to committee, that the committee ought to leave the confines of this great building, leave the confines of the Perimeter Highway, and take the committee on the road to make it that much easier and more convenient for Manitobans who don't live in the city of Winnipeg to participate in this process.

But shy of that, we are operating with the rules that we have, and many of these rules have been in place for a long time. Many of them were developed in a different era, under different circumstances. It may be time for us, as a Legislature, to look at adopting some ideas and rules from other jurisdictions. I know the Member for Steinbach, when he was House leader, had invited the Government House Leader to participate on a fact-finding tour across the country to learn from places, other legislatures, about their rules and procedures, I think, perhaps, to take the opportunity to celebrate some of the ways in which we do things better than other provinces. And I believe we are better than other provinces in many ways, but,

certainly, we aren't so full of ourselves as to think that there aren't lessons to be learned from other places.

Mr. Chairperson, one of those lessons may be that we find ways of, particularly on contentious bills where we have many people registered to speak, find ways of giving people, perhaps, a time estimate as to when they would be expected to be called. Of course, a perfect time estimate is not possible under any circumstances, but a somewhat more refined estimate of when they can expect to be called, some acknowledgement that if committees are scheduled at times that are inconvenient for people, they won't simply be dropped from the list but they'll be given an opportunity to schedule themselves into a time, within reason, within reason, of course, but at a time that is convenient to them as a Manitoban.

We see today, the many working men and women of our province who may find it inconvenient to present to committee during daytime hours. We know that there are others who may be retirees and others who may have more time to present during the day. Maybe we ought to ask presenters for a preference as to whether they would like to present during daytime hours or evening hours, then maybe we can schedule committee hearings in accordance with the expressed preferences of Manitobans when it comes to their schedules and their opportunities to participate in the process.

* (11:10)

When we look at the practice, which is a good practice, of calling out-of-town presenters first, it's a good practice when you have a bill or a committee that has, perhaps, brought about 10 or 20 presenters. Maybe 10 of them are from out-of-town and 10 from the city of Winnipeg. That practice could work very well. It's quite logical to call the out-of-town presenters first.

But, in a scenario where you have 20, 30, 100, 200, or in the case of Bill 17, 400 presenters, surely we need to find a more refined way of calling presenters, the order in which they're called needs to be considered and the resources need to be provided to the Clerk's office to ensure that they're able to execute on those rules that are set out by those of us who are elected to negotiate and set those rules.

So we have lots to learn from this experience. It's an unusual period of time that we have some extremely contentious pieces of legislation before the Legislature. Currently, we have a bill to, in effect,

allow the government to call deficit surpluses. We have another bill that, in effect, forces Manitobans to contribute even more of their hard-earned tax dollars to parties they may not wish to make forced contributions to. We have other bills that deal with the rights of rural Manitobans, of farmers, to earn a livelihood on the land. We have many pieces of legislation with sweeping ramifications for our province.

In circumstances like that, we would want and hope that the government would anticipate the likelihood of significant public interest in those bills and would call those bills at the appropriate time, would schedule hearings that would allow for maximum participation of Manitobans and would ensure that we end up at the end of the process, which I think is our common goal, even though we may disagree over details, we may disagree over philosophical positions and we may disagree as to the impact of a particular bill on a particular group of Manitobans. But I think what we can agree on is a desire to generate at the end of this process the very best possible law for the people of Manitoba. Good law is made patiently. It's made with the input of lots of people. It is made not by rushing it through the process but by allowing opportunity for public participation and maximum input.

There's a lot of expertise in this province on various issues. Reference has been made to people like Sid Green. Certainly, I think our committee on Bill 37 could benefit from the expertise of constitutional lawyers such as Bryan Schwartz and others who could bring some perspective on the constitutional ramifications and elements of bills like Bill 37. I, personally, as an MLA, would like to see financial experts called to speak to Bill 38, provided with more time than the usual 10-minute allotment.

I would like to see other Manitobans who may be impacted by Bill 38, for example seniors, who may see upward pressure on their hydro bills, and others who have to drive a car for a living, who may have a concern with the impact on their Autopac rates of Bill 38, be given more opportunity to be briefed on the contents of those bills, to be given an opportunity to present at times that are convenient for them as Manitobans, all of whom have a valuable sense of perspective and who deserve to have input, to give them that opportunity for full review of the bills, full participation by way of feedback, and then to be able to participate as legislators, move from the public presentation phase into debates on amendments and other substantive points that would

be brought forward with a view toward producing the very best laws that we can generate as legislators here in Manitoba.

So I'm invigorated by the debate that's taken place over the last couple of weeks. I think this committee process, in spite of its flaws, has worked reasonably well. There have been many excellent points put on the record. I've learned something from all of the presenters that have come forward, even those with contrary positions to ours. Each one of them has brought forward something of value, I think, to all of us. Mr. Doyle from the MFL, I think, said that it should be the government's right to run deficits and that's a perspective that he brought forward. I disagree respectfully, but it's his right to bring that forward, and he's happy to see Bill 38 because it allows the NDP to go back to the era of deficit financing. He made that point. We have concerns about it.

In conclusion, Mr. Chairman, I appreciate the opportunity to speak to this important motion. I trust that it will generate the same kind of value as the last motion brought by the Member for Steinbach (Mr. Goertzen). I very much hope that government members will support this motion and thereby put themselves on the side of regular Manitobans wanting to participate in our democratic process.

Thank you, Mr. Chairman.

Mrs. Myrna Driedger (Charleswood): Mr. Chair, and I'm speaking in favour of the motion that is on the table right now to waive rule 97.2, which would allow more people to come forward and register as presenters, if they wish.

Prior to that, I would like to, because I never got a chance to make comments about the Member for Minto (Mr. Swan) apologizing to Trudy Turner and to committee. I would like to just indicate that I'm very, very appreciative of the fact that he did that. As he knows, the other night I was extremely troubled by his questions and the tone of his questions, and the innuendo of those questions and, as I had indicated at the time, those types of, you know, comments at any time by us as legislators is something that I find really quite offensive.

I've certainly had history here over years where, in the instance I articulated the other night, where I was almost considering leaving politics because of the kinds of bullying tactics that we sometimes see around here. This minister certainly never went that far at all, and I don't want to indicate that he was near

the extreme of a former minister that had behaved in that way. I just want to say that I do appreciate the fact that he picked up the phone and did call Trudy Turner. I have a lot of respect that he did that because I know she was extremely nervous here at committee. She had never spoken here at committee, and she was very, very upset by what had happened here that evening with the member's comments. I appreciate his calling her and leaving his phone number so that she in turn could call him if she wanted to, and I also appreciate his apologizing to the committee.

I have a great deal of respect for MLAs that are prepared to take responsibility for their behaviour and if they've done something that has, as he even indicated, seemed to be offensive—and maybe his intent wasn't that—but I think that we could all learn a lesson from that because I think there are times that we do get caught up in some of the emotions of this political process and sometimes things come out and people don't mean for it to be said, or the tone of it, and I think that there's a lot that we can learn from, I think, hearing somebody apologize, hearing an MLA that is prepared to do that. I think that's something I have a great deal of respect for, and I know that it's not always easy in this kind of environment for MLAs to do that. I appreciate what he did.

In speaking to the motion, I think it is important that we continue to invite and allow members of the public to come and speak before committee. The more people that find out about this Bill 37, the more people are feeling that they want to make comments about it. They are quite concerned. I spoke with a number of people over the weekend and it's interesting. The more people that are hearing about this, the more people are becoming quite upset, incensed, infuriated, as some of the previous presenters have been. I don't think the public appreciates very much when any legislation is rammed through in any way, shape or form. I think the public has some feeling that that is what has been happening with this legislation.

I think besides the anger about the bill itself, I think there are people that are feeling like they are being abused in the process, because, when you look at what this legislation stands for, it is about censorship; it is about democracy; it is about taxing people for votes that have already happened in the past. It's not even looking at a future election and then, you know, adding \$1.25 to something. It is looking at something, I think, people find very egregious, and that is a government that is looking to

try to pad its own office finances, its political office finances with money from a past election. I think the public is not particularly pleased about that.

* (11:20)

We've certainly heard from retired teachers who actually just—I received a letter this morning from them, and I'm sure that probably all MLAs have, where they have resoundingly supported, as an organization—the RTAM has resoundingly supported their board in the decisions that the board has taken. They passed a unanimous resolution that their meeting approved, without reservation, the response of the RTAM Board to the Sale report. They were urging strong support in their pre-AGM meeting for the board's decision not to endorse the Sale report and to urge a no vote in the plebiscite on the implementation of the Sale recommendations.

These teachers have come before the committee. I'm sure a lot more would be interested in speaking before this committee if they had that opportunity but, when you only allow a very limited time, a lot of people can't necessarily get here in that period of time. As others have commented too, it's a very laborious procedure that we all go through, but the members of the public in particular, when they come to a meeting like this. You never know where you are on the list necessarily; if there are over 100 presenters, many of us know that a lot of them at the back end aren't going to get up for several days.

That's where I think our leader had indicated that we need to find some way to look at the framework of rules, so that we can make this process easier for the public.

Mr. Chairperson, I would suggest and support the recommendation to look at how we can support the Clerk's office when we have such a huge number of speakers for a lot of bills because, right now, there are three bills on the table—37, 38 and 17. There were others that had large numbers as well, maybe not as large a number of presenters as these three particular ones, but I can imagine that this makes it quite onerous, frustrating and challenging for the Clerk's office to manage this type of process and keep it all straight.

So hats off to them, because we know the kind of tension that we are under when we speak here at committee. I'm sure, with them trying to juggle everything, that it is a significant challenge there too.

When we look at the framework of the rules in the future, certainly we have to have a process, I

think, where we can be more respectful of speakers that have registered to speak. I don't think we should cut anybody off if they want to speak on bills, particularly bills that—as with Bill 37—addresses censorship and addresses democracy. It would certainly be very egregious to cut any speakers off when we are talking about a bill that has a relationship to democracy and then to prevent people that want to speak to it. I think would be extremely undemocratic.

One thing that we have done right over the past few years is, certainly, change the hours of committee. I do recall sitting in here into the wee hours of the morning. In fact, we've been here all night where we've been swatting mosquitoes in the summer, where we've been drinking a lot of coffee to try to stay awake, where I can't imagine a process where many other businesses would behave in such a way.

So, Mr. Chair, I certainly think we've got to do a lot more to preserve the integrity of this committee process and the legislation that comes before it. I would indicate that I spend a lot of time with veterans, and democracy is something that I take very, very seriously and to heart.

I am dismayed at aspects of this bill, and I'm sure that there are people lining up because they are equally dismayed. I do wish we didn't have to deal with such an omnibus bill. There are probably aspects to it that we can support but there are some aspects that are very, very offensive, and, as somebody said last week, repulsive, because it goes against a lot of principles that a lot of people stand for. Morning hearings, I think, are very unfair to the working public—and with those few comments I see my time is up, and I appreciate the opportunity to speak to this particular motion.

Mrs. Mitchelson: Thanks very much, Mr. Chair. I, too, would like to put a few comments on the record about waiving rule 97(2), allowing members of the public to continue to register and speak to this very important piece of legislation, Bill 37, that is before us at committee and has been for several days now. I just want to indicate that there was certainly an issue and a concern and we did raise it last week in the House when a closed sign was put on the front doors of the Legislative Building, and it was during committee presentations. Many, many members of the general public would take that at its face value. I do know that David Newman, who came up to the door of the Legislature and saw some activity inside

chose to enter to see what was going on, but many, many others would not take the kind of action that he took, mainly because he had been a member of this Legislature and felt more comfortable coming in and asking some questions.

There are people in the general public that wouldn't necessarily feel the same comfort level in coming in and asking questions; therefore there may have been some of those people that were registered to speak to Bill 37 and felt that maybe the committee had been cancelled, and they just turned around and went home. And I think it's unfortunate, especially, Mr. Chair, when we're looking at a piece of legislation that is looking to stifle the public's right to receive information. It's a bill that is going to implement a vote tax and every member of—every taxpayer in the Manitoba public will be required to support political parties directly through their tax dollars, whether they agree with the direction that political party is taking or not.

So I think it's very, very important that we not try to stifle or muzzle members of the public when they want to speak to this very important legislation, and I would hope that the government would see fit to recognize that there are Manitobans, and there are more and more Manitobans as they come to understand what this legislation means, that want to have their voices heard. And because we have a government who, at the very last minute in this session of the Legislature, brought forward this piece of legislation that combines and amends five different acts in the Legislature, it's pretty unprecedented. It's pretty important, Mr. Chair, that people have an opportunity to really look at all of the implications that this legislation, this amendment, may have and to have their voices heard.

* (11:30)

You know, not unusual when we're dealing with the electoral process and such significant changes that maybe we should be travelling with an all-party committee—and I think all of us are struggling with how to try to get more people engaged in the political process; we'd like to see the turnout for elections in Manitoba increase significantly and, you know, travelling around the province and advertising to Manitobans ahead of time that we're travelling the province, that we really want their suggestions and ideas on how to open up the process and try to get Manitobans more engaged, I think that could be a very positive way of looking at electoral reform.

Mr. Chair, I think that the government has missed that significant opportunity, and I question why they would have moved in this direction so very quickly without any public understanding or knowledge. It's been said, and I believe, that many, many members on the government side of the House didn't even know that this legislation was going to be introduced before it was dropped on the floor of the Legislature. They were caught off guard also by the legislation with no detail and no information about it and, you know, not fair to members of the government, either, to be blindsided by the Premier's office or whoever.

We know that, normally speaking—and there's been precedent set—when election reform and changes to election financing or any other changes regarding electoral reform would be introduced by the Premier, by the First Minister (Mr. Doer). The Premier, for some strange reason, chose not to introduce this legislation himself, and I think he's really done a disservice to the Minister of Justice (Mr. Chomiak) by asking him, the Government House Leader, who has an awful lot on his plate, managing a very heavy portfolio and some personal issues that have weighed very heavily on him. I think we all respect the work that the Minister of Justice, the Government House Leader, does in trying to keep some orderly process in this House, and it really isn't fair that the Premier has asked him to take the lead on this very controversial legislation. My heart goes out to the Minister of Justice.

You know, having him try to balance all of the other things that he has to do plus stickhandle this legislation, which is very undemocratic, and sort of marshal this legislation through the Legislature and probably have to deal with many of his own colleagues who, as they come to understand this legislation more and more, have to be questioning exactly what it's going to do to their ability to communicate, and recognizing and realizing that no government is in government forever, that through the democratic process governments come and go, governments change. I hope when they're looking at supporting this legislation that they're looking to what may happen should they have the opportunity to be in opposition after the next election or the election after that, whenever it might be. But the day will come. There isn't any one party in this Legislature that holds the reins to government forever and a day.

I'm hoping that they're thinking seriously about how they would feel if the shoe was on the other

foot, and if they, as members of the Legislature, took the opportunity to listen very carefully to the presenters, they would know that there are many Manitobans that are upset with the direction the government is going. When asked, many of those presenters believed that this legislation should have been taken out to public hearings across the province and should have been provided to Manitobans far enough ahead of time to have them be completely informed about what the changes are going to be.

I think if they had the opportunity to be a part of an all-party committee that travelled Manitoba, that listened to Manitobans, scheduled meetings so that people would have the time to adjust their schedules to be there to present if they had an interest, that it would do a lot for our democratic process. But what's happening here in the Legislature today does nothing for democracy. I'm saddened to see the direction that this government is taking, and I'm saddened to see members on the government side of the House who had no inkling that this legislation was coming forward, to see them just be sort of led along into believing that it's the right direction to go.

So, again, many have said and if the government would consider allowing presenters at least to be heard at this committee, I think it would do a service to Manitobans and to the democratic process. Thank you.

Mrs. Leanne Rowat (Minnedosa): Thank you, Mr. Chair, and I welcome the opportunity to speak in favour of this motion to waive 97.2 to allow more presenters to speak to Bill 37. I think what we're hearing from Manitobans throughout the province is that they have some very serious concerns and questions regarding the openness of this government, especially Bill 37 being a symbolic gesture of not allowing an open and accessible government and not letting people have the opportunity to challenge and question the significance of Bill 37, should it come into law.

I've been watching very closely the presentations that have been occurring on Bill 37, and I'm most impressed with the diversity of presenters. We have university students coming in and presenting on this bill from not only the urban centre of Winnipeg but also from Brandon University. The questions that are being raised by these individuals who will be the lawmakers in the future, they speak to the challenges of the bill. They speak about the government's decision to have fixed election dates and the concern they have with the timing of that. They encourage an

open and accessible process. They support democracy, and they definitely want to be more engaged.

But they themselves have indicated, Stephen Montague, the president of BUSU, has indicated that by having the June election dates, you're going to disenfranchise more young people than encourage them to be a part of the process. I think that that's something that the government has to take under advisement. I know that the Premier (Mr. Doer) had several questions presented to Stephen based on his concerns with regard to the bill, and I'm sure that Stephen would be most impressed if his questions and concerns regarding this legislation were considered and helped with making this legislation stronger and better, maybe even go back to the drawing board and present something that is more palatable to people of his generation.

Another young woman from the Rapid City area who hasn't presented, her comments were most interesting. She's been watching the process and her comments were that she would be concerned to speak to Bill 37 based on the way that presenters have been treated. I think that speaks volumes to the concerns raised by this young woman. She has some very serious concerns with Bill 37, and based on what the Premier has said to presenters and others have said to presenters, she's not comfortable with this government's positioning in how they deal with presenters, and I think that, as she's been listening to this process, she has become more angry and concerned with this bill. I think that she, at this point, would be more than willing to present and share her concerns with the bill but, again, that option is not going to be available to her. So I think that this has been more of a process of shutting down potential presenters. I guess the closed door sign is more symbolic than just a sign on the door of the Legislature. I think that the actions taken by this government in how this process has been handled speaks to a government that has been less than open and accessible to the people of Manitoba.

*(11:40)

Another presenter from my area was Trevor Gates from Rivers. He spoke about how offensive the vote tax is to him as a taxpayer in Manitoba and didn't realize that how he voted would be used as a tax grab for the government in creating a vote tax for the people of Manitoba. I'm hearing that individuals, like Trudy Turner who presented last week, were treated poorly. She is a taxpayer. She is a citizen of

the province and somebody that's very engaged and interested in the processes of government. I think that this, again, speaks volumes of this bullying that occurs within the government, and I was very disappointed to learn of this occurring.

RTAM, retired teachers. Again, you know, another sector of the population of Manitoba extremely outraged with this government with regard to the government's decision to include COLA into the legislation for political parties. What it's done has made the fight stronger for organizations like RTAM who believe that they have worked very hard for the citizens of Manitoba in educating the children and adults of our society and believe that they should be treated with more respect than obviously is being presented to them at this time.

What we're hearing and what we're reading from different individuals who are putting their words to print is that the legislation is definitely going to be censoring MLAs from being able to provide information to their constituents. We all take pride in wanting to ensure that our constituents receive information and actually are able to counter spin from the government. I think that people have realized that by forcing MLAs to run correspondence or information through a legislative committee dominated by government MLAs is just not fair. It's undemocratic and it's definitely not an open process to freedom of speech.

I was with a number of parents from the Westman region this weekend. Our children were playing in a hockey tournament, and a lot of them are distant to politics. They don't have a strong interest in what's necessarily being debated in the past, but I was pleasantly surprised and very interested to learn that they have been very closely following the proceedings of these bills and actually were very interested in commenting on how arrogant and disconnected this government has appeared to be. These are individuals from all over western Manitoba and, actually, I should say, there are individuals from Stonewall, there are individuals from Grandview—kids are playing on this team. So I think that that was a good test, a good test to the generation that I represent, of what they're feeling towards this government and this bill. I don't know their politics, how they vote, but I do know that they were very free in sharing their concern and frustration with a government that thinks that they can censor information coming from their MLAs and opposition side.

So I believe what the Member for River East (Mrs. Mitchelson) was saying earlier about an all-party committee. I think that that's an excellent opportunity for Manitobans to be engaged. I think that would give the opportunities from the hockey moms and the hockey dads, to young women from Rapid City and Brandon University, Stephen Montague, Trevor Gates from Rivers, those types of individuals an opportunity to engage in debate and to give their feedback on how a bill that is going to increase the democratic involvement or process is welcome. I encourage the government to listen to what is being shared today and rethink this poor legislation and actually move to allow more speakers to have an open and accessible process be given to them.

Thank you, Mr. Chairman.

Mr. Cliff Graydon (Emerson): Thank you, Mr. Chairman, for the opportunity to speak to this motion. Perhaps, before I do, I'd like to acknowledge and congratulate the minister, the representative for Minto, for his apology today. It was surely a big step.

Thank you, Mr. Chairman, I'll move that in closer so that they don't have any trouble hearing. I have trouble hearing all of the time.

I support the motion of keeping the registration process open for the committee. I'll give you some background and reasons why I would support such a motion.

First of all, Mr. Chairperson, as a rural MLA and being elected only recently the first time, you've made commitments when you're campaigning and you believe strongly in certain principles, the principle of democracy and openness and fairness. You campaign on those because you believe those. They are very fresh in my mind, only being just basically one year old. I maybe was a bit naive in thinking that everyone would be as forthright as I am and blunt at times, to the point of maybe being too blunt.

However, the process of the committee hearings which I wasn't really aware of, totally aware of, has changed many times over a number of years. I believe that these changes are much like the necessity is the mother of invention and certainly flexibility and common sense has led to positive changes over a period of time. When I hear that, in the past, committees have sat for 24 hours slapping mosquitoes in the middle of July in an un-air-conditioned building, it certainly isn't conducive at

all to people who take the time in their life and out of their job to come and make representation to the legislation that we put forward.

Whether that's your government, Mr. Chairperson, or if it would be my government that would put that forward, it's very important that we try to keep the process as open as we can for individuals to make representation.

This Bill 37 is a very, very ominous bill, as I pointed out in the past, many people have pointed it out, one including the leader of the Communist Party the other night pointed out that he felt that he was in, and I'll paraphrase, but he felt that he was in unfamiliar territory when he was right of the NDP party. He felt somewhat out of place being right in the political spectre of the NDP party.

But, at any rate, I think as legislators we need to make the process as open as possible and try to accommodate as many people as possible. I understand that the process can't go on forever and ever. There has to be a conclusion. There have to be goals, and, certainly, you need to have a parameter to work within. But, at the same time, holding a committee at 9 o'clock in the morning on a Monday morning, however, is great for me. I don't mind that. That's exactly what I'm here for. I'm here to represent my constituents. That's part of my job. However, I would suggest that my brother that works construction needs to be on his job at 7 o'clock in the morning. Perhaps his wife, who is a schoolteacher, needs to be at her job at 9 o'clock in the morning, and they're not able to attend. So we could suggest then that they can attend—they could easily register and attend to be here whenever committee is called.

* (11:50)

I wasn't aware that when committee is called, that if there are a hundred presenters or 400 presenters or two presenters, they are all called at the same time. So they would come then and sit here for days, perhaps—at least for two or three days—and never have that opportunity to speak. So, as long as the committee is sitting, I would suggest that we really should have—they should have the opportunity if the committee is sitting, and they would have three or four hours available to them, or if they had other business in the city that they could attend to, whether that would be doctors appointments, specialist appointment, or whatever that might be—am I too far away again? I apologize—whatever that appointment might be, that they would be able to also come to the committee and be recognized and perhaps would

have an opportunity to speak. They haven't been afforded that at all, that opportunity to express their concern.

Because Bill 37 was first introduced fairly late in the session—and you'll have to agree that there was plenty of opportunity to introduce this bill much earlier in the session, which would have gave it a lot more visibility to the electorate—it was introduced late and with much fanfare, with something that our party has asked for for many years and has actually put forward in the past by one of our colleagues, is, a fixed election date.

Of course, Mr. Chair, this grabbed the headlines. And because we, in politics, and in advertising, understand that first seven seconds that someone has a piece of information in their hand generally sets the tone on what they think of the rest of that piece of advertising, and, of course, the fixed election date indicated that there was something being presented that, I would say not all, but a good percentage of the electorate in Manitoba agreed with—it's happened in other parts of our country; we have asked for it here for a number of years—so that's what stuck in their mind.

That's what Bill 37 is. It's a bill that would indicate that, yes, finally, we are going to be able to go to the polls on a certain day. That day can be debated, could probably be changed, maybe be amended. Will it suit everybody? Probably not. However, I think the majority of the people did agree that that type of legislation was long overdue. We've had some presenters who presented and said, as students, that it didn't fit very well for their situation. I can tell you, as a rural MLA, that the fixed election date would have probably been better or more readily accepted by many of the people in agriculture much earlier than it is in June. However, I would suggest that most felt that it was a positive step forward.

However, upon closer scrutiny, the fixed election date turns out to be a bit of a fallacy. What it really says is that it's at the call of the Premier (Mr. Doer). However, that message needs to get out, again, to the electorate, for them to make their judgment call on this, and to be able to then come in and make a proper presentation to the committee.

Just in closing, and in summation, I would like to address some other parts of Bill 37 because I do believe strongly and did campaign very vigorously on democracy. We find that the gag law—and that's what I refer to it as. It certainly doesn't say that in the

bill, but I refer to it as a gag law. It restricts my ability to communicate with my constituents, and I'll give you an example, a prime example. The type of commitment that I made was to communicate on a regular basis as well as I could. But I need to point out some of the things, and one of the issues is Manitoba Hydro suggests that the rates are the lowest in Canada and I agree. They certainly are. *[interjection]* And I'm getting a sign again.

So, in summation, I would say that I, again, Mr. Chairperson, would support keeping the registration process open until there are no members coming forward. Thank you.

Mr. Swan: I will take care, as best I can, to measure my words carefully because I realize that it's a time of some sensitivity, so I'll do my best to keep us moving along.

There have been a number of comments made about democracy and, of course, it's been said that democracy is not a perfect system but it's better than any other system that the world has been able to devise. I think we can all be very proud as Manitobans to have I would say the most open structure in the entire country, if not the world, in allowing citizens to come forward and voice their opinions on any piece of legislation that this Legislature is considering. It's a tremendous right. With that come responsibilities, and the real question is balancing those rights and responsibilities to make sure that Manitobans are given an opportunity to come out and make their views known, but there are some responsibilities put on them at the same time.

I understand that long before I ever got to the Legislature, there were very different rules. In fact, in committee there were no time limits on how long people could speak. There were no time limits on how long questions could go. It was agreed in the off season, if I can use a sports term, that this probably wasn't the fairest to many other people waiting patiently in line waiting for their chance. So, on that front, time limits were established to make sure that everybody gets the chance to make their point but that their point is limited to ten minutes, and I think that's a positive thing.

You know, in Manitoba people are entitled to show up at committee. They can register anytime before the bill goes to committee and they can then register on any of the first three days that the bill is

in committee, which is certainly a very open invitation for any Manitoban who has a strong view to come forward. It's important, of course, to note that the opposition, as is their right, has been making some organizing efforts to get people to come out to committee. That is their right and, frankly, living in a democracy, we salute that. There have been other groups who have been encouraging people to come out to committee, and, as well, that is the way things work in our society.

At the same time, if somebody does register, then they have the choice—it's not always a comfortable choice—of sitting in the committee room. It's an even less comfortable choice when certain members of the Legislature decide to tie up the work of the committee in points of order and other matters which take a long time and, frankly, annoy some people waiting, but that's the way that the game is played.

It is important, of course, to note that anybody who registers has the right, whether they are able to show up in the Legislature or not, to let their views be known by sending a letter or sending an e-mail to the Clerk's office, and the Clerk's office I think does a very good job of making sure that their views are known. I have never experienced a situation where leave has been denied for a letter or e-mail to become part of *Hansard*, to become part of the permanent legislative record of this Legislature. So there are all kinds of opportunities for individuals to let their views be known.

Really what this motion seeks to do is to change the rules in the middle of the game, perhaps because members opposite don't like the way the game is going. This could be something that the House leaders could discuss. It could be discussed not in the middle of the game, not in the middle of the proceeding, but at some other time to see if there are ways that we can better serve Manitobans.

But, again, I think that we should highlight that this is a very democratic process. Manitobans have had tremendous opportunities and that nothing in following the rules, as they've been agreed upon by the parties, prevents Manitobans from having a reasonable chance to speak to this Legislature.

So, with those brief comments, I would hope we could get to the question and allow more Manitobans to speak and let us know their views. Thank you.

Mr. Blaine Pedersen (Carman): It's good of the minister to end his comments before the time is up.

Mr. Chairperson: Order please. The hour being 12 p.m., I am interrupting the proceedings of this committee with the understanding that when this

committee reconvenes later this evening at 6 p.m., I believe, this matter will remain before the committee to resolve.

The hour being 12 p.m., committee rise.

COMMITTEE ROSE AT: 12 p.m.

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