

**Third Session - Thirty-Ninth Legislature**  
**of the**  
**Legislative Assembly of Manitoba**  
**Subcommittee**  
**on**  
**Senate Elections**

*Chairperson*  
*Ms. Erna Braun*  
*Constituency of Rossmere*

**Vol. LXI No. 4 – 6 p.m., Tuesday, February 17, 2009**

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

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

**LEGISLATIVE ASSEMBLY OF MANITOBA  
THE SUBCOMMITTEE ON SENATE ELECTIONS**

**Tuesday, February 17, 2009**

**TIME – 6 p.m.**

**LOCATION – Brandon, Manitoba**

**CHAIRPERSON – Ms. Erna Braun (Rossmere)**

**VICE-CHAIRPERSON – Mr. Blaine Pedersen (Carman)**

**ATTENDANCE – 7 QUORUM – 4**

*Members of the Committee present:*

Ms. Braun, Mr. Faurchou, Ms. Howard, Mr. Lamoureux, Ms. Marcelino, Messrs. Nevakshonoff, Pedersen

**APPEARING:**

Mr. Drew Caldwell, MLA for Brandon East  
Mr. Rick Borotsik, MLA for Brandon West

**WITNESSES:**

Mr. Drew Ostash, Private Citizen  
Mr. Deryk Jackson, Private Citizen  
Mr. Jared Wesley, Private Citizen

**WRITTEN SUBMISSIONS:**

William Taylor, Private Citizen  
Kathleen Millier, Private Citizen  
Roy Yerex, Private Citizen  
Steve Stadnyk, Private Citizen  
Semeon Hrushovetz, Private Citizen

**MATTERS UNDER CONSIDERATION:**

Consulting with Manitobans on Senate Elections

\* \* \*

**Madam Chairperson:** Good evening. Will the Subcommittee on Senate Elections please come to order. This meeting has been called for the purpose of consulting with Manitobans on Senate elections.

Before we go any further, we'll go around the table and let the members of the committee introduce themselves.

My name is Erna Braun. I'm the MLA for Rossmere and the Chair of the committee.

**Ms. Flor Marcelino (Wellington):** I'm Flor Marcelino, MLA for Wellington.

**Ms. Jennifer Howard (Fort Rouge):** I'm Jennifer Howard, MLA for Fort Rouge, but, of course, here in my home town.

**Mr. Tom Nevakshonoff (Interlake):** I'm Tom Nevakshonoff, MLA for the Interlake, and it's a pleasure to be back in Brandon once again at the Keystone Centre.

**Mr. Kevin Lamoureux (Inkster):** My name is Kevin Lamoureux, the MLA for Inkster.

**Mr. Blaine Pedersen (Carman):** Blaine Pedersen, MLA for Carman.

**Mr. David Faurchou (Portage la Prairie):** David Faurchou, MLA for Portage la Prairie.

**Madam Chairperson:** Thank you, committee.

Written submissions from the following individuals have been received and distributed to committee members: William Taylor, Kathleen Millier, Roy Yerex, Steve Stadnyk and Semeon Hrushovetz.

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

We have a number of presenters registered to speak this evening as noted on the presenters' list. Before we proceed with presentations, I just have a few notes for all in attendance.

First of all, if there is anyone else in the audience who would like to make a presentation this evening, please register with staff at the entrance to the room. Also, for the information of all presenters, while written versions of presentations are not required, if you would like to provide written materials we ask that you have 15 copies. As well, I would like to inform presenters that in accordance with our rules and practices a time limit of 15 minutes—or, pardon me, 10 minutes has been allotted for presentations with another five minutes for questions from committee members.

Also, in accordance with our rules, if a presenter is not in attendance when their name is called, they

will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called a second time, they will be removed from the presenters' list.

For your reference, we also have available on the table at the entrance to this room some background material on the Senate of Canada, as well as some material on this committee.

The proceedings of our meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA or a presenter, I first have to say the person's name. This is the signal for the *Hansard* recorder to turn the mikes on and off.

I will now call on Drew Ostash, private citizen. Mr. Ostash, do you have any materials for distribution?

**Mr. Drew Ostash (Private Citizen):** No, I don't.

**Madam Chairperson:** Then please proceed with your presentation.

**Mr. Ostash:** Thank you, everybody. First and foremost, just to give you an introduction of myself, I am 23 years old. I am in my final year at Brandon University. I am graduating with a degree in Political Science and, first and foremost, senate reform is actually one of the reasons I actually started to get into politics, as I was just mentioning. So it's actually very near and dear to my heart which probably sounds a little strange but hence is why we're here today.

Before I actually wanted to start, I'm just glad that you guys made it out to Brandon. We're very appreciative of that and it's so nice to see we have four government MLAs out in Brandon, which is almost the equivalent of having a Cabinet minister today in the Wheat City. So we are very happy.

To begin with, why Senate reform is needed: To begin, the first thing that irritates me about the current system that we have is that the Prime Minister gets to pick who represents us in Ottawa. Secondly, the senator has the ability to serve up to being the age of 75. They're beholden to the powers that be in Ottawa, and one thing that I note particularly is that someone who's a student in politics as well as I, we don't know who our senators are. To be very honest, I met a Liberal senator from Winnipeg in Brandon, and we were sitting around the table, and we started talking about issues. She was talking about gun control and trying to convince

me of the merit in it, which was fine unto itself, but I got thinking at the back of my head, if this woman, I believe Senator Chaput, had to face the electorate from our constituency, she would never have been elected, which made me really think that she doesn't serve the public. She doesn't serve what the public wants. It is nothing against her views, just the fact that as a public servant you should serve the public.

The other thing that I'd really like this committee to afford and recommend changes and reform is that I think the senators from Manitoba can provide a better link connecting regions of Manitoba to advance provincial and federal relations. Currently I believe the Manitoba government—somewhere between 30 and 40 cents of every dollar that the provincial government spends is actually from the federal government. In particular, western Manitoba issues currently, in my opinion, are being kind of left off the table. I know many people are frustrated and there's not a link there. You know, we have massive emergency room closures in western and rural Manitoba. We have infrastructure needs, and, to be very honest, the government isn't represented out here in this area. We only have one government MLA in all of western Manitoba. I'd like to see senators become accountable and I'd like them to be public, and I'd like them to get onto the ground talking to ordinary citizens about what actually is on our minds.

\* (18:10)

So, that's kind of my introduction, and now this is what I propose, that Manitoba be broken into six geographical ridings, one from the North, one from the western half of the province, one from the eastern and the three remaining would obviously be from Winnipeg.

Now, the six geographical regions, they will follow the 2011 updated Manitoba riding boundaries. I would propose that we do not split any provincial riding into two. The Senate elections should fall on the set date of Manitoba elections. When Manitobans go to the polls to elect the Manitoba Legislature, they will also go to the polls to elect their senator.

Manitobans usually elect majority governments, unlike our federal counterparts currently. If for some reason Manitobans elect a minority government, the senators would not have to run again in the next provincial election if the government fell. They would then run in the next election as long as the minimum of three years had passed. Understandably this could lead to either shorter or longer periods for

some senators, but I think that following the provincial elections is the best way to go to elect our senators.

Now, the candidates who would like to be a senator will be selected by their respective federal parties as they'll be sitting in the Senate and naturally will be part of the national party caucuses in Ottawa, but because there's going to be a provincial election the candidates should and must follow Elections Manitoba rules. Each candidate should be allowed to set up their own campaign account once nominated to run as a candidate. They will follow all Elections Manitoba fundraising and financing laws, and because of the boundaries the senators will follow in the provincial ridings it will be very easy to figure out how many voters are on the list and all the other types of information when it comes to finances, spending limits and so forth.

The only exception to all of the rules is that federal parties should have a role in this. They should be allowed to transfer 25 cents per registered voter in the five southern ridings, the geographical areas, however we want to put this, and 40 cents per registered voter in the one northern riding.

This would allow fundraising for the campaigns, as well to allow the federal parties to get involved, as I do believe that federal parties should have a hand in this as essentially we are electing people to sit in the federal government.

Elections Manitoba would do all the auditing and ensure that all the rules are followed. The senators themselves would have to fall under specific guidelines. No senator should be allowed to run in the riding unless they have a permanent address in Manitoba. They would have to be at least, obviously, 30 years of age and own \$4,000 worth of property in Manitoba. Now these were all customs set up by the federal government.

Senators, at most, would only be allowed to serve two terms. That isn't eight years or seven years or nine years, two terms after they're elected, and they would obviously not be allowed to run after that. No senator should be allowed to serve in another capacity if they are already an elected official. Once they are nominated to run by their party they must resign immediately.

For example, if one of you decides to be a senator if we move forward on this, on these reforms, if nominated from your party, I would ask through my proposal that you would resign immediately so

you would not be trying to juggle two jobs. This is to discourage members of Parliament, MLAs, mayors, reeves, et cetera, from being distracted from what they were originally elected to do. If they are serious about running, they will not just drop or dip their toe in the water to test it out. They are either in or out. Hence once you're nominated, you can't go back to your job if you lose.

Now, polls have suggested across the country that Canadians, 64 percent like the idea of being able to choose their senator and 72 percent supported term limits. The reason why we are here today is to bring accountability to the Senate. We can set a standard for the rest of the nation here that we should be trailblazers and that we should be bringing in legislation to show the federal government that we are serious about truly reforming the Senate. We cannot wait for the federal government because the same body we are talking about reforming is going to stall and they are not going to move forward with this.

As well, if the current Prime Minister is not re-elected or another Prime Minister is elected, who knows who and what agenda they'll bring forward. The ball is in our court. We have a Prime Minister that is willing to work with the provinces right now. Whatever legislation this Province moves forward on, if it means electing, if it means by geographical region, whatever we decide to move forward, the Prime Minister is willing to work with us. We have that guarantee. He's not asking for specific guidelines. What he's wanting is an elected, reformed Senate.

Currently we don't have any senators that are up to retire. I was just looking at some of them—Sharon Carstairs, 2017; Janis Johnson, 2021. The next senator that is possible to have to leave is actually this summer. So we have an opportunity to move forward, and I strongly urge that we do and have some energy and some expediency to this process. I think all parties here are going and, hopefully, have the zeal to move forward on this. I know that the Premier (Mr. Doer) and his preference would be to abolish it, but I don't see the Premier becoming the Prime Minister, so I think we can't, as the provincial government of Manitoba, abolish it, but we can work with the Prime Minister.

Anyway, I have suggested some real, concrete, tangible things I would like to see done, and other than that, I open to your questions.

**Madam Chairperson:** Thank you for your presentation. Are there any questions?

**Mr. Faurschou:** Mr. Ostash, thank you ever so much for your presentation and a lot of thought that has gone into it.

You, though, suggest that the territory represented by the potential six senators does indeed follow the population. Allocating three to Winnipeg would effectively recognize that the city of Winnipeg has about half of the population of Manitoba. Is though a larger geographic—are you looking strictly to drawing those boundaries on population or is there a geographic coefficient within the equation?

**Mr. Ostash:** Because I actually made a presentation to the Manitoba Boundaries Commission, I am somewhat aware of the boundaries and some of juggling that goes on ensuring that communities are kept together. When I originally thought about this, I thought to begin with, once again this comes back to why we need to make the Senate applicable to ordinary Canadians, I thought we had seven senators from Manitoba. I thought we actually had seven. So I was thinking we have 14 members of Parliament, so perhaps maybe we'd just join two ridings together. But then I got looking and I thought we can't do that because the federal ridings don't overlap provincial ridings.

To make this clear, concise and simple as possible we have to follow provincial ridings. When looking on the, I should say, the new map of 2011, which is not applicable yet until the next election, it can be easily divided if you follow Turtle Mountain. I'll just use this area of western Manitoba as an example. It would be Turtle Mountain, it would be Arthur-Virden, it would be Brandon East, Brandon West and Russell, for example, and probably could even go up to Dauphin-Roblin and then Swan River. You'd have to crunch the numbers there, but you would try to keep the north together. I understand because it's such a large geographic region, the population would be a little bit out of whack, but outside of the north and in the rural areas, you would look at Portage, would kind of go everywhere west or east of there, and then everywhere west of Portage would fall into the other riding. So you would try to kind of follow it between the two Inky Mark's riding or Tweed's riding and Candice Hoepfner's riding, Vic Toews' riding, and I think if you follow the provincial boundaries, it comes pretty close.

I can't speak on Winnipeg because I'm a Brandon native, and to be very honest I need

directions to go to the airport half of the time which is very normal for folks out this way. I can't speak on Winnipeg, but what I can speak on, the rural provincial ridings, I think we can do it where communities of interest are kept together, where we can have regions, and where specific issues, where a senator can come in and then be the conciliator, the negotiator, that link that I was talking about between the Province and the federal government which we don't have.

\* (18:20)

**Mr. Lamoureux:** How do you feel the ballot itself should look? Should it be first past the post? Would you like to see preferential ballots? What is your preference?

**Mr. Ostash:** Absolutely. I believe in the first-past-the-post system. The reason so is I'm worried about proportional representation for a lot of reasons. One, we were just speaking about the size of Winnipeg is growing. A lot of rural areas are not. I believe that members of an elected body should be accountable to a specific geographical region and for a couple of reasons.

One is that I think the voter who is voting for them knows who is their representative and that whole great thing about democracy when you're mad and you're happy, call that individual personally and you can do that over the phone or write a letter. In a proportional representation, if we open it up and just have six seats across Manitoba which we would go to the polls that isn't to a geographical region, there is a very good possibility that rural voices are shut out. That is an extreme—that is a concern for me that hence is why I'm proposing six geographical regions.

**Mr. Lamoureux:** You made reference to the criteria in order to be eligible to put your name forward as senator. You made reference to 30 as being an age. Is that what you personally believe? Should there be ages? What would you like to see that would qualify a person to be able to run for Senate?

**Mr. Ostash:** The problem that we have is that, if we are going to propose names to the federal government, they've got to abide by their criteria. Currently, you have to be 30 years of age. I personally believe that once you've reached the age of 18, of course you should run. You should run for city councillor to—if we had it—dog catcher, you know. But the fact of the matter is that if we do not follow their standards when it comes to the criteria, then they may not appoint our democratically elected

representative. Now, if you can convince the PMO to open up the Constitution and change that, we could have a different story, but I'm afraid this committee and the jurisdiction would be a little bit out of it.

**Madam Chairperson:** To the committee, we've exceeded our time for questions. Do we have leave of the committee to continue questions until we've concluded the list? [*Agreed*] Thank you.

**Ms. Howard:** Thank you very much for your presentation. It was well researched and well presented.

I wanted to follow down this path of regional representation a little bit more. I think one of things about this Senate and the discussion about electing Senate nominees, which is really what we're doing. Ultimately, the authority to appoint rests with the Prime Minister. We can provide nominees, but whether or not he takes those is going to still be up to him. So one of the opportunities is to think about representation in new ways. Representation by population, of course we have that in the House of Commons. But one of the criticisms and I think one of the places that you started is feeling that in that system, places with less population tend to have less representation, and sometimes the issues that are particular to those regions don't get the voice that they should.

So, while the three Winnipeg and three outside Winnipeg follows the population pretty much exactly, do you have any fears that, having one senator for western Manitoba, that voice would still get lost in the six total for Manitoba or the total senators or how can we protect against losing the voices of sparsely populated or less populated regions?

**Mr. Ostash:** Well, to back up here, I do believe a hundred percent if we move forward, as the provincial legislator would move forward on posing legislation, if we were able to find an agreement to move forward, the Prime Minister would appoint—there's no doubt in my mind the current Prime Minister would appoint a democratically elected senator. I think that's a moot point.

Secondly, sometimes population works the other way around. I'll use the province of P.E.I., for example, who has four members of Parliament. Anyway, it's beside the point, but I'm not worried that in 15, 20 years from now, where Winnipeg maybe will have four and rural will have two. I think what we should do is set out—and I should have

mentioned this—what we should do is we should always, always adhere to that criteria: three Winnipeg, three rural. It's all in kind of the boundary commission, where it involves—how do I put it?—where the north, you know, is allowed a certain deviance from the norm. I think what we should do to part of it is to ensure that rural voices are protected. So if that means in the census 10 years from now where we've got to shift a few provincial ridings to make it sure, then I see no problem with that because I think the Boundaries Commission did a pretty good job of following regions of interest.

So by using that as your starting block, and then kind of thinking, well, what about that community? Well, that work's already done for us because they did the work, and we all have to do is ensure that it's representation by population. So, to kind of get around with it, I should have mentioned, and I was thinking about it, that maybe part of it is we should set in stone where there will always be three rural, three city, and, because, as we all know, you know, shifting populations and some communities are dying and some areas are lost. Western Manitoba lost a seat which was, I know, very disheartening to many people out this way because we see it as losing a voice, and, hence, perhaps, maybe why senators that are elected by a region once again, can, and I'll try not to sound like I'm repeating myself, but it's to provide that link, once again, that I think is somewhat missing right now. A senator could provide, perhaps, that overall region instead of just that one riding. Or, if you're from Fort Rouge, for example, it's a very small community, but you know that Fort Rouge and the community's interest doesn't stop at your boundaries, and it's kind of a region there.

You know, there are regions like that all across the province, and that's where I think that we should be very protective of: (a) rural voices; and (b) we've got to ensure that we follow the regions of interest. The hard stuff's done for us because, like I said, the ridings are already drawn and it's just working with them. Perhaps, maybe perhaps, written through the legislation, if we move forward, is the Boundaries Commission would also slash Senate boundaries, you know? Like the body's already there, and we wouldn't have to have a travelling road show for the Senate boundaries and the provincial boundaries.

**Madam Chairperson:** Thank you.

**Mr. Pedersen:** Thank you, Mr. Ostash, for your presentation. You were talking about election

financing. You were talking about 25 cents and 40 cents. Can you explain what you were talking about there?

**Mr. Ostash:** Absolutely. Partially what—this is kind of a—if we move forward, we're creating something absolutely new in some respect. We're creating a hybrid between provincially run, but you don't serve in the province of Manitoba, you go to Ottawa. So what we've got to do is, we've got to work with our federal counterparts on this. I've been in enough campaigns. You guys all run campaigns; you know you need money, you need teams, you need support. But in many circumstances, if we move forward and just said this was just a Manitoba thing and we left out the federal parties, that that's not fair, nor is it right. So what I came up with the formula is that, let's just say if we created a western Manitoba seat that had a hundred—let's just say 150,000 people, registered voters. Now, they would be entitled by the federal party to transfer up to a maximum of 25 cents per registered voter. So, if, for example, the Conservative Party of Canada or the Liberal Party of Canada wanted to transfer—I'm very bad at math, I can't figure what 150,000 times 25 cents—but that party would be allowed to transfer that.

Now, in the north we've got to create a little different system because of the geographical restraints and the expenditures.

**Mr. Pedersen:** Okay, I've got that. As you know, there's a federal vote tax which created a near coalition in federal government and we have \$1.25, what we lovingly refer to as a vote tax here in Manitoba coming into effect now. So what is your position on publicly financing of the proposed Senate elections?

**Mr. Ostash:** I do not support a federal nor a provincial—we'll call it a vote tax, depends which side you're on. You can call it a subsidy, vote tax, whatever it is. I don't believe in it. I think that parties should be forced to raise their own funds and I would not—I would strongly urge, if we move toward Senate reform, there should be no public subsidies going into these elections.

\* (18:30)

**Ms. Marcelino:** Thank you, Mr. Ostash. You mentioned that nominees or people running for the Senate should be nominated by political parties. Could you please share more your views on why they should be supported by political parties instead of being independent, if we want these people

elected to provide sober second thought in the Senate?

**Mr. Ostash:** I'm not saying that the legislation should disregard independent candidates who want to run for Senate. But let's be blatantly, clearly honest. The chances of an independent person winning either under provincial or federal or whatever level you want to talk about is very, very slim. I can't remember the last time Manitoba has elected an independent member to the House of Commons. Perhaps maybe someone has been dropped from or left caucus, but I can't remember actually during an election.

I think that the system we have in the parliamentary Westminster system isn't flawed in the way that it's set up. What I do think is flawed is the appointment to senator. So I have no problem with the senator representing a party and that individual is duly elected and sitting in a caucus because at the end of the day they are accountable to their voters. So I think there's a role for parties. I have no problem whatsoever parties being involved, but at the same time I don't discourage independent candidates from running. Sometimes they bring new ideas, you know, but at the same time—I even talked about the thresholds. I didn't want to get into the nitty-gritty. I didn't say we had—if we want, we could say that the individual would have to get 2,000 signatures and have to put up a certain amount to run. I didn't get into the finite details, but.

We have—the system is set up for parties in Canada, provincially, federally. So my presentation and my proposal was set up for the idea that someone would be duly elected or duly nominated by their party and the parties that would be a completely separate structure that, once again, would have to follow Election Manitoba rules. Like I said, we're being somewhat of a trailblazer here because we're creating a hybrid system. It's been nowhere done anywhere in Canada.

I'm sorry, but if—to get back to your question, it's just—I think there's a role for parties, but at the same time the legislation should be very clear that independent candidates should run.

**Mr. Nevakshonoff:** I have a few questions here. First of all, the Senate is the Upper Chamber of the federal Parliament. I wonder why you link it to provincial elections, why you think the senator should be chosen during a provincial election and not during a federal election.



**Mr. Ostash:** Because I see it—I see this as a new beginning to be creating a link, like I said, between the province and the federal government. Senators for the most part have a little bit more time where they could go into the communities and work (a) with MLAs and (b) with members of Parliament. Currently I don't think that's happening a whole lot.

So what the reason was, is that if you follow provincial elections, the stability of having a majority government is—you know, when was the last time we had a minority government, 1988? So the stability is there to follow provincial elections, then (b) you follow the provincial ridings and then (c) is to creating that hybrid type of elected official where someone, for example, you know, in the Interlake if you would fall under the geographical region, you could work through your senator, through other than Mr. Bezan, who is currently a member of Parliament.

But it's a region and we're not thinking—selected officials we don't think enough of regions in Manitoba, and I don't know why we don't. But that's kind of the way I want to get going, because Brandon doesn't do well when Brandon does well; Brandon does great when the region does great, and that's the type of thinking I'm leaning towards.

If we follow the provincial elections, the three things I mentioned I think provide stability, but also we're creating a new system of working between provincial and federal governments.

**Mr. Nevakshonoff:** On term limits, you said that 72 percent of the population supports term limits. I assume that's with the current system where people are appointed not elected.

Myself, I've been elected three times now and I've served over nine years in the Legislature. I'm 50 years of age, and I think I might have a few more years in me. Would you explain to me why you think that a two-term limit should be imposed?

**Mr. Ostash:** I have nothing against you or the other members who've run for years and years, but I believe that turnover is good. I believe it's Shrek that said in the movie *Shrek*, change is good, and perhaps this is an opportunity where we have new voices. Just because tomorrow if in the next election you lose doesn't mean you can never serve your community in other ways. I mean it's not saying that, well, you know, you've lost and that's it. I mean there are other opportunities to serve.

By term limits, what we're doing is providing an opportunity for that continuous change of new ideas

and new thoughts and it happens. It happens with every government. It happens with every member of Parliament. You lose your gas, you run on empty and you lose new ideas, and any political stripe they're all guilty of it. You get so long and it's time for a change. I believe that not only on a political party basis but on an individual basis I also believe that, but I hope you're full of gas still.

**Mr. Nevakshonoff:** Okay, final question. Just in response to your last response, there is something to be said for experience, too. There are a lot of complex issues that over the years we as elected officials become more and more familiar with and our lobbying skills increase over time as well. So that's why I think there might be some room for longer terms.

But my final question relates to one comment you said about how you felt quite confident that the current Prime Minister would appoint elected senators. Years ago he spoke quite a bit about elected Senates and, of course, with the recent appointment of 18 senators just prior to the New Year, does that shake your confidence a little bit in this Prime Minister in terms of doing what he's saying he's going to do?

**Mr. Ostash:** To get to your first point there, I think the Member for Fort Rouge (Ms. Howard) is on her first term and I think she's doing very well. I don't know if that's a good argument because I think she brings new energy to the table. I don't know if she needs to be an elected representative to get any better, and I'll use her as an example on that point.

The second point is the Prime Minister did try to bring in legislation. He was stalled. The fact of the matter is that, like I said, the body we're talking about reforming today is the body that will never, in my opinion, allow it to be reformed.

The one great thing that I was really pleased about, the 18 new senators that you spoke of all took a pledge that if their province took the undertaking we're taking now they would resign and run in an election. That to me was a good compromise. We actually, like I said, in Manitoba, we didn't have an open seat, but at the same time that pledge to me was good enough. I'm hoping that the Legislature in Manitoba moves forward and proposes legislation so the Prime Minister would never, ever have to appoint a Manitoba senator.

So I think that's a pretty high standard—a bar that I'm setting for you fellows and gals that we should

never put the Prime Minister in that position. That's the challenge I put to you today is don't give the Prime Minister the opportunity.

**Mr. Faurshou:** I just wanted to ask if you're familiar with the Manitoba election laws and being that you're looking at the boundaries being harmonized, that we have provision of a 25 percent variance in the north population, 10 percent in the rural south and 2 percent in the city of Winnipeg, would you be accepting of that in the Senate elections act?

\* (18:40)

**Mr. Ostash:** Well, like I said, I think the north should always have a seat. It's much tougher to go that route, but I think the north should be enshrined where they have a northern seat and then I think it should be enshrined that the other two seats outside of rural Manitoba, you know, rural, but there will be challenges particularly in Winnipeg. I know Waverley West is growing. I know there are pockets growing, but I don't know the numbers specifically to speak on that.

We're only dealing, really, with six seats here. So it's much easier to make a few changes. I would agree that the north should have a different deviance, but the rest of rural Manitoba and the city of Winnipeg—and I don't know the numbers specifically and I'm sorry I can't provide it to you—but I think there should be some give and take. If it means 10 percent, it means 10 percent. That would be following the guidelines that the Boundaries Commission set up. I think it's 10 percent.

**Mr. Lamoureux:** You made reference in your presentation, there's one senator, you're right, that's going to be retiring later this year. Do you feel it's in the Province's best interest to look at some sort of a compensation package as an enticement so that we could get all six senators to step down—keeping in the back of your mind, because you've tied it to a provincial election; the next provincial election will be on October 4, 2011—would it be in the public's best interest for us to try to come up with some sort of a compensation package so that we're electing six senators as opposed to trying to come up with a makeshift?

**Mr. Ostash:** I think it would be in the public's best interest to ask them to resign first. I don't think we should be talking about any severance package. If the Province of Manitoba, through meetings like this and through the will of you, passes a law, I would surely

hope that these senators would abide and would step down and choose their geographical region that they so choose and run.

All these people are honourable members and we would hope, we would hope that whatever law that the Legislature moves forward, that they would abide by, without having to, more or less be, you know, entitled to their entitlements to step down. I would not prefer to go down that road, but, you know, I mentioned some of the dates in here. We're talking—some of them have a long time to go. Perhaps, why wouldn't they want to step down and run? They've served. Have they done a good job? They know their communities. We hope they know their communities. That would be my goal. I don't know what kind of severance package you would be thinking of.

**Mr. Lamoureux:** The final question is that you have federal, municipal and provincial, different types of issues, different types of needs. With the type of regional representation with senators, do you envision a senator having constituency offices? Would you rather see them servicing constituents, maybe providing a duplication of services that an MLA or a member of Parliament might be providing, or would it be better off to have them more focused on a province-wide basis?

**Mr. Ostash:** I see no problem whatsoever if a senator—they have the money in their budget to open an office and hire staff on a constituency level. There is enough dollars there. They can do the Inky Mark style where Inky Mark has over a dozen offices set up in his large riding. The offices aren't open everyday, but they do provide an outlet for people to know when the member of Parliament or the office staff is there. I would like to see a senator serve his constituents, the people who duly elected them. There is nothing against them, you know, first and foremost serving the region, but there's nothing, once again, from stopping them from looking at a provincial-wide level.

We would hope that our members of Parliament that we elect just don't go, what's good for me, what's good for my riding is, you know, comes first. You would hope that they look at the micro and macro levels. You would hope that, the end of the day, a senator would look at the provincial-wide issues and problems we face: infrastructure, health care, education, all these issues. I mean, they're just not, you know, local, local issues. They're larger issues. But I would like to see perhaps them moving to a

style of having offices to be accountable, to be public, to allow opportunity for discussion, and first and foremost, once again, to provide that link between the Legislature and the Parliament. That's why I would like to see a geographical region.

If you want to talk about constituency offices, you know, I'm not the expert on that.

**Madam Chairperson:** Thank you for your presentation, Mr. Ostash.

**Mr. Ostash:** Thank you.

**Madam Chairperson:** I will now call on Deryk Jackson. Mr. Jackson, do you have materials for distribution?

**Mr. Deryk Jackson (Private Citizen):** Yes, I do.

**Madam Chairperson:** Thank you. You may begin your presentation.

**Mr. Jackson:** Chairperson, committee members, interested persons.

Recommendations for electing senators.

My name is Deryk Jackson, a lifelong resident of southwestern Manitoba.

The following are my thoughts and recommendations for Senate reform. These ideas have been crystallized after years of hearing the concerns of ordinary citizens and discussing workable improvements with them.

A one-time only, eight-year, fixed term for a senator.

An elected position resulting from a fixed election date for all senators once every eight years.

Preferred timing of the fixed election date would be the end of April, the reason being Canadians must be available to file tax returns plus weather conditions and holidays should not be an impediment.

Equal representation for all provinces and territories to counterbalance the inequity of the House of Commons where the vast majority of members of Parliament represent highly populated areas. The parliamentary system does not necessarily do a good job of representing regional interests.

In the event of the death of a sitting senator, the provincial Premier or territorial leader would appoint an individual who agrees to complete the term. That replacement senator would face election at the next

fixed election date supposing he or she chooses to run in such an election.

Attendance criteria for senators, so all must be actively engaged in the work of the Senate. Those not meeting criteria would be replaced by a person appointed by the provincial Premier or territorial leader from the jurisdiction the senator had been representing.

Campaign prior to election limited to 30 days.

Campaign spending not to exceed a reasonable figure, possibly \$10,000.

Mandated television presentations paid for by the federal government for all candidates competing in each province or territory on at least two major networks where available. Timing of the televised presentations to be mid-campaign to allow the voting public the opportunity to assess who might best serve their country's needs.

The Senate can and does serve a valuable purpose, a sober second thought, and participation as a senator should not be limited to those who either have a political background or are very public figures. There are a great many citizens all across Canada whose business or professional lives would not have allowed them the luxury to serve as an MLA or an MP but who could contribute in a meaningful way during the early stages of retirement life.

I appreciate the time and consideration of the committee. Copies of my submission have been turned in.

**Madam Chairperson:** Thank you for your presentation.

I just wanted to indicate that we've been joined by our two members from Brandon, Mr. Caldwell and Mr. Borotsik. Welcome.

Do we have questions of our presenter?

\*(18:50)

**Mr. Drew Caldwell (Brandon East):** Deryk, thanks for the presentation. I certainly appreciate and I know that you are interested in community affairs in Brandon, and I commend you for that.

I just wanted to ask about the eight-year fixed term for senators. It's interesting. I haven't heard that before. What you're thinking is around one fixed, eight-year term vis-à-vis co-ordinating four-year terms like we have for the national Parliament.

**Mr. Jackson:** My reason for that thinking is that I've heard from many people that when someone becomes an MLA or an MP—and I'm sure it's the same with a senator—there's quite a learning curve in how the system works. I think it's just foolish for people to go into virtually any of these ventures for two or three years because I don't think you're going to get effectiveness. I also don't think people need to be 93 in the Senate. There will be some exceptions, but I don't think maybe 93 is where we want people in the Senate.

**Mr. Rick Borotsik (Brandon West):** Thank you for the introduction, and I apologize for not being here earlier, but I did have another function on.

Mr. Jackson, excellent presentation and certainly your position has been well thought out over a number of years. There's a couple of issues though, one of them being your suggestion that there be equal representation for all provinces and territories. You are aware that there are constitutional requirements for representation of the Senate in certain jurisdictions. This would require a constitutional change. Do you think that that constitutional change would be easily achieved or would there be some difficulties?

**Mr. Jackson:** I'm not sure whether that would be easy or not. I was thinking from a very common-sense perspective, which is where I come from, and to be effective. My understanding is the House of Commons is really, by all the committee work, and then first, second, third reading, bringing forward bills. When it goes to the Senate, my understanding is it's really only turned back if it's very, very flawed. So I don't see anything wrong with regional interests being looked after a bit better than our system. I understand the population issues, but I do think the parliamentary system falls somewhat short.

**Mr. Borotsik:** Again, I take it from that clause, however, you're suggesting that there be an equal number of representatives of the Senate based on population and representation within the provinces. That's not the case as it is currently, and I go back to my comment. It's a constitutional requirement that certain provinces have unequal representation, if you will, not only in members of Parliament but also in the Senate. That would be somewhat difficult to do. However, it is, I believe, your position that there should be.

Now, in the U.S., they have two senators per state regardless of the population. Are you suggesting something of that area?

**Mr. Jackson:** I'm not familiar with the U.S. system particularly, and I'm not particularly familiar with the Canadian system. I haven't sat down and studied the Senate. I read the notice in the *Brandon Sun*, and I thought about this. I've talked to people for years about this, and a lot of people think a senator living in Mexico for the most part of 10 years and not being around is a foolish way to spend taxpayers' money.

If I could just finish—when Frank Mahovlich was appointed—and I have to say I'm a great Toronto Maple Leafs fan, as was my father. I've got the collector plate at home to prove it. He was on *Canada AM* with Valerie Pringle, and she said, well Frank, what's up for the Senate? He said, well, my understanding is you've got to have 80 appearances a year. Thinking like a hockey player. Smart man; good in the travel business. Probably doing a great job in the Senate. Her next question was, so what was he going to get working on? Well, he was going to solve health care because some of his friends were waiting for MRIs. I haven't heard a thing from Frank since. I've seen him on TV at the Forum. So, I mean really, I'd like to see him run. He'd probably get elected, but I'd like to see him run.

**Mr. Borotsik:** Thank you. You have some very valid points, by the way, and I don't disagree with you. I do remember Senator Thompson who hadn't been in the Senate for quite a while, but has been staying in Mexico for a long time, and those are the exceptions to the rule. For the most part, senators are very hardworking and in fact they do put an awful lot of energy into their position. I can speak from personal experience on that one.

You had also indicated that you wanted elected senators—which I appreciate—that you would like to have them elected within the province. But at the same time, you suggest that senators should not necessarily be limited to a political background or a public figure. As you're well aware, in elections, face and name recognition is very important so, normally, those types of individuals do get re-elected. How would you see the individual that you conjure up being elected if they don't have that kind of public persona?

**Mr. Jackson:** Well, I've got a handful of examples right in Manitoba here of people that have certainly not served at a very high office in government or have been in private business. One example would be Cando Contracting, Gord Peters. My goodness, I mean the guy is probably a genius in business. Why not use some of that expertise? But he couldn't step

away from Cando Contracting—I've never talked to him personally—probably because he wanted to run that business. But, boy, in the early stages of retirement he could really do something for this country.

**Mr. Borotsik:** That's very good, but you're suggesting he would be elected not appointed. I appreciate the fact that he certainly has a lot to offer. As a matter of fact, he's just been appointed a member of the—well, not the Premier's economic council, it's CentrePort Canada and that's fair ball. But you're still suggesting they be elected, not appointed. Is that correct?

**Mr. Jackson:** Absolutely. There would be retired physicians that could give great input into health care. Our health-care system never consults with doctors or nurses. My wife is a nurse. They never consult with nurses, they never consult with the doctors. It's non-medical people that govern the system. It doesn't matter how much money we spend on it, we just buy more black chairs for the regional health authority. We're not getting it to the end user. We've still got beds locked up, doors locked, but we got nice windows in Tyndall stone, I'm afraid.

**Ms. Howard:** Thank you very much for your presentation.

I wanted to talk a bit about the first point in your presentation, about a one-term only Senate.

It's interesting because I was actually having this conversation last night with some friends of mine, which perhaps is a sad comment on my social life, but we were talking about Senate reform because I was telling them what I was up to this week. This idea came up that perhaps how we allow senators to still be champions of sometimes unpopular causes that are nonetheless important, but still have them elected, is to elect them only once. So, then, some of the causes that senators have been involved in are things like end-of-life care which is a very controversial subject. If you have to face election every four years, you may not bring the same viewpoint to it that you would if you are appointed.

So we had this discussion about elected only once. They raised a very good point that if you're elected only once is that truly democratic, because are you accountable if you never have to face election again? If you're elected once, in that instance it's democratic but really you never have to worry about being re-elected by those people, so can you be accountable to them? I had never thought of that

angle before, and I'm wondering if that was part of your thinking in one-term only and how you would respond to that idea?

**Mr. Jackson:** I appreciate your concern. I'm a baseball guy, and so I just don't ever recall seeing a field manager like Joe Torre, with the New York Yankees, in the major leagues being 27, 28 or 23 managing a professional baseball team. There may have been at the major leagues, but I don't remember it. Tony La Russa is probably the youngest. He was probably 35 or 36.

I really don't think you want 21 year olds in the Senate. I really don't. I don't think they've got enough life experience. I think we got a whole bunch—we've got this baby boom that's heading for retirement that is right there ready, this big pig in the python group of people that could be ready to serve and do something meaningful. But I don't think they have to do it forever. I'm really against people being in there again and again. I really am.

**Ms. Howard:** Okay, so just to follow-up. The idea of an eight-year term is a concern of yours more to do with the age of senators and having some kind of term limit, but would you be opposed to an eight-year limit but those broken into two four-year terms so there was an opportunity to elect or not to re-elect someone in that or you know, whatever, two six-year terms? It doesn't matter the number. But I'm just curious about your take on whether or not, in order to be accountable to an electorate, you have to at some point reasonably face the prospect of re-election.

**Mr. Jackson:** Well, you raise a good point. This is of course why you're having this Senate hearing and you're hearing from people like me who is not a politician and not particularly affiliated anywhere. There's obviously room for modification.

My wife read my presentation. She did type it for me, and she said they're not going to accept some of your ideas. I said, I really don't care. They're my ideas. They're asking for them. I'm coming forth with them.

But you raise a valid point, and by the time this whole idea is massaged and gets out the end result, the idea, maybe it will be a fixed election date every four years. Then you rerun, but you can only have two terms, or, if somebody backs away after four years, even though it's an eight-year term, maybe you can make some clause in there that they could have another four-year term.

I'm worried about costs here a little bit, and that's why you have a fixed election every eight years. You know what you're doing. We all got enough elections now with 49 percent of the people showing up. Why not minimize? It's not free to run elections, the volunteer spirit, no unpaid people, et cetera.

\* (19:00)

**Mr. Pedersen:** Thank you, Mr. Jackson. You've obviously given lots of thought to this, and I am again on the money trail tonight. You're talking about campaign spending, suggested a \$10,000 limit. Whether that's reasonable or not, we're not here to debate that. I am more interested in knowing what your opinion is on public finances versus candidates raising their own money to run for Senate.

**Mr. Jackson:** I disagree with my tax dollar funding any political party or anybody running. If I want to support Gord Peters, I'd gladly write him a cheque for a thousand bucks if I think he's the right guy if that's within the limits or 500 bucks or whatever I could give him. I don't see the \$10,000 as keeping any reasonable person from doing it, but I see it keeping a ridiculous person from running. Believe me, I've heard some silly things about who was going to run the odd time in this country. You don't want some of these wing nuts running for public office and wasting television time.

**Some Honourable Members:** Oh, oh.

**Madam Chairperson:** Order, please.

**Mr. Jackson:** So I think \$10,000 is reasonable. Like, you put it at \$100,000—I mean, let's not be silly. You don't want millionaires. You don't have to be a millionaire to have good ideas.

**Ms. Marcelino:** Thank you, Mr. Jackson, for sharing your time and thoughts with us.

I just want to ask you—you advocate electing senators. However, you mentioned that in the event of death of a sitting senator, the provincial premier or territorial leader will appoint an individual. We have by-elections should there be a need for one, and in Manitoba right now we're poised to have two by-elections. Why not a by-election as well for the Senate positions should there be a vacancy?

**Mr. Jackson:** I just believe that we should be trying to hold the line on government spending. I think if the public knew how much money is spent on the beast that's called the public sector, they would just

be appalled if they knew how much it costs to run this country.

I think at every chance you should try to use dollars wisely. I was taught to turn the tap off, turn lights off where possible, wear clothes till the seat of the pants was worn out and wear the shoes till the heels were worn out. I don't apologize for it. I think it was good advice. I think we should use taxpayers' dollars the same way.

**Mr. Lamoureux:** I want to pose a question I posed to an earlier presenter and that is that different senators retire at different times. It becomes an issue in terms of credibility of going into an election. Here you're suggesting a stand-alone election, whether it's six years, two terms of four, eight years. That's something about—could be hotly debated.

One of the issues for me is what do you believe is in our best interest? Should we be looking at coming up with some sort of an enticement package that would allow all the senators because might not all morally accept it and say, well, gee, I'm going to step down? You might have to come up with an enticement. Should we be looking at trying to get all six of them, or should we wait until, as each one retires, filling a position? How do you think we're best able to address that particular issue?

**Mr. Jackson:** I'm not aware of exactly what senators that have been appointed have been promised in ink or verbal. I'm not exactly sure what they've been promised. I would tend to agree with your thinking that if they signed on the Senate or they were appointed two years ago and if they feel miffed that they have to face an election—now, if that bothers them, that kind of bothers me that it bothers them to be elected. But, if it bothers them and they figure that they took time away from doing something else, so okay, set up a little severance package. I mean, David Dingwall got a tremendous one for doing—well, we won't go there.

So I think you could do that for a senator that has been doing yeoman's work in the Senate. I realize they're working there, for the most part.

**Mr. Lamoureux:** All of Manitoba's senators would have been told you're there until you're 75. It's a guaranteed monthly income. If you were to tell some of them that we expect you just to surrender that because we want to now have elections, I suspect you might get some resistance, and if you tried to push it, you might end up ultimately in court and so forth.

Is it best for us to see if, in fact, we hit the floor running in the sense of, let's see if we can get all six spots open with the proposal?

**Mr. Jackson:** I think your premise is reasonable and the idea of giving them—if they'd just would rather step away than be elected. If they weren't a previously political person who'd never been elected and they fear elections but they've made a commitment, I don't see anything wrong with giving them a package because, yes, you don't want to end up in court. I understand.

**Mr. Faurshou:** You didn't make any mention about area of representation, and I'm fairly keen, coming from the rural, of the ability to properly represent constituents. Without question, the geographic area in which the constituents reside, it is a little more challenging when you have a sparsity of population versus when you are in an urban situation such as Winnipeg.

Do you have any ideas to share with the committee as to how the Senate territories, potential elected senators' territories, would be defined?

**Mr. Jackson:** That's not particularly anything I was giving a great deal of thought to, although you're feeding into a little bit to my idea, here, where I'm saying equal amount of senators from each province and territory to counterbalance the way the House of Commons works, because they aren't bringing the law up, it's a sober second thought.

And if Frank Mahovlich was forthright, which I'm sure he was on *Canada AM* with Valerie Pringle, if he has to make 80 appearances a year, I think there would be time for him to get out in his territory and talk to people about issues. I see no issue. If you have televised debates, and people aren't willing to turn on the TV, then I can't feel too sorry. I really can't. I think the TV is almost everywhere at this point with satellite dishes. I believe all of Canada is served by TV; maybe I'm wrong.

So I don't see a problem on this geographic issue. I really don't. To me, a senator should be concerned about the well-being of the inhabitants of his province or territory. I don't know why a senator living in Winnipeg wouldn't be concerned about issues in southwestern Manitoba. If they're not in the House of Commons 200 days a year, whatever they sit—I mean, our provincial government only sits about 87 days a year, sometimes. So I think there's time, there's time, to be out and around doing things.

**Mr. Faurshou:** You pretty much hit the nail on the head with my question, all right, but then again you open another can of worms in saying that this figure at the present time, with the distribution of six senators, all six came from Winnipeg. Are you comfortable that, if you were a resident of Churchill or Thompson or Melita, the person that's been elected to the Senate would effectively be knowledgeable, understanding and acceptant of your needs being—of their familiarity with the area or not familiar with the area?

**Mr. Jackson:** I believe that's why you have an election that will make that senator feel very accountable. My guess is that some senators, currently, if, as you say, they're appointed out of larger cities, have never set foot in parts of western Canada or the extremities of their province, not even for a holiday, so what do they know about it? I think facing an election is the muster test.

\*(19:10)

**Mr. Caldwell:** Just picking up on that just briefly, Madam Chair, my colleague from Portage la Prairie makes a good point. There are 750,000 of the 1.1 million, notionally, that live in Manitoba, if you have six candidates from the city of Winnipeg, chances are you're going to have six senators from the city of Winnipeg in this equation because the vast majority of the people of the province of Manitoba do live in Winnipeg.

I thank the Member for Portage la Prairie (Mr. Faurshou) for raising that because we're sensitive to the same thing here in Brandon. But that's something I assume that could be worked out in terms of constituencies. If we have constituencies in a province, but if it's six senators from a province and that's the way it's defined, given that seven out of every 10 people live in the capital region, and if you extrapolate that, the majority of the votes will come from that part of the province. I can easily see a situation where every senator is elected from within the Perimeter, and that does raise a red flag for me.

I just wonder if you'd wanted to comment a little bit more on that or if there is some way that you can see, Deryk, that would mitigate against that sort of thing happening to us out here in western Manitoba, for example.

**Mr. Jackson:** Certainly. I didn't give half the thought to this that Drew Ostash gave to it, obviously. So he was into the geographic boundaries. I couldn't draw them for you. Never looked at it.

Doesn't particularly concern me. But, once again, I'll go back and say I'm just bringing my ideas forward.

I think there are some excellent ideas in here. Hopefully some of them are taken and it won't hurt my feelings if some of this is massaged and set up geographically. But I do think that equal number of senators from every province and territory, even if it took a constitutional amendment, or however that would go. I do think the Senate isn't like the House of Commons. It's not supposed to be. So I don't see any reason why it couldn't be equal to counterbalance—because this heavy population inside the Perimeter and the golden horseshoe in Ontario really does cause problems in this country. There are a lot of people in Ontario that feel part of Manitoba. They don't feel part of Ontario at all. They go down to Minneapolis to watch the Twins play rather than go watch the Blue Jays. They feel more at home down there. So I think I rest my case.

But I think there's room for a compromise. We're Canadians. Absolutely.

**Mr. Caldwell:** Very good. Thank you.

**Madam Chairperson:** Thank you, Mr. Jackson, for your presentation.

We have an additional presenter who has come forward, and at this time I will now call on Jared Wesley, private citizen.

Do you have some materials for distribution?

**Mr. Jared Wesley (Private Citizen):** I don't have any materials for distribution.

**Madam Chairperson:** Please proceed with your presentation.

**Mr. Wesley:** Thank you, Madam Chairperson and committee members.

I've been travelling the province with a lot of you already and I've been hearing many of the same comments that you have, and I hope to put some of them in a little bit of perspective. I'm coming from an academic standpoint. As some of you know, I was born and raised in Minnedosa and did some university schooling out in Alberta at the U of A and U of C, and now have returned and I'm on faculty at the Department of Political Studies at the U of M.

So I hope to give you a little bit of context that way in terms of what I'm hearing and some of the solutions that I think have been coming forward for me, at least, as a private citizen and also as an academic.

First of all, let me say it's gratifying to see so much interest both in the community and with the government in terms of Senate reform. I was saying to some of you, I've actually got a simulation exercise going on in my federalism class right now where we're actually debating Senate reform on a Canada-wide basis. I'd invite all of you if you'd like to come and see the results of our deliberation, I can give you the dates of those later on.

For today, I'd just like to divide my remarks in half, first, to discuss some of the pressing concerns related to your deliberations and, secondly, to offer some recommendations that may be a little bit outside the box in terms of our thinking here.

My first word of caution I guess to the committee—and this has already been raised today—is that your committee is looking at ways to select Senate nominees, not as ways to select senators. I think that's an important distinction to make and I will disagree with one of the earlier presentations here. I don't think it's automatic that who Manitobans choose as their senators will be automatically appointed. I think of the example if Manitoba were to select a New Democrat as their senate nominee. I'm not sure whether that choice by a Conservative or a Liberal Prime Minister would be so automatic. I think we have examples of that in the past where senators-in-waiting in Alberta had been passed over by partisan governments of a different stripe.

That said, I think that the more legitimate we make the process here in Manitoba, the harder it will be for Prime Ministers of any stripe to say, no. So I'd give you that word of caution, but also that word of encouragement.

Secondly, I'd say, let's not pass too far beyond the question of appointment versus election without looking at some of the advantages that appointment has. One of them is that in an appointed Senate we have not an underrepresentation, actually an overrepresentation of some traditionally disadvantaged groups: one being Aboriginals, others being, according to some standards, women and other traditionally disadvantaged groups.

So appointment does have its benefits, and they're not coming up in these discussions. That said, I think this committee's leaning more towards election.

Third, I'd say that electoral systems can be rigged in a number of different ways. I'm sure that you're going through a lot of the scenarios in your



head and thinking how we might produce certain types of outcomes, but I note this in my studies of electoral systems throughout the world and here in Canada. First of all, the decisions on which groups to represent are loaded, and we often fall into slippery slope types of arguments. Well, once we allow Franco Manitobans a seat here do we have to allow certain other groups? Do we have to allow Aboriginal Manitobans to have a seat if we're designating seats for specific groups?

I'm sure that you're running through a lot of those arguments in your own mind, but I'd suggest that there are different ways of getting at those underrepresentations without necessarily tinkering with the electoral system itself, but I'll get back to that in a moment.

If you were to change the electoral system, your changes may not have its intended effects, or they may have opposite effects as we've seen throughout the world. So electoral systems, I guess, as a whole aren't the be-all and end-all or the cure-all for all of the problems of underrepresentation. My suggestion is that what we should do is look at fixing the inequalities that lie at the basis of that underrepresentation of women, of Aboriginals. Look at it at a society level instead of looking directly towards the electoral system.

Lastly, I just say that it seems to me you have to answer the fundamental question before we start looking at specific rule changes or specific mechanisms that we're going to put in place to select senators here in Manitoba. That fundamental question is: Who will these senators really represent? Who will these senators—who do we want these senators really to represent? There are a whole bunch of different constituencies in Manitoba that they could represent.

They could represent Manitobans at large. They could represent certain communities within Manitoba, certain races or cultures within Manitoba, certain regions within Manitoba. If we start looking at systems of PR, in particular, do we want senators to represent their party? Which party? The provincial party or the federal party?

Do we want our senators to represent Canadians as a whole, or do we want them to represent certain communities or regions within Canada as a whole? I put this out—it seems like an obvious question to ask, but it's one that I think you have to ask before you start getting into specific questions about electoral

systems and boundaries. Who do you want these senators to represent?

I'll draw on one particular instance of democratic reform in which they went straight to that first question and developed principles before they went on to discuss specific mechanisms, and that was the Citizens' Assembly in British Columbia. What they did was decide exactly what do we want our MLAs to do, and then, as the director Ken Carty put it, the STV system just presented itself as the only solution to meet all three principles that they had devised. So I'd suggest to you when you go back to your deliberations, come back to that primary question: Who do you want these senators to represent?

Now, in terms of my suggestions based on what I've heard Manitobans say, and you'll have your own opinions on what you've heard Manitobans say they want their senators to represent, I'd suggest that the following solutions have been presented. The first is to abolish the Senate. There are a lot of different reasons for abolishing and not too many reasons that have been put forth for defending the Senate as it exists today.

I commend the paper by Paul Thomas, my colleague at the University of Manitoba, in defence of the Senate, but it seems to me the overwhelming defence that's been raised is that the Senate serves as a Chamber of sober second thought. Well, since the Senate was originally designed, a lot of other institutions have evolved in Canada to offer that sober second thought. To name just a few, the media, interest groups, watchdog groups, the courts, provincial governments have stepped into that role of offering that sober second or as a check on the House of Commons to prevent any type of harmful legislation being passed, and so on.

But, as I'm sure we all recognize, abolishing the Senate would require a constitutional amendment, and I'm pretty sure that's beyond the jurisdiction, as one person put it, beyond the jurisdiction of this particular committee, although I would suggest to you that some of your briefing notes may be mistaken. You may have to get some constitutional experts in here to attest to this, but it's not going to require a 7-50 formula, the general amending formula in the Constitution. It's going to require a unanimous consent among all provinces and territories and the Parliament of Canada, based on the premise that the Prime Minister would uphold the piece of legislation that was passed by the Liberals in 1996, which suggests that there are different regional

vetoes that are in place, which basically require the unanimous consent of all provinces.

So recognizing that that is the case, I'll just offer four solutions to some of the problems that have been presented by other members of the community that are sort of outside the box.

\* (19:20)

The first is that the Legislature of Manitoba itself select senators. This is the way, by the way, that U.S. senators were selected before an amendment was made to the Constitution. The state legislatures actually chose senators who were then sent to Washington, D.C., to represent those states. This has the valuable balance between allowing some form of democratic representation in the selection process while also having somewhat of a vetting role to make sure that certain qualified candidates make it through the process. There are downsides to it, as have been raised before. What happens when you have a legislative majority of one party? How do you prevent that from having an undue influence on the selection of that set of senators?

The second solution that kind of again thinks outside the box is to have some form of an ex-officio committee, not unlike the Manitoba Electoral Divisions Boundaries Commission, where you have a set of officials that sit on this committee based on their positions in the community, whether that be the deans of the faculty of arts at each provincial post-secondary institution or something like that, and have those individuals come up with a non-partisan answer. So have those citizens deliberate on a list of senators that it put before them and have them choose on a non-partisan basis.

We've heard in the committee hearings across the province—the committee hearings of the Manitoba Electoral Divisions Boundaries Commission—that this is a well-respected committee. That particular process allows us to vet candidates based on a select list of criteria. So you could have certain criteria that have to be met in order to become a senator and that senate election commission could then select based on those criteria.

The third is a type of citizens' assembly which is being used quite frequently throughout the rest of Canada. I'm thinking in particular of B.C. and Ontario who used it to select their different routes for electoral reform. I can get into specifics of those if you'd like during the question-and-answer period.

The last solution is to have some form of election. I myself, as a private citizen, favour electing senators at large to represent all of Manitoba, because I think senators ought to represent all of Manitoba. That said, and I guess this gets to Mr. Caldwell's point earlier, how do you ensure that an at-large election doesn't get swamped by specific communities, in particular, swamped by representatives from Winnipeg?

There are a bunch of different solutions available. One that springs to mind immediately is some kind of a weighted constituency-based system, akin to the one that the federal Conservative Party used to select Stephen Harper and Joe Clark, where you have a certain number of points allotted to each riding, and that forces, for instance, candidates to travel throughout the province to collect points in each individual constituency while at the same time respecting some element of representation by population.

**Madam Chairperson:** Mr. Wesley, I'm sorry to interrupt. Your time for presentation is expired.

**Ms. Howard:** I would suggest we extend his time until he's completed in recognition of his attendance at every one of these meetings.

**Madam Chairperson:** It is agreed? [*Agreed*] Thank you.

Continue, Mr. Wesley.

**Mr. Wesley:** Thank you. I actually timed that so it would end right on time. So those were my four suggestions.

Again, I as a private citizen favour the election process at large through some sort of constituency-weighted process. But, again, thinking outside the box, the four solutions I put to you would—first of all, not to overlook abolition, and if this is something that the provincial government, which has indicated in its mandate to you, from what I understand, is that abolition is the preferred route—not to ignore that because there are provincial partners out there. Ontario has, in particular, indicated that they favour the idea of abolition. It may be possible, if this committee recommends it strongly enough, to form some sort of national consensus on that issue.

Secondly, being the legislative selection so that a committee of the Manitoba Legislature, not unlike yourselves, or a committee of the whole deciding on Senate nominees, an ex-officio committee akin to the Manitoba Electoral Divisions Boundaries

Commission, a citizens assembly or, lastly, that election at large. Thank you.

**Madam Chairperson:** Thank you, Mr. Wesley.

**Mr. Faurchou:** Mr. Wesley, thank you very much for your keen interest, and it is indeed appreciated. I am doing some background reading here; the one article that really stuck out in my observation was that, if we akin our electoral process similar to that of the current first-past-the-post population base, all we are going to be doing is creating a second house of horrors.

So I'm really keen on alternative selection processes, and you're absolutely right for none of us to totally not consider appointment, because as the first presenter in Steinbach—I asked that very same question—if you go out and ask many leaders of our community, and let's take the pool of potential candidates, those that have received the Order of Manitoba, and you ask each individual of those as to whether they would go into the political arena and run for election, there isn't a person that has given me a positive response. So we're already casting aside a significant pool of expertise and understanding and true leaders of Manitoba because they will not enter the political arena as it currently stands.

So I do appreciate the other alternatives that you've brought forward here, but when is your class going to be coming forward with their recommendations, because we do have a schedule that we've got to adhere to before the House rises come June 11?

**Mr. Wesley:** March 30 and April 3. So they'll be awaiting your deliberations, I guess, as much as you'll be awaiting theirs.

**Mr. Faurchou:** So, very, very specifically then, would you be more specific as to how your thoughts would be to actually select Senate nominees from Manitoba?

**Mr. Wesley:** Well, as I suggested, my preference would be have senators, my personal preference would be to have senators represent the province at large. So, in answering that fundamental question I put to you: Who do I want senators to represent? It's all of Manitoba. All Manitobans. So, my preferred route would be to have these senators in one province-wide constituency. In terms of when that election would take place, would it coincide with provincial or federal elections, I think you get around that by just calling the election when you know that their term is going to be up. You have the election

held 30 days, start the election 30 days before that person's term runs out.

**Mr. Faurchou:** You've answered the question, thank you.

**Mr. Lamoureux:** When I look in terms of your base question of who should senators represent, it goes to question for me in regard to what I would classify as duplication of services. We know, for example, you have a problem with immigration; you go to a member of Parliament. You have a problem with Workers Compensation; you would go to an MLA.

Do you feel that senators have any role to play in servicing the individual constituent with relation to a government responsibility?

**Mr. Wesley:** Not to sidestep your question, but I think you're putting a slightly different spin on that question. You're asking what senators ought to do. Okay? And yeah, yeah, it is related to who they ought to represent. But what ought they do seems to me gets to a totally other E in the Triple-E Senate formula, and that's beyond the questions that are before this committee. If you're trying to decide what senators ought to do, we could come up with a list of tasks, a job description, I think, as some of you put in your earlier sessions. What type of constituency work should they do? Should they handle passport applications? What should they do?

To me, those types of questions have to be answered on a national basis and it has to be defined in terms of what that new Upper Chamber would look like if we're going to elect senators from across the country, but addressing how the Senate will be effective seems to me it's beyond the questions that are put forth to this committee.

**Ms. Howard:** Well, thank you very much. I wanted to ask you some questions about one of the points you made early in your presentation about the advantages of appointment, one of them being that appointment seems to result in a better diversity of who is in the Senate than election would, and particularly when you spoke of Aboriginal people and women. I wonder if you have any thoughts to share with us about how you ensure that kind of diversity and representation if you move to election, if there are any thoughts on that.

I think one of the points that you made is that the best way to do that is to increase the status of disadvantaged groups in society and electoral success will follow that. Some would say that you

have to have those folks represented in the decision makers in order for their status to be enhanced.

So I'm just interested in if you have any thoughts along how do we help to achieve diversity and representation in an electoral system.

\* (19:30)

**Mr. Wesley:** That's a great exam question for one of my classes. I don't have an answer for you as a private citizen, let alone as an academic. Yes, there are advantages to giving traditionally disadvantaged groups a hand up in getting them into the process early, whether that be through tinkering with the electoral system, tinkering with election laws to make sure that certain groups are advantaged in the electoral process and then offering some kind of a role-modelling effect for other members of that population so that they feel like they can do that in the future.

I don't know how to answer your question. I don't know how you better represent groups, but I do know that tinkering with electoral systems and electoral rules doesn't always have the intended effect.

**Ms. Howard:** I wonder if you have any thoughts on the notion of proportional representation versus the first-past-the-post system when it comes to Senate elections.

**Mr. Wesley:** If you want your senators to represent parties, pick PR. In most PR systems, particularly list PR systems, which is pretty much the only one that we've been discussing in terms of pure PR here that I've heard individuals discussing in these committee hearings, more often than not they're dominated by parties. Parties get to choose the list. Even if they're open-list systems, parties have a very large influence on who represents them and who carries their banners during elections.

So PR systems, well, they may help to list PR systems, for example, that allow parties to alternate men and women on the list, may get more women into the Legislature. Now, what those women do when they're there is another question. Do they represent their party or do they represent their communities of interest back home? I'm not sure.

As far as the advantages of first-past-the post, I haven't thought through that one in an election-at-large sense in Manitoba. I don't know how to answer that question.

**Ms. Marcelino:** Thank you, Mr. Wesley, for your clear suggestions on reforming the Senate and maximizing its effectiveness. You did mention about an elected Senate, also espoused the view of abolishing the Senate. Personally, what would be your preference?

**Mr. Wesley:** Well, my personal preference would be, unless we can come up with a better defence—and I'm pleased to hear that Mr. Borotsik has a list of good things that senators have done—I've actually been studying the Senate for the last four to six years, and it seems to me the best defence that we can come up with is that they're a chamber of sober second thought and that's what's in the background or that's presented to the public when you come up here. That's the only defence that's offered of it.

If that's all that the Senate does—I do know that individual senators perform valuable committee work, I do know that, particularly in Agriculture and Foreign Affairs and Health. I can't tell you specifically what they've done, even as a political scientist, let alone as a private citizen. But it seems to me, if their primary role that's being touted by people that defend the senators that they're a chamber of sober second thought, I suggest there are other institutions in Canada perform that role. I've mentioned a few of them: the media, courts, provincial governments, opposition parties, and so on.

**Mr. Nevakshonoff:** Thank you, Mr. Wesley. The way I see it, the problem with the Senate is that it's patronage appointments by political parties, and that's why it is so despised by the public because of that. I like the four suggestions that you made at the end of your presentation. I noticed that three of them are geared toward appointed Senates as opposed to elected.

I like the two types of committees that you posed, the ex-officio committee, non-partisan and also the citizens assembly. You said you would elaborate on that a little bit if you had the opportunity during the question and answer period. So would you do so and would you consider maybe two different types of committees, one to compile a list of potential candidates and then pass that on to the other, say, the Citizens' Assembly to vet that list? That way—and I like Mr. Faurshou's mention of recipients of the Order of Manitoba, for example, as a way of compiling an ex-officio committee. That way you would get two non-political or as non-political as they could get, groups of people,

deciding on appointees, which I think would probably give you a pretty good grouping of people.

Then I have a follow-up question, as well, if you would just deal with the first issue, how you would compile this Citizens' Assembly, for example?

**Mr. Wesley:** I think I have heard the same thing that you've been hearing across the province and that's that more often than not Manitobans don't want to see parties heavily involved and partisanship heavily involved in the process. It seems to me having some kind of arms-length process that involves individual Manitobans directly without being filtered through parties seems to be what many Manitobans, I won't say most but what many Manitobans want.

I think you're right; it has to be a two-stage process. I don't know how you come up with a list that gets passed on to the last stage. I've had discussions with some of my students about it. Some people have suggested, like you did, have a two-stage process, one with ex-officio delegates that decide on which people who have put forth their names make it on to the next round and then having a Citizens' Assembly decide on it. That seems to be the route that many people that I've talked to have preferred.

In terms of how the Citizens' Assembly works, just to put it as simply as possible, it operates much like our jury selection process. So in B.C., for example, and I stand to be corrected on the specific details but they went through I believe it was either health numbers or social insurance numbers in the province, selected at random two people from each constituency. Those people were sent to the capital city, Victoria, I think for a total of eight weekends over the course of four to six months. They were schooled on the principles of electoral reform. So they were offered—academics came in and offered their input. Some interest groups came in and offered their input. Then these individuals were left to come up with an electoral system for B.C.

I think it could work in Manitoba if given a list of qualifications that senators ought to meet and, again, who senators ought to represent, or as Mr. Lamoureux suggested coming up with a job description and saying to the Citizens' Assembly, here's what we want Manitobans to do and here's who we want them to represent and those people then choosing individuals to sit on that senators-in-waiting list. That's how I envision the Citizens' Assembly working.

Now, I would say this, citizens' assemblies have got a bad rap across Canada mainly because the ones that have been put in place, their recommendations haven't been ratified by the public in reference. They came close in B.C. But the process itself of having a Citizens' Assembly was actually very popular in the two provinces in which—it was three provinces in which it was tried.

**Madam Chairperson:** Further, Mr. Nevakshonoff.

**Mr. Nevakshonoff:** If we were able to compile a Senate using roughly that type of process, I guess the second issue with the Senate vis-à-vis the House of Commons is that they have to basically ratify any legislation that comes out of the House of Commons. It's duplication at that level and largely a rubber stamp given that they're patronage appointees, and it would be very perilous for them to make substantial changes to legislation put forward by the elected members.

But if we were able to compile a more legitimate Senate through this type of a process, would you envision any different type of role for them? Like would it just be the same, they would basically ratify whatever legislation came through the House of Commons? Do you think you could strengthen their powers somehow or give them the powers to introduce legislation and so forth? Do you have any thoughts on that regard?

**Mr. Wesley:** Again, I don't mean to sidestep the question entirely although that's what we do in my profession, like many of you. I'm going to sidestep the question by saying that is a whole other can of worms that has to be addressed at the national level. It has to be addressed through constitutional amendment if we're going to change what the Senate does and if we're going to change the way that the Senate interacts with the House of Commons in particular. That's going to take a nationwide debate. I'd love to come back if we're holding Senate hearings at that point on those types of questions.

It seems to me the question that's been put before you is pretty simple. Prime Minister Harper has indicated he would like to move forward and appoint members, depending on who you listen to, appoint members only from provincial lists. Some people were saying prior to December that you refused to appoint any senators from your province unless they were elected. We found out that's not necessarily the case. That's the problem that's put before you. You've got a senator that's going to be retiring next summer. How are we going to select her replacement?

Questions of what the Senate should do, what would its relationship to the House of Commons will be—interesting questions, just not for this debate.

\* (19:40)

**Mr. Faurshou:** I just want to follow up on your query. You're throwing out a thought about the value or worth of the Senate. I would encourage you if you haven't had the opportunity to sit down with former Senator Duff Roblin. I personally listened for hours, at length, of his experience and understanding and found it very, very beneficial.

I do believe in the Senate, on the basis that we have a clear example of majority government here in Manitoba, however, persons sitting on the opposition benches actually represent and have more votes cast for them than the sitting majority government. With a majority government supported by about 46 percent of the population and the opposition has 54 percent of the population to which it represents, yeah, can that be balanced out in the best interest of all residents through the use of a Senate?

**Mr. Wesley:** I'm not sure I understand the question. You're asking should we have a provincial Senate. Is that what the question is? Thanks for that interpretation but I don't think that was it.

**Mr. Faurshou:** Actually, I'd like to discuss that with you because I have done a lot of research into the provincial Senate of which the Manitoba Act does have proviso for. I use the Manitoba example of overrepresentation of a particular party due to first-past-the-post type of electioneering and whether the Senate has the value to, in bringing forward the true representation of, or more balanced representation perhaps I should say, of the general population's viewpoints.

**Mr. Wesley:** Well, I'm not sure if it fulfils that function today unless you're saying that the Canadian Senate, as it presently stands, represents the counterbalance to a Conservative minority government when most of the senators were appointed in the 1970s and '80s.

I'm not sure whether that's a direct reflection of today's public opinion or not as to whether you can make the Senate more effective in that sense, if you reform it and have them elected. It seems to me that's almost a backdoor argument. We're trying to come up with justifications for why the Senate should be there.

Now on your point—Senator Roblin, and I've met Senator Carstairs and I think they do fantastic work—I'm not sure that they have to be senators in order to do that work. Could they not be elected? Both have proven that they are highly electable individuals. Could they not perform that function in a federal Cabinet? In a lot of the committee work that I've heard is being done, fantastic committee work that's being done by the Senate, I don't see how moving those individuals into an elected position within the House of Commons, that same committee work can't be done.

**Mr. Borotsik:** A couple of questions. Thank you, and I haven't been a member of the committee, therefore, I have not seen your presentation or heard your presentation previously. I guess the first question I should ask, are you going to Dauphin tomorrow as well?

**Mr. Wesley:** The original plan was to go to Dauphin.

**Mr. Borotsik:** Thank you, and I did that for the benefit of the rest of the committee who will be also going to Dauphin, which I won't be one.

Very interesting presentation and I do thank you for it. I do understand you have some personal opinions and you're here as an individual citizen of the province of Manitoba. I know you'll answer these questions in that vein. First of all, as I understand it, and correct me if I'm wrong, but your position is fairly strong that your first position would be the abolition of the Senate, that you would abolish the Senate. You don't feel that there's a necessity to have the Senate there. My first question, based on that premise, is you also mention the Constitution.

As you're well aware, the Senate is identified in the Constitution. It cannot be changed unless—it's not a majority of provinces and in persons, but certainly I believe you have to have two-thirds of the provinces and two-thirds of the population in order to agree to make a constitutional change. Do you honestly believe, with respect to Québec and the Maritimes, that there would, in fact, be sufficient votes not only from the population of the province that we could effect a constitutional change to the Senate?

**Mr. Wesley:** Well, first let me say my reading of it—and you can line up constitutional scholars that will debate all night on this—is it's not the 7-50 general amending formula that would apply. It's the amendment that was made to it through an act of

Parliament in 1996, which is just that each region has been given a set of vetoes. So Ontario has a veto, Québec has a veto, B.C. has individual provincial vetoes that were given to them by the federal government. So the federal government says it won't act on a constitutional amendment unless it has the agreement of those three provinces and two of the three prairie provinces. So Alberta has, in effect, a veto, and then two of the four Atlantic provinces. In each one of those regional scenarios, two provinces have to make up 50 percent of the regional population. So I'm actually going to make it harder than what you're proposing it to be. *[interjection]* No.

I'm a realist. I mean, I lived through as much as you lived through Charlottetown and Meech. I know that nobody's particularly anxious to move forward with abolition, which is why, if you read the mandate that was given to this committee, the position is we favour abolition as a government, but, recognizing that we'll never achieve that, we're going to move forward with selecting senators through a process like this, which is why I suggested the four that I did.

Now, that said, I think if that truly is the position of this government, if that truly is the position of this committee, it has to be made public, and I think that there is some movement towards abolition. For instance, I was flabbergasted when the Liberal government in Ontario suggested that they would be in favour of abolishing the Senate. That's their government's position at this point. Ontario, among provinces, actually enjoys quite an advantage in the Senate, especially relative to the western provinces.

Now, maybe it's time for another national debate on this. I'm not convinced you can open up the Constitution as easily as that and keep it just to Senate reform, but if this is the position of this government, I think it should be made clear. I don't think it should be made in a preamble to a mandate that was given to a committee. That's this committee's position, and I've heard it from several Manitobans across this province. It should be made clear because people are listening. People in Saskatchewan are listening.

**Mr. Borotsik:** Thank you. That's a fair comment to make, and I do appreciate it. If, in fact, the committee does get that message loud and clear, there's no question that that should be written into the report that the committee does present to the Legislature. So I do appreciate that comment.

I will question one of the comments that you made. You had suggested that there was no need for the Senate because there are other institutions out there that act as that house of sober second thought. You keep on using that term—sober second thought. I use the Senate as being a check and balance more so than the house of the sober second thought. Check and balance because, with a majority government, as we've seen in some provincial governments where you have simply a majority and there's no other check and balance. You suggested that the media, in this case, with the Senate, the federal Senate, the provincial governments and the courts act as that check and balance, but neither the media, the provincial governments nor the courts, or even for that matter the public, when you have a majority really is that check and balance. When you have a majority government, regardless whether it be federal or provincial, what legislation you put forward is the legislation that the majority will pass.

How do you see the media and provincial governments as being the check and balance to a majority federal government?

**Mr. Wesley:** Well, not to answer a question with a question, but how do you see the Senate reform in that role? The Senate has stepped in and, the most famous example, the Senate steps in on the GST. There are provisions available to the Prime Minister just to overrule what the Senate had to say on that particular matter.

Now, I'm not belittling it, but that's the same type of role that all these other institutions play. Do they have the ability to veto what the House of Commons says? No. None of those groups identified do, but what they can do is put public pressure on the government. When you just used an example of the provincial governments, that's exactly what the premiers were thinking when they formed the Council of the Federation.

\* (19:50)

**Mr. Borotsik:** Final question. The media—I don't put as much faith in them as perhaps what you do and certainly public opinion is very important, but when you have a majority for four years, public opinion sometimes wanes going into the fourth year of a term.

By the way, the Senate does have the ability to hold legislation, and they've done that in numerous circumstances where they've held back legislation that they themselves didn't feel was necessary and

that, by the way, being with a majority of a particular government in power. They would hold back legislation and I can prove to you that there have been many examples of that. The GST is the most prime example where, in fact, the Prime Minister of the day sat in Senate in order to pass that piece of legislation.

As you can probably tell, the government of that day didn't fare very well in the next election and it wasn't necessarily because he sacked the Senate. It was because of public perception and public opinion. The Senate, however, I do believe does have the ability to hold back on legislation and that's one of the ways that they do act as that check and balance.

Again, the media, the courts and the provincial governments do not have opportunity to have veto, therefore the government of the day does have the ability to put through legislation regardless of whether the public agrees with it or not.

I guess the last thing I would ask, I know your position on abolition, I know your position on the checks and balances. There have been a couple of comments made by other presenters should this Senate remain. You've given us a number of very, very valid options, by the way, to make the choice of those senators. What's your position on term limits, eight, 10 years, whatever the case may be? Right now a senator's there until the age of 75. Have you given any thought with the existing Senate in term limitations?

**Mr. Wesley:** I'm going to come back to the term limits, but I'm just going to beat a dead horse here. The whole point of the Senate reserving a bill for a period of time, what's the purpose behind the Senate doing that? The purpose is to bring public attention to a matter that it knows that it cannot veto. It holds it over. It may get lucky and hold it over until another election, in which case we hold an election on the issue. But what they're doing is bringing attention to a piece of legislation that it believes is against the public interest which is what I'd argue the media does do, which I'd argue that the Council of Federation definitely did with regard to health care. I'd argue that they did.

Getting back to the idea of term limits, and we've heard this across the province as well, is that people want to outlaw in some way or another parties from participating in the electoral process. I'm coming back around to term limits again. I don't agree with bringing rules in place to thwart what the public would like to see in terms of its representatives.

So if the public believes that eight years is enough, then the public will get rid of that individual after eight years, particularly if provisions are put in place with regard to a campaign finance, that it eliminate some of the incumbency advantage that we see in the United States which is why they have term limits, by the way, in the United States. More often than not it's because they want to eliminate—they can't get rid of the incumbency advantage so they had to get rid of the incumbent. That's not the case in many Canadian elections I'd argue.

So all in all I'd say no to term limits because if eight years is enough then the public should tell us that eight years is enough, same way that they should tell us that if parties don't belong in Senate elections then party representatives shouldn't be elected in Senate elections. They aren't, by the way, in Nunavut, and there are storied examples of New Democrats running in the Northwest Territories and being run out of town. Not because parties were outlawed in those elections, but because people won't stand for political parties. So I'd answer both of those term limits and the presence of parties in that way. Let the public decide.

**Mr. Lamoureux:** One quick thought and then a question. The thought is in regard to the Senate and the abolishment of the Senate. Quite often what I find is when I engage someone and they want to talk about abolishing the Senate, it's because they don't see any value to the Senate.

If it could be demonstrated that there is a great value to the Senate, I think then there would be merit to ultimately seek that restructuring, the constitutional changes. I, for one, believe that there is merit so I don't think—in not wanting to say that the committee will support abolishing the Senate. The job of the committee is to come up with ways in which we can get potential—that list, develop that list of individuals that could be appointed.

The question that I have for you is: How would you imagine a candidate that would be seeking an election, being elected as or put on the ballot? Are they a federal party nominated type of candidate, a provincial party type of candidate that's nominated? How do you see that aspect?

**Mr. Wesley:** I honestly haven't given a lot of thought to even how people would get on the ballot in the end. If the ballot is before a citizens' assembly, it's not a typical ballot in that sense. I mean, the people that are on the list may identify with political parties. Some of the people that are on that list before



the citizens' assembly may say, we're completely against political parties and we're independents.

So, again, I'd shy away from barring political parties from being part of the process. That's about all I can answer to that question.

**Mr. Lamoureux:** Finally, you talked about the credibility issue, that we need to come up with something that's credible. I posed a question before, and that is: Are we better off to suggest that there needs to be some sort of a package of enticements that would allow for us to have all six senators replaced simultaneously in a much more orderly type of fashion even if it means deferring an appointment that would be coming this May? Whether Manitoba has six senators, five senators, does it really, really matter between now and us maybe having all six being elected? Your opinion?

**Mr. Wesley:** Well, I'd question what kind of public signal that would send. Offering severance packages to senators who are already—if you're deciding they need to go, one of the arguments against them being there in the first place is they're overpaid and underworked. That's the typical—I'm not saying that—in a way I am saying that that's the truth because that's the public perception out. So I don't like the optics of that and I can't imagine a provincial government offering that kind of a severance package.

I think that the route to go is to say, here, Manitoba has a process in place that we believe will best select the senators that Manitobans want for themselves. Here's the process in place. Now, then we take that to—whether that'd be federal parties in Ottawa and say, listen—the Liberal Party for example. The Liberal Party, you guys have six senators from Manitoba? I don't know. I don't have a list in front of me. How many is it, three?

**Floor Comment:** Three.

**Mr. Wesley:** Yes, three senators. Here's our criteria of who we'd like to sit on and to represent our province in the Senate. Would you like to recommend to your senators that they step down and run in the next election? I don't know how else you put pressure on senators directly other than through their parties in that sense. But a golden severance package to me just does not send the right kind of message to the public.

**Madam Chairperson:** Thank you, Mr. Wesley, for your presentation.

**Mr. Wesley:** Thank you for your time.

**Madam Chairperson:** That concludes the list of presenters I have before me.

Are there any other persons in attendance who wish to make a presentation?

Seeing none, the hour being—I'm sorry. Mr. Pedersen?

**Mr. Pedersen:** Madam Chairperson, I just have a question for you.

Did you contact the media in Brandon either yesterday or today about these hearings?

**Madam Chairperson:** I had a phone call—I guess it was before the weekend—from one of the reporters from the *Brandon Sun* and spoke with them, yes.

**Mr. Pedersen:** Just as a suggestion, we're in the second-largest city in Manitoba. Some 50,000 people live out here. They have several radio stations that have a high audience and I'd certainly—if you wanted to hear some more people, there should have been more publicity about these hearings. To come out here to hear three people I think is very poor representation.

**Ms. Howard:** I think—and perhaps the clerks would know this—there was advertising. At least one of the presenters made reference to seeing an ad in the *Brandon Sun* and coming here for this.

I know that the turnout has perhaps been less than people would have expected, but I think it was very worthwhile to be here to hear those three people tonight, and I thank them for coming to present to us.

**Madam Chairperson:** The hour being 7:57, what is the will of the committee?

**An Honourable Member:** Committee rise.

**Madam Chairperson:** Committee rise.

**COMMITTEE ROSE AT: 7:57 p.m.**

#### **WRITTEN SUBMISSIONS PRESENTED BUT NOT READ**

As an educator in Manitoba, I applaud the provincial government for consulting the electorate on the important topic of Senate Reform. As our province and country has progressed change has been necessary. We have seen Manitoba recognize Louis Riel as the Founding Father of the province and we have witnessed the creation of a Constitution, which has a Charter that recognizes the rights of all Canadians. I believe the Senate is an important body

in our parliamentary democracy. It has faced much criticism, however because of ongoing patronage appointments, high salaries without any accountability to citizens of the province the Senator represents, and unequal representation, where all provinces and territories together make up our federation. Here are a few of my suggestions for you to consider with respect to reforming our Senate.

The Senate consists of 105 members with unequal representation from the provinces. I suggest that every province and territory be given equal representation. The Governor General on behalf of her Majesty, Queen Elizabeth II shall allocate each province and territory with 8 Senate seats. One additional seat will be allotted to Ontario, due to the fact that our federal capital city exists there. The Lieutenant-Governor at the Provincial level or Commissioner at the Territorial level will be given the responsibility of running the election process. Senators will be nominated and elected at the regional level of a province or territory every 5 years. In Manitoba, the regions will be southeast (S.E.), southwest (S.W.), central (C.), northeast (N.E.) and northwest (N.W.). The seats could be allocated in the following manner: S.E. – 3, S.W. – 2, C. – 1, N.E. – 1, and N.W. – 1. A call for nominations from individuals who are Canadian citizens, individuals who have resided with a province or territory for 5 years, and someone who have made a significant contribution to their community, province, country or the global community will be open for a period of one month. Regional elections will be held to determine which individual be recommended to the Lieutenant Governor or Commissioner, who makes recommendations to the Governor General. Senators will serve a maximum of two terms in office (10 years). Vacant seats can be filled for the region at a pre-determined time annually (April 15 for instance).

Senate elections must be held separate and apart from local, provincial or federal elections. Advertising should be permitted. The Governor General should release a national press release, the Provincial Lieutenant Governor or the Territorial Commissioner should release provincial or territorial press releases. Advertising should be somewhat controlled. All candidates should receive equal representation to advertising in the form of debates or release of pictures and biographies. Newspapers, radio and television advertising should occur. One concern would certainly be candidate's use of the Internet, namely Facebook and blogging.

I believe it is important for there to be limits on expenditures and contributions for Senate elections. Candidates should be able to receive contributions to a maximum of \$25,000.00 to run their campaign and they should be able to spend to a maximum of \$30,000.00. If candidates are to have an equal opportunity to seek a Senate seat these limits are necessary.

This is the time to take a serious look at the Senate. If we continue to have our Prime Minister play such a significant role in deciding who will be in the Senate, we will lose our confidence, if we have not already, in this important parliamentary body. Senators are tasked with the job of representing citizens of a province or territory. How can senators effectively represent us if we do not have a voice in who will be a member of the Senate? Thanks for this opportunity to address your committee!

Sincerely yours,

William Taylor

\* \* \*

The "responsible" feature of Canada's parliament, overseen as it is by an inept and ineffective senate, has led to a situation where elected representatives pass problematic, unnecessary bills while refusing to address important issues for fear of being defeated by their opposition. The Supreme Court is, by default, governing the country via ideologically-motivated interpretations of (often obsolete) laws, and the multiplicity of parties from both extremes of the political spectrum makes it impossible for constituents to trust their representatives to support any bill proposed by any party other than their own. An elected senate would only create two chambers of horror.

An elected senate is a bad idea for all of the usual reasons. But it doesn't follow from this that senate members have to be appointed. The best solution is for the senate to be a genuine working body, comprised of experts in areas like logic and constitutional law. Only a body of highly-educated, politically-neutral career experts, unconstrained by the need to please constituents, has the expertise that is needed to both veto bad bills before they can become bad laws, and to introduce logically-consistent new legislation that is required when the Supreme Court strikes down existing statutes. Such a senate could also be responsible for amending or abolishing legislation which the Supreme Court persists in interpreting in a problematic way.

As it is now, the Supreme Court is effectively running the country, and, through no fault of its own, doing a pretty poor job. The problem is that the Supreme Court can only interpret existing laws; it cannot modify or "modernize" them to fit the case being argued. This means that when laws no longer seem appropriate, they are simply abolished. And because elected members of Parliament are reluctant to introduce new laws in areas that are controversial, the result is often single rulings which are inconsistent with statutes in other areas, or an absence of any law at all in instances where one is badly needed. A scholarly, non-partisan senate could remedy this problem.

I will illustrate how this would work by means of four examples:

1. A bad law which a competent senate would never have passed;
2. A controversial human rights-based ruling which is both unnecessary and inconsistent with other rights;
3. A human rights-based case where an old law was abolished but no-one will propose a modern replacement for fear of displeasing the electorate, and
4. An obsolete law which ought to have been abolished a long time ago but is instead being interpreted in increasingly-problematic ways.

These examples are, respectively: The bill calling for a ban on incandescent lighting; the current state-of-affairs regarding gay marriage; the lack of a law governing abortion, and; the Indian Act.

In the first example, the bill calling for a ban on incandescent light bulbs was both proposed and passed for reasons which are ethically suspect at best. A private member introduced it in the interests of appeasing environmentalists, and everyone supported it without any study at all. The party in power acknowledged that the ban's only benefit was one of appearance. Nobody even bothered to pretend that the only alternative—florescent light bulbs—were of any true advantage from an environmental point of view. They simply wanted to be seen as being "aware" of environmental issues in a general sort of way, and reasoned that if it would make them look good and wouldn't cost them anything, why not ban incandescent bulbs?

There was a bit of an outcry when the law was passed, with people objecting to florescent lighting

primarily on aesthetic grounds. The fact that no-one seemed to mention the health hazards associated with florescent light bulbs suggests that most people aren't even aware of them. The problem is not just that florescent lighting is ugly and does not work in extremely cold temperatures. The bulbs also emit dangerous radiation, cause immune system disorders, migraines, and cancer in susceptible individuals, and are terribly toxic when broken. A single broken florescent bulb can contaminate an entire building, and let's not even think about what will happen when these things get into the water supply. They are probably already there.

I don't know whether all of the members who voted in favor of the bill are aware of the above problems, but the member who proposed it is, and he still stands behind his bill—purportedly to further the cause of "environmentalism." The bill, as I recall, bans the sale, but not the use of incandescent lighting, so no-one with the means to import incandescent light bulbs is in any danger of having to use florescent bulbs in their own chandeliers. It is the poor and the uneducated who will be forced to use them. We criticize China for putting melamine in the milk, yet our elected officials are, with a law like this, risking the health of our most vulnerable citizens, and the safety of the population in general. No competent senate would have passed a bill compelling the use of florescent lighting. On the contrary, given the wide-spread ignorance regarding their hazards, and the fact that there exist no proper recycling or disposal facilities for the florescent lights we already have, a competent senate would have introduced a bill banning *them*, and not incandescent lights.

The second example of why we need an expert, impartial senate concerns the undesirable consequences of the Supreme Court ruling which interpreted gay marriage as a human-rights issue, and the unwillingness of an elected government to propose a coherent legal solution to the problem, which has only just begun.

From a strictly legal point of view, there is nothing discriminatory about the traditional definition of marriage. Under its rubric, all adult men and women in Canada had the same right to get married—it's just that not all of them wanted to. Specifically, gay people tended not to want to avail themselves of the opportunity, but it must be pointed out that lots of heterosexuals took a pass on marriage as well, and

many more are still unable to exercise their civil right to get married because they can't seem to find a mate.

I'm not sure how the Supreme Court would propose to solve that last problem, but in a country where the only legal consequence of marriage would appear to be dental benefits, it is only a matter of time before the involuntarily-unwed begin to point out how unfair it is that married people are getting all of the goodies. For now, we have a situation where same sex couples are permitted, on human rights grounds, to marry, and the religious institutions empowered to marry them are permitted to refuse to perform the ceremony. Sooner or later one of these couples is going to demand the right to marry in the church of their choice and, ultimately, to accuse all religions which are opposed to homosexuality of hate crimes. And now that the traditional definition of marriage has been found to be in violation of human rights, polygamists are already in line to argue for their right to marry multiple spouses.

From a legal point of view, there is no reason why they shouldn't have it. There is also no reason why churches shouldn't be forced to perform same-sex marriages. Yet the government assured everyone when it legalized gay marriage that neither of these things would happen, reasoning only in a general sort of way that "society would not accept it" and refusing to address the specific legal implications of the original Supreme Court ruling. Which is exactly the problem: When faced with the single case of a lovestruck gay couple who wanted only the same right to publicly declare their devotion that heterosexuals have always had, the courts reasonably ruled that it was unfair to deny them this right. But making gay marriage a human rights issue conflicts with the right to freedom of religion, and no elected government would dare construct a law which would interfere with that, so the inconsistency remains. An impartial senate, on the other hand, could easily solve the problem by acknowledging that it is time for the government to get out of the romance business altogether, repealing all laws governing civil marriage, and advising couples intent on making a public declaration of their love to present themselves to the church, synagogue, temple, or Elvis impersonator of their choice. This way, religious institutions would remain exempt from civil rights-related rulings concerning gay marriage, and everyone would be free to marry according to their personal religious or ethical inclinations.

The next example concerns a law which was abolished as unconstitutional some twenty years ago, and still needs to be replaced with something more up-to-date: Abortion.

Until about twenty years ago, abortion was illegal in Canada except in cases where the pregnancy threatened the woman's life or health. Since then Canada has been without any law regulating abortion, so the procedure is legal at any time up to the moment of birth. Most people would agree that at some point late abortions ought to be illegal, but no elected representative can even utter the word abortion without being inundated with cries of "slippery slope!" or "secret agenda!", so there now exists no law prohibiting even last-second "partial birth" abortions. It isn't good enough to assert that in a civilized country like Canada nothing like this could ever happen. We need a law in place to prevent it. But only an impartial senate—with no hidden agenda and no constituents to pander to—would be trusted to even raise the topic, even though virtually everyone agrees that late abortions ought to be prohibited. Since such a law would in effect extend at least minimal rights to some fetuses, someone also needs to figure out when it would be appropriate to treat fetuses as persons in criminal cases. These are difficult topics, but they have to be tackled by someone. The courts have done their job, and since our elected representatives refuse to address either of these issues for fear of causing a riot, clearly it is necessary for an impartial body of experts to take on the task.

The final example of why an unelected, expert senate with the power to propose legislation is needed is a case where neither the elected representatives nor the courts will abolish an obsolete piece of legislation because, like abortion, it is controversial: The Indian Act.

Any law which limits or extends rights to a group of individuals based solely on race is repugnant, and ought to be repealed. The very name of this one is an abomination, as is the existence of a "Department of Indian Affairs." Yet no-one will dare to strike it down, so with the best of intentions the courts have been obliged to interpret it in an increasingly generous manner until eventually they will decide that First Nations own the entire country—which by rights they surely do. So all that is left is for us to thank them for sharing, and invite them to join us on truly equal terms. They live in squalor and despair and the world is watching. People assume that

because Canada has an Indian Act and Indian reservations, our aboriginal citizens are compelled to live on them—and for all intents and purposes they are. What is more, non-status citizens are beginning to complain bitterly about having fewer rights, and claim that aboriginal exemptions from things like hunting and fishing seasons and quotas are upsetting the ecosystem. An impartial senate would have the expertise to find the best legal way out of this mess, close (or condemn and evacuate, as the case may be) the reservations, and let us all start fresh on equal footing. It ought to have been done a long time ago, but no elected representative will risk advancing such a scheme, partly out of fear that aboriginals themselves would object. Some of them certainly would, and this is another problem. But again, someone has to dictate a solution, and an impartial senate could do it best.

Finally, an expert senate would be able to advise the Governor General where required, and deal with sticky issues like MP salary and pensions, and electoral reform and financing.

The above examples illustrate how an unelected senate might oversee the entire legal process by vetoing bills, and remedying omissions and inconsistencies in our body of laws as a whole. They could do this either by being given the power to (re)formulate laws themselves, or by issuing directives instructing the House of Commons to do the job, but it is imperative that the senate have the final say. They might, for example, declare that because race-based laws are in violation of human rights, the Indian Act has got to go, and leave it up to Parliament to work out the particulars, or they might be given the authority to come up with a detailed plan themselves. But for the senate to function as an impartial and expert body, it is crucial that their decisions not be subject to any sort of vote. In this model, senators would not be public figures with constituents or term limits or any of the other trappings of elected office. They also wouldn't be responsible for the vision thing. Their power to issue new laws (or directives) would be limited to cases where the existing or proposed laws needed fixing up. Their role, then, would be closer to that of the judiciary than to that of Parliament, although it's quite possible that the public would prefer to have the Senate, rather than elected representatives, doing the actual revision of the laws in question. In any case, the scope of senate directives would be severely constrained by existing laws, and this in

itself would be a sufficient check on their authority. For example, consider the case of gay marriage.

For legal reasons which should be fairly obvious, making gay marriage a human rights issue immediately threatens the status of most religious institutions, and there are really only two possible ways to fix this problem: Abolish all forms of religious marriage, or abolish the institution of civil marriage. In a country like Canada, the former simply isn't feasible, while doing the latter could be easily achieved with almost no practical consequences. People would continue to get married wherever they wished, and the common law custody and property division rules would function as before. It only *sounds* outrageous to ban legal marriages. But doing so now would also preclude the (very real) possibility that the courts will recognize polygamy next, and most people don't like this idea. Most people don't like a lot of what is going on in the government right now. They don't trust their elected representatives to make important laws, and they don't like the way the courts are doing it for them. Of course they don't especially like the "fat cat" upper chamber either, so perhaps they would welcome and trust an expert, impartial senate to operate somewhere in between the other two.

Provided they have adequate staff and research assistants, it wouldn't be necessary to have a lot of senators – certainly nowhere near a hundred would be required. And because they would be hired on the basis of expertise, rep by pop would not apply. Rather, it would be a matter of figuring out what sorts of experts would be required to make up a well-rounded panel, and hiring the best candidates for each position. Of course to attract the best candidates the positions would have to be well-paid, with generous benefit and pension plans, but it might also be a good idea to save a limited number of spots for term positions. This would help keep things fresh, and also attract highly-qualified individuals who might be keen to do a sabbatical or shorter stint in public service, without wanting to make a career of it. But "career" would nevertheless be the operative word here: In the above model, a senate seat would be a demanding, stimulating, and prestigious career, open only to the most highly qualified of citizens. As such, one would expect senators to command—or rather earn—the country's respect, instead of its derision, as is the unfortunate case now.

Kathleen Millier

\* \* \*

**1. As to whether Canada should "get rid of" the Senate.**

The House of Commons has been in a state of minority government or under threat of coalition government, for some years now.

The House of Commons has never liked the role of the Senate as the House of sober, second thought. They'd much rather have the final say, in the form of the brute force of a majority. If the House of Commons cannot have the brute force of a majority, they feel vulnerable, IMHO. Which means they do not want to be publicly second-guessed by the House of sober, second thought.

The Senate is accused of not having any use. I suggest it is not that the Senate has no use, it is that the Senate has not had to use its power for some time. The Governor General has wielded more power than the Senate, lately.

Let's look at our Constitution. Political parties do not have powers. Individual Ministers of Parliament have powers. Political parties have usurped the individual power of MPs. MPs are expected to follow the "party line." In other words, a nonentity, insofar as the Constitution is concerned, is ruling the House of Commons.

If ever there was a truth, one can safely say that no political party's procedures are democratic - political parties, in fact do not even have formal Constitutional standing.

The powers of the Senate are guaranteed to we citizens by the Constitution.

I note the following:

1. Political parties have been hamstrung in their race for majority governments.
2. Political parties lust for majority power.
3. Political parties in power in the House of Commons do not want criticism.
4. The Senate is in a position to criticize the party in power in the House of Commons, and often does.

I therefore conclude the following:

1. I would rather have a constitutionally empowered entity in a position to voice concern about a Prime Minister and that Prime Minister's party, than be dependent upon an entity which is not obliged to follow democratic rules and which further, does not follow democratic rules.

2. The Senate is our last opportunity to voice concern about a despotic government's rule, especially that of a majority government.

3. The Senate must be considered by a minority, or coalition government when the draconian power of government is wielded. I say that is good.

4. The fact that the Senate is viewed as having done little over the last decades is not relevant to the exercise of their duty as the House of sober, second thought. We lock our doors every night - just because nobody breaks in does not allow us to conclude that we should get rid of our locks.

5. I have seen nothing in our Prime Ministers that leads me to conclude that they do not need watching by a House of sober, second thought.

**2. As to whether there should be changes to the structure of the Senate.**

The Senate, in most times reflects the values of the political party in power in the House of Commons. That is because the Prime Minister appoints the senators. That is not the structure of a guardian - of a House of sober, second thought. The Senate's job is to protect our Constitutional rights. Protectors need separation from those who deal with our Constitutional rights. We didn't hire Eaton's to guard us from the Bay.

Our Senate should be elected in order that we are protected by an entity separate from the entity from whom we need protection.

**3. As to what changes there should be in the structure of the Senate.**

The Senate's powers are limited. The limits in place are satisfactory, in my opinion.

The Senate's seats are regulated by the Constitution, apportioned to the Provinces.

Because the powers of the Senate are limited, and satisfactory to me, I believe the Provinces should be attributed eight senators each. Eight senators each would enable the senators to review legislation coming from the House of Commons and report to the citizens.

Legislation has the power to impact on all Canadians equally. The review of the legislation would be most harmonious to that impact, if it were equal in each province.

There is no reason the Territories should be apportioned fewer senators than the Provinces - the

citizens of the Territories need the protection afforded by the House of sober, second thought as equally as any other citizen.

**4. As to whether the Senate should remain constitutionally entrenched.**

I believe that any amendments to the Senate should be constitutionally entrenched, with no difference in amendment procedures.

Our protector by virtue of sober second thought, cannot be variable at the whim of the political parties, any grouping of the political parties and/or any one of the political parties.

Yours truly

Roy A. Yerex

\* \* \*

My idea for federal election is that all Prime Minister, Premier should all be elected at large by all people, federal or provincial. They should not be leaders of the party and get in automatically.

Maybe then more people would take more interest in elections.

Steve Stadnyk

\* \* \*

Greetings:

I did a search of my computer document files and found this clipping that I had prepared in 2006. You are asking the wrong question. It's not how we should select our senators, but rather how do we reduce their numbers. Maybe we could learn from our neighbors to the south.

Senate reform—Question—If a country as large as the USA can function with 100 senators—2 elected from

each state—why can't Canada? Now that would be senate reform.

Now that we are in a full blown recession here are a few areas unrelated to the Senate issue that Canadians for democracy might wish to pursue:

1. Workers compensation boards—With the collapse of the stock markets, coupled with recent massive layoffs of workers and considering where their operating funds come from these crown corporations across Canada must be deeply in the red. Are they tightening their own belts by laying off their own employees, and maybe even eliminating some irrelevant positions? Or does the government (we) have to also bail them out with billions?

2. Winnipeg Regional Health Authority. Maybe it's also time to reassess the purpose of these bureaucratic "authorities" Do a survey and ask the public "Do we really need them". In my view they are an interference and obstacle to the traditional patient doctor relationship. Since these agencies were formed in Canada the health care system has continued annual double digit inflation and in my view the quality of health care has not improved and may even have deteriorated. Scrapping these agencies as suggested by J. Felsted in his recent article of the "Have Your Say" section of the Winnipeg Free Press entitled "WHRA has to go" would eliminate the embarrassing need to fire the CEO and the chief spokesman of the WRHA.

3. Read my blog, and my homepage, where several of my unpublished letters submitted to the Winnipeg Free Press may be found.

Dr. Semeon B. Hrushovetz

Blog: <http://docsam.blogspot.com/>

[http://homepage.mac.com/semion\\_hrushovetz/](http://homepage.mac.com/semion_hrushovetz/)

The Legislative Assembly of Manitoba Debates and Proceedings  
are also available on the Internet at the following address:

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