

**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. 5 – 6 p.m., Wednesday, February 18, 2009**

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

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<i>Vacant</i>	The Pas	

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

**Wednesday, February 18, 2009**

**TIME – 6 p.m.**

**LOCATION – Dauphin, Manitoba**

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

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

**ATTENDANCE – 7 QUORUM – 4**

*Members of the Committee present:*

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

**WITNESSES:**

Mr. Inky Mark, Private Citizen  
Mr. Doug McPhee, Private Citizen

**MATTERS UNDER CONSIDERATION:**

Consulting with Manitobans on Senate Elections.

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**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, let's go around the table and let the members of the committee introduce themselves.

I'm Erna Braun, MLA for Rossmere and Chair of the committee.

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

**Ms. Jennifer Howard (Fort Rouge):** I'm Jennifer Howard, MLA for Fort Rouge.

**Mr. Tom Nevakshonoff (Interlake):** I'm Tom Nevakshonoff, MLA for Interlake.

**Mr. Kevin Lamoureux (Inkster):** Kevin Lamoureux, MLA for Inkster.

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

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

**Madam Chairperson:** Thank you.

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

First, if there is anyone else in the audience who would like to make a presentation this evening, please register with our staff at the entrance of 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 a time limit of 10 minutes has been allotted for the presentation with another five minutes allowed for questions from committee members.

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.

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.

Finally, 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 a signal for the *Hansard* recorder to turn the mikes on and off.

I will now call on Inky Mark, Member of Parliament for Dauphin–Swan River–Marquette, private citizen.

Do you have any materials for distribution?

**Mr. Inky Mark (Private Citizen):** No, I don't, Madam Chairperson.

**Madam Chairperson:** Thank you. You may proceed.

**Mr. Mark:** Thank you, Madam Chairperson, and members of the committee. First, let me welcome all of you to Dauphin–Swan River–Marquette, and let me say that I never thought I'd live to see the day that we'd have Senate hearings in Manitoba. I'll tell why, because, since I've been a member of Parliament for the last 12 years, the Senate has always been a project I've wanted to work on because I believe in a Triple-E Senate. Since '97, I've lobbied and written to the former premier of Manitoba, Gary Filmon, and he didn't really respond too kindly to having senatorial legislation for Manitoba. Then, when Premier Doer became Premier, I did the same a number of times, written to him and suggested that he should put in place legislation so Manitobans can elect their own senators like Alberta has done over the years. So to actually stand here this evening and have a chance to talk about the Senate and the election of Senate is probably beyond my wildest dreams because it really was not expected.

My belief and understanding of the Senate has changed over years too, because when I first went to Ottawa in '97, the party's position back then was that we believed in an elected Senate—the Reform Party—we believed in a Triple-E Senate, but, really, as members of the House, we really didn't want to have anything to do with the Senate. At that time, we refused to recognize bills that came from the Senate side. But, over the years, having had the opportunity to change parties a number of times and then worked with former Prime Minister Joe Clark and his small caucus, that really gave me a totally different perspective on the Senate because when one works with senators on a day-to-day basis as part of your own caucus, you really do see a different side of politics. Like the House, the senators all come there, however they get there, with good intentions, and members of the House, I know definitely members of the Manitoba Legislature, we all come there with the intention of doing public good and make the country a better place to live. Senators, I believe, are focussed on the same type of motivation, regardless of how they get there.

I've never agreed that they should be appointed because, on the other hand, I must say that having worked with the Senate closely and having sponsored bills together with senators in the Senate, I believe they provide a valuable service in our bicameral system in this country. Basically, the reason being that our Prime Minister, under our

constitutional democracy, has too much power and there's really no balance. There's no balance between him or anyone else. In fact, I did some research one year, that the Prime Minister of the country actually has more power than the President of the United States. That's just the way our system works. He has all the say in terms of his Cabinet, including the role of Cabinet. If he's in a majority position, he has the same authority on the Senate side.

So I believe that an elected Senate and certainly an elected, equal, whether by region or by province, has a role to play of balancing off the democracy that we currently have. Certainly, elected senators would represent the constituency much like you do as legislators in the Manitoba Assembly and members of Parliament do. Currently, they really hold no allegiance to anyone, perhaps not even the person that appointed them. Once they become members of the Senate, they're basically free to do what they want because they're there until they're 75. So, that's why term limits are probably not a bad thing. Yet, at the same time, when you live in a real democracy, the people should have the opportunity to determine who should represent them. I think you could put democracy first. I would probably not put in term limits.

\* (18:10)

I'll just try to go through some of the questions that I received on your Web site. On a cost-prohibitive basis, the federal election would be the ideal time—or provincial election—to hold elections. But, to make them fair, there should be spending limits and there should also be free access to public media. So I would say, electing senators should follow the same course of action that you as legislators get elected, and as well as members of Parliament. We shouldn't really change the formula any.

I'm a supporter of proportional representation because it says a lot about whom you represent, and even though when I first got elected, I only received 35 percent of the votes of this riding, but that's the system we have in place. I don't know when this whole issue will change, proportional representation. Maybe we won't live long enough to see it come about. I can't see Parliament making that kind of change. But, at the provincial level, you can set your own rules because it's your legislation.

There's no doubt that electing senators from Manitoba will certainly give us better representation. I'm not saying that those who are appointed even,

that represent Manitoba today, don't represent us well. I don't think that's the issue. There's a case of ownership, and when you become elected, you owe your job to someone else. I think that's the difference. You owe your job to the people of this province. So you really need to be accountable to the people of this province, versus being appointed by someone.

The question here, should senators be elected by riding or by all Manitobans? I think you should be represented by all Manitobans. All Manitobans should have the same ballot, regardless of the number of names on the ballot. I suppose that could be determined. Again, if you believe in democracy, it should be an endless list. Who are we to screen out people who we decide they should or shouldn't qualify to be—other than maybe age? I don't think you'd want somebody there 18, 19 years old.

Maybe I can just make up a closing remark. I think the Senate, as I reiterate, has a huge role to play. In fact, I said to one of the senators last week, I said, you don't probably realize how much authority you actually hold sitting on the Senate. As we know, all legislation must pass the Senate or else it doesn't become law, and that's a fact of life. I think if we have an elected Senate—and equal, whether regionally equal or provincially equal—it certainly gives us more clout as a province. I actually like the model that the Americans have where they actually hold quite a lot of power in that they can create legislation and go back and forth, which our Senate does now too, but most of the stuff doesn't go very far. Most of it, basically, starts from the House side and ends in the House side. They really don't have any major legislation from today's Senate. There's still a proviso that nothing to do with financial can originate from the Senate, and that's the rule we still follow. Thank you, Madam.

**Madam Chairperson:** Are there any questions?

**Ms. Marcelino:** Thank you, Mr. Mark, for your presentation. I would like to congratulate you for your persistence. It didn't work with Premier Filmon, but, somehow, it worked with Premier Doer, your passion for an elected Senate or the recommendation for an elected Senate.

It's interesting, you mentioned why you wanted an elected Senate. How would you see an elected Senate put a check on the enormous power a Prime Minister has?

**Mr. Mark:** Thank you for your question. The balance of power is about the control of legislation when you have two Houses in play. We'd probably have to put in place if the Senate would have to almost share equal power with the House so that the Senate should be able to instigate legislation much like the American system. All we have today under our current system is that the Senate basically is the rubber stamp for the House, and I think there's something wrong with that. When you think of the people that actually sit in the Senate, I mean they're very capable. They represent all walks of life. They're more than qualified to do the same stuff we do in the House. Why can't they initiate legislation?

So, like the American system, legislation would have to pass from the Senate to the House and go through the same procedures much like the provincial assemblies and vice versa. If there's a problem, then obviously they have to come to agreement with the legislation.

Again, I guess the exclusion would be perhaps financial because you wouldn't want the Senate to initiate money bills like the U.S. Senate. They do that, but under our system probably not doable. Having a Prime Minister, that's basically his job to run a country.

**Ms. Marcelino:** So simply by being capable of enacting legislation that could curb or check the Prime Ministers?

**Mr. Mark:** Well, all it takes is to check the money. I mean, if you quit control of the money, you can't govern. It's as simple as that. Even today, currently with the budget we're working on, if the Senate doesn't want to pass the budget, what are you going to do?

Though, there's still that check involved, but I think having an elected Senate would automatically give the Senate more authority. More authority from the people whom they represent to actually initiate their own legislation on behalf of the people that they represent.

**Mr. Pedersen:** Thank you for your presentation.

If I understood correctly, you were talking about Manitoba senators being elected to represent all Manitoba and staying away from areas, constituencies, whatever you want to call that. There have been a number of presentations where—or some presentations, I shouldn't say a lot—where the presenter is asking for a specific constituency area, and quite often what was coming out was one for the

north, three for the rural, three for Manitoba and whatever. The problem, as they saw it, is that if we just have Senate elections for six senators, seven senators, whatever it is in Manitoba, we could end up, with Winnipeg holding over half the population of Manitoba, with senators not really representing rural northern areas.

Do you see that as a problem?

**Mr. Mark:** Thank you for the question.

Actually, that's a good point you do raise, which is no different than a rural municipality; you still use a ward system. So I guess we still do that in your provincial legislation. We still have seats outside of Winnipeg. Know what I mean? Perhaps that is the only way. You have to have some kind of boundaries to make sure that all the citizens in Manitoba would be represented. You're right. I mean, if they all come out of Winnipeg, that's what will happen. All the senators will be from Winnipeg, which, I think, they currently are now anyways, right?

**Madam Chairperson:** We have reached our five-minute limit. What is the will of the committee?

**An Honourable Member:** Leave.

**Madam Chairperson:** Leave to continue, thank you.

**Mr. Lamoureux:** Thank you, Mr. Mark, for coming forward to make a presentation.

I guess out of the 14 MPs I'm glad you're the one that has chosen to come here because I'd like to think that if any of the 14 would be a true maverick, or not necessarily talk about party line, it would likely be you.

You made an interesting remark in terms of value, valuable. How valuable is the Senate? A number of presenters that do come forward or even the public as a whole, as I'm sure you're aware, say, well, we abolish it. Sober second thought and that's really about it.

Using and reflecting on your years of experience in Ottawa, is it safe—and I guess I'm asking you to re-affirm this—to say that your appreciation in recognizing that there is a great deal of value to having a Senate in Canada?

\* (18:20)

**Mr. Mark:** Well, thank you for your question. There's no doubt my experience has clouded my perception. As I said earlier, when I first went to

Ottawa, I thought, like most people, that the Senate was really useless because people were appointed and really didn't understand. I think most Canadians outside looking in—because senators, for the most part, are not in the media like members of Parliament. In fact, most Canadians don't even know who their senator is. You could probably ask anybody in Winnipeg to name a couple of senators; they probably wouldn't know. That's the problem.

Most people have a judgment on everything in life, including the Senate. That's why my judgment is totally changed because I've had the opportunity to work with them and understand that they do have value, providing the construct is properly put together so that they can do their job in an elected, effective manner for the people whom they represent, for the province they represent.

Otherwise, if we continue down the same path, nothing's going to change. In fact, it wouldn't surprise me if we heard more people call for the abolition of our Senate. The irony is that our model comes out of London, or England, and that the British system is already planning to put in place elected senators. I find that awfully ironic. To me, that's a place you really don't make changes too easily, and they're way ahead of us on this one.

**Mr. Lamoureux:** I think it was important to note that there is value to the Senate, and I would assume for another committee in the future or maybe even a federal committee to look in terms of what additional value could be added to it. But, for us, we're trying to figure out how we elect senators in the province of Manitoba in hopes that those senators will be chosen. If you looked in regard to how those senators could be elected, the idea of regional versus constituency. Listen to the previous question. If you were to have, for example, three rural senators elected on one ballot and three from the city of Winnipeg, would that be a preferred route versus having six individual constituencies? Which one do you think would be better or more effective?

**Mr. Mark:** I would prefer the ward system where actually you have boundaries because otherwise we know that, if you had a list of names, probably highly unlikely that most of the ones out of the city would get elected only because people recognize the name. In the city, more people would probably tend to vote for them and it would work.

I think what the provincial legislation needs to do is maybe take a look and see the legislation that currently exists in Alberta and see how they go

about, in terms of drawing boundaries and also the whole party thing. That's another issue, whether people run as independents or run under the party banner. I think there's a lot of research that can be done before you put the legislation in place so it's clear what we're trying to do. So actually we do get to where we're going, which is to elect people who are going to do a great job for the people of this province.

**Mr. Lamoureux:** In terms of the type of election, is it best to have a stand-alone election, whether it's a six-year period, four-year, but a fixed date or set date? Could you comment in terms of how much influence the Prime Minister's office has if you had a Senate being elected the same time? Would that have an impact? Is it better to have them elected same time as the federal ones being elected or should we look at when the province is having its elections? Which one do you think would be better?

**Mr. Mark:** My concern is that if you throw too many names on the ballot everything gets lost in the shuffle. I think the first time around maybe it should be a stand-alone election because it's a total change in mindset actually for the populous to look at this election differently than other elections. They've never had the opportunity to elect a senator, though I think people would take a greater interest, including the media, if it was a stand-alone because my fear is if it's just tagged on a provincial ballot or a national ballot, it's just another couple of names.

As you know, during the provincial or national elections, the focus is on the Parliament or the provincial legislature, and these other nominees will maybe find it pretty difficult to compete just for media attention. I think the first go-around is going to take a lot of work and a lot of educating for people to turn out and take an interest so they understand what they're doing. I prefer a stand-alone election the first time around.

**Ms. Howard:** Thanks very much for your presentation.

I wanted to talk a little bit more about the idea of term limits. I was just reading in *The Globe and Mail* today that the Prime Minister has stated that he's going to introduce legislation to limit the terms of the senators that were just appointed to one eight-year term.

My question is if we move to electing senators, as we move to electing senators, if there should be one term, whatever the length is that some people

would suggest, that if you are elected and know that you will never face re-election, the election does not actually ensure any accountability to anyone. Having been elected once does express the will of the public. But, if you never have to stand for re-election, you may not be as accountable to those people who elected you if you knew that you had at some point to face them again.

So that's my question. If senators were elected, would you favour one term or two terms, or what's your view on term limits for elected senators?

**Mr. Mark:** Thank you for the question. For an individual like myself who's had five elections already, I guess I can say I believe in elections. Actually, elections are good for democracy, however we criticize it, because it really does give people an opportunity to voice their opinion about you. I agree with you, being appointed to the Senate for life, I don't think too many people in this country look at that favourably.

Being a democrat, I almost don't believe in term limits because I think that, if you have elections every four years, the people will decide who best represents them. I think that's the pro-democracy side of me and yet at the other side, I think well, maybe eight years is plenty. Yet here is a man standing here—I've been in it just about 12 years. I've been there too long? So I'd rather leave that to the people. Let them decide whether you're fit to represent them at every four years.

**Mr. Faurchou:** Thank you very much for your remarks here this evening. I listened very intently to even your observation about the House of Lords and some of the changes that have taken place. In fact, the commentary has been made that we here in Canada are more Westminster than Westminster is today.

The actual election of Senate nominees, I believe and we've heard a number of times, should be significantly different than what currently the election process is for parliamentarians. It has been commented that if we have exactly the same first-past-the-post electioneering then we're just going to end up with a second house of horrors, and when you mentioned this evening about the proportional representation and the preferential ballot, could you maybe elaborate a little bit more on those two points? That would be a significant difference from the current first-past-the-post election hearing.

\* (18:30)

**Mr. Mark:** Thank you for your question. Well, to put it in simple terms, basically you have to have a simple majority to win the seat. If you can't get 50 plus one, you won't represent the public, even if it takes another election to get it done.

Proportional representation is not uncommon in Europe. It's been ongoing for many, many years. In this country, I guess we got stuck doing our elections in one form, in first-past-the-post—no different than in forming government, right? The current government's only got 30-plus percent, 36 percent or 37 percent of the votes. It's the same thing. As I say, my first time in the House of Commons was 35 percent, unlike this last time I had 62 percent.

I think to truly represent the public you should have simple majority, even if we go to a district or ward system.

**Mr. Faurshou:** Then you're advocating for a preferential ballot. We just went through a Canadian Wheat Board election in our particular district where we had five candidates, so we had the opportunity to mark the ballot accordingly, No. 1 through No. 5. Is that the type of balloting you're suggesting?

**Mr. Mark:** My first nomination contest under the Reform banner was a preferential ballot. I mean, I'm not naive to not know that you can play tricks with a preferential ballot as well, but I think if you believe in the idea that whoever comes out on top has to have the majority of the votes, then that's what you go with.

The other question I have is, how do you get to that stage? How do you move from first past the post to preferential ballot? We've had that discussion in the House many times over and it seems to go nowhere because it's a big shift in thinking and a big shift for all the people that are there. But, again, the people that are there are first-past-the-post people, right? And they're the ones that are going to make the decisions, just like you folks, you know, going to change the rules of the game.

**Mr. Faurshou:** Yes, indeed, we are perfect examples of first past the post. But the number of different organizations and elections that are taking place in and about the country now are using a preferential ballot, and I use one example, the Canadian Wheat Board, just two months ago.

The other is, you've answered quite well, the ward type of system. We've had suggestions about recognizing current boundaries whether they be municipal or provincial constituency. Do you have

any thoughts on how you would determine the actual wards of which you speak?

**Mr. Mark:** Thank you for your question. It probably wouldn't be too difficult because the province is already divided up into different regions, whether under the economy, or tourism, or sports. So it probably wouldn't be far too different from the other areas that are already—like I said, if you take half of them out of the city of Winnipeg, which is half or 60 percent, then—I don't think it would be too difficult to divide up the province so that it's represented regionally by individuals.

**Mr. Nevakshonoff:** Thank you for your presentation, Mr. Mark. I'd like to preface my questions by saying I'm a great admirer of you, even though we're on opposite ends of the political spectrum. I've watched your career for the time you've been in office, and your independence and outspokenness are very admirable. I find, in an era when party solidarity and the use of Whips are enforced, that your independence is very admirable, I think, and has won you the respect of your constituents. I know many of them. I think your margin of victory was probably a lot larger than it was at your first election because of this, so I acknowledge you in that sense.

My views on the Senate are that I guess the people of Canada are largely disgusted with the political patronage aspect of the Senate. That's what they find most offensive, the fact that it's used as reward for political loyalty more than anything else. I agree with you that it does serve some purpose, and I've made use of it myself not too long ago after a discussion with a senator on one of the Canadian Parliamentary Association exchanges. I accessed one of their reports on rural poverty and the whole issue of the challenges that we as rural people and rural representatives face. I was very enlightened by the report, so I think there is a use for it, but this whole issue of political appointees, I think, is the poison pill that we find, as citizens, so difficult to swallow.

So there are a couple of ways to approach it. Of course, electing senators is what's at issue today, and my first question, I guess, would be, you know, now we're going to have two Houses. Technically it's the Upper Chamber. Is it going to be superior to the House of Commons, or over the years, are we going to be looking to the leader in the Senate as the final arbiter as compared to the House of Commons? How would you differentiate between the two Houses if both of them are elected and representative? Which

one's going to come out on top? Are we setting ourselves up for more bickering at the national level and more chaos and confusion?

**Mr. Mark:** Thank you for your question. I don't think that's an issue because under our parliamentary system the House of Commons is really the master of Parliament, and people understand that because the members there are all equal. They're elected.

They represent—that's one thing I've noticed, just like you folks in the Legislature, one thing; we all respect each other just from the point of view that you had to be elected to get to the House of Commons. That holds a lot of water even under the current system that we have, even with a Senate. I'm sure the Senate—you talk to enough of them, that they know, because quite a large number of citizens are former members of Parliament who have served in the House for many years before they made that move, made that shift over to the Senate, because you can only have one House that governs the country, which is the Parliament side.

That's why even, currently, you cannot have any money bills originating from—well, from anywhere. Actually, you only want money bills coming out of the official opposition when you're in government, and that's the way the rules operate. You know, they put them in your legislature. Anything that requires authority to spend cannot originate from the opposition or from the Senate. I'm sure those rules will still put in play.

Where I agree with you is that it's long overdue that people that are in the Senate should be elected. However they're elected, the provinces can decide that. However long they stay, the provinces can decide that, but the key is that they need to be elected and that we do need a second set of eyes to look at legislation.

I've spent a lot of years vice-chairing House committees dealing with legislation, piles and piles of it, and I'll tell you we made lots of mistakes. You know, like you do when you do the same thing. That's why it's always good to have it looked over again by another Chamber. I'm sure they made mistakes and all kinds of shortcomings because there's no perfect piece of legislation. You know that, being legislators yourself.

I'd be a lot happier having someone scrutinize our work rather than have no one scrutinize our work. I think Canadians benefit by the system we have in place, even though we criticize it all the time,

but there's still a lot of good—you know the final finale is that there are a lot of good people there. It doesn't matter which side of the House, whether it's in Parliament or here in the Senate. So, as individuals, they're all prominent Canadians like people in your Legislature, and they do good work.

\* (18:40)

**Mr. Nevakshonoff:** Just a follow-up question. Yesterday we had a presenter in Brandon; he's a university professor. He gave us four suggestions, and three of the four of them were not leaning toward an elected Senate. Two suggestions were that possibly some type of a council of vested Manitobans could be compiled, people who had stature, such as Mr. Faurschou suggested yesterday, recipients of the Order of Canada or Order of Manitoba, for example. I think to the infrastructure program that we've had in times past where we had actually two committees working with municipalities. One that would compile a list of proposed projects and then it went to another committee who actually vetted that list so there was a division. So he suggested having a council of vested Manitobans. He also suggested having a citizens' forum, for example, where using a model similar to jury selection, for instance a group of random Manitobans would be selected and then invested with the power to make the selection of those senators from the list compiled by, say, a group of vested Manitobans. So what do you think of that model? Would that work?

**Mr. Mark:** Well, it sounds nice, but the question I ask, who do these people represent? We can have the best of the best to be appointed to the Senate, but who do they represent? If that's the case, then why don't we do it for the House? Right? Just get a group of people, important people in Winnipeg and decide who should represent us in the House of Parliament. It's really the same scenario. But who do they answer to? Nobody.

In our democracy, it's the people that's important, the people, because government, like your Legislature, belongs to the people, is for the people. That's why you're there. That's why I'm in Ottawa. I'm there to represent the people, and the House of Commons is owned by the people. That's why we call it House of Commons. It's for the commoner. So I think once we start putting ourselves in a position where we know best, we know who should or can't do the best job, then it's a bad day for democracy, I believe.

**Mr. Nevakshonoff:** Just to conclude then, I guess I go back to my original question where if you have elected senators there will come a time when they will say that they're elected and have the same powers and authorities that the House of Commons does, that you will end up with two Houses competing for primacy within the country, and justifiably so. To put restrictions on the Senate such as you mentioned before, no money bills for example, they might resent that, given the fact that they too are elected, which is kind of why I suggested this other model because I think the Senate does serve a purpose, and yet possibly through this other selection process, you could end up with a Chamber of sober second thought that is still subservient to the elected House of Commons based on the fact that it was compiled by another means.

**Mr. Mark:** Well, I actually don't have any of the fears that you alluded to, because if you look south of the border, I mean every state of the union has lower house and upper house, and they seem to have gotten along well. They know their roles and they work together, basically they work together to lobby the federal government in the States and maybe we should have an upper house in Manitoba. I'm sure you have enough room where we could build a new building.

**Mr. Lamoureux:** One other final question. This whole concept of the stand-alone election. What do you think of the idea of having senators elected at the same time municipalities are having their elections? A totally different situation, boundaries wouldn't be a problem because you could base it on different municipal boundaries or wards inside the city. Those election numbers are low when it comes to voter turnout. By having the senators elected at that time, it might even help boost up the numbers there, and, equally important, by having municipalities and mayors and that getting elected, it might boost up some attendance or votes for the senators.

Do you see value in having them elected in that sort of a way, or would you stick with the stand-alone completely by themselves?

**Mr. Mark:** Thank you for the question. It's very difficult to predict which formula would work only because people always focus on something else other than what you want them to focus on. I think the first time around, it's probably worth the effort, worth the money to have it stand-alone, you know, because even now, even in municipal government, they're finding it's harder and harder to get candidates to run

and fill positions, and more and more looking at amalgamating. So I don't know if I would want to kind of throw everything into that one pot.

I think if you really want a total shift in mindset in terms of electing senators for this province, to me, the wise way to go about it would be to, certainly the first time around is to do it separately because it needs all the attention it can get, literally, because it's a big shift in thinking, you know. If you do it once, then second time around you could tag it onto any of the other elections, you know four years down the road. But the difference is that you prepare people four years down the road, what's going to happen, whether it's a provincial one or a national election.

But the first time around, it's very difficult. The other thing is first time around, you don't know if there's an opening either, right? That's the other thing. So, I mean you could be like Mr. Brown, I mean you can hang around for a long time waiting, you know, waiting to be appointed. And his appointment was kind of a fluke too, because I remember that day in caucus, we needed a senator and one senator from the west was resigning and someone suggested why don't we put Bert Brown in there, you know. Mr. Harper liked the idea. Yes, just like that. But that's the nature of politics.

**Mr. Lamoureux:** Thank you very much.

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

I will now call on Doug McPhee, private citizen. Please proceed with your presentation.

**Mr. Doug McPhee (Private Citizen):** Okay, thank you.

Today is the 18th day of February, the year 2009. We live in a world of rather outstanding transportation, communication and information access where it is common for the ordinary Canadian to be able to quickly travel across the entire width of this country in a relatively short period of time, where we can have personal communication devices that let us speak to people halfway around the world from pretty much anywhere in the populated regions of our country and where people have access in their homes to unprecedented levels of facts and information from worldwide sources.

Such wonders would have been unimaginable by our parents and grandparents. But while our world has advanced in leaps and bounds through the wonder of technology, our political system remains

stagnated in a system that best served the people 200 years ago. It is shameful that our province is only at the stage of contemplating if we should take that first small step that would bring our democratic system into the 21st century. If business moved at the same pace as our political bureaucracies, we'd still be moving freight using horse and wagon.

The fact is that Canada is a federation made up of 10 provinces, each with their own provincial government. These provincial governments derive their power directly from the Constitution of Canada. Our Constitution does not give power to regions or groups of provinces. It gives power directly to the provinces.

It is also a fact that Canada is the only major federation in the free world that does not give its federating units the power to select their own representatives to sit in the country's Upper House. No other federation allows the federal government the power to appoint representatives on behalf of the federating units.

\*(18:50)

This is such a ludicrous situation considering that our Senate is supposed to represent the provinces in Canada. Why would Manitoba even be questioning whether or not we should control who represents us in the Senate. In a democratic country in the 21st century, that should be an accepted fact.

I realize that the committee is asking the question about the elections of Manitoba senators, but the underlying democratic principle is the concept that is the provinces that are represented in our Senate. The process of electing our senators is a noble goal, but the purpose of electing our senators is the accountability. The question comes down to who the Manitoba senators are accountable to. Under our current antiquated system, they are accountable to the federal political party who appointed them. They are members of a federal political caucus responsible primarily to the leader of their federal party. They have absolutely no credibility as spokespeople for our province. The only acceptable situation would be to have Manitobans determine who will represent us at the federal level, and then create rules that ensure they remain accountable primarily to Manitobans.

There have been attempts to push the evolution of our democratic system. The Meech Lake Accord had provisions that would have required the Prime Minister to appoint senators from a list of nominees supplied by the province. The Charlottetown Accord

would have given the provinces the power to either elect or appoint their own senators. Neither attempt succeeded because these changes were part of huge omnibus legislations that included many undesirable changes. But it is obvious that the desire to change the process of appointing senators has been a longstanding issue, and change is possible now. All that is needed is a provincial government to step forward and boldly drag our democratic process into the 21st century. Manitoba could be that leader, not just in the Manitoba Legislature, but for all of Canada. As a member of the Council of the Federation, you have the power to do great things. A united group, the provinces can have a powerful voice in developing 21st century democracy in Canada.

We are not talking about changing the number of senators per province. We are not talking about changing the role of the Senate. The first small step is to make the Senate accountable to the provinces instead of to the federal political parties. To successfully complete this first small step through the entire process culminating in a constitutional change opens the door for a great many desirable changes. One small successful process shows that Canada does not have to stagnate in the democratic system that best served the horse-and-buggy era. One small success would prove that change is possible, and what a great legacy for our province to start the evolution of Canadian democracy into the 21st century.

Argentina, Australia, Austria, Belgium, Brazil, India, Malaysia, Mexico, Pakistan, Russia, Switzerland and the United States all allow their federating units to elect all or most of their representatives. Those representatives who are not elected are appointed by the federating unit. In Germany, the states determine their delegations for the German parliament. Only in Canada do the provinces have no say on the selection of their representatives. Only in Canada does the federal government determine the composition of the Upper Chamber, and only in Canada do senators have no fixed-term lengths.

Canada is uniquely antiquated in its democratic system, which seems to serve our bureaucracy just fine, and for that bureaucracy to then come forward and question why voter participation is dwindling is an insult. You can't expect the voter to eagerly come forward and participate in democracy on election day when they've been shut out of the system for the four years previous. Give the voter a means to hold their

elected officials accountable and they will be more inclined to participate in the system. Give the voter the means to participate in the system when they decide they want to participate, not just when politicians decide to allow the people to participate. That means not only electing our senators, but also the ability to recall or reprimand them when they turn their backs on the people. It also means doing away with the huge omnibus legislation and dealing with each issue on its own. It means using the tools of the 21st century to let Manitobans and Canadians participate in their government instead of remaining as spectators.

I joined the Reform Party back in 1992 and wasted over 15 years of my life trying to bring the Canadian democratic system into the 21st century. It has been my experience that political parties view democratic reforms from the perspective of what works best to get their party elected, instead of developing a system that will best determine the true will of the people. I find it hard to believe that there has been no one at the federal or provincial level who has studied and documented the various democratic systems and given advice to their political party leaders. I find it much more believable that the political party leaders have rejected any change that might possibly hurt their party's chances at election success. In my opinion, any advances to democracy in Canada must be driven from outside of the current political party system, for any democratic advances will happen in spite of the current political parties, not because of them.

But the fact that I am here today means that I still have some hope that change is possible, that the country I leave for my children will be free and democratic. As far as I can determine, there is no downside to having Manitoban senators accountable to Manitoba. There is no downside for Manitoba to elect its senators. There is no downside to joining with the other provinces through the Council of the Federation to push for a constitutional change to give the provinces the right to choose their own representatives in the Senate. Which province would oppose such a right? Could not a united federation of provinces push the federal government into introducing this small constitutional change? This is not a huge, life-altering change we are asking for. It is just a small step in the evolution of democracy in Canada.

It would be a proud moment, not just for me but for all Manitobans, if it was our province that took

that first small step to bring the Canadian democratic system into the 21st century. Thank you.

**Madam Chairperson:** Thank you. Do we have any questions for our presenter?

**Mr. Faurshou:** Well, I want to thank you for your persistence over the years to appear here before us today. You have indeed given us a lot of food for thought about the electoral process.

Could you maybe be a little bit more specific? We had a lot of discussion with the last presenter in regard to actual holding of the election and some of the key elements of the election. Could you perhaps enlighten us as to your feelings on those points?

**Mr. McPhee:** Well, listening to some of the questions and some of the answers Mr. Mark gave, I kind of like the idea of constituencies that the senators are elected from. So, basically, the population would have some say as to who gets elected where. So the way the population is distributed in Manitoba, where more than half of the province lives within a small area in Winnipeg, I can foresee three senators from Winnipeg, two from the south and one from northern Manitoba.

Unlike Mr. Mark, I don't think the idea of a stand-alone election is such a good idea. I like the idea of piggybacking it onto municipal elections. One of the things that we might want to consider when we're doing the elections like that is to make it as easy for the voter as possible, which means a lot more voting stations, a lot easier to get out, a lot easier to know who the candidates are. Situations like that, situations so that people actually feel they can make a difference by going out and voting, as opposed to simply putting their five minutes of effort in over four years type of thing.

Another question that would come up was the term limits. I think term limits are important. Two four-year terms sounds reasonable if we have fixed election dates every four years, simply because there are so many people who could serve that role. Over an eight-year period, if they haven't accomplished what they've set out to accomplish then I don't think they're going to do much more after that.

What else can I say on that? Carry on.

**Mr. Faurshou:** The ballot and whether—we'd had discussions regarding first past the post versus simple majority support. Do you have thoughts on that?

**Mr. McPhee:** Yeah. I've put a lot of thought over the years on how people run the voting systems. First past the post is probably the worst system you can have. The transferable ballot is a better system, but it's not the best.

\* (19:00)

One of the systems I like most is the Condorcet system, which is rather a complicated—it's a one, two, three system on a ballot where candidates are matched pair-wise against each other. So, basically, if you're on the ballot, you have to beat every other person in a one to one comparison to be able to be declared the winner—probably a little too complicated for the ordinary citizen to understand how it works and vote on it.

A system that works that is somewhat the same results as Condorcet which—Condorcet by the way is probably the most democratic system—but another system that's a lot simpler and tends to give results that are very similar to Condorcet is the approval voting system which actually has been used at the municipal level. That's basically where all the candidates have a box beside their name on the ballot and the voter can, instead of being limited to one checkmark beside one candidate, they can put a checkmark beside each candidate they find acceptable or would approve of as their elected representative. At the end of the voting day the ballots are counted up and whoever has the most checkmarks beside the name is declared the winner.

That is probably the system I would prefer. What we're looking for is a system that pleases the most people or the most voters instead of the largest minority. We want to try and get it to a system where the majority of the people would approve of or accept the winner of the ballot.

The other thing you have to think about when you're considering a voting system is how well the voter can understand it. For example, the transferable ballot often requires a computer to compute who the winner is and it's hard for the voter to stand back and say, well, okay, I can see how that result matches up, whereas one thing about the first-past-the-post system is it's very easy for the voter to see, okay, this is the tally at the end and we understand why this person had the most votes and is declared the winner. It's the same with the approval voting system. The voter can stand back at the end of the day and say, there's the list and there's the number of votes that each candidate got. I understand why that candidate was declared the winner.

**Mr. Faurschou:** You seem to be a very enlightened individual when it comes to the democratic process, so I'll ask you the question as to the employment of fines for any persons that do not exercise their democratic responsibility, as Australia does employ.

Do you think that this is something that should be implemented here in Canada, where if you don't vote you are fined?

**Mr. McPhee:** I am dead set against any legislation penalizing somebody for not voting. I would rather have a system on the ballot where you have a none-of-the-above category and I think people would be more interested in filling that in than trying to avoid a fine for not voting.

**Ms. Marcelino:** It's not a question, but simply to thank you for your presence here today and to tell you I admire your optimism, your progressive thinking and positive attitude in life. I also admire your passion for an elected Senate and I wish, should there be an election, you would put your name on the ballot. Thank you.

**Mr. Lamoureux:** I, too, like the none-of-the-above option. I think it should be put on all ballots, provincial, federal, municipal. All ballots should have that particular clause on it.

We have one senator that's going to be resigning, not resigning, retiring later this year. We have senators that are going to be around for the next 10-plus years. In terms of what's in Manitoba's best interest, would you think that we should be, as a province, wanting to start this thing fresh by looking at providing or encouraging or somehow accommodating all six of Manitoba's senators to step down so we could have a legitimate election of six new senators?

At the end of the day that might mean we might have to cough up some sort of compensation, because if mandatory retirement is 75 and they say, well, why should I step down and give up my money, there might have to be some compensation. Is it worth us doing that?

**Mr. McPhee:** Interesting question. It depends how fast this process of allowing senators to be elected gets going. It might take 10 years for this to get through. Hopefully, not.

**Floor Comment:** Two or three, hopefully.

**Mr. McPhee:** Well, hopefully, soon. But, yes, if we get to a situation where we can actually do that and elect our senators and get a good process going, yes,

I think there'll be a lot of pressure for the senators to actually step down and become part of the process. Whether or not compensation, you say that's probably inevitable, but I think that's probably worthwhile to get the system up and going, a little bit of democracy and a little bit of accountability—that first small step. We've got to do something and get going on it and hopefully not drag it through so my kids are doing the exact same thing that I'm doing here today.

**Ms. Howard:** Thank you very much for your presentation. It was very, very extraordinarily well informed and obviously something that you've been passionate about for a long time.

I did just want to let you know some of the background to the committee. We are here to talk about how do you elect senators. There is no question about whether or not. That's not the debate for this committee, that decision is in the legislation. Well, actually, the government's preference is abolition of the Senate, but since that's not something we can do on our own, looking at how we elect senators is what we're about at this committee. Even in doing that, really what we're talking about is electing nominees because at the end of the day, it's still all the Prime Minister's authority to appoint those nominees or not.

So my question to you goes more about the how, and you've answered several parts of that with Mr. Faurichou's questions. One of the things we've heard different opinions on is whether or not the candidates for Senate nominees should be tied to political parties or should be independent. So, should they be similar to municipal elections where there are sometimes parties that endorse or support candidates but you don't appear on the ballot with any party affiliation, or should they be more like provincial and federal elections, where you do have party-endorsed candidates? Do you have an opinion on which way is better?

**Mr. McPhee:** Well, first of all, I don't think they should belong to a federal party. I don't think they should belong to a federal caucus. They represent Manitoba first. Whether or not they are allowed to or come from a political party within the province, I haven't put much thought into that, and I don't see any problem with that, being the bottom line is that they represent Manitobans and this is how Manitoba is, we've got these political parties in Manitoba. That's all part of us.

One thing I might mention, through some of the reading I've done, I think it's in Mexico where they do it, where the states are actually allowed to appoint their senators based on the election results. So, for example, the party that wins the top spot within a riding appoints the top two senators from that riding and the party that finishes second appoints the third one, where each state appoints three senators to their upper house. I don't know if anybody's put any thought into that or not. I don't know if I agree with that or not, but it's an interesting concept.

As far as belonging or being owned by a political party, especially outside of Manitoba, I find that a very bad thing. Within the province, it's not such a big deal. It still represents Manitoba, and again if we have the situation where we have constituencies mostly based on population I think would be the right way to do it. There should be no problem, and they understand there is—it's nice to have everybody independent, but there is the concept that you do need money to run. It's not free. There are rules. Who you know often has a bigger influence on what you know. So any situation like that, it's pretty hard for an independent candidate. So there has to be some kind of either funding rules or through the political parties that we have right now in Manitoba, there has to be some kind of a system in there that allows people to come up and actually run in an election.

\* (19:10)

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

**Mr. Nevakshonoff:** I just have one question, sir, regarding you made mention the ability to recall or reprimand them when they turn their backs on the people. I just wonder how you would facilitate that because I've been elected three times now, and that is a difficult process. Getting re-elected is difficult. You have to answer to your electorate, and I know it takes time to accomplish a lot of objectives whether it's trying to solve a thing like the cattle crisis or get a road built or a community centre built. These things don't happen overnight. You are competing with other jurisdictions.

I look to the First Nations communities that have elections every two years, and I see how disruptive that can be where they are in a state of constant campaigning practically which kind of takes you away from the actual process of governing. It seems that a four-year term gives you enough time to get organized and start lobbying the powers that be in getting things accomplished. I imagine any type of a

recall process would begin shortly after I was elected. Probably the next day the opposition that failed to defeat me in the campaign would be organizing my recall on some basis. If you would just enlighten me a little bit as to how you would go about that process of either recalling or reprimanding them, other than defeating them in the next election which is the process today.

**Mr. McPhee:** Yes, the direct democracy, especially from Switzerland, is actually a system that I really prefer. Basically, it all gets back to the accountability again. If you're fearful of getting recalled just after you've been elected, I think that says more about our system of voting and our electoral system than you as a representative because if you can't get elected without the fear of being recalled the next day there's something wrong with the system. I would love to see the system fixed.

One thing, what they do in Switzerland involves the petition process, which means that you have to get a sufficient number of the population that are actually interested in recalling their representative, which is not the easiest thing in the world to do. Once you have proven that there is a large enough group within the constituency that does want the recall, then you have to go through the further process of actually having a referendum on that and actually having the voters come out and remove you the same way that they put you in. It's not something that you should fear as an elected representative. It should be something that makes you accountable and something that you should desire because it makes you do your job better.

Sometimes you've got special interests pulling you in all directions at some time in your career, in your political career, and you always have to realize that no matter who's pulling from what side, it's the person behind you, the ones that got you elected, the ones you're supposed to represent that should have the biggest pull. In our system right now they don't. Money talks a lot; special interest talks; political parties have a real influence on what their members do and what direction their members like to go in.

You talked about how Mr. Mark having his independence and then not part of the political party system. Everybody should not have to worry about what the leader of their party is doing; they should be worried about the people that voted for them. Having a recall process is a good way to do that. It's done in the States. It's done in Switzerland. The process is good and reliable. It's been tried in B.C. where

they've tried to recall members of the legislature there without success because the process is a very difficult process. But the process is there, and again it's the concept: it's not the politician who decides, this is what I'm going to give out tax breaks the year before the election. It's for the people to decide, you know, you haven't done your job this year, we're going to decide on you and not have you tell us when we can participate. That's the system, that's the role that I want to see in our political system is a way for the average person to actually participate in the system and not just stand by and watch it go by.

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

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, then the hour being 7:15, what is the will of the committee?

**Mr. Lamoureux:** I just wanted to make a comment. I know when we get to Winnipeg on Saturday there are a number of presenters. I think it's over 20 now, and the committee sits at 1 o'clock. If we could maybe just indicate as a courtesy to the first half that the committee will start at 1 o'clock and then we'll be taking a recess and starting again a half hour later, and then that second half will be informed that they might want to be there no later than that second—after the recess, let's say 3 o'clock. Just as a courtesy so you don't have people having to be there the whole afternoon. They know for sure because of the number of presenters.

**Madam Chairperson:** Okay. Do we have any questions of Mr. Lamoureux's suggestion?

**Mr. Faurchou:** Yes, I believe that some recognition as to the committee members and the ability to sit for a reasonable length of time and to recognize also that presenters' time is valuable, that a more structured appearance schedule be made available. Is it the intention of the committee to sit till all presenters are heard? I will be open to the committee that I have an evening engagement on Saturday, a commitment that I must leave to attend. So are we going to have the opportunity to discuss this issue?

**Madam Chairperson:** A suggestion has been made to the committee that this is perhaps something that we want to talk about tomorrow after our meeting in the evening and make some recommendation for Saturday's meeting, or is it your will to stay here and make some decisions tonight?

Mr. Faurshou and then Mr. Pedersen.

**Mr. Faurshou:** In recognition of the Clerk's office's ability to contact the presenters as registered, I think that we should decide this as soon as possible and make allowance for at least a 24-hour notification, so perhaps informal discussions could take place over tomorrow and then at the commencement of tomorrow's meeting officially adopt a position by the committee.

**Madam Chairperson:** Okay. I'm sorry, I had Ms. Howard before Mr. Pedersen.

**Ms. Howard:** Yes, I think it would be wise of us to maybe talk about this less formally and see if there's something we can do to accommodate everybody's needs.

**An Honourable Member:** Thunder's bar.

\* (19:20)

**Ms. Howard:** I won't name the locale that we'll talk about it in. My only concern—and this is something we probably should discuss at some point in terms of the Rules Committee—is having set times for presenters works if everybody shows up that is registered to present. That isn't usually the case at committee that people present, and for whatever reasons they can't come, and so then we're sometimes in a situation where we've exhausted the list that we thought would be there early and then we're in a lull, and the people that are coming later aren't there yet because they—so I think, as we have our informal discussions, we just have to work out how to do it in a way that is the most efficient for our time and for the presenters' time, but not opposed to trying to think of some way to structure this. I know there are a few out-of-town, out-of-province presenters coming, so they may also have unique needs. But, yes, I would agree, we should have some informal discussions and see if we can't work

something out that's going to work for the members of the committee and the presenters who are coming.

**Mr. Pedersen:** One other thing that we need, I feel we should be discussing then, informally or whatever, but make a decision on, is it possible to start earlier on Saturday? It's 1 o'clock was the time. Can we start at 10 o'clock, for instance? That way we would get through. I think a lot of people have other things they'd rather do on Saturday night than presentations.

**Mr. Lamoureux:** I think that if you canvass, the will is maybe just to have a quick recess right now, and then we'll reconvene at your call.

**Madam Chairperson:** Okay, we will now recess—oh, pardon me, is it the will of the committee to recess at this time? *[Agreed]*

Thank you. We will recess for a few moments.

*The committee recessed at 7:21 p.m.*

—————  
*The committee resumed at 7:30 p.m.*

\* (19:30)

**Madam Chairperson:** Will the committee please come to order.

We've decided that the first order of business at tomorrow's meeting with a contact of our caucuses with respect to changing the time to 10 o'clock on Saturday. We will check with our colleagues in terms of their availability. That will be the first order of business with tomorrow's meeting in Russell.

So, with that, the hour being 7:31, what is the will of the committee?

**Some Honourable Members:** Committee rise.

**Madam Chairperson:** Committee rise.

**COMMITTEE ROSE AT:** 7:31 p.m.

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