



Second Session - Thirty-Seventh Legislature

of the

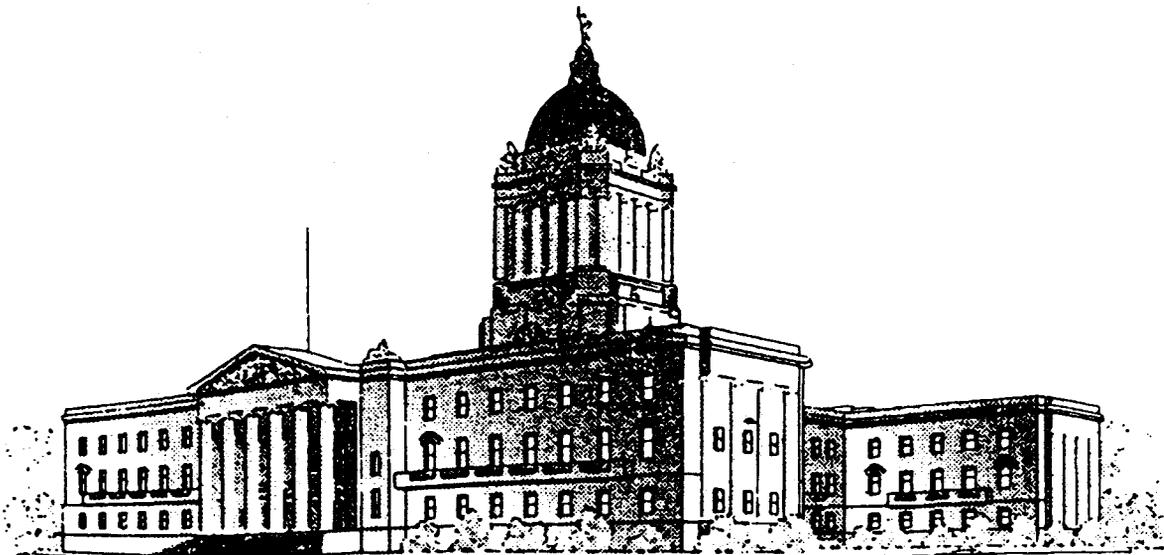
Legislative Assembly of Manitoba

Standing Committee

on

Privileges and Elections

Chairperson
Mr. Conrad Santos
Constituency of Wellington



MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Seventh Legislature

Member	Constituency	Political Affiliation
AGLUGUB, Cris	The Maples	N.D.P.
ALLAN, Nancy	St. Vital	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
ASPER, Linda	Riel	N.D.P.
BARRETT, Becky, Hon.	Inkster	N.D.P.
CALDWELL, Drew, Hon.	Brandon East	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CUMMINGS, Glen	Ste. Rose	P.C.
DACQUAY, Louise	Seine River	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.
ENNS, Harry	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
FRIESEN, Jean, Hon.	Wolseley	N.D.P.
GERRARD, Jon, Hon.	River Heights	Lib.
GILLESHAMMER, Harold	Minnedosa	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISEN, Gerard	Flin Flon	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
LOEWEN, John	Fort Whyte	P.C.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MIIYCHUK, MaryAnn, Hon.	Minto	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
MURRAY, Stuart	Kirkfield Park	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
PENNER, Jack	Emerson	P.C.
PENNER, Jim	Steinbach	P.C.
PITURA, Frank	Morris	P.C.
PRAZNIK, Darren	Lac du Bonnet	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack	Southdale	P.C.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
ROCAN, Denis	Carman	P.C.
RONDEAU, Jim	Assiniboia	N.D.P.
SALE, Tim, Hon.	Fort Rouge	N.D.P.
SANTOS, Conrad	Wellington	N.D.P.
SCHIELLENBERG, Harry	Rossmere	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
SMITH, Joy	Fort Garry	P.C.
SMITH, Scott, Hon.	Brandon West	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan	Dauphin-Roblin	N.D.P.
TWEED, Mervin	Turtle Mountain	P.C.
WOWCIUK, Rosann, Hon.	Swan River	N.D.P.

LEGISLATIVE ASSEMBLY OF MANITOBA

THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Tuesday, January 30, 2001

TIME – 10 a.m.

Report of the Chief Electoral Officer on the Crescentwood and Portage la Prairie By-elections, September 1992.

LOCATION – Winnipeg, Manitoba

**CHAIRPERSON – Mr. Conrad Santos
(Wellington)**

Report of the Chief Electoral Officer on the Osborne, Rossmere, Rupertsland, St. Johns, The Maples By-elections, September 1993.

ATTENDANCE - 11- QUORUM - 6

Members of the Committee present:

Statutory Report of the Chief Electoral Officer on the Portage la Prairie By-election, September 1997.

Hon. Mr. Ashton, Hon. Mr. Doer

Messrs. Loewen, Martindale, Mrs. Mitchelson, Messrs. Nevakshonoff, Reimer, Santos, Schellenberg

Statutory Report of the Chief Electoral Officer on the Charleswood By-election, April 1998.

* * *

Substitutions:

Mr. Murray for Mr. Penner (Emerson)
Hon. Ms. Mihychuk for Mr. Maloway

Mr. Chairperson: Good morning. Will the Standing Committee on Privileges and Elections please come to order. Prior to commencing this morning's meeting, there are some committee membership substitutions which we must first deal with.

APPEARING:

Mr. Richard Balasko, Chief Electoral Officer
Mr. Marcel Laurendeau, MLA for St. Norbert
Hon. Jon Gerrard, MLA for River Heights

Committee Substitutions

MATTERS UNDER DISCUSSION:

The 1988, 1990, 1995 Statutory Reports of the Chief Electoral Officer on the Conduct of Provincial General Elections.

Mr. Chairperson: I have before me the resignation of Mr. Penner from Emerson as a member of the Standing Committee on Privileges and Elections effective immediately. Are there any nominations to replace Mr. Penner?

The 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996 and 1997 Annual Reports on The Elections Finances Act.

Mrs. Bonnie Mitchelson (River East): Mr. Chairperson, I would like to nominate Stuart Murray.

The 1998 Annual Report of the Chief Electoral Officer.

Mr. Chairperson: Mr. Murray has been nominated. What is the will of the committee?
[Agreed]

The 1999 Annual Report of the Chief Electoral Officer including the Conduct of Provincial General Elections.

I have another resignation before me, Mr. Maloway, as a member of the Standing Committee on Privileges and Elections effective immediately. Are there any nominations to replace Mr. Maloway?

Mr. Harry Schellenberg (Rossmere): Mr. Chair, I nominate MaryAnn Mihychuk.

Mr. Chairperson: Honourable Ms. Mihychuk has been nominated to replace Mr. Maloway. Is it the will of the committee? *[Agreed]*

* * *

Mr. Chairperson: This morning, the Standing Committee on Privileges and Elections has several reports before it. They are as follows: 1988, 1990, 1995 Statutory Reports of the Chief Electoral Officer on the Conduct of Provincial General Elections; the 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996 and 1997 Annual Reports of The Elections Finances Act; the 1998 Annual Report of the Chief Electoral Officer; the 1999 Annual Report of the Chief Electoral Officer, including the Conduct of Provincial General Elections; the Report of the Chief Electoral Officer on the Crescentwood and Portage la Prairie By-elections, September 1992; the Report of the Chief Electoral Officer on the Osborne, Rossmere, Rupertsland, St. Johns and The Maples By-elections, September 1993; Statutory Report of the Chief Electoral Officer on the Portage la Prairie By-election, September 1997; Statutory Report of the Chief Electoral Officer on the Charleswood By-election, April 1998.

How does the committee wish to proceed this morning with regard to the consideration of these reports?

Mr. Doug Martindale (Burrows): Mr. Chair, I recommend that we consider and debate any and all reports and decide at a later time which ones will pass and which ones we may hold.

Mr. Chairperson: Does the committee wish to proceed with consideration of all the reports and ask questions on all the reports, or does the committee wish to deal with each report separately?

Mrs. Mitchelson: I might recommend that we do have a lot of reports, and I certainly have heard certain members of this committee commenting on the number of reports that are outstanding. I would just like it to be on the record that we are prepared to deal one by one

with the reports and get some of them passed and off the table so that in future we do not have the significant numbers of reports that have to be prepared and copied and presented to this committee. So I would like to recommend that we move ahead and start to pass some of the reports and get them off the table on a year-by-year basis.

Hon. Gary Doer (Premier): I agree that some of the reports, given the period of time that they have been before the committee, or they have been tabled but not referred to the committee specifically. We should look, perhaps at the end of the committee, at passing or accepting some of the reports to deal with the backlog. I think it is important today. This committee was called based on the statutory requirement of 60 days which we are fulfilling with this committee today. I think the new report, the '99 new report, deals with matters from the '95 election on. I think it is important we deal with the '99 report specifically because the recommendations that are contained within that report are the ones that are outstanding. The issues in the '99 report are the issues that are outstanding, and that will allow us to focus in on what is still pending and what still is available for us to improve in Manitoba.

Mr. Chair, my comments, given the '99 report focus, do refer back on page 55 to the '95 election issues. I think that is where we should focus our attention. But all matters are obviously in order before the committee.

Mr. Marcel Laurendeau (St. Norbert): Mr. Chair, I wonder if I might recommend that we pass all reports up to '99 and deal with all the other matters under the '99 report as the Premier has recommended.

Mr. Doer: Because the '99 report deals with the '95 election, I think we should deal with all matters up to '94. The matters dealing with '95 on, we should accept the recommendations to '94 would be my recommendation and we move ahead, and '95 would still be before the committee.

Mr. Chairperson: The agreement is to pass all reports from 1988 to 1994. *[Agreed]*

Before we proceed any further, does the committee wish to indicate how late it is wishing that we sit this morning?

* (10:10)

Mr. Martindale: Mr. Chair, I recommend that we sit until twelve o'clock and canvass the committee at that time.

Mr. Chairperson: Is that agreed? *[Agreed]*

So we will sit until twelve and then canvass at that time, if necessary.

The Statutory Report of the Chief Electoral Officer on the conduct of the April 26, 1988, Provincial Election—pass.

The Statutory Report of the Chief Electoral Officer on the conduct of the September 11, 1990, Provincial Election—pass.

The Annual Report on The Elections Finances Act for the year ended December 31, 1988—pass.

The Annual Report on The Elections Finances Act for the year ended December 31, 1989—pass.

The Annual Report on The Elections Finances Act for the year ended December 31, 1990—pass.

The Annual Report on The Elections Finances Act for the year ended December 31, 1991—pass.

The Annual Report on The Elections Finances Act for the year ended December 31, 1992—pass.

The Annual Report on The Elections Finances Act for the year ended December 31, 1993—pass.

The Annual Report on The Elections Finances Act for the year ended December 31, 1994—pass.

The Annual Report of the Chief Electoral Officer on the Crescentwood and Portage la

Prairie By-elections dated September 15, 1992—pass.

The Annual Report of the Chief Electoral Officer on the Osborne, Rossmere, Rupertsland, St. Johns and The Maples By-elections dated September 21, 1993—pass.

We will now proceed with the consideration of the other reports. Does the Honourable First Minister wish to make an opening statement?

Mr. Doer: Yes.

Mr. Chairperson: And will he please introduce the officials in attendance from Elections Manitoba.

Mr. Doer: The Chief Electoral Officer, Mr. Balasko, is here, and I am sure he will introduce his staff at the appropriate occasion. Again, I would like to welcome the staff from Elections Manitoba and thank them for their attendance here today.

Since the last sitting of this committee, the 1999 report dealing with the annual report including the conduct in the 37th general election has been tabled in the Legislature and is now before the committee pursuant to the requirements. This is the second committee meeting we have had in the last period of months dealing with election reports. I think it is safe to say that there have been a number of reports that have been tabled in the Legislature but not referred to the standing committee. It is now appropriate that we do refer these matters to this standing committee and debate or probe on matters that are raised in the reports.

At the July meeting I very specifically stated that some of the matters that were recommended in previous reports were being dealt with in legislation that we had before the Legislature. Other matters, such as the issue of leadership regulations and provisions for adequate and proper disclosure and accounting, were not before the legislative committee or the Legislature because there was a leadership race ongoing at that time and I felt at that time that to change the rules in midstream would be unfair for any particular party. I would suggest that it is a matter that is outstanding that I would

welcome the advice of members of this committee. I think to have rules on the conduct of each of us in an election campaign and of disclosure and moving to disclosure in other parts of our election laws, the issue of leadership races that have been identified by the Chief Electoral Officer, is worthy of merit and consideration for our future.

The '99 report deals with some of the issues arising from the Monnin inquiry specifically on page 55 of the report. I think there are some interesting recommendations or conclusions in dealing with a cover-up on the bottom of page 55, the findings of a cover-up that were found by former Justice Monnin, and when you look at the letter of December 12, 2000, to the New Democratic Party, you have the findings of a \$13,000 excess of advertisement limit which raises a number of questions about, on the one hand, financial statements not being accurate and on the other hand, financial statements not complying with the law. I am sure the committee members will have some questions on that issue. We believe that the recommendations contained within the '99 reports, some of them are very administrative, some of them are very substantive. As I say, the leadership issue I think is a substantive recommendation. It affects the internal conduct of all political parties more so than other issues of sometimes provincial elections and election finance acts and election conduct acts. So we would look forward to the advice of other parties in this matter now that the leadership race is over and we are now with party leaders for the parties represented in the Legislature in Manitoba.

We continue to believe that a number of recommendations from '88 on have been implemented in legislation that has been passed in this Legislature. As I say, there are matters that are still outstanding, but we believe that the ultimate goal of election laws and the ultimate goal of financial laws is to ensure that there is a "level playing field" and that there is proper disclosure to the public of the conduct of political parties in matters that pertain to their democracy and their democratic rights.

That is my brief opening statement, Mr. Chair.

Mr. Chairperson: Does the critic of the Official Opposition have an opening statement to make?

Mr. Stuart Murray (Leader of the Official Opposition): Mr. Chairman, I would just say that I am delighted to be here, my first committee sitting of this committee and look forward to going through the session and answering any questions as may be necessary.

Mr. Chairperson: The Chief Electoral Officer wants to make a statement.

Mr. Richard Balasko (Chief Electoral Officer): We put so much paper on the desk there is barely room for the microphone. I am hopeful we will make some headway through the reports today.

Good morning. I am Rick Balasko, Chief Electoral Officer for the Province. As was mentioned earlier, I am here with some of the people that I work with. Immediately behind me I believe is Lorne Gibson, who is the Deputy Chief Electoral Officer; as well as Mr. Gordon, in the blue shirt, who is the manager of campaign finance; and Dave Wilkie, who is the manager of elections operations and communications.

I am pleased to have this opportunity to appear before you this morning as you consider the recommendations in the 1999 and 1995 reports of the Chief Electoral Officer. I thank you for inviting me this morning.

Perhaps it would be helpful if I took just a few moments to sort of outline the steps we have taken to this point to arrive at the 1999 recommendations. As you are aware, the Chief Electoral Officer has the authority under both The Elections Act and The Elections Finances Act to make specific recommendations for legislative amendment. Amended provisions contained in The Elections Act and The Elections Finances Act then in turn require the standing committee to give consideration to those recommendations within 60 days after the report is laid before the Legislative Assembly.

These are very important recommendations that arise from the Monnin inquiry. As Chief Justice Monnin recommended at the time, it is

important that recommendations be dealt with in a timely manner. So it is my understanding that my purpose before the committee today is to review with you the recommendations of the Chief Electoral Officer contained in the statutory reports.

A little bit of background as to how we arrive at the recommendations, in doing so we consult with two political party advisory committees. There is one under The Elections Finances Act, which is a statutory advisory committee, and the other under The Elections Act, which is more of an ad hoc advisory committee. But we just think it is a good idea to keep communications open. So we do hear back from representatives appointed by the leaders of the party to get feedback on the administration and the law.

In looking at all the recommendations that are new in 1999, those have all been reviewed with the advisory committee. They do not agree on all of them but most of them, and I will point out the cases where there is not agreement of the advisory committee. Some recommendations brought forward from the past were previously put before the advisory committee.

As you are well aware, we have been making recommendations, my predecessor and myself, since the 1980s on ways that the election laws can be amended. It is a daunting task at first, with about 20 reports over more than a decade to deal with all of these, but I can tell you and reassure you that the 1999 report consolidates all the recommendations, including '95. They are all brought forward into 1991, so you have before you one complete set of consolidated recommendations.

I am also very pleased that a great majority of the over 90 recommendations made in the 1995 report have subsequently been adopted by the Legislative Assembly in a very comprehensive package of amendments brought forward in 1998. Mr. Chairperson, as you know, there were further amendments in 1999 to incorporate recommendations arising from the recommendations of Commissioner Monnin and a handful of recommendations remained after that time.

* (10:20)

Since 1999, there have been further amendments made in Bills 4 and 17, passed in August 2000. Some of those recommendations directly arise from recommendations of the Chief Electoral Officer. A couple that are notable, the first is the appointment of returning officers by the Chief Electoral Officer, which we think is very important; and on the elections finances side, an example is the inclusion of polling costs as an election expense. So the 1999 report has before you a consolidation of all the recommendations.

In the 1999 report, you will find 20 recommendations to amend The Elections Act and 7 recommendations to amend The Elections Finances Act. I think it is very fair to say that a number of the recommendations are administrative, more detailed in nature. The Elections Act in particular is a very detailed statute. It really sets out each step along the way so as to eliminate confusion. But there are also some very substantial recommendations on the elections side, for example, the issue of residency and the voting qualifications of persons who are absent for more than six months. I refer for example to peacekeepers.

On the elections finances side, we have some recommendations as well, some of which are administrative, others of which were substantive. We have some recommendations on child care expenses, for example, that we think are important. Child care expenses are included as election expenses, so they are reimbursed 50 percent, but they are subject to the limit. When I say child care expenses, I am talking about the unique, additional cost as a result of being a candidate. We have canvassed the political party advisory committees on that and think that those types of expenses ought to be reimbursed but not subject to limitation. It might put candidates at unique advantages or disadvantages, but I can tell you more about that later, just a couple of examples on each side.

Of course, the leadership issue, Mr. Chair, we believe that there ought to be disclosure of the financial activity associated with the leadership campaigns. This is a recommendation that comes directly from the Royal Commission

on Electoral Reform, but this is the one on which I will tell you right now there is not unanimous agreement at the advisory committee. There are different views on this, and I understand that my purpose today is to place it before you, and you will debate it and you will determine eventually what to do. These are, at the end of the day, after all, recommendations.

Finally, Mr. Chairperson, I have some related recommendations that I am passing along to you. They do not have the force perhaps of the recommendations under The Elections Act or The Elections Finances Act, because those recommendations come directly from our statutory authority to make recommendations. But I do mention that The Controverted Elections Act, which is tremendously out of date, refers to court processes that no longer exist. It is a heads up that I really believe that that statute needs to be overhauled and brought up to date in the event that it is necessary.

The other one is The Electoral Divisions Act. Here I am really just picking up on a recommendation that was made by the Electoral Boundaries Commission itself, the Boundaries Commission, of which I was a member, together with the Chief Justice of the province, as well as the president of the University of Manitoba. There is a recommendation that there ought to be a determined time line as to when, Mr. Chairperson, the recommendations of the Boundaries Commission come into effect so that all parties can organize on an equal basis and we can avoid duplicated costs. We had a lot of costs going into the last election because we were prepared on two sets of boundaries—

An Honourable Member: So were we.

Mr. Balasko: —as I am sure you all were. I am just happy there is just one election and not two to run.

Finally there are a couple of issues that I will just bring to your attention because they have come to us through the public, they have come to us through the advisory committees. Some political parties on the advisory committees have raised with us the issue of proportional representation. So I just bring that to your attention. It is a matter of The

Legislative Assembly Act. It is not a matter under The Elections Act itself. You may wish to consider those matters. But I want to underline, these last couple of things I have mentioned are more for the information of the Legislature. I just lay it out and I leave it there. The other matters, specifically on The Elections Act and The Elections Finances Act, I would be pleased at any point to review any of the recommendations with you. I appreciate the opportunity to make those statements. Thank you.

Mr. Chairperson: We thank the honourable electoral officer. The floor is now open for questions.

Mr. Laurendeau: Mr. Chair, I am not sure if my questions should be going to the Premier (Mr. Doer) or to the Chief Electoral Officer, but if the Premier would allow, I have just one or two questions for the Chief Electoral Officer. The Premier may choose to answer them.

The statutory authority of which you speak, when you are making your recommendations to government, do you include with those recommendations the cost of those recommendations and what it will take to implement those recommendations that you are making?

Mr. Balasko: Thanks for the question. We make our recommendations, as you know, to the Legislative Assembly, and we do give initial consideration to cost, but, of course, we do not ever really control the timetable with which amendments move forward. So we might not have the detailed costing, but we know when things will require more resources. We try to make that known to governments as they proceed with amendments. We do make that known, yes.

Mr. Laurendeau: Under Bills 4 and 17, had you made recommendations of what your extra costs would be for the implementation of those two recommendations?

Mr. Balasko: We have made a submission to the Legislative Assembly Management Commission, which approves our budget annually. We have two sources of funding, statutory funding, which are related to costs that

just must be incurred to get the job done, and we also make recommendations on staffing. Specifically on this, I was asked actually last time before this committee on those bills, will there be an implication for staffing in the office, and I said, yes, there will be an implication. It was not known precisely at that time what it would be, but I can tell you that the staffing request that we have made is for five positions to implement those bills. By and large, it is related directly to those bills, yes.

Mr. Laurendeau: Now, seeing as the Government has accepted your recommendations for Bills 4 and 17, would they not then fall under your statutory authority for you to do such hiring without having to go to any legislative body to request the funds? Would you not have that authority under the statutory authority of your department?

Mr. Balasko: It is our opinion and our legal advice that we have the authority to implement expenses that arise from either The Elections Act or The Elections Finances Act. Having said that, we just think it is a good and an appropriate thing to do to bring these things, Mr. Chairperson, to the Legislative Assembly Management Commission. I think on the level of staff, it is important to recognize that there is a distinction between the benefits and the status of people who are employed in the public service and people who are just on a casual basis. We think that if there is a continuing need for a job to be done, as there is in these cases with these amendments, that people need to be there on a continuing basis. So that is why we bring it to the LAMC for the positions, if not the funding, but of course LAMC will determine that.

Mr. Laurendeau: Mr. Chair, my question is to the Premier. Mr. Premier, considering that you supported Bills 4 and 17 and it was your Government that brought it in and we did oppose it, do you support the funding for these five new positions that are now requested by the Chief Electoral Officer, seeing as it was your bills that are forcing it upon us?

Mr. Doer: The member may want to review the two bills and look at the bill that they voted for. Perhaps he might want to correct the record.

Mr. Laurendeau: Bill 4 we voted against, Mr. Premier.

Mr. Doer: I am glad you have corrected yourself, sir. There are a number of matters arising from legislation that was passed by the previous government, passed by our Government dealing with greater financial clarity and transparency dealing with the Provincial Auditor, a greater amount of access, the public access dealing with the FIPPA, freedom of information, which requires considerable staffing, three of which we dealt with last year from the previous government and of course requested before the legislative management review committee that are being considered by that committee. Ultimately, we believe, notwithstanding different views, that the Treasury Benches will have to justify any financial expenditure in the Legislature. So there is a balance.

Last year, for example, we came forward with three new staff positions to deal with the freedom of information requirements that were passed by a previous government. Obviously, it was lower than the request and higher than what we inherited. There are other provisions that we will be looking at. It is a combination of both acts, one of which was supported by members opposite, and a number of improvements that we believe had to be made in Manitoba. We certainly will be looking at that request. The member opposite is on the legislative management review committee and knows full well the state of affairs of these position requests.

* (10:30)

Mr. Laurendeau: I was not talking specifically about the stated request, Mr. Premier. What I am talking about is basically the statutory authority of the department. I have a concern when we pass legislation we know it is going to have a cost to it and we accept that legislation, but then we are not willing to put forward the dollars that are recommended. I did not support Bill 4 so I do not support putting more money towards any efforts in it, but you and your Government supported Bill 4. You saw to it that this bill passed, and yet I am wondering, will the money

be there for the electoral officer to continue with his job, or will he be roadblocked?

Mr. Doer: He will not be roadblocked, but we are not going to negotiate budgets in the committee.

Mr. Laurendeau: I do not consider it negotiating a budget. Is it a statutory requirement or is it not? He has the statutory authority, according to the act, according to his legal opinion. Does that allow us to block him from using his statutory authority? Why should he be coming to a committee of this House when he has the statutory authority to do so and this Premier has passed legislation requesting that he do things?

Mr. Doer: We have passed legislation that has been recommended to the previous government for years. Getting the Cabinet out of the appointment of the returning officers in constituencies is a recommendation that has been made for years. If we can support the Chief Electoral Officer and perhaps have future elections not soiled by election violations, perhaps it will be an advantage for all the public.

Hon. Steve Ashton (Minister of Highways and Government Services): I am very pleased to be in the committee again this morning, as we were in July, dealing with this large backlog of reports, something that I think is long overdue.

I want to ask some questions that directly follow from some of the aspects we have seen in the last number of years in terms of elections, sort of, if one was to describe it, the lack of ethics that seems to have characterized the Conservative Party's approach in both the '95 and the '99 elections, and particularly to deal with two rather serious incidents that have come to light after the Monnin report.

I think it is important to put in perspective that, I mean, the Monnin report I think showed a root lack of concern for ethics in the '95 election in regard to the specific accusations at the time which have proven to be true in terms of running phoney candidates, really attempting to subvert the political process. What was interesting is that the Monnin report also referred to the cover-ups.

In fact, I note in the report, on page 55 of the annual report from Elections Manitoba, it identifies, summarizes what the Monnin report found, which was that there was a cover-up engineered by senior PC Party officials of that specific incident. I think we are going to be asking today some questions as to whether there was a cover-up on a further matter, in this case the overexpenditure by the Conservative Party in the 1995 election.

Before getting into that, I wanted to ask a follow-up question to the Chief Electoral Officer to questions I asked in July of last year. That relates to incidents in the 1999 election, once again in Interlake, in particular the campaign of—I will use a very blunt word here—defamation that it is increasingly evident that the Conservative Party in that constituency ran against the current Member for Interlake (Mr. Nevakshonoff), the doctored police reports, various indications we have received that people were accessing police files and then doctoring them and then a blatant case of attempting to defame a candidate, showing once again the kind of lack of concern for ethics that we saw in the '95 election, with the win-at-all-costs school.

I want to ask the Chief Electoral Officer, because when I asked back in July, the Chief Electoral Officer indicated that the investigations are to be conducted in private. I indicated that obviously at the point in time that the investigations were completed we would be informed of that. There have been various media reports indicating that the report has either been concluded or is close to being concluded and that there may be charges laid, something that is not, obviously, in keeping with what the Chief Electoral Officer referred to in terms of some privacy in the investigations.

I would like to ask the Chief Electoral Officer if he can indicate if that is in fact the case and when we can anticipate the results of the investigation and what we hope on this side is going to be some serious action taken on some very serious attempts to distort and destroy the electoral process.

Mr. Chairperson: I wish to advise all honourable members that if the subject matter being discussed is not contained in any of the

reports that are before this committee, that will take us beyond the function of the committee. Unanimous consent would be required in order to do so.

Mr. Doer: On the same point of order.

Mr. Chairperson: A point of order being raised?

Point of Order

Mr. Doer: I believe this matter was raised in the July committee, and the Chief Electoral Officer answered the question about the status of the investigation. Given the fact that the Interlake riding is listed in the '99 report and given the fact that the question was asked in the July committee, the follow-up question being asked by the member seems to me to deal with—I mean, here we have a situation where there are all kinds of speculation in the media, Mr. Chair, and we formally cannot ask the status of the investigation. I do not know why it is not in order and why we cannot ask formally what the status of an investigation is from the '99 election, given the fact we are dealing with the provincial general election, the 37th provincial general election in 1999.

Mr. Chairperson: If it is the case that the matter is not in the report, I will have to rule that it will require unanimous consent if we are to proceed.

Mr. Murray: Mr. Chairman, if unanimous consent is required for the Chief Electoral Officer to give a status update, I do not think we are looking for speculation, but if he is looking for unanimous consent to give a status update, I do not think we have any problem.

Mr. Chairperson: Do we have the unanimous consent? [*Agreed*]

Proceed.

* * *

Mr. Ashton: Once again, with unanimous consent I would like to ask the Chief Electoral Officer for the status of the investigation and when, in fact, we will be informed as to the

findings of the investigation and specifically whether charges will be laid in this very serious matter.

Point of Order

Mr. John Loewen (Fort Whyte): Mr. Chair, I believe we gave unanimous consent for the committee to go out of scope so that the electoral officer could advise this committee on the status of the investigation. I think the member is definitely out of order in asking questions of the electoral officer to advise us what is going on with the investigation, when the investigation will be concluded. This all is in the realm of speculation.

The Chief Electoral Officer and his department have a job to do. We have asked him if he can give us some indication of when his report will be concluded, and the committee has agreed unanimously to leave it at that. In fact, it was stated that it was for the unanimous consent for the Chief Electoral Officer to give us a status update, not to get into speculation.

Mr. Ashton: To the same point of order, I am somewhat disappointed in the member opposite's comments because I would assume a status would include information on all the items I had raised. I would like to point out that we are seeing media reports that this investigation is close to being completed and that charges may be laid. I am very concerned that we have this done expeditiously and we get to the bottom of the matter, and I am hoping the Chief Electoral Officer can give some assurance by giving more than just a sort of a general report, that that is in fact going to take place.

I say to the member opposite he may wish to look at some of the context of this, given what has happened with the '95 Monnin report, to understand why we on this side are more than a little bit concerned when it comes to these types of accusations to make sure there is a proper investigation and that that investigation is conducted and reported quickly.

If the member opposite recalls, in '95 the initial investigation did not reveal what the Commission of Inquiry, the Monnin inquiry, did reveal later on. So we want to make sure there is

no stone left unturned on this one. I really think my sense of the unanimous consent of the committee was that committee members presumably as well want to have all the information that is available. If the Conservatives are giving a conditional leave they might want to indicate that. I think, on our side, we want to be able to get a very clear picture from the Chief Electoral Officer what is happening.

Hon. Jon Gerrard (River Heights): On this same point of order, Mr. Chairman, this report deals with the '99 election and those matters which are within the purview of Elections Manitoba around the '99 election. Clearly the matter we are discussing is whether or not it is specifically referred to in this report, a matter which if it is not there should have been.

It is a little bit unexpected that there is absolutely no reference to this matter in this report. I think the Chairman should take an open mind in terms of what is discussed around the '99 election, given that this is the subject of this report.

Mr. Chairperson: Unanimous consent was granted to allow the Chief Electoral Officer to provide an update regarding this issue. There are questions that are coming from the members. We agreed unanimously to do that.

The Member for Fort Whyte therefore will have no point of order.

* * *

Mr. Balasko: I have to tell you, as I did before the committee last time, that investigations are to be conducted in private. That is a law passed by the Legislature of the province. It is not my place to discuss or comment upon investigations that are underway. So this is all I can say on the matter, and I believe that is all I can say before you today.

I mean I do this respectfully, but I believe that I am bound by the provisions of the laws that you have passed.

* (10:40)

Mr. Ashton: Well, I mean, given the very specific impact this has had on the Member for Interlake (Mr. Nevakshonoff), I would certainly defer. I have other questions, but I just want to put on the record, too, I have some concern as a member of this Legislature of the delay in the investigation, and now reports that it is imminent.

I appreciate the Chief Electoral Officer's role, but we want to make sure this report is done properly and done expeditiously to get to the bottom of what happened in the Interlake. I defer to the Member for Interlake. I do have some further questions, Mr. Chairperson.

Mr. Chairperson: The next in line is Ms. Mihychuk, then Mr. Nevakshonoff.

Hon. MaryAnn Mihychuk (Minister of Industry, Trade and Mines): My question to the Chief Electoral Officer is one that relates to the statute of limitations: The '95 election cover-up was a process that was quite excruciating and took an extended length of time. There were delays, refusal to co-operate with your office, and ultimately meant that people who had in fact broken the law got away with it. My concern now is that the '99 election is passing and I am concerned about the statute of limitations and our ability to see justice take its course.

Can the Chief Electoral Officer clarify as to the time lines and assure the committee that we will see justice done?

Mr. Balasko: Thank you very much for the question. The information specifically on the time limitations in the law has been amended, as you know. This is not the law in 1995—[interjection]

An Honourable Member: That is your legislation that was amended. Why did you not know? You passed it.

Point of Order

Mr. Doer: Perhaps the Member for River East would not want to interrupt the Chief Electoral Officer.

Mr. Chairperson: Mr. Balasko has the floor.

Mrs. Mitchelson: Mr. Chairman, the Premier raised a point of order and asked that—I am not sure what his point was, except I just want to indicate that the Member for Minto (Ms. Mihychuk) asked a question on the status of the statute of limitations. Quite frankly, I am quite appalled that a minister of the Crown would not know what legislation her Government passed just in the last session of the Legislature.

Mr. Chairperson: There is no point of order, but may I remind all honourable members that when somebody has the floor, you do not, please, interrupt.

* * *

Mr. Balasko: As we were discussing, the time limit on prosecutions is not later than one year after the date on which the Chief Electoral Officer has reasonable and probable grounds to believe an offence has been committed. What I can tell you is generally in terms of the structure that is applied around investigations, investigations are conducted with a lead investigative counsel, and lead investigative counsel provides advice on matters such as time limitations. There is a general counsel as well. General counsel provides information on time limits. So I am in the position of having at any point, in any investigation, information and opinions from two lawyers, separate bases, as to what are the operative dates. So I can tell you that, and I hope that is helpful.

Mr. Tom Nevakshonoff (Interlake): Mr. Balasko, with all due respect to the integrity of your investigation and the fact that you have not completed this investigation yet, I would like to deal with that issue in particular, when we can expect some results here.

I wonder if you can grasp what it feels like to be an elected official, to have been accused of what can only be described as heinous crimes, trafficking in narcotics, break and enter, et cetera. It has been a very traumatic 16 months for me. I am trying to do the best job I can in the Interlake, but obviously this cloud has been hanging over my head for some time now. Another five or six months will be midterm. I would hate to see this drag on for an extended period of time and be an issue in the next

election campaign. So, on that basis, I wonder if you can give us at least some indication of when we can expect some results coming from your investigation.

Mr. Balasko: Thank you for the question, and I understand the context with which you are asking the question, but I must tell you again that any investigation is to be conducted in private, and I am prohibited by law from discussing that. So I cannot give you some of the answers that you want.

What I can tell you is I think there were some very, very positive amendments as far as the legislation goes that have occurred since 1995 that expand the authority to investigate, that expand the time limitations to investigate, and that we are absolutely committed to dealing with any complaint we get and get to the bottom of things and go from there.

We have a very good investigative group. The lead investigative counsel is Mike Green. Mike Green was a lawyer at the Monnin Commission of Inquiry. Mr. Chair, we employ investigators that are RCMP trained and veterans of the RCMP. We have a forensic accounting group, again including the firm that was the forensic group that assisted the Monnin inquiry. We have a very good process. We have two experienced legal counsel, so we are equipped to do the job. As far as things taking time, it is largely a function of co-operation that we get along the way and information that we are able to collect.

So I cannot give you any specific information in reply to your question, but I can reiterate the changes to the legislation and give you some assurance about the people that are involved and the process that has been followed. I am sure that everybody shares the common goal that the election law is upheld and that people who break the law are brought to account, and I have not heard anyone say anything other to me about that. That is why there is a position, that is why the authority has been given to the position, and that is in part back to the question of statutory funding. Why statutory funding? It is there so we do not have to go back all the time and say: Can we continue

with investigators, can we continue with this matter.

These are all changes post-1995 that have been implemented, and I think that they are all good. The Legislature in its wisdom has vested that in a place, and that place has also been put within the confines, I think appropriately, of conducting this in private and that is what we are doing. I hope that is helpful to provide the context of it, and I regret I cannot provide you any other information specifically, but that is the position I believe I am in.

Mr. Ashton: Mr. Chairperson, I just want to stress again, knowing how difficult this has been for the Member for Interlake, to urge everyone involved in the investigation to complete it as expeditiously as possible and to bring those responsible for this injustice into the justice system. I really would publicly urge that that take place.

I also have some other questions about another incident that has come to light, ironically again since the Monnin report, one I think that once again shows the degree to which people in this province in the Conservative Party have been willing to do anything to manipulate the electoral process. That is in regard to the overexpenditure in the 1995 election, and I think members of the committee will have to forgive some of us if we question the statement of the Leader of the Opposition that it was a simple misunderstanding.

Given the fact that the Monnin inquiry showed—in fact, Gordon McFarlane testified at that time—that the financial records relating to the 1995 election campaign had disappeared. He said that, although they were in his possession, he either inexplicably misplaced or destroyed them. Well, it turned out, Mr. Chairperson, I would like to remind members of the committee, that the financial records were recovered in a warehouse. Somehow, they had not disappeared, and in fact we noted some specific discrepancies in the calculations in the financial statements and referred this to the Chief Electoral Officer at the time of the inquiry.

* (10:50)

Now what is interesting is that in the context of the inquiry, Monnin was very clear. I mean, he referenced specific cover-ups by senior PC Party officials in regard to the running of the three candidates in Dauphin, Interlake and Swan River, and I guess I think it stretches credibility to suggest that it was somehow an honest mistake made by a party that managed to lose all of its records in a warehouse as part of the cover-up during the Monnin inquiry, records that were then found, and then were found to have exceeded the limit by more than \$13,000.

In fact, I want to note as well, and I hope the members of the committee will appreciate why this is once again defying credibility, Deloitte and Touche, the auditors of the 1995 PC election statement, said themselves: It was not possible to determine by auditing procedures the extent of omissions, if any, from the accounting records and therefore our examination of financial transactions was directed solely to the transactions recorded in the party's accounting records. I mean, even though an auditor has questioned the validity of their statements and between the auditor's, I think, flagging this and the deliberate attempt to cover-up by Mr. McFarlane related to the grounds of the Monnin inquiry, I think the obvious questions have to be asked about the degree to which the overspending was, according to the Leader of the Opposition, a misunderstanding when everything else related to the financial statements in that election involved cover-up, deception, dishonesty. You know, the words that I used are understatements relative to what has happened.

I would like to ask the Chief Electoral Officer, because we are in a situation again—I know the Member for Minto (Ms. Mihychuk) talked about the statute of limitations. In essence, we have a situation where it is clear that the Conservative Party overspent the election.

Incidentally, what is also clear when you run through the documents is some of the areas where the overexpenditure took place: Republican consulting firms like RSM Consulting based in Washington, D.C., which is very well known, I am sure to members opposite; Odell, Roper and Simms, Falls Church, Virginia, a Republican firm.

By the way, I have copies of the cheques. We have gone through what has happened. We are not just talking about a few cheques that were accidentally written here to people in Manitoba. We are talking about Republican consulting firms. We are talking about some of the top—by the way, the Republicans of the United States have something of a reputation, ironically, for some dirty tricks, shall we say, over the years.

An Honourable Member: Oh, the Democrats do not?

Mr. Ashton: Well, it is interesting. Members opposite may be a little bit sensitive about this, but we are not talking about money that was sort of accidentally overspent with people in Manitoba. We are talking about money that was spent on Republican consulting firms.

So what I want to ask the Chief Electoral Officer—this is again, I think, referenced in his report, certainly not the specific items, obviously, but the Commission of Inquiry, in fact he references some of the specific legislative changes—is how we deal with this kind of situation. We have the Conservative Party, and I mean this has got to be the ultimate oxymoron, sort of a Conservative Party code of ethics. We see a situation where they have been caught, their fingers in the cookie jar again. It has been demonstrated that they had a whole pattern of cover-up in this particular place. Now, what do we find in terms of the public of Manitoba? The Conservative Party says, oh, it was a mistake.

We find the statute of limitations comes into play. Once again, I mean, this is, what, the third time now, assuming we will find out what is happening with the Interlake, that we are seeing basically this type of a pattern. I do not know what it is going to take. We had hoped that the Conservative Party would learn its lesson, but quite frankly this idea that it was a misunderstanding is beyond credibility.

I want to ask the Chief Electoral Officer how we can develop a system that can bring people responsible for this kind of cover-up, this kind of obstruction of the democratic process, to account, because we are faced in a situation here where we have the statute of limitations on the

one hand and the new Leader of the Conservative Party, who, and I have to take him at his word as a member of the Legislature, says he was not involved in the specific transactions, was part of the campaign. The investigation I think is being conducted by Don Orchard right now internally, which, well, I will not get into that, having sat with Mr. Orchard. He was I think involved in the campaign as well.

How do we get some accountability for this kind of action? By the way, I want to put on the record, this was no misunderstanding. A party that lost all of its electoral records in a warehouse as part of a cover-up is quite capable of trying to cover up what in this case was a clear violation of The Elections Act in overspending.

So I want to ask the Chief Electoral Officer what kinds of recommendations he would make following from what I find an absolutely incredible set of circumstances that once again shows—you know, I really thought the Conservatives would have learned from 1998 and Monnin. I tell you, they did not learn. They have twice since failed the test in terms of electoral ethics. I want to know if they do not learn the lesson internally how we make sure we have a better system that can bring the people responsible for this kind of, I believe, deliberate obstruction of the democratic process and deliberate overspending to justice.

Mr. Balasko: I appreciate the question. It is an important one, and I want to answer it by saying that I think the Legislature has, since that time, taken a great lead in dealing with these matters.

What can be done to have a system that is accountable and where we ensure the people play by the rules? Well, what can be done is that we have legislation that provides the authority for investigations to be conducted fully. What we need is legislation that provides for statutory authority to fund those investigations. What we need is a time limitation that keeps us out of a situation where something can occur and the clock starts ticking right away and if you wait long enough you can get on the other side of it. We need a limitation that begins from when knowledge of an offence has occurred.

I want to say that all those three things the Legislature has taken the lead on that, and in 1999 in amendments put all those things in place. So I believe now, you know, we always learn. Maybe, there are further recommendations we can make down the road, but right now I believe that the legislation is the most important change that has been made to allow us to have a system that is very accountable and that provides the authorities. I really welcome the question because as members look to, well, what else might be done, and I venture beyond a little bit the law here and take this occasion to refer something to you.

One of the recommendations following the Monnin inquiry was that all political parties adopt a code of ethics and thereby help to create and reinforce a climate where people do comply by the law and a climate where people who believe that mistakes have been made have somewhere to go even within the party to report such things and that the environment undergo an important change. Commissioner Monnin said that if that code is not in place independently by the political parties by the end of this year that it ought to be a matter of law.

Let me tell you, reading that, we took the initiative to meet with the political parties and say: Listen, Commissioner Monnin I think quite rightly said that political party codes come from the unique culture and heritage of each political party. They will create them themselves. But, I said, can we offer, sort of broker discussions, and can we all agree on a basic set of ethical values that apply to elections. I have to tell you, I think it is of tremendous credit to the representatives of all the political parties that we met with at a joint meeting of the advisory committee on The Elections Act, the advisory committee on The Elections Finances Act, brought them all together. Can we do it? We all worked very hard on that. To their credit, and to your credit, we have come up with a working document which is a draft code of ethics. That was taken back by the executive directors and the responsible officers of all the political parties to the political parties for consideration and your own internal review for possible adoption. This code of ethics is referred to in our statutory report on page 58.

Now I take the occasion to raise this because, in direct answer to your question, what can be done, well, the law has been changed and that is very, very important. That is the most important thing. Secondly, I do believe that something can be done on a climate of creating a really strong incentive for ethical values, something that I know all the parties will share, all the members will share. We have taken a lead on this. It is out there. You have the document. I really encourage you to look at it, see if you find favour in it. You may want to adopt parts of it. Who knows, the parties may get together and have some consensus that you all agree with a shared code of values.

So my answer to the question is twofold, the legislation, and that has been done, and the code of ethics, and that is before you now. If we can put any momentum behind that, I think that is very, very important with the December 31, 2001 time limit from Commissioner Monnin looming. So thanks to the work of the committee, and it is before you now.

* (11:00)

Mr. Chairperson: The next in line is the First Minister, then Mr. Laurendeau.

Mr. Doer: Again, this is my only opportunity to ask questions to the Chief Electoral Officer because there is a separation of church and state, I guess, if you will. My concern is, and when you read your report that is before this committee today, the '99 report, on page 55, the last sentence: "there was a cover-up engineered by senior PC party officials" and on the top of page 56, "that the PC party comptroller caused a false statement to be filed with Elections Manitoba contrary to Sec. 81 and 83(b) of The Elections Finances Act."

Then if you look at the review you find that on the one hand there was a cover-up and the materials and statements were not available and on the other hand the overspending, contrary to the act, that took place of \$13,600 was not eligible for prosecution because of the time limits. Now it seems to me an act that was criminal, or certainly contrary to the law, illegal act as cited on page 55 and page 56, allows for a time for a separation from the '95 election by a

cover-up, and then the Conservative party is therefore not subject to a prosecution because of time limits.

So, on the one hand, there was illegal activity in terms of the cover-up engineered. There was a breach of the laws in terms of the overexpenditures dealing with the \$13,000, but the one act of the cover-up contributes to a lack of prosecution on the other illegal act. Then I read legal advice about the time limits. It seems to me, if somebody does not follow the laws in terms of disclosure, how then can a time limit let somebody off on breaking another law based on a technicality? When I read both things—and it would be inappropriate to talk to you before this committee because this is the forum we are supposed to use—when I read 55 and I read the letter, two illegal acts contribute to a lack of prosecution.

That to me is counter-intuitive to what the Legislature is trying to do with the public, what we are trying to do with each other, what society really believes, that justice should not only be pursued but be perceived to be pursued, and so the inescapable logic of the two conclusions of breaking the illegal act is if the one act contributed to the other act not being prosecuted.

So, in other words, one prosecution did not proceed because of another situation. If the records were available fully to you properly and legally in '95, '96, then the issue and I guess my question is this issue of the overexpenditure then would be on the public record and therefore subject to the prosecutions pursuant to the act. Would it not, Mr. Balasko?

Mr. Balasko: Genuinely, I would like to be clear on the question, and I apologize for not having perhaps caught all the linkages, but I can tell you that the quotes in the report—

An Honourable Member: It is hard to put it together.

Mr. Balasko: Well, it is certainly my shortcoming, but the quotes in the act, in the report, are all quotes from Commissioner Monnin.

The letter to which you refer was written by me and is based on legal advice that we received. It is well known that from 1995 the time limit on prosecution was absolutely passed, and what can be done again was the question. How do we not allow acts to compound themselves? I think the way we do not allow acts to compound themselves, and the Legislature has done this, they have taken the lead, considering our reports, our reports have been there. This morning we started with reports from 1988.

I applaud the Legislature again that we have gotten up from 1988 to 1995, and Commissioner Monnin concluded that that is an important process. Commissioner Monnin suggested that this committee meet to consider the recommendations of the Chief Electoral Officer on a timely basis so the law can keep step with the things that emerge.

Again, how do we deal with this? Well, the Legislature has the lead and the Legislature has done the proper things I believe, and I think a forum like this to review the recommendations that we made that continue to move forward are very important. Clearly, the time limit on prosecution had elapsed from that point. I hope that answers the question, and I apologize for not having it fully.

Mr. Doer: If the financial information that was later revealed out of the warehouse from the Monnin inquiry was available to you in 1995, (a) there would have been a violation of the law, and (b) it would have been subject to the time limits.

Mr. Balasko: The information we looked at now is information we did have to recover from back in '95 and it was not—but we recovered it. We managed to get the information we needed. We had the benefit also through the Monnin inquiry of the auditor's report. We had the benefit of testimony at the inquiry about expenses. We had the benefit of the records being produced to the inquiry. So, I will tell you, too, rather than saying it is just water under the bridge, prosecutions cannot commence, what should we do? Well, should we say that prosecutions cannot commence? I would say no. We pursued it, and we pursued it with the purpose of having the public statement amended.

and that is what has occurred; the public statement has been amended. Other than Prosecutions amending the public statement which shows an overexpenditure which would absolutely otherwise have been a contravention of the law, had the records been available to us at the time, we brought this to the public forum. The statement is on file in our office for people to look at it. Those conclusions that we draw were conclusions that were accepted, and the return was amended. Within the time limit having elapsed, I think we did what we can do.

Mr. Doer: When seeking the legal advice that you quote in your letter in dealing with time limits, was the legal advice, did it canvass the issue of records that were "covered up," a cover-up engineered by senior PC officials, the issue of time limitations and the covering up of financial records, were those matters both canvassed in the legal advice you received on the issue of time limits?

Mr. Balasko: The legal advice that we have received is that any prosecutions arising out of matters relating to 1995 have expired, and that would include all the kinds of information you are talking about. We were able to recover the records at this point and that is how we made our conclusion.

Mr. Doer: I understand the narrow issue of the time limit, but the linkage back to materials that were not readily available, sometimes if something is maliciously or illegally withheld, the time limits sometimes are affected by legal opinions, so the legal opinion, I asked the question of whether it canvassed both the issue of the records and the issue of the time limits. If both those matters were canvassed, is it possible for members of this committee to get a copy of the legal opinion?

Mr. Balasko: The legal advice we have received relates to all possible contraventions that would have come out of 1995. It is certainly not our practice to table publicly legal advice that we receive. I think that would be not advisable to do so. We receive legal advice on many issues and I think that the independence of the Office of the Chief Electoral Officer and the statutory authorities we have to pursue investigations and to get legal advice and to be the independent

arbitrator of disputes in obviously an intensely political realm that our legal opinions are provided to our benefit by our lawyers and I think it is advisable it remain that way.

Mr. Chairperson: Next in the order is Mr. Laurendeau, then Mr. Ashton, then Mr. Martindale.

Mr. Laurendeau: Mr. Chairperson, in 1995 and '99 our candidates have always been blocked from entering Cross Lake to do any canvassing, as well as our scrutineers were always blocked from entering. Were your elections officials blocked as our candidates were blocked from entering the Cross Lake area?

Mr. Balasko: I cannot recall exactly whether that happened. There are more than 3000 polls throughout the province, but I can tell you that we were able to carry out our responsibilities in those areas. On a related point, I mean, I would note at report stage in the summer, there were very positive amendments made that guarantee the right of candidates and agents to attend at any community in the province.

If you allow me for just a moment, I wonder if I can take the opportunity to bring us back again to the report and the recommendations that you have before you today that arise from Mr. Monnin's suggestion as to process. We make recommendations that I will have the opportunity to discuss with you in this report on a related issue. Now that candidates and agents have a legal authority to go to communities, we think that should extend to our officials. It just makes reasonable sense to us. So enumerators now in the law can do that, but we recommend as well that that be extended to other officials, revising officers, returning officers who organize the election in those areas, and of course the polling officials. So these are, I think, very positive recommendations that we bring to the table that bear on what you are saying.

* (11:10)

Mr. Laurendeau: That was of course under section 15 of your recommendation, I believe, giving the authority that you had requested, but that went a lot further in giving us the ability to campaign without being blocked entering certain

areas. I think it is important that our candidates in the future not be restricted from entering certain areas of this province as they have in the past. I mean, just because Oscar Lathlin wants to win an election, he should not be allowed to put up roadblocks and prevent a candidate from entering his community. Here is a candidate who prevented our member from entering an area that had over 2000 voters. Mr. Chairperson, he had over 2000 registered voters in that community.

Point of Order

Mr. Ashton: The member opposite has made a very serious charge against a member of this House, one which I know to be absolutely false. The member, I think, asked a question that was a legitimate question of public policy, but to then leap into suggesting that the member had any involvement is, I think, inappropriate under our rules.

I realize the member has been rather sensitive about some other question that has taken place in this area, but when he shows the same level of concern about what happened in the Interlake, where direct interference took place by senior Conservative Party members, we might entertain his views on this particular area. He knows that the Member for The Pas (Mr. Lathlin) was not involved with preventing anyone from accessing any community.

He should, I think, take it up with both the Chief Electoral Officer and also with the community itself, because his comments, I think, are very disparaging to the community, the Pimicikamak Cree Nation.

Mr. Laurendeau: If I offended the Member for The Pas, Mr. Lathlin, that is not what I meant to do, Mr. Chairperson. As far as feeling offended by the Interlake, yes, it did bother me, and, yes, it bothered all the members on this side of the House. That is why we want to see this result in the final outcome, which we are sure that the electoral officer will come to in the very near future. We are looking forward to that report, but we are not going to sit here and slander about the past.

Now, can I get on with my question?

An Honourable Member: Is the slandering over?

Mr. Chairperson: Mr. Laurendeau's statement shows that the issue is resolved. There is no point of order.

* * *

Mr. Laurendeau: So now that we have that straightened out, Mr. Chairperson, and seeing as the regulations that we have passed in this House will now permit people to visit all areas of the province, we are looking forward to in the year two-thousand-whatever, their next election, that we will be able to enter these areas and do some polling and do some work and see that we can assist these communities so that when you have only 600 people out of 2500 actually voting, we might be able to get our share of that area, especially when you only lose that poll by 200 votes.

Mr. Balasko, in your annual report, you brought forward a number of other recommendations. Could you bring us up to speed on which ones would be the most important ones that you are bringing up in this report? I do not think we have really had a chance to dissect those, and I would like to hear from you on those areas.

Mr. Balasko: Thank you very much for the opportunity to refer to the recommendations. In The Elections Act, there are a couple of issues about enfranchisement that we think are important. By the way, let me put it in the context that with some 80 recommendations in 1998 and 1999 and the year 2000, I think we have a very good elections act, but there are always things that can be done. I think it is a very good act. Let me also say that in terms of The Elections Finances Act, most of our recommendations have been picked up, and if you were, just in a generic sense, to look at it in terms of its coverage of political activities compared to other provinces, it is certainly also a very comprehensive piece of legislation.

Under The Elections Act, one issue in particular is the six-month residency requirement as it relates to specific groups of voters. I am thinking here of the example we have used and

the complaints that we have heard from peacekeepers, peacekeepers, for example, who are residents of Manitoba who are off serving the nation's business and are stationed for more than six months away from Manitoba. As you know, we have an absentee voting system now, which is great, and we applied it last election and almost 2000 Manitobans voted absentee. So those are 2000 people who would not have been able to vote before. That is great. But you still have to be resident for the six months, and peacekeepers often will lose their residency.

In discussions with the advisory committees as well, we believe that there should be provisions for peacekeepers and perhaps other groups such as students whose term would take them beyond six months studying at an educational institution outside the province and people of that character. There is similar legislation in effect in some other jurisdictions. So that is the first one.

In the same vein, although the numbers are much smaller, we look at it as every vote counts. You will see that in the details of our recommendations where the act is so good now, sometimes we are getting down to situations that there are a couple of voters in a division, but it is important. Everyone must vote. This is more than a couple, but there is a category of caregivers to persons who are homebound. Manitoba has a great tradition of enfranchising people who are limited in their mobility, and we are one of the earlier jurisdictions to deal with that. But for the same reasons that a person with a disability may be homebound and unable to get to an advance poll and unable to get to polling day that they are able to vote by a delivered ballot, so too often are caregivers in a situation of really themselves being homebound. They are providing respite care to someone in their family and unable to leave during advance polls. If that is the case, we think that those people should be certainly entitled to be able to vote.

We think also an issue arising from the political parties as well as our experience is that the act needs to be clarified as it relates to campaigning in some areas. For example, there is a prohibition now on campaigning within 50 metres of the entrance of the polling place. Well, that is not very clear when you start to think

about you know, what is the poll? What is the entrance to the polling place? Is it the front door of the apartment building? Is it okay to canvass and distribute materials on the twentieth floor but not the first floor? These issues come up and they are very real and very demanding issues during the course of an election campaign.

Similarly, in strip malls, no canvassing within 50 metres of the entrance, well, the entrance to the strip mall is down here, but you have a hundred units in it, and I know it is difficult for campaigns when a returning office opens next door or outside the 50 metres but in the same mall. Concerns are raised. People are trying to do the right things, but they do not know what they can do to advertise, because they are in the same building. So we think that some of those clarifications can be made. We think as far as offences go that there are some clarifications that need to be made.

There is a provision in the act that talks about benefits being provided to people. It should be clear that there is a distinction between providing a ride to the poll, which is something all the parties want to do, and that being a benefit and providing a benefit with a corrupt intent. We think it is an important difference.

I am not here really bringing to you legal issues that need to be clarified. We have opinions and we have policies on these things. These are issues that come from the campaigns and from the field, and we hear them all the time. It is in the vein of people trying to do the right things. Campaign workers are trying to do the right things, overwhelmingly. Let us give them a clear law. We think also it is a good idea generally that the election signs and materials be taken down within a certain period after the election from the point of view perhaps of public safety, appearance and to comply with by-laws. The political parties' representatives agree with us on that, and they say within so many days after the polling day there is an obligation to remove the signs.

So those are some of the 20 recommendations on The Elections Act, and those are some that I would highlight for you. I have some on The Elections Finances Act as

well if that is part of the question. I thought it was, but I want to be clear.

Mr. Laurendeau: Were you working on any legislation for the upcoming session that we are looking forward to debating in this session that might be a surprise to us?

Mr. Doer: Mr. Chair, perhaps I mentioned the recommendation dealing with leadership. The recommendations from the report we are reviewing, as would be our responsibility, we will be able to be more forthcoming. Obviously issues like the peacekeepers and other issues we would see moving positive amendments on those proposals.

* (11:20)

Mr. Laurendeau: Seeing as the Premier is looking at those issues, will the Premier also be looking at the funding mechanism for the funding to be flowing from government for elections on the corporate side?

Mr. Doer: Yes, the corporate funding for parties has been eliminated. There is a committee under the act with all-party representation to work with the Chief Electoral Officer on that issue and report back.

Mr. Ashton: I have some further questions and I want to go back to an issue that the Chief Electoral Officer raised in the context of the whole issue of the overexpenditure by the Conservative Party in 1995. I know he referenced the code of ethics, and I have been looking at the draft Tory code of ethics again. I mean, an oxymoron if there ever was one.

Members should be faithful to the letter and spirit of the code to the laws of Canada and Manitoba. Members shall use care to avoid disseminating false information and shall not knowingly do so.

What strikes me is, if there is ever an indication of how little faith one can put in a document like that, it is the circumstances we are seeing here. I think there is clear evidence of cover-up in the '95 election. You know, a whole warehouse of missing election receipts, later discovered through the Monnin inquiry, the

provincial Conservative Party's auditors saying that they could not verify the statements. I mean, there is clear presumption, I think, that if they are going to cover up the entire election receipts in the '95 election they may also have had some intent in this particular case to cover up the overexpenditure. What really concerns me is—and this is where relying on a code of ethics in this particular case of the Conservative Party is, I think, questionable.

I am looking at the statements by the Leader of the Opposition (Mr. Murray). I will not repeat everything he said. I am not sure if it is quite parliamentary or not, but he said: I am not involved; I do not know anything about that; I am telling you, I am going to be calling the people who were around at that time to find out.

What he did, he talked to the chief financial officer apparently and said there was a misunderstanding that clearly led to a mistake. That was the same process that was followed after the '95 election. I can quote chapter and verse. Gary Filmon: I spoke to the people who are responsible for our campaign organization. They had absolutely no knowledge of the affair—this is in 1998, he stated it about the vote-rigging—I am satisfied from my investigations that our party was not involved. In fact, at the Monnin inquiry, and this must run in Conservative leaders here I think, Filmon actually admitted he had phoned one person, Taras Sokolyk. Who can forget Taras Sokolyk? That was the extent of his investigation, and yet he still proceeded, and I remember that very well in the Legislature. He said: It did not happen. Just because members opposite want to make those allegations does not make them true.

So we had a former leader of the Conservative Party that followed a process of phoning one person, in this case the person who was involved, and the current leader of the Conservative Party—I do not know if they have handbooks on leadership that they hand on to new leaders—doing the same thing. And I am wondering how we can have any faith in a code of ethics in a party that has—I mean, they are serial breachers of ethics. I do not know if that is a proper term here, but they did it in '95 with the Monnin inquiry, you know, in the Interlake. We

are still seeing this with the '99 defamation that took place in the Interlake against a candidate.

But I am just wondering to the Chief Electoral Officer, and I also have some specific questions about some of the items that were raised in his investigation, how we can put much faith into a system whereby the people that have been responsible for the breach of ethics not just on the one issue but here time and time again are then going to be again in the position of investigating, in this case making one phone call—this is the new Leader of the Opposition—and then saying: Oh, well, it was a misunderstanding; there was a mistake.

How can we have any faith in that sort of process and how can we restore some faith, because quite frankly when we have a situation like we have here, where once again, the Conservative Party, not only breached any sense of ethics, to my mind they broke the law. The reason they were not charged is because they were able to cover it up long enough that the statute of limitations came into place. I am wondering if the Chief Electoral Officer can recommend some better way than the voluntary aspects of the code of ethics because, quite frankly, this does not do our democratic system any good when you have this kind of thing happening time and time again.

It was very easy for us, you know, the Americans with their situation in Florida and pointing to the integrity of their electoral processes. Quite frankly, our process here is much better than their process, but you know maybe it has something to do with those Republican consultants the Conservatives brought in. You know, they seem to pop their heads up in Florida as well. In the end, the irony is the overexpenditure went to, in some cases here, the Republican consultants who have a reputation for a distinct lack of ethics on their part. So you have an unethical overexpenditure leading to payments to consultants on elections. So I ask the Chief Electoral Officer if he can give some recommendations that can put some teeth in this code of ethics.

Mr. Balasko: I wish that I had brought with me this morning a copy of the code of ethics. I would be very pleased to distribute that to all

members of the committee. Let me just put the caveat on it that it is a working document. It is something that has been developed together with the representatives of all the registered political parties, in addition those not represented at this table, all the parties, and there was consensus on it as a working document. So in that context I am happy to provide it. I do think that a code of ethics is a good thing. I do think that helps to create the climate that is right for compliance.

What else can be done specifically in terms of legislation? Again, we will continue to learn and may have more recommendations in the future, but right now I can point to a couple of other things that you have done and, since the amendments in 1999, have really created the legislative framework that will ensure people comply. For example, on the matter of records, we did not have and now we do have the authority to go and conduct inspection audits, compliance audits. This is even before an investigation. This would be a situation where we just want to look at the record keeping. We can go in and take a look at that, if we have any reason to believe—if it is difficult getting records, for example, and we say, well, are the records there? Well, we can show up and we can request to receive those documents, to look at those documents.

If that is not sufficient, again, I think you have done a very proper thing by taking it to the next step and said that we can apply for a warrant. That is another authority that is there going forward from 1998 but was not there before. So if we really believe that there is difficulty involved then we can apply for a warrant. You have done something else which is provide the authority that people are compelled to provide information, if we have reason to believe they have information on any matter under an investigation. So, on many, many levels, I think what you have done, and deserve credit for, the Legislature has moved it forward. You have now put in place the authorities that are necessary to get the job done.

So to create a climate, well, let me also tell you what we are doing. In this election, we have introduced a system of risk-based compliance. So the returns that are filed in this election go through with the new authorities a different

process than they did before. The external audit is very, very important, the audit that the candidate gets, but when it arrives in our office we look at it and we look at it very, very carefully. We have issued new guidelines for auditors that we did not have before to help them comply. We issued new guidelines to official agents to help them to comply. We had seminars on the law before the election, which is the first time that we have done that and that has been helpful. Again, all these things the political party advisory committee as well talked about.

So what can be done to create the proper climate? It is the law, the code of ethics, and also there are actions we can take, such as I am outlining for you now. We believe that a major focus going forward for our office is to provide as much education and support as we can to the volunteers of the political parties in the field to best equip them to deal with the laws. The laws are extremely important. They are something that we take very seriously and are recognized at the same time. They are very comprehensive, and they are very complex, on the campaign finance side in particular.

* (11:30)

As we look at that, we are saying, okay, what is the impact on the constituency association? What is the impact on the volunteer campaign workers? We do not want to do anything that will drive the volunteers from the process. One of our amendments last time around was to take volunteerism out as an election expense, and that has been a good thing to bring people in. So we are trying to bring people into the process. Again, this will boil down to our ability to deliver it. I will pick up on an earlier point that the resources we are looking for now are directed to being able to make sure the people in the field are really, really well equipped to be able to meet their obligations. If you have ideas of what we can do further, we always canvass them from the political parties, and we would welcome them.

Just to conclude, if I could just give you a couple of concrete examples of what we have done even in the by-elections since the general election. We held information sessions where for the first time we had a separate information

seminar for the auditors because they have a different role to play. They are arm's length from the campaign. So we had a separate session for them with our auditors saying this is what we will be looking for; these are the kinds of things that you should have in mind. We included for the first time campaign managers, because in The Elections Finances Act, The Elections Act, you will not see a reference to campaign managers but they are very important. As we have discovered they are very important in the campaign. We have invited these people to attend the seminars and many took us up on that.

We provided accounting software that can be used by the campaigns to keep track of their income and expenses throughout, to produce easy reports, to help them stay on top of where the records are. We provided the filing return, 922, on a disc, and on that disc that we gave to the campaigns it will do all the automatic checks for addition. It will catch, we estimate, 90 percent of the kind of things we have to go back on because they do not add, or if you have something on line 5 you must have something on line 9, and they will prompt these kinds of questions, so a lot of diagnostics.

We made a payment up front to auditors to allow them to come in at the beginning of the campaign to help establish the records, make sure there is good record keeping coming out the other end.

So all these things have one purpose in mind. The purpose we have in mind is that overwhelmingly people are trying to comply with the law. When the returns come into our office we want to have the greatest assurance possible that those returns are in order.

So what can we do to avoid situations where people break the law? I think the Legislature has done a tremendous amount as far as the law goes. I think that the code of ethics is something that is important. I will provide you copies. As I say, it is a working document but I hope that you give it consideration and improve upon it. I think the other thing is the way that we can support the campaigns in the field and help them to comply with the law. If all that fails and we get into an investigation, we have the authority and we have the system in place to deal with that.

Mr. Ashton: I appreciate the effort that is going in, but of course once again the system is only as good as the people who are involved in the system. I do not mean the electoral office here. I mean people running campaigns and filing the statements. If, as we saw in 1995, there was a deliberate cover-up engineered by the senior officials in the Conservative Party, the system just collapses.

In a way that is sort of the dilemma with our democratic system. So much of it is based, not on laws and prosecutions, but the development of parliamentary democracy and a certain ethical sense of politics that we have had for many years. It is the root of our democracy. I mean, you do not try to win at all costs in a parliamentary system. You respect the verdict of the people. I have been on both sides. It is tougher sometimes when you are on the losing side but the people are always right. When you get to what we are dealing with here it really concerns me.

I guess what particularly concerns me is—I want to ask a question afterwards because I want to find out if anything has happened on this. You know the other thing that is really tough in politics is to accept responsibility. What I notice of the Leader of the Opposition (Mr. Murray) in this case, he was upset—I will not use the exact words—said he was not involved, conducted the same kind of limited investigation that Gary Filmon did.

The violation of the elections law in 1995 cost the taxpayers of Manitoba money. It was not just the question of the Conservatives spending more money than they were supposed to. It cost taxpayers for the investigation. Let us not forget these investigations, whether they be in Interlake or the Monnin inquiry, have cost taxpayers a lot of money. When it came to the Leader of the Opposition, clearly his party having ducked this one because of the statute of limitations, he basically said, well, it was a misunderstanding, it was a mistake and that is the end of it.

I am wondering, and I want to ask the Chief Electoral Officer since I believe the fine—the Chief Electoral Officer can correct me if I am wrong—would be \$20,000. Given the fact that the

code of ethics basically that he is talking about, which is an interesting concept, the draft would certainly, if people were to follow it, prevent against some of the abuses that have taken place, but I am wondering if the Conservative Party said: Well, there was a technicality. We messed up here; whether they offered to pay the equivalent of the \$20,000 fine. *[interjection]* Well, someone is mentioning the current leader of the opposition federally, the ideological cousin of members opposite, who is facing some pressures for voluntary payment of a matter. I do not want to get sidetracked. Here you have a case where the taxpayers of Manitoba have had to foot the bill for investigation after investigation after investigation of Conservative attempts to disrupt elections in this province.

I am wondering, to the Chief Electoral Officer, if the Leader of the Opposition, on behalf of the Conservative Party of Manitoba, has offered to pay the \$20,000 fine, notwithstanding the fact that they were able to get off on the technicality of the statute of limitations.

Mr. Balasko: No. We have had no discussions on that.

Mr. Ashton: Mr. Chairperson, I know members opposite take some offence to questions, but quite frankly I think the appropriate gesture—as I said, the toughest thing you can do in life is to say a mistake was made and try and take some action to rectify it. It is very easy to say, well, a mistake was made. I did not really check into the details. It was a minor clerical misunderstanding. I do not believe that is the case. When you have had a party that has deliberately distorted the electoral process, including losing an entire warehouse, according to their words, full of electoral records, I tell you, where there is smoke there is fire in this particular case. I think it is very obvious that when you have another example of them violating the electoral laws that indeed there should be some accepting of responsibility, because until the responsibility is accepted, mistakes are made, until that happens, what is to stop it happening again?

The lesson out of this can be twofold. The lesson out of this can be, No. 1, you have had unethical breaches, and that should not happen

again, but, you know, I look at maybe the Republican consultants they hired to give them this advice, they probably sit back and say, well, you know, if you get caught, make sure you do not get charged, okay, and then just pretend you do not know. Do not do any investigation. Phone one person and leave it at that and hope that it goes away. That nearly happened in the Monnin inquiry, and if it had not been for the persistence of some of the principals involved, one of the individuals who was one of the candidates, and the persistence of people in the Interlake and the persistence of the then-opposition, you know what, we still would not know what would have happened in the Monnin inquiry.

I know members opposite are frustrated when we ask these questions, particularly members opposite who did not sit here when we had to day after day get the members opposite to acknowledge what had happened. I tell you, after what we went through leading up to the Monnin inquiry, there is a great deal of disbelief on this side when we now see a new Leader of the Opposition taking out the manual and saying, well, I conducted a thorough investigation. I talked to one person.

I also want to ask in terms of calculating the limit, because I noticed it was \$13,000. This may sound like a minor point here, but since some of this money was paid to the United States, are we calculating the exchange difference in this? Is the Chief Electoral Officer assured that the records that were there, remembering this was the entire warehouse of lost records, that in fact the records that the Chief Electoral Officer was able to obtain through this process were the accurate records? Can he say with surety that there were not other records over and above the overexpenditure that perhaps were not in that warehouse?

Mr. Balasko: The review, the investigation that we undertook was completed by forensic auditors, the same forensic auditors that were engaged for the Monnin inquiry, the same forensic auditors that are doing the compliance review of all the returns that are filed with our office. I have a very, very high degree of respect and assurance, and they have informed me that they have been able to look at all records necessary in this regard.

If I just may on the compliance side, it is very important this time around as all the returns are filed and we go through a very detailed process with the new authorities that we have authorities in compliance as well as enforcement. We normally talk about enforcement, but, again, what we would like to do, and co-operatively with you, is front-end this, you know, get compliance in the first place. Most people want to follow the law. Let us see what we can do to help those people. As we review the returns, I think everyone, all members and parties should feel positive to the extent that all the returns are reviewed equally. All the returns are reviewed by the auditors, and the auditors have a great deal of certainly credibility professionally and as well with their background in the Monnin enquiry. They understand the context within which we work, that if people play by the rules they can expect that the others are playing by the rules in terms spending of money on election campaigns, and we are trying to achieve that.

I will tell you that it is not always this smooth as we are trying to collect records from across the board when people say, well, why do we have to give you this? Well, because I think the important thing in the climate of Manitoba is to have that bar high and to have people have assurance of the financial records. That is what we are doing. We appreciate the co-operation of all the parties in trying to do that, and the candidates' campaigns.

* (11:40)

Mr. Ashton: There is a lot more that could be said in terms of what happened. I think the important point again is this is not a mistake. I think anybody looking at the circumstances here recognizes there was clear, proven, documented intent to falsify records, to lose records. It was a clear obstruction of the electoral process. I will use that word because there are other words that could be used, but I think that is probably an appropriate term.

In that context it defies belief for anyone to say that involving the same election—let us remember, this is the 1995 election, the same election that the entire warehouse worth of documents was lost and the auditor the

Conservatives had that did their books basically in auditing language said they could not verify the books. That is what they said. They only knew what they had been given. Given that, I think a lot of Manitobans will feel quite frustrated that the Conservative Party was able to avoid accountability for this.

Point of Order

Mr. Laurendeau: Mr. Chairperson, I wonder if the member might table this recommendation or the letter from the auditor that he has that he keeps stating from. The format in which it is printed is a regular format that auditors always use, and that is exact language that is used in each and every one of these reports. It is in a reporting mechanism when the audit is done, and that is the way the statement is written.

For him to be referring in a negative way to this statement, he had better look at a whole number of auditors' reports, and he will see that they are all written with that same language. I would only wish that he would take that opportunity to reflect upon what he is saying.

Mr. Ashton: Mr. Chairperson, I would be glad to get into a discussion of the facts of the case. Just to remind the member opposite, Gordon McFarlane said that the entire records for the 1995 election campaign had disappeared.

I remember when Richard Nixon had minutes on tapes missing. We had an entire warehouse of elections documents that were missing. In fact, he said although they were in his possession, he either inexplicably misplaced or destroyed them, an entire warehouse. So I say to the member opposite, he can pick all he wants in terms of the terminology that was there, but it is documented in the Monnin report that the Conservative Party tried to cover up the exact extent of a number of its activities by covering up the entire bulk of their election records in the 1995 election.

I appreciate the member raising this, because in fact I would love to debate the facts of the case. I obviously think the members opposite still do not get the gravity of what they did in 1995.

Mr. Chairperson: There is no point of order because the letter referred to is not a private letter. Mr. Ashton, do you want to table the letter?

Mr. Ashton: It is public information.

Mr. Chairperson: If it is already public, how do you ask to table it? There is no point of order. Mr. Ashton can continue with questions.

* * *

Mr. Ashton: I find it ironic that members opposite are talking about getting into the gutter. What we are trying to do in this particular case is get the Conservative Party and, I think, politics in Manitoba back to where I believe it was by and large before the 1995 election. This has been an embarrassment to the province of Manitoba, quite frankly. If you look at the Monnin enquiry, you look at the vote-rigging. We were right in there with some jurisdictions that have really terrible records in terms of democracy. So that is what we are trying to do. What I have been trying to do through the questions is to find out the degree to which the Conservative Party is going to be held accountable, not just for the Monnin enquiry, but for the violation of the—

Mr. Chairperson: Point of order being raised.

Point of Order

Mr. Laurendeau: Mr. Chair, the member keeps referring to what the Conservative Party is going to do. We, as a Conservative government, instituted the changes that the electoral officer was speaking to today. Those changes came about because of the Monnin inquiry.

The Premier today and this member supported those changes. Those were positive changes to make sure those mistakes of the past did not occur again.

So that is what we did as a government. I think that showed that we were ready to see the changes happen. It looks like we are ready for the future. We are not going to the past such as the NDP is today.

Mr. Chairperson: Disputes over the facts, over differences of opinion are not points of order. There is no point of order.

* * *

Mr. Ashton: I would like to indicate to members opposite that this came to light very recently, and in fact the comments I have referred to earlier, the response from the Conservative Party, was December 7, 2000. Once again it gets to the fact that if we are going to clean up the electoral process in this province. I asked some specific questions to the electoral officer. We obviously have to look at that side, but quite frankly what it is going to take is more than just a legislative framework, because I think, as the Chief Electoral Officer has pointed out, you can go through all sorts of steps, but you run into, as we did in '95, people who were deliberately involved in a cover-up of financial records. In this particular case we also find—and once again we want to get to the bottom of it, the degree to which it was deliberate or not, this overexpenditure.

I believe the facts lead very clearly to the conclusion that a party that would lose an entire warehouse of records would also not stop at overexpenditures. This has come to light very recently, and I think it is very important for financial matters like this to be discussed, electoral matters. Part of the reason is because, quite frankly, I do not know what more it is going to take. These two events we talked about at this committee this morning, the Interlake and what happened in '95, these have come to light since the Monnin inquiry. I mean, if ever anything was going to be a wakeup call to people in Manitoba, specifically the Conservative Party, you would have thought it was the Monnin inquiry.

I can go into chapter and verse about never having seen so many liars. I mean, I can go chapter and verse about the degree to which the Monnin inquiry, Justice Monnin identified the systemic way in which senior people, not only in the Conservative Party but in the previous government, went to cover up and distort the democratic process. So what I am hoping is, once again I do not know how many more scandals members opposite have to have in

terms of elections before we are going to clean up the Manitoba electoral process.

I want to just finish on that note. I do have some further questions, and other members may have questions on these issues involving, for example, some of the policies of the elections office in regard to advance polls. I know I have had concerns expressed to me. A poll was cancelled in Sagkeeng because apparently there were concerns about the voters list, but I was contacted by people who were concerned that people were disenfranchised as a result and questioned why the poll did not continue and in fact did not allow people to prove or disprove their identity. If there were problems with the voters list it should not have been at the expense of the people in that community.

I have other questions involving the election, but I just want to put on the record again that we have got to send a clear message that this kind of behaviour is unacceptable. We have got to get back to the basic principle of parliamentary democracy, which is, winning at all costs is not what it is all about, that a fair process that respects the rule of law and has some basis in principle and ethics, I think that is a message we have to send. If the Monnin inquiry did not do it, we are going to have to keep raising these kinds of issues again and again until we get accountability and we get a change in behaviour and attitude.

* (11:50)

Mr. Martindale: I recently attended a round table on ethics, so this topic is of interest to me. We learned some really interesting things. For example, the private sector is taking a real lead in the matter of ethics these days, and hopefully there will be some publicity about that.

Just following up on the questions from the Member for Thompson, it is our understanding that there are internal investigations of party matters, one of those that is being investigated, I understand, in the Conservative Party by Mr. Don Orchard, who was involved in the 1995 election campaign. It seems to me that that is kind of putting the fox in charge of the chicken coop, to have somebody who was involved in a campaign that resulted in a good deal of grief for

their party to be in charge of internal investigations.

Now I guess it is up to each party who they assign to do these things, but perhaps it would be better for somebody who was not part of a previous process to be currently involved.

I am wondering if the Chief Electoral Officer has any advice on who should be assigned and whether it is in his jurisdiction to make a recommendation, because we are talking about ethics. So I think it is in the Chief Electoral Officer's purview to make recommendations about who should be involved in internal investigations. I think that is an ethical consideration, an ethical choice.

Mr. Balasko: That is not a matter within our jurisdiction.

Mr. Martindale: Mr. Chairperson, I notice in the draft of ethics by the Conservative Party the expression: Where there is evidence of a breach of law, the ethics panel shall refer evidence to appropriate authorities.

It seems to me that that is pretty vague. Now I guess it is a draft, but the Chief Electoral Officer may have concerns about the final language. It seems to me that somebody could say, well, there was no evidence, so therefore no investigation was done. Maybe it should be where there are allegations of inappropriateness or where there are concerns about potential violations of the law that there should be an investigation. Why would a party want to wait until there was proof? It seems to me that at the first hint or the first sniff of a problem a party should immediately not only conduct their own investigation but alert Elections Manitoba.

I am wondering if the Chief Electoral Officer would like to see the language tightened up before the deadline and what recommendations he may have on the draft code of ethics.

Mr. Balasko: Thank you for the question. I share the view that codes of ethics are very important in the electoral process. I have undertaken—I do not have a copy with me today—but I have undertaken to get to you the working document that all the parties have agreed to. I would suggest that maybe that is a good place to start, look at some of the wording involved there. It seemed at least at a working level there was agreement among all the political parties on an outline at least for a code of ethics.

Again, I just want to say to all the members and to the political parties I think this is just a tremendous accomplishment to come up with a core, shared group of values in the political process. I am not aware of that existing in any other jurisdiction. I could be corrected, but I do not believe it does exist anywhere else. We did look at private sector and other public groups in coming up with the code, but I suggest that is probably the best place to start. We have taken the lead to do this, and so we will provide it to you.

Mr. Chairperson: As agreed upon previously, when twelve o'clock strikes we will reconsider what to do. What is the will of the committee?

Mr. Martindale: Committee rise.

Mr. Chairperson: Is that agreed to? *[Agreed]*

Committee rise.

COMMITTEE ROSE AT: 11:56 a.m.