

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

*Chairperson*  
*Mr. Daryl Reid*  
*Constituency of Transcona*

**Vol. LX No. 3 - 4 p.m., Tuesday, May 27, 2008**

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

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
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ALTEMEYER, Rob	Wolseley	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
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LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
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McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MELNICK, Christine, Hon.	Riel	N.D.P.
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**LEGISLATIVE ASSEMBLY OF MANITOBA  
THE STANDING COMMITTEE ON JUSTICE**

**Tuesday, May 27, 2008**

**TIME – 4 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Mr. Daryl Reid (Transcona)**

**VICE-CHAIRPERSON – Ms. Marilyn Brick (St. Norbert)**

**ATTENDANCE – 11 QUORUM – 6**

*Members of the Committee present:*

Hon. Mr. Chomiak, Hon. Ms. Irvin-Ross

Mr. Borotsik, Ms. Brick, Messrs. Goertzen, Graydon, Martindale, McFadyen, Reid, Saran, Ms. Selby

*Substitutions:*

Hon. Mr. Bjornson for Hon. Ms. Irvin-Ross at 4:15 p.m.

Ms. Korzeniowski for Mr. Martindale at 4:15 p.m.

Mrs. Driedger for Mr. Graydon at 4:15 p.m.

Mr. Martindale for Ms. Korzeniowski at 6:58 p.m.

**APPEARING:**

Mr. David Faurshou, MLA for Portage la Prairie

Mr. Kevin Lamoureux, MLA for Inkster

Hon. Gary Doer, MLA for Concordia

Mrs. Bonnie Mitchelson, MLA for River East

**WITNESSES:**

Bill 39–The Court of Appeal Amendment Act

Ms. Ruth Adams, Private Citizen

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

Ms. Ruth Adams, Private Citizen

Bill 37–The Lobbyists Registration Act and Amendments to The Elections Act, The Elections Finances Act, The Legislative Assembly Act and The Legislative Assembly Management Commission Act

Ms. Loris Barsanti, Private Citizen

Mr. Brian Paterson, Private Citizen

Mr. Ray Sitter, Private Citizen

Mr. Jack Penner, Private Citizen

Mr. Trevor Gates, Private Citizen

Mr. Colin Craig, Canadian Taxpayers Federation

Mr. Michael Law, Manitoba Bar Association

Mr. John Doyle, Manitoba Federation of Labour

Mr. Jim Carr, Business Council of Manitoba

Mr. Sidney Green, Private Citizen

Ms. Jacqueline Stalker, Private Citizen

Mr. Mike Skafffeld, Private Citizen

Mr. Nick Ternette, Private Citizen

Mr. Chuck Davidson, Winnipeg Chamber of Commerce

**WRITTEN SUBMISSIONS:**

Bill 37–The Lobbyists Registration Act and Amendments to The Elections Act, The Elections Finances Act, The Legislative Assembly Act and The Legislative Assembly Management Commission Act

Ms. Deanne Dolff

Ms. Louise Mydinsky

Mr. Mark Cohoe

**MATTERS UNDER CONSIDERATION:**

Bill 14–The Criminal Property Forfeiture Amendment Act

Bill 26–The Legal Profession Amendment Act

Bill 35–The Statutes Correction and Minor Amendments Act, 2008

Bill 37–The Lobbyists Registration Act and Amendments to The Elections Act, The Elections Finances Act, The Legislative Assembly Act and The Legislative Assembly Management Commission Act

Bill 39–The Court of Appeal Amendment Act

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

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**Mr. Chairperson:** Good afternoon. Will the Standing Committee on Justice please come to order.

As was agreed in the House on May 22, this committee will sit this evening until 10 p.m. Also, as was announced yesterday in this House, this committee will meet again in this room tomorrow to consider these bills starting at 6 p.m. and ending at midnight. As well, it was just announced earlier in the House today that the committee will also meet on Thursday evening from 6 p.m. until midnight.

This meeting has been called to consider the following bills: Bill 14, The Criminal Property Forfeiture Amendment Act; Bill 26, The Legal Profession Amendment Act; Bill 35, The Statutes Correction and Minor Amendments Act, 2008; Bill 37, The Lobbyists Registration Act and Amendments to The Elections Act, The Elections Finances Act, The Legislative Assembly Act, and The Legislative Assembly Management Commission Act; Bill 39, The Court of Appeal Amendment Act; Bill 40, The Drivers and Vehicles Amendment, Highway Traffic Amendment, and Manitoba Public Insurance Corporation Amendment Act.

We have a number of presenters registered to speak this evening listed on the sheets that I believe each member of the committee has before them, and they were also posted on the notice board at the entrance to this room. Before we proceed with presentations, I will ask for the indulgence and patience of committee members as we do have a number of small items and points of information to consider.

First of all, if there is anyone else in the audience here this evening who would like to make a presentation, please register with the staff at the back of our room, the entrance to this committee room. Also, for the information of all presenters, while written versions of presentations are not required, if you are going to accompany your presentation with written materials, we ask that you provide 20 copies. If you need assistance with photocopying, please see the officer at the back of the committee room and we'll assist you with photocopying.

As well, I would like to inform presenters that, in accordance with the rules, a time limit of 10 minutes has been allotted for presentations, with another five minutes allowed for questions from committee members. Also, in accordance with our rules, if a presenter is not in attendance when their name is called, they will be dropped to the bottom of the list. Further, if the presenter is not in attendance when their name is called a second time, their name will be removed from the list of presenters.

Written submissions on Bill 37 from the following have been received and distributed to committee members: Deanna Dolff and Louise Mydynski. Does the committee agree to have these documents appear in the transcript of this committee proceedings? *[Agreed]* Thank you.

It has been previously agreed by this committee that we will hear out-of-town presenters first, and they are marked with an asterisk on the list.

I would like to thank you for your patience just prior to proceeding with the public presentations, and I would like to advise members of the public regarding the process for speaking in this committee. The proceedings of our committee are recorded by the *Hansard* folks sitting behind me here to provide a verbatim transcript. Each time someone speaks, the Chair must first recognize that individual, whether it be a presenter from the public or an MLA at the committee table. This is a signal for *Hansard* folks to turn the microphones on and off.

Thank you for your patience and we'll now proceed, but perhaps one other order of business. If I might suggest, Mr. Goertzen, before I get to you, with respect to two additional names that have been added to the list of bills before us: Bill 39, Ruth Adams, private citizen, has been added to that list and wishes to make a presentation. That's The Court of Appeal Amendment Act. In addition to the name that had been called previously, Destiny Watt, private citizen, and Ruth Adams's name as a private citizen has also been added to the list of those two bills. What's the will of committee?

**Some Honourable Members:** Hear them.

**Mr. Chairperson:** To hear those presentations first in numerical sequence.

**Mr. Kelvin Goertzen (Steinbach):** A point of clarification, Mr. Chairperson, and I'm not sure if this is the proper forum to raise it. I'll take your direction, but I've been advised in relation to Bill 37 and the registration of speakers, my understanding is that our rules allow that individual members of the public who we've been advised from members of the committee that we want to hear from have up until the third night of the committee till midnight to register. That's what the rules indicate.

\* (16:10)

However, information came to me indicating that in fact the registration for the public to speak to Bill 37 will be cut off at 5 o'clock tomorrow because

that's, understandably, when the normal hours of the Clerk's office would close, but those two things seem to be in contradiction. I don't think this is any reflection, obviously, on the Clerk's office. That's just what their normal course of hours are posted, but I think we could, whether it's leave of this committee or some other way, perhaps the House leaders can discuss this, to ensure that those who register by answering machine perhaps by midnight tomorrow would be able to speak to Bill 37.

That just ensures that our rules aren't broken, first of all, and it doesn't have to be raised in another fashion then. But, also, the members of the public who we've heard from, the Premier (Mr. Doer) is eager to hear from, can be assured that the rules that have been set out will be adhered to again.

I want to just be clear that this is not a reflection on the Clerk's office. This is, I think, just a natural by-product of sometimes rules are in place but you don't foresee all the contingencies, and so, just with that in mind, if we can just have an agreement that Bill 37 presenters can present until midnight tomorrow, either by the answering machine at the Clerk's office or some other fashion.

**Hon. Dave Chomiak (Minister of Justice and Attorney General):** Yes, I agree with the member. In changing the times from 4 to 10 we had envisioned we might have some trouble with the midnight rule and so we're totally agreeable with that. It had always been understood that the read normal rules would apply, the movement from 4 to 6—we had had discussions where we thought to be of a more convenient function, but, of course, we'd agree to that.

**Mr. Chairperson:** Sounds like there's agreement—Mr. Goertzen?

**Mr. Goertzen:** I just want to make sure what we're agreeing to. So we're agreeing that members will be able to register until midnight tomorrow, either by voice mail or by answering machine or if there's another fashion then we can have that discussed, but midnight will be the cut-off. Thank you.

**Mr. Chairperson:** My understanding is that the individuals, should they call the Clerk's office and wish to register, there is a voice recording in there with a time stamp associated with that and the names will be accepted. In addition, if members of the public wish to come to this committee and register, they may do so as well.

**Mr. Rick Borotsik (Brandon West):** One thing, if I can, Mr. Chairman. I do know that sometimes the voice mail at the Clerk's department does get full. I don't anticipate that that's going to happen at this late juncture in the bill, but if it does get full, could they register by e-mail?

**Mr. Chairperson:** Yes, that's correct. My understanding is that an individual may register by e-mail and/or the voice mail. Further understanding of the e-mail portion of it, if an individual sends an e-mail they will be contacted by the Clerk's office to confirm what their wish is with respect to presentations, and then their name will be added to the list at that point, in addition to the voice mail messages with the dates down, time stamp associated with that.

I think that concludes that portion of the business. We'll now proceed—oh, yes, we have committee substitutions.

#### Committee Substitutions

**Mr. Chairperson:** For the information of the committee members, Mr. Bjornson is substituting for Ms. Irvin-Ross and Ms. Korzeniowski is substituting for Mr. Martindale.

**Mr. Borotsik:** Mr. Chairman, it's been indicated to me that Mrs. Driedger will be replacing Mr. Graydon. Is there a form? Thank you.

#### Bill 39—The Court of Appeal Amendment Act

**Mr. Chairperson:** Okay, you folks are ready, we'll proceed with the public presentations on Bill 39, The Court of Appeal Amendment Act, and the first presenter we have registered is Ruth Adams, private citizen. If Ruth Adams is in the audience, would you please come forward.

Good evening, Ms. Adams, welcome. You have a written presentation? If you would please hand it to the good folks here working with us. Just give us a moment, Ms. Adams, and we'll proceed when they've distributed copies of your presentation.

You may proceed when you're ready, Ms. Adams.

**Ms. Ruth Adams (Private Citizen):** Yes, I am actually very, very disappointed as to how I have continually tried and tried and tried, again, again, and again, and over again, again and again to contact the specific ministers involved to take care of the situation and stuff and address the situation. I also am very, very disappointed with the media because

the minute that they see that there are going to be different members as ministers, or whoever and stuff, that are going to be disciplined very, very harshly according to the law, not according to what I just say off the top of my head and stuff. I want this taken care of. The only way, at this point in time, that it will be able to be taken of if the Minister of Justice, Attorney General (Mr. Chomiak), or if he doesn't do his duty, then it is up to the Premier (Mr. Doer), please and stuff, to file this thing in Appeal Court so that those judges can deal with it.

I have put together just a brief, compared to what my whole file is like. I have put together just a brief number of pages and stuff to show and to prove that the most recent, even, things that I have continually tried to do and bring this to the attention, not only of the different ministers and stuff, but also of the public, because this is very, very serious stuff.

Before I forget, I forgot to include the stamped copy that I brought yesterday to the Speaker of the House, George Hickes. So, if you want me to, before I leave and stuff, I can go and get 20 copies made of the stamped copy, but it was actually received.

The other day, or last week, whenever it was, there was a Supreme Court Justice who ruled in regarding to say that she made a decision that lawyers had to prove a defence into the Youth Criminal Justice situations and vice versa. The Attorney General, Minister of Justice or the Crown attorneys would have to prove their argument. Of course, the media and everybody they got on the media and stuff to make their comments and stuff and voicing their opinions that this is not fair, et cetera, et cetera, et cetera. While in the meantime, that judge, she was just quoting the Criminal Code, because the Criminal Code states that when making regulations even, and statutes, they cannot contravene the Criminal Code or else judges can rule them to be null and void. Lawyers have to present an argument of law that is consistent with the offence. If not, judges can dismiss the cases automatically.

I have, from personal experience, noticed that lawyers, they do this on purpose. If they want their client to win, they will go and fail to present an argument of law, knowing full well that the judge's hands are tied and therefore the judge has to dismiss it. Those judges, they need to severely discipline those lawyers who do that or totally overrule them and hold them in contempt of court because this is totally ridiculous. The Minister of Justice, Attorney General (Mr. Chomiak), the Premier (Mr. Doer), the

opposition, police, RCMP, judges have failed the public extremely.

\* (16:20)

I have put numerous offences in written form and I had them, even, in my purse, back there by my chair, I have put it in written form on formal informant forms in 2005 to Jack Ewatski. The mayor got copies of it and stuff, and others got copies of it also, of very serious criminal offences and stuff. Even though they were put on informant forms, the chief of police and other police officers just totally refused to deal with it or say anything about it and, et cetera.

I have been severely threatened and followed and different things like that and stuff. I have the licence plate number of an individual even, who was standing in a court and pretending himself to be a Crown attorney. Like I say, I have his licence plate number and stuff. You can get the records, the tapes from the court. These individuals need to be charged and need to be charged severely.

I request that the Criminal Code needs to be followed. Call the RCMP. File my case, and I included one form for filing an appeal in the Court of Appeal. File my case, including others with the same situation and concerns as mine. File them in the Appeal Court because the Appeal Court judges hand discipline, if another court judge has erred in whatever practices they're doing and stuff. File my case in the Court of Appeal and, as I said, I have included one form for everybody to fill out immediately.

I have to—for the protection of the public and the safety of the public—I have to ask that those ministers who severely failed to do their duty and to serve the public, I have to ask that they be fired because there's just no other way that a government can continue and expecting there's going to be peace within the public and stuff. That's just impossible.

I have listed the attached pages and one page that I specifically want to draw your attention to is page—of the first six pages, it's page 5, the Queen's Bench. That was supposed to be heard by Chief Justice Oliphant, because Chief Justice Oliphant heard the preliminaries on that case. He was the one that sent me, together with the Crown attorney, to go and set a date at the consolidation desk.

When I came to court, though, here is a woman sitting on the bench. That is totally, totally, totally in conflict with what the legal laws say regarding

judges hearing a case or setting a date that they themselves are going to be hearing the case. And what happens? If it was Madam Justice Greenberg—I have no idea who it was, except I know it was a woman—she refuses to sign what was supposed to be her order. That is the most highest criminal offence as far as I'm concerned. That's the most highest criminal offence that you can ever come across in Canada.

I'm asking the individual who signs your cheques, your paycheques, why doesn't that minister—if it is the Minister of Finance—on your next paycheque, why doesn't the Minister of Finance go and just put a rubber stamp with bold-print letters and see how the banks are going to be cashing your cheques?

That's basically all I have to say, except I've included the motions that that Crown attorney made in regarding to that case. He totally contradicts his case because he even says he's asking for a motion that an order—that this motion be heard on short leave without notice to the plaintiff.

That's totally, totally a criminal offence. You can't dictate and say don't even let the plaintiff attend the court that she herself or he himself has filed in court. Then he asked another motion, an order that this action be dismissed for want of jurisdiction.

If a court of Queen's Bench doesn't have jurisdiction to hear criminal offences like that, it's up to the judge then to remand it to a higher court. Then he asked for an order striking out the statement of claim entirely, without leave to amend.

Again, that's a huge criminal offence. Then he goes and he contradicts himself by saying, or he's asking for an order to extend the time that he can have for filing a statement of defence.

If you were the judge in the case, what are you expecting the judge to reply? He's not offering any argument, any facts, any nothing, just making a whole bunch of claims. He goes on to, down below again, make contradiction claims and stuff; he says that he's calling my statement of claim scandalous, frivolous and vexatious. He also states that it is an abuse of process of the court.

Well, I have an opportunity and a legal right to go before a court and defend myself to those charges and stuff. In fact, in the court at that time, I even put out my hands and I said, okay, you want to lay charges like that? Here, call the police and have me cuffed. He refused to do it. Then I said, okay, you

put to the law book, what sections of the law that he is basing his accusations on. He couldn't do that either.

Again, I say, this is the most serious criminal offence that you could ever come across in the country of Canada who proclaims to be No. 1 in human rights.

**Mr. Chairperson:** Thank you, Ms. Adams, for your presentation this evening.

Any questions from members of the committee? Seeing none, thank you very much for your presentation.

**Ms. Adams:** And again, I insist that that is—

**Mr. Chairperson:** Ms. Adams, before you leave, I'll canvass the floor to see if there are any other presenters from the public that wish to make a presentation on Bill 39. If there are none, perhaps, you can proceed with the next bill, if that's all right with you. Just give me a moment first.

I'll canvass the audience then. If there are any other members of the public who are with us here this evening that wish to make a presentation on Bill 39, The Court of Appeal Amendment Act, Bill 39 presentations?

Seeing no one else, then, we'll proceed with Bill 40, The Drivers and Vehicles Amendment, Highway Traffic Amendment and Manitoba Public Insurance Corporation Amendment Act.

**Bill 40—The Drivers and Vehicles Amendment,  
Highway Traffic Amendment and Manitoba  
Public Insurance Corporation Amendment Act**

**Mr. Chairperson:** Ms. Adams, you are a presenter for that bill that's listed. Do you wish to make a presentation to the bill at this time?

**Ms. Ruth Adams (Private Citizen):** Before I forget, are there any replies to me as to making appointments, whatever and stuff, in regarding to what I requested?

**Mr. Chairperson:** The purpose of the committee, Madam, is to make a presentation. If members of the committee have questions, they will pose them to you.

**Ms. Adams:** Okay, and further then on the same package that I presented, my case obviously is with MPIC, injuries and stuff. There's a huge, thick act of all the regulations and everything regarding MPIC

and what you can do, what you can't do and what you should do, et cetera.

Nobody is following those rules. Everybody is just allowed to do absolutely whatever they want, regardless of what the act says and stuff. I've even included a letter where Mr. Hawranik himself—he knows my injuries are all from MPIC—instead, he goes and he writes a letter to George McDougall in Beausejour who's at the employment and income assistance office.

Gerald Hawranik writes a letter, dated May 9, 2002, and he, in fact, admits that I have injuries from a motor vehicle accident and stuff. He goes ahead and he says, Ruth requires assistance as she informs me that she has not been able to maintain employment due to her injury.

He addresses it to the individual at employment and income assistance. Why doesn't he write letters or even table the issue in the House? He's an MLA and stuff and, in fact, at that time—I don't know if he still is—but he was the Justice critic for the opposition Conservatives.

\* (16:30)

It was, in fact, if I remember correctly, it was the Conservatives who brought in the no-fault MPIC act and stuff, to begin with and stuff. Then they are going to shrug everything off and say, go apply for social assistance, but then they turn the opposite head and stuff and call, they're just a whole bunch of welfare bums. They need to get off welfare and go to work and stuff. Well, make up your mind. But, again, they totally, totally violated the MPIC Act.

Then, my daughter even got involved and stuff, and she noticed an article in the newspaper where David G. Newman, Q.C., was, apparently, representing another individual in regard to an injury due to a motor vehicle accident and stuff. So she called David G. Newman and said, would you please talk to my mom because she's got a serious case also and stuff. He told my daughters to go and tell me to sign power of attorney over to my daughters and then he might represent me.

So when my daughter told me that, without telling my daughter what I was doing, I faxed—and there's a copy of the fax confirmation in the package that I gave to you—I faxed David G. Newman, and I said to him, did MPIC tell you that they put my motor vehicle accident at two separate claim numbers? Is that okay according to the act? No. Did MPIC tell you that all my physio is on the other

claim number? Is that okay according to the act? No. Did MPIC tell you that Dr. Chambers, my doctor, put my ex-husband's health-care number on the X-rays that she took on the day of the accident? And I have those X-rays because she kept on telling my next doctors, oh, those X-rays have been destroyed. I brought a note to her, and I said, I want her to put a date when they were destroyed, who asked them to be destroyed, and by what method they were destroyed, or she can hand them over to me right now. The woman, she went to the back, and when she came back a few minutes later, she says, come back tomorrow and you can have them. That is a serious criminal offence for a doctor to do that. But I have those X-rays in my possession and, to this date, no doctor has ever made a report on what injuries and what happened on that day.

I also said, did MPIC tell you that they refused to let me file on the date of the motor vehicle accident? They just plain told me, no. They're not going to take my report. That's it. Did MPIC tell you that there are X-rays hidden at a different doctor's office in the hospital and the doctor ordered them to be taken? Is that all fine according to any act? Did MPIC tell you about Dr. Dubo's report that they don't want known? That's a seven-page report. Did MPIC tell you about the MRI that no one wants to discuss? Did MPIC tell you about the power of attorney which I signed and presented to St. Boniface General Hospital and Research Centre? Nobody wants to do up a report or do any X-rays or anything whatsoever.

Then, the last page, income tax. Family Services is making false T-5s from the amount of money that they themselves, per cheque, send me. They put, for 2005, they put an amount which is \$1,220.88 less than they themselves sent me. I have—there are other years, too, where they put it more than they sent me, then other years, again, less than they sent me; plus they robbed me of all of my refundable personal income tax refund; my refund, which includes my disability amount.

These are serious, serious charges and I want them dealt with immediately. These people are going to be going to jail because there is absolutely no other way according to the Criminal Code. Thank you.

**Mr. Chairperson:** Thank you, Ms. Adams, for your presentation.

Any questions of this presenter from committee members? Seeing none, thank you very much, Ms. Adams, for your presentation this evening.

The next presenter we have for Bill 40 is Destiny Watt. Her name was called once last evening. This is the second call for Destiny Watt. If Destiny Watt is in the audience, would you please come forward.

Seeing that Destiny Watt is not with us this evening, and her name has been called for the second time, her name will be dropped from the list.

**Bill 37—The Lobbyists Registration Act and Amendments to The Elections Act, The Elections Finances Act, The Legislative Assembly Act and The Legislative Assembly Management Commission Act**

**Mr. Chairperson:** Now, we'll proceed with Bill 37, The Lobbyists Registration Act and Amendments to The Elections Act, The Elections Finances Act, The Legislative Assembly Act and The Legislative Assembly Management Commission Act.

The committee has agreed to hear out-of-town presenters first. The first name I have listed—Mr. Goertzen?

**Mr. Kelvin Goertzen (Steinbach):** I have a motion for the committee. I move

THAT this committee recommend to the House that consideration of Bill 37, The Lobbyists Registration Act and Amendments to The Elections Act, The Elections Finances Act, The Legislative Assembly Act and The Legislative Assembly Management Commission Act, at committee be postponed until the fall 2008 sitting of the Legislature.

*Motion presented.*

**Mr. Chairperson:** The motion is in order.

**Mr. Goertzen:** Thank you, Mr. Chair. I appreciate you accepting the motion.

There are a number of different reasons why this particular motion has been brought forward and carefully considered by myself and other members of our caucus. Certainly, I know that there are different ways that this issue could have been addressed. This seemed to me, while there might be competing interests and other sorts of ideas that could come forward, this is one way, I think, to come to some sort of an agreement among parties, at least in the short term.

We know that there has been some discussion and debate regarding Bill 37. We heard a number of presenters yesterday despite—*[interjection]* Well, and the Minister of Justice (Mr. Chomiak) doesn't feel that there were enough presenters, but I believe we

heard 12 to 15 members of the public. Many of the presenters who brought forward presentations suggested that this bill was being rushed through. They didn't have the opportunity to fully read the bill and to learn of its implications.

We know that there was a tactic by the government to bring the bill in a usual way into the Legislature and then to proceed from there, Mr. Chairperson, to not distribute the bill to the media immediately so that they could read the bill and try to, in fact, spin it as a fixed-election-date bill as opposed to a fixing-the-election bill, which is what it truly is.

So it's not surprising that the presenters that we heard from yesterday and the written presentations—in fact, many editorialists, both here in the province and nationally, including Preston Manning, I believe, who wrote in a national newspaper—and rarely does legislation from Manitoba find its way into the national newspapers—indicated there's a number of concerns and problems with this particular piece of legislation.

I think the motion's intent is to ensure that there's adequate time for all Manitobans to consider—you know, we discuss the fact that presenters will only be able to register until midnight tomorrow, and so that window is closing, even though I know I've talked to many people who said, well, the challenge is that we're sort of in the spring and summer months and it's difficult maybe to know if you're going to be able to come and present at a specific time and I have to actually go through all the bills. I mean, I could, I suppose, give them my own opinion on the bill, but I'd like them to form their own opinion, frankly, in many ways, and then to be able, after having that opportunity to read the bill, then, to present.

\* (16:40)

I don't imagine—I wouldn't want to cast aspersions on the Minister of Justice, even though he doesn't seem to hesitate to cast those same aspersions on me, I wouldn't want to do it to him, to suggest that he doesn't want members to be fully informed of the legislation. Perhaps it's just an oversight on his part.

In fact, Mr. Chairperson, there are many Manitobans who haven't had, or maybe are just learning of the bill because of the recent media attention to it, and so it probably has piqued their interest, but they might not have a full understanding of it. It's not a small bill. In fact, it probably would've been better, frankly, if this omnibus piece of

legislation would have been broken up into several pieces of legislation.

When you read it for consistency's sake, there are a number of different schedules in there. The schedules deal with fixed election dates and a vote tax to provide the NDP with public money to run their next campaign. There are elements of The Lobbyists Registration Act and other schedules within there and, of course, the schedule to prevent the public from hearing from the MLAs on a number of different issues.

Those should have really all been broken up; then it would have been easier to digest. It's clever, I suppose, maybe too cute by half, for the government to bring forth an omnibus piece of legislation and sell it on probably what is the least controversial part of the bill; that's the fixed election dates, portions of it, not that there aren't challenges with that, but it's probably the least controversial portion of the bill, as opposed to breaking it up into its logical sections and then having five separate pieces of legislation, dealing with the five separate issues, come forward. Then the people could decide which portions they're in agreement with and which portions they weren't, but we have to deal with the bill as it is before us today.

I think it's reasonable to ask the government to simply postpone this to the fall. I know there's not a specific date, yet, that we have for coming back in the fall but I'm sure that there will be shortly. It wouldn't be difficult to come up with dates to resume in the fall, Mr. Chairperson. Then we could, through the summer months, try to engage the public and give them, at least, that full opportunity to look through this bill and the various aspects of it.

I don't think that the Premier (Mr. Doer) would be doing anything that he hasn't already suggested that he wants to do. He's told us that he wants to have the public to have a full understanding and a full discussion on the bill. This would allow that.

I realize the government has the majority in the spring; they're going to have the majority in the fall. So from their perspective, it's not as though there's going to be a legislative dynamic that's going to change here in the Legislature. They'll come back, I imagine, unless something unforeseen happens, with the same number of members that they'll leave with in the spring. The political dynamic won't necessarily change for them.

I'm not sure what the risk would be to simply say with this bill, we'll have the bill come back in the fall. These committee hearings, I suppose, could proceed at that point. Maybe over the summer, the government would see fit to break the bill up into its logical parts, instead of trying to put what they would see is desirable by the public, one small portion of the bill, into a number of other parts of the bill that aren't desirable by the public.

I don't know that the government will see this as a friendly motion. I would hope that it would be seen in the spirit that it's given; it shouldn't come as a surprise. I don't hope that none of the members will feign indignation and surprise and shock by this motion. This is consistent with what we've said since the day this bill has come forward, that there needs to be additional time for members of the public.

It's not just members of my constituency or of Conservative constituencies. There's a number of MLAs here tonight, representing the New Democrats who also represent approximately 20,000 Manitobans each, some a little bit more and some maybe a little bit less, but they also have a responsibility to their constituents to ensure that they have the opportunity to look at this legislation and hear about it.

I dare say that it is probably just now that they are hearing about the legislation. While we might think that everything that we say or do here, in the Legislature, people hang on every word, on every syllable, I think those of us who have been here for any length of time realize very quickly that that's not the case. While we learn of things almost on a real-time basis as they happen here in the Legislature, the vast majority of the public don't hear about it in that same time frame.

They might hear about things as the news stories develop in time or, perhaps, as they talk about it in the coffee shops or at home or with the family. My guess is there is a much greater awareness of the bill today and I would certainly accede that. I'm not suggesting that there's not an increased level of awareness from the bill today than there was when it was introduced hurriedly a few weeks ago, but I do think that there probably isn't that full understanding of the bill.

I've said before in the House that a government that has nothing to hide has nothing to fear from the public, and I truly believe that. I believe that I used that quote in the context of the Crocus inquiry that

the government refused to call to protect taxpayers and to get answers in that context.

But in this context, Mr. Chairperson, if the government truly doesn't have anything to hide, I know that they won't object to having this bill simply held over to the fall. We've done it with many other bills.

I know my time is running short, Mr. Chairperson. I'll conclude. I realize that we all have 10 minutes to speak to this particular motion, and I look forward to hearing the comments and debate from members opposite and then seeing this motion passed.

**Mr. Hugh McFadyen (Leader of the Official Opposition):** I'd like to support this very fair and reasonable motion brought forward by my friend and colleague the Member for Steinbach (Mr. Goertzen).

The first point that needs to be made is that there's no urgency to passing this bill. None of the provisions that are going to have any significant impact on the operations of either elections or political parties come into effect until you start to come close to the 2011 year, the year in which the government at least purports to be establishing the date of the next election.

The only provision that maybe members opposite might think is urgent is the desire to open the tap and start the public money flowing into their party within this calendar year, and, obviously, any significant delay in the passage of this bill will result potentially in the loss of 250,000 in taxpayers' dollars into the coffers of the NDP. But, in my view, Mr. Chairperson, that is not a sufficiently good reason to rush such an important piece of legislation through committee and through the Legislature.

The very nature of the bill, given that it touches on the way we run elections and it touches on the very essence of democracy itself in our province, suggests that time ought to be taken for careful review, full public input, full consideration of the various provisions, including opportunities for those who live in the more remote communities of our province to have input. It's not easy for people at their own expense to make the trip to Winnipeg, particularly those who may live in northern and rural communities. To not take this bill out to Manitobans, into their communities and the places where they live, denies those Manitobans who are furthest from this building an opportunity for any practical input into this important piece of legislation. In addition to

making the point about the lack of urgency on the passage of the bill and the need for more public input, the Member for Steinbach's very reasonable motion would provide for that opportunity for public input.

In addition to that, we would argue that this legislation requires significant input in terms of the various constitutional and procedural issues that it gives rise to. There was a series of steps that should have been taken that were not taken in the lead-up to the introduction of this bill. This bill should have gone to the all-party committee recognized under legislation in respect of amendments to be introduced and entertained with respect to The Elections Act.

It also should have gone through a full process of review and discussion and consultation. I know the Government House Leader (Mr. Chomiak) likes to talk about the operations of LAMC, the Legislative Assembly Management Commission, and the way that he prefers to arrive at a consensus rather than putting things to a vote of that committee. Not only was there no consensus at LAMC on these amendments, but there was not even a discussion, there was not even an opportunity for a consensus to be arrived at or achieved.

So it fails in terms of the process used to bring it into the Legislature. Of course, the day it was introduced some three weeks ago led to and saw what we viewed as being significant breaches in protocol in terms of the way the bill was tabled in the House, the lack of opportunity for members of the Legislature to adequately examine the bill prior to finding themselves in the position of being asked to comment on it in the media. The Member for Inkster (Mr. Lamoureux), I know, took the government at their word when they said that this was about fixing the election date and then found on detailed review of the bill that the bill does anything but. So the lack of consultation leading up to its introduction, the, in our view, improper way that it was introduced into the Legislature on the last possible date, the deadline date for introducing bills that would be considered prior to the June 12 end of session, and the significant constitutional implications of this bill.

\* (16:50)

As you know, Mr. Chairman, the Constitution of our country is the supreme law of the land, and to the extent that any legislation, either provincial or federal, violates that law, it is of no force and effect. What that means is that we could be going through a process today and through committee of having

members of the public give presentations, have members of the Legislature consume time and effort through this committee process, only to find that if the government is successful in using its majority to push this bill through, we have in effect, a non-law, a law that doesn't stand up to constitutional scrutiny and, in fact, is unenforceable and of no force and effect. To put Manitobans through a hearing process, to put legislators through the process of considering a bill that may, in the end, not be valid law, it would seem is a poor way of managing the process.

I think that the Member for Steinbach (Mr. Goertzen) has an excellent point. We ought to hear from Manitobans. Just as importantly, we ought to hear from constitutional experts on the various provisions of the bill. There are many of those experts who are very, very good constitutional experts within the department of Justice.

We would like the opportunity to review the constitutional memoranda that presumably the minister would have asked for in the preparation of this bill, to review the case law and other provisions of the Constitution to determine what opinions were provided to the minister in the course of the drafting of this bill, to satisfy both the minister and this committee, that the bill would, in fact, withstand constitutional scrutiny.

We know that the BNA Act, the Charter of Rights and Freedoms, and, of course, the constitutional conventions that we inherited from Great Britain are all matters that are reviewed by high courts in this country when they render their judgments on whether or not a particular piece of legislation is constitutional or not.

When we look at the provisions, the vote tax, in and of itself, requires citizens to support, through their taxes, parties they may not believe in. It contains with it, certain provisions that allow Elections Manitoba to audit political parties, to track the money and how it's spent. Some may view that as a violation of that historic and important separation between political parties and the state, which is fundamental to our constitutional arrangement.

Secondly, the restrictions on MLA communications violates, at least according to our initial analysis, the constitutional right of elected members of Parliament and the Legislature to speak freely, to communicate with constituents and communicate with citizens of the province in the way that they see fit and to be held accountable for that communications in the court of public opinion,

not by some star Chamber committee stacked with a majority of government members.

Thirdly, the party restrictions. Again, we see arguments going on in a province to the west of us, British Columbia, where the NDP in that province retained a constitutional expert who wrote an opinion saying that even restrictions on third-party communications outside of election periods is unconstitutional.

If you can imagine the NDP's lawyers in British Columbia saying that third-party restrictions outside of election periods are unconstitutional, then clearly, it would stand to reason that restrictions on political parties, which are far more highly regulated than third parties in terms of the source of donations and accountability for how money is spent, and how such a restriction could be applied to political parties but is unconstitutional in the context of third parties just does not stand to reason. The NDP's lawyers, we believe, are right, that this is unconstitutional to restrict communications outside of election periods.

Fourth, the question of the way the provision around the fixed date is drafted is one of interest to many Manitobans. The government, as I think committee members will be aware, put within that provision an override, which says that nothing in this provision shall interfere with the Lieutenant-Governor's right to dissolve the Legislature and call an election in accordance with existing constitutional laws. What that does, in effect, is to leave the call of elections at the discretion of the Lieutenant-Governor, which according to practice, has been on the request of the Premier.

Situations where the Premier determines that they're no longer in a position to govern, whether it's because they've lost the confidence of the House or for some other good reason, the practice in history has been that the Premier would then go and visit the Lieutenant-Governor. The Lieutenant-Governor would dissolve the Legislature and call an election.

That provision still exists within this bill, so that the indication of a fixed date in June of 2011 really doesn't have legal force. Certainly, we would want to see and hear from constitutional experts on this point and try to achieve what I think all members of this committee would like to see, which are fixed dates for elections, but for those circumstances where the government loses the confidence of the Legislature, which is obviously an exceptional situation. The bill, currently as drafted, does not do that; it provides an

absolute override. So, in effect, the provision dealing with a fixed election date is of no legal effect.

So the bill gives rise to many, many important issues for Manitobans in terms of how their tax dollars are spent, their right to know what's going on here at the Legislature with their money. It contains provisions which may or may not violate constitutional conventions, the Charter of Rights and Freedoms, and the law of the land. So to proceed on the basis of such a flawed bill, with so many unanswered questions, with a need for expert input from constitutional experts, as well as input from Manitoba citizens, to proceed now, through this committee process seems to be rushing the process unnecessarily. I would therefore support the motion of the Member for Steinbach (Mr. Goertzen) that this bill be delayed to a fall sitting so that that expert input and public input can be received in the meantime. Thank you, Mr. Chairman.

**Mr. Rick Borotsik (Brandon West):** Just to add a few comments to the comments that have already been made by my colleagues from Fort Whyte and from Steinbach. I do appreciate that the Member for Steinbach brought this motion forward and I hope, beyond hope, that the members opposite listen to the rationale and to the requirement for some sober second thought. I'm not speaking to the Senate; I'm speaking to simply matters of members of the Legislature in Manitoba who would consider the legislation that's been put forward.

If we consider the fashion in which it was brought forward, as all members recognize, there were specified bills that were to be identified by agreement prior to May 1, specified bills that were seen as being extremely vital and important to the operations of this government that would be voted on prior to the close of this session. When I suggest they're vital to this government, obviously, they are issues that had to be dealt with in an expedient fashion. And surprise beyond surprise, when Bill 37 unexpectedly hit the table in the Legislature, after the normal hour, not able to get a full understanding of the bill itself prior to the media even getting it, as well as members of the opposition, with the heading of fixed election dates.

Surprise beyond surprise that that would be the one area that was identified as being the most important clause in this particular piece of legislation when, in fact, if you look at the legislation, it is probably one of the most innocuous parts of this bill. The other sections in the bill certainly affect, not

only members of the Legislature, whether it be on government side or whether it be on opposition side, but it also affects each and every single Manitoban. I think it's vital and important that those Manitobans not only get an opportunity to speak to this committee, and I know that that's going to be the argument is that, of course, the committee is open to all members of the public and they can certainly make their names known and make presentation, but this bill, in my estimation is too important. This is a change in the democratic process that we know, in this province, in this Legislature.

I ran, and I've run in a number of different jurisdictions, because I believed in transparency. I believed in accountability to my constituents, and I still very—believe it or not, maybe I'm naive, but I believe in that. I believe in the accountability that we should have as government or opposition, and certainly, the transparencies of our legislation and our laws.

\* (17:00)

The law before us right now is anything but transparent. We have in it clauses which, in fact, will not allow me to communicate the way I should be able to communicate to my constituents. I believe if my constituents knew what was in this legislation that they would not, in fact, be in favour of it. They would speak harshly in opposition to it because it's their rights that are being trampled in this legislation, and not to hear them, not to communicate with them about this legislation is wrong. If I can't communicate to them about this legislation and it passes I can't communicate with them with any numbers of major issues that are going to present themselves to this Legislature. So I think it's important.

The motion is not that terribly dramatic. This legislation is not necessary today. It's not necessary tomorrow. In fact it's not necessary this year or next year or the following year. If you want to put it through, you do as my esteemed colleague from Steinbach has indicated, you have majority, and the government can put this legislation through, but it doesn't have to be put through in such an expedient manner. I think that if this government and the members of government recognized and looked at this legislation logically they would say, let's give Manitobans the opportunity to speak to this; let's give them the opportunity to understand it better than what they do now, because that compressed

timeframe of the specified bills does not allow them the opportunity to do that.

The Premier (Mr. Doer) speaks very glowingly of referendum or referenda. I just went through one of those exercises in my community, when in fact there's a gaming issue, he wanted the citizens to speak. His answer at that point was what the citizens of my community want to do is what he will in fact implement. Why the difference? Why shouldn't the citizens of my community have the opportunity to speak to this particular piece of legislation? If they say no, then I expect the Premier, as he did in that referendum that was held, would uphold what those citizens want, and he, the Premier, has embraced that. Why it is now that we have to push through a piece of legislation, and I say push through because of that 11th hour of a specified bill gives the impression that that's all this is, that this committee and the government are going to push this legislation through without the ability of my constituents to speak.

There are numbers of clauses in this. As we've heard, some of the presenters—and I'm sure we'll hear others, unless of course this motion passes—speak in total opposition to the vote tax. I came from a different House where in fact there was a piece of legislation similar to this that imposed a vote tax. It was at the federal level. That vote tax does not work as well as the government of the day had indicated. I should tell you, that government of the day was a liberal government under the direction of Jean Chrétien. He did it for specific reasons. There were some internal issues that he was facing at that particular time as the Prime Minister. He put this in place to punish others. As a matter of fact, that party—and be very careful, be very careful, members on the other side of this table, of what you wish, because you just may get it. He used it to punish the other parties, and at this point in time that same legislation is used to punish them. That could happen, and we think that there are necessary safeguards to be put into place. We think there are necessary safeguards that have to be put into place.

The population that we've heard of doesn't wish to pay \$1.25 in order to cast a ballot, and that's exactly what it is that this legislation is indicating. It's \$1.25 to cast a ballot. But the unconscionable portion of that clause is that there's going to be a CPI built in. Well, two things should happen. I think we should listen to the people and what they have to say about the CPI. If there's a danger that there's going to be an inflationary factor built into it, then there are

going to be, obviously, dollars that are going to be generated without having to go out and get more votes. I would suggest that the CPI clause be cancelled and that the income that's generated from it, or the revenue generated from it, could be generated for more votes. That simply makes sense. If you're comfortable and confident in the way that you're going to put your platforms and policies forward to the public, don't worry about a CPI clause; go out and get more support, and that's going to generate more revenues.

I don't believe in the clause. I don't believe that Manitobans should have to pay to support a party that they may not wish to support, that they may not wish their policies and platforms be put into place.

So, Mr. Chairman, I thank you for the opportunity to put forward my views on this. I certainly am pleased with the motion and, as I said, if we can think logically, if we can think the way we believe Manitobans should be treated, with fairness, with equity, that there should be transparency, there should be accountability, then I would certainly hope beyond hope that the members of the government, the members across the table, would, in fact, support this motion and simply put it forward to the fall. That's all the motion says. Put it forward to the fall session where this government, and I know the Minister of Justice (Mr. Chomiak), I know the Minister of Finance (Mr. Selinger), loves to go to the population, loves to make their positions known with a, and I refer to it as a dog and pony show, but certainly as a travelling consultation process. I believe that travelling consultation process should be identified and certainly should be embraced.

In this particular area, in this particular piece of legislation, go to Thompson, go to The Pas, go to Steinbach, go to Brandon. Why should Brandon not have the opportunity to have us go to them as opposed to we demand them come to us constantly? Let's go and listen to the people, what they have to say about this legislation. Give them the opportunity to actually look at all of the clauses, not just simply the fixed election dates, which we've already heard certainly may have some flaws and some warts to it, as well. But let's ask them their opinions. Let's not just stay here and have them approach us and have them give us their opinions at this table.

Thank you very much, Mr. Chairman.

**Mrs. Myrna Driedger (Charleswood):** I, too, want to speak in favour of this motion put forward by the Member for Steinbach (Mr. Goertzen). I think it is a

very fair and reasonable motion. After sitting here last night and listening to some of the presenters, especially the young man, the president of the Brandon University students' group, I think there was a real opportunity put forward in what we as politicians can do in Manitoba to perhaps address some of this creeping cynicism that we see and hear about politics.

It was exciting to listen to his presentation and the thought that he had put into it. He basically admitted, too, that he didn't have a lot of time to address all aspects of the legislation because it had just been put out there, and he had been away. He would have liked some opportunity to spend more time to look at this.

I think we have a great opportunity to take this legislation and help to educate young people in Manitoba about politics and to get them involved. I would hate to see us lose such an opportunity. There are many people that do not understand the political process. This is not going to help it at all. I think we have a great opportunity right now, not only for young people but all Manitobans to take this out through public consultations, which I think would be more respectful to Manitobans. It also would help us to engage the public and to honestly, sincerely, and respectfully seek input rather than trying to take something that's a benefit to a political party and ram it through by introducing it late, by having the discussions now, when people don't have good opportunity to know that they're even in the works.

When I heard this young student yesterday, I thought this is such a great opportunity to include in the public consultations some times spent in the various post-secondary institutions. Let's get out there and let's talk to thousands of students, even into the high schools. Why wouldn't we use this as a great educational opportunity for our young people to get them engaged and understand more about what politics is about and sincerely listen to what they have to say?

\*(17:10)

I think that would give young people not only the knowledge but the enthusiasm perhaps to look more at what politics is all about. It's been pointed out there certainly is no urgency in passing this bill immediately. We've got some time to do it. That's why I do think the motion is very fair and reasonable that we look at it in the fall. I would certainly like to support that we do look at public consultations and let's go out to the public, and especially let's go out to

the universities and to the colleges and even into the high schools and address this as a great educational opportunity as well.

The government certainly was very much in favour of wanting to educate the public first, before bringing in legislation about banning smoking in the cars with children. So, why should this be any different? Here is something that many Manitobans don't know about, and that's our political process. We, as politicians, have a responsibility at many different levels to educate the public about the various aspects of politics. Here's an opportunity where we can do that, and instead of grabbing the opportunity, we're not doing it. So I find it kind of strange, I guess, that the government's willing to do it on bills that they think are to their advantage, I suppose, like banning smoking in cars when there are children in cars. They want to go out and do a great educational program before they move forward on that bill. Why not do it on this bill? I think there could be many, many benefits to us doing that.

Certainly, hearing from members last night that spoke up, and hearing from members as I was at a big community event on Saturday night in Charleswood, or in talking to people that I have had an opportunity to talk to in the last little while, there are a lot of people that only heard about one aspect of this bill. It was exactly the aspect that this government intended the public to know about, and that was fixed election dates. The way this was manipulated was also, in turn, manipulating the public because that is exactly what this government wanted to do.

The Premier (Mr. Doer), when he put this out, manipulated the time of day this went out; manipulated the media in terms of not giving them any information. So the news was exactly as the NDP and this Premier wanted. That, to me, was manipulating voters, citizens, Manitobans, and, in fact, we wonder why there's creeping cynicism about politics when we see what this government is doing with this bill and what is actually buried in the bill. You know, the more we study it, the more we learn about it. Today was a really good example of that, where the more you look at it, the more you find little strange pieces to it.

You know, we certainly saw that if you look at the aspect of the legislation today that addresses unions, it, in fact, gives the unions a pass on not having to report in the same way as businesses do because of how the legislation is set up and the very,

very broad language that is used around that part of the legislation. So, we, in fact, see that unions are exempt from the same rules that others have to follow. You know, it certainly begged the question that if the Minister of Justice (Mr. Chomiak) felt so strongly about regulating people that lobby government, why has he excluded his union friends from those same rules? Because it is not only in negotiating contracts that this is discussed in the legislation, it's also about the administration of union agreements.

Well, we know that union leaders come to talk to the government all the time. We know that you can talk about administration of contracts at any given point over four years; the whole time, the whole period, or three years, or two years, or whatever a contract is.

So that, basically, allows a union to come in under the guise of talking about administration of an agreement, and they don't have to follow the same rules as everybody else. So it creates a very, very, again, unfair playing field in Manitoba, again, between unions and businesses because nobody is playing by the same rules. It's basically given the unions a free pass to do—you know, to talk to the government that is going to give them a free pass so that they don't have to put out a report after. They're not seen as lobbyists because they are actually coming in and just talking to the government about the administration of contracts. Well, that's hardly democracy in this province. That, again, is just one piece of the legislation.

It's been mentioned that fixed election dates, well, except there's some wiggle room here. Again, not only is there some wiggle room for the unions, there's some wiggle room for the Premier (Mr. Doer) to give him an opportunity to wiggle around some of the fixed dates.

The vote tax, I think, there is going to continue to be a rising public backlash on that aspect of it, especially, if the public is feeling this is being rammed down their throat. I think a lot of the public, the more they're becoming aware of this legislation, is beginning to feel that way. I can see why the government does not want to take this out on the road; because they know if they take this out, there's going to be some real public angst about this aspect of it. The public doesn't want to see more taxpayers' money going into this. Again, creeping cynicism about politics, this is just fuelling that fire to make it a flame, a big, big flame.

I think there are people out there that would rather see the money go to some better issues. Child and Family Services is such a good example right now, where I would rather see a couple of million dollars go into addressing some of those issues or to address some of the issues I saw the other night with a hallway at Grace Hospital full of patients, despite the fact that this government has indicated and said, on many occasions, well, we fixed it. Well, this government hasn't fixed it. I sat with somebody who was in hallway bed No. 5 at Grace Hospital, and we sat there for eight hours. All of the hallway beds were full. Why we can't we take some of this money instead of putting it into politics and politicians? Why not take it and solve some of those issues or to address some of those boil-water orders that were mentioned last night by some of the people that were speaking here?

So I guess I would just say to this government, there are so many aspects to this bill that the public should have a better understanding of. By ramming it through the way the government is right now, and taking away, actually, the right of opposition and our right to free speech in this by the way they want to vet our direct mail, I think, it becomes more and more obvious what the intent of this government is. I would really support that we look at public consultations.

**Mr. Chairperson:** Mrs. Driedger, your time has expired.

**Mr. David Faurshou (Portage la Prairie):** I do appreciate the opportunity to speak in support of the honourable Member for Steinbach's (Mr. Goertzen) motion. I hope the honourable members opposite are truly listening to debate. I encourage them to put their thoughts forward. I know the honourable Member for St. Norbert (Ms. Brick) had some thoughts to share, and I look forward to hearing her express them.

*Madam Vice-Chairperson in the Chair*

This motion does, indeed, allow the process to go to the people of Manitoba. Currently, the Manitobans are disengaged from the election process. I know that there are areas around the province where there was less than 50 percent turnout for the last provincial general election. Indeed, even in the Premier's own riding, constituency, sorry, that showed this disengagement. I believe we have to go to the public with changes to the election legislation, and that way, then, persons feel that they have been contacted, feel that they can

take ownership and are truly engaged because, obviously, to date, that is not the case.

\* (17:20)

So I ask members opposite that, if you really truly believe in the electoral process and for Manitobans to have that opportunity, we will delay this passage of this bill and to expand public input, not only just to legislative committee, but to see and have the opportunity throughout the province. I know the honourable Member for Gimli (Mr. Bjornson) would like very much to see his electorate to have the chance to be engaged and share their thoughts as to how electoral process here in Manitoba is indeed carried out. This is, actually, also very timely as the Electoral Boundaries Commission is conducting their review of the constituency boundaries and there will be an adjustment made so that more equitable population distribution between constituencies takes place, so I believe that these two processes do go hand in hand. With the two opportunities, I do believe that Manitobans will feel once again engaged in the electoral process and take a much greater interest because it is indeed incumbent upon us as elected officials to engage the public and keep an interest there, so that when we come to the Legislative Assembly as elected officials we can feel that level of comfort that we are here by majority of electoral votes by a majority of Manitobans. In many cases, that's not the case presently.

*Mr. Chairperson in the Chair*

Also, the minister may find that there is a great deal of ideas that will be shared with the minister that this legislation could be much better than it is before us today. There's nothing that I have found more amazing than taking the opportunity to listen to other persons' thoughts and to draw upon the intellect of individuals that have come to present and their views based upon their life. I think we should, in the case of the modification to the election process here in the province, to allow for that intellect to be shared and life's experiences that indeed will make our legislation much better because, obviously, what's on the books today is not engaging Manitobans in general. I will also say that the election legislation that we have before us as well does have sections that I believe are in keeping with changes necessary to the electoral process. Why not take an opportunity to make it better?

I'm afraid that the New Democratic Party is employing a tactic which is prevalent south of the

border because I do believe there are individuals in support of this current government that had employs in the United States, that studied the electoral process and also the legislative process. What has come about is that we see legislation before us in the Assembly that has a lot of good but also has a lot of less-favourable clauses, but we are forced as individual members of the Legislative Assembly to vote for it as an entire package. This then is drawn to light on many occasions when ministers stand in the House and say that I, for instance, was against the construction of the MTS Centre in downtown Winnipeg. Well, that couldn't be farther from the truth. It was enclosed within a budgetary bill and so there were elements of that budgetary bill that I could not vote for but, again, elements that I potentially, had they been separate and apart, could have supported, had the opportunity arose.

I think that if members opposite are truly listening and if they went to their own constituents and were truthful to the overall purpose of having an omnibus type of bill here, they would hear from their own public that the better way to go would be to have individual pieces of legislation debated unto their own merit, rather than a very cumbersome, very extensive bill as we see before us today.

Even the title gives us indication that there is an immense amount enclosed within this bill. The Lobbyists Registration Act and Amendments to The Elections Act, The Elections Finances Act, The Legislative Assembly Act, and The Legislative Assembly Management Commission Act indicates that, indeed, within this bill, there are sections that could very well go to public hearing independently.

One final point, that there was extensive discussion as to the established election date, when municipal and school board elections were harmonized. The public consultation indicated that the time of year that was most conducive to the holding of an election and had the greatest expectation of public participation was that of one held in the fall. This bill thwarts all of that public support that The Municipal Act garnered when the fourth Wednesday in October was selected on a four-year basis for municipal and school board elections. The selection of the June date is indeed already contrary to the public sentiment that was so well expressed when the amended legislation came forward for establishing harmonized elections here in the province of Manitoba for municipalities as well as school boards.

Just that one example should be enough for the minister to take this legislation off the table today and provide to Manitobans the opportunity to participate in a meaningful dialogue. I don't think that there're any members on the government side of the House that would not exclaim that they are in support of public input toward legislation. This would indeed provide for that opportunity.

So, Mr. Chair, I thank you for the opportunity to express some thoughts in regard to the honourable Member for Steinbach's (Mr. Goertzen) motion before us this evening. Thank you.

**Mr. Kevin Lamoureux (Inkster):** I did want to put a few words on the record in regard to the motion that we have before us and just, I guess, to comment. I can remember individuals once said to me that if you watched the way in which hotdogs were being made, or wieners were being processed, before they hit the shelves, you wouldn't find very many people buying hot dogs. I look in terms of the legislation and the legislative process, and I think, at times, if only the public knew how law will often become a law inside the Manitoba Legislature.

\* (17:30)

I say that because it seems at times that we do somewhat, even with all of our good intent, because I do believe that there has been good, positive intent in some of the discussions that have taken place over the last couple of years, to try to prevent the type of situation we find ourselves in today, but, unfortunately, periodically, we do find ourselves in very awkward positions. I would suggest to you, Mr. Chairperson, that when we look at the sessional order and when there was an agreement with regard to the sessional order, everyone somewhat anticipated that there would be kind of like an orderly wind-down of the session, and that's why we actually had that date in terms of going out. There are a few things that kind of upset the apple cart here.

When Bill 37, for example, was actually introduced for second reading, to the manner in which it was introduced, to ultimately it coming to committee and the number of MLAs that would even afford the opportunity to be able to debate it in second reading, in developing that sessional agreement there were some things that maybe should've been taken into consideration that were not. As a result, we find ourselves today looking at, well, we need to sit this week, now we might end up sitting more in June and we still have no sense in terms of when it is that we might be coming back.

I guess if one could wave a wand, and this kind of gets to the motion that we have before us, Mr. Chairperson, I would suggest to you that the public has an expectation that its elected officials will do what's right. I think that if we really want to provide—you know, we often gloat to other Canadian politicians on how wonderful our system is. We have public hearings; after second reading people can come and make presentations. I, for one, will often brag about that aspect of the way in which Manitoba processes. But if we truly believe in it and we want to give it some legitimacy, I believe that it should be done in an orderly fashion that would be seen, not only from our peers, but from the public as a whole as a positive experience. I'm not convinced that that's what we're witnessing over whether it was yesterday or today or even previously. I think that we need to look at the legislation. I think that we should be setting aside—you know, there was, at one point, an attempt to deal with legislation in terms of introducing legislation in the springtime, recessing, allow the public the opportunity over the summer or whatever it might be to get a better understanding of legislation, and then come back in early fall—early fall being in September—and actually dealing with the Legislative agenda.

When I look at the motion that has been presented, I think that there is a lot of merit to it. I really think that, you know, what's the hurry; there really is no hurry. This legislation and—I would suggest to you—other pieces of legislation that are before the Legislature, there is no urgency. There is nothing wrong with us being able to finish what we had agreed to and then come back in September and finalize the legislation, Mr. Chairperson. I'm inclined to suggest that's what we should be doing.

None of us anticipated when we signed the sessional agreement that this is the position that we would be put into, and as a result I think that we, you know, it's our responsibilities, and particularly the House Leader's responsibilities to come up with something that would allow a proper order of passing all the legislation that we have before us.

I know if I speak specifically to this bill, I would ultimately argue that we have one bill that could very easily, or should have been actually four, maybe even five bills, and that's what creates the problem. The Member for Portage la Prairie brings up a good point, you know. You could have set election dates; everyone supports set election dates. I don't know anyone that doesn't support set election dates, but it's kind of packaged in. It's kind of like here's the carrot

but if you eat the carrot, there are some poison pills in there and you're going to be digesting some pretty rough stuff. So I think that the government made a mistake by packaging it all together.

Mr. Chairperson, I really appreciate the one—and I appreciate everyone that comes to make presentation before a public committee, but there was one presentation that really struck me and that was—and he was a former NDP Cabinet minister, his name escapes me right at the moment—*[interjection]*—Sam Uskiw. He talked about the importance when you're passing election act, LAMC legislation and so forth, and that is that it should be done in an all-party format. You know that all parties should be involved when you change that sort of legislation. Ultimately, because the government didn't do that, I think it even then puts more pressure on the government to do the right thing in making sure that it does consulting outside of the Legislative Building.

A couple years ago I did a task force myself where I went in rural Manitoba, and had I not gone to rural Manitoba, I would never have gotten the feedback that I received, Mr. Chairperson, regarding election reforms. There were a number of ideas. The set election date is one of those, and I can tell you a majority of people felt that the set election should be in October. I would have suggested the better time for setting an election would be October 28 of 2011, or right around that time, that fourth Tuesday in October.

Then yesterday it was interesting. We had the young gentleman from Brandon University who talked about young people and for them to be engaged in the electoral process, that it would be advantageous to have it in October, that June was the worst month to have it in. We see other provincial jurisdictions that have done likewise. What I'm trying to relate to the Chair is that I have had the experience first-hand in terms of going to communities like Dauphin and others, where, by having public presentations, I learned a lot in terms of what it is Manitobans really wanted. One of those things was to have it in the fall time, Mr. Chairperson.

I appreciate that the government is trying to do the right thing in certain areas, and I applaud that. There are areas that we have concerns with, and we hope to see some changes, some amendments, that will take a little bit of that sourness away from some of those pills that are in that carrot. Having said that,

Mr. Chairperson, I think that we would be doing a favour, not only with this bill but possibly one or two other bills where we allow it to go to rural communities. I am convinced that elections and democracy would be better served if we did that as opposed to the attempt by government to try to rush through something somewhat prematurely.

After all, at the end of the day we now have a fixed date technically. All the Premier (Mr. Doer) of the province has to say is, on such and such a day, that will be next election. You don't even need legislation to make it the law—well, to make it the law of the land, you do. But, technically, the Premier could state the date and that's the fixed date. Right now we know the next election is going to be October 12. I would suggest to you that we can afford, we're in a position which we can afford, to hear what the public has to say, that we shouldn't be too much in a rush that we feel that we have to speed through this thing in order to pass. Did I say June 12? I'm sorry.

Thank you, Mr. Chairperson, and I appreciate the patience and tolerance of those listening.

**Hon. Dave Chomiak (Minister of Justice and Attorney General):** I thank my colleagues for their advice in this matter, and I remind them that we as elected members have the opportunity at first, second and third reading, and at committee and concurrence, to talk about bills, and we do a lot. I note that we also have this long-standing practice in Manitoba, which, I think, is the only jurisdiction that does it, where all bills have public hearings which we started yesterday and today.

This isn't meant as a criticism, but I think it does reflect on us that perhaps we should discuss these matters after the presenters have made their presentation. In fact, many of your speeches have been peppered with recommendations made by people that presented yesterday. But yesterday we only got to go through 10 to 12 presenters because members wanted to talk for two and a half hours and not listen.

Today we've talked for well over an hour when people are sitting in chairs and are going to come to us at 10 o'clock tonight and not be able to speak because we've spoken. We have ample opportunity to speak after presenters, after their input. That's the first point I want to make.

\* (17:40)

The second point—now, I was quietly listening to members, so I would like them to allow me the opportunity.

We have a long-standing practice of going to public hearings, and that's what we're doing. There are over a hundred presenters for this bill, there are over a hundred presenters for other bills, and we have picked up advice, and will pick up advice from the public. That is the long-standing practice in this Chamber, the only place in the country that does it.

We agreed to a sessional order, as a Legislature, to try to go toward some kind of regular meeting of the Legislature. We agreed on dates and timings. We agreed on when the government would have to introduce all of its bills for passage on June 12. We signed off on that. The government introduced a number of bills. We held back a number of bills. In fact, we have four years of bills that we have to look at, that we have to calculate over a four-year term when and when not to introduce them. We timed—there were lots of bills and lots of ministers who were quite upset that their bill didn't get on the schedule, but we thought that's all we can handle, and we met the date. The sessional order was designed as a process as our Legislature evolves to more timely fashion of moving bills through.

There are other legislatures that have—and we've tried this—where the opposition gets to choose two or three bills that get held over. We tried that before. This time we didn't do it because, as I came to the discussions, we had tried that before and this time we were going to try to go to a session where we could try to do all of the bills in a fashion where they could pass.

Now we are in a process that's evolving. We picked a week to have an adjournment. Now, we decided, no, let's go back and use that week to work with the public and have committee hearings because we found we needed more time. We may need more time in the session because this is a learning process for this Legislature as we move toward fixed sessions.

I fear that if we start playing politics with bills, after agreeing to dates, it will almost be impossible to go back to agreed upon dates, which is we're at the goal that we sat down with and tried to achieve. So I think we ought to try to achieve the passage of the Legislature in line with the agreement that we all agreed on.

There are very significant bills before the Chamber. The public has the opportunity tonight, tomorrow, if we want, Friday, Saturday, if we want, Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, the following week, Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, for the public to speak. We have a chance to speak in the Legislature. We have that opportunity.

The Leader of the Opposition (Mr. McFadyen) sat down with me and the drafters of the legislation to go through, clause by clause, the legislation. He asked many of the questions he's asked here today. He queried some of the issues he's raised here today that he's not so sure about. I understand, in terms of a legal position, that you can have one position and another position and you could query it. We will have the draftspeople here when we go clause by clause. The member can address amendments. He can ask legal opinions at that point, and we can deal with it when we get to clause-by-clause.

This process right now is about letting the public provide their input. Members cited individuals from the public, so, I think, as a first order, this motion, if it—I don't agree with this motion, but if the members genuinely wanted to bring this motion, we ought to bring this motion after we've heard presenters. I know that e-mails have gone out asking people to come to attend Bill 37 hearings. I've seen them. I've seen them from the Leader of the Opposition. I applaud his wanting to expand democracy by having all e-mails going to a lot of people to tell them to come down and support him on Bill 37. I know that it's been broadcast in the media and to the public. I know that certain reports were leaked to the media.

But that's irrelevant. The point here is we're in a process we've always followed in this Chamber. There are numerous bills. There are over a hundred presenters on Bill 17. There are 50 presenters or so on the school closures act. We can make that argument about every single bill we have before us. I suggest, we had a sessional order, we want to proceed to have a sessional order, I assume, in the fall going forward. I recommended, we discussed—it gets a bit awkward because I don't want to talk about negotiations. We have talked openly in negotiations as House leaders about how best to deal with legislation, about the possibility of introducing it in one period, letting it go over a period of time in committee hearings and coming back. I think we're heading toward that. But we are in a process where we signed a sessional order, that we're learning things as we move through this sessional order.

Now it may be that members want to make this motion at the end of public hearings. They can bring the motion back and we can discuss it then. But right now I suggest we get on to the public hearing, because people have been asked to come down. I felt uncomfortable yesterday when people came at 9:30 and said, I've been waiting here for four, four and a half hours. I felt uncomfortable because we were—let's all take a part of the blame—all going back and forth here.

This motion I urge us not to deal with. I would vote against it. If members want to bring this motion after we hear public hearings and hear what the public has to say, bring it back then. Then we can discuss it and debate it, and we will go clause by clause as long as we want. I sat here in committee, in the old days, all night. I've sat Sunday mornings. I'm glad we don't do that anymore. I'm glad we've moved it. We tried to move it actually back to 10 o'clock to benefit all of us.

I'm glad we don't do the midnight stuff anymore because most of us have enough trouble maintaining our ability to converse by 7 or 8 at night sometimes, never mind going to midnight. So I think we've moved forward. I think we can move forward, but this isn't the time and place to do this motion right now. It's the public's time. Let them speak. We're coming back tomorrow, 6 to 12. Reintroduce your motion tomorrow or Friday or Monday or Tuesday or Wednesday or Thursday, after we've heard the public. Right now it's the public's turn to speak to the motion.

Now I know we're going to have to vote on the motion, and I'm not going to support the motion for a number of reasons that I've outlined, that we follow a practice here. There are a lot of bills that you can make an argument about. We have to make a judgment.

We will entertain, as I told the Member for Charleswood (Mrs. Driedger) today, amendments on the lobbyists act. It's our first attempt at doing something like that in Manitoba. We think it's a positive. I think that in principle everyone agrees it's a positive. Maybe we don't have it right. Let's listen to what the public says. Let's play around with amendments. Let's introduce and discuss those amendments. We have that opportunity here. That's what we do as legislators.

But the primary purpose of this committee is to hear from the public. So I say we will not support the motion. If members want to bring back the motion

after we hear—*[interjection]* We did list one, two, three, four, five six members. I don't think anyone else on our side is speaking. I just want to point out that we will vote as soon as I finish speaking and get to the public hearings because we have talked way too much and the public ought to speak. Question.

**Mr. Chairperson:** Is the committee ready for the question?

**Some Honourable Members:** Question.

**Mr. Chairperson:** The question before the committee is the motion moved by Mr. Goertzen as follows: I move

THAT this committee recommend to the House that consideration of Bill 37, The Lobbyists Registration Act and Amendments to The Elections Act, The Elections Finances Act, The Legislative Assembly Act and The Legislative Assembly Management Commission Act, at committee be postponed until the fall 2008 sitting of the Legislature.

As previously indicated, the motion was in order.

Before we move to the question itself specifically I just want to reflect, for the reference of committee members, the composition of the committee. We had substitutions, and the names are as follows: Mr. Borotsik, Ms. Brick, Mr. Chomiak and Mr. Goertzen, Mrs. Driedger, who has been substituted for Mr. Graydon, Mr. Bjornson for Ms. Irvin-Ross, Ms. Korziewski for Mr. Martindale, Mr. McFadyen, Mr. Saran and Ms. Selby. I believe that's all the committee members.

Shall the motion pass?

**An Honourable Member:** No.

**Some Honourable Members:** Yes.

**Mr. Chairperson:** I hear a no.

#### Voice Vote

**Mr. Chairperson:** All those in favour of the motion, please signify by saying yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those opposed, signify by saying nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In the opinion of the Chair, the Nays have it.

### Formal Vote

**Mr. Goertzen:** A recorded vote, Mr. Chairperson.

**Mr. Chairperson:** A recorded vote has been requested.

*A COUNT-OUT VOTE was taken, the result being as follows: Yeas 4, Nays 6.*

**Mr. Chairperson:** I declare the motion lost.

\* \* \*

\* (17:50)

**Mr. Chairperson:** We'll move then to presenters for Bill 37, and the out-of-town presenters that we have listed on page 3, for the reference of committee members, we'll start with David McLelland, private citizen. Is Mr. McLelland in the audience this evening? Mr. McLelland. Mr. McLelland's name will be dropped to the bottom of the list.

The next presenter from out of town that we have is Ms. Evelyn Rheame. Ms. Evelyn Rheame. Is Ms. Rheame in the audience with us this evening? Her name will be dropped to the bottom of the list.

Next out-of-town presenter that we have listed is Roméo Lemieux. Mr. Lemieux. Mr. Roméo Lemieux. His name will be dropped to the bottom of the list.

Next name we have on the list is Jag Malik. Jag Malik. Mr. Malik is not here. We'll drop his name to the bottom of the list.

The next name is Dale Lund. Is Dale Lund present this evening? Mr. Lund's name will be dropped to the bottom of the list.

Next out-of-town presenter is Laurena Leskiw. Laurena Leskiw. Name will be dropped to the bottom of the list.

Loris Barsanti is the next name. Good evening, sir. Welcome. Do you have a written presentation, sir?

**Mr. Loris Barsanti (Private Citizen):** No, I don't. It's oral.

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

**Mr. Barsanti:** Mr. Chairman, committee members, thank you for this opportunity to speak.

I'm a retired teacher. You've seen a few of us. I will speak in opposition to those sections specifically

for the funding of this bill, namely those portions that are for funding of parties for the previous election results.

I can understand in part why you say \$1.25 is a levelling of the field, but I can also see the opposition saying that it's a hidden tax and really isn't truly representative of the levelling of the fields. Personally, I don't see it as a hidden tax. I guess I'm looking at a different coin. I think you're paying for a vote. That's wrong. I see a ballot and \$1.25 attached to it. I put it in a box, there's your \$1.25.

I'd like to know how many of you would go to a seniors' home, I mean our senior seniors, and the homes are the complexes where they have independent living, assisted living, the hospitals, where you put your ballot boxes, your polls. Then, when they come down with their canes, out of the elevator, you say, here's a ballot; where's your \$1.25? That's how I feel.

I'd feel the same thing if you went to the Armed Forces, for goodness' sake, and said, boys, you're risking your life in Afghanistan. Their bodies are maimed. We're bringing you a ballot box. Where's your \$1.25?

That's personally how I feel. I don't think we should be paying one cent for a ballot, not one cent. I don't know how many of you, because this is how I picture it, you are saying indirectly, it's not a payment. Then how many people are you going to visit door to door, not to get that vote? How many of you are going to go to the inner-city bars and shake hands and say, you're going to vote? That's not what I see in the newspapers. How many of you go to the needy hotels, knocking door to door, shaking hands. Because you know that's not very many votes there. You walk the streets, you knock the doors of residences, because you know that's where the votes are. You're counting on that \$1.25 for every person that's eligible to vote. Then it's a payment. That's all it is.

The second thing I'm looking for is that, of course, full payment for CPI. That adjustment is wrong. You heard last night many people speaking to the detail of where it's wrong. Now the first detail that brings to me is that you have Winnipeg down there. Okay. No, it's all Manitoba.

As a teacher, you know very well how much money I receive as a COLA. Then why are you giving yourself full payment? I'd rather see you do the same thing you did to us. Make sure, No. 1: get

rid of that clause. That clause is wrong. Last night's speaker, the final speaker—I was here till 10 o'clock—said the performance that she saw was abysmal. I'm not going to use that term. When I read that clause, I wasn't slapped in the face, I was kicked and I was kicked below the face. I'll tell you that much right now.

What I'd rather see you do is scrap that line, get rid of it. If you want to make an adjustment in the future whether you need it or perceive it, I don't care, but make sure that you give yourself the exact same rate as you gave us. Deal with our problem first. I know what Tim Sale said. It's funny because I read up to two-thirds, not two-thirds, so it was reported in the press. I didn't really appreciate it on the radio. If it's from zero to two-thirds, whatever you give us, give yourself the exact same rate.

Thank you very much.

**Mr. Chairperson:** Thank you very much, Mr. Barsanti, for your presentation.

Questions of the presenter.

**Mr. Borotsik:** Thank you for making the presentation. I'm glad you came back today after your presence here until 10 o'clock last night. I appreciate all of the comments you had to make. The total amount over a four-year period based on the number of votes that were cast in the last election will amount to around \$2 million.

Could you sort of give me some understanding or indication as to where better that \$2 million could be spent as opposed to political parties? Then I'll have another question after that.

**Mr. Barsanti:** Well, you know, as an educator, the first place I'm going to say is education. You don't know my background. I've got several degrees. One of them has to deal with the needy students. I'll use that term. They need a lot of help. Our education system right now, you've changed phys ed so that you need more teachers. How are we going to get more teachers if we don't have more funds? That's the kind of thing I see.

**Mr. Borotsik:** Mr. Chairperson, the proposed \$1.25 will go to all of the registered political parties. I know your feelings on that particular \$1.25 attached to the ballot, and I appreciate the visual that you had there. How do you feel about supporting political parties basically without having any input into it or any say into it, Mr. Barsanti?

**Mr. Barsanti:** I think the greatest say a teacher could have or anybody can have is by how they donate themselves to a party. If a party needs funding, then perform. If you don't perform, you're not going to get that funding, and you know what? You don't deserve it. If you perform properly, you will get the private donation from the citizen. If you don't perform privacy, why should we donate? Really.

**Mr. Borotsik:** Thank you, Mr. Barsanti. You focussed on one area where an awful lot of Manitobans have focussed for obvious reasons, but there are other clauses in this legislation. I'd just like your opinion. One of those clauses, what we've tried to do as the opposition is communicate this particular piece of legislation. We've tried to tell Manitobans what's in here and how it affects them, and I think that's only right and only fair. One of the clauses in here is one where they're going to impact our rights or our abilities as opposition to communicate to Manitobans, whether they be my constituents in my own constituency or whether they be constituents in other areas.

How do you feel about that kind of, and I won't say gag law as such, but how that impact, how do you feel about your impact on the opposition?

\*(18:00)

**Mr. Barsanti:** Once again, I'm an educator. As an educator, I never curtailed the freedom of speech. I wanted my students to talk. I wanted to know what they wanted to know. I feel I see no difference here. To curtail freedom of speech curtails democracy, I'm sorry.

**Mrs. Driedger:** Thank you, Mr. Barsanti, for being here.

I know that retired teachers have spent many an evening here over the course of the last few years. I've gotten to know a number of them. I appreciate the struggle that you're all going through and the resilience with which you're doing it.

What I would like to ask you, and it sort of follows, based on some of the comments I was making earlier, but, to me, I do see a great opportunity here to take legislation like this out to the public. After listening to the student last night from Brandon, it was pretty exciting, actually, to hear him and to think about the opportunity we would have to take this kind of debate into universities, into high schools, into colleges, so that students can have an opportunity to learn more about

the legislation and then to put forward their own comments, and then, from there, perhaps become more engaged because they understand more, but because, maybe, they have more enthusiasm.

Do you see that there is a good opportunity here to do something like that, to maybe get past some of this youth disengagement that we see, and grab an opportunity to go out and talk to young people? Would this be a good opportunity to do that?

**Mr. Barsanti:** Personally, I think every legislator should go out into the community and see these kids. If you haven't been visiting the schools, you've blown it. You've got to get them early. My son belonged to the NDP Party. No more. I'm sorry.

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

The next out-of-town presenter we have on the list is Lillian Kelbart. Is Lillian Kelbart with us this evening? Lillian Kelbart. Her name will be dropped to the bottom of the list.

The next out-of-town presenter we have is Suzanne Adkins. Suzanne Adkins. Suzanne Adkins in the audience? Her name will be dropped to the bottom of the list.

The next out-of-town presenter is Leslie Porteous. Leslie Porteous. Is Leslie Porteous with us this evening? Seeing not, her name will be dropped to the bottom of the list.

The next out-of-town presenter is Brian Paterson. Good evening, Mr. Paterson. Welcome. Do you have a written presentation, sir?

**Mr. Brian Paterson (Private Citizen):** No.

**Mr. Chairperson:** That's fine. Then please proceed when you're ready.

**Mr. Paterson:** Strictly oral. I wonder if I might borrow some of that water from you? It's been a long day.

**Mr. Chairperson:** Please help yourself.

**Mr. Paterson:** First of all, thank you, Mr. Chairman, committee members, and other members sitting at the table.

Last week I opened the *Brandon Sun* and I happened to read this. I'm getting good at reading editorial pages now from what I used to do, but I read them all now. Anyway, it says something here

about Bills 37 and 38. So, tonight, Mr. Chairman, I'd like to speak to Bill 37.

First of all, I'm dead opposed to Bill 37. As I read the article, and as I understand it—and I can be straightened out—it's a vote tax. That's what it says to me. It's a vote tax.

Now just to give you an analogy here as to where I'm coming from, my analogy would be I guess I'm a little bit like Indiana Jones. In case some of you do not know, Indiana Jones's latest presentation on the screen, he's searching for the golden skull. I wish I were so lucky. I've been looking for justice and equity for nearly 10, about eight years now since I retired. Of course, I'm always looking for justice and equity as to how I'm taxed and to how my tax dollar is spent. So, for the last eight years, I've been very concerned about the legislation as to how it affects me.

Bill 37, as I understand it, is taking \$1.25, and I'm not sure if I'm correct here, is it from general revenues? I'm not sure, general revenues, I would guess? But I guess what really upsets me most, and the last gentleman stated it properly, is that the \$1.25, I understand, is going to be indexed to the CPI.

Now I've been wanting my pension cost of living adjustment to be indexed for the last eight years that I've been retired. As a matter of fact, I think the problem is about 10 years old. But I've been looking for that justice and equity, looking for legislation that will help me. I think the last gentleman also mentioned that the Tim Sale report does not really help me. In fact, it gives me a benefit reduction. I think the minister is aware of all the issues that we have with that Sale report. The amazing thing is that the main idea in the Sale report happens to be a retired teacher's idea. We think it's a good one. It's not going to fix it, but it certainly will get some money into people's pockets, but certainly not enough.

So I'm against the indexing of the vote tax to CPI. I've been seeking that fair and equitable cost of living adjustment to my pension for over 10 years, or eight years, sorry. Suddenly, the government, it seems, can do this in one fell swoop. I was really interested in what the last gentleman was saying, how many Manitobans are going to know about this if they don't read the paper, how many people are going to know about this. It doesn't seem to me to be fair. Certainly, it doesn't seem to me to be equitable.

I'm starting to lose faith in elected officials that they can get aggressive for themselves. I understand this is not an individual gain that you're gaining; it's a party gain, as I understand it. But that doesn't help me. I wish you'd get aggressive with my cost of living adjustment. Where's the justice and equity here that I've been looking for, and many other Manitobans, too?

I can appreciate that the government needs money. Anybody who runs a committee of any kind can appreciate that. I certainly do. I also think, and I stand to be corrected here, that our personal income tax in Manitoba is amongst the highest in Canada. And I can be corrected on this one, too. It seems to me that I was reading, I think, Mr.—Finance Minister—Selinger was out in Brandon one time, and I noted that transfer payments from the federal government to Manitoba are amongst—that's about our second highest source of revenue. I'm not certain of that, I can be corrected. That's not good if our personal income tax is our first generator of revenue and our transfer payments are our second generator of revenue. I think we're going to be a have-not province for a long time.

But, anyway, I don't think that taking more of my money, I've already paid income taxes, from general revenue is the way to go. I don't think that's the thing to do. May I suggest that you rethink this indexing to the CPI, and I guess before you do that, perhaps rethink adding that vote tax to legislation. I don't think it's fair. I think you should get more feedback from people, perhaps like myself, and I know the last gentleman stated, from amongst ordinary Manitobans, wherever they may be.

\*(18:10)

So, Mr. Chairperson, I'm dead against a vote tax, a ballot tax. I would call it a tax grab. Call it what you will. Do most Manitobans know that this is happening? I probably would guess not. I did a small poll of my coffee clutch the other day, my Friday morning group, and one out of five knew about it.

I would suggest that, somehow or other, a way be found to increase Manitoba's revenue sources. There are many ways of doing that, but I can give parties, I can give political parties right now, under The Income Tax Act, I can give political parties, I can give them support by sending in whatever it is I want to send in to those parties. I don't think we need to reach into the general revenue bag of money and take some out of there. I don't care what party it's for. It doesn't matter to me.

So that's pretty well what I had to say, and thank you for allowing me to say it.

**Mr. Chairperson:** Thank you very much, Mr. Paterson, for your presentation.

Questions for the presenter?

**Mr. Borotsik:** Thank you, Mr. Paterson, for making the trek in. I know you're passionate about the issue that you were dealing with in respect to the COLA side.

By the way, I should also say your assumptions on the revenue side were absolutely bang on. We are the highest taxed west of Québec. We do have an unusually large dependency upon equalization payments and transfer payments from the province, and that's a fact. We have those in the financials.

I find it strange, and I would just like your opinion. The proposed vote tax, if you will, the \$1.25, has an indexation or a COLA clause attached to it, so it would be indexed on an annual basis. In Manitoba right now we do not have an indexed tax bracket, meaning the tax brackets stay the same on an annual basis, and if you receive more money there's an automatic increased taxation. We do not have an indexed basic personal exemption, so that doesn't go up. You don't have an indexed pension. Can you sort of give me some understanding why it is that you feel the government feels it's all right to have an indexed vote tax? Any idea as to why they would think that that would be okay, when they really obviously don't embrace indexation, but in this one they did? Why is that?

**Mr. Paterson:** I would guess—I'm sorry?

**Mr. Chairperson:** Sorry, sir. I have to recognize you for our *Hansard* folks to turn on your microphone.

**Mr. Paterson:** Oh, I'm sorry.

**Mr. Chairperson:** No, no. I have to recognize you, as the Chairperson. I'm the Chairperson, and I have to recognize you to allow the folks in *Hansard* recording to turn on your microphone.

Mr. Paterson, please proceed.

**Mr. Paterson:** Okay. In answer to your question, well, the first thing I could guess is that, maybe, are we running out of money? That is, the government, are we running out of money?

The second thing would be, if you're getting that, I call it a vote tax, if you're getting a vote tax or

taking money for a vote tax, I can only imagine it might be for the next election. I don't know. Is that a good guess? *[interjection]* I mean, that's a good guess, you know.

I see I've still got a couple of minutes. I was at our annual retired teachers' AGM last week, and Mr. Jeff Norton from our TRAF board, he was addressing the group. One thing that I didn't know, he confirmed it, that the recent 1.5 billion that the government had borrowed to set aside for, hopefully, the fixing of our pension, but what is still in their account, that my taxes are paying for the administration of that fund, investments, so I understand. So I'm losing money there. I'm going to lose more money out of the tax bag, you know. I'm losing money.

**Mr. Borotsik:** One more question. You'd indicated in your presentation that you had gone to Mr. Selinger's presentation, when he had taken the budget to Brandon, I assume. Mr. Selinger could take that presentation on the road. Do you feel that it should be part of the government's policy with respect to this piece of legislation that he do, or that the minister do the same kind of consultative process with Manitobans, not just simply in Brandon but perhaps in Melita, and perhaps in Thompson, perhaps in Portage, or Selkirk, or other places? Do you think that that would be a wise decision to do, rather than just push this legislation through?

**Mr. Paterson:** I think one of my suggestions was to take more time, get more feedback. So I guess, if that's how you could do it, that's proper. Firstly, let me just say that I respect Mr. Selinger. I've been to several of his presentations. I think a man like Mr. Selinger would look good in any party actually, not only the one he's in. After coming from those presentations, I got the feeling I was living in Alberta, not Manitoba. However, that's an aside. So I don't know if that answers your question, but just get more time, take more time. Ask more people. I'd like to see how many people are for this.

**Mr. Chairperson:** Any further questions for the presenter? Seeing none, thank you very much, Mr. Paterson, for your presentation this evening.

The next out-of-town presenter we have on our list is Ray Sitter. Is Ray Sitter here?

Good evening, sir. Please come forward. Do you have a written presentation, sir?

**Mr. Ray Sitter (Private Citizen):** No, I don't.

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

**Mr. Sitter:** Thank you, Mr. Chair, for the time that you are here to listen to me. I appreciate it very much. This is an opportunity for the general public, myself, to speak to you and to give you my opinions on Bill 37.

I've come a considerable way to speak to the content of Bill 37. I do believe that there need to be checks and balances on political parties, on donations and on the gain that donors expect. However, what I have also observed is that political gain and self-serving actions by governments would also seem to require checks and balances. I've driven five hours to be here by at the end of the day to do this presentation. That's cost me money.

I think that, if you go and take your show on the road so that other people can talk to you and give you opinions about what it is that's happening, you'd be much further ahead, and so would we.

I'm a senior, and I'm retired and sometimes semi-retired dependent on my needs and the situation. Like other seniors, I have worked hard for what I have received. I have not been handed any gifts to get to where I am. Our government seems to believe that the less work they do to convince taxpayers that what they are doing is credible, useful and good for the people, and that in turn the party is worthy of their support, the better. Our government already provides a sweet deal on taxes for contributors to political parties. This is a much better deal than the contributors to charities. The political BS, or spin, used to justify this sounds reasonable, but it is all like all spin, giving only the parts that justify what is desired, a sweet deal on taxes for political contributions. It made getting contributions easier. Good for you.

Now it may be that, because of the political doubletalk and obvious political gobbledygook, the general public is no longer believing the stories and unwilling to contribute to the parties' campaigns. Bill 37 is, in fact, only a way to make raising funds for political parties easier. Why should I as a taxpayer be forced to contribute tax money to any political party? If I want to contribute, I have the opportunity and the tax relief to do it. If I feel that the political parties are not worthy of my financial support, why must I be forced to contribute to their coffers? Political parties need to justify their actions to the electorate and convince the people that what they have done is

worthy of their financial support. Otherwise, they won't get it.

Like everyone else, political parties need to work for their money. It should not be payment for nothing. If I do a job now, I get paid for it after the job is done. If I mess up now, I don't get paid. The same should go with governments and political parties. Governments have no business using taxpayers' money to fund their political campaigns. If it is getting hard to raise your own campaign funds, blame yourselves and don't try to take it from the taxpayers. Maybe you should consider that what you are doing is not satisfactory to the taxpayers. It is simply wrong to institute this portion of the bill. It is up to you to convince me that what you are doing is worthy of financial support directly. If you can't do it or you don't do it, you won't get my support nor my money.

\* (18:20)

Now to another part of the bill. The amount per vote that party receives will rise with the increase with CPI yearly. Now isn't that sweet? Why should it increase with CPI? Is it perhaps not to lose the value of the money?

Well, let me give you a few words about cost of living and CPI. As a senior, I see a few problems. Why is it that when the government is dealing with itself, its money paid to its political parties, it is important that it rise with CPI, that it not lose its purchasing power? Yet, when I look at the actions of a supposedly socially attuned party that looks out for the general public, I see a lack of support for the general public.

Why is it that Manitoba is one of the only few provinces in Canada that doesn't index its personal exemptions and its income tax brackets to CPI? Is it not important to keep those indices on the brackets as well? It doesn't increase the benefit to the taxpayer. All it does is it ends up making things as if nothing had changed.

Just like with the increase for the per-vote payment, it would not be increasing the actual value of the tax benefit. It is good for the government to keep pace with CPI, but not for the people. More taxes are good for the government, even if the public's actual buying power is going down.

As a provincial pensioner, I don't see my pension increase with CPI. Why is it necessary for you, but not for me? I need to hear how CPI is necessary for you, but not for me. I'd like that explained to me.

Natural gas has gone up this month, an increase of, I believe, approximately 7 percent. Gasoline has increased by a gazillion percent. A cup of coffee in a restaurant has increased by almost 50 percent, at least where I drink my coffee. Flour has gone up by almost 100 percent. I don't get that many muffins anymore. The value of my major asset, my house, has gone up by a huge amount. This increases my assessment by a large amount, and the city and the education taxes that go along with it go up. To benefit, I have to die. Selling means I have to buy something else at the same or higher prices.

No, I don't need CPI increase on my pension. Only the government needs full CPI for their salaries and their political needs, the party.

As a senior, I am adamant that the government and political parties need to earn their financial support. I agree that receiving CPI-related relief is a good thing. Perhaps the government can institute a CPI relief or rebate on all purchase and charges made by seniors. Unlike business owners who pass their increases on to the customers, and salaried workers who negotiate increases related to CPI, and I'm not sure how you get your increases, but I would expect you probably do, seniors have no CPI relief from the fixed incomes that they live on. There is a CPI initiative that might be worthy of an attuned social democratic party.

Do we need a fixed election date? I don't know. It has problems. It has good things about it. It's kind of *comme-ci, comme-ça*. I'm not sure.

Part of the bill which restricts communication between MLAs and their constituents by having it vetted by an oversight committee I think is wrong. The public will judge whether the issues, the communication that's coming out is adequate, correct or not.

Mr. Chairman, those are my thoughts. Thank you.

**Mr. Chairperson:** Thank you very much, Mr. Sitter, for your presentation.

Questions for the presenter?

**Mr. Borotsik:** Thank you, Mr. Sitter. I appreciate the very candid comments, actually, and certainly ones that I would hope that everybody around this table would certainly consider where they came from. We do appreciate it, particularly, the focus on your CPI, but you did mention a couple of other areas.

One of those was the communications. As you are well aware, there's a clause, a section in this act that would restrict communications of MLAs to their constituents, whether they be their own constituents or constituents in other areas. I know that you touched on it, but there's a constitutional right that, I believe, each and every one of us has, which you have right now standing at a podium. That's the freedom of speech, putting your opinions forward. Whether some of the people around this table don't agree with those opinions, that's too bad. You have the right to put out those opinions, as I believe I have a right as an MLA.

You did mention it briefly. Do you believe that we should have the freedom of speech, the freedom of opportunity, to be able to communicate not only with you and your organization, but other people throughout the province of Manitoba?

**Mr. Sitter:** As I had suggested before, the judge of the communications that will come out should be the people. You all have your tentacles into the other people's communications. You all know what's being sent out, and if you're not going to be able to rebuff those, refute those, then you're not doing your job. So I don't think it requires a committee of some sort to oversee the communications that go out and say, this is good, this is bad, and particularly, if it is a partisan committee, one which has an unequal number of members from different parties.

**Mr. Borotsik:** One other question, Mr. Sitter, then I'll pass it on to the Member for Inkster (Mr. Lamoureux).

It's a hypothetical question, but you touched on it, and, as I said, you were very eloquent about the \$1.25 going to the party which you vote for. Do you ever see you not casting a ballot just simply not to give political parties that \$1.25 of your hard-earned tax dollars?

**Mr. Sitter:** I would really have to consider that a great deal before I got to that point. I would hope that the members of the Legislature would see the common sense in saying, we have raised our funds before, and that is the legitimate way of going it. You prove to me, your constituents, that you deserve the money. And you'll get it. But, if all you want to do is dip into my pocket to get it, that's not the way it goes.

So would I vote? I may well vote to get you out, but, no, I don't think I would connect it with the \$1.25. I spent 40 years of \$1.25s to come in here to

talk to you. So I don't think I would do it to do that, but I think it's on the principles of what is right and what is fair that we're dealing with, not a question of is it \$1.25. It's not a lot of money. No.

Spin it all the way you want, but that's not the way it should be. You don't go into the coffers to pick out money to run a party. You raise that money yourself. That's why you got all these bag men. Yes, you got to have controls on them. Yes, you have to have some ways of ensuring that what it's doing is within bounds. That's where your rules need to go if they aren't already there. I don't know. But to have the money come from the coffers, I think, is wrong.

**Mr. Lamoureux:** A question in regard to—I, for one, believe that we should lift restrictions as you seem to be implying. If you were to say, for example, as an MLA, you cannot send out a mailer asking someone to join the political party. You cannot ask for a donation. After all, these are tax dollars that are paying for that mailing.

With a couple of restrictions like that, and maybe one or two others that are as blatant as that, if you put those to the side, would you then support this self-policing, then, of the content of what's going out in the mailings?

**Mr. Sitter:** You have to have checks and balances, as I started off with before, for pretty well everything. You just can't have everything just running free, but I think to have the checks and balances overseen by a partisan group really is not a fair way to go. Sometimes in the past I've come to this, committee meetings, and people have been counting the stars, reading newspapers, doing everything except listening. To me, that says democracy is not really working very well if that's the case. Fortunately, tonight, this afternoon, this evening, whatever it is, people have actually listened, and that's good. I think that's the way it should be. I don't even think newspapers should be in the room here. I think people should be listening to what is being said.

\* (18:30)

**Mr. Lamoureux:** The question is, and I guess it's more of a personal thing, I think I might be the only one that actually has to pay for my own business cards, the reason being because I put Deputy Leader of the Liberal Party on it. Do you feel I should be able to put Deputy Leader of the Liberal Party on my business cards and claim, like every other MLA does?

**Mr. Sitter:** Heck, you should see what I put on my business card. I pay for it.

I'm not going to go into quite that specific an area. If you're paying for it—

**Mr. Chairperson:** I think the time has elapsed. Thank you very much, Mr. Sitter, for your presentation here this evening.

The next out-of-town presenter we have on our list is Linda Ward. Is Linda Ward in the audience this evening? Seeing that Linda Ward is not here, her name will be dropped to the bottom of the list.

Next out-of-town presenter is Tony Balian. Hope I pronounced the name correctly. Seeing that Tony Balian is not here, the name will be dropped to the bottom of the list.

Next person on the list, out-of-town, is Beverley Ranson. Beverley Ranson? Beverley Ranson's name will be dropped to the bottom of the list.

Next out-of-town presenter is Nelson Dolff. Nelson Dolff? Nelson Dolff's name will be dropped to the bottom of the list.

Next name from out-of-town, folks, is Art Oscar. Is Art Oscar in the audience this evening? Seeing that Art Oscar is not here, name will drop to the bottom of the list.

Next out-of-town presenter is Dianne Lambert, Dianne Lambert. Seeing that Dianne Lambert is not with us, name will drop to the bottom of the list.

Next out-of-town presenter is Jack Penner. I believe he's in the audience. Good evening, Mr. Penner. Welcome. Do you have a written presentation, sir?

**Mr. Jack Penner (Private Citizen):** No, I don't.

**Mr. Chairperson:** Please proceed when you're ready.

**Mr. Penner:** Good evening, Mr. Chairman, committee members—former colleagues, many of you—and Minister.

I believe that the committee process that this province has, and has had for many years, should be commended. As a former member of the Legislature, I certainly have a great deal of respect for how it is conducted and what happens at this committee.

I wish I could say the same thing for Bill 37. Bill 37 reminds me in many ways about the election that was held about six years ago. I believe that was the

first election that we held with the new rules for raising funds in the province and the limitations that were put on all political parties, including unions and corporations.

It reminds me, because this is a bundle of legislation that has been assembled to deal with, under one act now, many aspects of the legislative process. Indeed the public's involvement, be it through lobbyists or be it through people like myself now, appearing before this kind of committee or other organizations that have the right to. I believe that is unfortunate that we have bundled the same as we allowed the unions to bundle money to finance election campaigns during that election. Corporations were not able to do that, or other industries or individuals were not able to do that.

I believe the unfairness that was there then and allowed to then, and I'm still waiting today for the Chief Electoral Officer to give me an answer on why that happened and how it was allowed to happen. I still have not received that, although we raised it at public committee here.

I had to raise that today because I think it is extremely important because it takes away from the balance that is allowed all political parties or individuals and it should be allowed. Under a free democracy those kinds of things, and I agree with what the previous presenter said, there should be an equal balance of allowance. I think that was not happening here. I'm afraid under this bill that it is, as well, not happening.

I'm not going to be commenting about the monies collected other than to say \$1.25 a year that will be assembled and funded will come to \$5 if the four-year election is followed, although I have some doubts about that, but that's \$5 a vote. If you then take into consideration the tax allowances for private donations and the exemption from tax, you reach a point of having about \$11 per vote that comes out of tax money one way or another.

If we would ask each person to write a cheque for \$11 before they were able to sign the ballot, I think we would lose an awful lot of people, and the only reason I mention this is because, again, I think fairness and balance is not included in this bill. The funding, as it is prescribed under this bill, further delineates from that process.

The other one that I am extremely concerned about—or there are two actually—is how the act is written in regard to lobbyists and registration of

lobbyists. I am absolutely in favour of having some form of process that is equal and fair to all lobbyists and is prescribed. However, when I read the bill—and I need to spend more time at it and I used to do a bit of this, but I haven't had enough time to go through this bill because I think it has very important aspects and it takes away from the freedom of individuals to come into this building and sit down with ministers, as we are used to doing, or sit down with government officials, as we're used to doing. This puts a lot of limitations on that. I'm gravely concerned about the democracy that is being chiselled away by legislation and it concerns me greatly.

The other one is the imposing of censorship and giving that censorship right to the LAMC. LAMC is the management committee for this building and the parties that govern within this building. They are their management committee, and to give them the right of censorship of what can and cannot be used or said I think is harbouring on the side of what maybe caused the Second World War. It was freedom and individuals' rights that were taken away then by a prime minister or a governor at that time of Germany. He took away the people's rights to speak and be publicly heard, and it caused a revolution.

We are seeing a similar kind of approach in government today, and I think the Premier (Mr. Doer) of our province needs to think long and hard about how democratic or non-democratic he really wants his party to be, because we are, after all, still considered a free country. We are, I believe, and should be considered part of that country.

\* (18:40)

I fear that if this kind of thinking and allowances for imposing the kind of censorship that would prohibit our elected members, be they in opposition or in government, from expressing their opinions about how government operates, be it financing, funding or any other matters that need to be brought out of this building to the general public, to the people that we represent, that that kind of censorship is going to be used to stop people from bringing that kind of information out of this building to them and that is one of their first responsibilities they have. It isn't just bringing their concerns to this building; it is bringing what's happening in this building to them.

Government might not always—and we were in government many times when the opposition took messages out to their constituents. We didn't always like the message, but it appears to me that this government doesn't like the message at all and is

going to make sure that it is prohibited, that members are prohibited from speaking publicly about what should or should not go on in this building or what should be spent on or what should not be spent, or what issues are dealt with, whether they be issues in Family Services or be issues in Health or governance or municipal. We simply are not going to be able to hear any other message than what government wants to tell the people. That is unfortunate and I believe that the legislative management committee was never established to be that kind of a mechanism or should utilize those—be given those kinds of powers. I'm sure they really don't want it.

I believe that this is the kind of bills you get, Mr. Chairman, when you have a single person responsible for drafting this kind of bill, and it is my understanding that many of you sitting around this table had not seen hide nor hair of this bill until it came to this forum. I think that again speaks very highly of how concerned we should be as members of the Legislature and how concerned people should be, because when we start exercising dictatorial powers from the top office, I think we are in serious, serious trouble.

Mr. Chairman, I only want to close my presentation by saying that the fixed election date that the Premier (Mr. Doer) has made so much of is really not a fixed election date. When you read section 49.1(1), you will find that 49.1(1) gives the right of the Lieutenant-Governor to call an election at any day or any week or any month of the year without restrictions. That's what 49.1(1) says. So nothing really has changed by this bill and I'm really disappointed—

**Mr. Chairperson:** Mr. Penner, the time has expired, sir.

**Mr. Penner:** —that this kind of action was contemplated or even thought about by the Premier and try and mislead the people into thinking that we're really going to have a set election date.

**Mr. Chairperson:** Thank you very much, Mr. Penner.

**Hon. Gary Doer (Premier):** Yes, there are set election dates in provinces, other provinces, and in the federal government. Have you had the opportunity to note or study the formation of the wording on legal drafting on a set election date that is not, quote, a Lieutenant-Governor-in-Council, but rather Lieutenant-Governor substituted to the word "Governor General" and comparable to other

provinces that have set election dates? I know that there's been a bit of information to the contrary, but have you had an opportunity to study other similar acts where there are set election dates and to note similar wording as the one—the wording that you're critical of today?

**Mr. Penner:** The bill, as it is drafted, says, 49.1(1) Nothing in this section affects the powers of the Lieutenant Governor—not the Governor General—including the power to dissolve the Legislature at the Lieutenant-Governor's discretion. Gives free and open power to the Lieutenant-Governor, as we have always had.

**Mr. Doer:** That's different to Lieutenant-Governor-in-Council and is comparable wording in other provinces, would also be comparable—it would be—there's a difference between the Governor General-in-Council and the Governor General in Ottawa, and Lieutenant-Governor-in-Council and Lieutenant-Governor in other provinces. I would suggest, and we could provide you other legislative drafting in other provinces dealing with set election dates and comparable wording with other existing provinces that have already gone through set election dates.

When you were a member of the former Cabinet and caucus, there was a large outcry and opposition to partial public financing. Even in this bill, most of the financing for political parties still comes from the political parties. You were opposed to and the Conservative Party of Manitoba was opposed to partial public financing. A point, I think, Mr. Green made at that the Frontier Club was that, in fact, after promising to get rid of it and condemning it in opposition, it was carried on for the 1990 election, the 1995 election and the 1999 election, and then subsequent to that.

Was there ever any discussion in the former government caucus on your opposition to partial public financing of candidates, including yourself, when you ran as an MLA—and all of us, actually, have received rebates to the constituency that we represented. Was there ever any discussion in the caucus about the concerns that are almost echoed in some of the comments today and the need to repeal that legislation when you had a chance, a majority government for nine years?

**Mr. Penner:** I think the Premier well knows that what's discussed in caucus stays in caucus. I believe that his rules apply the same in his caucus as they do in his Cabinet. I think we all respect that.

**Mr. Doer:** You would also be very, very concerned about the Liberal vote funding part of the reduction in union and corporate donations and then the extension of that by the Harper Conservative government to \$1.95. Have you made your concerns known to Prime Minister Harper who extended under the Accountability Act, one, a ban on union and corporate donations which went further than the Liberal Party, and two, a partial public financing of political parties?

Have you expressed this same concern for democracy to Prime Minister Harper?

**Mr. Penner:** I have personally not spoken to the Prime Minister about that. I have not had a private conversation with the Prime Minister since he has been the Prime Minister. Maybe I should have had or maybe I should have asked for one. I'm sure I would have received one if I'd asked.

So I think when the opportunity arises, I might well voice my opinion, whatever that may be, to the Prime Minister on this matter.

**Mr. Borotsik:** It seems that we always blame the feds on the other side of this House. The feds are blamed for just about everything, so we might as well blame the feds for this as well.

You talked about the fixed election dates and the difficulties you find with that particular clause. Just as an individual who has been in this House before and has been elected a number of times, what's your personal opinion on fixed election dates themselves, and get rid of all of the loopholes in the particular legislation.

Do you, sir, believe that there should be fixed election dates, and if we can fix this piece of legislation, would you agree with that?

**Mr. Penner:** I think many of you know that I have traditionally been in favour of fixed election dates. I am a great believer in it. I live within six miles of my American friends and neighbours. Although I smile at how they select their leaderships and their candidates for the presidency, those kinds of things, we know that every four years they will have an election, and we know what day that will be. I simply cannot understand why we cannot find a way in this country, or this province for that matter, to put in place fixed elections.

\* (18:50)

I find it very interesting, though, that this government, this NDP government with a Premier

that we have at the head of it who was so opposed to fixed elections, comes and springs this not only on his own caucus but on all of us.

But he will get my support on fixed election days, if it is done right.

**Mr. Goertzen:** Mr. Penner, welcome back. It's great to see you back here in a place that you know well. It seems that you've only been away for a year but not much has changed, I suppose, when you see the Premier (Mr. Doer) attacking you the way he used to. You handled it as well as you ever did.

As you know, or you might not know, sometimes things go on the record that aren't exactly friends of the truth, and the Premier was trying to give you an indication that the wording regarding fixed elections is exactly like it is in other provinces. In fact, you know, we know from a briefing with the minister's staff that that's not true, and that there are other wordings in other provinces. So, when the Premier provides you with his version of the way things should be, just remember that there are other versions. You'll know from your own experience that sometimes we don't always get full disclosure from the Premier, even though we wish we would.

I want to ask you, Mr. Penner, and I respect the work that you did, and learned from you, in terms of representing your constituents in Emerson. They all speak very highly of that work, still today. Having to vet communications as an MLA through a government-run committee, can you sort of speak about how, if you would have had to live under those rules, that might have impacted your role as an MLA, to advocate on behalf of your constituents, and, more generally, for the province?

**Mr. Penner:** I simply cannot comprehend how the authority to view every piece of communication that will go out of this building via the elected members will have to go to committee and be censored by a committee, gone through by committee, and committee will then determine what is allowable and what is not allowable. It gives, in my view, the Premier and his Cabinet a huge amount of power as to what the people will hear out of this government through his representatives who have a majority. In any kind of majority government, LAMC committee, the government's side always has the majority and will be able to drive the agenda of the Premier's office without question. I think that is simply not acceptable.

**Mr. McFadyen:** Thank you, Mr. Penner. I want to just thank you as well for being here. It's good to see you back in this great building again and as lively and thoughtful as always. It doesn't seem as though you've skipped a beat since stepping from elected life.

I want to just ask you, the Premier (Mr. Doer) has raised the issue of debates in prior years, as he likes to do. He likes to go back and have academic debates about things that may or may not have happened in the 1990s with some, I think, attempt to try to create the perception, perhaps, that these debates are relevant to what's happening today in 2008.

But since he wants to go back and have these debates, Mr. Penner, I want to ask if you are aware of the steps that were taken subsequent to the passage of the bill banning union and corporate donations to political parties. Are you aware of the steps that were taken by the NDP to violate the spirit, if not the letter, of that law through a practice known as bundling by which the NDP, in effect, continued with union donations but made them appear as though they were coming from the individual members of those unions, the union in the background orchestrating the contributions, even though the names attached to those contributions appeared to be the names of individuals? I wonder if you can just express your awareness of that bundling scandal and whether it's your view that one of the issues we should be turning our minds to in legislative amendments is trying to find a way to close that very small loophole that the NDP left themselves to carry on with de facto union contributions subsequent to the passage of that bill.

**Mr. Penner:** Well, I can only repeat what was said at committee, and the questions that were asked of the Chief Electoral Officer in committee and the responses to that. I think we can all read the record. I don't need to waste your time repeating that.

However, I think it was very obvious. What seemed so absolutely blatant was that, when you have a union situation or a union workshop situation—and I've been a member of a union. I've worked in a union workshop. I know the authority of the union steward. When that union steward would have come to me and said, Jack, we want 25 cents a day, or \$1.50 a day, or \$2 a day from you at the time you worked, and we're going to put that aside in your name and donate it to the political party of our choice, I would have had no choice but to do it,

because I had that much respect, and I had better have that much respect, for the union steward and the shop steward. So I would suspect that that hasn't changed much today.

I would suspect that that could have happened, although I don't know for certain that it did. We asked those questions, and it became apparent that the Chief Electoral Officer was concerned about this. He was going to look into it, but I have not received an answer till now.

I think that, if we're looking at changing it, there are many ways to do that, but I would strongly encourage a committee of government and opposition members—or that the opposition did a public consultation on that and determine and listen to what the people say. I think you'll come up with a good plan to find a way to finance election campaigns. I'm not sure that the collection of taxes should be used for election funding campaigns. I'm not a great believer in it.

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

The time has expired, Mr. Lamoureux. We're considerably over.

**Mr. Goertzen:** I might ask, in the spirit of bipartisanship, for leave for the Member for Inkster (Mr. Lamoureux) since I know all political parties were able to ask questions and not the Member for Inkster. I would ask for leave, Mr. Chairperson.

**Mr. Chairperson:** Is there leave of the committee to allow Mr. Lamoureux to ask a question of the presenter? *[Agreed]*

**Mr. Lamoureux:** Thank you, members of the committee.

Just a very quick question, Mr. Penner. June 14 is the date that's going to be the next provincial election if we just accept the legislation for what it is saying and assume it's June 14. In your opinion, because I know you've had a long record in terms of supporting set dates, would it be better if it's a fall election? For example, on October 25 versus June 14. When do you think it would be the better time that would enable more participation?

**Mr. Penner:** I will now speak as a farmer and a rural businessman. I would suspect that, if you would canvass the rural community, I think the rural community would tell you that if you had a late fall election, it would by far better serve than in the middle of seeding date election. I mean, seeding

might well be finished by the second week in June, but everything else that comes with it—spraying, cultivating and row crops, and all those kinds of things—are right on the heels of that. You will not have a great deal of participation in election campaigns in rural Manitoba if you proceed with a June election.

**Mr. Chairperson:** Thank you very much, Mr. Penner, for your presentation this evening.

#### Committee Substitution

**Mr. Chairperson:** For information on committee members, Mr. Martindale is substituting for Ms. Korzeniowski.

\* \* \*

**Mr. Chairperson:** The next out-of-town presenter we have on our list is Cliff Zarecki. Is Cliff Zarecki in the audience this evening? Cliff Zarecki? Seeing that Cliff Zarecki is not here, his name will be dropped to the bottom of the list.

The next out-of-town presenter is Gaile Whelan Enns. Is Gaile Whelan Enns in the audience this evening? Gaile Whelan Enns's name will be dropped to the bottom of the list.

The next out-of-town presenter we have is William Backman. Is William Backman with us this evening? William Backman? Mr. Backman's name will be dropped to the bottom of the list.

\* (19:00)

The next out-of-town presenter we have is Trevor Gates. Is Trevor Gates with us this evening? Good evening, Mr. Gates. Welcome. Do you have a written presentation, sir?

**Mr. Trevor Gates (Private Citizen):** No, I don't.

**Mr. Chairperson:** Do you wish a chair, sir, to sit down? We can move the microphone for you.

**Mr. Gates:** No, this is perfect. Thanks.

**Mr. Chairperson:** You're okay.

**Mr. Gates:** Standing is actually easier.

**Mr. Chairperson:** Okay. Please proceed when you're ready.

**Mr. Gates:** I'm a little bit nervous. This is my first time, especially, the Premier (Mr. Doer) came to see me and everything. So I'm a little bit nervous to speak here today.

But thank you, Mr. Chair, and members of the committee and everybody that is here to try and do something to make Manitoba better.

I am, by far, not the most educated person in Manitoba or even in the room, but I'd like to tell you a bit about myself and my background so you can weigh what my incentive is to speak here today. I did get one of the e-mails sent out by the Conservative Party, but I didn't come here to speak for the Conservative Party. I actually found some parts of the legislation wrong.

I'm a father of two young Manitobans. I'm an employer of 35 Manitobans through more than six Manitoba communities. My wife and I own two grocery stores. In the past I've held positions as a town administrator, an administrator for a First Nation government, an economic development officer. I've managed seven companies from construction to marine services to property management. You think I got fired a lot, but I didn't. I promise.

I had to learn quickly in these jobs, and I really found that the best way to learn about a place that you didn't understand that well was to consider what people's incentive was and what benefits they received from different things.

There are a few parts of the legislation I found disturbing. I guess that might not be the perfect word. I'm going to invent a word here, if Stephen Colbert can invent "truthiness." If there isn't a fixed election date, you will "fradulentize" any comment that's ever been made supporting that. If you've ever said that you believe in a fixed election date, it's either fixed or it's not. It can't have if this or but that. It's a date. You pick it, and you either support the idea of a date or you support the idea of not having a date.

It seems like leaders always want to have people give up power when they're not leaders and then they never want to give it up when they're in there themselves. I really think fixed election dates are a good idea. I don't think it should be in the Premier's or the Prime Minister's purview to decide when they're popular or when the other party's unpopular or unorganized, maybe not ready for an election. I think that's a crazy time to have an election. I think Manitobans deserve better, and I think that that is a positive step. I think everybody looks at it that way. Going around talking like you support fixed election dates and sliding in loopholes like maybe if there's a federal election by a certain date that you can call an

election then, or that changes, any sort of change to that. A date is a date, and it should be fixed. "Fradulentizes," I'm assuming it's not a word.

Now the idea of having it not actually a fixed date, I try and think of what is the incentive to that and who benefits, and it is not Manitobans; it is the government. It is the governing party that benefits from that. Like, what incentive would there be to have a loophole. It's either a date or it's not.

I feel the same way about limiting advertising for anybody. The deputy Liberal leader should be able to put that on his card. He should be able to put that he sells cars even, if he wants. It's his card. He's the elected member and he should be able to put what he wants on his card. He was elected by his constituents, not any governing party, not any administrative body for the government. It was his constituents that elected him, and he can put whatever he wants on his card. His constituents are the ones that chose that for him.

I can't understand how limiting advertising or mandating reporting for MLAs, who they've met with, what they met about, what they want to release to their constituents or to anybody, is—I don't understand how that's legal, but what incentive would somebody have to put that in a legislation? Who would benefit from that? It is not Manitobans. It is just the government that would benefit from the idea of limiting advertising.

You know, if you have to change—the rules that were in place have had the NDP elected. If you have to change the rules to get re-elected that's—I think that's what Hillary Clinton is trying to do. We definitely want to be elected and treat everybody fairly each election. I think, at least, if you're going to change election rules, you should change them for future elections, not for now. Don't change the rules for now that people were brought in by.

I have a personal story about the \$1.25. I didn't like the federal Conservative idea for the vote fee. I took a good, hard look at the candidates in the Brandon election, my first election when I moved to Manitoba, and I used to be a car salesman for six weeks, also—I didn't do that very good—and I didn't want to vote for a car salesman; I didn't want to vote for Merv Tweed. I did not like the way the Liberal candidate sounded at all when he spoke, and I really liked the way the NDP candidate sounded and had really considered voting for the NDP federal candidate. After hearing Jack Layton speak and talk about wanting to withdraw the troops from

Afghanistan, well, I had a friend in Afghanistan with PPCLI. I just thought, how—like, I can't believe that the person—if I'd have voted for that person, Jack Layton would get so much money each year because I laid that vote down for that person I believed in.

So, who am I voting for? Am I voting for the leader or the candidate? I think a lot of you would hope that we're voting for candidates, but it turns out most people end up voting for the leader. I don't think that you should get my \$1.25 if I like your candidate, because I might not like you. That's my vote, and I voted for the candidate; I did not vote for the party.

That's actually how I voted. I chose to support Paul Martin in that election and I don't regret it now. I've met Merv Tweed and he's not just a car salesman to me anymore, but I really think that that's the fair way to do it.

If you're going to add this fee on, please do it for a future election so I know, when I'm making my vote, what it means, because I didn't know that my last vote meant that I was going to be contributing to a political party. I have the right to choose to do that with my money if I want. I have the right to drive in two hours and leave my employees and my wife and my kids to come here and speak to you. That's my right. But I don't want my \$1.25 going to other parties—to any party. I want to choose where that money goes. But at least, if you're going to do it, please make it for a future election so you can let people know that their vote means that. I don't see how you can take a historical vote and bill the government for that. I don't understand why we need to change the rules at this point.

I think there are a lot of things that the government could be doing that are a lot more important than this. I think it's really hard to take that many pieces of legislation and try to fix them in one bill.

Your retail sales act is a joke. It's the craziest act that's ever been attempted, to read. It's been amended every year since it came in almost. Now I'm being taxed on lawyers and accountants that I wasn't taxed on when I first came here. I'm paying for PST on used equipment that might have hit PST its third time. If I didn't have that money to pay for the PST on the equipment, I wouldn't be employing 34 Manitobans today. You could harmonize these taxes and fix some of these things, instead of wasting your time on trying to figure out how to stay elected or get elected next time. It's not important. It's important to

try and work for better things for Manitobans, not for Conservatives or NDP but for Manitobans. Make your incentive based on them and you'll stay elected, instead of based on trying to stop people from talking or—anyway.

I really think that time should be better spent on harmonizing GST or innovating health care, because they're both woeful problems in this province.

That's all I have to say.

**Mr. Chairperson:** Thank you very much, Mr. Gates, for your presentation this evening.

Questions for the presenter?

**Mr. McFadyen:** Firstly, thank you, Mr. Gates, for making the trip to be here in Winnipeg to make your presentation tonight. I know you've covered a lot of ground to have your say, and you've waited patiently, which is also greatly appreciated. This can be a time-consuming process considering complex bills of this nature, and your patience and the time that you've put into both travelling here and making your presentation are very much appreciated.

\* (19:10)

One of the elements of the overall story that is related to Bill 37 is the lack of any restriction, other than the 60 days before the election date, on government advertising, that's advertising paid for out of your tax dollars or out of your hydro rates or out of your MPI rates, no restriction on government advertising. I think all of us have seen the campaigns that have been running totalling millions of dollars every year. I wonder if you have any comment on the equity or inequity of limiting political parties, limiting MLAs in terms of their communications, but leaving no limits in place whatsoever, other than the final 60 days leading up to the election, on government and Crown corporation advertising, which totals millions and millions of dollars.

**Mr. Gates:** I spend about \$90,000 a year on marketing and advertising, and it is an expense. Everybody wants to get their message out. I don't think that there's anything that will stop governments from promoting their own programs through government agencies, and every government will do it. The only thing you can do is not handcuff the opposition parties with limits on how they can fight that. I picked up the paper and I really—my MLA is Leanne Rowat, and I've seen her at a lot of events in the community. My MLA in Rivers is Leanne Rowat, and she's come to so many events that I've

been surprised. When my son was in kindergarten, she came to grade 1. She came to hand out the Canadian flags, and she really takes the extra time to come and meet with people. I actually joined the Conservative Party because of Leanne.

I was really impressed by her, and when I came to a dinner, I actually talked to her about Aboriginal issues, which she was the new Aboriginal—the critic for Aboriginal affairs for the Conservatives. I asked her, have you ever met an Aboriginal person type thing? She's been to events, she's been to powwows, and she'd really gone out to talk to people. Then all through the news is this hatchet job about some comment that she made that was taken out of context. There's actually a limit on how much she can spend to clear her own name, or how much I can spend if I want to clear her name. That was a disgusting distortion of what she said. Nothing should stop somebody from being able to counteract that and come back with a clear message of—like if all somebody hears is this one quick no.

Parties should be able to speak their minds. Why limit what a party has to say? What could there possibly be to hide that you don't want to hear what a party has to say? I can't even begin to fathom who that benefits, you know, like what Manitoban has benefited by the idea that the opposition party has hit their limit and they can't complain publicly anymore. You know, they've spent their 75 grand this year and no more flyers, no more advertisements, unless there's—you know, why wouldn't people be allowed to advertise all they wanted? They might make fools of themselves, you know. Really, you should, everybody should be able to speak their minds.

**Mrs. Driedger:** Thank you very much for making the trip in and for being here, and for your very thoughtful comments. My question to you is: Would you be surprised to know that while we have that \$50,000 a year in advertising limits, would you be surprised to hear that the government at the same time, in '05-06, for example, spent \$15 million to advertise? So can you imagine how \$50,000 stacks up against \$15 million?

**Mr. Gates:** I spend more than that on two small grocery stores to advertise my weekly flyer. You know, \$50,000 is not a lot of money. I own a store in Ste. Rose; I can't afford to advertise to Dauphin with flyers. I'm not talking about a huge budget, and it is more than what the limit is for parties to use for advertising.

**Mrs. Driedger:** Would you be surprised that since the NDP brought in these advertising limits that limit us to \$50,000 a year, they have spent, as a government, almost \$70 million in that same point of time to advertise?

**Mr. Gates:** Governments need to promote their programs, and this is how Manitobans are going to get to know them. I can't see any way for the government to let people know when—this is the first jurisdiction I've ever been in where you had to renew your licence every year. I really wish that was advertised better before I got the ticket for letting it expire, you know. Governments need to—

**An Honourable Member:** We're changing that. Every five years.

**Mr. Gates:** See five years will save you money in administration and there are a lot of efficiencies that could be brought into this. The government's going to need to advertise, though, and advertise those things. I don't harbour any ill will toward the 15 million unless it was wasted or back-paid back to, you know, Gomery. I don't want to see government advertising that's to take advantage of people. They should be promoting their programs, but they shouldn't be limiting the opposition parties from trouncing the programs that don't have any value to Manitobans. What benefit is there to Manitobans? You should be able say that all day, all night, until you're out of money, really.

**Mr. Chomiak:** Would you believe that one of the bills we had on this paper is to deal with renewing your licences every five years. We hope to get to that and deal with that, as you suggested. So I appreciate your comments, both pro and con, because I thought they were well thought out.

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

**Mr. Doer:** I'll send you a copy via my friend's e-mail to you.

If I could, the section in Manitoba is very similar, if not the same, as the federal section dealing with the issue of a set election date. In terms of Ottawa, nothing in this section affects the powers of the Governor General, including the power to dissolve Parliament at the Governor General's discretion, which is similar to what other people have cited for the Lieutenant-Governor. There always has to have a power in a system to dissolve it.

The one difference is that we've actually included a criteria for delaying an election if there's a

flood or a forecast of a major flood in Manitoba. When we were talking about the exemption, and we know that Prime Minister Harper has promised to have an election with the same wording in October '09, unless the government falls in a minority situation. We have comparable wording to many other provinces in that regard.

Would you be opposed to having—if you have a spring election in Manitoba, it seems to us that in the odd year there may be a major flood: '97; there was flooding on the western side of Manitoba in other years, that we would have to take that into consideration.

**Mr. Gates:** I wouldn't plan a fixed election date during a flood season. I couldn't know less about farming. I don't even know what most of the machines I drive by are called. It's funny, I call them things and people all make fun of me for naming this farm machinery different things. But I'm shocked at how the dates and the times of year affect people. It seems like a really bad time of year. When the election is—if I'm out campaigning, and I hope to someday, that I will be going to fields, tractor by tractor, to talk to people, because they will be in the fields. While people are out campaigning, people will be in the fields.

That is hard on rural communities. The whole town revolves around, you know, curling supper isn't based on the end of curling season; it's based on the beginning of growing season and the end of—we base it on these. All the town plans come from those sorts of things.

**Mr. Doer:** Yes, and the reason why June was chosen is it was close to four years since the '07 election. That's the reason.

Also, if you go too far into the fall or too early in the spring, there are also issues of freeze up and melt down in terms of rural or northern communities, Aboriginal remote communities, where it's necessary to have solid ice or no ice, with something in between, is not very desirable.

As a person who lives in Rivers, your recommendation would be, if there was a set election date, not to be in June, but rather—when would you recommend to this committee?

**Mr. Gates:** I wouldn't have a recommendation of a date, but I definitely would have it fit with the agricultural seasons as best you can, and know that you'll never make everybody happy.

I have a weekly meeting every week, and we just changed it from Wednesday to Tuesday. The first week we wanted to change it, nobody could make it. We all agreed that Tuesday was good, like, six days before. We all phoned each other and said, you know, Tuesday kind of sucks now.

**An Honourable Member:** Sounds like a caucus. We understand.

Thank you very much.

**Mr. Chairperson:** Thank you very much for your presentation here this evening, Mr. Gates.

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

\* (19:20)

**Mr. Chairperson:** The next out-of-town presenter we have on our list is Bruce Dwornick. Is Bruce Dwornick with us this evening? Bruce Dwornick. Name will be dropped to the bottom of the list.

The next out-of-town presenter we have is Dave Henderson. Is Dave Henderson with us this evening? Dave Henderson. Dave Henderson's name will be dropped to the bottom of the list.

I believe that concludes the list of out-of-town presenters we have with us this evening.

We'll now move back to the top of the list. First, we have Colin Craig, Canadian Taxpayers Federation.

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

**Mr. Colin Craig (Canadian Taxpayers Federation):** No, I don't.

**Mr. Chairperson:** Please proceed when you are ready, sir.

**Mr. Craig:** Good evening, and thank you for the opportunity to speak here today.

My name is Colin Craig, and I am the provincial director of the Canadian Taxpayers Federation. The Canadian Taxpayers Federation is a not-for-profit, non-partisan advocacy organization that is committed to lower taxes, less waste and more accountability in government. Since the government tabled Bill 37 and its vote tax, I've heard nothing but anger from Canadian Taxpayers Federation supporters and the public at large. The government's plan would require \$1.25 to be collected through taxation every time a person votes. Ladies and

gentlemen, that is a tax. If no one voted, you wouldn't have to collect that money. The worst part of the vote tax is the fact that \$2 million of tax dollars would be used to fund political parties over the next four years.

Now, we've heard the Premier (Mr. Doer) defend the vote tax rate as it's lower than other jurisdictions. But bad public policy is simply bad public policy. Any politician that thinks Manitobans consider a new multi-million-dollar government fund for political parties is a priority, well, they need to take my hand and I'll take them back to reality. Government spinners will argue that this is a means of creating a level playing field, but what it really is is an escape clause for lazy political party bagmen. Not surprisingly, the vote tax was not mentioned at all during the last election. Perhaps that's because using tax dollars to fund political parties isn't a priority and doesn't poll well with Manitobans. It's very sneaky to slip this legislation in now.

Although I am only 29 years old, I guess you could call me old-fashioned. I remember the days when a politician used to have to look a voter square in the eyes and ask for voluntary donation. That's the way that it should be. Political parties are not welfare cases and should not be treated as such. After reviewing Elections Manitoba data, I saw something interesting. Over the last eight years the NDP have out-fundraised the Conservatives and the Liberals five times. However, the introduction of the new vote tax scheme is likely a result of the fact that the NDP have been out-fundraised twice over the last two years. Naturally, that probably caused some alarm bells to go off in the NDP campaign office. But the answer to your 911 calls should not be the taxpayers of Manitoba. Yes, that's right. The taxpayers of Manitoba should not have to pay for the failures of any political party's fundraising problem.

The NDP has raised \$7 million over the last eight years, and a lot of that has already been backed by the taxpayers of Manitoba. If your party can't survive on that, that's your problem. You need to crack the whip on your party's fundraisers, not on the taxpayers of Manitoba.

Perhaps one of the most appalling aspects of the fundraising scheme is the fact that it's adjusted handouts to political parties by inflation. Meanwhile, the government hasn't adjusted tax brackets for inflation or the basic personal exemption. The result, of course, is that the taxpayers of Manitoba have to pay millions of extra dollars each year through

bracket creep. It's simply appalling to think that the NDP is out to ensure their own finances are protected for inflation but not the pocketbooks of Manitobans. Clearly, there is a conflict of interest here. This bill asks elected officials to vote on an opportunity to use taxpayer money to fund a cause which helps you keep your jobs. It's a little like asking four-year-olds to decide if they want to be the ones to decide how much candy they can eat before dinner. It doesn't work. All politicians have a conflict of interest in voting on this legislation.

Above all else, is funnelling \$2 million of tax dollars really a priority? Come on. Our taxes are some of the highest rates in the country. According to Statistics Canada, our net financial debt grew faster than any other province over the last 10 years, and this government thinks that giving \$2 million to political parties is a priority. I think not. The vote tax should be scrapped immediately. What should be considered is an out-of-touch politician tax for those that dream up this kind of stuff.

Turning to the lobbyists section of the bill, instead of creating a big new bureaucratic system which tracks lobbyists, whom they meet with, complex rules, fees and staff to police the system, wouldn't it be easier to simply have elected officials make the schedules public? I'm not just talking about the Cabinet ministers. All MLAs. They're already recorded in Microsoft Outlook. Copy and paste them on-line.

In terms of newsletters, I noticed that the government is quick to change the guidelines on MLA handouts, but what should be considered is scrapping them altogether. Generally speaking, they're just little pieces of propaganda that are full of pictures of elected officials posing at different functions. Most of the information within the newsletters can either be found on-line, in community newspapers or in the phonebook. Further, they can hardly be called news or newsletters, as each MLA serves as the editor-in-chief of their newsletter. Such newsletters only contribute to the incumbent advantage at election time. MLAs should have to earn media attention by coming up with positive public policy ideas that attract reporters' attention or by working hard in the community.

Another option is to have your political parties pay for them. I'll note that the two main—the Conservative Party and the NDP earned over a

million dollars last year in fundraising. Perhaps you could use some of that.

Now, although the government was quick to try and censor opposition MLA handouts, I think something that should be considered are all the big government advertising schemes. Make no mistake: political parties of all stripes waste tax dollars when they're in government on ad schemes that inevitably include political messaging. The Conservatives did it when they were in office. The NDP are going it now. The Liberals did it when in Ottawa.

The only commonality between the ads is the fact that it's the taxpayer that has to pay for the millions of dollars that are wasted on them. Wasted tax dollars on government advertising seems to be a way of life, but it doesn't have to be. Let's consider our Workers Compensation Board TV ad that just happened to run around the same time as the last election. The ad begins with a construction worker stating, and I quote: A booming economy means more Manitobans are hard at work. At the same time, a bubble pops up on the screen to tell viewers that the unemployment rate is below 5 percent. I don't really know what this has to do with the Workers Compensation Board. I'm also not sure what type of economists reviewed those ads, but our growth rate of 3.3 percent last year is hardly what any self-respecting economist would call booming. I'd bet a Spirited Energy T-shirt that the language in that advertisement was directly cut and pasted from one of the Premier's speeches.

Speaking of the multimillion-dollar Spirited Energy campaign, that was yet another exercise in wasted tax dollars on government advertising. Further, annual budget ads tell Manitobans nothing that they can't learn about in the newspaper, through their favourite TV or radio news program, or the Internet. The solution, as I suggested, is all-party consent. If all parties can't agree on a government ad, then it probably isn't necessary or it's full of government rhetoric.

You have the power to introduce such an amendment and make Manitoba a leader when it comes to government advertising. I hope that you'll consider that amendment.

In terms of the gag law, I also hope that you'll consider removing the gag law that limits how much a citizen, group or political party can spend on advertising. Especially given the millions of dollars the government spend on advertising, it is hardly fair to restrict a citizen, organization or political party's

ability to get their message out. Further to that point, if a citizen dislikes a political party so much that they want to sell their house, live in a tent and use the savings to fight that party in an election, let them. It's their right.

On a positive note, I'm pleased to see fixed election dates are included in this bill. The Canadian Taxpayers Federation has been calling for fixed election dates for years. Fixed election dates remove the advantage that government parties have in calling an election. They also allow party volunteers, government departments, candidates, members of the media and a whole host of other citizens to plan accordingly. They certainly provide more stability to the whole process.

On that note, I hope that the drafting error and flexibility around the first election date gets worked out.

Finally, I'd like to comment on the section that dictates what a media outlet can charge for advertising. So much for freedom of the press. So much for freedom period. What's next? Censorship of letters to the editor? Is the government going to control the number of pro-NDP and pro-Liberal newsletters that get published under the guise of levelling the playing field? Would the regulated allotment of pro-NDP letters to the editor be determined by their percent of the popular vote? Of course, those are some pretty ridiculous assertions, but so is the idea of telling media outlets how much they can charge for their product. *[interjection]* That wasn't the point of this.

\* (19:30)

The government doesn't control the price that grocery stores sell sandwiches to political parties for, so why is it interfering with the freedom of the press and their ability to set rates?

In conclusion, I would like to thank the Legislature for the opportunity to speak here today. I hope that the Legislature considers the views of the supporters of the Canadian Taxpayers Federation and the thousands of Manitobans who do not support the vote tax section of Bill 37, the gag law and the restrictions on the freedom of the press. Further, I hope you'll consider the proposed amendment for all-party consent on government advertising. Thank you.

**Mr. Chairperson:** Thank you very much for your presentation, Mr. Craig.

Questions for the presenter?

**Mr. Doer:** Yes, thank you very much for the presentation. A couple of questions. How many members do you have in the Manitoba taxpayers group?

**Mr. Craig:** We have 65,000 members nationwide. This is week 3 on the job for myself. I'm not exactly sure what the total is for Manitoba, but it's in the thousands.

**Mr. Doer:** I understand it was between 2,000 and 3,000. Again, I don't understand a lot about the organization. Are you elected or hired to the position in Manitoba?

**Mr. Craig:** Hired.

**Mr. Doer:** Who would, then, hire you? The Canadian head of the Canadian taxpayers' association?

**Mr. Craig:** The director of communications hires, the organization. On that note, I'd like to note that the Canadian Taxpayers Federation does not receive a cent in government handouts. Perhaps political parties could follow in the lead, as we do. If you're interested, I would be prepared to set up a meeting between our fundraising director and yours to help your party with its fundraising challenges.

**Mr. Doer:** I would hope that you would stay non-partisan. So thank you very much for the offer, but we really appreciate it.

A further question. The extension of the original Liberal bill in Ottawa, and by the Harper government under the accountability act, included and extended a vote amount of money for partial funding of political parties between election campaigns. I think it's over \$1.95 now.

Was it the position of the Canadian taxpayers' association to oppose that measure in Ottawa? I would assume, you've had a very consistent position across the country on both the Harper government and this proposal and other proposals of similar nature across the country.

**Mr. Craig:** Yes, the Canadian Taxpayers has had a—Canadian Taxpayers Federation, rather, has had a consistent position on that. Bad public policy is bad public policy, whether it's happening in Ottawa or it's happening here. It doesn't make sense to ask the taxpayers, whether they're in Manitoba or nationwide, to give handouts to political parties without their consent.

**Mrs. Driedger:** Welcome, Mr. Craig, and all the best in your new job. I don't know if you're aware, but we have recently brought forward a private members' bill called The Ending Government Spending on Partisan Advertising Act. What that bill would do, if passed, would establish standards for government advertising. If a MLA felt that the government was in breach of a certain standard, they could report that to the Auditor General. The Auditor General would then have power to investigate, and if the Auditor General found that, indeed, it was a breach of a standard, the government would then have to repay the Crown for the cost of that advertising.

Do you think that would be an important piece of legislation that could and should be brought in? I should just add one more part. The bill would also require the Auditor General to report annually to the Legislative Assembly on government advertising. I would also say that Ontario does this; only theirs is much stronger than what we were able to do here with a private members' bill. But do you think that would be something that Manitoba should have?

**Mr. Craig:** I think it's a step in the right direction. The problem that we're trying to get to is that all political parties do this. Right? Conservatives did it, as I mentioned, when they were in power. The NDP are doing it right now. The Liberals did it in Ottawa. The real victim in this is the taxpayers who are having to pay for ads that the public doesn't need to know. If they want to read about a budget, they can get on the Internet. They can pick up a newspaper, listen to the radio, TV, whatever. I think that, before such an ad would go out, if there was some kind of control whereby each political party would have to agree, you wouldn't end up with a workers comp ad talking about our booming economy with 3.3 percent. What you may even end up having is the whole committee saying, well, wait a second, do we really need to run this ad now? Do we really need to run it, period? That's what the initiative is getting at, is just reducing wasted dollars on advertising because the information is there if the public wants it.

**Mr. Lamoureux:** I appreciate the comments. I don't necessarily agree with a number of things that you stated, but I do appreciate the fact and which way you articulate it. I think you bring a lot of credibility to it, and I think that, as an organization, as an interest group, we do owe, at the very least, to listen to the perspective.

The question I have for you is, if there was an all-party agreement in terms of this is what would be in an all-party way, in the best interest in terms of democracy in the province of Manitoba that might deal with financing or things of that nature, do you feel that the association would support it if it was generally felt by all political parties, even possibly parties outside the Chamber, that it would be healthy for democracy in the province of Manitoba?

**Mr. Craig:** I think that's somewhat positive, but what we do see sometimes are politicians working together on voting for their own increases. So I think that, quite often, elected officials do have a conflict of interest when they have to evaluate how much they're going to get in salary, what their expenses are going to be, how many staff they can have, how their party is going to be funded. I think what you need is more of an open process that involves actual grassroots individuals to make those decisions.

**Mr. Chairperson:** Any further questions of the presenter? Seeing none, thank you.

Mr. Borotsik, short question?

**Mr. Borotsik:** Sure. Thank you, Mr. Chairperson. You had mentioned at the beginning of your presentation that you had heard some rumblings within your organization, within your membership. You obviously talk to your membership on a regular basis, I know you do. By the way, you do some great communications, by the way, to your membership, and I do appreciate that, communications we would hope to be able to do to our constituents. How did you gauge that response from your membership with respect to how they felt about that vote tax?

**Mr. Craig:** Well, part of it is just e-mails that we get. I've had to do a few public speeches already, so it's more than just the membership. I've spoken to a couple of rotary clubs, a CP Rail pension club. These are the types of comments that are coming up. We've all heard the phrase, that for every person thinking something, there are dozens more that agree with it, right? That's one way that we gauge, sort of, public sentiment.

Another one is through polling of supporters and Canadians to find out what their views are. We recently did a poll that found that a majority of Canadians would rather go to the dentist than to do their income tax bill, so those are some of the things that we do to not just gauge support of people that support the organization financially, but Canadians at large.

**Mr. Chairperson:** Thank you very much, Mr. Craig, for your presentation here this evening.

The next presenter we have on our list is Michael Law, president of the Manitoba Bar Association. Good evening, Mr. Law. Welcome. Do you have a written presentation, sir?

**Mr. Michael Law (Manitoba Bar Association):** No, I don't, just oral.

**Mr. Chairperson:** Please proceed when you're ready, sir.

**Mr. Law:** Thank you, Mr. Chair, members of the committee. The Manitoba Bar Association, or MBA, is the organization that acts as the voice of the legal profession and voice of this province's lawyers and other legal professionals. We currently have about 1,200 members.

*Madam Vice-Chairperson in the Chair*

In principle, the MBA does not take issue with the proposed legislation as a whole. The MBA does have two areas of concern in the area of lobbyist registration, which could be addressed by, one, creating a de minimus exemption for individuals whose lobbying activities do not form a significant part of their activities as a whole, and, secondly, ensuring, as a matter of protection of the rule of law, that lobbyist registration requirements, when applicable, do not intrude upon ethical obligations of confidentiality and the protection of solicitor-client privilege.

We are of the view that the provisions of the bill that deal with election dates and the funding of political parties and so on are matters of government policy, and we're not expressing any opinion on those parts of the bill.

\* (19:40)

First, to address my suggestion for an exemption for incidental lobbying activities, the general concept here is we think that the net is cast too wide. It's catching us, and we're not meant to be caught by the net. Our members have raised a concern that the proposed registration obligation ought not to apply to lawyers who do interact with government officials and advocate in favour of their clients when those activities do not comprise a substantial portion of the lawyer's practice. Lawyers are frequently involved in meetings between their clients and government representatives in making submissions to government and to government committees and in advocating for legislative change on behalf of their

clients. The nature of the lawyer's representation is almost universally disclosed to the government representatives, and the lobbying, so to speak, activity is usually only incidental to a larger undertaking.

These individuals are likely not to be perceived by the public as professional lobbyists. Just as an exclusion is already in the proposed legislation for an in-house lobbyist, provision could be made for consultant-lobbyists, including lawyers and other professionals, where the work performed does not constitute a significant part of that person's activities as an employee or partner or sole practitioner.

The MBA proposes a *de minimis* threshold of 20 percent of the individual's activities as a trigger for registration. The MBA proposes that, unless 20 percent of the individual's activities are or can reasonably expect to consist of lobbying in a given year, that person would not be required to register as a lobbyist.

The second aspect of my submission involves the aspect of solicitor-client privilege and confidentiality. We, as an organization, recommend that measures must be taken to avoid any potential conflict between the disclosure requirements under this proposed legislation and a lawyer's duty of confidentiality to his or her clients. Solicitor-client privilege is a fundamental principle arising from the common law and is the foundation on which rest a number of human rights now enshrined in the Charter of Rights, but recognized and enforced long before the Charter. Lawyers who perform lobbying activities, at least in excess of what we're recommending to be the threshold, ought to comply with all the obligations of the lobbyists, save only when the required disclosure would tread on professional obligations of confidentiality.

The MBA recommends, though, that the act be amended to make clear that a lawyer's obligation of non-disclosure must be paramount over general requirements to disclose if conflicts do, if ever, arise. This could be addressed by simply adding one simple paragraph to the existing section 3(2) to clarify that the act does not apply where confidentiality is required by law. Section 3(2) reads: This act does not apply in respect of an oral or written submission made as follows:—and has a number of things listed. We're proposing that this sentence be added, that it simply say: that it not apply when made to a public official by an individual

on behalf of any person or organization where confidentiality is required by law.

We as lawyers operate under ethical requirements which do not apply to other non-lawyers. Those ethical requirements exist not for our protection, but for the protection of the citizen, the protection of our society that has long been seen as essential. Provincial and territorial law societies dictate what the ethical obligations of lawyers are and are not. The proposed amendment that we're suggesting would not, we submit, interfere with the proper administration of the act, nor hamper in obtaining the desired result. It would merely recognize that there will be occasions when lawyers might be faced with the dilemma of a statute calling for a disclosure, which would violate their most fundamental, ethical obligation.

We submit, respectfully, that there can be no serious objection to our proposed amendment on this ground and that any objection could be easily overcome. For example, if there was a concern that lawyers were using this as a loophole to somehow avoid registering as a lobbyist just to say that we have concerns about confidentiality, that there be a requirement that lawyers not disclosing information on ethical grounds would instead indicate their non-disclosure on those grounds in their filing with the registrar.

Subject to questions of the committee, those are my submissions.

**Madam Vice-Chairperson:** Thank you.

Questions?

**Mr. Chomiak:** I understand that, in most cases under the act—and I've said in the House. We've said that we're in new waters in trying to draft a lobbyists act and we do look for advice on this because we are following some other jurisdictions, but we haven't done this before in Manitoba. It's not a major issue in Manitoba yet, but we want to be able to capture it.

Most lawyers would be exempt under the act as it now is written, from the way I understand it from doing the regular work. The two recommendations are: if the lobbying is not a major part of the lawyer's activity, and then the issue of client-solicitor privilege, which is a tougher one to—I don't know how you set the boundary in terms of incidental or part of your activities. That's where we really get into—well, I guess what I'm saying is that, rather than debate it here, I think we should probably continue to discuss this when we look at the lobbyist bill and

keep in consideration those points that you've made, because, I suspect, we'll have to come down on one side or the other in terms of setting the boundaries.

Even at this point, I can't quite see, despite your presentation, where that barrier should be in terms of a lawyer's activities. I guess what I'm saying is your recommendations are useful as we debate the definition of lobbyist, and we will be considering those proposals when we come to looking at amendments in the act. We may have further discussion with you and the Bar Association further to that.

I only hesitate to continue on because we could get into a long legal discussion, and better that the comments are made and we reflect on them and see how it fits into the definitions sections, et cetera. So, thank you.

**Mr. Lamoureux:** I want to give as an example, if there's a developer and that developer says, well, I want to acquire this property that the Province would happen to own. So he goes out and hires, you know, maybe someone in the firm's got a brother who's a lawyer, and says, well, why don't you go and get lawyer X to look into it, maybe meet with the minister or meet with the local MLA from the area or some of the departmental officials. What would you suggest? Is that person in a position in which they should be registering with the Province? Because some would say that they're looking, you know, it's a lobbying of sorts, using that example.

**Floor Comment:** Well, what—

**Madam Vice-Chairperson:** Mr. Law, I have to recognize you. Mr. Law.

**Mr. Law:** Thank you.

That would likely be—if the lawyer is engaging in what would be anyone would consider to be lobbying, then that lawyer is doing lobbying business and should be subject to any of the rules that other lobbyists would be subject to. But, in situations where a person happens to represent a client, for example, represents a game farmer, or owns game farms, and that you're speaking to a government on suggestions about legislative change to that legislation, there may be instances where your client does not want you to disclose the fact that you're representing the client, and that's something that we have to live by. We can't disclose that connection without authorization from a client.

So, I'm not sure if I answered your question, but—

**Mr. Lamoureux:** A lot of MLAs know a lot of lawyers and it could be—or a minister—and a lawyer could quite easily approach and say, you know, there's this property over here in Meadows West, which happens to be owned by the Province of Manitoba, and they start asking questions. Is there any responsibility of the lawyer who might have been hired to state in terms of why it is that they would be making an inquiry or wanting to withdraw information from—and it could be done in an innocent fashion, or it could be done in a formal meeting, like, if someone gives a call and says, I'd like to be able to meet with you to talk about X.

**Mr. Law:** Our position is that lawyers, when they're representing clients, we shouldn't be obligated to disclose the identity of our clients because that breaches, that goes completely contrary to our duty associated with client privilege. So that's our position.

**Mr. McFadyen:** Firstly, thanks, Mr. Law, for the presentation and for the work that you are doing on behalf of the Bar Association, of which I am a member. So thank you again.

\* (19:50)

I don't have any plans to go into lobbying at the moment, but you never know. After an election, if I'm not successful, I'll be looking for something to do, potentially. But I want to—after the cooling-off period and after I've been discounted for potential judicial appointments—I want to just ask you, though, to be serious for a second, if you've had a chance to look at 3(2) of the bill. There's a list of exemptions there; (e) relates to submissions made to public officials by unions in certain circumstances. There are two circumstances that are set out there, and that may provide some guidance or inspiration with respect to a potential amendment to deal with the issue you have raised today.

I am just wondering if you have had a chance to look at the language and whether that would provide some guidance in terms of the amendment that you'd be proposing.

**Mr. Law:** Are you talking about the amendment that I am proposing specifically respecting the—

**Mr. McFadyen:** Sorry, referring to the exemption with respect to representing clients, where you may

get into a situation of potentially having to disclose or breach obligations of confidentiality.

**Mr. Law:** Well, the specific wording that we proposed is sort of a blanket covering any circumstance where confidentiality is required by law. I have looked at the specific section. Our organization has reviewed section 3(2) in detail, and we thought that the simplest way of doing it would be simply to add a sub-paragraph (f) as we proposed. But we can certainly look to the language in (e) in discussing this further. Thanks.

**Mr. McFadyen:** Then there is one other question. There would appear already to be a *de minimis* kind of exemption contemplated in any event, 1(2), and we are just curious as to whether the language as set out in 1(2)(a), which refers to circumstances where the individual's lobbying or duty lobby constitutes a significant part of his or her activities. So that captures those who make lobbying a significant part of their activity and may provide the exemption that you are looking for. Is there something beyond that language that you would be looking for, to address the point you've raised on the *de minimis* issue?

**Mr. Law:** Just rereading the section, Mr. McFadyen. That may be appropriate in circumstances. Again, we are seeking for a specific level that we could point to and say, this level would represent something that would be considered, over and above would be a lobbyist.

**Mr. Goertzen:** Just by way of comment then. I think that that's probably helpful to your presentation because you've suggested 30 percent, or your organization has suggested 30 percent. This *de minimis* provision would ask for it to be set out in regulations. That might provide some guidance in the future, so I appreciate that.

**Mr. Law:** Thank you. I'm sorry, I said 20 percent, I just wanted to clarify that.

**Madam Vice-Chairperson:** Seeing no other questions, we thank you very much for your presentation.

The committee calls John Doyle from the Manitoba Federation of Labour. Hello, Mr. Doyle. You can proceed whenever you are ready.

**Mr. John Doyle (Manitoba Federation of Labour):** I'll ask for your indulgence. I discovered at the other committee hearing tonight that the bottom of my glasses cuts through exactly what I'm reading, so if I'm behaving oddly that's why.

The Manitoba Federation of Labour, generally speaking, supports the provisions outlined in Bill 37. When the Government of Manitoba enacted The Elections Finances Act in 2000, the Manitoba Federation of Labour, most of its affiliated unions with us, supported its provisions. We understood the need to address the growing concern among Manitoba residents that political parties required the financial backing of entities with deep pockets, big business in the case of the Conservative and Liberal parties, and Labour, in the case of the New Democrats. Accurately or not, people had the deepening belief that the mainstream parties formed governments already beholden to their non-government sponsors even before being sworn into office, and that this relationship did much to shape the legislative agenda that followed.

The reasonable remedy was to take a course of action already taken in other jurisdictions: limit political contributions to individuals resident in Manitoba only, establish a ceiling on the amount individuals can contribute, limit third-party spending and regulating expenditures between and during election campaigns.

While these provisions did much to correct the appearance of parties being beholden to interests other than the people of Manitoba, they have created significant challenges for political parties when it comes to financing their activities, challenges that don't, for the most part, exist in other jurisdictions that have similar contribution laws. Of the six jurisdictions in Canada to ban corporate and union donations and limit individual donations, only Manitoba has not enacted reasonable public financing provisions.

In 2000 when we shared our views on the enactment of The Elections Finances Act, we made it clear that our support for it was conditional on including an effective public financing component to support public parties' fundraising efforts with a modest annual budget floor. The level of financial support from general revenue should not be so high as to cover all of the costs of a modern political party, and each party will still have to promote political policies and election platforms that reflect the values and aspirations of our citizens, in order to attract contributions from individuals to make up the rest of the budgets that they need.

We're glad to see the provisions of Bill 37 that are contained in section 70, the annual allowance for registered political parties. Our only reservation is

that we believe the government has set the level too low at \$1.25 per vote. At this level, the annual allowance will only cover about a third of the typical mainstream party's budgetary needs, typically administration costs. In contrast, federal parties receive more than \$1.90 per vote. In New Brunswick, the allowance is set at \$1.76 per vote and, in Nova Scotia, at \$1.50. We recommend that the government amend Bill 37 to increase the annual allowance to \$1.50 per vote received in the last election.

With the introduction of public financing for political parties, the other half of the equation finally exists. We can now say that Manitoba has made the electoral financing process far more transparent than it was prior to 2000. We are closer to attaining the ideal that our electoral system, based on citizen participation in the process and not on how much money the supporters of political parties have. It's closer to a system being based on ideas and policies and not on the well-documented impact of large scale, expensive multimedia advertising.

If we as a society have decided it's a good idea to be careful about who we allow to make political contributions, and we have, then we as a society have a responsibility to partially underwrite the costs faced by political parties, which Bill 37 does. Democracy should be more than a contest of wallets.

Insofar as The Elections Amendment Act, Schedule B, is concerned, we're open to the idea of a fixed election date. We've never felt particularly hard done by with the call of an election being controlled by the government of the day, and having a fixed date is just as acceptable to us. If the idea of a fixed date for elections to occur on the second Tuesday in June every four years gives some a greater sense of faith in the electoral process, then so be it. Greater transparency in elections is good and, if it reduces voter cynicism and increases participation, even better.

Other provisions in this act deserve the support of Manitobans. For example, opening the polls an hour earlier at 7 a.m. will create greater convenience for working people and may well be an important factor in the effort to increase voter participation in the electoral process. Similarly, limiting the distance that rural residents must travel to cast their vote is also a positive amendment.

Schedule A, The Lobbyists Registration Act. We support the provisions of The Lobbyists Registration Act if they lead to greater transparency in the

political process. In a political community as small as the one that exists in Manitoba, lobbyists of all political stripes are usually well known to one another. We know who's lobbying who and most often for what. Having said that, we recognize that this may not be readily apparent to the average citizen.

Registering lobbyists and making their relevant information easily accessible to Manitoba residents, particularly through the Internet, is a good thing. This will increase the ability of the average person to understand the significance of statements made by political pundits and by politicians themselves. It will help flesh out the importance of what members of government and the opposition parties say.

\*(20:00)

However, we urge the government to ensure that the bureaucratic support structure for The Lobbyists Registration Act doesn't become excessively cumbersome and an unnecessary burden for practitioners. For example, is refiling unchanged information every six months necessary? Can it not be limited to filing new information as needed? We recognize that this is an important information base that needs to be filed correctly if it is to be of use to the residents of Manitoba, but other than the initial filing, perhaps resubmissions of registry information can be limited to those occasions when new information is available. Thank you.

**Madam Vice-Chairperson:** Thank you very much.

**Mr. McFadyen:** Thank you very much, Mr. Doyle, for the presentation, the time that went into it, and certainly the sentiments that are expressed within the presentation, and certainly, in particular, commend you for going to bat for rural residents and working people in terms of the hours of polling and the location of polling locations which are, we think, good positive steps to take.

If I can just ask, just by way of a little bit of background, on the structure and membership of the MFL, can you just indicate at the moment how many members you have within the province of Manitoba?

**Mr. Doyle:** The MFL is chartered by the Canadian Labour Congress, which is Canada's—well, its only national central labour body at this point. In each province in Canada, the CLC charters a federation of labour; in most major centres, labour councils. Our membership is comprised of unions that are affiliated with CLC at the national level and exist here in Manitoba. That comprises probably 35, 36 individual

unions with 450 to 500 locals and maybe a membership in or about 100,000 working men and women.

**Mr. McFadyen:** And if we look at that membership of 100,000 or so membership, are all of those individuals—do they annually, voluntarily decide to be members of the affiliated unions or is there some other means by which they come to be members?

**Mr. Doyle:** Over the years the representation system in Canada's workplaces has evolved in basically two forms: a so-called closed shop, and that is where the company and the employees' union have agreed to a provision that requires new employees to become members of the union. That, quite frankly, is a practice that's fallen into disuse except in those instances where the supply of the work force is reliant on a union hiring hall. To get in the hiring-hall system, you need to be a member of the union.

Outside of that process, which is usually in the construction industry, the majority of workplaces, the vast majority of workplaces would be what we call open shops, and that is a new employee is not required to become a member of the union; however, they do receive the benefits of the collective agreement. The union is required to act on their behalf in the event of a problem between that employee and the employer, and that's what we refer to as a duty of fair representation. That's the genesis of the Rand Formula.

**Mr. McFadyen:** So you say they don't have to become members of the union. Are they required, though, to pay dues to the union even if they're not members?

**Mr. Doyle:** This is the Rand Formula that I was referring to. Justice Ivan Rand back in the late '40s arbitrated a dispute between Ford Canada and the union then was the United Auto Workers. To find a resolve that reflected fairness, he said no to the company's demand that there not be any union whatsoever, and he said no to the union demand that all members of the work force should be members of the union. He said no to both. Instead, he came up with the so-called Rand Formula. You don't have to be a member of my union but since you get the provisions of my collective agreement and the pension act and the other benefits that are attendant with the bargaining process, I require you to pay an amount equal to union dues while staying outside of the union; that's the Rand Formula.

**Mr. McFadyen:** Thank you for that. Can I just ask: When a workplace in Manitoba today, when there's an application or a certification drive to create a union and have a bargaining unit recognized, are the workers in Manitoba today permitted a secret ballot vote as to whether or not they want to be members of the union or is there some other process followed?

**Mr. Doyle:** We have balloting in the form of—you're given an opportunity—if you wish a union to represent you, you're given an opportunity to sign a membership card. We consider that decision to be as legitimate and final an option as a secret-ballot vote. That's why, through the '90s, we opposed the idea of mandatory secret-ballot votes when the evidence, in the form of signed union membership cards, was overwhelmingly in favour of a union being asked to represent those employees.

**Mr. McFadyen:** Just one last question, just a factual assertion made on the first page of the presentation that the changes made in 2000, The Elections Finances Act—I just want to make a factual point.

First, you refer to the provision to limit third-party spending. I just wanted to note, for the record, that those sections have never been proclaimed in Manitoba, even though they were passed; so that's not law presently. There are no third-party limits.

You made another factual assertion that the new rules, allowing only individuals to contribute to parties, has—it says here in your presentation and I quote, created significant challenges for political parties when it comes to financing their activities.

This is what you say; I just want to correct that. In fact, our party's voluntary contributions have risen quite significantly over the last number of years under this legislation. It's been a development that we've been very pleased about.

Setting aside that part of it, what is your theory as to why it is that the NDP is having such a hard time raising donations voluntarily?

**Mr. Doyle:** I suspect that every party that exists in Canada, has existed in Canada, or will exist in Canada could make the same observation that your question opened with and, that is, you're not having any difficulty right now.

The natural ebb and flow of political fortunes in Canada's political structure changes that answer from time to time. I don't think that the success that you're having today should be applied to the entire future

for all parties. Every party has its heydays; every party has its down days.

The NDP currently, to deal with the second part of your question, to my knowledge isn't experiencing the kind of trials and tribulations that you seem to believe in your question.

**Mr. Doer:** There was a conflict on the issue of banning union and corporate donations when we first brought it in. It has moved along in the country since then.

I want to ask a question dealing with The Lobbyists Registration Act. This proposed act needs to be improved with the delineation of an independent officer of the Legislature for purposes of registration. We're committed to doing that and, with another bill being proposed, it might, with the provision of a conflict of interest section dealing with disclosure, deal with that difficulty.

On The Lobbyists Registration Act, unions are subject to these laws nationally and in many provinces. What is the analysis of the requirements for unions under this act, and are they comparable to other acts in the country, notwithstanding the issue you raised on excessive and unnecessary bureaucracy?

**Mr. Doyle:** I'll be honest with you, Mr. Premier, I haven't had an opportunity to review the provisions elsewhere in the country. When we first read the provisions contained in Bill 37, there was nothing in it that gave us pause for thought, that would be a major disruption to our lives other than the paper work.

In terms of the provisions contained in the bill, as they applied to our efforts to lobby government of all political stripes—whether the NDP form the government or another party—we felt that we would be able to continue to lobby effectively on the behalf of our members and working people throughout Manitoba on issues that are of importance to them.

\* (20:10)

**Madam Vice-Chairperson:** Thank you very much for your presentation.

I'm sorry, Mr. Borotsik, we're out of time. We've already actually gone past our time limit.

Mr. Carr, from the Business Council of Manitoba, do you have a written presentation you wanted to circulate? No? Okay, Mr. Carr, you can proceed.

**Mr. Jim Carr (Business Council of Manitoba):** Members of the committee, thanks very much for a chance to enter this building. Whenever I do, I imagine those nights in the summers of 1988 and 1989 in a minority-government situation. It would be two in the morning; it was 38 degrees outside. The windows were open; the bugs were flying everywhere. We were swatting them with statutes and amending those statutes. As you know, in a minority situation, it just takes the agreement of two out of three parties to make law, and make law we did.

A wise person once said that people should not know how sausages and laws are made. Well, I found out how laws can be made and, perhaps, how they should not be made.

The Business Council of Manitoba is a group of 65 chief executive officers of Manitoba's leading companies. We have been around for 10.5 years. I think, Madam Vice-Chairperson, this is the third time only that we have requested to appear in front of a legislative committee and, as circumstance would have it, the fourth time will be Thursday night, speaking to Bill 38.

We choose those pieces of legislation that we think are at the fundamental root of the way we do business as a province and as a democratic society. The reason we will present Bill 38 is because it fundamentally changes the way that government accounts for its expenditures. We're speaking about Bill 37 because it deals with the very fabric of our democratic system.

Just as an oddity of process, within Bill 38, in order to change the rate of tax of a number of taxes in Manitoba, a referendum of all the people is required but, to change the very rules of the democratic process, through an omnibus bill, this can be done very quickly. I'm going to argue, Madam Vice-Chairperson, that it's being done too quickly.

I'm also going to argue that some of our best work, as legislators, comes when we work together as Manitobans and not separately as members of a partisan party. I'm glad to see two former colleagues around the table because I can make my point, and it will speak personally to them.

The Premier at the time, in 1990, and I were on the Meech Lake Constitutional Task Force. The country was in the midst of a constitutional crisis. We didn't know at the end whether or not we would

be able to salvage a constitution. The stakes couldn't have been higher, and neither could the emotions.

So the Premier and I and a number of others travelled across Manitoba as part of an all-party group. We weren't talking about whether it's \$1.24 or \$1.28 per voter; we were talking about the amending formula of the Canadian Constitution. We were talking about the spending power of Parliament, about the makeup of the Supreme Court of Canada, the very roots and the very foundations of the Canadian federal state.

Guess what, Madam Vice-Chairperson? We came up with a consensus position across all of those issues. We did magnificent work. We wrote the Canada clause which, someday, might make its way into the Constitution of Canada, which recognized the Aboriginal people, the English and the French, and the multicultural nature of all those who came later. It was fundamentally terrific work, done by all parties of the Legislature.

My second example is a favourite one because it allowed me a chance to get to know the mayor of Brandon at the time, who is now the Member of the Legislature for Brandon West (Mr. Borotsik), when we decided that it was time to send an all-party delegation to Ottawa to save the Shilo base. So we hopped onto the plane and we met with all of the caucuses in Ottawa.

It was a success; it was a success because we were able to rise above partisan interest and look at the public interest the way we saw it as members of different political parties. I would say that that was a success too. We were able to deliver the virology lab, the command and control centre, by sending various leaders of the community to argue with one voice in Ottawa and it worked.

So I'm going to argue that, when we're talking about fundamental law, fundamental rules, the last attempt should be a majority government saying, we can't get consensus; we tried, so we're going to have to do it this way because, ultimately, we're accountable to the people as they are.

But that wouldn't be the place we would start. The place we would start would be for the government to establish a set of principles upon which it wants to establish the debate, to ask all members of the Legislature to participate in public hearings, to come back with a report that the government is then free to accept or reject.

There are some very important principles contained within these bills. I'm not going to debate them clause by clause; that's not what we do. We like to debate the principles of them and what's at stake.

The issue of public versus private financing of political parties is absolutely legitimate. Honourable people will disagree. Our view would be that there ought to be a mix, that it's legitimate to have public financing of election campaigns but, at what quantum? I think we would be sensitive to the argument that this bill, perhaps, leans too far in one direction and not far enough in the other. That should be debated when we have time to take a sober second and third look at the situation.

The issue of the communication between elected officials and their constituents is basic. How much should politicians be allowed to spend? What are the messages that can be delivered and, ultimately, who is to monitor those messages are fundamental to the way the Legislature works and ought to be looked at carefully?

Also, who should monitor and regulate and enforce communications? I think I've heard some say already that, within the context of The Lobbyists Registration Act, this will be taken out of the Governor-in-Council and moved to the Ombudsperson. That, I think, is a very positive suggestion.

I'm not going to go on for long, except to say that we believe that the way in which we take all of the various strands of the fabric of our democracy is the most important thing we do. We ought never to be in a hurry; we ought to consult as widely as we can. We ought to rise above the partisanship of the moment. We've done it before; we can do it again, and I recommend that we do.

Thank you, Madam Vice-Chairperson. I'd be pleased to take questions.

**Madam Vice-Chairperson:** Thank you very much.

**Mr. Doer:** Thank you, Mr. Carr. I think you'll recall the original debate on banning union and corporate donations, when Manitoba was the second province in Canada to do so. There was quite a variety of opinion in your organization, I might say, and in the Legislature. In fact, one party proposed and two parties opposed.

Since that time, many other jurisdictions have followed through with a similar set of laws—including the Chrétien Liberal government in Ottawa

and the Harper government extending that as part of the Accountability Act in Ottawa—again opposing it. In fact, Mr. Harper is head of the Citizens' Coalition which is opposed to many parts of the law we brought in in 2000, most of which he exceeded in his Accountability Act in 2007 and '08.

So there is, I would suggest to you, in terms of the proposed bill and what's in the bill, many components exist in one way, shape, form in other provinces in this proposed bill—lobbyist legislation—which we believe we have to improve, the partial financing of political parties in-between elections which, of course, exists in Ottawa and many other provinces.

In our view, most of what's here, in fact, all of what's here, there's nothing really new based on the experience of other jurisdictions in Canada. Is your analysis the same? Is there anything new on this, notwithstanding your disagreement on timing?

**Mr. Carr:** It's new to Manitoba; therefore, the debate in Manitoba should be done in a way in which we can satisfy ourselves that people have been properly consulted.

The business council has not taken a position, Mr. Premier, on many of these issues because that's not what we do. We try to take a strategic view of what's in Manitoba's interests in the future. We did not speak to the particular nuances of banning corporate and union donations; we didn't speak to the bill. That tells you something. If we thought that this was fundamentally going to change the rules in our democracy, we would have spoken up.

We think that a combination of the—what did the Leader of the Official Opposition (Mr. McFadyen) say yesterday, 6,000 words, I think—there is enough in those 6,000 words to warrant a breath.

Let me also say, and I hope you don't think that this is gratuitous, but the operation of legislative committees can be improved, too. Looking at what happened today and yesterday is a good case in point.

\* (20:20)

There are many Manitobans wanting to argue the essence of a set of democratic bills, who were not given a chance to speak and who were denied dinners with their families two nights in a row; before it's over, maybe three or four. I think that, probably, in a spirit of improving the way in which

the Legislature does business, this committee and others can do a better job.

I would strongly urge you at least to try.

**Mr. Doer:** You are a resident of River Heights. Right now there's a report out of Ottawa that the mailing budget is \$7.5 million over budget and counting in terms of what's going on in Ottawa. We've been told that there's a considerable amount of partisan, very, very strong, partisan mailings going on from MPs of another riding into targeted ridings, including River Heights. I've heard numbers 12, 13, 14 pieces of literature.

Do you think that there should be an ability to mail in an unaccountable way in terms of the budget? Should there be a cap and a rationing of those mailings? Should the mailings be limited to information as opposed to what should be paid for by political parties to be direct partisan ads?

Now I'm not a resident of River Heights. I haven't got any of those. I just heard about them week after week after week.

**Mr. Carr:** We're waiting for you Premier. There are lots of good buys in River Heights right now. I know a couple of houses in particular.

**Mr. Doer:** I love the cross Canada, Trans Canada Trail out in northeast Winnipeg.

**Mr. Carr:** The short answer to your question is the council has not taken a position on that issue. Obviously, framed that way you have framed it, it's worthy of discussion and debate. But, again, I repeat, we do not speak out publicly on every bill, on every clause of every bill. We are extremely selective and strategic. In our judgment, this set of clauses and recommendations warrants a sober second thought.

**Mr. Doer:** Do you, you or your council, support the idea of set election dates?

**Mr. Carr:** We have no problem with that.

**Mr. Lamoureux:** I'd like to follow up on that question, Mr. Carr.

The Premier is in a bit of an awkward spot in the sense that he got elected in June and he's always been an advocate of four years. But we've had a couple of presenters, and I've met with other people, when we talk about fixed dates, it seems virtually everyone supports or no one opposes it, at the very least, fixed dates.

The issue for me is is it better to have it in the fall time or is it better to have it in the summertime? I'm not necessarily asking for which time you think it's best to have it in personally, but do you have any thoughts in terms of how it is that that issue could be dealt with or should be dealt with, given it seems whether it's young people or farmers indicating that it would be more appropriate to have it in the fall. I suspect even the Premier would possibly be open to something of that nature. How do you resolve that sort of an issue?

**Mr. Carr:** We wouldn't have a view on that, Madam Vice-Chair. I think that members of the committee who are in touch with their constituents are well-placed to know what the ideal time would be.

I would say this though, as a general remark, that when the rules of the process are being renegotiated, it's easy for the opposition party to look at it from their perspective at the moment and for the government as well. But the world being the way the world is, Mr. McFadyen, if we look at the results of Manitoba political history, you have a better than 50-50 chance of being premier, and Premier Doer, we know that you have a hundred percent chance of one day not being Premier. Whether you spend some time in opposition is a decision only you and the people will make, but I think you get my point that it's important that when you're determining what's best within these bills that you also maybe for a moment put yourself in the position, Mr. McFadyen, of being premier, and members of the government side being in opposition in order to gain some greater perspective on what the public good might be in what you're doing.

**Mr. McFadyen:** Thank you very much, Mr. Carr. The presentation is appreciated, as well as some of the reflections on that very interesting and important time in our history when parties in a minority scenario, at a time of high constitutional drama, were working well together here in Manitoba. I know you played an integral role at that time as a member of this House.

You've made comments, and I want to just ask questions on the process comments that you have raised. There are lots of substantive issues here, obviously 6,000 words of substantive issues, but process is important when it comes to democracy and parties working together. As you may know, we have accepted and bought into the idea of an all-party task force in Manitoba to look at the issue of Senate reform at the national level. This was a

commitment the Premier made some two years ago. He has yet to act on it, but we're looking forward to that follow-through on that commitment and being part of that process. Do you see that as an opportunity to take, in essence, the matters now being debated in Bill 37, put them into that kind of a process, and have a broader mandate for that all-party committee to go out and look, not only at the issue of Senate reform, but look at the issue of electoral reform here in the province of Manitoba?

**Mr. Carr:** It certainly would be an option. The Premier (Mr. Doer) and others would want to make sure that neither thrust is given short change by putting them together, so you would have to be satisfied that you were able to focus significantly and sufficiently on each of those. But the concept of an all-party task force, we would support very much.

Also, there is a role for leaders to play, particularly in issues such as this one. If the leaders of the parties in the Legislature could determine amongst themselves about the best way of playing this out, then good leadership promotes support within groups, and that's probably where it should start. House leaders are important and I know that when it comes to the day-a-day administration of the affairs of the House, they're indispensable. But the leaders of our parties are the ones who really ought to do the leading, and on significant pieces of legislation such as this, I believe that it's in Manitoba's interest for the parties to work together to try to reach consensus.

**Madam Vice-Chairperson:** Thank you, Mr. Carr. We have no more time. We're actually past our time limit already for this presenter. Thank you very much for your presentation, Mr. Carr.

The committee calls Brian Short from the International Association of Machinists and Aerospace Workers. Once again, the committee calls Mr. Brian Short from the International Association of Machinists and Aerospace Workers. Mr. Short's name will be put to the bottom of the list.

The committee calls Sidney Green, private citizen. Mr. Green, do you have a written presentation you wanted to circulate?

**Mr. Sidney Green (Private Citizen):** No, Madam Vice-Chair.

**Madam Vice-Chairperson:** You can proceed with your presentation.

**Mr. Green:** Madam Vice-Chair, members of the committee, there are three, perhaps more main features of this bill, one being the so-called fixed elections, the other dealing with lobbyists, and the third dealing with financing of political parties.

*Mr. Chairperson in the Chair*

Normally, there are three subjects which normally should deserve—if you're seeking public representations, one would expect you would give 10 minutes for each subject. I can tell you that I was once responsible for bringing in legislation, and I would never bring in three separate bills in order to avoid public representation on the three bills, which is what has happened here. I will deal very briefly with two of them.

With the lobbyists, I haven't really looked at it very carefully. I will admit that. But I think it's somehow obscene that I have to have four or five pages of sections of legal language that regulates how I'm to get in touch with the government, how I am to get in touch with an MLA. We've done it for so many years without having to go to a lawyer to find out how to do it. Now, I'm not sure whether I can phone up Mr. Lamoureux, which I did, and ask him for something without registering and without him saying—as a matter of fact, on one occasion, I was asked at the door who I was going to see. So, everybody knew that I was coming to see Mr. Lamoureux and I didn't consider that proper. But I haven't really looked at that. I find it uncomfortable that we have to have so many rules as to how you get in touch with your elected representatives, whether they be in government or in opposition as an MLA or as a Cabinet minister.

\* (20:30)

With regard to the fixed elections, it's not nearly as good as the Premier (Mr. Doer) says it is, nor is it as bad as I thought it was. I thought that it actually fixed an election so that the Premier had no choice but to call it on a certain day. I've looked at the bill and it doesn't do that. If I was the Premier of the province and I had five MLAs who were causing me trouble and I couldn't govern under the circumstances, I could walk across the road, go to the Lieutenant-Governor, tell him that I cannot govern under existing circumstances and an election would be called.

That's what's happened historically. That's what would happen now. There is no change. The only change is that if it doesn't happen, in other words if

the government doesn't fall or if the Premier doesn't make that visit, it will be held on June 14. You don't have to have a statute to say that. If Mr. Doer wants that to happen, he could stand up and tell the people of Manitoba there'll be an election on June 14, 1911, and I promise not to change my mind.

So the fixed election date, as I see it, is a hoax, and if the Premier says the same thing is true in Ottawa, the same thing is true in British Columbia, they all have this, then it's a hoax in every province, but it is a hoax because an election can be called by the Premier—and, by the way, that's why I say it's not as bad as I thought it was.

If I was Mr. Harper, and the leaders of the opposition parties wanted to control the government agenda and made it impossible for me to govern because I had a minority, there is not a doubt in the world that I would walk over to the Governor General and I would say, I cannot govern this country; I want you to issue writs for an election. And it would be done regardless of a date in a statute because the statute said the Lieutenant-Governor—well, the minister is shaking his head and I'm telling him he is wrong. He's telling me I'm wrong. I'm telling him he is wrong. The fact is the Lieutenant-Governor, that's the power now. The only way we have an election now is that the Premier walks over to the Lieutenant-Governor and asks him to issue the writs for an election. That's still in the act. He can still do that.

So that's a small matter. As I say, it's not as good as what is being suggested nor is it as bad as I thought. I believe that our parliamentary system, where we have an election when we need one, not when there is a date set out, that that works best. It has worked for roughly 250 years, and it would work again and has worked again.

As I said in an article, I've canvassed thousands of homes in numerous elections. Not a single constituent has ever said to me, I can't sleep at night because I don't know when the fixed election date is. Not a single person has ever brought that to my attention, that what they need most in the world is not better health care or a better opportunity for postsecondary education; a fixed election date, oh, that would be a wonderful thing. I'm sure all of you have heard that. All of your constituents have told you that. So that part of the bill I consider nothing. I consider it a hoax and it doesn't make any real change and that's good. The fact that it doesn't make a real change is good.

Now we come to the business of the public financing political parties. I don't know whether the members of this committee are aware, but in the last election we gave a party which is designed and who's objective is to undo this country \$2,261,702. That's not all. We gave them an additional \$2,359,922 for candidates. One would think that that's over, and most people are not aware, but we give them \$742,000 every three months for ongoing expenses, which means we give them \$2.8 million a year, \$10 million between elections to advocate the undoing of this country. That's what we give them, and I'm not really bringing that out from the point of view of making it a principle.

We give the Liberal Party, who I have just as much opposition to. Well, not at as much as to the—but I don't wish to contribute to the Liberal Party, and I used to be a voluntary contributor to the New Democratic Party, but when I stopped contributing, they passed a law that I had to contribute. Do you know that we give the Green Party—the Green Party, don't misunderstand, that's not me. They did call the Progressives the green party, but that's not me. The Green Party gets \$300,000 every three months, a million dollars. They haven't elected a single member, and I'm not saying that they should have to elect a single member.

What I'm indicating is that the people of Canada are being asked and forced by law to contribute to political parties that they don't believe in. I believe that that is unconscionable, and I believe that it is contrary to the Constitution of Canada which offers me freedom of conscience. When I appeared before the Supreme Court of Canada on this very question, I said that the laws of Canada, and now the laws of Manitoba, would require me to contribute to a Nazi Party if they got 2 percent of the vote. On that day, I don't pay my taxes, and I go to jail because it would be freer inside than outside. The principle applies whether it's the Nazis, whether it's the Fascists, whether it's the Progressive Conservatives, whether it's the Liberals or whether it is the New Democratic Party.

It is incestuous for the political parties and governments to contribute to political parties. Political parties should be financed by those people who believe in them.

Mr. Chairman, you're bringing me to order, quite properly. I told you. I should have 30 minutes.

**Mr. Chairperson:** Thank you, Mr. Green, for your presentation here this evening.

**Mr. Green:** One more point if I may make it because—

**Mr. Chairperson:** Perhaps you can make it through the question, sir, if you wouldn't mind.

**Mr. Green:** I'll answer the question with my answer, whatever the question is. Just like we were back in the House.

**Mr. Chairperson:** That's your right, sir.

**Mr. McFadyen:** Given Mr. Green's status as a former member of Cabinet and an expert on a lot of these issues, I would ask committee for leave that he be allowed to continue to address the other issues. This is an extremely complex and detailed piece of legislation. Mr. Green has other points he would like to make, and I would like to ask leave of the committee to provide him with extra time.

**Mr. Green:** I thank the member for his indulgence, but I'll follow the rules like everybody else.

**Mr. Chairperson:** Well, perhaps here, if I might suggest, leave has been asked of the committee, but if it might be possible for you, as you've indicated, to provide that information through your response to the questions the committee members might pose to you, perhaps that way we can accomplish the same goal.

**Mr. Green:** I'm certain I'll find a way of doing it.

**Mr. Chairperson:** Mr. McFadyen, you had a question, sir.

\* (20:40)

**Mr. McFadyen:** Even before I put my question, there is a limit on the amount of time allocated for questions and answers. I just want to ask the committee if there's leave?

**Mr. Chairperson:** It's flexible. Yes, it's flexible.

**Mr. McFadyen:** The Chairman is indicating flexibility, which is appreciated. Thank you, Sir.

Mr. Green, I want to ask you, in addition to the comments that you have made on the issues of public financing, taxpayer financing of political parties, as well as some of the other points, whether you've had a chance to examine those provisions of Bill 37 that deal with MLA communications with Manitobans and what view you might have on those provisions?

**Mr. Green:** Oh, what a quagmire we create, when once we start to legislate.

The Premier (Mr. Doer) has no choice but to bring in that legislation. If you start from political financing and if you start from the fact of limiting election expenses—because if he doesn't bring in that legislation, everything else falls away. If he doesn't say that he's going to limit and check the material that's being sent, then all of the other laws which say you can't spend money are rendered nugatory. So he has to do that. That doesn't make it right. That doesn't make it right at all because he'll have to do something else.

When I was a candidate in River Heights in 1962, it goes back that far, we had coffee parties, that was the style of campaigning. We had coffee parties. Now, the government is going to ask us to report every woman who had a coffee party, how much she spent for coffee, how much she spent for cookies, how much she spent, to put it into the election expenses because it's an expense.

Anybody who wants to promote a candidate, they have to say they're doing it—I can't anymore—which happened all the time. Somebody says, I'd like to contribute but I'd like it not to be known, there's nothing wrong, I just don't want to be known as a contributor. You can't do that anymore, it has to be registered.

Anybody who says I'm going to buy an ad in the newspaper because I like Mr. Doer, please vote for him: that's illegal. And ultimately, if you want to trace everything, ultimately, if the *Free Press* prints an editorial, elect a New Democratic Party, the election finance committee, electoral office will say, how much newspaper space has been devoted to that editorial and that's third-party advertising and it's illegal.

If you're going in that direction, you have to go further in that direction. You have a law that says that an MLAs communication with his constituents is going to be vetted by a committee. Can anybody believe that such a law would exist? But it has to exist. If you do the other, if you say that you're limited in what you can advertise and what you can spend—by the way, the only party that has ever been convicted of violating the election laws during an election campaign by advertising was the New Democratic Party, and we brought about the conviction.

I see that the minister has said that he has tested this constitutionally and it's perfectly constitutional. I say, with the greatest of respect, he's wrong. We took this issue to the Supreme Court of Canada, on the

basis of the information that I'd just given you—you can read the Supreme Court report, it's MacKay versus the government of Manitoba. I appeared as counsel and the Supreme Court did not decide the issue. They said the action wasn't brought in the way in which it should have, but it is an open question.

If you have a lawyer who tells you that he is certain that this law is constitutional, either he is going out on a limb or he is not a person who you should rely on because it is an open question.

If the Supreme Court thought that this was legal, they would have said so when the case was before him. There has never been a case decided on the right of the government to collect tax money and finance political parties. That should be constitutionally challenged. It was once, and it was undecided.

**Mr. Doer:** I heard your presentation as well at the Frontier organization a few weeks ago.

As I understand it, in terms of your views, you're opposed to banning union and corporate donations and are quite critical of public financing, including the provisions that were there through the '90s, brought in by Mr. Pawley, and remain today as well as these proposed amendments to the—

**Mr. Green:** I'm sorry. I am opposed to all of the laws that relate to political contributions, political expenses, political financing. They only make cheaters out of honest people because every political party—and you know it—has a group that says, how can we get around this law? Then you go back and say, now that they have found a way around it, let's pass another law.

Oh, what a tangled web we weave when once we practise to deceive.

**Mr. Borotsik:** Always a pleasure, Mr. Green, to hear your presentation.

You had talked about the fixed election dates and you refuted that by saying that the 4911, the powers of the Lieutenant-Governor, are preserved.

The Premier and the Minister of Justice (Mr. Chomiak) both say that's not the case because this is not saying Lieutenant-Governor-in-Council, although the clause does say, the Lieutenant-Governor, including the power to dissolve the Legislature at the Lieutenant-Governor's discretion.

So why would the Premier and why would the Minister of Justice not accept the fact that this is the

out-clause for fixed election dates? Why do they keep on saying Lieutenant-Governor-in-Council is the only thing that would be able to provide us with—

**Floor comment:** I do not believe that the Lieutenant—

**Mr. Chairperson:** Mr. Green.

**Mr. Green:** I'm sorry, maybe I'm going out on a limb, but I have some understanding of Parliament.

The Lieutenant-Governor-in-Council, which is the Cabinet, never calls an election. Never. It is always the Lieutenant-Governor who calls an election, and the discretion of the Lieutenant-Governor to call the election over the years—and, by the way, it is a discretion.

In Australia, he watched—*[interjection]*—don't tell me that's right; I know what's right. In Australia, he once called an election over the head of the government. When Mr. Mackenzie King went to Mr. Byng and said, call an election, he didn't; he chose another prime minister to call an election. That situation prevails then, and it prevails today.

There's no change is what I've said, that Mr. Doer could walk across the street—now you're nodding your head; before you were shaking your head—Mr. Doer could walk across the street right now and say, that S.O.B. Green is causing trouble; I want to go to the people.

The Lieutenant-Governor, John Harvard, would never refuse him. A refusal would be unheard of, and we would have an election next week, not on June the—could be June the 14th this year. No, we don't have 35 days, but it could be the end of June this year. He could do it today.

You are nodding. I'm glad to see you nod, your head going up and down, instead of sideways.

**Mrs. Driedger:** Thank you very much, Mr. Green.

I'd like to ask you, do you think it would be then in the best interest of Manitobans that this government have a second sober look at this legislation and either do public consultations, or sit on it for a while, until they have a chance to have more of a look and test some of this in the proper way?

\* (20:50)

**Mr. Green:** Look, I've made my reasons known. I believe that all of the election laws that deal with financing—it proves that you cannot be a little bit

pregnant. You become a little bit pregnant and then you have quintuplets.

What we have is the natural course. When I was in a position of power, my policy was you do not bring in legislation unless what you want to do cannot be done without the legislation. Therefore, the election financing—you can have elections, people can raise the money. Tommy Douglas won in Saskatchewan with no money. We won in Manitoba with no money. We fought money. Money doesn't win elections. Ideas win elections. Now that they have money, the same party that used to spout ideas sells soap. They don't sell ideas. They go to advertising agencies and they spend the money that they're going to get from the government. It hasn't improved the electoral process. It has degenerated it.

You go look into the last elections where money was given to the party so that they could buy all these ads. Did we have more sensible elections then? And the fact is that money doesn't win elections, ideas do, and then money goes to winners. When we won in 1969, I suddenly saw sources of money that were never there before. We had money. We got it not because we won the election by having money, we had money because we won the election, and that will always be.

Obama, when did he start getting money? Clinton was well ahead of him. But he started getting money when he went ahead of her and she started losing money. Money goes to winners. Winners don't get there because of money. That's a fallacy. There were socialist governments elected all over the world without public financing because they espoused ideas which commended themselves to the people. Now they sell soap. Look and see what goes on in a federal election and you'll see ads which are similar. The Cialis ads are pretty good, but they're a similar type of ad.

**Mr. McFadyen:** Thank you, Mr. Green.

I just want to come back on a couple of the points you made earlier. You had made reference to whether or not the issue of public financing of political parties had been tested constitutionally in front of the Supreme Court. You said that when you went to the Supreme Court in *MacKay v. the Province of Manitoba*, they didn't deal with the substantive issues.

Can you just be a bit more specific in terms of what the concern of the court was when the case was

brought forward at the time and what your assessment is of the legal position presently?

**Mr. Green:** At the Court of Queen's Bench level and at the Court of Appeal level, where we did have one judge favouring us, Mr. Justice Huband wrote a decision in our favour.

It was admitted by the province, who was the other side, that the applicants, MacKay, Driedger—Harold Driedger was one, Arthur Green, my son, nepotism, patrimony, whatever you call it, patronage, and several others. It was admitted that they were taxpayers in the province of Manitoba and that some of their tax money had gone to finance political parties that we don't believe in. So that was taken as an admission at the Court of Queen's Bench level, at the Court of Appeal level. When we went to the Supreme Court of Canada, there were five provinces there because they had similar legislation, and the federal government was a party because it had similar legislation. So we fought all those people.

The Supreme Court took the position that there was no factual underpinning for the case, that I had said that Hitler got 10 percent of the vote, and I said that, if Keegstra and Zundel ran, they could get 10 percent of the vote. The Supreme Court said that Mr. Green—I am quoted throughout that judgment. They have never quoted a lawyer so much. I said things like I've said here, that we won without money. They said, these things are not factual. There is no evidence to substantiate them, like we don't know that Hitler got 10 percent of the vote. Everybody in the world knows that Hitler got 10 percent of the vote except the judges on the Supreme Court of Canada.

We have something which is called judicial notice, but they didn't want that. They wanted sociologists, political scientists, to come and give evidence as to whether public financing is a good thing or a bad thing, which is exactly what I didn't want because I know what the academics will say, and I know what the political scientists will say, and I know what the sociologists will say. They will say that this is a wonderful thing for the democratic process, and I say it takes my money to fund beliefs that I don't believe in. It is just as wrong as if the New Democratic Party started to finance Protestantism, Roman Catholicism, the Mennonites, the Seventh-day Ads, the Communists and what have you.

It is wrong. It is incestuous for the state to use money to finance beliefs. Beliefs should be financed

by those who believe in them, and that's the way it was, by the way. That's the way it was. It stopped. Some of it had to do with the—it's the same argument with regard to the financing of private religious schools, but it's much more incestuous when it comes to the financing of political parties. What makes it so incestuous is that everybody now depends on it.

You won't have arguments in the House of Commons because everybody is on the take. The New Democratic Party which gets \$10 million a year, they're not going to—excuse me, I hope I'm not wrong about that. Quarterly allowance, New Democratic Party, \$4 million a year. They're going to say we don't want political financing? They used to survive because they had the strength of conviction. They won't survive now because they've got public money. They're on the take, and so are the Conservatives and so are the Liberals and so are the Bloc Québécois and so are the Green Party, and they're not going to fight. There was only one political party that ever went out on a straight platform of no public financing for liberal parties, and that was the Progressive Party of Manitoba.

**Mr. Chomiak:** Thank you for your presentation, Mr. Green.

I learned a long time ago to pick and choose the arguments or discussions I have with you. I disagree with some of your rendering of history of the New Democratic Party, but that's fair ball.

I do disagree, and I shook my head when you talked about discretion. The Lieutenant-Governor or the Governor General does have discretion, and you're right, this still provides that discretion. But, then, using an extremist argument to say if the Premier wanted to get rid of five members, you have to admit that's a bit of an extremist argument, and at the same time to go to the other extreme to say that a Premier who's got 36 members of the House would go over to the Lieutenant-Governor today and ask for a dissolution of the House, I think the Lieutenant-Governor would exercise discretion, as in King-Byng—and there's still discussion on that—to say, you know, Mr. Premier, if you can't run a Legislature with 36 members, then find a leader in your own party that can do so.

\* (21:00)

I think that that discretion is maintained otherwise and I think that the fact that we've put a date into legislation, and the Premier's committed to a date, in a parliamentary system that allows

discretion to a Lieutenant-Governor or Governor General, is as firm as one can get, whether one believes in the concept of fixed election or not.

**Mr. Green:** You're saying you think. I am telling you what the law is and you say that it's an extreme argument. It is not an extreme argument. When Mackenzie King could not get conscription by a vote in the House, he didn't call an election because it was war time. But he called a plebiscite and he got the vote in favour of conscription.

When John Diefenbaker was told by Lester Pearson, in 1958—Diefenbaker won in '57. In '58, Mr. Pickersgill devised a splendid strategy to tell Diefenbaker to step down and let Pearson be the Prime Minister, and Diefenbaker said, I'll step down. Walked over to the Governor General, called an election, won the biggest majority that there ever was.

So if you're telling me that the Lieutenant-Governor in Manitoba is going to do something other than what his First Minister comes in and tells him—and I don't know the circumstances, but there could be circumstances when their premier—certainly Mr. Harper has the circumstances. If the Premier (Mr. Doer) thought that the opposition was behaving in such a way that he couldn't govern, and he walked in to the Lieutenant-Governor and said, they are making a mess of things, they are filibustering, I have to go to the people. The Lieutenant-Governor would call an election. That's my opinion.

**Mr. Chomiak:** Well, I don't want to prolong this, but I know I'm going to. That is somewhat different than the fact situation of your own party having five members you want to get rid of. In a parliamentary system—

**Mr. Green:** I gave you one example.

**Mr. Chairperson:** Order, please.

**Mr. Chomiak:** I'll cease and desist at this point and take that for what it's worth.

**Mr. Green:** And by the way, when you talk about the history of the New Democratic Party, and you say that you differ, I was there longer and I believe I know better.

**Mr. Chairperson:** Thank you, Mr. Green, for your presentation.

The next presenter we have on our list this evening—Mrs. Mitchelson?

**Mrs. Bonnie Mitchelson (River East):** Thank you, Mr. Chair. I was just communicating with a lady at the back that's been here for two evenings now. Her name is Jacqueline Stalker and, for medical reasons, she won't be able to be here tomorrow. I was wondering if we could have leave to call her now.

**Mr. Chairperson:** Yes, if there's leave of the committee to call Jacqueline Stalker. Is there leave? *[Agreed]*

Number 14 on the list. Has the committee agreed? *[Agreed]*

Would Jacqueline Stalker please come forward. Would you like a chair, ma'am?

**Ms. Jacqueline Stalker (Private Citizen):** I would love it, yes.

**Mr. Chairperson:** And we can lower the microphone down for you, too, if that will help.

**Ms. Stalker:** That's fine. Thank you. Persistence paid off; 11 hours waiting.

**Mr. Chairperson:** Yes. Please accept our apologies for the wait.

Do you have a written presentation, ma'am?

**Ms. Stalker:** No, it's an oral presentation.

**Mr. Chairperson:** That's fine.

**Ms. Stalker:** What I printed was pages from that omnibus bill. Overwhelming.

**Mr. Chairperson:** Please proceed when you're ready, then.

**Ms. Stalker:** All right. Honourable members of the standing committee, thank you for letting me speak.

I would like to speak to Bill 37. You know the name of it. It concerns five acts. That's quite a potpourri of legislative change or innovation. So I'll restrict my comments to the part where the legislation aims to (1) enable political parties to pay themselves retroactively for votes; and (2) give themselves a full cost-of-living allowance, a COLA, out of taxpayers' funds, as the legislators or political parties certainly haven't paid for it.

I'd like to bring your attention to Schedule C, The Elections Finances Amendment Act. I won't bore you by reading it all, but I will just tell you the sections that concern me deeply: Inflation adjustment 10.6(1.1) (a), (b); 4(1) (a), (b); 4(2), 38(4) (a), (b); 5(1) (a), (b); 5(2), 38.1(2.1) (a), (b)—and these are just small things, you know, change the amount of

\$60 to \$75, change a hundred to a few hundred, et cetera—6(1) (a), (b); 6(2), 40.1(2); 7—rounding up amounts? I mean, let's not be frugal, just small sums, we'll just round them up to the next \$10 or \$100 or \$1,000—8 (a), (b), (c), (d); 9 (a), (b), (c).

Annual allowances: Despite subsections—a minimal annual allowance payable to a registered political party would be \$10,000, if the party is represented in Assembly by at least one member. Then Indexing of amounts.

Finally, all of this will be paid out of Consolidated Fund without further appropriation, as soon as reasonably practicable after being certified. Wow. That's the part that astounds me. How can anyone with any conscience, and he's not here either, dip their fingers in the pot to that extent?

The federal government certainly pays parties based on the number of votes they had in the election. Mr. Green explained that quite well. Some provincial governments do, too. Enacting legislation for the future is one thing, that we're going to do this, but when I read this, we are enacting it for the past, and that's definitely another thing. I could be quite rich if I could buy stocks and bonds that way, or I could certainly be richer if I had selected my pension plan that way. Instead, I belong to a pension plan enacted by the government of Manitoba. It promised to pay me certain things and took money out of my earnings throughout my career to pay for it, and took out significant sums by the way.

I worked for forty years. I have a doctorate. I worked twenty years in other provinces and countries while my husband was in the Armed Forces, and then twenty in Manitoba in the Department of Education, and then as a professor and co-ordinator of the high education graduate program at the University of Manitoba. The pension credits of my first twenty years were transferred into Manitoba, and for the next twenty years my pension was accrued in the TRAF pension fund. You might know where I'm heading with this, to tell the truth, which is embarrassing. If this government could take money from me and 10,000 others, and not match it, not return it, not even invest it very wisely, I guess it could continue cheating people and now could legislate cost-of-living increases for all the new finances as though it is awarding for itself. And then it could even legislate 60 days of silence prior to any election so that the public wouldn't learn what is happening. Sounds more like a dictatorship, doesn't it. Very saddening.

If, however, this is a responsible government, and I'm really questioning this, it will cease abusing 10,000 Manitoba pensioners. They are taxpayers and your electorate, and they will pay them the rightful pensions they earned and paid for, just as all the other provinces in Canada do. Assess the consumer price index, how much prices have risen in the past year, then grant the cost-of-living allowance, the COLA, that was promised by this government and that was paid for by these people so that these Manitoba pensions don't decrease in value every year as they have been doing.

\* (21:10)

I'm speaking as an individual but also on behalf of all the others like me, those who are perhaps even more handicapped and couldn't get here last night and today and wait eleven hours. Those, about 2,000 of them I think, who have a TRAF pension, that's the Manitoba teachers' pension, but it is their only pension, no husband's pension or anything, so, even with CPP and Old Age Security, they are now living below the poverty line. That's abominable, and those who are old but too sick to get here and to speak, and those who were here last night from out of town, but, when their names were called finally tonight, they weren't here. They couldn't afford to come in twice, two nights in a row. On behalf of myself and all those individuals, and I must point out the majority of them are women, I urge you to stop this abuse. No other province does this to its people.

When I was teaching in the faculty, I told students, don't stay in Manitoba too long. You can't afford it. And that was the truth. They can't afford to retire here.

I urge the ministers responsible for the elderly, those responsible for the sick and for the handicapped, and the departments of Education and post-secondary and adult education and all those teachers who are now MLAs and therefore won't have this problem of the government withholding portions of their pensions, I urge all of you to band together, decide to finally do the honourable thing. Stop the plebiscite games that you're spending money on and the Sale report games and the playing young, strong bully with older, weak, retired teachers. Pay us what is rightfully ours; then after you do that, you can legislate all the money you wish to grab from the consolidated fund. Until then, reject all or most of this bill. We paid for our COLA. You did not. We need to get our money before you legislate yours. We need to nationally publicize what

our Premier (Mr. Doer) and our government are doing to its elderly population.

Thank you for your time, and I thank you even more for your action, if we get some.

**Mr. Chairperson:** Thank you, Ms. Stalker, for your presentation this evening.

Questions for the presenter from the committee?

**Mr. Borotsik:** Thank you for that very passionate presentation, Ms. Stalker. I do appreciate it and I do appreciate you being here for the last nine and half or 10 and a half hours—[interjection] 11 hours. Thank you for your perseverance.

The one thing I would never, never refer to you as is a weak, retired teacher. I can assure you of that—

**Ms. Stalker:** I was speaking on behalf of all the others.

**Mr. Borotsik:** Ah, okay. Thank you, Ms. Stalker.

The question that I've had to others such as yourself is that the money that is being proposed in this bill for political parties is a little in excess of \$2 million over the next four years. When you say it fast, it's not a lot of money but it is certainly for us an awful lot of money, certainly at this side of the table, a substantial amount of money. We don't believe that there should be a vote tax. We don't believe that there should be dollars going from general revenue to political parties.

If it were up to you and that \$2 million was available, being an educator such as yourself and having lived an awful lot of life in the last numbers of years, where would you put that money as a priority?

**Ms. Stalker:** I'd pay my debts before I start spending money, and the debts are owed to 10,000 retirees, some of them over a 100 years old. Just think of that. When they were teaching, the salary, annual salary, was under a thousand. Now, what would their pension be? Very little. With no cost of living added, it's no wonder they're living below the poverty line.

**Mr. Borotsik:** Last question from me, Ms. Stalker. You had also mentioned in your presentation about a number of the retirees, even with their CPP and OAS and their supplements and all the rest, you say that they currently are still living below the poverty line.

**Ms. Stalker:** Yes.

**Mr. Borotsik:** Are you aware that even being below the poverty line in Manitoba with the tax regime that

we have, they still pay taxes on those limited resources that they have?

**Ms. Stalker:** I'm not sure and I don't know. I took my data from the TRAF board reports.

**Mr. McFadyen:** I want to thank you as well, Ms. Stalker, for the presentation, the passion within the presentation, as well as the excellent way in which you advocate on behalf of all of those other people who are not able to be here, present in person, as part of this committee process. I know that you are speaking for many when you speak, and the way that you've made the points has been compelling.

I want to ask you, you may know that, in addition, obviously, to the content of what you've said, the right to come and speak to a committee like this is one, that's important. You've highlighted, quite understandably, concerns about the process and the amount of waiting for those who wished to present.

As a non-partisan comment, I think all parties regret the way sometimes these meetings flow in that there is a need for greater notice, for more predictable hours—and not a comment at all on the staff in the Clerk's office because this is the way this has gone on for years and years and years—better expectation-setting with presenters in terms of when they're likely to be called, to give them a sense as to when they should be here, to save them some time.

We'll never have a perfect system, because democracy is imperfect and some presentations run longer than others. There are a variety of unforeseen things that can arise.

You may know that the process to date on this bill is this Bill 37 was introduced some three weeks ago by the government on the last possible date that they could introduce bills, in order to have them fully considered within this session. We then got through second reading. Committee was called on reasonably short notice. You responded to that notice and registered to appear, of course, as you've indicated, and have spent many hours waiting to present.

We have an agreement, as you may or may not know, with the government members to have set hours of evening committee meetings for the first few days of this week—last night, tonight and tomorrow night—that we would sit for six hours. We are getting signals from the government that they're threatening to try to run the committee overnight, over weekends, and other times.

The Premier (Mr. Doer) has been commenting across the table that he's prepared to run the committee 24/7, seven days of the week. He said in the House earlier today, Saturday, Sundays, all night, every night.

I want to ask you, in your view, given your experience with the process to date, whether you think that a government that ran committees overnight, that ran committees through weekends and through the days and other times that are inconvenient for Manitobans to present, is that a responsible and reasonable approach to running this process or is that, in your view, an abuse of the process?

**Ms. Stalker:** I think it would be wonderful—stay up all night and use those hours to do all your arguing and talking and all the rest. Then, at reasonable hours, let us know when we might show up.

I was told I'd be heard on the first day. I sat here and listened to you all talk for two, three hours. I heard you start a fight; I heard all kinds of things. It was interesting. I taught management at the university and I was sitting there saying, oh, my God, do these need—I talked about one fellow who needed a lesson in how to be succinct.

It's amazing but, yes, you should, not for the people speaking, but for all the speaking you people do.

**Mr. McFadyen:** Thank you.

I want to ask you because I take the point you're making, but I want to be clear to focus on the next phase in this process. There are two other steps that we follow after presentations: one is that members of the opposition are able to pose questions of the government on specific aspects of the bill and to ask for information as to what lies behind some of the provisions.

The step after that, as we go line by line through the bill and we introduce amendments to the legislation, we have debate on those amendments; then we have a vote in this committee where all the members of the committee have to raise their hand as to what their position is on the amendment.

For example, we as an opposition party would propose an amendment to get rid of the COLA provision within this bill, to strip that out of the legislation. There'll be a vote taken of the committee and debate around whether or not that should be removed.

What the government, I think, is threatening to do is to have all that debate occur under the cover of all-night sittings, weekends and other times when it'd be inconvenient for the public to be here to see what they're elected representatives are saying and doing, how they're voting, what points they're making and which parties are advancing these amendments.

In our view, we would like members of the public, who are interested, to be able to be present, to see what it is that their elected representatives are doing. We're quite prepared to sit up and do it all night, but we're sympathetic to people who may want to come out and be part of the process.

I wonder what your reaction would be on that point as to whether or not you think it's important for members of the public to be able to be present when those amendments are being put forward, debated, and be able to see how the representatives are voting on those points.

\* (21:20)

**Ms. Stalker:** Of course, I think it's important that the public be involved. When I spoke about bullies in the schoolyard treating retired teachers not to their money, keeping their money and spending it, bullies in the schoolyard run bills through quickly and let no one talk about it, and they suffer the consequences. The electorate is not stupid.

So you have your choice. You behave responsibly, honourably. You let people discuss. You let people understand. You let them give their views. Then you debate it. Then you make wise decisions, or rush through and regret. The choice is yours.

**Mr. Chairperson:** Any further questions? Seeing none, thank you, Ms. Stalker, for your presentation this evening. Sorry for the wait. Thank you for your patience.

The next presenter we have on our list this evening is Mike Skaftfeld. Mike Skaftfeld. Good evening, sir. Welcome. Thank you for your patience. Do you have a written presentation, sir?

**Mr. Mike Skaftfeld (Private Citizen):** Yes.

**Mr. Chairperson:** Just give us a moment and we'll distribute it to committee members, and then I'll give you the signal to proceed.

Please proceed, Mr. Skaftfeld.

**Mr. Skaftfeld:** Thank you.

I had the written portion of my presentation brought down tonight earlier. I was at my son's soccer pictures, so I didn't know if I was going to make it, but thankfully things were going at a pace where I still was able to sneak you guys in tonight.

Thank you very much. My name is Mike Skafffeld. I'm from CUPE which is the Canadian Union of Public Employees, and we represent the 24,000 public-sector workers across the province of Manitoba. Kevin Rebeck who is our president apologizes for not being able to present to you all tonight. He is attending the Canadian Labour Congress convention in Toronto.

CUPE is in support of the proposed changes to Bill 37, but I will only speak to a few items that are contained within the proposed bill. I'm sure that you have heard the support already from the Manitoba Federation of Labour, and CUPE echoes that as well.

Let's start with Schedule C, The Elections Finances Amendment Act. We believe these proposed changes take the next step towards improving fairness when it comes to election finances. In 2000, the government banned donations from corporations and unions so that only individuals could donate to a political party. This helped dispel the myth that when mainstream parties formed government they were indebted to their sponsors before taking office and that this shaped the legislative agenda that was to follow.

While these changes did correct the optics of parties being indebted to interests other than the residents of Manitoba, they have created significant challenges when it comes to political parties financing their activities. These challenges do not exist in other jurisdictions that have similar laws regarding contributions. Only Manitoba has not enacted reasonable public financing provisions for all political parties.

We are glad to see the provisions of Bill 37, the annual allowance for registered parties. All registered parties will receive \$1.25 per vote from the previous election to a maximum of \$250,000 to assist in financing their respective campaigns, but we do question if this \$1.25 per vote is sufficient.

We believe that this allowance will only cover approximately a third of a mainstream party's budget needs. In comparison, federal parties receive \$1.91 per vote. In New Brunswick, they receive \$1.76, and Nova Scotia receives \$1.50. We feel that the Nova Scotia allowance of \$1.50 per vote is more reflective

of costs and budgets of mainstream parties within the province of Manitoba. We echo the recommendation of the Manitoba Federation of Labour, and please consider increasing the allowance to \$1.50 per vote received in the last election.

We feel that the public financing component should not cover all the associated costs of a modern mainstream party but should, in concert with individual donations, do so. This still drives each party to promote policies and election campaign platforms that are reflective of the values of the citizens within the province of Manitoba in order to attract individual citizen contributions.

We feel now that Manitoba, with the introduction of public financing for political parties, has made the electoral financing process much more transparent and more transparent than it has ever been. We are closer to having our election based on participation rather than how much money the supporters of each political party has. This system is based more on ideas and policies, not on how much money can be donated. Democracy should not be decided on whose friends have the most money but what is in the best interests of the citizens within our province.

Let's go to Schedule A, The Lobbyists Registration Act. We support The Lobbyists Registration Act in principle. We do hope that this will lead to greater transparency in our political processes. In Manitoba, we have a small political community. Lobbyists of all political colours are usually well known to each other and, of course, to all the political parties, and we generally know who is lobbying who for what and when.

However, we do acknowledge that this may not be apparent to the average citizen in Manitoba. Making the relevant information that lobbyists have easily accessible through the Internet and registering the lobbyists will certainly increase the ability of the average citizen in Manitoba to understand the significance of statements made by political lobbyists and also the politicians themselves. This will help all the citizens of Manitoba understand what members of government and the opposition parties are saying. This can only lead to a more informed voting public in our province.

We do urge the government to ensure that The Lobbyists Registration Act through the bureaucratic support structure does not become a series of cumbersome hurdles to overcome for practitioners. We question the refiling process every six months.

Would not limiting it to new information only be more prudent? We acknowledge this information must be filed correctly if it is to be of use for the residents of Manitoba. Possibly, this could be limited to refiling of new information as it becomes available.

Schedule B, The Elections Amendment Act. We can support the idea of a fixed election date. We were not opposed to the call of an election being controlled by the government of the day, so the idea of fixed election dates is acceptable. A great sense of faith in the electoral process may be obtained by having set dates for elections. The predictability of fixed dates will allow more time and planning to be spent on the enumeration process and should result in a better voters list. All the political parties will have access to the voters list before the writ as enumeration will be done in advance.

The proposed amendments do allow for the postponement in the occurrence of a flood and still allow for the election if a government should lose confidence in the House, which is, of course, the current practice. Opening the polls an hour earlier at seven is a welcome convenience for working people. Limiting the distance required to travel for rural voters in advance polls is a positive change. The addition of advance polling on the second Saturday before election day, the removal of restrictions and the addition of super polls in malls so people can then vote in advance in convenient locations in conjunction with the before mentioned enhancements could possibly lead to an increase in voter participation in the electoral process in Manitoba. We believe that these proposed changes are the latest steps in modernizing and enhancing the democratic process within our province of Manitoba.

Thank you for listening.

**Mr. Chairperson:** Thank you very much for your presentation this evening, Mr. Skafffeld.

**Mr. McFadyen:** Thank you very much, Mr. Skafffeld. I want to thank you for the time that's gone into the presentation and for your patience, again, as I would state to all presenters tonight, in waiting in line to make their presentation.

Can you just indicate how many Manitobans, roughly, are members of CUPE presently?

**Mr. Skafffeld:** Sorry, 24,000.

**Mr. McFadyen:** In order to become a member of CUPE, is it a voluntary annual process for those members to just sign up and pay dues if they wish?

**Mr. Skafffeld:** We use the Rand Formula.

**Mr. McFadyen:** So it's not voluntary. I just want to ask you then, when a bargaining unit is certified, is it a secret ballot vote in Manitoba to determine whether or not the workers within a particular proposed unit are certified, or is there some other means for making that decision?

**Mr. Skafffeld:** They sign membership cards.

**Mr. McFadyen:** Is it your view that signing membership cards is an appropriate reflection of the will of those individuals, that it's a democratic way to approach membership for non-voluntary payment of dues?

**Mr. Skafffeld:** Yes, absolutely. Within the payment of those dues, of course, the people are receiving the benefits of a collective agreement, which is bargained between two parties. And absolutely.

**Mr. McFadyen:** On that basis, then, would you be in favour of doing away with secret ballots for provincial election campaigns and just having people sign cards indicating which party they would like to support?

**Mr. Skafffeld:** No. I think that's a little out there.

\* (21:30)

**Mr. McFadyen:** If it's taxes aren't voluntary, union dues aren't voluntary, and you think it's out there to scrap secret ballots for provincial elections, why would that not be out there with respect to certification of unions?

**Mr. Skafffeld:** I'm a little confused, Mr. McFadyen. Could you explain that a little more for me, please?

**Mr. McFadyen:** You said that you think it's out there to do away with secret ballots for union membership, and you said that you thought card signing was appropriate, that union dues were involuntary but people received benefits. Similarly, taxes are involuntary and presumably people benefit from participating in our province.

Why wouldn't you think it was appropriate to scrap secret ballots for provincial elections and just have people sign cards as the parties walk around and ask them to sign cards indicating their support for that party?

**Mr. Skafffeld:** I don't think that we would be scrapping the legislation for a secret ballot for union certification. I don't believe that's the process now, is it, sir?

**Mr. McFadyen:** No, just in the spirit of democracy, because you're addressing the issue of democracy in Manitoba, whether, given the involuntary contributions that are going to flow to political parties under Bill 37 and the involuntary nature of contributions to unions under the Rand Formula, your view is that it's quite democratic to use cards instead of secret ballots on the issue of union dues.

I'm just wondering why you wouldn't think it was appropriate to extend that to provincial election campaigns.

**Mr. Skafffeld:** I think that the secret ballot process has worked well within our province and the country of Canada for many years, so I would recommend that we stay with it.

**Mr. McFadyen:** I just want to ask you, you indicated support for the move away from corporate and union donations to political parties in 2000, and I'm wondering if you can just outline—because I believe CUPE was one of the unions that was interviewed by Elections Manitoba in connection with the practice known as bundling. I'm just wondering if you're aware of the outcome of that investigation and what observations you might have on the practice of bundling and exactly how that works.

**Mr. Skafffeld:** No, actually, I'm sorry, Mr. McFadyen, I'm not. I'm not quite up to speed on that.

**Ms. Marilyn Brick (St. Norbert):** I wanted to ask you—first of all, Mr. Skafffeld, thank you for coming and coming back after your son's picture for his soccer game. I think that's very admirable for you to come back to speak to this committee.

I just wanted to ask if you could expand on The Lobbyists Registration Act. You have here that you support that act. Maybe you could just give us a bit more information why you're in support of the registration of lobbyists.

**Mr. Skafffeld:** Well, I think it's a good idea. What it really does is that it will have the lobbyists within the province, so the information now will be out on the Internet or it will be accessible for the people within our province. Really what it will do is that it will add to the education of all the voters within our province,

so everybody will know sort of what's going on and how everybody feels about it.

Really when we hear quotes in the paper from our MLAs on their responses on different things in the House, then we will know sort of where everybody sits and maybe why those decisions were made. I think it's an excellent idea.

**Mr. Chairperson:** Thank you very much, Mr. Skafffeld, for the presentation this evening. The time has elapsed.

**Mr. Doug Martindale (Burrows):** I seek leave of the committee to have presenter No. 21, Mr. Nick Ternette, present next. I understand he has some health issues and probably doesn't want to get any more tired than he already is, so I think there's agreement probably.

**Mr. Chairperson:** Is there leave of the committee to call Mr. Nick Ternette as the next presenter? *[Agreed]*

Mr. Ternette, please come forward, sir.

Just before you proceed, Mr. Ternette, I want to ask, if there's leave of the committee, we have received a copy of a written presentation from Mark Cohoe, and I'm wondering if there's leave of the committee to allow this to be entered into the *Hansard* record. *[Agreed]* Thank you to committee members.

Mr. Ternette, welcome, sir. Thank you for your patience.

**Mr. Nick Ternette (Private Citizen):** Mr. Chairperson, thank you very much for allowing me. As you probably may know, I have lymphatic non-Hodgkins cancer at the present time and am under chemo treatment, so there is a certain amount of patience limit that I have in terms of sitting. Thanks.

It's tough to follow Sid Green, of course, and I've followed Sid Green more than once before. As you know, I'm a community and political activist and have been for over four decades. I have run in civic elections, municipal elections, mayoralty candidate, 20 times since 1971, so any time there is legislation that deals with lobbyist registration and election financing, whatever else, I have always expressed a major concern and an interest. So that's why I'm here to speak on Bill 37 as an individual.

I want to just go through some things because I think there are some issues that need to be raised. I will deal with The Lobbyists Registration Act first,

saying, first of all, of course, that I do favour the lobbyist registration. As I've read it, it makes public the identities, the causes and conducts of lobbyists; I think it's a very good idea.

I'm not sure whether we, however, need to look at it a little bit beyond that in terms of a code of conduct for lobbyists because there's nothing in here that I can read that there's actually a code of conduct included, nor is there a commissioner for lobbyists to enforce the code, because if you're not going to enforce the code, then why bother having it in the first place. That is one of the difficulties I have.

One of the issues that has not been raised here, because I'm involved in municipal politics, is why don't we have this apply to The City of Winnipeg Act? Why is this lobbyist registration thing not applicable to the City of Winnipeg? Why are we not registering lobbyists at the City of Winnipeg? There are far more lobbyists at the City of Winnipeg than there are at the provincial level, I would tell you. There are developers constantly involved in the city trying to negotiate land deals. There is the heavy construction industry in there. There is CUPE 500 and unions. There's the Chamber of Commerce. All of those are lobbyists. They're professional, full-time lobbyists at the City Hall. The City of Winnipeg Act is controlled by you guys, the provincial government. I don't see why it shouldn't be expanded, that The Lobbyists Registration Act be applied to the City of Winnipeg so that all those people who are going there lobbying on a regular basis are also registered as lobbyists. I think that that's a very important issue to look at, just in terms of looking at it because it's under your control.

In terms of the notion of setting regular dates for elections. I don't have any objections to it. Sid Green raised the whole issue of whether it's phony or not. I would suspect, however, having listened yesterday to the Brandon University students saying that the October date would be a much more preferable date than June because, I think, of the various issues, I tend to sympathize that maybe a date should be looked at, slightly different than a June date, but there's nothing wrong with the legislation as it is being presently conducted.

In terms of public financing, I have always believed, and here I'm going to talk about minority parties. I'm going to talk about fringe parties. I've been a fringe candidate for 20 years and I never got public financing in my five mayoralty campaigns, my 13 civic election campaigns, nor my city

councillor. Now I know, finally, civic council has allowed some financing to occur if you get 15 percent of the vote. But I want to talk about the Communist Party. I want to talk about the Libertarian Party, and I want to talk about the Green Party. I think the whole issue of democracy is not just that we've got to move even further towards public financing. I believe in complete public financing of all elections because not only does it do—it helps to bring more political parties in the process.

Nobody's talked about—here, everybody's talking about the Liberals, the Conservatives, and the NDP. Well, the Greens wouldn't be at the stage and level today if they didn't have the public financing that is occurring at the federal level. Believe you me, the Greens have now become a major political party. I tell you, if public financing was completely acceptable, we would have the Communist Party, the Greens, and we would have the Libertarian Party become significant political parties in this country and have a democracy that would be much more open than what we have presently.

The point is that the more political parties that participate, the more political choice you have, the more, as Sid Green says, the more choices of ideas you will have between the left and the right. What we have now are three parties, all in the middle of the centre. No differences, basically, except personality-wise. We have no party on the right, really on the right, Libertarians, I'm talking about, because what Sid Green was expressing basically was Libertarian viewpoints, or really to the left. Public financing will allow that to occur. So I fully support the move to \$1.25, support the unions that claim that we should go up to \$1.50.

\* (21:40)

But I want to raise a constitutional question which nobody has raised here because nobody seems to have looked at that. The constitutional question is: What defines a political party? Now, federally, 50 candidates running in a federal election were defined previously as a registered political party. Well, a few years ago, the Communist Party did not run 50 candidates and Elections Canada deregistered that political party saying that because you had not followed the political process, you are not a political party anymore. You're not eligible for any kind of financial substitution, or what else, and they went to court. Nobody has probably read this thing, but, in fact, a court decision has been made that throughout,

under the Charter of Rights and Freedoms, the whole notion of how many people you have to run in a campaign to define a political party. Does anybody know what, today, is defined as to how many candidates have to run for one party to be actually defined as a political party at the federal level? Does anybody know? One. The courts ruled—and we can bring you all the court documentation on it—the courts ruled that one candidate running for a political party at the federal level is now defined as a legitimate, registered, political party.

In Manitoba, we have five. I would suggest very clearly that one of the changes you need to look at is the change from five to one because, if the federal level is at one now, why should the provincial one be at five? What you're saying, now you have to have five candidates running in order to be a registered political party in Manitoba.

I'm suggesting that there could be easily a constitutional challenge. Before you get into that, I would suggest you seriously look at, in terms of your definition of campaign financing here, that you move that one person running for a political party is legitimately defined as a registered political party in Manitoba.

I think that's a serious question that you need to look at. There is precedence because the courts have ruled, under the Charter of Rights and Freedoms, nobody has the right to define any more than one person running for one party, be it the Libertarians, the Progressive Conservatives, or whatever new party they brought or formed. It's now legitimately defined as a political party. I think you have to look at that situation.

On some of the other issues, annual limits on advertising expenses, I tend to sympathize. I think it's an undemocratic process to limit the kind of advertising but I'll tell you what I'm bothered about here. You say, do not include commentaries, letters to the editor, or similar expression of opinions normally published without charge.

By the way, many people write for newspapers and get paid. I wonder what you think about that; it's a small little point but, if one does an editorial—as I do sometimes in the *Free Press* and it gets published; I get paid \$200—would that be part of the exclusionary aspects or would be it part of it?

You're saying here, published without charge. What if you get paid? Should that not then be included in the limits? I don't know. This is vague

language that I'm concerned about, that you need to look at.

Just getting back to the whole issue of non-application of the lobbying act, why are you excluding directors and employees of a charitable non-profit organization? There are many non-profit organizations that are lobbyists, which specifically lobby specific actions. I know, my wife works at a disabled movement; they are lobbyists for the disabled movements, specifically on legislation.

Why are members of a municipal council excluded? They would come and lobby here, specifically to deal with municipal issues. Why are Aboriginals, bands excluded from here?

I would say the difference here, what I'm looking at, an individual is not a lobbyist per se in a sense, unless he's paid by somebody who thinks, like me, as a private citizen. If you're talking about organizations that do lobbying, then why are they excluded?

I'm just questioning. Again, it's language that here says non-application of this act. I'm just saying you need to expand on that. It's kind of important.

In terms of that whole issue of \$1.25, I would agree that we should go to \$1.50 at least, maybe even more. I would like to see it completely to the point where all financing of elections is done publicly rather than privately at all because, as I said, it will increase the democratic process. It will involve more political parties, et cetera.

Of course, that relates to—and I'm not going to get into that here—the whole notion of proportional representation and the whole notion of lowering the voting age from 18 to 16. I heard about how people want to increase participation in the political process, which is not really in the purview of this particular discussion.

However, I'm also, as I say, concerned—and this is the one issue that democracy [*inaudible*] Of all things, I will quote Preston Manning, because I did read Preston Manning's thing, is that I am concerned about the provisions enabling the government-controlled Legislative Assembly Management Commission to censor and control opposition communication materials and budgets. That, to me, is the most undemocratic process I have ever heard of. To have a vetting committee come in and sit down and look at what material can or cannot go out is beyond my comprehension. That is, ultimately, a form of dictatorship and it has to be opposed. I think

that's obviously an issue that has to be removed from the act.

Ultimately, the act, I think, is moving forward to—I would like to see Bill 37, hopefully the changes that I have suggested, some of which deal with legislative changes and whatever else. Ultimately, in the long term, if you really want to improve democracy, if you want to really get people involved in the participation process, I think you need to look at what the B.C. Legislature was looking at and what the Ontario Legislature was looking at, which was proportional forums to proportional representation, rather than first-come, post-election thing. They nearly passed. They had referendums on both of them. More than 50 percent of the public voted in favour of it, not quite 60 percent, to get to the point, but I think that's where democracy really is.

I would hope, in the long term, in the next few years, that the government will move toward more legislative changes, not just in terms of public financing, which is a step in the right direction, and the lobbyists legislation, but to fundamentally altering the methods and the mechanisms that we vote and the way we participate in the political process, because, ultimately, if we keep on having less than 50 percent of the people voting here because they're disillusioned, alienated and don't believe that change can happen, it's not going to happen, and it's going to get worse and worse and, ultimately, we're going to wind up with an ultimate minority of a dictatorship running this country.

Thank you very, very much.

**Mr. Chairperson:** Thank you very much for your presentation here this evening, Mr. Ternette.

Questions of the committee members for Mr. Ternette?

**Mr. Chomiak:** Just to thank you and all the presenters, particularly a person takes the time and energy to come down, particularly when they're not well, that includes you and many presenters here. That's one of the things that makes our democracy work. So thank you.

**Mr. Goertzen:** I also want to thank you for coming, Mr. Ternette, and I want to wish you all the best and well in the future. Thank you.

**Mr. Lamoureux:** I would echo those comments, Mr. Ternette, but I do have one question for you in terms of to what degree, do you think, when you're looking at election legislation, is there an obligation to build

consensus amongst other parties before you present it to the Legislature?

**Mr. Ternette:** Oh, Mr. Chairperson, I've been listening very carefully to you. We're talking about this process here. You know, it's an awful process, because some of us, not just myself, but others have sat here through yesterday. I came here for about an hour and a half, two hours yesterday. There needs to be a better way of doing it, first of all, that all parties get together to decide the process. I would suggest you break these meetings up.

I remember when I stood here and made a presentation at 1 o'clock in the morning when Sid Green was still, I think, in the Schreyer period. They used to go here till 3 o'clock in the morning. It's ridiculous. It's just absurd. Some of us still work. I still work a bit even though I'm just about retired. I have to get sleep. You guys have to have sleep and as you yourself, Mr. Chomiak said, clearly up to 8 o'clock, you sometimes, your thinking head isn't there anymore. *[interjection]* Probably earlier.

What I'm suggesting is there's got to be better mechanisms of doing these public presentations. By the way, give some credit. I mean, I go to City Council, okay, and this is something else. I'm one of the few that makes presentations. On budgets I'm the only one who makes presentations. I've been making presentations since '92, you know, hundreds of presentations outside of the Chamber of Commerce and a few other lobbyists who always are there. I'm the only citizen there. Here, you had 107 people register. I mean that's democracy in many ways. But, unfortunately, the way it is, a lot of people didn't show up tonight because they came yesterday and they're not going to come back. I mean, they have times and limits. You have to structure it in such a way that the people who want to be heard are heard, and this isn't quite the way to do it, to be honest with you.

**Mr. Chairperson:** Thank you very much, Mr.—sorry, Mr. McFadyen?

**Mr. McFadyen:** Mr. Ternette, just, again, to echo the comments of the Attorney General, thank you for taking the time to be here and for the amount of time that you've spent waiting and we all, I think, as legislators, can concur with your concerns about process. There are measures in place at the federal level that will allow presenters to give an indication of the times that they're available and then they schedule people accordingly. That is maybe something we as a committee can unanimously look

at and adopt for the next set of committee hearings so that we can avoid these sorts of situations.

But you're a passionate democrat, small "d" democrat. I know that you're so engaged in political discourse at every level. I want to thank you for that and again, thank you for waiting and thank you for your passionate comments tonight.

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

One of the suggestions would be if some—a lot of rural people take a lot of time to come here. Maybe you do need to go out to the rural communities and have hearings in Brandon and Souris or some of the other small towns separate from here so that you could at least give the city delegations here a chance because we can come here easier. The rural ones, you could go out there, as you do with your budget preparations, which I know Greg Selinger does a very good job in going out and discussing things. So maybe that would be something to seriously look at. Thank you.

**Mr. Chairperson:** Thank you very much, Mr. Ternette, for your patience and for appearing here this evening.

The next presenter we have on our list is Chuck Davidson, Winnipeg Chamber of Commerce. Good evening, sir. Welcome. Please come forward. Do you have a written presentation?

\* (21:50)

**Mr. Chuck Davidson (Winnipeg Chamber of Commerce):** I do not, just oral.

**Mr. Chairperson:** No?

**Mr. Davidson:** No.

**Mr. Chairperson:** Then please proceed when you're ready.

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

My name is Chuck Davidson, I'm vice-president of the Winnipeg Chamber of Commerce. For those of you that may not know, the Winnipeg Chamber of Commerce is a not-for-profit organization that represents over 2,000 businesses within the city of Winnipeg. Those 2,000 businesses employ close to 90,000 employees in the city of Winnipeg. We've been in existence since 1873 and we're celebrating our one hundred and thirty-fifth anniversary this year. I am pleased to say at this time that our membership is the highest in our 135 years as well.

Our role is to foster an environment in which business can prosper and grow in Manitoba. We've long been considered the voice of business because we take credible, well-thought-out positions on issues, which brings me here today to provide comment on Bill 37, The Lobbyists Registration Act and Amendments to The Elections Act, The Elections Finances Act, The Legislative Assembly Act and the Legislative Assembly Management Commission Act.

There are some measures in Bill 37 that the Winnipeg Chamber of Commerce approves of. The Winnipeg Chamber of Commerce believes there are a number of advantages to having set election dates. In terms of fairness, the governing party would not be able to time an election to exploit conditions favourable to its re-election. Fixed election dates level the playing field, providing greater fairness for all concerned, and reduce political cynicism and political motives, and transparency and predictability is another issue we believe is addressed in fixed elections.

Fixed election dates bring certainty to the voting process, provide transparency as to when general elections will be held; rather than elections being held and dates being made behind closed doors, general election dates are public knowledge. In our mind as well, set election dates improve governance. Fixed election dates allow for better policy planning, enabling agendas to be set out well in advance and making work more efficient. Fixed election dates allow for better planning by election officials to help to ensure that voters' lists are as updated as possible before an election is held.

It is our belief as well that there will result in higher voter turnout. Ensuring elections are not held in the winter or summer makes the voting process more accessible, particularly to students and seniors, and citizens can plan in advance to even participate in the electoral process, which we are also in favour of.

As well as candidate participation, people who would like to run for public office with fixed election dates, in our mind, can better prepare for the life changes that are required in able to run for an election. Set election dates is all about transparency, accountability and fairness, in our mind, and the electoral process principles that we should all support, and that's a good part of this legislation. We also see no problem with the introduction of a lobbyist registry as it improves transparency and

accountability to the public in regards to who is lobbying government officials.

We do, however, believe the bill can be improved by further enhancing the fairness and parts of the transparency by reducing the groups and/or persons that would be considered exempt under the current legislation. This could be simply done by following most of the exemptions that are already outlined in the federal lobbyist registry. Under that act, we would, in essence, delete subsections (e) and (k) in 3(1) under the Non-application of this Act section. In addition, we would suggest that following the federal registry act list of exemptions when it comes to oral and written submissions. This would result in the deletion of subsection (c) and (e) in section 3(2) under the Non-application of this Act section.

One of the main concerns, however, we have—the chamber has—with this bill is the fact that it's an omnibus bill and it contains so much information that we are unsure of the connection between the various sections of the bill and why they are being linked together. Why could there not be—simply have separate bills for a lobbyist registry and changes to The Elections Act? We fail to see the connection between the two.

In addition, the time frame in which this legislation seems to be rapidly moving through the Legislature raises question in regard to the process. From introduction on April 30, as been mentioned repeatedly, to the committee stage in just three and a half weeks where the public gets an opportunity to comment on the bill, leads us to believe that the government is not looking for the public to be properly informed and educated on the issue before it becomes law. Principles that develop government policy should be based on accountability, transparency and fairness, and the process in which this bill is moving forward puts the question as to whether or not we are meeting those criteria with this process.

The major concern we have, however, with Bill 37 is the new provision that registered political parties would now be eligible to receive annual allowances based on a per-vote formula. There seems to be no rationalized justification for this provision other than saying that the federal government does it, and a couple of other provinces are doing it, so we should do it too.

This bill also ensures that the governing party has a distinct financial advantage over other parties,

which does not address the principle of being a fair policy. Providing \$1.25 per vote will basically provide the governing party with \$1 million over the next four years. In addition, our members, as well as some that I've talked to, ask why should taxpayers be on the hook for padding the bank accounts of political parties on an annual basis. On the one hand, we have the government talking about ensuring that the communication from MLAs to constituents is not partisan by having them vetted through a government-dominated committee—I'm guessing that's to ensure that taxpayer money isn't being spent on political pieces—but, on the other hand, they're giving taxpayer dollars directly to political parties to do with whatever they choose. I fail to see the logic in a bill that professes to protect taxpayers in one instance from communications that may be considered partisan, it also allows taxpayers to directly fund the operations of political parties on an annual basis.

The issue of the Legislative Assembly Management committee, which is made up of a majority of representatives from the governing party as part of its makeup, having the ability to determine what communication is partisan and what is not is also a policy that doesn't meet our smell test when it comes to being a criteria. Is it a fair policy? Any decision like this should be based and made by an independent party.

In conclusion, I would like to thank the Chair and the MLAs for listening, and hope that, as they look at potential amendments to Bill 37, they follow the same principles to ensure that in the end the policy is accountable, transparent and fair for all. Thank you.

**Mr. Chairperson:** Thank you very much for your presentation here this evening, Mr. Davidson, and also for your patience.

Questions for the presenter?

**Mr. McFadyen:** Thanks very much, Mr. Davidson, for the presentation.

I just want to ask, you'd mentioned that your membership numbers are at an all-time high. Can you just indicate for the committee how many members the chamber has at present?

**Mr. Davidson:** We had set a goal of 2,008 members by 2008. We'll be having an announcement later this year, probably before summer, that we have reached and not only reached it but exceeded that. The growth in our membership has been growing at a

pace of about 7 percent on an annual basis for the past five years.

**Mr. McFadyen:** I just want to ask you: Are those members, members by voluntary choice or are they forced under law to be members of the chamber?

**Mr. Davidson:** All members of the Winnipeg Chamber of Commerce sign up on an annual basis and are asked to renew. They are all voluntary members of the Winnipeg Chamber of Commerce.

**Mr. McFadyen:** In that vein, can I just ask, the revenue that flows to the chamber, does it come in the form of grants from government or is it collected by voluntary contributions by your membership?

**Mr. Davidson:** The Winnipeg Chamber of Commerce receives absolutely no dollars from government. It is all based on revenues from events that we hold as well as from membership.

**Mr. McFadyen:** And just one last question. In your view, is the growth and the success of a chamber, as it reaches all-time high membership numbers, a function of the chamber working hard to represent its members well, or is a function of getting help from government legislation?

**Mr. Davidson:** I would suggest it's a case that the business community is looking for someone to be their voice and to act on their behalf. They look at the Winnipeg Chamber of Commerce—we have been in repeated studies and polls that have been out there, that we are considered the most credible voice in regard to the business community in Manitoba, and I believe that is why businesses decide to be Chamber of Commerce members.

**Mr. Borotsik:** Thank you, Mr. Davidson, for being here this evening to make a presentation on behalf of the chamber. Again, it's been a long time, it's been a long night, and I know that we want to get out of here. But, I do have one question.

You recognize, and certainly your association and organization recognizes, that this legislation has been put forward on a fairly expeditious cycle. It was tabled on April 30, prior to May 1. We believe that there's too much in this legislation to be able to digest at one sitting. We've suggested that perhaps it be put off until the fall so that we could get a lot more information out to other individuals, Manitobans in general. Would you support that type of recommendation? Again, we would be able to bring more of this information to your members so

that they would have a better understanding of the legislation.

**Mr. Davidson:** Absolutely. This is a legislation that wasn't even on the radar on April 29. There was no talk of set election dates. It's something that the chamber has been lobbying for a number of times. The government has, in the past, said that wasn't something they were looking to go forward on. So the number of changes and what this is going to do to the electoral process in Manitoba, we think there should be greater consultation with the public to ensure that there is accountability, transparency and a certain fairness to this bill before it moves forward.

\* (22:00)

**Mr. Borotsik:** So, I take it from your comments that there was no consultation at all with your organization, the chamber. Are you aware of any other organization that was consulted with this particular piece of legislation?

**Mr. Davidson:** We were not lobbied on this legislation in advance of it.

**Mr. Chomiak:** We've known each other in different lives, Mr. Davidson.

I take it that part of the reason for an enhanced membership at the chamber is that business is doing well in the city of Winnipeg. Would you not agree with that?

**Mr. Davidson:** Absolutely. Business is doing well in Manitoba, and Winnipeg in particular.

**Mr. Chomiak:** Thank you very much. I appreciate that and I appreciate the work that we all do to try to work on that. I appreciate your frankness on that, and I look forward to continuing discussions in this committee. Thank you.

**Mr. Lamoureux:** Do you believe that there's, in any way, an onus or responsibility on the government of the day, in dealing with election legislation, to work with other political parties or try to build a consensus when they're proposing to change The Elections Finances Act or The Elections Act?

**Mr. Davidson:** In dealings that we've typically had with the government, specifically with the Labour Minister in particular, they always like to work in terms of consensus with the business community and labour groups. That was the case when they looked at WCB legislation. It worked well there. I think it's always a good process to have that sort of consultative process they should be going through. I

can't understand why they wouldn't want to do it on something like this as well.

**Mr. McFadyen:** Thank you, Mr. Davidson.

I just can't let the Attorney General's comment and your response be left on the record unchallenged, so I want to ask you whether, in your view, business in Manitoba, how it's doing in comparison to the three provinces to the west of us and also whether things in Manitoba, to the extent they are going well, which, we all acknowledge, is the case, whether that is as a result of pro-growth government policies, or is it the result of the fact that the worldwide economy has been growing robustly for the last 10 years?

**Mr. Davidson:** Yes. I mean, Manitoba's economy is not growing as fast as Alberta's. It's not growing as fast as Saskatchewan's. There's no question about that. Would we like to see—I mean, do we consistently lobby this government to lower business taxes? Do we consistently lobby this government to get rid of the payroll tax? Absolutely, we do. Would we be in an even better financial situation if there were different policies and different taxes that didn't exist in Manitoba? There's no question we would be.

**Mr. Chairperson:** Thank you very much for your presentation, Mr. Davidson. Thank you for your patience as well.

Order, please, we just have one last bit of business to deal with here. I would like to remind everyone in attendance in our audience that, as was announced yesterday in this House, this committee will meet again in this room tomorrow night and Thursday night from 6 p.m. to midnight. I apologize for the delay and thank you very much for your patience.

Just before we would rise, I would ask committee members to please leave any unused bills on the table for subsequent committee meetings so that we may reuse them tomorrow.

The hour being past 10 p.m., committee rise.

**COMMITTEE ROSE AT: 10:03 p.m.**

**WRITTEN SUBMISSIONS PRESENTED BUT  
NOT READ**

Re: Bill 37

I respectfully request that the following comments be read into the public record with the Legislative committee hearing on Bill 37.

As a Manitoba taxpayer, I wish to register my objection to Bill 37 which would pay political parties for the votes they collected during an election, including retroactively to the last election. There already are income tax considerations for individuals who wish to make contributions to political parties. Why should the government legislate forced contributions from taxpayers? This is just another irresponsible waste of tax revenues.

I also wish to state my opposition to that part of Bill 37 that would create provision for full annual CPI adjustments to the vote tax which was proposed. Has there been a calculation of the future costs of this CPI adjustment? Economist Walter (John) Williams sees hyperinflation coming to the United States as early as 2010. This is not just the double-digit inflation we experienced several decades ago, but triple-digit inflation. Since the U.S. is our nearest neighbour and largest trading partner, Canadians will not be immune to high inflation.

As a senior taxpayer on a pension, I don't have an income with a full annual CPI adjustment, although in my working days I made contributions toward such. How will we keep up with the inevitable inflation that we are just beginning to experience? Unless the Manitoba government wishes to add a full CPI adjustment to all employees and people on government pensions, such as teachers and civil servants, then I do not see how they can enact the full CPI adjustment portion that they have proposed in Bill 37. I suppose, to pay for this inappropriate use of tax revenue, Bill 38 is being proposed to allow the government to balance its budget of foolish spending without raising our already high taxes by raiding the revenues of its corporations.

Respectfully submitted,  
Deanna Dolff

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Re: Bill 37

How this government can have the audacity to grant a CPI to themselves when they are refusing to give retired teachers the COLA they paid for during their working years, I don't understand! Here is a group of people that collectively have done more for Manitoba than all of you misguided individuals could hope to do, even if your intentions were good. If it were not for teachers, there would be many of us that would be sadly lacking the academic skills required to become professionals.

There was a time when the NDP cared for people in all walks of life and especially the downtrodden. Sad to say, it appears that does not apply today.

Sadly disappointed in the actions of this government and the MTS.

Louise Mydynski

\* \* \*

Re: Bill 37

In regards to: Bill 37—The Lobbyists Registration Act and Amendments to The Elections Act, The Elections Finances Act, The Legislative Assembly Act and The Legislative Assembly Management Commission Act.

May 26, 2008

Dear Mr. Reid,

I am writing you to express support for the passage of Bill 37, The Lobbyists Registration Act and Amendments to The Elections Act, The Elections Finances Act, The Legislative Assembly Act and The Legislative Assembly Management Commission Act.

I'm happy to see the government moving forward with legislation to require the registration of lobbyists. I think that by allowing both our government and the public to better scrutinize the biases of those advising our government, this measure will add a degree of transparency to the political process that will strengthen our democracy. An important part of this legislation is the required exclusion of consultants who are also contracted as lobbyists. Surely, it is in the best interests of the public to be ensured that those contracted to provide advice to the government are not also being paid to act as lobbyists on the same matter.

As for the amendments to The Elections Finances Act, it must be recognized that the reporting requirements of The Elections Finances Act place a significant burden on the administration

of political parties. The annual allowance provided to provincial parties under The Elections Finances Amendment Act allows these expenses to be offset so that contributions from grassroots members can be put into more productive use. By relieving political parties from the burden of administrative expenses, the amended act will allow political parties to focus their spending on activities that will foster discussion on policy and engage the public in debate, both of which serve the public interest.

I do think there is room for improvement in one particular section of The Elections Finances Act, and I hope that for the purpose of convenience, your committee will consider amending section 38(3) of the act, which limits charges to individuals for fundraising functions, to read as follows:

Where an individual charge is made by the sale of tickets or otherwise for a fundraising function, the charge is not a contribution for purposes of this act if

(a) the individual charge is ~~less~~ not more than \$15; and

(b) when multiple tickets are purchased, the total charges to the purchaser are ~~less~~ not more than \$45

Finally, as a constituent of the federal riding of Winnipeg South Centre, I have been receiving an average of three or four political mail-outs each month, mainly from one party. These mail-outs have been blatantly political in their content, bordering on, or crossing over to, offensive at times. I think that with this in mind, it is perfectly reasonable to put a process in place that will ensure that materials produced and distributed at public expense are meant to inform constituents, not merely to serve as an attack ad. For that reason, I welcome the inclusion of The Legislative Assembly Management Commission Amendment Act in this legislation and most definitely support its passage into law.

Sincerely,

Mark Cohoe

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

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