

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

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

**Vol. LXI No. 6 – 6 p.m., Thursday, February 19, 2009**

**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.                       |
| BJORNSON, Peter, Hon.    | Gimli               | N.D.P.                       |
| BLADY, Sharon            | Kirkfield Park      | N.D.P.                       |
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| BRAUN, Erna              | Rossmere            | N.D.P.                       |
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| GERRARD, Jon, Hon.       | River Heights       | Lib.                         |
| GOERTZEN, Kelvin         | Steinbach           | P.C.                         |
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| TAILLIEU, Mavis          | Morris              | P.C.                         |
| WOWCHUK, Rosann, Hon.    | Swan River          | N.D.P.                       |
| <i>Vacant</i>            | Elmwood             |                              |
| <i>Vacant</i>            | The Pas             |                              |

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

**Thursday, February 19, 2009**

**TIME – 6 p.m.**

**LOCATION – Russell, Manitoba**

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

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

**ATTENDANCE – 7 QUORUM – 4**

*Members of the Committee present:*

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

**APPEARING:**

Mr. Leonard Derkach, MLA for Russell

**WITNESSES:**

Mr. Eldon Montgomery, Private Citizen  
Mr. Bob Schmidt, Private Citizen  
Mr. David Coombs, Private Citizen  
Mr. Paul Orsak, Private Citizen  
Mr. Gene Nerbas, Private Citizen  
Mr. Murray Bradshaw, Private Citizen  
Mr. Bill Dayson, Private Citizen

**MATTERS UNDER CONSIDERATION:**

Consulting with Manitobans on Senate Elections

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

Before we go any further, let's go around the table and let the members of the committee introduce themselves. I'm Erna Braun, Member for Rossmere and Chair of the committee.

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

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

**Mr. Tom Nevakshonoff (Interlake):** Tom Nevakshonoff, MLA for the Interlake.

**Mr. Leonard Derkach (Russell):** I'm Len, local farmer here, MLA for this area.

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

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

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

**Madam Chairperson:** Thank you, and thank you for joining us, Mr. Derkach.

At the close of our meeting last night in Dauphin, we had a discussion about changing the start time for our meeting on Saturday in Winnipeg. I understand from discussions earlier today that the committee has decided not to change the start time and that the meeting will proceed at 1 o'clock on Saturday at the Legislature as previously announced. Is that agreed? *[Agreed]*

We have a number presenters registered to speak this evening, as noted on the presenters list. Before we proceed with presentations, I have a few notes for all in attendance. First of all, if there is anyone else in the audience who would like to make a presentation this evening, please register with the staff at the entrance to this room.

Also, for the information of all presenters, while written versions of presentations are not required, if you would like to provide us with written materials we ask that you have 15 copies. As well, I would like to inform the presenters that, in accordance with our rules and practices, 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. If the presenter is not in attendance when their name is called a second time, they will be removed from the presenters list.

For your reference, we also have available on the table at the entrance to this room some background

material on the Senate of Canada as well as some information on this committee.

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

So I will now call on Bob Schmidt, private citizen.

**Mr. Derkach:** Madam Chair, before we get started and before Mr. Schmidt gets started, I just noted that Mr. Montgomery has shown up and he is the deputy mayor of the town. He informed me that he has a meeting with a presentation at 6:30 and was wondering whether or not, with the will of the committee, he would be allowed to make his presentation first.

**Madam Chairperson:** What is the will of the committee? [*Agreed*]

Okay, we will call on Mr. Montgomery first. Mr. Montgomery, do you have materials to distribute?

**Mr. Eldon Montgomery (Private Citizen):** I have.

**Madam Chairperson:** Thank you, you may proceed with your presentation.

**Mr. Montgomery:** Thank you. First of all, I'd like to thank every one of you for allowing myself and others to speak in regard to how we might reform the Senate and how elected senators might be elected.

I do apologize. I just have a one-page, quickly written presentation that I did this afternoon between three meetings. So, I do apologize for that.

A long time ago, when I was teaching high school, this was my favourite essay to give to my grade 11 class, and that was what we should do with the Senate. They had three choices: they could abolish the Senate, they could reform the Senate, or they could have elected senators just the way we do with all our other MPs and MLAs.

I have to get back to another meeting, so I'll go through this very quickly.

First, then, I would like to thank you again for allowing myself and others to present to this all-party committee. The lack of participation in politics by ordinary citizens has been lacking in Canada and in Manitoba for a very long period of time. So I felt it

was necessary that, when you're given an opportunity, that you should at least take it.

First of all, I don't believe that an appointed body has any place in our democratic system of government and if senators are not going to be elected, then we should abolish the Senate altogether. If they are going to be elected, the Senate needs to be seriously reformed.

The qualifications that might be necessary for you to become a senator: first of all, I believe that you, of course, have to be a Canadian citizen and that you may also, of course, hold a dual citizenship.

I felt that the age bracket that it should fall between would be between the ages of 30 and 65. If they're going to be a sober second thought to our elected body, then I think they should first of all have some experience. I know that people may argue that you only need to be 18 years of age and maybe some of them are experienced in a lot of things, but I think, first of all, you should have experience in a wide range of things, and being 18 years of age doesn't really give you that time frame that you need.

I feel that, first of all, you must have lived in Canada for a period of 10 years prior to being elected. I think that would be the minimum amount of time for anyone to familiarize themselves thoroughly with our election procedures, with our Parliament and with what is going to be necessary in order to become a senator in our country. I also feel that you should have paid taxes for a period of 10 years prior to being elected.

I threw this one in in the middle of this: I don't feel that you should be allowed to run for the Senate if you have missed voting in a provincial or in a federal election in the last 10 years. You just have to look at the numbers who turned out for our last federal election. I think maybe part of the problem that we're in today is a lack of interest on the part of our citizens in terms of paying attention to what is going on in our politics, and if you're going to be a senator, then I think you should have voted in provincial and federal elections, certainly in the last 10 years.

In order to be a senator, I think you must have made significant contributions to the province, country or community in any one of a number of fields. I just listed a number of them there. I feel that, whether you agree with the last round of appointments or not, there have been, I think, some very good choices made. We just had one of them

visit our community this past weekend in Nancy Greene. First of all, we were thrilled to have her here and I think that she will be a good representative of our Senate.

My good friend Leonard may not like the next one, but I just—I think we've got to get away from appointments to the—you know, if the Liberals are in, they appoint a whole bunch of Liberals. If the Conservatives are in, they appoint a whole bunch of Conservatives, and so on. So I put this one in, that you may not previously have been an MLA or an MP, and we may get away from that sort of thing.

\* (18:10)

I feel they should be elected to five-year terms with a maximum of two terms. I don't know how that might coincide with—we have so many elections federally that I think you would need to set a time frame there, and we can't be changing senators every time we're having an election. So I felt the five-year period would be adequate and a total of two terms, and then they must resign, cannot run again. That way if anybody was elected to the Senate at the age of 65, then they would certainly have to retire by the age of 75.

As far as the duties of the Senate, I feel that the senators must be assigned specific duties that would assist the government of the day. I didn't have enough time and I'm not aware enough myself of what those specific duties might be, but the Senate has to play a significant role in assisting the government in some ways, and I'm feeling that those specific duties should be spelled out and they should become clear to them so that they know exactly what it is that they are supposed to be doing.

Senators—and I believe this is really the way it is now—should not have the ability to stop a bill from passing, at least not in the present state, but at the same time have the power to send bills back to Parliament committees for further consideration between second and third readings. I believe they have that power presently.

The Senate structure: The number of senators should be reduced to between 50 and 70, probably closer to 50, as opposed to the numbers that we have today, and I just arbitrarily made up some sort of a breakdown. I felt that there should be sort of an equal representation as far as western Canada and eastern Canada is concerned and included the North, so I don't know what my numbers add up to there. I think there are slightly over 50, and the breakdown is as

I've outlined it there. Those numbers can certainly fluctuate, of course, based on population. My calculations would be, then, that Manitoba would be allowed approximately three senators.

I'm sorry that I didn't have more time to be more specific and had more time to spend on it, but that's the way it is. I'd be happy to answer any questions anybody might have.

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

**Mr. Faursehou:** Thank you very much for your presentation this evening.

Just to query first off about—we have acknowledged that there has been very meagre interest in the activities of the committee to date, and you're stating that you didn't have a lot of time to prepare. When were you first aware of our coming to Russell?

**Mr. Montgomery:** That's not your fault. I had been away in Mexico for a couple of weeks prior to that, so that's my excuse. I only got home on Tuesday, I guess, so I found out about it yesterday. I just felt that we shouldn't—I'm a member of the town council and I figured that we shouldn't pass up the opportunity to make a presentation so I did it very hastily.

**Mr. Faursehou:** In regard to the allotted three positions that you're referring to—currently we have six in Manitoba—discussions have been quite varied as to how perhaps those six or three positions, as you described, should be designated.

Would you be in favour as a province-at-large type of election or would you be considerate that one individual would be designated to the western half of the province, northern, the city of Winnipeg? I'd be interested in your thoughts as to whether or not they would have basically a ward or a designated area of responsibility.

**Mr. Montgomery:** I did give it a few moments' thought this afternoon. I felt that it would be the three allotted or four, whatever it might turn out to be, would be done on a, not a province-wide basis, but rather on a regional basis so that we could probably do it east side, west side, north kind of thing so that we have all the province represented. I realize that there are six senators presently, but I imagine that they were appointed by political parties. I felt that we would get a better, possibly,

representation by having them representing different parts of the province and being elected as well.

**Ms. Marcelino:** Thank you, Mr. Montgomery, for sharing your suggestions with us for an elected Senate. You also mentioned abolishing the Senate. A lot of presenters have voiced their opinion of an elected Senate.

How would you see an election happen? Would it be alongside a municipal, a provincial or a federal election or by itself, a dedicated election for the senators only?

**Mr. Montgomery:** Because of the time frames that I've outlined, five-year terms, and I don't think that they could be done in—I know it would possibly save some money, but I don't think that they could be done in conjunction with provincial or federal elections. I think they would have to be—and I know it will increase the cost, but if this is going to be an effective body, then maybe the cost isn't that important. They should be done separately would be my opinion.

**Mr. Lamoureux:** A very quick question. If you have a municipal election, there's usually, I think it's less than 50 percent turnout generally speaking—it's every four years. If you are electing senators at the same time, that might boost up the percentage of participation. If you have a stand-alone Senate election, their election on their own might be less than 50 percent.

Do you see any merit or benefits of having the senators elected at the same time as those councillors and mayors are elected?

**Mr. Montgomery:** I see benefits in holding elections for a Senate or MPs or even municipal councillors, holding them together as being a benefit. But I'm not quite sure, you know, if you did it along with municipal elections, then quite possibly that may work, but that's only a four-year period. So we would have to reduce the year; we'd have to reduce it to four-year terms as well.

**Mr. Faurchou:** Thank you. I don't want to let you get away from the microphone here, having the in-depth understanding of a Senate, obviously teaching for so many years on the topic.

The actual election process—currently MPs are elected as are we, MLAs, first past the post.

Have you any thought or would you like to share any considerations towards the proportional balloting or preferential type ballot as a process of election?

**Mr. Montgomery:** I see all sorts of problems in regard to electing the Senate.

It could be done proportionally based on provincial populations, one senator representing so many voters within the province. But I really can't comment in any sort of depth in regard to how that process might be done without giving it some further thought.

**Madam Chairperson:** Our time for questions has expired. What is the will of the committee?

**Mr. Faurchou:** I believe with the committee's will we should ask for leave for further time.

\* (18:20)

**Madam Chairperson:** The committee agreed for a leave for this particular speaker? *[Agreed]*

**Mr. Derkach:** Thank you for your presentation, Mr. Montgomery. I have a question as it relates to jurisdiction in terms of electing senators. Now, Alberta, as you know, has moved in that direction some time ago and certainly Saskatchewan is contemplating that kind of follow-up, if you like, in terms of electing senators from their provinces to the Senate, I guess more in making a statement in terms of how senators should be elected. But do you have any opinion regarding how senators should be elected? Should they be elected by the provinces or should they be elected through the federal system?

**Mr. Montgomery:** Oh, well, I didn't even consider them being elected through the federal system. I felt that they should be elected through the provincial—I mean, I'm thinking that's about—here it says: how should Manitoba elect senators. So I'm assuming that they should be elected through the province as opposed to the—you know, it's just the same as governing. How can Ottawa govern what's going on in Russell, Manitoba? So the closer you keep it to, you know, to local politics or provincial politics, I think the better it would be. I think we would get better representation simply because of the knowledge that we have about the people that we might be electing.

**Mr. Derkach:** Thank you.

**Mr. Nevakshonoff:** Two quick questions, Mr. Montgomery. First of all, you said: must have paid taxes for a period of 10 years prior to being elected. Many First Nations people who derive their incomes on reserves do not pay income tax. I assume you're referring to income tax here. Would you make an exception in that regard?

**Mr. Montgomery:** Yes, actually, I hadn't thought about that. But, yes, I'm sure there'd be a—I don't know exactly how it would be done. And First Nations people, it'd probably be easy, but I suppose there are other people who don't pay taxes as well. But I'll leave that one for your committee to solve. But I certainly wouldn't have any problems making exceptions for First Nations people.

**Mr. Nevakshonoff:** One final question. I know Mr. Derkach is too much of a gentleman to put the question to you on MLAs and MPs. Myself being a New Democrat, I think my chances are very slim of being appointed to the Senate, but if it were to be opened up to elections, I don't quite understand why you would segregate these two types of people out of this process. Why not include municipal representatives, for example? You yourself are a municipal representative and a duly elected official from a level of government. School boards are also elected.

But I don't understand the basic concept why you would exclude this group. I think Mr. Derkach would make a fine senator, myself, and with his depth of experience, time served, knowledge of the issues and so forth. I would think that elected members would be very qualified to serve in that body.

**Mr. Montgomery:** Well, first of all, I have run Mr. Derkach's campaigns for 20-some years, so I don't feel that these people would be inadequate, I just felt that the attachments that they might have to particular political parties might become a problem. If we're going to have an elected Senate, I can see that, you know, there might be large numbers of NDP, Conservative, Liberal, whatever—other groups that we have out there, you know—running for these positions.

I just felt that there are lots of people in our communities that are very strong individuals who don't necessarily run for politics because of, you know, various commitments that they may have to businesses and other things. It wasn't that I don't think that MLAs and MPs have any particular problems. I just felt that there might be a tendency to elect those same people and leave out some of the others that might serve us well. The two examples that I am thinking of, as I've mentioned here before, is Nancy Greene and Pamela Wallin and people who've been involved in other things but are very knowledgeable about politics and those things that would be required of a senator.

I don't quite know how to explain my—I'm not sure I'm explaining it very well. I know it's highly unlikely that we would be able to exempt those people from running for senator, but I just felt that it would give other people a better chance to run.

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

**Mr. Montgomery:** Thank you, and I apologize to the rest of the presenters that I'm sort of sneaking in ahead of my time, but I have to run off to two other meetings tonight. So thank you.

**Madam Chairperson:** I will now call on Bob Schmidt.

Mr. Schmidt, do you have any materials to distribute?

**Mr. Bob Schmidt (Private Citizen):** Ladies and gentlemen—

**Madam Chairperson:** Order, please. Mr. Schmidt, you may begin.

**Mr. Schmidt:** I'll address you in a moment, as soon as I get this little chart put up.

Madam Chairperson, ladies and gentlemen, members of the committee, the media, and our large representation in the audience, I saw this ad in the paper I guess it was Tuesday a week ago, this past Tuesday. It was an ad put in by the government I would think, but the phone number was wrong so I had to get forwarded to a different phone number to be able to register.

Now something I have never understood is what real purpose our Canadian Senate or how it justifies the cost to the Canadian taxpayer. So to find out more about our Senate, I went to the Canadian government Senate on the Internet on my computer. I thought I would give a brief overview of what I've learned about the Senate.

The leader of the Senate since February 6, 2006, is Conservative member Marjory LeBreton. Leader of the Opposition since November 3, 2008, is Jim Cowan. Senators are appointed by the Governor General. Now most people think they're appointed by the government, but they are appointed by the Governor General under the recommendation of the government. It consists of 105 members, and they are assigned to different regions of the country of Canada and they can serve until they reach the age of 75. Bills have to be approved by both bodies of government although the Senate rarely rejects any of

the bills, and they may be recommended or make amendments.

\* (18:30)

The Senate came into existence in 1867 when the Parliament of the United Kingdom passed the British North America Act. The Canadian Senate was based on the Westminster model. The Senate was intended to mirror the British House of Lords in England which was meant to represent the social and economic elite. Now, I saw a picture once of the House of Lords sitting in England and about two-thirds of them were asleep. Well, I hope our Senate doesn't work that way.

Canada's first Prime Minister described it as a body of sober second thought to the House of Commons. Therefore, it was deliberately made to be an appointed house because an elected Senate might be too popular, and it might be too powerful, that they may be able to block bills, the passage of bills in the Parliament. Senators originally could hold their seats for life, but in 1965 that was changed and made that they could only sit to the age of 75. A senator's seat automatically becomes vacant if he or she has failed to attend two consecutive parliamentary sessions and also if they have been found guilty of a crime or declared bankruptcy or insolvent.

The annual salary of our senators today, as of 2009, January, is \$130,400. Members may receive additional salaries if they hold other offices. In 1867, to be eligible for a senator, they must have \$4,000 worth of property, and because of inflation, they now must own property valued at at least \$175,000 above the debts and liabilities. In 1997, appointed Senator Sister Peggy Butts, a Catholic nun, who had vowed poverty, but because of the problems, the order transferred property to her name.

Murray-Austin amendment of June 27, '06, called for some changes. Senate members should be increased to 170 members, going to a greater number in western Canada. Support for that year for the abolition of the Senate was voiced by four provinces: Ontario, B.C., Saskatchewan and Manitoba. Since the last Saskatchewan election, Premier Brad Wall said he would support Senate reform and promised to have Senate elections. This past November, November 17, of '08, Canada's Honourable Steven Fletcher, minister of democratic reforms, supports Saskatchewan's step for introducing legislation to open the ways to elect senators.

Now, my brief presentation of Senate reform. Now, this is my personal review on the Canadian Senate and the proposed reform.

My first view: I would like to see it abolished, but knowing that will not likely ever happen, I have to support a total Senate reform. First of all, I would have a look at what real purpose the Senate does have and what the cost of the Senate is and is it justified. Wages alone for the 105 senators at \$130,000 are \$13,650,000, and that's not including any other costs.

They have always been political appointees. The question I ask myself is: When I hear who the appointees are, what makes them knowledgeable enough to sit as a senator? Now, some of the senators that have been appointed are sports figures, as Eldon mentioned in his report, but then we also had Mike Duffy who is a very well-known news commentator.

But if we must have a Senate, it should be reduced in numbers, terms shortened and they should be elected. Nominees should have an interest in making Canada a better place. They should be non-partisan, not hold a membership in any political party, and it should consist of not more than 50 senators. Each province, regardless of population and that sort of follows the U.S., there would be three senators, so that would make a total of 30 senators for the provinces; the Northwest Territories and Nunavut, six senators. Also, if we would recognize the First Nations, I would suggest that they should be able to elect one senator per province and the two or three Northwest Territories including Nunavut and Yukon. The wages should be somewhere about 15 percent less than what an MP earns. Terms to coincide with the federal government elections, four-year terms at a fixed date the same as government elections should be.

The question of what powers they would have in federal government should they still remain as a rubber stamp or should they have powers to amend and defeat bills, or what other powers should they have? They certainly should promote their province and territory without political attachment.

This, Madam Chairperson and the rest of the committee, is my brief overview of the Senate and my personal view only of a reformed Senate, and I've put this as briefly as possible. I hope the committee of the Senate reform will look seriously at some of my proposals and that at least some would be mentioned and could be instilled in the new Senate reform.

Thanks, everyone, for this opportunity to make this presentation.

**Madam Chairperson:** Thank you, Mr. Schmidt. Do any of the committee members have questions for Mr. Schmidt?

**Mr. Pedersen:** Thank you for your presentation. You obviously put lots of thought in this. Do you have any—whether it's three senators as you've been suggesting or four actually, three plus one Native or whether we maintain the six, do you have any ideas on term, like the length of term that they should be in there? Also, how long—are there term limits on there? Do you have any ideas on that?

**Mr. Schmidt:** Yes, I didn't really relate to the length of term, but what I did say that it should be four-year terms that would coincide with elections of the federal government at fixed dates. Now personally I think two terms would be sufficient but that again depends on the age. If they're elected when they're past 65, two terms should certainly be sufficient then as often senators are elected in the later—or appointed in their later ages. But for younger senators that I see, some of them have been in there for 24 years already, I think that's a little bit too long. You get stagnant after you've been in any government for that length of time.

**Mr. Derkach:** Well, thank you for your presentation, Mr. Schmidt. Certainly you've given this a lot of thought and I know that you've been a voice for reforming the Senate for some time. A question regarding the non-partisanship of senators. Today when a judge is appointed, it is at that time that the judge has to declare himself not affiliated to any political party. Is that what you're suggesting, is that when a senator is elected it is at that time that they relinquish any affiliation to political parties and partisanship?

**Mr. Schmidt:** That's exactly what I'm suggesting, that, if they do hold a membership, they would have to relinquish that membership. The reason I stated that is because I think you can represent your province or territory much better if you are not tied to a certain political party. That's why I suggested that. That's my feeling that you have much better representation and that you not hold a membership in any political party.

**Mr. Derkach:** A question regarding the exclusion of certain people who held positions either in government, federally or provincially or locally, well, I guess not locally but provincially or federally.

Are you of the same opinion that those who have served either as members of Parliament or members of legislatures, should not be eligible for a Senate election?

\* (18:40)

**Mr. Schmidt:** It takes a little thought on that, but I think that they could be representatives if they were willing to relinquish their membership and not hold—be non-partisan. As I said before, I think they can represent their area far better if they're not affiliated with one political party.

**Ms. Marcelino:** Not a question, sir, but just a statement of appreciation for the time you've given, the thought and passion that Mr. Derkach had mentioned you've had over the years for a reformed Senate. Thank you very much for your time.

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

I will now call David Coombs, private citizen.

Mr. Coombs, do you have any materials to distribute?

**Mr. David Coombs (Private Citizen):** No.

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

**Mr. Coombs:** Well, good evening, committee.

On this, I believe, the Senate is a must. I believe we're one of the few democracies in the world that do not have any effective checks and balances in government. We've had governments elected with as little as 35 percent of the popular vote. I believe the senators should be elected on a riding, electoral system. The ridings should be on a regional basis, not by a population. For example, if a Senate riding consisted of an area of The Pas north, it would enhance the chances of an Aboriginal to be elected, and we would also have better representation in a regional basis.

To have most senators elected from Winnipeg would be a serious mistake. Winnipeg politicians of any political stripe, or of all political stripes, have never been generous to rural Manitoba, in my view.

I think the best method to elect a senator would be for a four-year term and simultaneously as municipal elections are held because they are the only elections we have on a fixed date.

As far as qualifications, they should be a Canadian citizen perhaps for 10 years. But, to take any other view, my point is it'd be elitist. Let the

voters decide if they're qualified. Let's not put in stipulations. Leave that for the voters. I believe no public funds should be appropriated for campaigning, but expenses be limited. Perhaps the Manitoba Elections Act could be reviewed, maybe revised, to account for a Senate election. I think the term limits are somewhat ideal, but it could severely limit the number of good potential candidates. The number of candidates for an election should be limited. This would restrict the opportunist and one-issue candidates. I personally would not like to see anyone get elected with 25 percent of the vote. That's it.

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

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

That's a very interesting point about the municipal harmonization with the municipal and school board elections. It does also lend to your argument of no political party affiliation because, as at present, those elections do not engage political parties as it stands.

So you're looking at a four-year term, and then with municipal elections held every four years. But then again you went on to say that you are adverse to low percentage wins. So you're advocating for something other than first past the post as we currently employ as declaring a winner.

Do you have another methodology of voting that you'd like to leave with us?

**Mr. Coombs:** This first past the post is what the voters are used to, and I know what you're getting at, but when they studied this in Ontario and they studied this other method in B.C., the voters were totally confused.

**Mr. Faursehou:** I just went through an election being a farmer and the Wheat Board election, and we have a preferential ballot that was distributed to all of those of us that had permit books. There were five candidates that were vying for the Wheat Board position. So we were requested to identify our first, second, third, so on choices on that one ballot so that at the end of the day the declared winner would be one that was first achieving 50 percent or more of a simple majority. I don't think that confused too many of us that farm for a living. Would you suggest that that might be a possibility of employing that type of ballot in municipal elections as well, in Senate elections along with municipal?

**Mr. Coombs:** Yes. Isn't that confusing though? Like, all I can go on is what I read and hear, you know. Ontario and B.C., these studies really confused the voters and perhaps had a preferential ballot, but what I'm very cautious about electing the Senate is you could have 10 people running, most of them opportunists or one-issue candidates, and as you have 10 people running, for example, well, somebody could get elected with 20 percent of the vote because you know—but if you had a preferential ballot it would probably give some legitimacy to the winner.

**Mr. Pedersen:** Thank you for your comments, and I am right there with you on no public funding for elections.

I do have a question for you. We have six senators in Manitoba presently. We have one whose term ends July of this year. We've got one senator whose term goes to 2013, three senators who are—their term expires in 2017 and one expires in 2021. Do you have any thoughts about how do we get into elections of senators?

I am looking forward to Saturday when we have the hearings in Winnipeg and we've got, I believe it's three senators coming, and I certainly want to ask them if they're willing to give up their tenure right now to have elections, but somehow I doubt that they will. Do you have any thoughts about how we get into this election? Should we have this election on this one now and then just grandfather them out as, if I can use that term, to go or do you have any thoughts on this?

**Mr. Coombs:** Well, you people are very well aware, more than I am, that you've got to try and achieve what's possible, not what's ideal. It seems the consensus of two prime ministers, Paul Martin and Harper, to grandfather them out. That seems to be the consensus of those people, to grandfather them out. As far as the distribution of senators, about six for the province, I still think the best feasible plan this country ever saw was the plan that Pierre Trudeau had in Victoria, B.C., in the '70s. I just forget the details on that, but it was so that each region would have so many senators and you'd have to have three regions out of five to carry a constitutional change, for example. Whether that's ideal or not I don't know, but I think that system was probably the most feasible.

Getting back to your question, all I know is Harper and Paul Martin, when they looked at it, they

both seemed to think grandfathering them was the way to go.

**Madam Chairperson:** Our time for questions has expired. Is it the will of the committee to give leave to the other people we have on our question list? *[Agreed]*

Mr. Coombs we're going to continue our questions.

**Mr. Coombs:** Oh, not with me though.

**Madam Chairperson:** Yes.

**Mr. Coombs:** Oh, oh, I thought we were finished.

**Madam Chairperson:** The committee has agreed to continue with the questions.

**Ms. Marcelino:** Thank you, Mr. Coombs. You mentioned limiting expenses, campaign expenses. Do you have a figure of how much is the right amount?

**Mr. Coombs:** That would be almost another issue to study by a committee. If you're going to elect a senator under the Manitoba Elections Act, that act limits expenditures of each candidate. Now I know the general consensus is to run these candidates as independents. Well, without any organizations behind you and you are limited on a personal amount of money that you can spend on your campaign, how are you going to get elected? So you almost need the organization behind you for fundraising and what not because you can only finance a limited amount yourself which I believe in because I don't believe it should just be a rich person's game. I believe strongly in limiting the expenses, but for one person to set up an organization and try and raise funds for an election is pretty hard. This is where the parties come in.

\* (18:50)

**Ms. Marcelino:** Do you have a suggested amount though?

**Mr. Coombs:** Well, the constituencies are going to be far larger than the provincial constituencies so it should be—especially up north, it would cost a fortune to campaign up there versus a riding in Winnipeg. So I don't know. No, I don't have to answer your question because the province is so diverse.

**Mr. Derkach:** Mr. Coombs, thank you for your presentation. Somewhat different than the previous

presentation, but with still some of the same sentiments regarding how senators might be elected.

I have a question that relates to the responsibility of senators. You had indicated at the outset of your presentation that you believe that a Senate was a must because it held some accountability in terms of MPs and the Cabinet and Parliament.

Would you also then want to see the responsibilities and duties of senators reformed as well so that there would be more accountability placed on the parliamentarians as well?

**Mr. Coombs:** I think right now it's probably sufficient. I believe the senators must stop legislation. I think they just send it back for second reading now because they're not elected. The senators I talked to said they do not have the moral authority to defeat legislation. They have never said they don't have the authority, they just don't have the moral authority because they're appointed. I can't see any reason to change the rules.

**Mr. Nevakshonoff:** My question is on funding of candidates as well. When I was elected in 1999, the first act, as a matter of fact, that went through the Manitoba Legislative Assembly was a banning on union and corporate donations to political parties and so forth.

Would you consider putting limits in that regard on fundraising because it does cost money to raise elections? But you don't want your senators to be beholden to any special interest groups. Would you consider that?

**Mr. Coombs:** You're referring to third-party funding. I agree with you. We shouldn't have any third-party funding, but I notice the firemen in Brandon got away with it in the last election.

**Mr. Lamoureux:** I want you to get back to the ballot on election day when you're electing in a senator.

In yesterday's public meeting, someone had suggested that you have a list of your senators. What you would do is you would put a check mark by the ones you like. This way, at the end of the day, you add up and you see which candidate actually had the most check marks. Chances are then you're going to get well above the 50 percent and everyone will feel that much more in terms of enfranchise, that their candidate has done well. Very simple to explain.

Would you like to have that type of ballot when you go to vote?

**Mr. Coombs:** Quite possibly. I think the objective there is to keep it simple for the voter. The other thing is that when the guy gets elected and he goes to Ottawa, he has a number of votes that he can feel good about. To try to send somebody to Ottawa with 25 percent of the vote, I mean, you have to be wondering about it. Yes, if it keeps it simple for the voter and the guy can go to Ottawa or the candidate can go to Ottawa elected with a good number of votes, hopefully with 50 percent, he should feel very comfortable having the moral authority to question or stop voting against legislation.

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

I will now call on Paul Orsak, private citizen. Do you have any materials to distribute?

**Mr. Paul Orsak (Private Citizen):** No, Madam Chair, I don't. My apologies for only making one copy for myself. I'm afraid if I give it away—

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

**Mr. Orsak:** If the committee would like, I can circulate or send, it doesn't matter.

Thank you very much for taking the time and making the effort to stop in Russell to hear the views of those of us who wish to make our views known on Senate reform. My name is Paul Orsak. I'm a private citizen from this area. I farm in this area and have family that is still in school and some away at other schools.

I've formed my opinions on Senate reform and governments generally after being involved for many years in public policy development and advocacy, particularly at the federal level. I've seen first-hand how an unelected and unaccountable Senate can curtail the implementation and exercise of good policy. I've seen how regional issues have gone either unaddressed or have been driven in a direction that is not only counterproductive to the region, but ends up being counterproductive, even divisive, nationally.

Issues that readily come to my mind are, of course, western in nature and a couple of those issues being, of course, the national energy policy of the 1980s and, for those of us in Manitoba, the CF-18 issue grew from a regional provincial matter to become a very contentious schism between western Canada and Québécois and stirred up the national unity issue. In fact, there are some who believe that the CF-18 issue was the first domino to go in the fall

of the then-PC government. They lost their regional base of support and from there, everything unravelled for the PC party.

The current debate over the long-gun registry is another issue that I believe could be resolved and overcome what is essentially a regional divide. In fact, it is probably the most perfect example of where regional interests and needs cross partisan lines and where a reformed Senate would actually become a chamber of sober thought, helped along immensely without the mindless partisanship we so often see in Canadian politics. So, in addition to improved national discussions and debate because of the removal of regional power politics, the potential for a decrease in partisan division and rancour would be a huge improvement.

I've therefore come to the conclusion that a country as large and diverse as Canada needs to comprise something that resembles the following to govern well and to represent the regions with some reasonable ability to influence policy.

First, representation by population only cannot work well when different regions of the country have diverse issues and diverse and varied populations. In very small countries, where more monocultural populations and non-diverse economic drivers occur, the issues are simpler and can be more easily, fairly and equitably addressed with one elected body. In fact, very small nations do not even have a second tier of government such as we do with our provinces as they do not need them.

Secondly, the population-based elected House of Commons needs to have a second chamber to provide regional fairness and balance or, as in the examples I mentioned earlier, the lesser populated regions have their legitimate issues run over by the interests of politicians whose only interest is to be re-elected in their regions. This kind of governing structure serves the regions very poorly, but, as we've seen in this country, it does not necessarily serve the national interest in the long run either.

Number 3, I believe the second chamber which, in many democracies around the world is their Senate, needs to be, therefore, regionally represented, as, incidentally, ours are. Our unelected one is, but also needs to be accountable through elections to the regions they represent.

Number 4, to be effective in providing the fairness and balance needed for good governance, the second chamber of the Senate needs to be elected

and be elected by the people in the region they represent.

Finally, No. 5, in addition to being elected, regions need to be represented on an equal basis in the Senate body. It would do nothing in terms of curbing the powers of more heavily populated regions of the country, if they had, in addition to a majority of elected members in the House of Commons, a majority of elected members in the Senate.

\* (19:00)

Of course, the means to Senate reform is complex and a process that, despite many years of debate, is ongoing. We seem to be no closer to meaningful reform than we were 30 years ago. The constitutional straitjacket we seem to be in, however, may in the future years be less of a force of inertia. But in the meantime, I believe we can take some baby steps that could help lead to a more comprehensive reform later on. Some provinces, as you are aware, have or are considering passing legislation to enable the election of senators from their provinces. The federal government is not only warm to the idea, but I believe is offering encouragement to provincial jurisdictions to do so.

My recommendation to the government of Manitoba is to accept the invitation and be a catalyst in the reform process which, as I pointed out, will be a long one. But I sincerely believe that, by starting with this very small but significant step, we will get the ball rolling. Once momentum for reform has been built and has been proven of value to Canadians who are now in the lesser-populated regions and has proven to be no threat for those in the regions of higher population, further reforms in terms of equalizing and empowering the Senate will be achieved.

Manitoba can become a leader in nation rebuilding, and I urge you to seriously and with determination assist Manitobans and all Canadians to build a better governance model by enacting Senate election legislation.

Now, my comments have been fairly general and high level in nature. I have not delved into the more specific issues of points that are addressed in the circular which, unfortunately, I saw after I prepared my presentation. So I would be prepared, I think, to answer at least some questions with a little more specificity if you so choose.

But at this time I want to thank you and thank the committee for listening to my views and, in a larger context, I thank you for your personal dedication to public service. I'm always appreciative of people like you who make the personal sacrifices that go along with public service.

**Madam Chairperson:** Thank you.

**Ms. Howard:** Thank you very much for your presentation. I wanted to talk to you a little about the notion of regional representation. One of the things that this does offer us is to think about representation in a new way. We have representation by population. That's the way most of our elected chambers work.

But, you're right, it does leave out vast parts of the province and the country where it's harder to have a voice, and I think it's probably harder for elected people to get in touch with all of their constituents when they have such huge geography to cover. I'm thinking especially of the North. When we look at the North, I think, currently, there are two or three senators from over half the geographic area of the country.

So I'm wondering if you have any formula in mind for regional representation. When you look at the United States and, of course, their Senate, you get two senators whether you're Nebraska or California, if that's sort of what you had in mind, that each region has an equal number, or if we go so far as to give regions that are underrepresented in the House of Commons a larger representation in the Senate, if we balance it out that way. So I'm just wondering if you have any further thoughts on that issue.

**Mr. Orsak:** I've done some thinking about that. Over the years, as various Senate reform possibilities and models have been discussed, of course the Triple-E Senate was probably top of mind for most people and well understood.

I'm a supporter and believer that a Triple-E Senate would improve the governance of the nation. Whether the regions are specifically boundaries the same way the provinces are—in other words, is a province a region, I'm not hard and fast on whether—for example, the prairies. It's a rather homogenous region in many respects. Should senators come from the prairie region or should each prairie province elect senators? There are pros and cons, I think, to each of that.

But I think that to be effective in curtailing, I suppose, in view of some of the tyranny of the

majority, regional representation on an equal basis is necessary.

**Mr. Faurichou:** Yes, just to continue on about the boundaries, and obviously you have been very specific about we already have the House of Commons representing two populations and now is the time to identify and recognize region. You've done a pretty good job of answering the question that I had in mind, so I'll bounce on to my next question and that being the actual balloting.

We employ from all across Canada at all levels of elected representation first past the post. Do you have any thoughts on any other method or type of balloting that we could employ in Senate elections?

**Mr. Orsak:** I've listened with interest to the questions from previous presenters and their answers, and I think I want to say again that I'm probably not hard and fast on picking a specific method. I've limited my comments sort of to the high-level overall concepts of elected and effective Senate building. First past the post is something we're all used to; it's tradition. Constitutional experts will have far more to say than I on that. I've thought a little bit about proportional representation. It seems to me that we would have a little bit of an oil-and-water situation if we're trying to elect senators on a regional basis, and then we start adding up voters by population on another context.

Proportional representation is something that I think has a few negatives buried in there that people don't understand. The one that I always fear is that we end up with politicians with very narrow focus as they become more beholden, I think, than even now to special interests because they will coalesce around interests as opposed to perhaps political parties or regions, but I'm not sure about that. I'm familiar with the preferential balloting system. That's used in, as you pointed out, Wheat Board elections. I believe it's also used in corporate governments' situations where directors of corporations are only elected if they are supported by 50 percent or by a simple majority and so they have different ways of doing multiple balloting or preferential ballots.

One other comment is that, I guess just in closing on this issue, as other speakers have said, it needs to be understood, that it needs to be a method of voting that the voter understands and is relatively simple to explain.

**Madam Chairperson:** Our time for questions has expired. Does the committee give leave to continue with questions? *[Agreed]* Thank you.

**Mr. Lamoureux:** I think we're very optimistic in terms of saying you want to see the province kind of be a leader in terms of Senate reform ultimately. Let me pose a question related to that. Mr. Pedersen made reference to the fact of a number of senators when they're going to be stepping aside and so forth. Do you think the Province, if we can develop a proposal that we can sell to Manitobans, that looks great, is it worth our while to approach those six senators and say that, look, we want to start fresh?

If that means even having to come up with some sort of a compensation package in order to avoid court actions and so forth, do you think that would be a wise thing for us to do as a committee, to come up with a recommendation that would see us starting fresh? We're electing six senators, not one this year, three, four years from now, another one seven years from now. What's your opinion in terms of should we be looking at starting from a fresh slate?

**Mr. Orsak:** I hadn't thought about that until you had questioned an earlier presenter, and so I'm not sure I've been able to formulate a real well-thought-out response.

\* (19:10)

I guess again I'll try and maybe speak on higher-level terms rather than addressing specific situations like expiration dates. I guess I would hope that senators, whether appointed or elected, serve with national interests above personal interests, and if they see that it's the will of Manitobans, through their elected legislature, want elected senators, would say: You know, despite the fact that I've been appointed to age 75 and I'm only 50 and I have 25 years' tenure left, for the good of the province and to serve the people in the way they want to be served in a democracy, I'm willing to support Senate reform and stand for election.

So, you know, in terms of your question about is that going to spawn court cases because people have—the rules got changed in the middle of the game plan. I'm not a lawyer, so I can't answer that. But I think I'll just stop there.

**Mr. Derkach:** Well, I think Mr. Lamoureux partially asked the question that I had in mind.

But one of the complications I see in a mix of elected and non-elected senators is that the

legitimacy of some may be questioned after you've had a number of elected senators in place.

Having talked to a senator just recently who was recently appointed who also favoured reform but indicated very clearly that she only needed one vote to win, I'm wondering whether or not the option should be given to senators to either take a retirement package or to allow their names to stand for election in a Senate. That way, when they do come together after an election, they come together on a level playing field rather than some being elected and others being appointed.

Your thoughts?

**Mr. Orsak:** I suppose that the answer to that depends on one's patience for reform. You know, over the span of the nation's history, to run the terms out of people that are appointed is not a big thing. If you're more impatient for reform you might want to push a little harder. I don't know whether we owe them retirement packages beyond their current employment contracts, their pensions or whatever. I am not sure about that.

But I think maybe your point about legitimacy of appointed versus elected is valid. Again, you know, as I said earlier in my presentation, it's baby steps. I mean electing senators in Manitoba would be a small but yet, I think, significant step forward in reforming the Senate. There's a lot more that needs to go on later on that can only be addressed constitutionally. But I believe, you know, once again, once we start down the road to reform I think momentum will be built and Canadians will think more deeply about it and I think will come to accept the idea that this body needs to be reformed. Whether total reform takes place in a short period or a longer period, you know, in the overall I think we need to move in that direction.

I'd like to see it quickly, you know? I'd like to think again that senators would take a look at their role and would say, you know, as a public servant I need to pay heed to the way the nation wants to go in terms of its government structure.

**Mr. Derkach:** One question, and I think you may have answered it, but perhaps you wouldn't mind repeating it. That is, that you would favour Manitoba moving in the direction of formulating legislation to allow for the election of senators for Manitoba.

**Mr. Orsak:** Yes, that's my recommendation. Personally, as a Manitoban, I really want to see us out front on that. I mean, I know we can't be first

because Alberta has already done it. Saskatchewan—*[interjection]* Sorry? Alberta has already done it, Saskatchewan is on, I believe, you know the government there, I think, has either tabled legislation or announced that they will be bringing forward legislation.

Wouldn't it be great if the three prairie provinces led the way?

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

I will now call on Gene Nerbas, private citizen.

**Mr. Gene Nerbas (Private Citizen):** Good evening.

**Madam Chairperson:** Please commence your presentation.

**Mr. Nerbas:** Madam Chairperson and committee members, I probably shouldn't even present tonight because I think it's been presented very well by the four previous presenters, and I really don't have much to add. I threw my name in on the list there at the last minute just in case there was something to add, but I'm not sure I do have.

I believe in democracy, and I think the Senate is one aspect of democracy that's been shamefully neglected. Now that we're talking about change, I think we should move forward as fast as we can. All the other things about restrictions, who should run, who shouldn't run, are probably things that we can work out later but shouldn't restrict too much. That could be done at the ballot. That's my thought.

In terms of the ones that are there now, like letting them run another 10 years, I don't think so. We should present to them that they can take a package or let their name stand and run along with everybody else. But I like the idea, after talking about it for 20 or 30 years, that you're having this chance to present and move ahead, and I just want to say, whatever all the other fellows said is good stuff. Get moving. Thank you.

**Madam Chairperson:** Thank you. We do have some questions.

**Mr. Lamoureux:** One very quick question, and I really appreciate the fact that you came forward. A similar question, I posed it earlier. You have a choice. When you look at the ballot, you have a list of senators and you just choose the one that you like. You can vote more than once and check off the ones you like. Or you have the first past the post, the current system, or some form of proportional

representation. Which would be your personal preference?

**Mr. Nerbas:** I think, at the end of the process, whoever gets the most votes is the winner, and I don't think it should be a stand-alone election because that probably wouldn't get enough people out. It should be done in conjunction with another election, and it's just another slug on the ballot. It's not hard to follow.

**Mr. Faurschou:** Thank you very much. The municipal elections are set for four-year terms, and they're coming up in 2010, the third week in October, so it's been suggested definitely that might be a non-partisan way of having the Senate elections.

My question, though, is very specific to the regional representation. Most persons have said that the province is very diverse. Would you be able to share your thoughts as to how the six senators that we currently are allotted would be designated to an area? Do you have ideas as to how many to Winnipeg, western, northern, eastern, southern type of boundaries? We have had past suggestions that we use federal boundaries, that we use municipal boundaries or just recreate all new boundaries for Senate representation. Could you provide some thought?

**Mr. Nerbas:** Well, that's a tough one, you know, and I don't have the answers, but I'm sure that can be worked out, and when you're working it out, it should be looked at what is the fairest system we can have to move forward and not have to make changes after. So that's one more thing I think that can be worked out, and a lot of thought has to be put into it. But I think, for a beginning, we have to know are we ever going to get this? Are we just going to talk about it for another 20 years? After we know it's going to be achieved, then I think we could really move forward and say, how are we going to do it, how is the best way to do it?

To answer your question, I don't know what is the best way, but there have been several suggestions made tonight, and I think there are people that have the ability to choose the right one. I think that's another day.

**Ms. Howard:** Thank you very much for your presentation. I thought you said it very well when you were cautioning us not to put too many restrictions on who can run because really that's up to the voters to decide who they want to represent them.

I wonder what your thinking is then on term limits? I think we've heard lots of views expressed on that. Some people think it's better to limit the number of times somebody can run because you get more turnover and more new people in. Other people think that it's up to the voters to decide when they've had enough of somebody, and they'll limit your term for you. So I wonder what your thinking is on limiting the terms of senators.

**Mr. Nerbas:** I think the voters should be allowed that. In our MLA, in Derkach's case, he's been through many elections, and we've allowed that. That's okay. He's still the man.

**Floor Comment:** And we thank you for it. We thank you for sending him to us so many times.

\*(19:20)

**Mr. Nerbas:** We're talking about the people's choice, so that's my opinion on that.

**Mr. Derkach:** We heard in our first presentation—by the way, thank you very much for your presentation, Gene. I really respect the fact that you, on such short notice, did come and participate in the democratic reform process in Manitoba.

But I'd like to ask a question that stems from Montgomery Eldon's presentation and that was with regard to qualifications for candidates for the Senate. Now, in his presentation he talked about being a citizen for a number of years in order to be able to run, and that would be novel because today I think we see some examples of people who've been in this country a very short time run for significant offices.

So I'm wondering whether or not you could comment on sort of the qualifications that you see in your mind candidates for the Senate should have.

**Mr. Nerbas:** Well, you know, I kind of think that they should be a Canadian citizen for some extended period of time. That's probably about the main one that I would have. There's so many people calling themselves Canadians that I never knew they were Canadians. Like, I know you are one because I just know that, but I don't know how long Omar Khadr was a Canadian before the world called him a Canadian. I maybe shouldn't even be saying things like that, but we are a country that allows immigration and that's a good thing, and we're a country that lets people become Canadian citizens relatively easy. I'm not saying that's a bad thing, but I'm saying that if you had a restriction in that regard, I think that would be a good thing.

I should say that I'm a farmer from Shellmouth and I don't have a permit book so, you know, I'm the other kind of farmer. I'm probably more like that nun that got appointed to the Senate. I didn't know it, but I kind of took a vow of poverty, too, at one time. So, thank you.

**Madam Chairperson:** Thank you for your presentation. We have an additional person who's been added to the list. They registered at the door. I now call on Murray Bradshaw.

Do you have any materials to distribute?

**Mr. Murray Bradshaw (Private Citizen):** Unfortunately not.

**Madam Chairperson:** Then you may commence.

**Mr. Bradshaw:** Madam Chairperson, committee, it's very nice to have you come and do a tour of our area and request people's opinion on the operation of our Senate. Before giving my personal opinion, I had a few areas that I reviewed and, unfortunately, when you have speakers before you, a lot of my thunder has been taken.

I thought today was going to be a good day. I was sitting down merrily going about things on my computer, and I'm looking at the watch and everything else, and all of a sudden the printer decided that it wasn't going to work. So it's all in longhand here right now. But rather than bore you, I would like to go through some of the things that have been said before on what's the basis on how I've arrived at my opinion.

Firstly, I'd like to say how many people ever give any thought on how the Senate operates, simply because we're so far removed and one never hears too much about the Senate, how the Senate runs. So one seldom gives it any thought. But I, too, like one of the previous presenters, went to the computer and did a little bit of research on that. This is the basis on how I've arrived at my opinion.

The Senate came into existence in 1867 and consists of 105 members who are appointed by the Governor General on the advice of the Prime Minister. The seats are assigned on a regional basis, and once appointed to the Senate you were in for life. The only criteria is that you must follow and vote to the party lines that elected you.

In 2009, the senator's salary is \$130,000, and that doesn't take into account any fringe benefits or pensions. The only change that had been brought forward is the 1965 Constitution Act that stipulates a

senator may serve until the age of 75, save those appointed prior to the change.

Presently the seats are assigned on a regional basis as follows: Ontario has 24; Québec has 24; the Maritimes at 24, which consists of 10 from Nova Scotia, 10 from New Brunswick and four from P.E.I.; the western provinces of Manitoba, Saskatchewan, Alberta and B.C. each have six; Newfoundland and Labrador, which came into the picture later, has six and the Territories have three.

The 1867 Constitution Act establishes a quorum of 15 members. If there aren't 15 votes, bells ring and senators outside of Chamber can come in and vote. If there still isn't a quorum, business is put off until the next day. Senate meets on a Friday and a Monday and is in session twice a year.

Regional seats do not take into consideration the change in population. For example, B.C. now has four million people and there are six senators appointed. Nova Scotia, on the other hand, has less than one million people and appoints 10 senators.

From 1867 to now, 893 senators have been appointed; 489 served until they passed away. Only once has a senator been suspended for poor attendance while still drawing his salary. Approval of both the upper and lower houses is necessary for legislation to pass. The Senate can request legislation from the House of Commons and that happened. The Senate can reject legislation from the House of Commons and that happened in 1988, a free trade bill which forced an election in 1988.

The annual salary across is \$13.692 million. Their salary is long and a senator only has to be in attendance two days at the sitting. I fail to see the justification for our Senate unless I was the one being appointed, and I'm sure my opinion would differ.

When only one piece of legislation is being rejected, it is a very expensive watchdog. There are only three options: appoint it, it isn't working or viable in my opinion. We could consider electing senators but this would still be on a regional basis and wouldn't account for any shift in population. The only thing an elected Senate would do is give the senators the option of voting as they see it rather than following party direction as they would be elected by the people and serving the people.

The danger in electing senators is that they may feel the need to do something, and we would have another level of 105 politicians. For me, I would

abolish the Senate. It's far too costly, and, in my opinion, it's inefficient. The big question is how is this ever going to get the approval of the Senate to implement a constitutional change that is required with the powers that they have today. I guess, in my opinion, I leave that for you as a committee and somebody else to determine the details on how to make those kinds of arrangements. Thank you.

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

Any questions from the committee?

**Mr. Derkach:** Again, thank you for your presentation on such short notice but a topic that's extremely important, Mr. Bradshaw.

It's a question that I think has been addressed a number of times, but this process is to allow Manitobans to perhaps set the tone or give some direction to us as a committee that can then be forwarded to the Legislature. Then, of course, I think within the act it does provide an ability to also share this with Privy Council.

\* (19:30)

Coming back to the essence of the question, would you encourage this committee to recommend that legislation for Senate reform be forthcoming in Manitoba in the near future?

**Mr. Bradshaw:** Certainly. I would agree with that.

**Madam Chairperson:** Seeing no further questions, thank you for your presentation, Mr. Bradshaw.

That concludes the list of presenters I have before me. Are there any other persons in attendance that would like to make a presentation?

**Mr. Derkach:** Can I ask for the committee's indulgence. I think there may be—a recess for five minutes. I think there is another presentation. I'm not sure, but they were working on it next door here for a few minutes. So if we could just take a recess and I'll check if that is, in fact, the case.

**Madam Chairperson:** Is the committee willing to recess for a few minutes? *[Agreed]*

*The committee recessed at 7:30 p.m.*

*The committee resumed at 7:35 p.m.*

**Madam Chairperson:** If I could call the committee back to order, please.

We have an additional person who has registered. I would like to call on Mr. Bill Dayson, public citizen—private citizen, sorry.

**Mr. Bill Dayson (Private Citizen):** Good evening.

**Madam Chairperson:** Good evening. Please proceed.

**Mr. Dayson:** Okay, on short notice, I have no written presentation, but seeing as the opportunity has come here, I'll state a little about some coffee shop talk. How's that? It's a very complex and not easy subject and, of course, they've been trying to change the Senate for years and years, and it has been changed, but not that much.

What we're going to base this on is the Triple-E Senate, from Alberta, that's been forwarded. The first E is the easy part. We sure think that it should be an elected Senate and, then, if the government needs someone in the Cabinet, as they sometimes do, they appoint a senator, the senator will already have been elected that they can appoint. That's that point there.

The second E is the equality. That sounds good, but I don't think that seven seats for every province is going to work. It just won't pass. So our thought was, right now, it's 24, 24, 24. We would leave the 24 seats being from the east, and 24 from the west, and if they reduced Québec and reduced Ontario by four seats or five, then it would make our distribution for area much better than what it is now.

But that's the easy part. The tough part is the effective part, because revolutions have been fought over this part in many areas of the world but, I think, in Canada, where our ability to compromise has showed well over the last 140 years, we should be able to come up with some system that the Senate has power, not enough to overcome the House of Commons, but they should have more power than what they have now to keep them active and happy.

One way we thought of is that, right now, the House of Commons puts a bill to the Senate and then asks for permission to pass it, or however that goes. We're thinking that the Senate should have the power to present a bill, to make it up in the Senate. If that bill passes there, that it go to the House of Commons, be discussed there and debated. If it goes to a vote, the plurality of the vote in the Senate should be added to the yes vote in the House of Commons. That would make their work worthwhile and make senators more active. It's just an idea.

\* (19:40)

I've only met two senators in my life. They've both been good people. One was Senator Gil Molgat from Ste. Rose who, in 10 minutes, told me more about what happened in the Senate than what I'd known the rest of my life. I skied with the other one this past weekend and that was very exciting.

So, thank you.

**Madam Chairperson:** Thank you. Mr. Dayson, we do have some questions.

**Mr. Faurschou:** Thank you very much. I would like your opinion as to how the regions would be defined premising your comment that Manitoba remains with six senators?

**Mr. Dayson:** Yes. Well, it's nice to have rep by population, but that isn't the purpose of the Senate and so six for Manitoba is, I think, quite fair. If Saskatchewan has six, and then B.C. and Alberta, with more population, then they would deserve more, and all that. I mean that's just numbers. It can be divided any way in which you can get people to agree on, right? It's not what we're going to agree on here, it's what somebody down the line is going to want to agree on. So that's what I think.

**Ms. Marcelino:** Thank you, sir, for your presentation. Do you have any opinion on term limits for elected senators?

**Mr. Dayson:** Well—

**Madam Chairperson:** Mr. Dayson.

**Mr. Dayson:** Gee, I've never been called Mister so often in my life.

The terms, if they coincided with the provincial elections, then it would save a lot of money. The only thing is if a minority government was elected, then it might be just—I would say anything under two years that the senator elections would be. Just miss that election and go to the next one. I mean, it could be a four-year or six-year service, that would still be okay. Do you get what I mean?

**Ms. Marcelino:** I mean, would you see a senator staying, if it were a four-year term, for two terms or more terms, unlimited terms, or do you want the senators to have limited terms?

**Mr. Dayson:** They'd be elected as the government was elected for the province. That way they're going to be staggered right across the country and you're

not going to have all the senators coming in at one time and all of them leaving at one time. But my thought is, I mean, a government might last four years, five years, that's fine. But if a government's only going to last six, eight months, I don't want another Senate election there. An election would be held over the next election.

**Mr. Derkach:** Mr. Dayson, thank you very much for your presentation. I know that your organization has been in front of government committees on many occasions before. You probably wonder what happens when you make a presentation and where it goes, or does it just go into some black hole and is never seen again. But I'd like to tell you that this process is one where, as you can see, we have *Hansard* here who are recording all of the comments. So it's not unlike any committee in the Legislature where all of the comments are, in fact, recorded. Then this subcommittee is going to be making its recommendations to the committee who then have a responsibility to table this in the Legislature, I believe in June, Madam Chair, is that correct? *[interjection]* And then, from that, government or the Legislature will choose to do what it's going to do with the report and with the recommendations therein.

So, therefore, this presentation of yours is extremely important to us. I heard two things in your presentation that I didn't hear from others. That's why I think it's important for people to express their views on Senate reform. I'm going to ask you the same question I've asked other presenters and that is with regard to implementation.

Do you have an opinion on whether or not Manitoba, as a provincial jurisdiction, should be embarking on legislation for elected senators from Manitoba?

**Mr. Dayson:** That's just the same—this is requiring no other Senate change other than being elected. Is that what you mean?

**Mr. Derkach:** No, I'm just talking about the first step of reform, if you like, and that is a province putting legislation forward that would allow for the election of senators from the province.

**Mr. Dayson:** Yes, that's the most important step, is to have an elected Senate. Everything else after that is secondary.

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

**Mr. Dayson:** You're welcome.

**Madam Chairperson:** Seeing no further questions, thank you for your presentation, Mr. Dayson.

That concludes the list of presenters I have. Are there any other persons in attendance who would like to present?

Seeing none, the hour being 7:46 p.m., what is the will of the committee?

**An Honourable Member:** Committee rise.

**Madam Chairperson:** Committee rise. Thank you.

**COMMITTEE ROSE AT:** 7:46 p.m.

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