



**Fifth Session- Thirty-Sixth Legislature**

**of the**

**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS**

**Official Report  
(Hansard)**

*Published under the  
authority of  
The Honourable Louise M. Dacquay  
Speaker*



**Vol. XLIX No. 13A - 10 a.m., Thursday, April 22, 1999**

ISSN 0542-5492

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Sixth Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
ASHTON, Steve	Thompson	N.D.P.
BARRETT, Becky	Wellington	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave	Kildonan	N.D.P.
CUMMINGS, Glen, Hon.	Ste. Rose	P.C.
DACQUAY, Louise, Hon.	Seine River	P.C.
DERKACH, Leonard, Hon.	Roblin-Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary	Concordia	N.D.P.
DOWNEY, James	Arthur-Virden	P.C.
DRIEDGER, Albert	Steinbach	P.C.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
ENNS, Harry, Hon.	Lakeside	P.C.
EVANS, Clif	Interlake	N.D.P.
EVANS, Leonard S.	Brandon East	N.D.P.
FAURSCHOU, David	Portage la Prairie	P.C.
FILMON, Gary, Hon.	Tuxedo	P.C.
FINDLAY, Glen	Springfield	P.C.
FRIESEN, Jean	Wolseley	N.D.P.
GILLESHAMMER, Harold, Hon.	Minnedosa	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KOWALSKI, Gary	The Maples	Lib.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
MACKINTOSH, Gord	St. Johns	N.D.P.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McALPINE, Gerry	Sturgeon Creek	P.C.
McCRAE, James, Hon.	Brandon West	P.C.
McGIFFORD, Diane	Osborne	N.D.P.
McINTOSH, Linda, Hon.	Assiniboia	P.C.
MIHYCHUK, MaryAnn	St. James	N.D.P.
MITCHELSON, Bonnie, Hon.	River East	P.C.
NEWMAN, David, Hon.	Riel	P.C.
PENNER, Jack	Emerson	P.C.
PITURA, Frank, Hon.	Morris	P.C.
PRAZNIK, Darren, Hon.	Lac du Bonnet	P.C.
RADCLIFFE, Mike, Hon.	River Heights	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack, Hon.	Niakwa	P.C.
RENDER, Shirley, Hon.	St. Vital	P.C.
ROBINSON, Eric	Rupertsland	N.D.P.
ROCAN, Denis	Gladstone	P.C.
SALE, Tim	Crescentwood	N.D.P.
SANTOS, Conrad	Broadway	N.D.P.
STEFANSON, Eric, Hon.	Kirkfield Park	P.C.
STRUTHERS, Stan	Dauphin	N.D.P.
SVEINSON, Ben	La Verendrye	P.C.
TOEWS, Vic, Hon.	Rossmere	P.C.
TWEED, Mervin, Hon.	Turtle Mountain	P.C.
VODREY, Rosemary, Hon.	Fort Garry	P.C.
WOWCHUK, Rosann	Swan River	N.D.P.
<i>Vacant</i>	St. Boniface	

## LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, April 22, 1999

The House met at 10 a.m.

### PRAYERS

#### Speaker's Statement

**Madam Speaker:** Prior to recognizing the honourable government House leader (Mr. Praznik), I have an announcement for the House. I wish to bring to the attention of the House an error on the Notice Paper. The sponsorship of the amendments to the rules of this House should be the honourable First Minister (Mr. Filmon), not the honourable government House leader, and this will appear in that way on Monday's Order Paper.

### ORDERS OF THE DAY

**Hon. Darren Praznik (Government House Leader):** Madam Speaker, could you please call Bill 17 for furtherance of debate on second reading.

### DEBATE ON SECOND READINGS

#### Bill 17—The Elections Amendment and Elections Finances Amendment Act

**Madam Speaker:** To resume second reading debate on Bill 17, The Elections Amendment and Elections Finances Amendment Act (Loi modifiant la Loi électorale et la Loi sur le financement des campagnes électorales), standing in the name of the honourable member for The Maples (Mr. Kowalski), who has 36 minutes remaining.

**Mr. Gary Kowalski (The Maples):** Madam Speaker, when I started yesterday, I started by saying I had been motivated by the member for Thompson (Mr. Ashton) and his words about the ethics of people who, like many people in my constituency, carry more than one sign and saying it was unethical. That is what motivated me to speak. I took umbrage with his talking about questioning the ethics of the member for

Inkster (Mr. Lamoureux) if he is comparing removing signs from a campaign with bribery.

I did not say it yesterday, but I will say it today, it is a slippery slope. Any manipulation of election, the purpose is to change the electoral result. No matter how minor, no matter how great it is, right from removing someone else's brochure from a mailbox up to attempting to bribe someone in regard to it, it is wrong. It is all wrong. It is like being pregnant. You cannot be a little bit pregnant; you cannot be a little bit wrong when it comes to this. So that is what motivated me to get up and speak on this bill today.

I had talked about the Poy Gomez campaign. I know Poy Gomez. I worked with him on The Maples Youth Justice Committee, and like anyone else, he has good qualities that I respect. I do not know if Poy Gomez personally was involved in any of the removal of signs or if it was someone on his campaign, just as I talked about on my campaign in 1995 when one of my campaign workers had phoned the Peter Warren show and brought forward something that I thought was not appropriate. Ultimately I was responsible for that campaign worker, but I had no knowledge, and I took immediate action afterwards.

I want to be fair to everyone. I do not think I have talked about any of the Conservative candidates that I have run against and their wrongdoing. I am going to speak about Fred Arrojado. Fred Arrojado, when he ran for the Conservative party in The Maples, had previously run as a school trustee. Every time there is an election, our local community newspaper, the north Times, usually carries a little candid piece. In it, one of the questions asked is: Do you live in the area where you are running? When he ran as school trustee, he had indicated in that article that he had. I challenged him later because in fact he did not. I warned him that it was inappropriate, when, lo and behold, a couple of years later when he runs for a position of MLA where each has to put in a

candid piece, lo and behold, once again Fred Arrojado lied and said that he lived in the riding. Now does that mean that the Conservative Party endorsed those actions any more than I endorsed my worker who phoned the Peter Warren show, or did Poy Gomez necessarily tell his workers to go and remove the member for Inkster's (Mr. Lamoureux) signs? Not necessarily. We all have people. Politics works on volunteers, and we welcome these volunteers. Like any human endeavour, it is not perfect. When human beings are perfect, our volunteers will be perfect. I think we have to keep that in mind.

Yesterday, after Question Period, I was talking to some of the official opposition members, and I said it almost made me proud to be part of the opposition. I thought it was a very good Question Period yesterday in that there were some wonderful questions. The member for St. Johns' (Mr. Mackintosh) statement, I thought, showed a lot of character and integrity and good will. The member for The Pas' (Mr. Lathlin) question, in the six years I have been here—he has been here a lot longer—I think it is the best question he had. In his delivery, he did not accuse anyone of being a racist or anything this time. So I thought it was a very good Question Period, and as I said, I was almost proud to be part of the combined official opposition until the member for Thompson (Mr. Ashton) got up. After he spoke and started talking about elections and throwing mud around, I felt like going home and taking a bath. He brought out the worst side of politics. As I said, no one is without fault. In every party, things happen.

There is a cliché that goes around, and I do not like this cliché. It says everything is fair in love, war and politics. Some people believe that. Some people believe that, unfortunately, and they believe that in politics you find what the rules are, and you go by the letter of the rules. I have never played that way. I have always tried to run my campaigns and anything I am associated with not only under the letter of the rules but the spirit of the rules. But, as I said, yesterday after the member for Thompson (Mr. Ashton) had spoken and brought up the underside of politics—and then also, I did not realize, because I was not here for the entire Question Period, the attack on a member of the

family of a member of this Legislature I find totally repugnant. It is fine for us to attack each other's views and even each other at times, but our families did not sign on for this.

I still remember when I was a school trustee. My daughter was in Grade 6, and there was a colouring contest in the school division. I told her that she could not participate. She says: Dad, why? I am not a school trustee. Why should I not have the same opportunities of every other kid in my school just because you are a school trustee? The same with our children, our spouses, and that should be out of bounds. I think the death of Neil Gaudry reminded us that we are human beings. We do have children, we have families, and we should be treating each other, even though we are in partisan politics, in a fair way, and especially our families. So that did not make me proud to be part of the opposition when the opposition was attacking the family member of one of our MLAs here. I find that totally repugnant.

\* (1010)

The other part is, as I said, that politics is run on volunteers. Many of the people who volunteer never expect a reward. They do it because they are either closely tied to us as individuals or they have support for our political philosophy.

But, when we do get in a position of power, is it wrong for us then, when we want to do a good job, the people whom we know who have volunteered on our campaigns, to work with them? In the past several years I have been involved in a lot of hirings, everything from the Child Advocate to ombudsperson. I am on the board of E. Fry. We hired a new executive director. Maples Lifelong Learning Services, we hired a co-ordinator, and in all those, I know sometimes the interview and the resumes and do not necessarily give 100 percent accurate picture of the person. Sometimes, having personal knowledge of someone and knowing their good work, knowing about their moral character and that, sometimes that is just as important as the resume and the interview.

So, if I was in a position of authority, which I have been at times, is it wrong for me if I know of someone who has good skills, a good work

ethic, to get them involved? So I would caution the official opposition to use the McCarthyism type of tactics that they use of guilt by association. Does that mean that anyone who is involved with the NDP campaign this time, if they should form government, should never be appointed to a board, should never have a government position? Does that mean that they will keep all the deputy ministers that are in the present government? Will they keep them? I think not. So that is why I think in politics it is important, as this bill has done, to give Elections Manitoba, an impartial body, the tools it needs to get its job done, and that is why I hope that this bill receives speedy passage and that we remember that ethics, no matter what code of ethics we have, ethics come from within, people have to police themselves, they have to have integrity, and then we will have a fair and democratic political process in Manitoba. Thank you, Madam Speaker.

**Mr. Gord Mackintosh (St. Johns):** Madam Speaker, I rise in support of the principle of this bill. Of course, it is a very important bill, and I suppose we can all now say that this legislation is overdue. What I want to focus on today, though, is what is not in this bill and should have been.

I want to begin by going back to the Monnin report and the work that the commission of inquiry did with regard to the role of Elections Manitoba. When this issue arose in the Legislature in June, among other concerns we expressed our hope that the scope of the inquiry of the commission be broad enough so that it could review the role of Elections Manitoba, and we said at the time, as I recall, that we had no doubt that the perceived shortcomings of the Elections Manitoba investigation were in good faith but that there were serious public questions being raised as to why Elections Manitoba was unable to get to the bottom of the matter or reveal matters that were coming to the attention of the public by June. It was our hope that Elections Manitoba could thereby be ensured the confidence that it needs and, as I think we said, the confidence that we wanted the public to have in Elections Manitoba.

The inquiry proceeded, and Elections Manitoba was not to be looked at in terms of its

role in this matter specifically. Although former Chief Justice Monnin did report on the role of Elections Manitoba based on evidence that did come before him throughout the hearings, he acknowledged, of course, that he did not consider it part of his mandate to pass judgment on the manner and effectiveness in which Elections Manitoba handled the investigation. But he felt that he had enough information to deal with the issue of confidence in Elections Manitoba. I, for one, am pleased that he did go down that road.

He noted that many of the witnesses did not co-operate with the investigator; in fact, he said they "lied or failed to disclose relevant information; they stonewalled."

He then went on to say: "Time was very short, only four months roughly for the completion of the investigation in order that the two sets of lawyers who had to go through the report could submit a final opinion to the Chief Electoral Officer, who, in turn, had to decide within the statutory six-month period whether charges should be laid or not."

Then the report concluded with this finding, and I quote: "Under such circumstances and the law as it stood, Elections Manitoba did all that it could and ought not to be faulted. If there was fault, it lies with the witnesses who failed to co-operate, who lied, or who plainly avoided being interviewed. Part of the problem is also attributable to the Legislature, which failed to follow through rapidly on the amendments to the two statutes requested for some time by Elections Manitoba, namely, a two-year limitation period in the power of subpoena and search.

"That should lay to rest any doubt about this particular aspect of the case and the confidence of the public in Elections Manitoba can be reaffirmed and sustained."

I am very pleased with that finding. I think it is important for all members, for all those involved in the electoral process, and, most importantly, for the public generally to have received that kind of conclusion. It is very important that Elections Manitoba enjoy the full confidence of the public.

The conclusions indeed of Monnin point to the culpability of this Legislature in restricting the ability of Elections Manitoba and the Chief Electoral Officer to perform in an effective way the investigation and come to conclusions as a result of that investigation. We can now get on with addressing the challenge that the Monnin report poses to this Assembly, and that is to deal now with the recommendations from the Chief Electoral Officer, an individual, I might add, Madam Speaker, who, in my eyes, for one, is a person of great integrity, intelligence and commitment to his public duties.

\* (1020)

Now what then should have been the appropriate role for the Legislature following on reports from the Chief Electoral Officer? We know that the Chief Electoral Officer presented to the Assembly an insightful and comprehensive list of recommendations on how to improve the electoral process in this province following the September 1990 provincial general election. It appears that the government and the Premier (Mr. Filmon), who is designated to be the person responsible for stick-handling Election Act matters both internally within the government caucus and in the Legislature, that the Premier failed to bring in any amendments until December 1997, a passage of about seven years.

In The Elections Act, Section 10(3), there is an onus built in to give the Assembly not just the authority but the direction to have the Standing Committee on Privileges and Elections deal with the recommendations from the Chief Electoral Officer. That section provides that a report from the Chief Electoral Officer stands referred to that committee. So, Madam Speaker, someone in an earlier time recognized the importance of recommendations from the Chief Electoral Officer and put into the appropriate legislation some check to ensure that there was action taken, but no action was taken.

I think we all take some responsibility, but again we must look to the government. It has carriage of these matters, and to the Leader of the government, who is specifically the person who deals with elections law matters in this Assembly, to determine where things went wrong. Well, when the Premier did bring in

amendments to the House in December of 1997, he stated: "I am pleased to rise today in the House and introduce Bill 2, The Elections Amendment Act. The measures being introduced today update and modernize many of the provisions of the act since the last series of major amendments introduced in the mid-1980s. The efforts to date started with the acceptance in whole or in part of nearly 90 percent of the recommendations made by the Chief Electoral Officer in his annual report to the Legislature, including the 1995 annual report."

My interest is in the 10 percent or so that the Premier admits were not introduced or not dealt with. What is troublesome is that one of the—I think it is fair to interpret—main recommendations from the Chief Electoral Officer that was duplicated, what was repeated necessarily over the years, was to do away with the partisan appointments of returning officers by the Premier or the cabinet and allowing the Chief Electoral Officer to make the returning officer appointments.

It is interesting that in the bill introduced in 1997 that matter was absent from the amendments, yet it was the one matter that the official opposition, indeed myself, introduced by way of amendment into this Assembly in both 1994 and 1995. In fact, one of my first orders of business on being elected was to gather the information and put together the legislation necessary to give the Chief Electoral Officer the power to appoint returning officers.

That was based not only, Madam Speaker, on a respect for the recommendations of the Chief Electoral Officer but because of experiences in the St. Johns by-election of 1993, where the returning officer was not even in place at the time the by-election was called and, I understand, was not put in place for several days later. As the Chief Electoral Officer observed, this greatly reduced the effectiveness of training and resulted in difficulties in expenditures which otherwise could have been avoided.

So, Madam Speaker, the Premier (Mr. Filmon) and the government appear to go out of their way to reject the one issue that this side of the House actively pushed, and that causes me great concern. That concern is worsened by the

fact that even now, following former Chief Justice Monnin's report, this bill does not include that recommendation. The failure to do that flies in the face of the former Chief Justice Monnin's recommendation No. 2, on page 65 of his report, which said, and I quote: "that the Legislature move rapidly when the Chief Electoral Officer requests any amendment to the relevant statutes."

The government moved rapidly on other changes, but, Madam Speaker, they specifically continue to insist on the partisan political patronage appointment of returning officers. This is no small matter. I know the Chief Electoral Officer has made very strong recommendations on this topic, and I just want to quote from his 1990 report. Mr. Balasko said at that time: The returning officer is the most visible election official during an election and must be perceived by voters, candidates and political parties as a representative of an electoral system that is fair and impartial.

He went on to note that only two weeks prior to the 1990 Manitoba general election no returning officers had been appointed. At the time of the election call, only 21 of 57 returning officer appointments had been made; 43 returning officers had no previous experience in that capacity at either the provincial or federal level. He concluded by saying this: It is strongly, I repeat, strongly recommended that the current system of appointment of returning officers be revised to ensure the timely appointment of qualified personnel. The option of returning officer appointments by the Chief Electoral Officer is recommended.

He goes on to say: However, substantial revision to the Lieutenant Governor in Council appointment process may also effectively address the issue. All returning officers should be prohibited from engaging in partisan political activities.

\* (1030)

But, Madam Speaker, that first wish and recommendation of the Chief Electoral Officer was rejected, and we continue with this Jurassic process of partisan appointments for returning officers. If there is any patronage that is

repugnant, it must be this kind of patronage, where the person who is responsible for the fair conduct of an election is appointed at the will of a governing party. While many returning officers appointed on that basis may well be competent, the perception of bias remains.

The Chief Electoral Officer says the following: I believe that returning officer appointments based on merit and following open competition would strengthen the credibility of the process and result in improved service. Appointment by the Chief Electoral Officer will also increase the accountability of returning officers to the Chief Electoral Officer and in turn increase the accountability of the Chief Electoral Officer to the Legislative Assembly.

So, Madam Speaker, it is not simply for the issue, for the concern about the perception of fairness that we have urged this change and that this recommendation be adopted but because the timely appointment is important, and appointment of qualified persons is important.

So, Madam Speaker, the government continues on like the old days, and we must all acknowledge in this House, whether one is Liberal, New Democrat or Conservative, that political appointments, partisan appointments of returning officers have been the experience, have been the practice in the past. But on two occasions we brought in legislation to get rid of that past. The Chief Electoral Officer in 1990 and later on recommended, and strongly recommended, that we get rid of that past. It is time to move ahead. It is time to change the way we are doing things. It is time to re-evaluate whether long-time practices are right, whether they are in the public interest. Surely the government can do the same. It is not asking too much.

In fact, I think that is the least that is asked following the Monnin report, where that report recommends a fast implementation of recommendations of the Chief Electoral Officer. The government has just ignored that recommendation, has rejected that recommendation. So we can see where the government is headed, but that disdain for those recommendations, Madam Speaker, does no good.

One would think that a government that is reeling from the findings in the Monnin report, from the exposé done in this Chamber in June and since, would be particularly sensitive to the need to ensure at least the perception of fair elections. Instead, Madam Speaker, the government continues on with this Jurassic attitude, continues on its old way and insists that cabinet alone, on whatever basis they may see fit, continues to appoint returning officers.

Madam Speaker, maybe it is the wont of governments in office that they do not want to give up this kind of patronage. But, you know, this position of returning officer I do not think is a highly sought after position. It is often difficult to find people, in fact. It is not a position that is policy oriented. In other words, the ideological matters should not matter, indeed absolutely should not matter. It is simply a pork-barrel type of appointment.

Now, this matter came up in the federal system as well. Federal returning officers continue to be appointed by the federal Liberal government, and despite the urgings of Canada's Chief Electoral Officer, Jean-Pierre Kingsley, who recommended that returning officers be depoliticized, the national director of the federal Liberal Party insists that political returning officers should continue. He said this, Madam Speaker, and I quote from The Hill Times of March 16, 1998: There is no better way to achieve the level of understanding than to be active in the partisan side of running elections. The position does not require technocrats, Mr. Mercer told the House affairs committee last week

It is interesting that the Reform Party Whip, Chuck Strahl, said that when Canada participates in foreign elections as an international observer, it recommends that elections follow the exact opposite approach, with returning officers nominated in a nonpolitical process. The article then goes on to say: However, Mr. Mercer cited Canada's relative democratic maturity and insisted that when it comes to dealing with the trials and tribulations faced by candidates in a general election, the more political the returning officer the better. He concluded by saying: If they do not know what we go through, they cannot understand what we need, end of quote.

Well, that is one of the most absurd and obnoxious defences of this Jurassic appointment process that could be possible. I suppose if Mr. Mercer had his way, he would ensure that returning officers are perhaps either active or recently retired or defeated candidates. He thinks that it is important that Liberal Party returning officers reign. He seems to think that the returning officers' only concerns and dealings are with candidates. Well, the fact that there are returning officers appointed from time to time who are not known as partisans takes away from that argument. The fact that the chief electoral officers of Manitoba and Canada say that capability, timeliness of appointment and the perception of bias are, without a doubt, the important governing criteria for the appointment of returning officers, the Liberal Party's position looks pathetic.

It is amazing to think that someone, whether in the Liberal Party or elsewhere, believes that having, in this case, a Liberal returning officer would be welcomed by the candidates of other parties is beyond belief. The returning officers' appointments are made, Madam Speaker, to govern the administration of elections in the particular constituencies. The returning officer, of course, is the one responsible for establishing the polls. I think, more importantly, the returning officer is the one who appoints the enumerators and the deputy returning officers.

\* (1040)

The importance of enumeration is well known to all of us. We see instances, for example, where returning officers unfamiliar with the particular constituency and unfamiliar with people in the constituency have had great difficulty ensuring that voters are on the list. This is a very important position that indeed goes to the heart of the ability of Manitobans to exercise their democratic right to vote, and, of course, the deputy returning officers are key when it comes to the swearing in, the voting and the tabulation of votes and indeed the interpretation of markings on the ballot.

The returning officer, of course, is also responsible for all the other arrangements whether it be the advance polls, the revision of voters' lists, the dealing with nomination papers,



and is responsible, of course, for dealing with all of the other matters that arise, the questions and sometimes the conflicts that must be dealt with not only on a fair basis but on a basis that appears to be fair.

So the views of the Liberal Party of Canada are nonsensical and really an affront, but I regret that the government of the day in Manitoba has the same view as the Liberal Party of Canada. Why else, Madam Speaker, would the Conservative Party and the Premier (Mr. Filmon), which reviewed, I am sure, all the recommendations from the Chief Electoral Officer, reject this particular recommendation, one that was made strongly and repeatedly?

Well, Madam Speaker, there are many returning officers already appointed for the upcoming general election. At the same time, there are many that are not yet appointed. In both scenarios, we have concern. Those who are not yet appointed should have been, should be in place, should be receiving training, and it would be good if those returning officers could repeat those duties and be there on a full-time, long-term basis. I do not mean full time in terms of full-time work or remuneration but that there be a consistency, a continuity of returning officer appointments.

But what is particularly of concern, Madam Speaker, is that continuing into the upcoming election, returning officers have been appointed who are known partisans, who are known Conservatives. I think that casts a continuing shadow over the current government. This government is so bunkered in and is so afraid, is so entangled in the old ways of pork barrelling and patronage that it went out of its way to find many returning officers who are well-known Conservatives.

There are some returning officers, Madam Speaker, whose political affiliations are unknown, and I hope that some of them are not known by anyone as having a political affiliation, particularly any active political affiliation. But when we have returning officers appointed who are even former candidates, indeed, candidates who ran against other competing candidates in the upcoming election,

we find a flawed, biased—at least a perception of bias—political process being perpetuated by the Premier (Mr. Filmon) and the Conservative Party.

In Dauphin, for example, or the new riding of Dauphin-Roblin, who is the returning officer? It is none other than not only a well-known Conservative but a former candidate. In Brandon, in the constituency of Brandon East, I understand the returning officer there, again not only a well-known Conservative but a former candidate. As we look through the list of returning officer appointments, Madam Speaker, I venture to say that about half of those names who were known to candidates were identified as prominent or well-known supporters of the Progressive Conservative Party of Manitoba.

**An Honourable Member:** The regional health authority model.

**Mr. Mackintosh:** As the member for Flin Flon (Mr. Jennissen) says from his seat, that is the regional health authority model of governing. I think that brings into argument the fact that the government not only is continuing this Jurassic appointment process for returning officers—and I think that continues even for Chamber staff—but they have begun a new era of partisan appointment, and that is through the regional health authorities. In constituency after constituency, the names of the returning officers are known as Progressive Conservatives having either served in senior capacities or being advocates for the Conservative cause in particular communities.

At this juncture in Manitoba history, it is unfathomable that the government would not do everything in its power to change the perception that Manitobans unfortunately now have of how elections are run and what goes on behind the scenes. One would think that if any time in Manitoba history that the government would put its best foot forward and eradicate once and for all the political shenanigans that can take place in elections, let alone the perception of bias and partisanship in the administration of elections, I reiterate that if there is any area of public administration which should be free of a perception of bias, it is this.

\* (1050)

There was one minor issue that had to be dealt with in looking at changing the appointment process of returning officers, and that was the current returning officer's role in casting the deciding vote on a tie. The answer to that, Madam Speaker, is that there is only one known occasion in the 1900s where a returning officer cast a deciding vote, but even then the vote did not decide the election. The election was set aside under the controverted Elections Act, and a new election was ordered.

There is a very simple way to deal with tie votes, and that is to provide that a new election be held on a tie vote, but that the close of nominations follow very quickly after the judge's decision on the count. So a member would be elected in the shortest time possible and costs would be saved by not requiring a second enumeration or any substantial revision of a voter's list.

Now I am not certain of this, but I anticipate that any amendment to the legislation at committee stage to add our proposed amendments were reflected in the legislation of 1994-1995 would be found to be out of scope. So it is at this time that we put on the record our concern that the government has turned its back on at least one key recommendation from the Monnin report and has turned its back on this opportunity to ensure that from now on elections are conducted in a nonpartisan way by returning officers appointed by the Chief Electoral Officer, rather than the Progressive Conservative Party, the Premier or the cabinet of the day. Thank you.

**Mr. Stan Struthers (Dauphin):** Madam Speaker, I, too, rise in support of Bill 17. I rise in support of creating in Manitoba a free democratic system to elect people to represent Manitobans. Clearly, in 1995 something went wrong, and that is why today here in the Manitoba Legislature we have to address this problem. We have to put forth in this Legislature in the form of an act, we have to put forth the rules by which political parties and individuals conduct themselves in the election of MLAs to represent the 1.1 million Manitobans who live in our province, who expect us as their representatives to bring forth their issues, to bring forth possibly solutions to problems that

they have, in effect, to represent their concerns and their needs, their desires, their dreams. That is why we have to approach this problem very seriously, and we have to learn from the mistakes that were made in the past. Let me tell you, when you look through that Monnin report, there were some pretty big mistakes made by the members opposite.

My attitude is that we should learn from those mistakes. [interjection] The member for Sturgeon Creek (Mr. McAlpine) says not us, not us. That, I think, is a pretty typical response from anyone who has been embarrassed by a report, from anyone who has learned that members of his party, representing his party in an election, broke the law.

Now, Madam Speaker, the member for Sturgeon Creek asks me to look in the mirror. You bet I will look in the mirror. I want each Tory standing next to me looking in that mirror as well. I want anyone in Manitoba, in the history of this province, in the history of this country, for that matter, to be able to stand and look in the mirror at the end of their political careers and be able to say that they served honestly the people who sent them to the Legislature or to the House of Commons.

For the member for Sturgeon Creek to lump every politician in front of that mirror and to imply that every politician is dishonest is not the high standard of morality that we expect out of our representatives in the Manitoba Legislature.

Now, Madam Speaker, why are we here today? Why are we here to discuss changing the rules that govern political parties in elections in Manitoba? Was it something that the Liberal Party did? Was it something to do with a debate that took place yesterday and today between the members of the Liberal Party and the member for Thompson (Mr. Ashton), having to do with how many signs are on a lawn? I do not think so.

It has a lot more to do with the Conservative Party of this province contravening The Elections Act, contravening The Elections Finances Act, and that is serious stuff. I would suspect that the members of the Liberal Party and the member for Thompson will continue to

debate the debate that they began here the other day, and I was very interested to hear the two sides of that debate go on. I am sure it will continue.

Madam Speaker, I want to make it absolutely clear about what happened. I want to make it clear what this report by former Justice Monnin means for Manitoba. I want people to understand that members of the Tory party in Manitoba in 1995 broke the law, but they got off. They got off not based on anything rational, not because they were innocent, not because there were spurious claims made against them, not because there were unsubstantiated accusations made about these people. They got off on a technicality.

Members of the Tory party who broke the law, who broke The Elections Finances Act and broke The Manitoba Elections Act got off through a loophole. They got off and they broke the law. That is what is at the bottom of this. That is why members opposite squirm in their seats as we go through this debate. That is why the people of Manitoba do not trust this government.

Madam Speaker, we did not have to be in this position today, would not have had to be in this position today, if these same people had told the truth to Elections Manitoba. They lied. When this scandal came to light during the 1995 election, Elections Manitoba was asked to look into some allegations that were being made in the Interlake having to do with the Tory party funding an aboriginal candidate.

*Mr. Gerry McAlpine, Acting Speaker, in the Chair*

Mr. Acting Speaker, if members of the Tory party had told the truth at that time, we may not have had to have this discussion today, but here we are. We are here because this government broke the law. We are here because this government now has to be put in check somehow.

\* (1100)

### Point of Order

**Hon. Darren Praznik (Government House Leader):** Mr. Acting Speaker, I have no

problem in a democratic forum with the member for Dauphin offering his opinion; but, when he says that this government, this administration, broke the law, that is factually incorrect.

There is nowhere that this government or its ministers have broken the law. Mr. Monnin indicated such in his report. There may be individuals in the political party that one may allege have broken the law, but to say the government has broken the law is factually wrong.

**Hon. Vic Toews (Minister of Justice and Attorney General):** On the same point of order, Mr. Acting Speaker, as members are all aware that there has been a special counsel that has been appointed to look at matters, I am very concerned that statements in this House that attribute criminal liability ought to be stated very, very carefully.

I certainly do not want any part of any suggestion about who did, or who did not, break a law, especially when the member has been quite loose in his accusations. I am very concerned that we not interfere, in any way, with any independent counsel.

**Mr. Steve Ashton (Opposition House Leader):** On the same point of order, I suggest, Mr. Acting Speaker, that we have a dispute over the facts. I would point out that the Monnin report itself cited a number of cases where individuals were in violation of The Elections Act, for example. In that case, the difficulty was not whether they broke the law, but whether the statute of limitations for those types of offences had taken place. So, if the member for Dauphin is suggesting that individuals broke the law, he is factually correct.

I would suggest to members as well, that the simple appointing of the prosecutor does not prohibit discussion in the House on the circumstances of Monnin. In fact, it is not before the courts in any criminal manner at this point in time, and I doubt very much that anything that a member of this House says in debate on a bill that deals directly with recommendations coming out of the Monnin report is somehow, in any way, shape or form, going to affect that investigation.

We trust in the independent nature of that investigation, the individual that has been appointed. We have actually stated that quite clearly on the record. So I would suggest, Mr. Acting Speaker, once again, that this is quite legitimate in debate. It is in keeping with some of the debate discussion we have had thus far and certainly does not in any way, shape or form affect the investigation and is very much in order.

**The Acting Speaker (Mr. McAlpine):** I want to thank all honourable members for their advice and suggestions. The honourable government House leader, who raised the original point of order, is—I might just add to all honourable members that this is a dispute over the facts. It appears to me to be a dispute over the facts.

I would suggest to all honourable members that this is an issue that is very sensitive and that all honourable members in speaking to this issue bear that in mind.

\* \* \*

**Mr. Struthers:** Mr. Acting Speaker, the attempts on the part of members opposite to minimize what has gone on with this whole scandal, the election-rigging scandal that has been plaguing this province, in my opinion, perhaps are the low point of this whole sordid affair.

It takes quite a bit, Mr. Acting Speaker, to get me angry about something, but I was really angry on several occasions when I heard the Premier (Mr. Filmon), and on one occasion the current House leader, try to write off this whole scandal as something that just every politician goes through. It happens in Manitoba, it happens in other provinces, it happens at the federal level, it happens all over the place, every province in the country. That is what they tried to tell us.

Mr. Acting Speaker, the first response of this government to the allegations that were made was to deny. Deny, deny, deny. It never happened. We are totally innocent. None of our people would do anything like that. The NDP have this conspiracy to get us. It is a figment of the NDP's imagination, this whole vote-rigging

affair. Deny, deny, deny. It is classic. It is classic for a government who knew that it would be embarrassed if all the details, if all the truth were brought forward, to deny that this ever happened in the first place. The evidence was just too great to continue denying it for too long.

Plan A did not work for this government. Denials did not work.

**An Honourable Member:** But B and C will.

**Mr. Struthers:** Speaking of Plan B, if the Minister of Agriculture (Mr. Enns) wants to think back to what Plan B was, Plan B was to attack Darryl Sutherland. Plan B was to take on one individual, whom members of the Conservative Party used in the first place to try to split off the aboriginal vote, so that they could cling to power by taking the Interlake seat. So you attacked an individual.

It does not matter to this government where that leaves that individual. It does not matter to this government that that individual actually did the right thing eventually and came forward and showed enough courage, enough backbone, to take on this government and say here is what the truth is. I was approached by the Tory party in the 1995 election. They offered, they induced, they bribed me to run as an aboriginal candidate. He came forth. He put forward that challenge, and he was met by this government with intimidation and with attacks. That, too, is the trademark of this particular government over its 11 years.

I would suggest that is a very cowardly way to approach a very important issue. It reminds me of being a schoolteacher and having to deal at recess with a bully, which is exactly what this government did to Darryl Sutherland. I tell you, I give credit to Mr. Darryl Sutherland. I give credit to any other individual who stands up to seek the truth. That was Plan B.

If the Minister of Agriculture is still interested in Plan C, Plan C was the usual from this government, to attack the NDP. We were somehow making this all up. We were getting all hot and bothered over something that really was not too important. We were using it for our own political gain.

Mr. Acting Speaker, that, too, is typical of this government. Whether it is health care or education or agriculture or natural resources, anything that comes up in this House, that the government cannot defend or has no logical position on, has no rationale to support its stands that it takes, it turns to attacking the opposition, shooting the messenger instead of dealing with the problem. I would submit that if this government had adopted as Plan A to get to the bottom of this issue, to see what the problem was and deal with it at the time, this could have been done three and a half years ago.

\* (1110)

The people of Manitoba would have said that is the best move. You saw the problem, you admitted the problem, you apologized for the problem, and you dealt with the problem. Instead, it goes through all these different plans. Plan A, deny; Plan B, attack Darryl Sutherland; Plan C, attack the NDP. That did not work either, though. So instead of attacking generally the NDP on this side of the House, they specifically went after a couple of NDP members, notably my colleagues the member for Interlake (Mr. C. Evans) and the member for Crescentwood (Mr. Sale).

They personalized it. This government tried to turn the tables and say that the member for Crescentwood and the member for Interlake were the problem. That is just nonsense. Again, this government will not admit to what its role was and deal with the problem. Of course, that did not fly very far either. In the whole mix, the next plan was to attack the media. Where are we at now, plans A, B, C, D? Plan E was to attack the media.

I must say that I do not hear this too often from the Premier (Mr. Filmon), where he lashes out at people in the media. I have always said that that is a strength of the Premier's. The Premier does not usually spend a lot of time whining about the media or accusing the media or blaming the media. To his credit, I say that, but on this issue he did. It tells me that this issue is really bugging the Conservative Party of Manitoba. It tells me that the Conservative Party of Manitoba is hearing from a lot of the same people that are talking to me as an MLA and

saying that the level of trust that Manitobans have in this government is at an all-time low.

*Madam Speaker in the Chair*

Madam Speaker, the next thing, Plan F, that the Tory party came up with reminds me of a ship out on the ocean. Let us call it just for today, just for the fun of it, let us call it the HMS Conservative Government, and it is floating across an ocean. The waters are kind of still. They are calm. Everything is going along fairly well. All of a sudden this scandal hits. What happens to the HMS Conservative Government? The waters get rougher and rougher as we go along, and they are all floating along. It is getting harder and harder to keep this boat afloat. They realize that they have too much weight on this boat. So they grab Allan Aitken, and they toss him overboard hoping that that would still the waters, that maybe the ocean gods would look kindly on the HMS Conservative Government.

It does not work. The waters are still rough, maybe even rougher. So what do they do next? They grab Taras Sokolyk, and they throw him overboard. He walks the plank. He cannot swim, says somebody from across the way. That does not stop this government. They do not care if Mr. Sokolyk can swim or not. That is not important in their list of priorities. Their priority is to get re-elected in 1999, and Taras Sokolyk does not matter. We will toss him overboard too.

Does it work? No, Madam Speaker. There are still too many people on the HMS Conservative Government. What do we do next? We toss over Julian Benson. We throw him overboard. The HMS Conservative Government decides that even Jules Benson, our former Treasurer of our party, he cannot prevent us from looking bad coming up to the next election. We will toss him overboard too. So off goes Jules Benson. Does that calm the waters? No. Off goes Mr. McFarlane. He is tossed overboard.

Madam Speaker, the question now is, with the possibility of criminal charges, with the possibility that this could proceed through the criminal courts, the waters are still rough for the

HMS Conservative Government. They are running out of people to toss overboard. The question remains: Is the captain going to go down with the HMS Conservative Government? That is the question that is on people's lips in Manitoba. What was the role of people higher up in the party, higher up even than Jules Benson and Taras Sokolyk?

Madam Speaker, the final plan that has been put forward by this government is something I alluded to slightly before. That was this attitude that this is politics, it does not matter, it happens all the time kind of an attitude that I heard the Premier talking about on a couple of different radio stations, which the current House leader used early in the sitting of this House, a week or two ago.

It is a debasement of politics that this government is putting forward now to explain how it got its hand caught in the cookie jar. Again this reminds me of when I was a school teacher and you would catch a student red-handed doing something that student knew was wrong. One of the reactions was to say: well, everybody else is doing it. Well, no, not everybody else is doing it. There are some honest politicians in this country and there are some honest politicians in this province. Most politicians are honest in this country, in this province. Most of them are honest.

Madam Speaker, when the Premier says that this happens all the time, when the Premier says it happens to every political party, when the Premier says it happened in the past and it will happen in the future, is he saying that each of us in this House is corruptible? Is he saying that each of us in this House is dishonest, that we, every one of us, would induce a third candidate to run to split off the vote? Is this Premier saying that Duff Roblin would have done the same thing? Is this Premier saying that Duff Roblin would have bribed a candidate to run in an area just so that he could maintain himself in power? I do not think so. I disagree with the Premier. It is my belief that Duff Roblin was an honest Premier. It is my believe that Duff Roblin did a lot of good things for this province. It is my belief that Duff Roblin would not have to testify in front of an inquiry looking into vote rigging. I do not think Sterling Lyon would

have had to do that either. Is the Premier saying that Sterling Lyon is so dishonest that he would get mired into a controversy like this? Is the Premier saying that the former Premier, Sterling Lyon, just did this all the time, a matter of course?

I think also, Madam Speaker, of people who have preceded me in this House. Stewart McLean was an honest man who worked hard for the constituents of Dauphin. He served in this House in the 1960s. He served in the Duff Roblin government as an Education minister, as an Attorney General. Stewart McLean does not deserve to be dragged down into the mud by this Premier.

I remember when I was a university student and I used to take the bus from Brandon University up through Dauphin and on to Swan River where my parents lived. One of the things I looked forward to every weekend going home was that at Dauphin I would be joined by Mr. Jim Bilton. Mr. Bilton served in this House from '66 to '69 as the Speaker, and he served the constituents of Swan River before that and after that. Mr. Jim Bilton, in my estimation, was an honest man. Mr. Jim Bilton does not deserve to be dragged down in the mud by this Premier who contends that it would happen all the time.

\* (1120)

The Premier also seemed to imply that it does not matter what party you have in power. They do the same things too. Well, friends of mine in Ste. Rose who have a great deal of respect for Mr. Gil Molgat would disagree. Mr. Gil Molgat, as the member for Gladstone says, is a great individual, and I agree. He is. He served the people of Manitoba as the Liberal Leader. He served the people of Ste. Rose in Manitoba in the Parklands with great distinction. Mr. Gil Molgat, in my belief, is an honest man, too. Not according to our Premier. Our Premier seems to think that he can just drag anybody down into the same mud that he and his party are in right now. The Premier seems to think that Mr. Gil Molgat would have done the same thing. That is nonsense, Madam Speaker.

In the 1995 election, I competed in that election against one Mr. Gordon Ryz. Mr.

Gordon Ryz represented the Tory party in that election. Gord is a good guy. Gord is an honest, hardworking, decent Dauphinite. Is the Premier saying that if Gord Ryz was an MLA, if Gord Ryz had won that election, that he too would go along with this kind of a scandal? Gord Ryz does not deserve to be treated like that by this government. Gord Ryz honestly put forth the Conservative plan in the last election. Mr. Gord Ryz did a very good job, and I dare say he would have been a good MLA, but he does not deserve to be lumped into a category that the Premier has come up with, indicating that all politicians would do that. That is just wrong.

I was on the phone this morning with the Liberal candidate in the Dauphin riding. Mr. Ranjit Sarin, and just like Mr. Gord Ryz, he is an honest guy, a decent fellow. He would have been a good MLA too. Mr. Ranjit Sarin does not deserve to be dragged into the mud by this government, by this Premier, who says that this goes on all the time. It does not need to happen and if this government was a little bit more honest it would not have to happen.

Madam Speaker, Mr. Lorne Boguski has put his name forward to stand for the Conservative Party in the Dauphin-Roblin riding. Mr. Boguski has served the people of Roblin as their mayor. Mr. Boguski has stood in elections for the Conservative Party at the federal and at the provincial levels. Mr. Loren Boguski is an honest, decent guy too, but according to the Premier, if he was a politician, he would be dragged into this as well because this happens all the time. Right? I do not think so. Mr. Boguski is an honest person. He does not deserve to be dragged into this like the Premier is doing.

Madam Speaker, not even Brian Mulroney was ever asked to testify at a vote-rigging inquiry, not even Mr. Brian Mulroney. The Premier (Mr. Filmon) indicates that this kind of thing goes on all the time. He implies that this goes on at the federal level, as well. Is he saying that Mr. Joe Clark is a dishonest person? Is he saying that Mr. Joe Clark, just like any other politician, would be wrapped up in a vote-rigging scandal?

You know, Madam Speaker, the fact of the matter is that no matter how much this Premier

and his House leader and the rest of his government try to minimize this vote-rigging scandal, no matter how much they try to minimize this in the public, no matter how much they try to spread the blame around all politicians, the fact remains that no other Premier, no other party in the history of Manitoba has rigged an election and gotten away with it. And that is what has happened here, and that is what is wrong with what this government is doing in dragging down every politician with them.

Madam Speaker, I think that it is absolutely disgusting that this government would try to play into that myth that is out there right now that politicians rate somewhere below car salesmen, somewhere below snake oil salesmen, that they rate way at the bottom of the pile when it comes to trust, that when it comes to integrity, politicians are at the bottom somewhere. It is disgusting that this government would feed into that misconception. It is disgusting that they would use that misconception to save their own political carcasses.

Now, Madam Speaker, what the government should have done is, instead of going through plans A, B, C, D, E and F, they should have just owned up to this at the beginning. Instead, they chose to try to wiggle their way out of this one again like they have done on others.

What I am worried about, as well, is the effect that this kind of attitude on the part of our provincial government is going to have on the volunteers. This is Volunteer Week. We have had statements and a private member's resolution from the government side of this House stating how important volunteers are, and any politician knows how important volunteers are. We could not run our campaigns without volunteers. We would go nowhere without volunteers. Madam Speaker, I hope—and I hope this as an MLA of the Legislature; I hope this for all parties—that volunteers come out and help us put forward the policies that concern Manitobans. I hope in the election, which may occur this spring or next fall or who knows when, that there are people still willing to come out and perform that public service. They do not get paid for the public service; they are volunteers. I know that in Dauphin we have volunteers who come out and

work the phones; they lick stamps; they knock on doors; they bake cakes and cookies and sandwiches, and they get in there and talk on the phone, as the member for Portage (Mr. Faurchou) is indicating.

That is what makes our system work. That is the power of the political engine in this province. We do it as candidates because we think we can best reflect what our constituents, what the people in our areas want us to put forth in the form of laws, but we could not do it without volunteers, which is why it is so amazing when I read that Mr. Taras Sokolyk was receiving money to attend meetings, to attend volunteer meetings.

I wonder how many Tory contributors, I wonder how many Tory volunteers understand that the chief of staff was attending meetings that were to be voluntary and getting paid to do that. Now, I wonder how many Conservative supporters, I wonder how many members of the Tory party, who contribute their money towards election campaigns, who contribute their money to the Tory party—I wonder how many large companies with large donations understand that. I wonder if they knew that Taras Sokolyk was paying his 10-year-old son a consulting fee. I wonder, is that right? Not only is it accurate, that is not what I mean. Is that morally right? I wonder how well that is received by members and by members of the Conservative Party.

If it was something in our party, I would really be ticked off. I would not put up with that. Why are you? Why did it take an inquiry by former Chief Justice Alfred Monnin to point that out? Why did it take that inquiry to spur this government into half-heartedly dealing with this situation? Why?

\* (1130)

**An Honourable Member:** Who appointed this inquiry?

**Mr. Struthers:** The Minister of Agriculture (Mr. Enns) wants to know who appointed this inquiry. I want to know who badgered this government into appointing this inquiry. Who got on this government's case to appoint this inquiry? What government was it that said, oh,

Elections Manitoba has looked into this and they say we are off the hook? What government was that? I wonder. So let us not try to get ourselves off the hook again with a lame approach saying who appointed the inquiry. Who took so long to appoint it? Who tried to get off the hook by saying Elections Manitoba has looked into it already? So do not give me that.

Madam Speaker, another disturbing part of this whole sordid affair was the manipulation of this government of aboriginal voters—absolute manipulation. What we have to remember are some of the quotes that Mr. Monnin has put forward. He said, and this is on page 13 of the report: The basic premise of the vote-rigging plot was "that aboriginal people in these ridings had historically voted for the NDP, but 'the aboriginal vote' would be split if there were aboriginal candidates running. The attempt here at vote splitting . . . was in my opinion clearly unethical and morally reprehensible." I agree with Chief Justice Monnin.

He also said: "A vote-rigging plot constitutes an unconscionable debasement of the citizen's right to vote. To reduce the voting rights of individuals is a violation of our democratic system." Does this government get it? Does this government understand what it did? Does this government understand that it took away the very most basic rights of people living in Manitoba, people that this government was supposed to be representing? You manipulated them. You debased them. You took away their rights. Do you support Canada going overseas to what we consider Third World countries to keep an eye on dictators who supposedly rig elections? I wonder. Thank you, Madam Speaker.

**Ms. Rosann Wowchuk (Swan River):** Madam Speaker, I want to take this opportunity to express my support for the bill that has been brought forward, and make a few comments.

Madam Speaker, I think that this is a very important bill, and I am pleased that members on our side of the House are recognizing the importance of this bill, that it will make changes to The Elections Act, and hope that members on the other side of the House, on the government side of the House, will also recognize the



importance of this bill. Since it was in part changes which were recommended by the Chief Electoral Officer, they should also be interested. But the changes that are in this bill and make it so timely are the recommendations that came out of the Monnin inquiry, a very long process that we went to where many people testified, where some people chose not to testify, and some people suffered amnesia during their testimony and information did not get on the record. But certainly, after hearing all of the evidence, Justice Monnin made some very strong recommendations on changes that should be made to The Elections Act, and that is what we are dealing with.

One of the first changes under The Elections Act and The Elections Finances Act is to deal with the time limit on prosecutions that have been changed from two years after the commission of the alleged offence to not later than one year after the date on which the Chief Electoral Officer has reason and probable grounds to believe that an offence has been committed.

Madam Speaker, had this statute been in effect, prosecutions could have taken place as a result of Justice Monnin's investigations into the vote-rigging scandal. That whole incident that we are talking about, the Monnin inquiry, the report that we have here, the whole incident is actually very much a disgrace to Manitobans. I have been having discussions with people on the other side of the House, and there is no doubt that this incident affects all of us as politicians, because there becomes doubt in people's minds when we hear that one political party has tried to take advantage of people, tried to buy people off in order to gain power. That spills over onto all of us. So I think that it affects all of us and will affect us for many years to come. I think it is very important that we have these changes brought about to ensure that this kind of situation can never happen again. But I am sure that there will be attempts made in the future, because people sometimes have this great desire for power, and they are willing to walk over anybody. In this particular instance it was some of our most vulnerable people and individuals who were hurt by this whole incident.

I want to mention a few people's names. I will mention Darryl Sutherland's name. I think that it is quite a sad situation when you have someone who is on social assistance, someone who is desperate to make a living and does not have a job, for attempts to be made to offer to him or entice him or bribe him to take on the role of a candidate without explaining to him exactly what was going on. I read through some of Mr. Sutherland's transcripts and his testimony, and I feel that he was taken advantage of very greatly.

You know, to go to those extents for power is unacceptable. Now we heard my colleague the member for Dauphin (Mr. Struthers) just gave a whole outline of all the steps that the government went through, but I quite vividly remember the issue when it came up here in the House last summer, and there was such denial on the part of the Premier (Mr. Filmon) that they did not know what was going on. Can you imagine if people would have admitted and come forward at that time, not necessarily the members here in the House, but members of the Conservative Party, had they come forward, admitted what was going on, the amount of time that could have been saved, the dollars that could have been saved and people not having to go through all of the testimony that they did? This could have been dealt with in a much better way, without having to put people through the testimony and the kinds of things that they had to go through to come to the conclusion, Madam Speaker, that there was indeed a vote-rigging scheme in this province, and through that scheme there was an attempt, as Mr. Monnin says, that there was a vote-rigging plot and that aboriginal people were used to try to split the vote from the NDP.

I have heard people talk about who the victims were in this. There were three constituencies where we were targeted in an attempt to take the vote from us in Dauphin and in Interlake and in Swan River, but there were many other attempts that were made and things that have gone on by members. Now, this issue of the Monnin inquiry is with the Conservative Party, and they try to say it is not their government, but there have been attempts by government to discredit people in campaigns.

The putting up of a candidate in the Swan River constituency was only one of them.

\* (1140)

I can recall during the time of the Louisiana-Pacific debate when there was a press release that came out from one of our members which we did not really put out. At one time there was a press release put out from my colleague the member for Radisson (Ms. Cerilli) on the PMU industry which we did not publish. We were able to trace back that it came from a fax machine here in Winnipeg, but we were not able to tie it to anybody in particular. These are the kinds of things that have gone on in attempts to discredit parties.

I raised in the House a couple of days ago the whole issue that happened in the Swan River constituency in the 1990 election, where the day before the election a pamphlet came out saying: Rosann Wowchuk, NDP candidate, aboriginal justice, and some points on aboriginal issues were made in that pamphlet. That pamphlet, Madam Speaker, was dropped in the Swan River community and a couple of communities that surround Swan River.

This was not put out in the aboriginal communities to try to let them know about NDP positions in Swan River. It was put out in the Swan River area to try to divide the white and the aboriginal community. This was an attempt at racism. When we dug into it, we proved that that pamphlet was developed and printed by the Conservative Party in the Swan River area. The Swan River association printed that pamphlet and mailed it the day before the election to try to stir up racism and turn people against the NDP candidate in the Swan River constituency. It did not work, or, I should say: it just about did work in some places because people were very upset when they saw this pamphlet.

So it shows you that the Conservative Party will stoop to any level to try to get power. They did it in that constituency and they did it in the last election when we had them set up candidates. Madam Speaker, when I read through the comments made by Mr. Barrett, when I read through the comments made by—well, if I could just find those comments here, I

will let you know what—Mr. Kozminski that they would go to any lengths to get rid of the NDP.

Well, we have a democratic process here in this province. We have a process where every five years we go to the polls and we put forward our platform, and we solicit votes. We talk to people, we encourage them to vote for us, and whoever wins, wins, and that is who forms the government. We should not be manipulating people, and we should not be trying to buy people off as was proven that the Conservative Party did in the 1995 election.

I know the member for Arthur-Virden (Mr. Downey) is quite embarrassed about this, and he should be. He should be embarrassed about it because he was co-chair of that election planning committee. As co-chair of an election planning committee, you should know what is going on. He should have known. I am sure he met with many of those people, Mr. Sokolyk and Mr. McFarlane and Mr. Benson, when he went over to those meetings. I am sure he had input. He could have been involved in those, but all of a sudden he does not know anything about this.

Madam Speaker, when we look at the act, one of the things that Justice Monnin recommended was that the Legislature move rapidly when the Chief Electoral Officer requests any amendments to the relevant statutes. There were recommendations put forward by the Chief Electoral Officer after the last election—

**An Honourable Member:** And we moved rapidly.

**Ms. Wowchuk:** The member says they moved rapidly. Well, in fact they have not moved rapidly. Some of the recommendations have not been acted on yet. For me, "rapidly" means that you bring them in so that they would be in effect for the next election, and one of those recommendations is not going to be in effect.

The recommendation that we should have the partisan appointment of returning officers removed from the way it is being done now has not been acted upon, so there are changes that could be made to clean up the electoral process. The government has that opportunity through

this legislation that they have brought forward now, but they have chosen in this one section to continue to be able to have political appointments in the position of electoral officers. This was an opportunity to clean up that situation so that there would be a less partisan way for things like that to happen, and the government has chosen not to do that.

Now members can say, well, that is the way it used to be in previous governments. So it was. It was. This is something that the Chief Electoral Officer recognizes as a problem. He has made a recommendation that would take away the partisanship out of these appointments, and the government of the day, the Conservative government, has chosen to ignore that whole situation. This would have been another area where we could have enacted legislation that would give more credibility in the public where we have this whole discussion that politicians are looking after their own interests, they are looking after their friends.

The government could have cleaned this section of the act up and would have met the requirements and taken the advice of the Chief Electoral Officer whom we have in this province right now, and we should be. This is a non-partisan person who makes recommendations in the interest of having an electoral process that is fair, and I am sure that there are some people who are appointed into these positions of electoral office who do a very fair job. I am not discrediting the people who are doing the job. What I am talking about is the fact that when you look at the people who are again appointed to the role of electoral officers, they are people who have run for the Conservative Party, people who have very close ties to the Conservative Party.

The government, when they were bringing forward this bill, should have looked at that as one of the recommendations that they could have moved on. It would have helped all of us. It would have helped the whole process and taken the political appointment section out of it.

But, Madam Speaker, I want to talk a little bit more about what happened over the last few years and how it appears very strange that these kinds of things can go on within a political party.

I think that we have to work very hard to ensure that this can never happen again. As political parties, we have to ensure that the law is followed to the fullest and that things are reported as they should be. These changes that are being brought into place now through this legislation will help that along. With this change we would not have the kind of situation that we have where the time limit runs out and because of time limitations people will not be charged for wrongdoings that they have done.

Certainly the whole process of the Monnin inquiry made people, the public scrutinize and will make the public scrutinize politicians much more closely and will probably ask a lot more questions about what we are doing. There is nothing wrong with that; there is nothing wrong with the public asking questions about the political process. After all, we do live in a democratic society, and we should be open about what we are doing. Certainly that does not mean that you have to open up your campaign offices and talk about your strategies.

\* (1150)

But what has happened here in some cases will turn off some people on the political process and discourage them from being involved. In other cases that will not be the case. In many cases, people have become very angry about what they have seen, people have become very angry that some of the most vulnerable in our society have been taken advantage of. Many of them are becoming more involved. I welcome that opportunity for people who have not been involved in the political process before to play a role, because that is what we want. There should not be just a few that are making the decisions for the majority of the people, and the more we can open up the political process and have people feel comfortable in the political process, the more they will understand it. But, when things like this happen, things like vote rigging and taking advantage of very poor people, people with very little education, those kinds of things, then people get turned off on the political process.

That is not what we want to happen. [interjection] Well, the minister of—no, I regret he is no longer a minister. The member for

Arthur-Virden (Mr. Downey) said that people will get turned off on me. Well, I can tell him I can handle that. When the election comes and if people get turned off on me and do not like the positions I take, that is fine. I can handle that. But I will never bribe them, and I will always tell them the truth. I have always been truthful. I will continue to be truthful, and I will continue to stand up for the people that I am elected to represent. I will not be ashamed of any of the people that I represent, and I will not try to manipulate them. I will not try to manipulate people to run for another party so that we can undermine the Conservative Party. Madam Speaker, I will never do anything like that. I will never—

**An Honourable Member:** Never is a long time.

**Ms. Wowchuk:** Well, you may say never is a long time, but I know that I have no intentions and no desire to get involved in the manipulation process. I believe that many of the members on the government side of the House did not know what was going on in the whole process of Monnin. Many did not know; I believe that. I believe that, just as Justice Monnin said, there were lots of—and I quote him on page 16. He says: In all my years on the bench, I have never encountered as many liars in one proceeding as I have in this inquiry. Another quote: It is disheartening indeed to realize that an oath to tell the truth means so little to so many people.

Madam Speaker, those are really, really serious comments that are being made. When Justice Monnin makes those comments, I have to appreciate the frustration he must have gone through in this whole process when he was trying to get information. When investigators were trying to get information, people could not remember and records were lost. All of those kinds of things. You have to appreciate the frustration he must have gone through to have made such a strong comment. To make strong comments like that indicates that it was a very, very difficult process for him.

So I say, Madam Speaker, that we welcome the changes that are being brought forward in this piece of legislation. We wished that the government would have taken into consideration

the other recommendations that the Chief Electoral Officer has brought forward to further enhance The Elections Act, but certainly there will be a time when those changes will come about. We will improve The Elections Act in this Chamber to ensure that the partisanship is taken out and the recommendations the Chief Electoral Officer makes to ensure that it is a good piece of legislation.

We will continue to work on those to see that they do actually become reality, but certainly The Elections Act will be improved with these changes if we have attempts to rig elections again, attempts made to hide cheques, attempts made to break The Elections Act. Now that these changes will be made and this legislation passes, we will have a much better process in place. The Chief Electoral Officer will have the ability to continue an investigation even if it has gone beyond the five-year period. He or she will still have the ability to continue those investigations, and that is a very good change that is coming about.

So, Madam Speaker, we have said that the amendments we will be moving, but there are a couple of more people that wanted to speak on this. I just want to close by saying that what has happened since the 1995 election here in Manitoba is going to go down in history in Manitoba, in Manitoba political history, just as in Saskatchewan. The offences that have taken place in the Saskatchewan Legislature, where people were charged and went to jail, put an onus on the Saskatchewan Legislature and will go down in history as a black mark and one that people in Saskatchewan will never forget. When many members of the Grant Devine government were charged with activities that resulted in funds from their constituency allowances going into the wrong accounts, that is a black mark for Saskatchewan.

Here in Manitoba, this whole incident of vote rigging and bribing people to run in elections will go down as a black mark in Manitoba history. These changes that we are making to this act will certainly help. There are more changes we have to make, and there are things that we have to do in the community. Certainly, we have to work to build a reputation for politicians, because I remember the member

for The Maples (Mr. Kowalski) saying that he was embarrassed or his daughter was embarrassed that he was an MLA and was ashamed of some of the things that happened.

Well, I have to tell you that I think that this is one of the most honourable jobs we can do. I am very proud to serve here in the Manitoba Legislature and represent the people of the Swan River constituency. I am very proud to be part of a process where we improve legislation to ensure that elections are carried out properly in this province, Madam Speaker, and I am not at all ashamed of what happens within this Chamber.

There are times when debate gets heated. There are times when comments are made that maybe should not be made, but in the whole process here, I think the job and the responsibility that we bring and that we carry on in this Chamber is a very, very important process. To have the ability to be part of a process where we change a law to make the electoral process a better process in this province is a great honour for me, Madam Speaker. So I

would never be ashamed of being a member of the Legislature. I think that it is just as great an honour for every member in this building, no matter on which side of the House we sit, to represent people and carry on in improving legislation.

This is one piece of legislation that we are improving. There are many others we have to work on to ensure that—

**Madam Speaker:** Order, please. May I just seek clarification of the honourable member for Swan River? Have you completed your remarks, just so I can put it on the record, because there still is time. In your allocated time, there are still 13 minutes remaining.

**Ms. Wowchuk:** I think I am finished.

**Madam Speaker:** You are finished? Okay. Then the matter will be left open.

The hour being 12 noon, I am interrupting the proceedings, and the House will reconvene at 1:30 p.m. this afternoon.

**LEGISLATIVE ASSEMBLY OF MANITOBA**

**Thursday, April 22, 1999**

**CONTENTS**

**Speaker's Statements**

Dacquay 531

**ORDERS OF THE DAY**

**Debate on Second Readings**

Bill 17—The Elections Amendment  
and Elections Finances Amendment Act

Kowalski 531

Mackintosh 533

Struthers 538

Wowchuk 544