

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

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

**Vol. LX No. 7 - 8 p.m., Monday, June 2, 2008**

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

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
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**LEGISLATIVE ASSEMBLY OF MANITOBA  
THE STANDING COMMITTEE ON JUSTICE**

**Monday, June 2, 2008**

**TIME – 8 p.m.**

**LOCATION – Winnipeg, Manitoba**

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

**VICE-CHAIRPERSON – Mr. Rob Altemeyer  
(Wolseley)**

**ATTENDANCE –11 QUORUM – 6**

*Members of the Committee present:*

Hon. Messrs. Chomiak, Swan

Mr. Altemeyer, Mrs. Driedger, Mr. Goertzen,  
Ms. Howard, Mr. Jha, Ms. Marcelino, Messrs.  
Pedersen, Reid, Mrs. Taillieu

**APPEARING:**

Mr. Stuart Briese, MLA for Ste. Rose  
Mr. Kevin Lamoureux, MLA for Inkster  
Mrs. Bonnie Mitchelson, MLA for River East  
Mr. Hugh McFadyen, MLA for Fort Whyte  
Mr. Ron Schuler, MLA for Springfield  
Mr. Rick Borotsik, MLA for Brandon West  
Mr. Cliff Cullen, MLA for Turtle Mountain

**WITNESSES:**

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

Mr. Rudy Derksen, Private Citizen  
Mr. George Fraser, Canadian Society of  
Association Executives  
Ms. Sheila Michalski, Private Citizen  
Mr. David Enns, Private Citizen  
Mr. Doug Hutchings, Private Citizen

**WRITTEN SUBMISSIONS:**

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

Mr. Mark Tisdale, Private Citizen  
Ms. Gaile Whelan Enns, Manitoba Wildlands  
Ms. Sandra Johnston, Private Citizen

**MATTERS UNDER CONSIDERATION:**

Bill 14–The Criminal Property Forfeiture  
Amendment Act

Bill 26–The Legal Profession Amendment Act

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

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

Bill 39–The Court of Appeal Amendment Act

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

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

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

At our previous meeting this morning, Mr. Goertzen moved the following motion: That this committee recommend to the House that it waive rule 92(7) for these committee meetings to allow members of the public to register to present to the committee.

The motion was ruled in order, and, at the time of adjournment, Mr. Pedersen had the floor.

\* (20:10)

**Mr. Blaine Pedersen (Carman):** This resolution, to allow more presenters for Bill 37.

It certainly was good of the government members to allow us to go and visit with Prince Edward, although I wasn't able to be in line for him to speak. It's a little different when you're dealing with royalty than dealing with other members in the Leg, so we'll take that as it may.

What we're after is a resolution to allow more presenters for Bill 37. I call it an omnibus bill; I find that very ironic because, when you talk about omnibus bills, we think of the U.S. Senate and Congress—*[interjection]*—ominous?—*[interjection]*—oh, it's an ominous bill.

For the government members to be bringing in a George-Bush-type bill is really incredible, but, maybe, the junior Republicans can learn something from this. We'll see anyway.

There are a lot of parts to this bill and, of course, when the bill was introduced at the very last moment in the Leg, in order to be in this session—strange how the press release went out, promoting a set elections date. We won't call it fixed, even though it is fixed elections.

I guess it was a coincidence that the media was led down the path to announce set election dates and, yet, there was a bit of information missing in this press release which, when we finally got the bill in our hands, obviously, we realized that there was a lot more to this than just set election dates.

We're off to a good start on this, and we've had a large number of presenters coming to Bill 37. We would certainly like to hear more from the public.

I was home on the weekend, attending a couple of functions and certainly heard from a lot of my constituents who were not at all impressed by the set-up for committee. They were not able to make it in in the morning; they're finding it difficult to get in to be here, to be able to present. It would certainly be nice if this committee would give leave to extend the hearings, and it would be even better if they would actually take this out across the province for hearings.

Not everybody is able to drop everything to come. I've talked to a number of people who would like to come and, being busy in the agricultural field these days, they're just not able to drop. I had one person who wanted to come tonight, but he is out in the field seeding. So, obviously, he has to pick his livelihood first before he drops everything to come in to give a presentation to the bills.

We know there are more presenters out there. The government has accused us of stalling, but, as they accuse us of stalling, they haven't even called Bill 17 yet, which—at last count this afternoon—what I understand, there are 410 presenters for that. If they can't handle however many we had at this, how do they expect to get all those presenters through on Bill 17? Maybe, they won't—I guess they could always use closure, if they really want to get the bill through.

We have a very rushed timetable. They could have presented this bill and Bill 17 back at the beginning of the session, but, apparently, they didn't want to hear from the public. So they've rushed the timetable on this. We won't even go near the closed—well, there's all summer. It's okay. We won't even go near the closed door sign for the general public, so we'll leave that one alone.

It was interesting this morning as the government members actually gave leave—actually it was one of the government members who suggested a 25-minute recess, if I can call it that, to go out and visit with Prince Edward out on the south lawn.

As I was making my way down the hallway, there was an elderly lady that I ran into, a very sprightly elderly lady. She was pretty upset. She said she used to work for Premier Schreyer, and that's a good number of years ago. Yet she came in there today—she came in the Legislature today and she said she has been treated so badly by people in the Legislature, staff in the Legislature, and I don't take that as government staff. I mean, I take that as government staff, not as security. It wasn't security that was treating her badly, and she was—actually, her last comment to me as I helped her out the south door, her last comment was, it's too bad they're not all nice like you are.

So, you know—*[interjection]* Hey, I'm a schmoozer with the elderly. What can I say? It was okay. But, certainly, it reflects back on the government of how ordinary Manitobans, if I can call them that, view this government.

In terms of presenters to this bill, we've had a large variety of presenters, university students, and some of them have actually come out in support of this bill, very few of them, but it's been the odd one. We've had people from the Green Party, from the Communist Party and, of course, one of their—the Green Party and the Communist Party are very interested in the vote tax that's on this. They see this as a way of financing their party, and, well, I guess if

they have to depend on taxpayers to fund their parties, then I guess that's why they like that part of this particular legislation. The students' union, if I remember correctly when I was listening to his presentation, he was—he and a number of others have had some wide-ranging opinions as to when the actual election date would be. I think we could probably have meaningful debate, although some would call it filibustering, in terms of when the best date would be for the election, whether it's spring or fall, or winter, or spring or whatever. Lots of people have different—and all the more reason why we should get it out and hear from more people because the more people we hear from, maybe the better idea where we should be. I always thought that that's why we're in here was to listen to Manitobans and not decide for them.

So it's a—

**An Honourable Member:** He's a Manitoban.

**Mr. Pedersen:** I'm a Manitoban. I have a right to speak, too, so there's no problem here. I've always been a Manitoban, and I've always been a proud Manitoban. I only have one son that's working out-of-province. I'm much luckier than many families who have all their family who's moved to Alberta for jobs. So I'm doing not bad on that part. I tell them there will be hope to move back to Manitoba, but not for another three years or so. So we'll be okay there.

This bill, Bill 37, even comes as a surprise to many of the backbench NDP MLAs. No wonder that Manitobans as a whole have not heard about this when even the government members themselves are not involved in the process. It seems unfortunate that they have to learn at the same time as we do, and I certainly haven't heard any of them coming out and speaking in favour of this bill. They seem to be strangely very quiet. I guess, maybe they haven't been—*[interjection]* No. I'll go for the end.

So what we need to have is for this committee to give leave so that this bill can be heard, taken throughout Manitoba and we can hear from more Manitobans.

Thank you, Mr. Chair.

\* (20:20)

**Mr. Stuart Briese (Ste. Rose):** I'd like to take the opportunity to put a few remarks on the record on the motion to allow the public to continue to register to make presentations to Bill 37.

I think it is important that probably it would be useful to be able to register to make presentations as long as the bill actually is before committee. I know there are some rules that are in place on that, but I think it would be useful to adjust those rules so that more of the public could get in and speak to Bill 37. It seems pretty clear to me that the government themselves don't think this bill is all that terribly important or they wouldn't have left it until the last possible moment to bring it forward. They had opportunity to have it out there far earlier in the session. They didn't consult with the public before they brought it forward. We heard that over and over again from presenters here on this bill, and I think it does need to probably be stopped in its tracks right now and taken out and have some public committee hearings across the province and actually get some input into it.

By trying to block us from having some input into it, they also block the public. I think that these hearings—I know we're having some time changes on the hearings and so on, and I think these hearings should be in the evening when people do have an opportunity to get out. But I also think that you shouldn't have your name called only twice on these. As long as the bill is before committee I think it would be appropriate to, once you hit the end of the committee hearings on that particular bill, then you could strike the names, but the names should be left there until such time as the committee hearing on that bill is over.

It certainly appears that the government is trying to rush some of this legislation and kind of ram it through, and there was lots of time during the sitting to put forward the legislation earlier. Instead, it seems that the agenda was to get as little feedback as possible, and even in the way this bill was presented in the House indicated that, with the press release going out saying it was set-election-date legislation. That was what they wanted the headlines to say for that day and they got their wish.

All the other things that are in the bill nobody knew about them until too late in the day for them to make it into the media or to even make comments in media scrums, and so they got the headline that said set election dates. I don't think there's hardly anyone in the province that disagrees with set election dates, and if I remember right, my predecessor, Glen Cummings, put forward a bill on set elections and maybe more than once. I wasn't around this building at the time, but I think it was him definitely promoting the set election dates in this province. So

I'm quite happy to see somebody's finally taking his advice on that particular issue.

One of the issues in this bill was the vote tax, the \$1.25 a person, and I think parties are quite capable of raising their own money. I don't think they need to go to the public to put a tax on each vote they get. I hear the excuse that the federal government does it, so why shouldn't we. I think the real excuse is that, out of the private sector, we raised more money the last election than they did, and their noses are out of joint over it.

Another aspect of this bill is the censorship part and, when you're in parties that philosophically don't agree on a lot of issues, for one party to censor the other is just beyond my imagination. That's what it's all about. That's what partisan politics is about. That's about taking out your message to the people and you should be able to do that without some committee of government having censorship rights over it. I think that's, at the very least, a very undemocratic approach.

Glen Cummings did make a presentation the other night here, and one of the things he said about the committee that would be looking at publications that were going out into constituencies was, and I'll quote him, that no way a vetted communication will not have a political bias to it. I think that's a very telling statement. There is no way that there wouldn't be a political twist put on, when a communication that a member of this Legislature wants to put out into their ridings was vetted.

One other thing that Glen noted when he made his presentation the other night was that, if you silence the opposition, you silence the government. I think people should really think about that very statement. What makes good government in this province is the ability of both the opposition and the government to have their say, their democratic right to go out there and say their view, their approach, what they see happening on various issues.

The last thing I'd like to mention on this is that, basically, nobody campaigned on any of the issues that are in this bill, Bill 37. We had the position of set election dates; that was about the only part of this bill that was even out there in front of the electorate at the time.

I've heard the Premier (Mr. Doer) and others say, over and over again, that they got their mandate from

the election. That's where they set out their policies, the policies they were going to put forward, that they were going to follow. I saw none of the rest of this bill, outside of the part that we were proposing, out in front of the public.

I believe this bill should, at the very least, be held back and taken to more widespread public hearings across the province, or very large portions of this bill should be cut out of it. It's, basically, five bills rolled into one. That's a little bit of overkill, and it makes it very hard to accept any of it.

With those few words, I'll close on that, Mr. Chair. Thank you very much.

**Mr. Chairperson:** Committee ready for the question?

**Some Honourable Members:** Question.

**Mr. Chairperson:** The question before the committee is the motion moved by Mr. Goertzen as follows: I move that this committee recommend to the House that it waive rule 92(7) for these committee meetings to allow members of the public to register to present to the committee.

#### Voice Vote

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

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

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

#### Formal Vote

**Mr. Kelvin Goertzen (Steinbach):** Request a recorded vote, Mr. Chair.

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

*A COUNT-OUT VOTE was taken, the result being as follows: Yeas 3, Nays 6.*

**Mr. Chairperson:** The motion is accordingly defeated.

#### Point of Order

**An Honourable Member:** A point of order.

**Mr. Chairperson:** Mr. Goertzen.

**Mr. Goertzen:** Just for the record, the New Democratic members voted against hearing more public members.

**Hon. Dave Chomiak (Minister of Justice and Attorney General):** Mr. Chairperson, on the same point of order, we voted to have the public that are here and that have waited many nights get their voices heard when they're here.

**Mr. Chairperson:** There's no point of order.

\* \* \*

**Mr. Chairperson:** We'll now take care of a few housekeeping items, if the members of the committee will bear with me for a few moments.

As was announced in the House, this committee will also meet in this room to consider these bills on the following occasions: tomorrow night, Tuesday, June 3, starting at 6 p.m.; Wednesday morning, June 4, at 10 a.m. in this committee room; and Wednesday evening, June 4, at 6 p.m.

Does the committee wish to indicate how long it wishes to sit this evening?

**Hon. Andrew Swan (Minister of Competitiveness, Training and Trade):** Mr. Chairperson, today, we lost three hours this morning when the committee was sitting, but no presenters were heard. We had set this evening's proceedings to start at 6, but it was postponed for two hours for the event with Prince Edward, so I would suggest that we be prepared to sit until 4 a.m. in order that we can get a reasonable amount of work done today.

**Mr. Chairperson:** It has been proposed that this committee sit until 4 a.m. Is the committee agreed?

**Some Honourable Members:** No.

\*(20:30)

**Mr. Kevin Lamoureux (Inkster):** Mr. Chairperson, I think that what the Member for Minto (Mr. Swan) is suggesting goes against what it is that we have attempted to be doing over the last number of years, and even one can go back into the '90s. It almost ridicules any attempt from this government to previous governments to try to bring some normalcy to the whole committee process. There was a time in which committees would listen endlessly with no time limitations at all for a presenter, and then we would have questions and answers that would go equally endlessly. We would be sitting past midnight far too often, and members of all political parties

have mocked the idea in the past of having to sit at that time.

Even though I would ultimately argue that there are directions where we've moved that has marginalized public input, in part I've accepted it because we have seen a more reasonable time frame. To suggest right at the onset that we sit till 4 o'clock in the morning, I think, is not appropriate, that it is far more reasonable to set a time, whether it's midnight—and if we're not prepared to agree to a midnight time, let's see how the committee deals with the presenters tonight and any sort of other motions that might come up. But to preclude that we have to sit till 4 o'clock in the morning, I think does a disservice to any notion of positively reforming the way in which committees operate and, I think, does ultimately a disservice to the public. How many MLAs can work in their full capacity when you start work at 7 o'clock in the morning and expect to be here till 4 o'clock the following morning? I think it would be a disgraceful way to proceed.

**Mr. Goertzen:** Mr. Chairperson, on the issue, I take some of the Member for Inkster's comments to heart, more in terms of the public and what it does to their rights. Certainly, as an individual, as an MLA, I'm prepared and I will, if the committee decides, to be here till 4 in the morning. I will be here till 4 in the morning defending the right of democracy. If the Member for Minto wants to ram this committee through 24 hours a day, at some point I'll be here 24 hours a day defending democracy, and I hope he'll be here with me, and we'll have those debates around the clock.

But what does it serve to the public? I know the Member for Minto, perhaps, isn't concerned about the public interest, isn't concerned about what individuals—you know, they reference presenters; it's more than just presenters, Mr. Chairperson. We have people who are registered here and we'll get an opportunity to hear from them shortly. But how many of those presenters are going to stay till 4 in the morning to hear what's going on at the committee? It's not just about presenters. You know, the Minister of Justice, the Attorney General (Mr. Chomiak), who, I believe, has removed the closed sign from the door now, has, in the past, indicated, well, this is all about hearing presenters, and let's make it easy for presenters to come. It's more than that. There are plenty of Manitobans who might never feel confident coming to the mike and giving a presentation, but who might simply just want to hear the proceedings of the Legislature or the committee

because it has an impact on them in one form or the other.

And what does it say to them to say, well, if you want to actually hear what's going on in this committee you have to come and sit till 4 in the morning? The vast majority of Manitobans don't dare leave their home after 10 o'clock these days with the crime rate the way it is in Winnipeg, in Manitoba. They simply don't even want to venture outside their doors, let alone come and sit here till 2 or 3 in the morning and hope whenever they leave that they're safe to do so.

So it's not an affront to me personally as a member. As I say, I'll—

**An Honourable Member:** You should have brought your sleeping bag.

**Mr. Goertzen:** I did bring my sleeping bag, and I'm prepared to use it, Mr. Chairperson. There's only room for one, though; I'll let the member know that right now. But, again, I will stay here and defend democracy, whether it's 24 hours or whether it's five hours.

But it's not my rights that you're affronting, I would say. You're doing it to the public, and, on the one hand, to espouse that you want to hear from public presenters. Do you want to hear from them at 2 in the morning, at 3 in the morning? That's symbolic, and we'll let people know that a bill that was dropped at the last possible day in the last possible hour, now they want to try to ram this thing through, through the dark of night. I'll let the minister know and I'll put him on notice. I'll be here whatever it takes to defend democracy, and we'll have a spirited debate whether it's through the night. But that doesn't mean that what he is doing is right for democracy, and that doesn't mean what he's doing is right for Manitobans. History will reflect upon this Minister of Justice (Mr. Chomiak) and the Member for Minto (Mr. Swan) trying to ensure that few Manitobans get the opportunity to listen to the debates that are happening on this particular bill, a bill that impacts each one of them through the electoral process. If that's the will of this government, obviously, if they want to use the heavy hand of government, their actions will be told and people will see it for what it is.

But make no mistake, Mr. Chairperson, I'll be here at any time it takes to defend those Manitobans. If they're not here to listen to what's happening at the debate, we'll ensure that the next day and the days

forward that they know, they know what this government tried to do was through the stealth of night, try to pass legislation that'll impact them.

I say, Mr. Chairperson, if the Minister of Justice is looking for a fight, well, he's found one.

**Mrs. Myrna Driedger (Charleswood):** Mr. Chair, I certainly support all of the comments that my colleague from Steinbach made. You know, as we've indicated on other nights, we thought we had come a long way to making the whole political process here much more reasonable than what it is by having sittings that were at more reasonable times so that people could at least be with their families so that we are mentally with it when we are talking about legislation that's important. Nobody that sits until 4 in the morning is, you know, having all their neurons clicking and I don't think that's in the best interests of the public.

It certainly sounds like a government then that is ramming through legislation. They had plenty of time to bring this forward earlier and they didn't, and now they're trying to ram it through. As my colleague said, you know, we're prepared, we're definitely prepared to sit. What I would indicate, though, because this is the Minister of Justice's bill, I would assume that he's going to be here the whole time then for all of those discussions and that he will not desert his chair, because we understand that if we're going to be sitting until the sun is rising, I hope the minister is also sitting with us because that is his legislation.

**Ms. Jennifer Howard (Fort Rouge):** I have a motion for the committee.

**Mr. Chairperson:** Ms. Howard, with a motion.

**Ms. Howard:** To move, seconded by Mr. Swan—I don't need a seconder? Great. I would like to move that the committee sit until 4 a.m.

**Mr. Chairperson:** It's a motion moved by Ms. Howard that this committee sit until 4 a.m. The motion is in order. Any comment?

**Mr. Lamoureux:** Mr. Chairperson, I do have a few things that I want to put on the record other than the fact that I had texted my wife, you know, that looks like I could be sitting until 4 and her response was, you got to be crazy.

Mr. Chairperson, I think my wife is right that there are members on the government benches that are so desperate to pass through legislation that they have to start re-evaluating what democratic



principles are. You know, I sat here and I'm listening to others speak and reading some newspaper articles and I came across this one about—I guess Preston Manning had wrote. He talks about, you know, Tommy Douglas and how Tommy Douglas must be turning in his grave and what's happened to New Democrats. I am concerned that the New Democratic Party has lost its democratic principles completely.

\* (20:40)

I don't believe, at this stage, and for those that say, well, we'll sit here until 4 o'clock in the morning and so forth, I think the Chamber also sits at 10 o'clock in the morning, so, by my calculation, I'm assuming people need some sort of a wind-down. They can't just drive home, instantly fall asleep—well, maybe some can. Not everyone can do that, and there is a responsibility for us to also be in the Chamber. So then one government member says, well, I've got the stamina for it. I don't think it's a macho this or a macho that. I think it's called being practical.

If this is such important legislation, where's the Premier (Mr. Doer) of our province? Why isn't the Premier here in the committee? I'll sit here as long as the Premier's prepared to sit here. In fact, I'm going to expect that the Government House Leader sit here through till 4 o'clock in the morning and to be here bright-eyed and bushy come tomorrow morning—*[interjection]*

Well, the member says, the government members say, let's hear from the public. Well, you know, it's a dangerous road that we're crossing when we start using our majority on a committee to force committee members to sit till 4 o'clock in the morning because what we're saying is that if it means that, I think there are 27 individuals that have given indication. If we sit till 4 o'clock in the morning and we abide by what the government wants and that's just to listen to presenters, there will be no other opportunity. Tonight's it.

If there is a presenter, that presenter has to be here tonight. I wonder to what degree that helps facilitate legitimate public input in terms of the process. I wonder to what degree members of the public would stay up till 4 o'clock in the morning to find out what sort of amendments might be moved. It's interesting to see that even for the sake of argument, let's say we somehow get finished with public presentation this evening. Then we're going to be going into clause-by-clause analysis of a bill that could just as easily have been broken into four pieces of legislation, and we're going to be expected to be

able to provide diligence and possibly listen to a number of amendments and provide advice and feedback and comment on amendments. For some that maybe have been up fairly early this morning and now are committing to having to be here till 4 o'clock in the morning.

If the government is so confident, if the member in particular from Fort Rouge is so confident that her motion is a good thing, I wonder why it is that—and I find this to be the case in so many ways on so many issues with this government—that they feel so brave and courageous, whether it's in the committee or it's in the Legislature because they have—I had a teacher that would say lemmings. You know, they just kind of follow along like one little pack. Here's the idea, whether it takes us off the cliff or whatever, we just kind of follow as that pack. You take them out of that pack, Mr. Chairperson, and they fall apart.

That's why I've put the challenge out to individual members of that caucus on numerous ideas to take it into a public forum and to start talking about some of the things that they want to do. You know, again, it's like falling on deaf ears to suggest to the Member for Fort Rouge (Ms. Howard) that let's talk about some of these procedural and anti-democratic things that the New Democratic Party and this government is actually doing and she laughs.

Sometimes, some causes are worth putting ahead of your own political party, and I would suggest to you that democratic principles have far more value than the New Democratic Party in Manitoba, Mr. Chairperson. Quite frankly, and I say it with all seriousness, I think that there are leaders from the past of the New Democratic Party that would be turning over in their graves to see and witness the types of things that are taking place in this Legislature; it's just morally unacceptable.

You have a political party who likes to think that they're grass roots. Yet they're trying to prevent communications to the grass roots, Mr. Chairperson. There are so many reasons as to why it is that what's happening is just wrong, and it's as simple as that. You would think that if any of them—*[interjection]*

**An Honourable Member:** It's a filibuster.

**Mr. Lamoureux:** The member, the Deputy Premier (Ms. Wowchuk), says it's a filibuster. I would like to suggest that she reflect on some of the *Hansards* and committees during the '90s and, particularly, even if you went to the late '80s with individuals like Jay

Cowan, and so forth. If you want to talk about filibustering, everything that I've learned I've learned from the best. Individuals within the New Democratic Party that ultimately knew how to filibuster, individuals like Judy Wasylycia-Leis and others.

What's happening this evening is nothing in comparison to some of those individuals. I'll tell you something. The Conservatives in government didn't, nowhere near to the same degree, walk over the rights of individual members of this Chamber and that is the reality. Maybe the Deputy Premier wasn't around at the time, but that's the nice thing about *Hansard*. You can check *Hansard* and you will find that it is, in fact, accurate. That's the reason why I challenge this government to really re-assess in terms of what it is that they are trying to do because what they're doing is just wrong.

Yes, I would have loved to have, at 8 o'clock, listened to the presenters. I feel bad for the presenters. If it was up to me, I would let the three or four that happen to be here this evening present so they don't have to witness this and then we could go on, Mr. Chairperson. *[interjection]*

Well, that's what I suggested. When the Member for Minto (Mr. Swan) made the suggestion that we sit till 4, I suggested after, then, let's just hold off and wait and see how the evening proceeds. *[interjection]* Well, the Government House Leader (Mr. Chomiak) is saying, well, let's go. Does that mean he will withdraw the motion? *[interjection]*

Mr. Chairperson, if that's the will of the Government House Leader now, is to allow for the presenters and withdraw the motion, I'm quite content with it. *[interjection]* Well—*[interjection]*

**Mr. Chairperson:** Order, please. Mr. Lamoureux has the floor.

**Mr. Lamoureux:** Nothing would make me feel better to hear the presenters provide comment, but there is a process. Over the years I've learned the way in which government at times tries to rush things through. When they try to do something in an inappropriate fashion that's the time in which a person needs to speak out. It wouldn't be appropriate not to provide comment when a member from the government benches moves a stupid motion, Mr. Chairperson.

That's what this is. To allow it just to go by, have a vote and we all know what the outcome of the vote is, is because the NDP, as I say, it's like that pack, it's that pack of lemmings. They will all follow suit. They are prepared to put party ahead of democratic principles in terms of what's in the best interests in the ongoing operations of this Legislature, in its committees and so forth. They've demonstrated that time and time again. One's got to ask the question. When's it going to stop? When is the government going to realize that there's more to being an MLA than just being in power? We have seen that the NDP are prepared to abandon whatever grass roots, whatever democratic principles they've had so that they can hang on to power for a couple more years, Mr. Chairperson. That's how I am quickly coming to the conclusion on this particular bill and would suggest that the Member for Fort Rouge (Ms. Howard) just withdraw her motion.

**Mr. Goertzen:** I, too, text-messaged my wife and the response I got back was, be encouraged by the fact that you're fighting for democracy. I will be encouraged by that fact tonight. I've said to the minister, if he's looking for a fight, he's found one, and I mean it. We will stand strong for democracy. The only thing I'm going to say and I'll conclude this so we can hear presenters.

I want to apologize to the staff of the Legislature, the Clerk's office, and those who, unfortunately, will have to be here to 4 in the morning because of the Member for Fort Rouge, because of the Member for Minto and because of the Attorney General (Mr. Chomiak).

It's unfortunate that they have to suffer as a result of the heavy hand of government, and I am sorry for them because they're innocent victims in this dispute. But I look forward to fighting for democracy.

\* (20:50)

**Mr. Chairperson:** Seeing no further comment, the motion before the committee: it has been moved by Ms. Howard that the committee sit until 4 a.m.

#### Voice Vote

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

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

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

Committee will sit until 4 a.m. as necessary.

\* \* \*

**Mr. Chairperson:** We have a number of items of business to deal with. I ask the indulgence of committee members. We have a number of presenters that are registered to speak this evening, and they're listed on the sheets before each of the committee members and also on the notice board at the entrance to this committee room.

Written submissions for Bill 37 have also been received from the following individuals and have been previously distributed to committee members. First presentation written for submission we've received is from Mark Tisdale, and then Gaile Whelan Enns and then Sandra Johnston. Is it the will of the committee to have these written submissions entered into the *Hansard* record of this committee? *[Agreed]*

For the information of all committee members and presenters, while written versions of the presentations are not required, if you're going to accompany your presentation with written materials, we ask you to provide 20 copies. If you need assistance with photocopying, our staff at the entrance to this room will assist you in that regard. Please approach them and we'll assist you with the photocopying.

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

I thank you for your patience. Just prior to proceeding with public presentations, I would like to advise members of the public about the process for speaking to the committee. The proceedings of our committee are recorded in order to provide a verbatim transcript. Each time someone wishes to

speak at the microphone at the podium, whether it be a presenter or members of this committee, the Chair must first say that individual's name. That is a signal to our *Hansard* folks, sitting behind me, to turn your microphones on to allow the recording to occur.

We thank you for your patience and will now proceed with public presentations.

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

**Mr. Chairperson:** The first name I have on the list for Bill 37 this evening is Rudy Derksen. Is Rudy Derksen present?

Good evening, Mr. Derksen. Welcome. Thank you for your patience, sir.

Do you have a written presentation, sir?

**Mr. Rudy Derksen (Private Citizen):** No, just verbal.

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

**Mr. Derksen:** Thank you for this opportunity to speak here this evening. There are constructive as well as negative aspects to this bill and here are my comments for this evening.

Setting election dates is a great idea and moves development of our democracy forward. It works to separate partisan politics from the day-to-day process of governing in the best interests of the public. It allows all political parties to work in a more organized fashion towards the general election.

Similarly, those looking to run for office can plan their lives around the fixed election date, well in advance. In this way, a much more organized plan for running for a nomination and for election can be arranged. This will benefit all parties and also all those individuals looking to enter provincial politics. It may encourage more people to jump the substantial hurdles already involved in entering politics and, therefore, provide an even better selection of candidates.

However, even this positive element of the bill is tainted when the current government excludes themselves from the intent of this bill by excluding the next election from this policy and by not fixing the next election date as June 14, 2011.

Why is this policy good for all future governments, but not this government? The impression created is that they deserve special treatment and do not need to conform to the policy they propose apply to all future governments. This attitude toward the democratic process flies in the face of democratic fundamentals, such as equality and fairness. Please remove this exemption to an otherwise positive policy initiative.

Secondly, the increase in limits on political party advertising from 50,000 to 75,000 in a non-election year to 150,000 in a fixed-date election year is positive. It increases the freedom of political parties to speak.

The real point, however, of this second somewhat positive item is that there should not be expenditure limits on political parties in the first place. Since when do limits on freedom of speech fit into the improvement of a democracy? Limits on freedom of speech are retrogressive, backwards, destructive to the democratic process. I can't imagine this fundamental concept of limiting freedom of speech would withstand a constitutional challenge. Please consider eliminating this limitation on freedom of speech. Currently, this limitation on the freedom of speech plays to the benefit of the governing party over opposition parties, whoever they are. This detracts from the free functioning of a democracy regardless of which party benefits in a particular year or election term. Why make the system less fair? It makes no sense.

Limitations on expenditures on staying in touch with the public limits the ability of a democratic system to function. Why would a government interested in refining and improving the democratic process clamp down on freedom of speech? Limitations on the freedom of speech between our elected representatives with their constituents is not only not positive, it drives the democratic process in full reverse. Why would our current government or any political party try to drive development of our democracy, the foundation of which is based on freedom of speech, in full reverse?

It is dictators or military governments, of which there are many examples in the world, that wish to weaken democracy that would tend to put limits on freedom of speech. Why would this government or any political party in a democratic country continue with an undemocratic anti-freedom of speech policy that rings of moving away from freedom of speech and the free functioning of the democratic process

unless, of course, they felt that limitations on freedom of speech of non-governing parties would be to their personal benefit and satisfy their need for undemocratic control over others.

I would hope and expect that when this government falls and another party takes power that the new government would do away with this anti-democratic policy, this anti-free trade, free speech policy. But, if that happened, the current government would benefit now from limits on freedom of speech on opposition parties and benefit later as well when a pro-democracy, pro-free speech party becomes the government and dumps this anti-democratic, anti-free speech policy.

Clearly, this policy is intended to service a political party, not democracy and not free speech. Please remove this policy. It is defined terrorist groups that should have their funding limited, not democratic, free speech-supporting political parties.

Those are the positive elements with their detractions I noted in the bill. One, fixed election dates is truly positive with, unfortunately, the exception of the self-serving exemption of this current government from excluding themselves to this policy. The other is a minor improvement to an anti-democratic, anti-free speech, bad piece of policy, which is likely only a cynical effort to make an anti-democratic, anti-free speech policy appear to be something that we should continue to build our province on.

I have other concerns regarding much less positive aspects of this bill, but most significant is the initiative to further censor caucus communications, which is also part of this bill. However, at this point, due to time constraints, I would rather highlight what others who analyze and speak more regularly to these issues than I do are saying about the need to remove the anti-democratic aspects of this bill.

Bill 37, and here are some examples. Bill 37, which seeks to amend Manitoba's election laws, seriously restricts the capacity of opposition parties to communicate with electors while allowing the government to expand its capacity. By restricting freedom of speech on political grounds, it therefore strikes at the very exercise of democracy itself. Here's a point that was somewhat alluded to earlier in your discussions at the table here. I'd like to read it in full.

\* (21:00)

When the CCF transformed itself into the NDP, it sacrificed much of its heritage to gain the support of unionized workers in central Canada and British Columbia. When it abandoned its social gospel roots, both J.S. Woodsworth, founder of the CCF, and Tommy Douglas for Christian ministers, it abandoned much of its spiritual heritage, ostensibly to gain greater support among secular voters.

But, when a provincial party begins to abandon its democratic roots, what can it possibly gain in return other than a few more uninspired years in office? To witness Manitoba's current government, which calls itself a democratic party, proposing legislation restricting democratic discourse, it must be hard for the true democrats among its own MLAs and supporters to bear, particularly those who do support building up our democracy, not tearing it down, not driving it in reverse for the sake of self-interest. In fact, one wonders whether the current government caucus actually saw, debated and approved this legislation before it was introduced to the Manitoba Assembly. Perhaps the government could advise if this acceptance by a majority of its own caucus was freely given.

While the feature of Bill 37 emphasized by the government in its press release has been its provision for fixed election dates, it is the undemocratic features not emphasized that are of concern. These include restricting advertising expenses by a registered political party in a non-election year in Manitoba to a paltry \$75,000 or about 10 cents per voter—you can't buy a stamp for that—the continued allowance of virtually unrestricted government advertising during the pre-election period and provisions enabling the government-controlled Legislative Assembly Management Commission to censor and control opposition communication materials and budgets.

If Bill 37 is passed in its present form, it will no doubt be challenged in the courts as an unconstitutional restriction on freedom of speech and association, but this will be a long and costly process. It is hoped more democratic heads will prevail and the more anti-democratic sections of Bill 37 will be withdrawn or amended before then.

The current government has introduced a bill that should shock and outrage every Manitoban. It jeopardizes democracy, infringes on Charter rights and seeks only to keep the ruling party in power indefinitely.

Bill 37 was stealthily introduced on April 30, hidden amid a flurry of other bills and government announcements and done without consulting political parties, experts or Manitobans. This government has cynically disguised this bill as a positive move that simply sets fixed election dates. Within this Trojan horse, Bill 37 is actually an attempt to fix the next election for the current government.

Just as sinister are the government's proposals to stifle public debate by gagging communications from opposition parties. It gives the current government the power to censor communications from opposition MLAs and decide how much of this mail is sent. These measures are meant to silence opposition parties and keep voters in the dark about what the government is doing except for what the government itself wants the public to know.

This bill is undemocratic, unconstitutional and puts us on a slippery slope towards a one-party political state.

Bill 37's provisions dealing with lobbyists puts the fox in charge of the henhouse by putting the current Cabinet in charge of monitoring lobbyists. The same dysfunctional model was in place when ad scam happened and was rejected by the Gomery Commission. Giving a Cabinet-appointed watchdog the power to monitor meetings involving individual MLAs, opposition and government alike, will discourage Manitobans from sharing information with their elected representatives.

The government's goal with Bill 37 is to limit your right to know that they can maintain their hold on power. It's designed to prevent opposition parties from telling Manitobans about things that need to be said.

That concludes my comments. I would just like to, in summary, say this bill leaves me wondering, with the fundamental—some of the intent of fixed election dates is positive, but to slide these types of issues in underneath, that does not present well for the ethics of the party involved. We would hope that they would adjust this bill significantly to reflect that. Thank you very much for your time today.

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

Questions of the presenter from committee members?

**Mrs. Bonnie Mitchelson (River East):** Thanks, Mr. Derksen, for your presentation. It looks like you put a lot of thought into all of the different components.

We have seen, as a party in opposition, many pieces of legislation that have been introduced under the guise of something positive, but at the devil's in the detail, and certainly the devil is in the detail in this piece of legislation where they've rolled five different pieces, significant pieces, of legislation into one. Normally speaking, when a party or a government brings in changes to elections financing and elections acts, it's usually the First Minister, the Premier (Mr. Doer) that introduces that legislation. It seems a bit passing strange to us, as an opposition, why. We can't understand why the Premier himself didn't sponsor the bill and bring it forward as is the normal practice in the Legislature. Maybe that's because he was afraid that if he sat at committee and heard the kinds of presentations that have been made, he wouldn't want to be tied to the legislation.

But many presenters before you have made the observation that, for anything this significant, you know, maybe an all-party committee of the Legislature should have taken this legislation on the road throughout the province, travelled, set up public hearings and public meetings, and let people know ahead of time what was in the legislation, what was proposed, and that that might be a better process to implement the kinds of sweeping changes that have been proposed.

Do you think that that would be a good idea, if maybe the government just took a step back and indicated that they would travel throughout the province, maybe over the summer or into the fall, look at hearing what Manitobans have to say and bring in a piece of legislation on electoral reform that might benefit Manitobans?

**Mr. Derksen:** Yes. I think there's an ongoing need for the public to be more involved in the political process. There's an awful lot goes on in these meetings here and an opportunity for—to simplify the process, again, of getting people to participate would be very, very helpful. Again, for people from Brandon or Thompson or Flin Flon to get involved in this process, especially with the shifting timetables, it would be very difficult. I think it's a good idea.

**Mr. Blaine Pedersen (Carman):** Mr. Derksen, you've obviously put a lot of thought into your presentation and you've analyzed the bill very well.

Would you like to give us your thoughts on the purpose of why this government would bring in a bill like this? As I say, in your presentation, you've analyzed it very well. Can you give us some thoughts about why they would do this? I call it the omnibus bill; it included so many aspects of this.

**Mr. Derksen:** I could speculate, and I guess that's what I would do. It's like any document. There are the fundamental words and then there's what's underneath. If I try to read what's going on in this document, it's an effort to, it seems to me, to tilt the scales in a way that will make it easier to win a fourth term and to leave a legacy for the Premier. It's very disappointing to see that taking place. That's sort of after reading the whole thing, that's sort of the impression I'm left with.

\* (21:10)

**Mr. Pedersen:** Mr. Derksen, you sat here and listened to the debates on the motion that was brought up to sit till 4 a.m. I would certainly like to hear your thoughts on that. You mention different communities throughout Manitoba. I can't imagine anybody coming in from Flin Flon and even sitting in the evening here till midnight. Again, if you would like to share your thoughts with this committee about it sitting till 4 a.m., I would certainly appreciate that.

**Mr. Derksen:** There would be some, like Mr. Goertzen, who would gladly sit here till 4 o'clock or whatever it takes. There is a very small percentage who are deeply committed in that way. For the majority, it's a non-starter. It stops communication dead in its tracks.

I would think the political process should do what they can to make it easier for us to communicate with you on what our thoughts are, rather than more difficult. Four o'clock is really stretching it.

**Mrs. Mavis Taillieu (Morris):** Thank you very much, Mr. Derksen, for your presentation. I, too, want to just say I found it very thoughtful and very well-presented.

You make some very strong and good points about limiting our freedoms of speech in this bill by limiting the ability of opposition members to communicate with constituents. I think it is, as you say, a slippery slope from limiting freedoms of speech into limiting freedoms of association.

Perhaps, this is the beginning of a one-party state, as you alluded to. When you start eroding the

abilities of opposition parties to communicate with freedom of expression and speech, then the next logical step, if you were this government, would be just to limit political party association altogether.

It's very high-handed legislation. I think they bring it in at a time right after an election—three years, when an election is rolling around again, when people will forget. I would suggest the people will not forget their loss of freedoms.

I just want to ask you a question. Mr. Pedersen alluded to it. What is the purpose of this piece of legislation, and do you believe that it is a move towards a one-party political state, with ultimate control by the state, for the state, by one party?

**Mr. Derksen:** I guess that would be the extreme; I don't know that that's where it's going, but it just makes the whole system unlevel. It makes it harder for the opposition to provide a counter-view to the government. To limit the funding for opposition speech just again skews the tables and makes an alternate voice difficult to hear.

With so many of the public being only nominally involved in the political process, if you start to skew the thing a little bit, it can make a significant difference in how the political system functions. I think that we have to be very careful that the system stays level, so that both sides can be heard and fair elections can be had.

People often listen only in a very short time frame or very small time bits. For the thing to get shifted out of proportion a little bit, it can make a big difference. I don't know if a one-party state would be, perhaps, overstating it, but you would have a much-weaker democratic system and a much-stronger biased system for one train of thought than another.

That's not democracy at its best which, I thought, was where we were trying to go.

**Mr. Chairperson:** Thank you very much for your presentation this evening, Mr. Derksen. Time has expired. Thank you for your patience as well, sir.

The next presenter I have on the list is Cathy Cox, private citizen. Is Cathy Cox in the audience? Cathy Cox? Cathy Cox's name will be dropped to the bottom of the list.

The next presenter I have on the list is George Fraser, Canadian Society of Association Executives.

Good evening, Mr. Fraser. Welcome. Thank you for your patience. Do you have a written presentation, sir?

**Mr. George Fraser (Canadian Society of Association Executives):** I have an oral presentation.

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

**Mr. Fraser:** Thank you, Mr. Chairperson, Mr. Minister, members of the committee. The main part of my comments will be focussed, in the omnibus bill, to the lobbyist act portion to begin with, and, I suppose, when one is speaking to the lobbyist act, I should be as transparent as I can possibly be.

I am an association manager. I currently manage two associations and I consult two others. I assist in the management of the Massage Therapy Association of Manitoba and the Canadian Agri-Marketing Association, and I am a constituent of Kildonan, the minister's constituency.

I would first like to make some comments for the record about the Canadian Society of Association Executives of which I've been a member for over 30 years now. The CSAE was established in 1951 as a knowledge-based, professional organization to promote excellence in not-for-profit management. Today the CSAE remains committed to reinforcing the many valuable contributions that Canada's not-for-profit organizations provide to the country, to this province, by supporting and strengthening the professionalism of the individuals who lead it. CSAE is the professional organization of 1,600 men and women who work for and manage many of this country's most progressive trade, professional, occupational, philanthropic and singular common-interest organizations. Education programs, research and information sources, together with ongoing professional development conferences, regional seminars, online resources and publications are the primary tools that CSAE provides to keep its members abreast of the management challenges emerging in today's increasingly complex not-for-profit sector.

CSAE also administers the Certified Association Executive program, Canada's only on-line distance learning program that specifically meets the needs of individuals who manage or work in this country's associations, charities and other not-for-profits—and by the way, it's a world leading program for the education of association managers. The CAE

designation is awarded to those individuals who demonstrate knowledge essential to the practice of not-for-profit management upon successful completion of the rigorous five-course program.

The CSAE does not receive any form of government funding to help fulfil its mission. Instead, the organization derives all of its operating revenues from a combination of individual membership fees, sponsorship initiatives, education programs, research and other non-dues revenue sources. I might add that the CSAE itself is registered under the federal legislation for lobbyists. And in particular, in commenting on the legislation before the committee, some of you will probably know about lobbyists registrations and lobbyists acts across the country. Probably this month, the federal government will table its 20th report on its lobbyist act and it has recently evolved into the accountability act, and all of the association managers like myself who are in that field of management, of course, are registering themselves under that particular act.

As is the legislation here that's presented, which is essentially boilerplate legislation, you'll find it in Ontario, you'll find it in British Columbia. The most recent act prior to this would be Alberta, and the only two provinces that I know that do not have this legislation at this time would be Saskatchewan and Prince Edward Island. So we have a long history in this country of dealing with the lobbyist act.

\* (21:20)

The Canadian Society of Association Executives has always been interested in ensuring increased transparency and accountability to Canadians in each province wherever it goes. The issue that is probably before us is with an omnibus bill. Of course, the difficulty here is that we do not see the regulations that will come with it and that, of course, in our tradition here, rests with the governing party to present those items, and most of my colleagues here will await those regulations. I think the committee should be aware that in all likelihood, there will be a registration fee, and the benchmark right now is probably \$150 for professional consultants and in all likelihood \$75 a year, at present, for those who manage not-for-profits. The only province that has been generous to not-for-profits at this point is the province of Québec, which allows on-line registration for free and that assists those that work in that province immeasurably.

There are also within the regulations and the administration of the act, of course, advisory

opinions and interpretive bulletins. There's a lot of history on that because the committee should realize and understand that caught within this very wide web, too, not only are legitimate not-for-profits—although the target here is probably for professional-based associations and the professionals I spoke about before—but academics are also caught within this structure too. Academic freedom, of course, is a debate that you'll find yourself in subsequent to this with respect to the role that many academics play on the development side of any policy that's being developed in which they have an interest, in which they, for example, would have research capacity. So, while there have been some precedents set in that respect, this Legislature will have to go through it.

Not-for-profit volunteers, of course, also require some interpretation. The important thing, I think, here is even though we've been through 20 years of lobbyist acts and lobbyist registration, there is one fundamental flaw that's out there and it's usually undercompliance or overcompliance. Those that would be undercomplying, you might be arguing that they are simply trying to avoid their registration process and they do not register, and the difficulty that most governments have is policing lobbyist acts. The other is overcompliance, those that register as good risk management. So they're over complying and, of course, in this whole process, part of the legislation, when you begin to get into it too, talks about amounts of time that people in my position take. The Canadian benchmark right now is about 20 percent of your effort and time on a day-to-day basis is considered the amount of limit, the threshold that you would cross through, when registration should occur. That includes research time. So it becomes a very broad net and it adds to the already heavy administrative burden that a lot of not-for-profits find themselves involved in these days.

There was a presenter earlier on that I read about in the newspaper speaking about extension of lobbyist legislation to municipalities and that speaker was in favour of it. I think that speaker was in favour of the City of Winnipeg, in particular. That's an area where I think one should be cautious, and if there ever is consideration of adding it, that it should be universal. It should be something that should be applied to all municipalities. But I say you go there with caution.

The City of Toronto recently, within the last couple of years, introduced a lobbyist act, and they have had some very interesting times trying to implement it and also trying to administer it. This is



another difficult area and, again, it makes it difficult to speak to this bill, because, again, we don't know what the regulations are going to look like. In principle, people like myself can be supportive, but, depending on what comes out would be very critical because this is an omnibus bill. In my very last minute, the one key sensitivity I have and the other piece of transparency I want to present is I've had the privilege of serving as an elected school trustee and I've had the privilege of serving as a city councillor with the City of Winnipeg.

The one area of this omnibus bill that bothers me was what the previous speaker just spoke to, and that's the vetting of communication for any member of any elected body by a party or a committee of that body with respect to what that communication is all about. The vetting or the editing leads to forms of propaganda, in my opinion, shaped and directed by individuals that may have particular agendas. Unfortunately, I have to say this here tonight, I think it's the ultimate of house arrest, and it should be seriously reconsidered. Thank you.

**Mr. Chairperson:** Thank you, Mr. Fraser, for your presentation this evening. Questions from the members of the committee for the presenter?

**Mr. Stuart Briese (Ste. Rose):** Thank you, Mr. Fraser. I know you've been sitting here for several evenings I hope you're being suitably entertained.

I think you've made a very clear and to-the-point presentation on the lobbyist part of this bill, but I would like to ask you your views on a couple of the other sections of the bill, if I may. I'd like you to make a comment on the so-called vote tax and another comment, if you would, on the spending limits of political parties. I'm sure you've studied that part of the bill, so, if you could comment on those two parts.

**Mr. Fraser:** Yes, I've certainly studied it. I have a little bit of experience. I've listened while I was here and I think the most important thing that any political group has to come to grips with is fairness and balance within those areas.

We're all going to argue and debate about amounts and whether or not it exists in any shape or form. There is some value in the current legislation that we have. I think this probably goes too far. My former colleague, Jae Eadie, was here and spoke to the committee previously. I certainly share some of his ideas.

I don't have a magic solution with respect to this. As I mentioned, my prior comments about the censorship side of the legislation is vastly more important than, perhaps, these details where we find ourselves today in this time, in this society. Dollars can work themselves out.

The other decision, the other proposal is much more difficult and I think, as the previous speaker said, it will not stand up to a constitutional challenge.

**Mrs. Myrna Driedger (Charleswood):** Thank you, Mr. Fraser, for being here and for putting those very thoughtful challenges and comments to this committee.

I don't know if you're aware but, in this legislation in the lobbyist registration component of it, very broad language is used which basically exempts unions from the same rules that others have to follow. They use the language of administration, so that a union can come to government under the guise of administration, which basically leaves them wide-open to coming to the government probably about anything you want to talk the government about when it comes to a contract, because you can always use that wiggle room, because it's such a very broad definition.

\* (21:30)

If the government was really feeling strongly about regulating people that lobby government, do you think that union leaders should be excluded from this legislation then?

**Mr. Fraser:** Well, my quick answer is, no, I don't think anyone should be excluded. When you read through the act—and it's similar across the country. It's the parts of the act that cause the issues. You'll see the first parts of most of the acts will tell you who has to comply, and then it will begin to tell you who's exempt and under what circumstances. This is where the confusion comes in. There are all kinds of mistakes have been made across the country in the last 20 years. Interpretation—mistakes by interpretation. So this is the most difficult area. There certainly has been a provision to safeguard unions to speak to negotiations and, you know, I respect that, and that's positive. Again, one can get oneself in trouble by misinterpretation. There is a whole body of knowledge growing in Canada from a legal perspective advising not-for-profit associations as to how they can comply and not comply. That begins to point out how complex it has become.

So I'm not trying to sort of beat around the bush, anything can still happen. There can be discussions informally in which the registered lobbyist neglects—if it's the federal level, for example—neglects to register that as a meeting, a meeting of chance, perhaps, in which there was discussion. I'm certain that would occur—could occur—with a union representative speaking to a contract, who ventures into public policy, public legislation, et cetera. So there's a lot of onus, too, on elected officials involved in those types of discussions to draw the line and draw it quickly, and to know the legislation. In fact, they are probably the leading safeguard in any lobbyist legislation across this country. They're the first line. They're the ones who get lobbied. I've had that experience personally, too, and you know when you're being lobbied. So elected officials of all stripes in this Legislature will now have to be very conscious of that.

**Mrs. Driedger:** Certainly, this particular aspect of the bill raises a bit of a red flag because it addresses the administration or negotiation of a collective agreement. Certainly, you know, I don't have a problem with the negotiation of a collective agreement because that's very straight up. But, when you throw in a very broad word like "administration," that's where the red flag goes up for me. So it appears that it's excluding the unions from having to actually even report. So businesses have to report after, you know, a lobbying effort, but unions are not going to have to. That does not seem to me that there's a level playing field for everybody. I take from what your saying that that is one of the big challenges of legislation like this, is it's understanding your definitions, understanding your words, understanding the leeway of our nuances. But there seems to be some pretty big wiggle room that the government is giving here to unions in terms of letting them off the hook and not playing by the same rules as others, because it talks about administration of a collective agreement with the government or a government agency, and that just seems very, very broad. But it seems like it's giving them, you know, an escape clause for having to adhere to this legislation.

So I take your warnings very seriously here. You obviously have a lot of experience around this issue. So I hope the government will pay a lot of attention to what you're saying. Thank you.

**Mr. Chairperson:** Mr. Fraser, do you wish to comment, sir?

**Mr. Fraser:** Well, again—thank you, Mr. Chair.

Yes. The interpretation of the word "administration" is up for grabs in some respect. I would take it at its best interpretation, and I would expect that union leaders would be dealing with the administration of their respective agreements. That's how I first read it. If the elected officials who are involved from that perspective, even at arm's length, begin to deal in other areas in and around the word "administration" or the action of administration, then major issues and problems will arise and there will be difficulties down the line.

Interpretation, as the City of Toronto is going through at present, that's the whole debate right now is what was really meant by the words. As we will find out, when the regulations are written here, what does compliance really mean. That's what we would have to wait for, and I would expect when the regulations appear, there will be more individuals like myself here speaking this evening.

I'm speaking on behalf of just our members. Not all not-for-profit managers are members of the Canadian Society of Association Executives so there probably will be others who have a similar opinion to myself. We will be drawn to the regulations from a review perspective immediately because we have to comply.

**Ms. Jennifer Howard (Fort Rouge):** I just want to thank you, Mr. Fraser, for your presentation. I did enjoy meeting with you in your capacity as the manager for the Association of Massage Therapists. If you wanted to bring some of your members down here about 3 in the morning, I'm sure that would be welcome. I also just wanted to thank you for coming back. I know you were here this morning and we weren't able to hear you this morning so thank you for being persistent.

I was interested in what you were talking about when you were speaking about not-for-profit organizations since that's something else I have some experience with, and if you have any more advice for us on how to communicate with them about the requirements of the bill so that they can balance the compliance with the administrative burden that they might face.

**Mr. Fraser:** Yes, there's a lot of knowledge from across the country. There's a lot of knowledge in Manitoba that could be drawn upon, and I think that will be readily made available to you, hopefully not at 4 a.m. in the morning.

Again, it has to, I think, be balanced and it has to be fair and, of course, whoever will administer, using that word again, the act on behalf of government has to bring balance to the table, too. There has to be a give and take. And on the educational side, most certainly there has to be an educational thrust associated with this, but, again, there are lots of experience from a Canadian perspective to draw upon, too. I would hope the government would use that in introducing.

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

The next individual we have on our list is Craig Johnson, private citizen. Is Craig Johnson in the audience this evening? This is the first call for Craig Johnson. Seeing that Craig Johnson is not here, the name will be dropped to the bottom of the list.

The next presenter we have, which is the second call for James Dain, private citizen. James Dain. James Dain. James Dain's name will be dropped from the list.

Next person we have on the list is Sheila Michalski. Good evening, Ms. Michalski. Welcome. Thank you for your patience.

Do you have a written presentation?

**Ms. Sheila Michalski (Private Citizen):** I just have an oral presentation.

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

**Ms. Michalski:** First of all, I just would like to thank you for taking the time to listen to me this evening, and if I wasn't heard by 10 o'clock, I was moving to Alberta.

Anyway, secondly, I just want to say I'm appalled at the conduct of the committee. Listening since 8 o'clock, it seems like people are lack of interest and this is all just fun and games, but as a concerned citizen, I take this seriously so just wanted to note that for the record.

As a young Manitoban, I feel it's my duty to stand before you this evening and voice my concerns on Bill 37. The fact that it was introduced at the last possible moment is quite shocking considering the drastic changes in legislation that are proposed. The changes not only have a negative impact on opposition parties but as well to the public at large.

\* (21:40)

Let me begin by discussing fixed election dates. I absolutely agree with fixed election dates, but, having read the proposed amendment, which reads: a general election must be held on Tuesday, June 14, 2011, unless a general election has been held between the coming into force of this section and June 13, 2011, I can't believe this would actually be presented in legislation, since interpreting it means simply the election can be called whenever the government so chooses. I actually had my sister read this section and she just shook her head and said, what's the point of putting it in if it's not a fixed election date? So I would like to see this amended so it reads, the next general election must be held on Tuesday, June 14, 2011, and then every four years after that.

This ties nicely into the topic I would like to speak on now—limits on political party advertising. Although the limit has increased to \$75,000 in a non-election year, advertising expenses, the definition of them, has been expanded so, really, you're getting less money for what you have to spend on.

One doesn't have to look far to see numerous government billboards advertising what a good job the government is doing just before election time. Every time I come to and from work, I see the billboards saying what a great place Manitoba is, booming business, et cetera. I guess the millions spent here aren't included in the \$150,000 limit in an election year.

In conjunction with these spending limits, government advertising, funded by us the taxpayer, only has to stop 60 days before the election date. How is that fair? You can use \$15 million to advertise as much as you want and the opposition parties can only spend \$150,000 to get their message across.

Let me continue to my next concern, which is the vote tax. The vote tax is yet another use of taxpayer dollars used to fund political parties. Why should I have to see my hard-earned money being spent, being funded towards political parties that I may not agree with when it should be used towards education, justice, health care, important issues?

I just want to bring to a point of other taxes here. Look at what our neighbours to the west have done with PST. They've cut PST down to 5 percent, and look at what other provinces have done to make them more—more incentive to move to other provinces,

and here just every tax dollar just goes to frivolous spending. Our health care is in dire need of help. You see people in the hallways all the time. That hasn't been fixed. Look at the justice. The crime is atrocious. That has to be fixed. We shouldn't be spending extra money just on political parties. We should actually be doing something about the problems in this province to make it better. My point on this is that we discourage growth in this province and we just tax and tax and tax instead of actually doing something. We just talk in circles. Let's get some stuff done so that the young people stay here today.

My next point is on censorship. I was reading the bill and censorship is a big thing. If I've chosen and if I've elected an MLA, I want to hear what they have to say and I want to hear the facts. I don't want it to be sugar-coated by the government in power by the Legislative Assembly Management Commission that would be appointed by them. It's going to be slanted in some way. I want to hear the facts. I've elected them. They have freedom of speech. I want to know what's going on. It should be transparent, so I just wanted to bring that to your attention. It's very undemocratic and that's not fair.

In my opinion, it saddens me to think that as elected officials you're trying to tweak legislation so that you can remain in power. Instead, isn't it your job to serve your constituents and do what's best for Manitobans and make our province better?

Governments aren't voted in. They are voted out, and if you focussed on the important issues—like I said before, health care, education, justice and the economy—Manitoba will become a stronger province and your future track record would stand up for itself. You wouldn't have to worry about any of this frivolous election bills that you're trying to change.

Let me close with a few quotes from Preston Manning when I read him in *The Globe and Mail* on May 20.

Bill 37, which seeks to amend Manitoba's election laws, seriously restricts the capacity of opposition parties to communicate with electors while allowing the government to expand its capacity. By restricting freedom of speech on political grounds, it therefore strikes at the very exercise of democracy itself.

As well, he also said, to witness Manitoba's New Democratic Party proposing legislation restricting democratic discourse must be hard for the true

democrats among its MLAs and supporters to bear. In fact, one wonders whether the NDP caucus actually saw, debated and improved the legislation before it was introduced to the Manitoba Assembly.

On that note, I'd just like to thank you for your time this evening.

**Mr. Chairperson:** Thank you, Ms. Michalski, for your presentation this evening. Questions for the presenter?

**Mrs. Driedger:** Thank you, Ms. Michalski, for being here and for putting your comments forward and getting involved in this process, and thank you for your patience in staying here to do that.

My question to you, you touched on one of the areas, and that's around advertising. Since 2000, the government brought in legislation that basically only allows opposition to spend \$50,000 a year on advertising. Would you be surprised to know that, in that period of time, the government is spending anywhere from \$8 million to \$15 million a year on advertising, compared to the \$50,000 that they allow opposition? Do you think that sounds very fair?

**Ms. Michalski:** That's not fair at all. I just think it's atrocious spending that much money when it could go towards something more important like health care, which is a big issue, justice, other issues, besides putting billboards up saying Manitoba's Spirited Energy. I don't agree with that at all.

**Mrs. Driedger:** I'll fuel that flame a little bit more then because, in a six-year period, once they brought in the legislation, that kept opposition parties to \$50,000 a year. In that whole period of time, the government spent almost \$70 million on advertising in just a six-year period. Now, granted some of it is necessary, but one certainly has to wonder about \$70-million worth of government advertising in six years. How much of that was absolutely necessary?

I just want to touch on something related to what we could spend money on better than a vote tax, because the vote tax will actually cost taxpayers about \$2 million by the time the next election rolls around. I asked a question in question period today and, when you tie the two together, it is almost obscene to see the government taking money that should, perhaps, be going to other things. I found out within the last few days that, on the eve of a world conference on breast cancer, Manitoba has the highest mortality rate in the whole country when it comes to breast cancer.

I also received a letter from the Canadian Cancer Society that says that this NDP government is underfunding fairly significantly breast cancer screening in Manitoba. This is coming from the Canadian Cancer Society. They're also indicating that this government needs to properly fund breast screening. One thing said, if they were doing that, then perhaps we would see the mortality rate decrease in Canada, at least to the Canadian average. But we're the highest of all Canadian provinces when it comes to the mortality rate for breast cancer. That, for a lot of reasons, troubles me a lot.

Is this one of the areas where you think that money could be better spent?

**Ms. Michalski:** Absolutely, I agree, that would be a great area to focus on. I think the public, in general, would be appalled to hear the amount spent on advertising and then a fact like that, but I guess the information just doesn't get out there to the public.

**Mr. Kevin Lamoureux (Inkster):** Just to pick up from where the Member for Charleswood is leading us. Every year, the government of the day will advertise, spend \$200,000, and that would immediately follow the presentation of the budget. Every media outlet will pick on the budget presentation and report on it, highlights, and so forth. Every media outlet does that. Yet, government still spends \$200,000 to advertise.

\* (21:50)

From a taxpayer's point of view, is there any value, in your opinion, to the government advertising that it has now presented a budget?

**Ms. Michalski:** Absolutely not. You may as well take the \$200,000 and light a match.

**Mr. Lamoureux:** Then why do you think they would do it?

**Ms. Michalski:** Just to show that they're going to meet the budget, to get people's interest. Then they say that they're going to meet the budget; they're doing their job. Just to get media, not media attention, but to perk the public's interest, even though there's media attention.

I'm not exactly sure why you would spend \$200,000 when all the media outlets know you're doing this and broadcast it for you. It's kind of ridiculous.

**Mr. Lamoureux:** The last question is in regard to the time you sat very patiently—I heard your opening remarks and so forth.

If you were responsible, ultimately, for the passage of legislation going through a committee, do you believe that it is appropriate to sit past midnight? Do you have any thoughts or opinions in terms of what's right or what's wrong in regard to committee sittings?

**Ms. Michalski:** I think it's ridiculous to think that any human being would want to be up until 4 in the morning. You've been up since 7 or 6 in the morning. Your brain is not going to function 24 hours; you need your rest.

It's only right for you to show your courtesy and listen to the people seriously when they're up here presenting. No one can do that at 2 or 3 in the morning; it's just not going to happen.

**Mrs. Mitchelson:** Thanks, Ms. Michalski, for your presentation.

There have been other members of the public who have made presentation on this bill, who have said some of the same things that you have said, and that is that this legislation was brought in very late in the session.

I know that there are many Manitobans who still haven't heard the full story on Bill 37 and what the impact is going to be, although it is receiving a bit more publicity.

Do you think that it might be a good idea, like other presenters have recommended, if the government were to step back, indicate that they are going to lay this bill over, at least, advertise broadly? That's one place they could spend some advertising dollars rather than some of the feel-good ads that they've placed in the past.

Advertise public meetings throughout the province, have an all-party committee and look at real electoral reform that might benefit Manitoba taxpayers. Do you think that might be a good idea?

**Ms. Michalski:** Absolutely, I think that would be a fair—its funny, I spoke with people at work in letting them know that I was coming here this evening; they had no clue about what was going on. I gave them copies of my notes, showing exactly what was stated in these amendments that you want to make.

They couldn't believe it. I don't think they know how to go about coming forward to speak, or maybe

they're not willing to come forward and speak in a public setting.

But it would be good to have, I think, forums all over Manitoba, I heard someone say, so that people from all over the province, not just Winnipeg or local areas to Winnipeg, could speak.

I think it shouldn't be pushed through last minute. It should be carried over to the fall and get real discussion on this, because this is going to affect the future, especially The Elections Act here. It's going to have a huge impact.

I just want to note as well, what's going to happen when the next government comes into power? You're playing with a double-edged sword. This legislation comes in, something happens, and the government that's in government right now doesn't win. Then you're on the opposite end of it.

Look what happened when you restricted corporate donations and union donations. For the first five years, you were fine but the last few years, the Conservatives, I believe, have out-fundraised you \$2 million to \$1.4 million.

It's just too rash to push something through like that. Fine, if you're going to, but, eventually—politics is like economics. It's circular—you know what I mean—[interjection]—exactly. Thank you, Mr. Goertzen.

**Mr. Chairperson:** No further questions? Thank you very much, Ms. Michalski, for your presentation this evening.

Next presenter we have up is Peggy Prendergast. Peggy Prendergast? This is the second call for Peggy Prendergast. Peggy Prendergast's name will be dropped from the list.

Second call for Norman Asher, private citizen. Norman Asher? The second call for Norman Asher. Norman Asher's name will be struck from the list.

Next name we have, first call is David Enns, private citizen.

Good evening, Mr. Enns. Thank you for your patience. Welcome. Do you have a written presentation, sir?

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

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

**Mr. Enns:** I'd like to start by thanking you all for letting me speak here tonight, and, secondly, I'd like

to say I'm not just here to waste 15 minutes of your time. I'd actually like to make my voice heard, which is the reason I'm here. I know I will waste 15 minutes of your time, but that's not the sole purpose of this.

So I'll start by saying I think fixed election dates again, are a great idea. They let the public trust you and know when an election's coming and they don't let anybody use elections or election dates as a tool to win that election. The only problem with this I see, like other people have noted, is unless a general election has been held between the coming into force of this section and June 13, 2011. This is a little tidbit that completely ruins the entire section of the bill. Like I was reading from Bill 15, why not do the work right now and just set it, have a fixed election and have the good legislation put through right now?

Why do you have to do it after the next election? It's using again the election as a tool, which it shouldn't be. It should be something set out on an even ground and nobody can use. I'm just wondering why the government must, every time they bring forth a piece of legislation, ruin it with making it a tool and turning it into something they can use and the opposition can't.

The second point I'd like to make is on freedom of speech. First off, I'd like to ask the government if they would restrict, say, a radio station from advertising, saying you can't advertise above 20, 30, 40 or \$50,000 a year. You never would. You see billboards, you see TV commercials, you see radio commercials with radio stations saying, listen to us, our music is better, our policies are better and our events are better. You wouldn't restrict them. In fact, the only people I can think of that are restricted from this are political parties. It's a breach of freedom of speech. I don't see why they can't advertise to their heart's content. If that's what they choose to spend their money on, let them spend it. Let them get their voice out there.

Another note on this is that the MLA for our area would be elected to be my voice or the thousands of voices in our area in this building and across the province. So, when you restrict that party or that MLA from speaking with a limit of \$75,000 or be it \$100,000, it could be a million dollars, when you restrict them, you're restricting my voice and the thousands of people in that constituency.

So, when you take in total, 19 constituencies will be restricted from speaking. Give or take, that's about 400,000 people that you are taking freedom of speech away from. That's over half of the city of

Winnipeg you're throwing into a soundproof box and not listening to. It's absurd. It's unheard of. Why would you stop these people from speaking? You wouldn't stop them speaking on a street corner and saying what they would like to say, be it about partisan politics, about a radio station, about a football game. You wouldn't stop them. So why are we stopping people in this building from advertising about what they believe in and what they've been voted in to speak on and represent?

On my third note, as you may know by now, I voted Conservative in the last election, and I knew full well that Hugh McFadyen was the party leader. I knew who my MLA was and I was in full support of their policies and what they said they were going to do. Now, saying this, if our MLA or Hugh McFadyen or Premier Doer came to my doorstep any evening and said, you voted for me, now give me \$1.25, I'd say, no, I don't choose to support this party financially. I have a very limited budget being a student, so it's not within my budget to support you. I choose not to and I haven't to date. So I don't feel I should be forced into such thing as this. If I do choose to support, great. I could donate a dollar, \$50, \$100, or \$4,000 if I so choose. But that's my choice. Nobody, and that's nobody should be forced into this.

\* (22:00)

Now, if people do choose to support your party financially, kudos to you, but nobody should be forced, as I say. I think our government should be learning to live within its means and not turn into a common thief just to survive. You're obviously not living on the street. You're not destitute. You don't need more money. You have millions of dollars at your expense. So why do you need, I think, a million dollars by the next election? For what? You haven't said what you're going to put it to use towards. You haven't said where it's going. Why do you need it? Why are you taking it?

If you so badly need \$250,000 a year, amounting to about \$1 million by the next election, then people aren't supporting you. If you can't fundraise this amount, then the 1.2 million Manitobans aren't supporting you. So what does that say about our public today? If they're not supporting our current government, you're obviously not doing something right. If you're not doing something right, change it. You should know that, as officials representing these people.

Now, I was going to finish there earlier on, and I was sitting here around 8 o'clock and I heard you

voted to sit till 4 a.m. Now, I heard one member earlier saying he would like the members on this side to stop talking and let the presenters present what they have come to say. Now, if you'd really, really like to hear us or anybody else, you wouldn't sit past midnight. You wouldn't sit past 10 a.m., when it's convenient for these people to come in. They have jobs, lives and families that they have to attend to before coming here.

Now, if you think anybody's going to come out past midnight or 3 a.m. or 3:30, it won't happen. So, if you really do think these people will come out, you're crazy, and they won't.

Another point I'll make in this is that if you, as a government, actually thought that Manitobans would stand behind this bill, then they would not try to force this committee to sit that long. If you really thought this was a good piece of legislation, and it's not just a cash grab, you wouldn't be hiding this. Why not stand up beside the Golden Boy and tell every Manitoban what you're doing, if you think it's a good piece of legislation.

You've been elected to represent these people and do what's in the best interests for them, not for you. There are 50 or so of you and 1.2 million of them. So what's best for them really counts, not what's best for your party. If what's best for your party keeps you in power, who cares? If the other party should win, be it the Liberals, be it the Green Party, anybody, an independent, if they should win—they should win. You shouldn't be using anything like this as a tool to stay in power. It's these people you're representing and not yourselves.

Now, I'll ask the member backing this bill if you would call his friends or family any time after midnight. We'll say at 2 a.m., call them at home, have the phone ring three or four times, wake up the household and ask them to come down here and present if you would really like to hear their voices. I'll offer a phone right now for him to call right now at about 10 p.m. at night, or any phone call from anybody would not be seen as a good thing in a household. There are children asleep, there are people tired from a long day's work, that don't plan on being up this late. I'll offer a phone, I'll offer anybody to a phone right now and interrupt this right now to call and ask them to come down here. I'd like them to see the reaction they'd get—be it from a wife, or a son or two-year-child that's asleep.

So, I'd just like to make that point, knowing that if you really want this to go through, you'll ask

Manitobans what they think and not try and hide behind times or motions such as going until 4 a.m.

And with that, I'd like to thank you again for letting me speak here tonight, and that's all I have to say.

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

Questions from members of the committee for the presenter?

**Mr. Pedersen:** Thank you for your presentation, Mr. Enns. It's perhaps the good part about having to sit here longer is that you heard more and bring us more in your presentation. As we've heard tonight about how much government advertises their feel-good advertisements about their budget and about things that they spend money on and then, conversely, we've got this method of committees where very few of the public is engaged or able to come to it.

Do you have some thoughts as to how you would like to see this—when a bill such as Bill 37 is being brought in, being proposed, do you have some ideas for us in how you would like see the general public become involved in presentations to it, input into it, and suggesting changes or, certainly, for the betterment of the bill?

**Mr. Enns:** Thinking about it now, these committees could go 6 to 9 every night for as long as they need. June 12 shouldn't be a date set out that we have to end this. If every single Manitoban wants to give you their opinion, you should sit there and listen to them. If it takes two years to do it, it takes two years to do, but if they want to come out and tell you what they think, they should be able to do it.

If that's a way to do it, that's great. Otherwise, if you have to go to them and find out what they want to say by going to Brandon, Dauphin, Flin Flon, anywhere. Setting up public hearings would be wonderful if that's within your time restraint, but such dates like June 12 when this committee has to be done shouldn't be limits on this.

**Mrs. Taillieu:** Yes, thank you, Mr. Enns, a very good presentation, the voice of reason here. It was just excellent. I think your points are all very well taken. I certainly saw the government MLAs perk up and listen to you, so perhaps there will be some more thought go into this because you raised some very good points.

I think the whole notion of more people being informed about what this legislation is and broader

consultations throughout the province would go a long way to convincing the government of their wrongdoings in this bill. There are certainly a lot of people out there that aren't really as informed as you are.

Again, and you did say, you touched on this as well that having hearings going through the night doesn't allow people to easily come and present to committee. Why do you think the government is restricting people from presenting to this bill?

**Mr. Enns:** Why? I couldn't tell you exactly. They want something to go through here that they, I'm guessing, know people will not support. So, if you do it any time between 12 a.m. and 4 a.m., people won't come and they can't present. I don't know why they would do something like this. They were elected knowing they should be the voice of reason for their constituents and knowing that they're here to try and better Manitoba. The reason as to why, I do not know.

**Mrs. Taillieu:** Would you recommend that the committee hearings be at a time when people are more easily available to come down to the Legislature at a time when it's light out and safe and not in the middle of the night?

**Mr. Enns:** I certainly would. As I said before, I believe I just threw this out there, between 6 and 9 would be a wonderful time. People have come home from work, probably eaten dinner, sat with their families and would have time to actually get here. Holding them during the day is okay for some people. Holding them, as I say between 12 and 4 a.m. won't do in the slightest. Nobody can come out during that time. Even say, if somebody goes out for a night on the town we'll call it, 4 a.m. is too late, past 2 a.m. is too late. Nothing good has ever come from something that goes beyond 1 or 2 in the morning. That's when you hear of murders. That's when you hear of stabbings, things going wrong on the streets. So why should all of you have to sit here and put yourselves in danger driving home at 4 a.m. when it's already the morning? It's not even today. It's tomorrow already. That's all.

**Mrs. Taillieu:** Thank you so much. Do you feel that the access to rural Manitobans has been restricted because there are no hearings throughout the province? Do you feel that rural Manitobans are not being treated equally here?

**Mr. Enns:** I certainly do. It's one thing for Winnipeggers to come out. We're only two-thirds of



the province. If the rural Manitobans don't get to come out, you're losing a very large share of what people want to hear. Many of you in here were probably voted in by these people, and if we can't hear from them, why are we hearing from you? That's all.

**Mrs. Driedger:** Thank you very much, Mr. Enns. I've really enjoyed listening to young people that have come to this committee and put forward their thoughts. I think what we've heard over many years and we've seen it at elections is that there aren't as many young people that are getting involved in politics or are going out to vote at the time of an election.

\* (22:10)

Do you think that legislation like this that actually is an attack on democracy in many ways, that actually brings in censorship, the process of this legislation where it was brought in really late, where everybody was manipulated to think it was only about set election dates whereas there are so many other parts, where we see now members of government now trying to ram this through, you know, forcing us to sit now through the night to address this—do you think all of this is going to do much to promote young people wanting to even be involved, or do you think that there is going to be a lot of youth cynicism about something like this if more youth were to become aware of what this government is trying to do?

**Mr. Enns:** I'll give an example to start with. I went out with some friends the other night for some wings, an easy night. One's a very staunch Liberal. I'm a Conservative and two of them support the NDP. None of them liked this. I was going through what the bill said and what I was going to speak on, and not one of the four of us liked it. That's three parties being represented there.

I don't think any young people would like this. I don't think anybody would like this, and in all honesty if there's any vote you want to win, it's mine. I'm 19 years old and I can vote until I'm 85. So, well, give or take the life expectancy, so, if there's someone's vote you want to win, it's mine. You know what people who are, say, 40, 50, 60 are going to vote. They're not going to change very much. So, if you want to stay in power or if you want to come into power, you have to try and win my vote.

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

**An Honourable Member:** One more question.

**An Honourable Member:** Ask for leave.

**Mr. Chairperson:** Is there leave of the committee to allow for a short question?

**An Honourable Member:** One short question.

**Mr. Chairperson:** There appears to be leave of the committee.

**Mrs. Driedger:** Thank you, Mr. Chair.

Mr. Enns, do you think that legislation like this, or the process that it is going through, is actually an act of disrespect to Manitobans in general?

**Mr. Enns:** I certainly do. Every Manitoban deserves to know what's going on in this building. It's them that it's affecting. There are, again I'll say, 1.2 million of them and 50 or so of you. So it's them that need to know not you and they're going to vote on this in the next election, whether you like it or not, if they find out what's going on. So really the only people that need to know are the ones outside of this building.

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

The next presenter I have on the list is Clyde Bramadat, second call for Clyde Bramadat. Clyde Bramadat. Clyde Bramadat's name will be dropped from the list.

The next person I have on my list for second call is Jack Carroll. Second call for Jack Carroll. Jack Carroll's name will be struck from the list.

The next person I have on my list is Judy Eastman. Second call for Judy Eastman. Judy Eastman's name will be struck from the list.

The next person I have on my list is Al Krahn. Allan Krahn. It's the second call for Allan Krahn. Allan Krahn's name will be dropped from the list.

The next person I have on my list, and the first call, is Doug Hutchings.

Good evening, sir. Welcome. Thank you very much for your patience. Do you have a written presentation, sir?

**Mr. Doug Hutchings (Private Citizen):** No, I don't have a written presentation.

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

**Mr. Hutchings:** Thank you very much. Quite an education, I must admit coming here this evening, and I'm really disappointed to hear the number of names called out, people that were willing to come down here and didn't come. I don't know what they wanted to waste their time for, but one thing I came today and I'm really outraged. I'm outraged at the NDP.

*Mr. Vice-Chairperson in the Chair*

I think they're a bunch of hypocrites. They gave \$3 million to the human rights museum and the very same damn day they come along and are going to deny us our own human rights here in the province of Manitoba. Now what a bunch—I'm outraged that it happened and I'm thinking—I spend a lot of time thinking about other countries, and I'm thinking about Mr. Chavez and Mr. Castro and Mr. Putin and the people in Burma and in China, and how the government controls, and they're propagandized. We're going to do the same thing here in Manitoba. I think not. It's just revolting to think that this government would do the same things that these dictatorships have done.

It's interesting, in 1933, the Nazis realized very quickly that the most important thing to do is to control the minds of the people. That's exactly what the NDP—I was just incensed when I hear about the wonderful things that the NDP government is doing in Manitoba with my—and they're advertising with my taxpayer dollars and the party that I represent can't even advertise with their own money. I think it's just absolutely wrong, and I want the NDP people here and everybody else to know that I think that it's entirely wrong what they've done. I agree with Mr. Enns and Mr. Derksen in their presentations, and I think what they say, I could say over and over again. It's identically the same.

Now, I have one other little item that I want to raise with you folks. If it's in the wrong place, I'm sorry. But I am very incensed with Mr. Doer's praetorian guard. I see that the city of Winnipeg firemen, who are paid for with my taxpayer dollars, are lined up supporting Mr. Doer. On top of that, those same firemen, in uniform, were out canvassing for the NDP. I think something should be put in The Elections Act somewhere to prevent uniformed civil servants going around electioneering for a political party. I think that it's entirely wrong.

Basically, that's my presentation.

**Mr. Vice-Chairperson:** Thank you very much, Mr. Hutchings.

Does anyone from the committee have questions for our—on our presenter?

**Mr. Lamoureux:** Thank you, Mr. Hutchings. I really appreciate your presentation. It's always nice when we have young people that come before the committee.

**Mr. Hutchings:** Thank you very much. I'll pay you afterwards.

**Floor Comment:** He was 15 when he got here.

**Mr. Lamoureux:** Sometimes the process does have an aging factor.

The question I would have for you is that if you have—in Manitoba we have, let's say, and I'm not too sure, I believe it's five, maybe six registered political parties, three of which actually have representation inside the Chamber. As a citizen of the province, and given that we're talking about election act freedom of speech for MLAs and so forth, I'm interested in your reaction, given that it's only one political party that actually supports the legislation in its entirety. Would it make you sleep better if, in fact, you had four or five political parties supporting the legislation? In your mind, is there a difference when there is only one out of the four or five or six parties that are actually registered that are actually supporting the current legislation?

**Mr. Hutchings:** I think it was said here this evening, why wasn't there a committee of the political parties that lined up this legislation rather than having the NDP just come in and present it? It would have been much better because I think they were all in favour of having the election every four years, but it's the other stuff that's being put in with it. It would have been much better if there had been an all-party committee make this bill rather than having it presented by the NDP. Yes, I would agree.

**Mr. Lamoureux:** One of the things, and I've used this example in the past, and this will be the last time I use the example. I'm sure the members of the committee will appreciate that. One of the concerns that I have is in regard to what it is that I can actually put out and mail in to my constituents. What I'm looking for you in terms of an answer is, imagine if you will, I had the privilege of representing you, and you lived in Inkster. If passed, without amendments, this legislation would not allow me to put in my

current business card because I have Deputy Leader written on it. That's the reason why that would be disallowed. It wouldn't allow me to put in a petition that says, whereas the NDP government was neglecting its job with the Crocus Fund, therefore, the government should call for a public inquiry. So it wouldn't allow me to put that into the envelope. It wouldn't allow me to put in—let's say there's an editorial, because there's a difference. You know, if the Liberal Party says this and the NDP says this or the Conservatives say that, sometimes people, especially if they are at odds, they're more inclined, maybe, to read the editorials or see what the media is and how they're reporting on it.

\* (22:20)

So, if I want to take an editorial and photocopy it and put it into that letter—okay, so you'd have my business card, my petition, and that photocopy of the editorial—if the editorial makes any reference to NDP, Liberal, Conservative, or any political party, I couldn't put that into the envelope.

**Floor Comment:** Well, that's what I'm outraged about.

**Mr. Lamoureux:** Are you going to let me—what I'm interested in knowing is, again, if you were a constituent, how offended would you be with the restriction that's being put on me?

**Mr. Hutchings:** I'm very offended. That's exactly why I'm here. I think that you, and any person that's running for the Conservatives or whoever else, should have the full right to put in whatever they want—at their expense, all right—but be allowed to say whatever they want. That's free speech; that's what democracy is about. This is what this bill is about, denying the democratic right of the representatives and the people of Manitoba to express themselves. It's an out and out attempt to—beginning of dictatorship, just exactly what I had already mentioned to you.

**Mr. Vice-Chairperson:** I have other speakers on the list. Can you make this your last one, Mr. Lamoureux?

**Mr. Lamoureux:** Yes, I'll make it really quick, because the Deputy Premier (Ms. Wowchuk) picked up on your part when you said, at their expense. Currently, the departments put out hundreds of thousands of dollars, and it's using tax dollars because it's a fairly costly venture. Opposition parties have always been able to do that because it can be fairly expensive. Are you comfortable with the status

quo remaining the same, that we should be able to put it out? In other words, I don't have to reach into my own personal pocket to do it. I should be able to do it through the government post office.

**Mr. Hutchings:** Yes. I think, if I understand you correctly, yes, that OHMS stuff, yes; you should be, within limits, allowed to do that; Yes, absolutely. I agree.

**Mr. Vice-Chairperson:** Up next, I have Mrs. Driedger.

**Mrs. Driedger:** Thank you, Mr. Hutchings, for being here and staying with us so late to make the presentation. I gather from the strong feelings that you have that this is indeed something that's really important to you.

**Mr. Hutchings:** Well, that's why I'm here.

**Mrs. Driedger:** Certainly we see and we've heard from a number of seniors that are very opposed to the vote tax, and while \$1.25 may not seem like a lot of money, to some people, when you are on fixed income at a certain age, \$1.25 can make a difference, especially when we've seen Pharmacare deductibles increase 34 percent by this government, when we see vehicle registrations that have gone up, when we see the price of gas that's rising out there right now, the 1.25 seems to be something that could hit a lot of seniors. We've even heard some seniors, when they talk about their Pharmacare deductibles, saying that they're in a position of being forced to make a decision between buying medication or buying milk, and it comes down to that.

So do you have a sense that this vote tax is going to incense a lot of seniors?

**Mr. Hutchings:** Yes, I do; yes, I do.

**Mrs. Driedger:** I spend a lot of time with veterans in my community and I go to a lot of events with them, and certainly in talking to them and being around them, and every Remembrance Day I lay a wreath and I think of what many, many of them fought for, and that was democracy and freedoms that they felt they were willing to put their lives on the line for those types of things. Do you feel that this is an insult, particularly to veterans, when we see legislation that attacks democracy, when we see legislation that actually brings forward censorship? When we see a government trying to manipulate elections in this province, do you find that offensive, and do you find, or do you think that veterans

particularly might take huge offence to this kind of legislation?

**Mr. Hutchings:** Mrs. Driedger, your comments were the part of the speech that I forgot to include. That hit my mind yesterday when I was preparing this, and I thought this is really something. The people in the First World War and the Second World War gave their lives because they wanted a democracy in Canada, and it was important to them. I can assure you that, if Mr. Douglas is rolling over in his grave, I can tell you there are a lot of veterans that are in graveyards in Holland and in Canada who are also rolling over in their graves over the same situation that's here. Yes, I meant to say that in my presentation.

**Mrs. Taillieu:** Thank you, Mr. Hutchings, for your presentation. It was a very passionate speech, and we certainly all listened to it. The offence that you've taken at this bill is palpable, I think, in the room.

I think that a lot of people have not had the opportunity to actually know what is in this piece of legislation because it hasn't been brought out to the public. The NDP didn't run on this as a campaign platform, and so the public is quite largely unaware. I'm wondering if you think that it might be a better way to go, to actually drop this bill and take it out to the public, to the broader public, for more input in this bill.

**Mr. Hutchings:** Yes, I agree with you on that. I think I made that point. It should've been done in such a way that the public can be involved or taken to the people and hear what they have to say. You're right. It was very well concealed and the public really don't know about it. This was the kind of bill that all of the parties should've have been agreed to rather than having the NDP present the budget, yes. I would suggest that, if nothing else, if they would make it so that that four-year business comes into effect right now, not when it suits them, that was the only good part of the bill, and the rest of the bill should be dropped entirely. If they want to then go around the province and get a feeling of the people or at least have an all-party committee make this legislation, then I would be in favour of that.

**Mrs. Taillieu:** I thank you for that. I know that you've been sitting and waiting to make your presentation, and I know that you were quite concerned that some of the people that had put their names on the list were not able to be here and make their presentation tonight. Some of that is because

we're sitting so late. It's 10:30 at night now, and a lot of people don't want to come down to the Legislature at 10 o'clock.

I'm wondering if you think it might not be a good idea to not drop these names from the list, but actually give these people an opportunity to come to committee at any time in the future so they can make their voice heard.

**Mr. Hutchings:** I would have to disagree with you on that. If people feel as passionately about this, and I think there are an awful lot of people do, they should be willing to come here anytime in order to express their point of view. I think, logically, between 6 and midnight would be a much better hour. I'm just really wondering how concerned these people are about this bill if they put their name in to come and speak about it and then don't bother to show up. I'm really left to wonder how much they are really concerned about the bill.

Sorry to disagree with you on that point.

**Mr. Vice-Chairperson:** Thank you for your time with us here this evening, Mr. Hutchings.

**Mr. Kelvin Goertzen (Steinbach):** I have a motion for this committee, Mr. Vice-Chairperson.

I move that this committee recommend to the House that the committee only sit during the hours of 6 p.m. until 10 p.m. and only on Monday, Tuesday, Wednesday and Thursday, to ensure members of the public have an appropriate opportunity to view the committee deliberations.

*Motion presented.*

**Mr. Vice-Chairperson:** The motion is in order, and the floor is open for questions.

\* (22:30)

**Mr. Goertzen:** Thank you very much, Mr. Vice-Chairperson. I bring this motion forward with the idea of ensuring that people's public right to not only make presentations to committees, but also to hear the workings of the community are defended. I've said to the Minister of Justice, the Attorney General (Mr. Chomiak), that I'll be here. You know, if he wants to ram this bill through 24 hours a day, I'll be here to defend it 24 hours a day. The minister can bring in coffee and donuts, and we can have at 'er individually for around the clock if that's what he's looking for, but I don't think that he does.

He might think he's doing me a disservice, or he might think that it's sort of too cute by half that he's

trying to ram this through at a particular time. It's not me that he is offending. It's not me that he's causing, I think, a disservice to. It's the public of Manitoba. It's people who may want to not only make presentations, and we've heard some over the last number of days, but also those who may want to come and listen at this committee and hear the proceedings. Let's not ever underestimate that. I mean, I think that, when a government becomes so arrogant at its stage of its tenure that it believes that it can sit through the night, they're doing themselves a significant disservice.

I remember, you know, it's funny, I read some of the hearings from the MTS debate over the weekend. The members might be surprised to hear that, but you know what? It's interesting and I think that all the new members in particular—*[interjection]* Well, I mean, and I know the Minister of Justice lived through those days personally, but there are a lot of new members on this side of the—or on the other side of the House, and I think each of them should read those committee debates and those committee hearings because they would find some interesting things there.

First of all, one of the interesting things was, and there's the Premier (Mr. Doer) stood up in the House and said, never in the history of the province of Manitoba has anybody ever stopped our filibuster presenters from speaking. Well, the very first thing that happened at the MTS debates was that the Member for Thompson (Mr. Ashton) filibustered the committee for up to two hours on a motion, trying to get public hearings. That might ring familiar, that might sound familiar because we've had some of those debates here, but members opposite, I think, shouldn't be comforted by their smugness when they like to think that this is somehow unusual or never happened in the Legislature's history before it.

I know for the new members, the Member for Radisson (Mr. Jha) who's relatively new but, I know, not brand new, but certainly other members here, the Member for Fort Rouge (Ms. Howard), and we've seen the Member for Southdale (Ms. Selby) here before. I mean, they go into their caucus meetings and they hear the rah rah from the Premier and the Attorney General, who probably posed a chair into the middle of the room and stands on it and gives the—

**An Honourable Member:** You've been there.

**Mr. Goertzen:** Well, no, I haven't been there but I've heard about them. *[interjection]* The desk-thumping

speech that the Minister of Justice is known for, and saying that, you know, this is unprecedented in Manitoba and this has never happened before, but he doesn't, I'm sure, always tell exactly what's happened here in the past. If you read those MTS debates, you'll find the—some of the members who are now in the government benches who now feign indignation about the fact that some of these challenges are going on in committee, there they said we shouldn't be sitting through the night. That was the members from Thompson and others who then said it was undemocratic. Oh, boy, what a turn of fortune some of those members have.

I know the Member for Fort Rouge is shocked—shocked—that her colleague, the Member for Thompson, who, I'm sure, has said to her that this is completely unprecedented in the history of the Manitoba Legislature, can hardly believe that she was fed a line by the Member for Thompson. I would encourage her. You know, we've got five and a half hours yet to go. I'm happy to go and download the MTS debates. I might even read them into the record if I was given leave, Mr. Vice-Chairperson, but I'm happy to distribute them for each member of this committee to read some of the things that the Member for Thompson said. During one of those debates, even the Minister of Agriculture (Ms. Wowchuk), who's left her seat now, and who's not here at the committee, who's absent from this committee, even though she wanted—the member, you know, the minister can call a point of order, she's not here when she was one of the ones who said that she wanted to sit here all through the night, so her absence is noted. I'll continue to note it, as any of these New Democratic members flee the room through these dark hours. *[interjection]* What? *[interjection]*

Well, I'm glad to hear the Member for Radisson (Mr. Jha) speak up. You know, I haven't heard the Member for Radisson speak at this committee for the last few days. In fact, the one time that he wanted to ask a question, he was shut down. He was shut down by the Member for Minto (Mr. Swan) who said, no, you can't ask a question; you can't say anything in this committee. Just vote when we tell you to vote. That's unfortunate because I know the Member for Radisson has more in him than he's being allowed to speak by the Member for Minto and others at this committee. I hope some day you're allowed to speak freely because I know you would contribute significantly to the debate. I say that to the Member for Radisson.

But, if you'd look back at some of the debates here in the Legislature, I came across an interesting quote from the Minister of Agriculture, who's not here at this committee at the present time, who said that any government that has to look back 10 or 15 years and point the finger of blame to a government from 15 years ago is clearly out of ideas. I'm happy to bring forward that particular quote for the members opposite. It dovetails into the issue of what the Member for Thompson (Mr. Ashton) and other members have been feeding these new members of the New Democratic Party.

Boy, it must have been a surprise. I feel for the Member for Radisson and for other newer members.

**An Honourable Member:** Vote, 52 to zero. Wow, a fantastic idea.

**Mr. Goertzen:** I'm glad that the Member for Radisson appreciated the vote this afternoon. I have absolutely no idea what the relevance is here to this particular debate, but it doesn't matter. You know, I'm glad that there's some unanimity in the House.

But the point for the Member for Radisson and other new members here is, maybe you should question, challenge some of the things that your more senior members of your caucus are telling you in your caucus meetings. They say that this is completely unprecedented. When they tell you that, oh, Manitobans want this legislation; they want Bill 38; they want us to strip apart the balanced budget legislation; they want Bill 37 so you can fix the next election in your favour.

If you believe that, I challenge you, I challenge you to go—*[interjection]*—that's right, I said the word "fixed," and you can call a point of order if you want to, but I'll say it again. If you would take this out to Manitobans and actually have public hearings and ask them and have them come forward into Radisson, I'll sponsor the public hearing in Radisson. I'll sponsor that meeting and we can have it, and I'll advertise for you, if I'm still allowed to under these rules. We'll bring members into Radisson, your members, and we'll see what they think because I haven't seen many, I'll tell you. I haven't seen many, Mr. Vice-Chairperson, people who have come and said that they agree with Bill 37, or they agree with Bill 38, or any of these pieces of legislation that these members are bringing forward, despite the fact that I'm sure that the Premier (Mr. Doer) and the Minister of Justice tell them during their caucus meetings, oh, this is what is being asked for by Manitobans. I'm sure, you know, under all the best

intentions, you soaked it up and thought, well, they must know what they're talking about. They've won a few elections.

Being a good politician doesn't make you a good Premier necessarily, Mr. Vice-Chairperson. I would caution the Member for Radisson to be sure that he's understanding and he's thinking twice. I know, he's an independent thinker, and I would challenge—*[interjection]* You are an independent thinker. I would challenge your colleagues to let you speak more independently sometimes because I think you could add something valuable to the debate. But I know you're not given that opportunity and I feel for you. I think that that's too bad.

**Some Honourable Members:** You're wrong.

**Mr. Goertzen:** Well, then, you can prove me wrong by speaking more at these particular committees, and I look forward to hearing from your presentations. *[interjection]* You're free and you're wonderful. I'm glad. You know, that gives me comfort as we sit here till 4 in the morning that the free and wonderful party is trying to ram through legislation at this particular hour.

The motion, specifically, is about ensuring that there is a reasonable time for people to come forward not just to present, but to hear the debate. I don't know who's going to want to go out on the streets of Winnipeg after midnight, after 10 o'clock. When you read the newspaper and you hear the crime, and we've heard it from some—*[interjection]* Well, I'm glad the Member for Fort Rouge (Ms. Howard) will hold my hand. I'll warn my wife that that's going on. She knows I have a sleeping bag coming up here and, suddenly, we're holding hands.

But I might feel safer with the Member for Fort Rouge with me, but what about the other Manitobans who might want to come to this committee and hear this particular debate? Is she going to hold the hands of every Manitoban who might want to come and hear the debate between 10 o'clock and midnight, who don't feel comfortable for going on the street? God bless Mr. Hutchings, who came here of his own volition and decided that he was—*[interjection]* Oh, yes, I'll talk as fast as the minister. If I thought he would understand it if I went any slower, I'd go slower, but I don't think it actually makes any difference.

I say to Mr. Hutchings who came here, a more senior member of our community, and had his views expressed despite the fact that it was late. But let's

face it, the vast majority of Manitobans are not going to feel comfortable coming out to a legislative committee after 10 o'clock to listen or to have their presentations heard.

\* (22:40)

If the Member for Radisson truly believes that, if he truly believes that, or the Member for Fort Rouge or any members, I would challenge you. The next time you have an important issue, next time you have an important issue in your riding and you want to have a community hearing on it, let's hold it at 3 in the morning. If you want to have a public forum on health care in Radisson, you're curious what your constituents think, let's hold at 3 in the morning and see how many people come out to hear. If it's an important issue, people will come out at 3 in the morning, right? Clearly, they're not going to. It's ludicrous to be running these committees through the night. Not for me. I'll stay here all night long to defend against this particular bill, but it's certainly a disrespect for the public. I know you know that. I know that all the members opposite know that. I understand, Mr.—

**An Honourable Member:** Filibustering people who came here. You wasted two hours of their time. You did not allow them to speak.

**Mr. Goertzen:** You take that message back to Mr.—

**Mr. Vice-Chairperson:** Order. Order.

**Mr. Goertzen:** —the Member for Thompson (Mr. Ashton) who's also used the tactics in the past when he believed something was important.

**Mr. Vice-Chairperson:** Order. Order.

**Mr. Goertzen:** We're defending democracy.

**Mr. Vice-Chairperson:** The member's time has expired.

**An Honourable Member:** Leave.

**Mr. Vice-Chairperson:** Up next on the speakers' list I have Mrs. Taillieu. Ten minutes.

**Mrs. Taillieu:** Well, thank you very much, Mr. Vice-Chair. I do want to support the motion brought forward by the Member for Steinbach (Mr. Goertzen) to sit in committee from 6 p.m. until 10 p.m. Monday, Tuesday, Wednesday and Thursdays. I think that is an appropriate time for the public to come and make presentation, after the workday is finished and before it gets too late into the evening so that people can have some opportunity to get

home and be with their families as well, which is certainly a priority with a lot of people.

As the Member for Steinbach has said, we can sit here all night. We can sit here 24 hours a day and we will, but that is not what the public wants to have happen. Why does the government want to sit in the middle of the night when the public doesn't want to come and present at that time?

That's just, it's just beyond comprehension that you would want to have committee hearings in the dead of the night, in the stealth of the night when nobody's coming out to make presentations. Perhaps that is by design. We'll hold the committee all night so that people from the general public don't come to the Legislature. In fact, they don't want the public to come into the people's building. They don't want people to come in here and make presentation. We've certainly seen that by some of the actions of some of the ministers of this government. They don't want people in the public people's building and that is wrong, Mr. Vice-Chair. I challenge this government as to why they want to have committee hearings at 4 in the morning when the public isn't willing to come at that time—

**An Honourable Member:** That is why.

**Mrs. Taillieu:** That is exactly why. That's what I said earlier. It's by design, designed so the public is not willing to be present. They are not here. They can't hear what's being said and, certainly, there is a will by this government to hide what is in this legislation.

They did not run on this piece of legislation, these bills, some of these very bad bills: Bill 37, Bill 38, Bill 17, 15, 31. They didn't campaign on these pieces of legislation. So now that they are elected, they don't want people to know what's in these pieces of legislation. So they put them forward at the very last moment, in the very last week before they would have to be passed this session. That was by the rules, and then they hold committee hearings in the middle of the night. They made a motion to sit through the middle of the night to restrict people from coming into the people's building and making presentation.

They don't want to hear what the public has to say. They don't want to hear the debate because they just want to do what is in the best interests of the government, not the best interests of Manitobans. When we get a government that is so focussed on their own best interests that they don't want to listen to the people that they are elected to govern—and

that's not just people that voted for this government, that's all of Manitobans. This government is elected to represent and to govern all of Manitobans in an equal and fair and accountable manner. But, when they restrict people's access and people's ability to dissect pieces of legislation and be involved in a debate, they're only self-serving and serving their own political interests. That's what we see time and time again with this government and the pieces of legislation that they are bringing in

I can't believe that each and every one of you on that side hasn't got an opinion on what is going on here, isn't standing up, isn't even putting your hand up in this committee to say what you think. Nobody on the other side is going to put their hand up and have an opinion on why they're doing this.

**An Honourable Member:** They do try, but they get shut down.

**Mrs. Taillieu:** As the Member for Steinbach (Mr. Goertzen) said, the Member for Radisson (Mr. Jha) wanted to speak up and was shut down. Shut down by the Member for Minto (Mr. Swan) who said, no, you can't speak.

They don't only want to restrict the public from presenting and restrict the public's right to speak up on this legislation; they also want to restrict their own members from speaking up because their own members were not even consulted with this legislation either. Now they're afraid that the other members in the caucus may speak up and say something and put it on the record that they don't want to be on record, so they restrict and silence them and say, no, we don't want you to speak because we're afraid of what you might say.

I look at the government MLAs, and when they're supposed to be listening to what the presenters are saying, what are they doing? They're either buried in their BlackBerrys or they're sleeping.

The Member for Charleswood (Mrs. Driedger) says the Member for Fort Rouge (Ms. Howard) was snoring. I don't know if she was snoring. I didn't really hear her if she was snoring, but the Member for Charleswood seems to think that the Member for Fort Rouge was snoring.

I've sat at this committee at 9 o'clock this morning. I sat here until noon. I sat with the same people. I'm sitting here tonight. I'll be sitting here until 4 in the morning. I'll be sitting longer if I have to sit longer. But I'm not going to fall asleep at this

table. I'm going to watch every single person on that side of the table when they fall asleep. *[interjection]*

Yes, the Minister of Agriculture (Ms. Wowchuk) has left the table. Perhaps it's okay for some of the people in the caucus to stay and hear committee hearings until 4 in the morning but not the Minister of Agriculture. I suppose that she gets to leave.

We'll just see how many people actually participate—participate—in the discussions here tonight or whether they will just sit there and sit there all night and do nothing. To actually pass a motion, bring a motion to the table, to sit until 4 in the morning and restrict the public from coming in to speak up is absolutely ludicrous.

The Member for Radisson (Mr. Jha) talks about the New Democratic Party. Well you've taken the democratic out of the New Democratic Party. So what are you going to call yourselves now? You don't have a democratic policy left in your party because you're restricting all democracy in this province with some of the draconian pieces of legislation that you're bringing forward.

You know, Mr. Vice-Chair, I think you should call the committee to order. I do have the floor and I think that if the Member for Radisson wishes to make some comments, that when my turn is over, he can put his hand up and he can be recognized and he can have 10 minutes to speak.

Let's hear from the Member for Radisson. Oh, unless the Member for Minto (Mr. Swan) decides to say, no, the Member for Radisson should not be allowed to speak, because this is what the Member for Minto likes to do: shut down members of his own party, shut down and criticize people that come to committee. That's just wrong, Mr. Vice-Chair. The Member for Minto, if he wants to speak, why doesn't he put his hand up and then speak too? He's got 10 minutes. When it's his turn, he can speak and he can defend himself.

\* (22:50)

The Minister of Justice, who thinks it's a great idea to sit till 4 in the morning, we'll see if he stays here till 4 in the morning. I would doubt that he will. I would doubt that he stays here from 10 to 11, as it is right now. I doubt that he stays here till 4 in the morning. Certainly, having the committee run until 4 in the morning, it's just ludicrous because the public isn't available to come out at 4 o'clock in the morning. They don't want to come here at 4 in the morning. They don't want to—most people sleep in



the dead of the night. They don't come out to committee hearings. The streets of this city, of all the things that are happening on the streets of this city in the downtown area and in other areas of the city, it's not just the downtown.

**Mr. Vice-Chairperson:** Order, the member's 10 minutes' time has expired. Up next, Mr. Pedersen.

**Mr. Pedersen:** I'm certainly looking forward to the next five hours, and counting. I notice there's been some cross-table discussion here. We've been trying to get certain members of the, particularly backbenchers of the government side to at least speak up and come out and say what they really think, but I guess they're not. I also notice a number of the members on their BlackBerrys and it reminds me—and I'm thinking, okay, they're going to be on their BlackBerrys till 4 o'clock in the morning.

This reminds me of when cellphones first came in and it was all the rage to have a cellphone. People used to actually hold them up to their ear. They didn't have anybody to talk to, but they had the latest toy, so I guess now we're going to see whether they can actually last five hours playing games on their BlackBerrys or whatever. That's the really unfortunate part about being in here till 4 o'clock in the morning is that the media can't be in here to watch the government members playing Brickbreaker and attending to important government business.

You know, we do have important legislation here. They've decided to test our mettle on this to see whether we're up to sitting in here till 4 o'clock in the morning because they know that there won't be any presenters, so we're up to the challenge. We'll do it. It would certainly make the evening, or morning, I should say, a lot more interesting if the NDP backbenchers would actually speak up and tell us what they really think about Bill 37. They've certainly found out about it through us. I'm sure it didn't come through their caucus before it was introduced in the House because they didn't know anything about it there. I guess we're doing our job as opposition to inform the public and to inform the back-bench NDPers of what their own legislation really is, and even, perhaps, some of the front bench.

I think there was—*[interjection]* Listen, we're into evenings. We may as well speculate lots. I would think there was a very, very small circle of caucus members who knew about this bill ahead of time. You know, we're doing our part here in committee to educate the, help inform the public and

educate many of the NDP caucus of what's in this bill.

As they continue to learn about this bill, it should give them pause to reflect. I know they think they're setting up a 30-year dynasty here to be in power forever, but I think Manitobans, I know Manitobans will see better than that. They need to really think this through as to what will happen should they pass this legislation as is, what will happen to them when they're in opposition. This is really going to—we see the pitfalls of it and we've done our best to explain that to the backbenchers, but I guess, apparently, they're not interested in knowing this.

Bill 37 is such a wide-ranging bill that's going to affect all of Manitobans. We've heard from a number of presenters, young and old, from all income levels of Manitoba. They've expressed their concern about the vote tax, about paying money to political parties, which they very strongly oppose. Now you're using their tax money to pay for ideological ideas that they just find offensive. Quite frankly, with a lot of them, they find them very offensive: Bill 37, with the number of presenters we've had on it; Bill 38 is still in committee and they have a number of presenters on there too.

So I guess whenever I'm able to get back to my constituency and I start talking to some of the 400-and-some presenters that are coming into Bill 17—I know the Member for Steinbach (Mr. Goertzen) brought his sleeping bag in—am I supposed to start providing accommodations for the 400-and-some presenters that are coming on Bill 17 because, obviously, we are going to be sitting round the clock on that one if they actually do call it to committee and which they haven't done yet? So I guess they're going to try and push that bill into even tighter time lines with 400-and-some presenters, and having it passed by June 12. *[interjection]* Oh, okay, so we're going to be here all summer, the Attorney General tells us.

*Mr. Chairperson in the Chair*

I'm sure that, in the middle of July, the streets in Winnipeg are that much safer in the middle of July at 4 o'clock in the morning than what they are in June. So, you know, I'll be telling my constituents at home that are coming to speak to Bill 17 to make sure that they have a police escort to get in and out of here because they're going to be called in the middle of the night because the last thing that this government wants to do is to have them heard and listened to by

this government. We will do our best to make sure that we can help these 400-and-some presenters come in there. There still are a number for Bill 37 that haven't made it in yet. So, are we supposed to be setting up police escorts for them, too, to come in for tomorrow night or what?

You know, we're just going to take it one day at a time here because, obviously, this government has—their intention is to ram this legislation through, to pay lip-service to having the public come and speak to it. They've heard a great number of presenters give some very sound ideas in terms of having the committee, an all-party committee, go travel the province so that we can get to all corners of the province so we can hear from all of Manitobans, all that want to come out in their own areas. This government forgets that not everything happens within Winnipeg.

There are a lot of—almost half of our population lives outside the Perimeter and they have a right to be heard too. If this government really is serious about listening to the public, they would have an all-party committee go around the province this summer. We have the time to do that. We could be doing that this summer. My summer's available for it. We could be out there and then coming back in the fall and bringing in a much better, not only better in terms of contents, which is paramount right now, because this is so full of bad contents, but we could be bringing back in a bill that Manitobans understand. If it really is better contents, Manitobans would be supporting it, and they would be very much in favour of bringing in a bill that would set election dates.

I don't like the word "fixed" election dates because that's the way the first election will be. It'll be fixed by the Premier (Mr. Doer). But, if we use the term "set" election dates and we know that that's—the NDP also understand set election dates as well, too, because that's how they did their press release on this when they released this, presented this bill in the House. It was lots of spin about set election dates and, oops, we forgot to mention there are a couple of other things coming with this bill. Manitobans have been not allowed to have input into this like they should have on a bill with this much importance.

\* (23:00)

Bill 38, it's exactly the same thing. They're bringing it in. They're trying to ram it through. They're going to push as hard as they can to get Bill 38 passed by June 12, because they know that they're

headed into deficits, and this is going to allow them to spend into deficits and balance it with Crown corporations. I know the one thing they're very sorry about on Bill 38 is that they still don't have MTS as a Crown corporation because that would allow them to steal from one more Crown corporation.

Bill 38 is bad legislation. If this government was serious about listening to the general public, they could do a series of bills, public presentations.

**Mr. Chairperson:** Thank you very much for your presentation, Mr. Pedersen. Your time has expired.

**Mrs. Driedger:** I just want to indicate that I will speak in favour of this motion that was put forward that we sit from 6 to 10 in the evenings to give members of the public access to this committee and to give them a place to put their voice at a reasonable hour and a respectful hour for Manitobans.

Certainly, one thing that we've seen, and I think it's been prevalent throughout this, and it's becoming very obvious from this government that they've really long lost the respect for the public in this province. We wonder why people are getting cynical about politics when we see the kind of manipulation and maneuvering with this legislation and what this government has done with their attack on free speech, their attack on democracy, their censorship of mail that we would have an opportunity in our job to put out there, mail which, by the way, we send out because it's our job in opposition to hold the government to account. My understanding of opposition was always that a government proposes and an opposition opposes, and that you get better government when you in fact have stronger opposition and an opposition that does their job.

Now we basically want, or this government wants to, in this legislation, put a stranglehold on anybody that opposes them. As other colleagues of mine said and other presenters have said, this is very repulsive. It's repugnant. We're heading down a very slippery slope here.

In Cuba, we certainly saw what they decided they were going to do in terms of managing things. They just basically don't have an opposition voice. They have taken control of the message, and that certainly appears what this government is doing.

So it's been hard to see how democracy doesn't work in this legislation, how it doesn't work with the process of legislation, with what the government is trying to do now through taking us back to the archaic days when it was a struggle for a lot of

people, especially people with families, to be in politics, because this becomes very disrespectful of professionals that are trying to do their job. As somebody pointed out earlier, too, we're dragging people that I'm sure don't want to be here. We've got Leg Counsel. We've got the clerks. We're forcing people to be here because the government wants to play games with this legislation and force sitting to go till 4 in the morning.

I guess, Mr. Chair, that if we do end up sitting till 4 in the morning, I do hope that the NDP members that have been having little naps here at the table do stay awake for the rest of this sitting tonight.

We certainly have some concern that this legislation did not appear to have been brought forward to the NDP caucus, and, as one of my colleagues indicated earlier, that it is a more normal process for the Premier (Mr. Doer) to bring forward legislation of this type when legislation dealing with the political process and changes like this are brought forward. It's interesting to note that, in this case, the Premier wanted to distance himself from this, but, no surprise with this Premier, because we see that in his behaviour when he doesn't want to be responsible or have his name attached to anything, we see that he will hand it over to one of his Cabinet ministers. Sometimes, we even see him leave the province and the country when he knows something negative is coming up, and he's long gone so that he can keep the Teflon coating on as long as he can. But I don't think it's going to work this time.

I don't think this government is going to keep its shine on past this legislation. I think, despite the fact that the Premier and members of the committee that are sitting around this table or in the NDP government may think that, you know, a number of people were here because they were asked to—I think if you listened to everybody and heard the passion in their voice, saw hands that were shaking, heard voices that were quivering, they would know that these people were speaking from their hearts, from their minds. They spoke with a great deal of passion. They did not have to be convinced to be here. In fact, a lot of them were afraid to come and speak before a legislative committee.

You know, it was distressing for me to see some of them attacked during the time they were presenting here and that I think was a very sad situation. We're seeing another sad aspect to this and a disrespectful aspect to this in terms of sitting until 4 in the morning. Those days where we did this in

the past were certainly not productive days, but it certainly speaks to what this government is trying to achieve. That is, at all cost, no matter what, they will take this legislation and they will push it through. They will ram it through, and everybody that has opinions and comments is just disregarded.

I think what we're seeing is a government that's been in power too long because they've lost touch with the public. They've lost touch with the people that have put them where it is. As somebody pointed out tonight, governments lose elections, and I think what is going to happen with this one because I think the government has gone down a very slippery slope. I think they're sending out messages to the public that the public finds very offensive.

I think this government has lost touch with Manitobans. They've been in power so long that they've taken ownership, and I've been involved in organizations before where that has happened, where people that have been in an organization have been around so long that they take ownership and they become dysfunctional and then they force the organization to become dysfunctional. It serves nobody's purpose but the purpose of those doing everything in their power to try to hold on to their power. I've seen that happen in a very creditable organization, and it was very, very disappointing for me.

I think it is offensive for a government to want to stay in power at any cost and lose touch and lose empathy with the public because I think the government has long lost that. So it makes you wonder what happens to their name because Democratic becomes something that is going to be a word that this government is no longer going to be entitled to use.

\* (23:10)

I think they've really blown it in terms of how they've represented themselves here at this committee in the process and in the content of the legislation. You know, not only are they trying to keep the public from properly being able to address the legislation, they are now trying to ensure that they keep all the MLAs, even of their own party, in such a state from lack of sleep that nobody's going to be able to think properly. Well, we have news for this minister because we've drawn a line in the sand, and we are not going to allow him to bully us or do what he's so good at and ram something through. This is too important. When you talk about censorship, when you talk about an attack on

freedom of speech, when you slam democracy, when you show disrespect for the public, I don't think that is anything that we can just sit back and allow to go through without a big fight.

We are prepared for a big fight. I don't think the minister understands how strongly we feel about this. I think he's going to be surprised at the willpower that we have on this side of the House and how far we are willing to take this in the fight, because we do not believe that this legislation is going to be good for this province.

You know, when I talked about veterans earlier, I mean, I'm just—and the more people that came here and spoke in presentation, the more upset I got listening to how people feel so stepped on by this government. I can't believe that the NDP MLAs across the table didn't feel the same thing. They must have felt something rolling around in their stomachs and muscles, and knots tightening up, because they couldn't have felt very good. I know the Minister of Education (Mr. Bjornson), certainly, when he was severely criticized by retired teachers, certainly didn't take that particularly well as he sat next to a retired teacher that spoke against this legislation.

I think the public is becoming more and more aware of how wrong this legislation is. You know, somebody said to me the other day, it's going to be interesting what people are going to start to say when others across Canada start to tune in to what is happening here in Manitoba. We've got enough problems here in this province with a lot of the challenges foisted upon us here in this province because of the policies of this NDP government. This person was saying to me, it's going to be really interesting to see what other provinces are going to have to say about Manitoba and what Manitoba no longer stands for.

When you look at the immigrants that have come here and they've come from other countries where democracy was not valued, when we hear from veterans or see veterans and what they were willing to lay their lives down for, and then we see this attack on democracy here, it is very, very disturbing to me.

**Mr. Chairperson:** Order, please. Time is expired.

**Mr. Briese:** I'm pleased to make some comments on the motion on sitting only from 6 to 10 p.m. on Monday, Tuesday, Wednesday and Thursday to give members of the public access to the committee.

I think one of the things we always must be clearly aware of—when we have a privilege as members of this House, we have to be aware that we have to stay in touch with the public at all times. The moment we step over the line and start to think that we are the smart ones and we are the ones that can make the rules and the public is going to follow blindly along is the moment we shoot ourselves in the foot. As the Member for Charleswood (Mrs. Driedger) says, it's certainly entitlement. We must always be listening to what the people are saying.

So, to that end, we must be accessible. People must be accommodated. We must suit their schedules, not our schedules, to have people turning out at these public hearings. That's simple common sense. You're not going to get people out here at midnight. You're not going to get people out here at 11 o'clock at night, and you're certainly not going to get them out at 4 o'clock in the morning.

Now, if sitting here till 4 o'clock in the morning is somebody's idea of a lesson taught or a message sent, then you've got a different aim. You've got a different goal, and that's fine. But I thought the goal of these committee hearings was to actually hear some presenters, accommodate the presenters try and hear what they have to say to the legislation.

Even tonight I've been kind of watching what's going on around here. Between 9 and 10 o'clock, while people were presenting, three of the members opposite were sleeping. *[interjection]* Well, I could pick them out if you want me to go there and actually name them. It was kind of interesting. The Minister of Agriculture (Ms. Wowchuk) slept through two of them, as a matter of fact.

All these presenters that we've been hearing on this bill, literally all these presenters—not all, but very close to all, have been opposed to almost every section of it, except the set election dates. You'd think that sooner or later the message would start to get through, but, no, we know, apparently, the message is, that we know better than anybody else, and this is the way we want to approach things. We got the mandate out of the last election, where none of this was brought up, but, as I said earlier, except the set election date part, and that was brought up by us, not by the NDP.

The Attorney General (Mr. Chomiak) says maybe we can sit here all summer. Well, maybe we can. Cows are out in grass; the tomatoes are planted; the crops are in the ground, might as well sit here all summer. You got most of the work done at home.

I'm quite comfortable with sitting till 3 or 4 in the morning, but I don't believe it serves the public, and that's where the problem arises.

This Bill 37, the more I look at it, the more I pay attention to it, the more disgusted I am with the piece of legislation that it is; set election dates that aren't set election dates. If you're going to set an election date, set an election date and so be it. But this is written so that literally the Premier (Mr. Doer) and the Cabinet could call an election next week or any time before the date that is written in the bill.

The part about the vote tax is, once again, ludicrous. It just shows the fundamental lack of ability to go out and actually raise your own money for your political party. When the legislation was changed, and prevented union and corporate donations, that was supposed to basically gut the PCs, the Conservatives in the province, and it did for a period of time. There is no doubt about that. But we lived and we learned and we went out and developed new ways of fundraising and, lo and behold, last election we were able to raise more money than the NDP. Now there's a piece of legislation that obviously failed. It was designed to hurt us on fundraising, and it did for a short time, but you can recover from those things.

I think, in any election, the political parties should be raising their own money to run those elections. It gives the people the chance to actually speak, and, if people want to support a party, they're going to support a party. If they don't, they're not going to. So we went out there, and I know in my own riding, I had very little problem raising the funds that we needed to run an election in that riding.

\* (23:20)

I think I want to get back to what the motion is about here. I think we should kind of stick to the main principle of accommodating people. These committee hearings have to be held at a time that people can make it to them. I think this is a very good motion. I commend the Member for Steinbach (Mr. Goertzen) for putting this motion forward. It certainly carries a lot of merit, and I think if we were following that kind of principle, we would certainly have a lot more presenters coming out on a lot more of the bills.

I think there are an awful lot of bills there that there was some interest in that they just weren't

going to come out to. I find it interesting, too, that the NDP are saying that we're stymieing the presenters and we're causing the delays and so on. It's interesting to me that they haven't called Bill 17, which has somewhere over 400 presenters lined up now. They're saying, we don't want to listen to the public. It certainly appears that they don't want to listen to the public on Bill 17. They just don't want to listen to probably any bill where there are 400 presenters, and I would expect a large number of those presenters are against the bill. Usually, you're more liable to get people out speaking against a bill than you are out to speak in favour of a bill, so I would hazard a guess that probably 75 or 80 percent of them, at least, are against the bill.

I can understand their fear. They do see their summer disappearing if they call that bill, because when you start considering probably four speakers an hour or less, and you've got 400 speakers, there are 100 hours burned up. That's going to take quite a little while, and, who knows, there may be a lot more signed up for that one yet. I know Manitoba Pork was looking for at least 500, so it may well get there.

There are a number of other bills that haven't been called and I have no idea why. I'm kind of curious about why there are three or four or five other bills that haven't been called, but I can quite easily understand why Bill 17 hasn't been called.

We're certainly seeing some movement toward some difficult legislation and legislation that hasn't had decent consultation, especially 17, 37 and 38.

**Mr. Chairperson:** Order, please. The member's time has elapsed.

The next member on the speaking list is Mrs. Mitchelson.

**Mrs. Mitchelson:** I'm pleased to have an opportunity to speak to my colleague's motion to limit the hours of committee sitting between 6 and 10 during the week. Certainly, it merits consideration by this committee and by the government.

You know, I go back to comments I've put on the record before about this legislation, how significant it is, how it changes the democratic process, how it rolls five different bills into one omnibus bill, or ominous bill, whatever you might like to call it. It's significant. It changes how democracy works in the province of Manitoba. It's one of those pieces of legislation that should have been rightly introduced by the Premier (Mr. Doer), by the First Minister of this province. He didn't

hesitate the last time changes were made to The Elections Act, The Elections Finances Act, to introduce that legislation proudly and see it through the legislative process, but, for some reason, he's conspicuously absent with his name on this piece of legislation.

One of the excuses he used when he was first questioned was that, well, he didn't want to put his name to it because he had to be away at the Western Premiers' Conference and he wouldn't be able to be here when the committee was called, so he managed to make it to the first couple of nights of committee while he was still in the city.

Then, rightly so, he had commitments at the Western Premiers' Conference that he had to be at, but the Western Premiers' Conference is over now. The Premier (Mr. Doer) still isn't listening to Manitobans when they make presentations on this bill. Maybe, if we had saner hours of sitting here in the Legislature, we would see the Premier here doing what he should be doing and that is listening to Manitobans on a bill that should have had his name attached to it.

We've heard comments and we've heard many say that there are probably several members of the NDP caucus that were blindsided completely when the Minister of Justice, the Government House Leader (Mr. Chomiak) introduced this bill into the Legislature. I would think and I would imagine—I would hope that members of the government side of the House, when they get together for their regular caucus meetings, have questioned what this bill is all about, have asked for details from their Premier and their minister who introduced this bill.

I'm not even sure that all members of Cabinet had the opportunity to know the details of this legislation before it was introduced into the House.

I would think that anyone with any common sense would question the democratic or the undemocratic approach that has been taken by this government in bringing forward this kind of legislation with only a select few members of their party knowing and understanding the full impact and the full implications of the changes to the democratic process that Bill 37 presents.

So I very much support the motion that moves us toward a saner set of circumstances surrounding committee and public presentations. None of us should expect members of the public to be here until

even midnight; I would venture to guess that those that made presentations are working Manitobans. They're people that have to work to pay taxes, to provide for their families; they shouldn't be expected to sit here past midnight, or until 4 a.m. in the morning, to make representation to members of this committee.

I've suggested all along—and many presenters agree and have even suggested that an all-party committee that travels the province with publicized scheduled dates, well ahead of time, provided to Manitobans would be a process that Manitobans could embrace with open arms.

But they can't embrace the process that's before them today, with a government that is intent on ramming through a piece of legislation, to put closure on a piece of legislation and prevent members of the general public in Manitoba to come forward and make their views heard. I think the government really had the intention of trying to get this bill passed and rammed through the Legislature before Manitobans knew what it was all about.

With the \$70 million that the government has spent on advertising, you would have thought that, maybe, they could have spent a few dollars advertising Bill 37 to the general public. They could have let Manitobans know what was in this bill and asked—if they truly wanted Manitobans input—they would have let them know rather than sneaking it in under a veil of secrecy and trying to ensure that Manitobans didn't even know what had happened before this bill was imposed upon them.

\* (23:30)

The vote tax, which is extremely offensive, asking Manitobans to pay \$1.25 per vote to political parties, is something that many, many presenters have said is wrong, is absolutely wrong. Even when asked and challenged by the Premier when he was at committee indicating that the federal government has this kind of a policy and this structure in place, presenters said bad public policy is bad public policy, and why would we, in our right minds, as legislators in Manitoba, implement bad public policy and try to justify it by saying someone else is doing it? You know, someone else is stealing cars or robbing stores or whatever, so that's bad news. Why on earth would someone want to follow in that direction?

I ask members of the government, and I believe that members of the government that weren't

informed about this legislation and what it entailed should be demanding, that their constituents have an opportunity to learn what's in the legislation, what's going to be passed in the wee hours of the morning, some morning between now and June 12 or July 12 or August 12 or whenever it might be, however long we may need to sit to try to ensure that all Manitobans know the kind of backward, draconian, undemocratic legislation is being imposed upon them and members of this Legislature without them even knowing.

Our job as members of the opposition is to try to inform Manitobans when we see something as undemocratic as this trying to be rammed through this Legislature by a government who has no respect for Manitobans, has no respect for the democratic process and no respect, thinking that Manitobans just don't have brains, they're not going to see through this. Well, Manitobans are going to see through it. We are going to make sure that Manitobans know what this government is doing, and we are going to communicate with Manitobans, something that this government is trying to prevent us from doing, but we are going to let Manitobans know exactly what is happening under this government that's become very arrogant.

They believe now they have a divine right to rule and that no one is going to stop them, and this legislation is just one small piece of that greater plan to try to stifle our ability to communicate and prevent Manitobans that have the right to know from knowing what is happening in this Legislature. We won't let it happen.

**Mr. Hugh McFadyen (Leader of the Official Opposition):** Mr. Chairman, I think this will be the third common-sense motion from the Member for Steinbach (Mr. Goertzen) that I've had the honour to speak in favour of. It may even be the fourth or fifth. Whatever the number is, I have not had any difficulty being fully supportive of what the Member for Steinbach has put forward.

When I think back about the first motion brought by the Member for Steinbach and I think about what could have been if only members opposite had supported it. It was a common-sense motion to withdraw Bill 37 and go to broad-based public hearings throughout the province of Manitoba on the issues of democratic reform, and if only members opposite had supported that motion, we could have avoided the scenario we find ourselves in today and

tonight by going out on a proper full public consultation process.

I know members opposite are, I think, expressing some degree of frustration at having to be part of long committee meetings, and I don't think they should be frustrated. They should have supported the first motion to go out and listen to Manitobans and public consultations around our province to find out first-hand what their expectations are of us in terms of the way we conduct elections, the way we serve them as their elected members of the Legislature, the way we finance election campaigns, the priorities to which we put their hard-earned tax dollars.

I think about the hundreds of thousands of Manitobans who wake up early every morning in the winter months, in the dark, very often scrape off their vehicles in the morning, often the vehicle is cold. They get in and they make their way into work, and they work hard every day. When they get paid at the end of the week or the month or whatever the case may be, the government takes from them its share of taxes, and they have an expectation when the government takes that share that those monies are going to be spent on things that meet up with their priorities.

Our major concern about Bill 37, the vote tax, is that nothing could be further from the priorities of Manitobans than more money for Manitoba political parties. When we think about the needs that we face in areas like health care, the Member for Charleswood (Mrs. Driedger) today asked questions about challenges within breast cancer screening, when we think about the challenges of public safety, when we think about education and the variety of areas where we need to do better than we are today, to think that the government has introduced a bill to divert a million dollars of that hard-earned money from people who are getting up and working long hours to support their families is almost beyond belief.

So, Mr. Chairperson, Manitobans should have every opportunity to come out and speak out against this outrage of Bill 37 reallocating their money toward things that are not even close to being in line with their priorities. That's why the motion from the Member for Steinbach makes such good sense. Firstly, there's no urgency to getting Bill 37 passed. The government has not made the case that Bill 37 needs to be passed quickly. There's nothing in this

bill that is going to go to the issue of saving lives or protecting the health and well-being of Manitobans.

In fact, if the government viewed it as an urgent piece of legislation, why would they have waited until the last possible moment to introduce it? Clearly, if this was an urgent matter, this would be Bill 2 or Bill 3 or even Bill 15, if it was really a high priority. But the fact that it's Bill 37, almost the last bill that the government introduced, and let's think about it. If it was urgent, think about the opportunities to have introduced it. You've got Bill 2, Bill 3, Bill 4, Bill 5, Bill 6, Bill 7, Bill 8, Bill 9 and all the bills between Bill 9 and Bill 36 where they could've have brought it forward. But it just wasn't a priority.

They brought it in at the very last possible opportunity. They snuck it in under the wire, and clearly they don't believe it is any more urgent than Manitobans do. If it was urgent, it would be a different matter, Mr. Chairperson, and we might say that perhaps we have to truncate the public hearing process, perhaps we have to put rules around the length of presentation, perhaps we have to run committee for longer hours than what would be considered normal and considered reasonable, if there was a degree of urgency to this piece of legislation.

But there's no urgency, Mr. Chairperson. The only urgency seems to be on the part of the governing party which can't wait to get their hands on the \$250,000 of taxpayers' money that they're paying themselves, CPI adjusted with COLA, \$250,000. Is this urgency? We suggest that it is not, and if the government was setting priorities, the question is this: How is it that they can view this bill, which contains a \$250,000-cost-of-living adjusted grant to the NDP, a higher priority than their bill which they say is going to save Lake Winnipeg, which they haven't even called to committee yet?

So the priorities of this government are clear. Get our hands on the 250 grand—urgent. Ram through the balanced budget law in order to legalize deficits—urgent. Save Lake Winnipeg—optional. That seems to be the message that this government is sending with the way in which they've called bills to committee. It's a message they're sending Manitobans, and we say Manitobans should have every opportunity to come out and speak against this bill.

\* (23:40)

The right time to do it, as the Member for Steinbach has indicated in his motion, is between the hours of 6 p.m. and 10 p.m. I think reasonable members might even entertain an amendment from members opposite, perhaps extend it from 6 p.m. to 12 p.m. if they really feel there's urgency on dealing with this bill. I think that's an amendment that we would be happy to speak to and entertain. Maybe the Member for Inkster (Mr. Lamoureux) is going to look for a compromise and introduce a motion that we sit from 6 p.m. until 11 p.m., and that's something else that maybe we can consider as a committee. These are all reasonable positions that could be taken, but I believe the Member for Steinbach (Mr. Goertzen) has introduced a motion that sets the right tone: 6 to 10, four hours of presentations to allow Manitobans to come out Monday to Thursday.

We're now moving into the summer months here in Manitoba. Many Manitobans have commitments either to family or to other endeavours on the weekends. I think we want them to be able to come out on week nights between reasonable hours to have their say, not only to speak to this bill, but to be present as members of this committee entertain the many important amendments that have been sent for drafting which will come forward for debate and discussion when we get to that stage in the process. Manitobans are going to want to be here.

For example, when a member of this committee brings forward the amendment to strip out the unconscionable cost-of-living increase attached to the government grant that has been called for by retired teachers and highlighted as a blatantly unfair and inconsiderate piece of this legislation, when that amendment comes forward, we know that Manitobans will want to be here to hear the debate from members of this committee. They'll want to know how members vote on that amendment because they're going to want to be able to hold them to account in the next election. They're going to want to know whether they voted in favour of the amendment—

#### **Point of Order**

**Mr. Chairperson:** Mr. Goertzen on a point of order?

**Mr. Goertzen:** I'd like to ask for a quorum count, please.

**Mr. Chairperson:** Quorum count has been requested. Just give us a moment, please. Close the doors.



A quorum count has been requested and I would ask the Clerk Assistant to please count the members of the committee that are present.

**Clerk Assistant (Mr. Rick Yarish):** Mr. Altemeyer; Mr. Jha; Ms. Marcelino; Ms. Howard; Honourable Mr. Swan; Mr. Reid, Chairperson; Mr. Goertzen; there are seven members present.

**Mr. Chairperson:** The Clerk Assistant has completed the quorum count and therefore there is quorum of the committee and we will continue with the proceedings of this committee.

\* \* \*

**Mr. Chairperson:** Mr. McFadyen, you had the floor, sir.

**Mr. McFadyen:** Thank you, Mr. Chairperson, the point I left off on is that Manitobans, the retired teachers that came out to speak against the COLA increase into this government grant to political parties, would want to be present when that amendment was debated and considered. They would want to be able to hold all members of this committee to account for the vote that they take on that amendment and the many, many other very good amendments that I anticipate will come forward to Bill 37 when we get to that stage.

We've also got a very extensive phase in this committee of putting questions to the minister. Obviously, there are many, many unanswered questions that members of the public, as well as their elected representatives require answers to, such as the constitutionality of the process of screening MLA communications. I think that we're going to want the Attorney General to produce those legal opinions that either support or don't support this provision of the bill.

Manitobans are going to want to be present for that discussion. They're going to want to know whether their government is introducing legislative bills that are unconstitutional. They're going to want to know whether the great ancient traditions and practices and conventions under our Constitution derived from the British Parliament are being adhered to in the drafting of this Bill 37.

Today, we had the privilege and opportunity, and we thanked the government, the Premier (Mr. Doer) and Government House Leader (Mr. Chomiak) for the opportunity to participate in the gathering today with Prince Edward, the Earl of Wessex, in

connection with the awards to be presented. It reminded all of us of the conventions that have been handed down to us through history, the parliamentary and constitutional conventions that have been transmitted to Canada via the British North America Act and subsequent amendments thereto, as well as the Charter of Rights and Freedoms.

All of these matters, all of these matters are matters where questions are going to be put by members of this committee to the Attorney General. He is going to respond, I believe—Mr. Chairperson, I believe I'm getting the signal here that time is up. Are you just looking for me to wrap up with a very quick concluding remark? Thank you.

I will wrap up, in that case. I believe the case has been made that this committee ought to sit between the hours of 6 and 10 p.m. in order to allow maximum public participation. Allow participants to hear the questions, to be present through the amendment process. So I urge all members to support what is yet another common sense, practical and democratic motion brought by the Member for Steinbach (Mr. Goertzen). Thank you, Mr. Chairperson.

#### Point of Order

**Mr. Chairperson:** The honourable Minister of Justice, on a point of order?

**Hon. Dave Chomiak (Minister of Justice and Attorney General):** Yes, Mr. Chairperson, I just want to remind all members of the House, for the two hours that the members have filibustered, we could have heard eight presenters from the public that are left on the list before midnight. Due to the filibustering of the members opposite, we have been denied that opportunity, and that is the point that I think we all should be conscious of.

**Mr. Chairperson:** Mr. Goertzen, on the same point of order.

**Mr. Goertzen:** Well, I'd like to welcome the Minister of Justice back to the committee. I know he was gone for the last number—a bit.

**An Honourable Member:** He was looking for you, Kelvin.

**Mr. Goertzen:** Well, he only had to look in the committee and he would have found me.

**An Honourable Member:** I was looking for your sleeping bag.

**Mr. Goertzen:** Why is everybody so fixated with my sleeping bag? It's not filled with jellybeans or anything.

On the same point of order, Mr. Chairperson—

**Mr. Chairperson:** Order, please. Hold on just a sec, folks. Just a moment folks, please. I know the hour is progressing here and I know that members are perhaps—it's going to get a little testy here from time to time. I just want members to understand that the Chair recognizes only one member at a time to speak. Presently, Mr. Goertzen has the floor on this point of order. The Chair needs to be able to hear the information that's shared by honourable members. So I would appreciate the co-operation of committee members to allow this discussion to occur on this point of order so the Chair can make a ruling. Thank you to honourable members of the committee for their co-operation.

**Mr. Goertzen:** Thank you, Mr. Chairperson. I take your admonition seriously. I'm glad that the Minister of Justice has returned to the committee, if ever so briefly, to raise the point of order because it does give me the opportunity to remind the Minister of Justice that there's been more than a few opportunities for this committee to do the right thing and to ensure that the committee proceed properly in terms of allowing those who haven't had the opportunity to register, to register now. But the Minister of Justice said, no, we don't want to hear from any more Manitobans. We don't want any more Manitobans to come forward to this committee to make a presentation, so we're going to cut it off. It doesn't matter if anybody is interested, we're not going to have it here.

Even though we had the dispute about whether there was a closed sign on the door or not. Regardless of how that closed sign came to be there, the fact is it was there. There are some who are concerned that it disenfranchised those who wanted to ensure that they had a voice. We've had discussions here about whether or not we could have—and the motion speaks to it—have committees at a reasonable time. We've had discussions whether or not we could have committee hearings outside of this building, and have public hearings, so that the public could make presentations closer to home and at an hour that was more reasonable to them.

So I find it a little disingenuous that the Minister of Justice (Mr. Chomiak) blows back into the committee room after having been away from it, and quickly puts a point of order on there, saying that we

could have heard more presenters when he, through his own actions, his own actions, has made it so that members of the public couldn't go to public hearings out in the community. Made it so that those who would still want to register to present to Bill 37, can't come and register to Bill 37. Made it so that the committee is going to sit at hours so that those who want to come and hear the presentations, who won't feel comfortable doing so, or make presentations themselves. It's a little disingenuous for this member of the Legislature, the Minister of Justice, to come and talk about democratic freedom when he, more than anybody on this committee, has done more to limit the ability for Manitobans to speak to this bill.

I won't even get into it, Mr. Chairperson, the fact that he dropped this bill late in the session and then tried to misrepresent the bill. He, more than anybody, has tried to ensure that the democratic process was thwarted. So it's a little rich for him to come at this hour to try to talk about the democratic process. If he wants more presenters and he wants to hear more presenters, let's have the committee from 6 to 10 on four days a week, and we'll hear more presenters. If he's truly concerned about that, then he'll support the motion.

\* (23:50)

**Mr. Chairperson:** Mr. Schuler, on the same point of order.

**Mr. Ron Schuler (Springfield):** On the same point of order. A point of order is a very important part of any committee. It should have relevance to what the committee is discussing and should have some factual basis to it. We certainly know that the minister's point of order clearly belongs at this committee, but we do not believe that it is based on fact.

The minister tried to portray somehow that the opposition are the ones to blame for the fact that this legislation was brought in at the darkness of night and the last moment possible. Here the committee sits until 4 o'clock in morning and, somehow, that's supposed to be a positive thing for people wanting to present or people wanting to listen to committee. This is how people are supposed to view their democracy.

First of all, this morning, the government called committee at 9 in the morning. Did that again under the darkness of night the week before so that most people couldn't even have known about it and those that would have known about it probably would be

working a job, something like a 9 to 5 or an 8 to 4, and would have not of had the opportunity to be here.

So I would suggest that the minister look in the mirror when he wants to starts pointing blame. There's a saying my kids have, when you point one finger at somebody, there are three fingers pointing back at you. I would suggest that would be the case with this minister.

What a sham to start a committee on a Monday morning when most people wouldn't even know that the committee was called, and then do it during basic working hours. Then we have the government bringing the committee back in the evening and forcing the committee to work until 4 o'clock in the morning, which again, is unreasonable. It's unreasonable to expect somehow that people would come to the Manitoba Legislature, where by all intents and purposes the do-not-disturb signs have already been put on the front door, and everybody's shut down for the night. It's just not reasonable.

Then, somehow, to take a point of order to try to blame the opposition for all of this is shameless. This isn't the opposition that's done any of this. This is actually the minister and his Premier (Mr. Doer) who have done this.

I'm surprised. The minister is a seasoned-seasoned-politician. He knows better. He knows that to even have started this point of order was nonsense. He knows who's to blame for this and it goes right to the Premier's door. The Premier's to blame for this. Did he consult with the backbenchers in his caucus? No. Are they confident that this is something that's positive for Manitoba? No. Is this something they'd probably even want? No, probably not.

Guess what? They're stuck here with basic duct tape stuck across their mouth. They're not allowed to say anything. They're not allowed to participate.

The minister tries to somehow convey the message that all of this is the opposition when it's the government that has been pulling all the strings. The master operator here pulling strings and levers and all the rest of it.

It's the government that's to blame. It's the government to blame that we're sitting here until 4 in the morning, not the opposition. It's the government to blame that presenters can't be heard because they called committee for 9 o'clock in the morning. What a shameful thing to have done. I mean, really.

The only common sense we've actually seen out of this government today is the government which has the monarch, a representative of the monarchy, one of the family, come to Manitoba and view Manitoba and the beautiful things we have to offer, and then they schedule two committees at the same time after having extended an invitation to all MLAs. Finally, they saw the common sense and backed down off that one.

Now you want to talk about shameful. That was one. Talk about disrespectful to the monarch. We have a British parliamentary system. We have a monarchy system and it has served us well. It brings us stability. It has brought our country to be a first-rate nation. It has brought us to where we are today.

Actually, I give the government credit. After a lot of back and forth, which they should have had right to begin with, they finally backed down on that one. Finally, they agreed with the opposition and went along with that, finally. We appreciate that and we—*[interjection]* No, I'm actually thanking the minister for doing the right thing, although I have this feeling that the Premier came home from his conference, grabbed the corners of the carpet and, whoof, the minister had no carpet under his feet anymore. That was it. The carpet was pulled out. So I don't think—

**Mr. Chairperson:** Order, please. I think the Chair has entertained a fair amount of latitude in hearing from members of the committee, and I appreciate the advice that members have offered with respect to the point of order, but I must respectfully say that there is no point of order.

\* \* \*

**Mr. Chairperson:** We'll now proceed with the next speaker on the list with respect to the motion that we currently have before committee members. The next speaker I have on my list is Ms. Howard.

**Ms. Howard:** I'll be very brief, Mr. Chair, because I am interested in hearing more presenters tonight, and had we not been discussing this motion now for two hours almost, we probably could have got in almost all of the presenters who are on this list. But that's not the choice we made, and that's fine.

You know, in the few days that we've had this committee and I've been on this committee, I just want to reflect that the first time we had the committee, we spent three hours at the beginning discussing motions. That's the opposition's right. I don't dispute that. That's their right to use procedure

and process. That's their right. I think it's an unusual choice to exercise that right by keeping the public from speaking, but that's the choice that they've chosen to make. So, in my estimation, we spent three hours the first night. We spent one hour the next night on a point of order. We took two hours today, so people could go and attend the reception for Prince Edward, and I have no objection to that, but that's six hours and that's 24 presenters that we could have heard in that time.

There're only 57 of us in this province who get to make the laws, and whatever other jobs we have as members of the Legislature, whatever other activities we engage in—I know we all do to represent our constituents—at the end of the day, our primary role is to legislate. That is going to take some time. We're going to take the time to do that, and that's, I think, acceptable to everybody.

The other thing I just want to say is that we're probably going to be together for quite a long time, and I know we're going to disagree passionately about lots of things in this bill. But I hope that as we're together and as we're together late into the evening, that we can at least treat each other with respect during that time. Earlier, the Member for Morris (Mrs. Taillieu) wondered if I had been sleeping and snoring in committee. That is not the case. I want to assure her, had I been snoring in committee, there would be no mistaking it. So I want to assure her that I have been paying careful attention and will continue to do so for as long as it takes.

So I would just speak against this motion and hope that we can continue to hear from presenters who are left on this list. I would hope that we can do that. Thank you very much.

**Mr. Chairperson:** Mr. Lamoureux, on the motion.

**Mr. Lamoureux:** Mr. Chair, first off, I think that we want to be sensitive to those that have put their name on the list and want to be able to make presentation. If there are presenters that are here that don't want to have to wait through this, that all they would have to do is just indicate that to committee members, and I'm sure that somehow we would accommodate them being able to make their presentation as opposed to having to wait, if, in fact, they were interested in making the presentation right now or if they were prepared to continue to listen through as we try to work out some very important issues.

I've talked in the past about the rules because the rules are, I believe, very, very important, and how we

conduct ourselves now does have an impact in terms of the future.

\* (00:00)

The motion, as I understand, is moving that we have committee meetings in reasonable hours from Monday though Thursday. I believe, Mr. Chair, it ends at 10 o'clock is the suggestion, 6 o'clock to 10 o'clock. I suspect that if this was a rule that was being discussed in the spring time or last fall or I'd even suggest to you whenever we get out of this current situation that we find ourselves in, we would probably have support from all sides of the House, because it is a good motion that could make a difference

I've always found it interesting when we get presenters coming before the committee to express what they have to say about bills. There are occasions when you could take a particular bill and you could advertise it a great deal, and you'll still find that no one or very, very few would actually show up to provide any sort of comment.

In fact, if you take a look at the entire government agenda and if we were to average it out over the years, I suspect that you would probably be talking somewhere maybe, on average, all bills—especially if you factor out let's say the 5 percent of those bills that have an abnormally high number. So, if you factor out that top 5 percent, I suspect that the average number of presenters per bill would probably be somewhere between one and one and two.

So, when we talk about the process, we need to recognize that for the vast majority of the bills, few people actually show up to make presentation. Having said that, Mr. Chairperson, on occasion we do get some substantial legislation that comes before the committee, and, as a result, we will see a number of people that will want to be able to express themselves, and that's with no advertising whatsoever. They still want to be able to come forward and make presentations. Over the years, I've had the good fortune of being around on a number of very controversial pieces of legislation where I have seen ultimately, because of the way in which presentations have taken place and the committee has behaved, that we have seen rules change. I suspect that at some point we will continue to see rules change as we proceed into the years.

There is no doubt in my mind that one of those rules will, in fact, be the time, the time in which a

committee can and cannot sit. I think that the Member for Steinbach's (Mr. Goertzen) motion is forward in its thinking, believing ultimately that we set reasonable times in order to be able to accommodate the public and I would ultimately argue good democratic structure or process or whatever it is that you want to classify it.

I want to talk about that 5 percent, because, you know, if you listen to what the presenters were saying on this particular bill, I suspect that a good, solid majority of those presenters would support the need to ensure that there's public consultation, especially when you deal with this bill. One of the last questions that I had put forward to one of the presenters was the issue of what if five or six political parties would have supported Bill 37? Would that have made a difference? Mr. Chairperson, that would have made a difference. The presenter acknowledged that and I suspect that a vast majority of Manitobans would recognize that if you get a consensus from political parties before you introduce legislation, then you're likely going to get a great deal more support for the legislation.

There is some legislation that I would ultimately argue is more important to get the consensus than other pieces of legislation. The Elections Act and The Elections Finances Act, LAMC Act, these are all very important pieces of legislation that you should be attempting to build a consensus. What happens if you don't get that consensus, Mr. Chairperson, is you set yourself up for all sorts of assertions being made as to why it is the government is actually doing what it's doing or the amendments that it's proposing.

That's the problem that we have today, because the government was unable to or didn't want to talk and come up with compromises with opposition parties, with party representatives even outside of the Legislature. I'm referring to whether it's the Green Party, the Communist Party or any other registered party here in Manitoba. One would have naturally thought that would have been a far better way of proceeding.

As a result, we have Bill 37 where there is, at this point in time, only one political party that's in full support of the legislation. Everyone else realizes that there is a need for amendments. Until we hear from the government in terms of its actual intentions with regards to amendments, I suspect that we're going to have a very difficult time in terms of going through the whole process, Mr. Chairperson.

Further to that, I would suggest to you that it would be far more constructive if we would have said—or I would suggest that it would be better, if you're unable to get the consensus or get political parties behind the legislation, then it becomes even that much of a greater need to ensure that the public consultation is, in fact, being done.

#### Point of Order

**Mr. Chairperson:** Mr. Goertzen, on a point of order.

**Mr. Goertzen:** My understanding is that a minister needs to be in the chair during these committees. I'm not surprised that the government's asleep at the switch and they're absent.

First of all, they want to sit till 4 a.m. in the morning; then they all vacate. They empty chairs, nobody at their own. If the Minister of Justice (Mr. Chomiak) wanted to be here till 4 o'clock—but he doesn't actually want to be here; he wants to float around, doesn't want to be in the chair—if you actually want to listen to the debate, if you want to know what's going on with your bill, it's important that you fulfil your role. Be in the chair; be there to listen. Don't come in with vexatious points of order and pretend that you're interested in hearing about the debates. Actually show it by your actions.

So I look forward to a minister occupying that chair for the balance of the evening till 4 a.m.—  
[interjection]

**Mr. Chairperson:** Order, please. Minister Swan, on the same point of order.

**Hon. Andrew Swan (Minister of Competitiveness, Training and Trade):** Mr. Chairperson, I believe the Attorney General has been very clear several times tonight and throughout this committee that our goal, as government members, is to actually allow Manitobans who've registered to speak. There are still 10 people left on the list.

When we began these various proceedings, it was about 10 o'clock in the evening. It's now after midnight. It's a shame that the opposition members don't want to let Manitobans speak, but we certainly do.

**An Honourable Member:** Bring them in after midnight. They've already knocked off two hours. Why would they wait?

**Mr. Chairperson:** I think the Chair has heard enough advice from both sides of the House with

respect to the point of order. I have to indicate that, according to the rules, there is no requirement, as the member would suggest.

I have to rule that there would be no point of order.

\* \* \*

**Mr. Chairperson:** We'll now proceed with the debate with respect to the motion that's currently before the committee.

Mr. Lamoureux, to conclude your remarks, sir.

**Mr. Lamoureux:** Mr. Chairperson, what it is that it's ultimately getting to—if you look at it and if the government does not have the support of other political parties, all sorts of motives could be read into it.

As a result, I think that we have a responsibility, just based in terms of what we've heard from presenters to date, that there is a high level of interest. There are, probably, a half dozen or so genuine concerns in which we really and truly want to be able to see amendments.

If the government is able to build some support from a political party that goes beyond the NDP, I believe that that would be healthy for the system. Ultimately, I think Manitobans would be better served. That's what we look forward to be able to hear; otherwise, I would suggest then, we're selling the current process short.

\* (00:10)

With those comments—and we look forward to being able to hear the amendments when this process of public hearings does wind up. I look forward to future discussions in terms of the rules and how it is that we might be able to overcome issues such as that we find ourselves or predicaments that we find ourselves in today.

Thank you, Mr. Chairperson, for the time and patience in terms of listening to my comments.

**Mr. Schuler:** Thank you very much, Mr. Chairman, and I think we should take a little bit of a historical perspective. And I'd like to point out to this committee that there was a country, or still is a country called the people's Democratic Republic of the Congo. There used to be another country called the German Democratic Republic. We have the people's democratic republic of this, people's democratic republic of that. And the common theme

between all of them is because they're not democratic, so they have to put the word “democratic” in their name. And that's what we've seen over the last week to two weeks from this NDP government. Clearly, they have to put democratic into their name because they're not. They have to run around saying, we are the New Democratic Party so that it sounds like they believe in democracy because, from what we've seen, they don't believe in democracy.

Let's look at what they have done. Under the cover of darkness, at the last moment possible, what do they do? They bring in a draconian, anti-democratic bill, a bill that is a handcuff on democracy. It is basically a duct tape on people's right to speak. That's what the so-called New Democratic Party—and actually they should just call themselves New Party, NP. They should just take Democratic out. In fact, we should start calling them the NPs, because there's nothing democratic about them from what we've seen.

So they introduce a piece of legislation. They introduce this, darkness of night, quickly, swiftly, stealthily. They paint the box black and fly it under radar into the Legislative Chamber, hide it under the table. Then, as the Premier walks out, he gives that old wink and nod that they should be distributed. And the Premier runs out, does his little bit of spin, and with horror, with absolute horror, Manitobans crack open this piece of legislation and find out this is not a democratic bill; it is an attack on democracy in Manitoba.

What do we mean about that? Now, let's take, for instance, Myanmar. There is a country, military junta, that even when they're hit by a hurricane, they make sure that nothing interferes with their desire to have a new constitution so they can reign forever. That's what we're seeing in Manitoba. Nothing, nothing will stop this government from changing the rules so that, once again, they can attempt to fix the next election in their favour.

We now, as an opposition party, will no longer be able to send out a brochure that says the NDP party, or as they should be called, the NP party—we'll take democracy out, but the NDP party under Gary Doer is wrong on an issue. We will then carry it to that high court chamber of the NDP and say, oh, please, Premier Doer, and lay down our brochure at his feet, and he will look at the brochure and say, well, what is in that brochure? Well, Mr. Premier, in that brochure is something that says that you're

wrong about an issue. Well, it sounds partisan. That can't go. That sounds like you actually might be attacking the new monarch of Manitoba, the Premier himself. If he's offended, if he's slightly uncomfortable about where this is going, it's gone. I mean, this is something that the communications component of this government must have created at some point in time. I don't know how they ever sold it to the elected officials, or maybe they didn't, because we haven't heard any of them speak on it, so we actually don't know where they stand on it. But how in heaven's name did elected officials, New Democratic Party officials, elected members of the Legislature, how in heaven's name did you ever buy into this?

That in a modern British parliamentary system we would take our brochures and say, oh, please, can I send this out, and the voice would come from above, either yea or nay, and then the decision is final. We can either send out the brochure or not. That is disgraceful. If I was talking about some third-world country that's emerging from darkness and trying to find its way into a democratic system, you know, we would have an understanding for that. This is in a modern first-world nation that has a strong British parliamentary system.

Yes, we elect the government, and yes, we also elect an opposition. What the government members are doing is putting handcuffs on the opposition. Shame on each and every one of you for even going along with this. The day will come, sooner than later, when the tables will be turned, and I would like the Member for Radisson (Mr. Jha) and I would like the other members at this table then to somehow put the argument forward they have no problem bringing their brochures to the new government and saying, oh, please, can I get this approved, because what's good for the goose is good for the gander.

I know the Member for Radisson finds this witty and he finds this funny, and it's not. This is a disgraceful component of the legislation, and I've said this at other speeches I've made. When substantial changes like this are made on anything that affects our democracy, it should, at a minimum, not come into effect until after the next election. It should not be able to influence what could happen in the upcoming election.

There are more components to this bill. We've heard that this is an omnibus bill, and it is. Some even went so far as to call it the ominous omnibus bill because that's what it is. There are different

components, and I have touched on one of them. That is behaviour we would expect from a Third World country emerging from darkness and trying to find its way into democracy.

Instead, what we have is a wonderful democratic system, and under this Minister of Justice (Mr. Chomiak) and his cohorts and his Premier (Mr. Doer), we're sliding into darkness. We have other countries trying to shoot up and be great and have a wonderful democracy. This NDP government, this NDP party is trying to get to the point where they're pushing our democracy down to those third-world countries' level. Have you ever heard of anything so preposterous?

### Point of Order

**Mr. Chairperson:** Honourable Minister of Justice, on a point of order?

**Mr. Chomiak:** Just a small point of order. I want the member to know that I've been walking in the hallway to exercise, and I can hear the member perfectly clearly in the hallway. I want him to know that it is quite legible in the hallway, and if he doesn't see me here I am walking up and down the hallway—audible in the hallway, and I can hear him very well.

Just sort of a friendly point of order to let him know that I'm listening carefully.

**Mr. Chairperson:** On further comment, the honourable Minister of Justice did not have a point of order.

\* \* \*

**Mr. Chairperson:** Mr. Schuler, continue your remarks.

**Mr. Schuler:** I don't know if I should say thank you. I'm glad that the minister is listening. He did kind of stop me in mid-flight, I'd point out to him.

I do want to say to this committee, we have seen a tax on democracy. We have seen it, any of us who have studied history. For those of us who have travelled the world, we have seen how democracy functions. Sometimes it doesn't function so well in other places. Before we change what we do with our democracy, first of all, what problem are we trying to fix, and why are we doing it in such a rush here in Manitoba? Why a bill introduced in the darkness of night, the last day possible, and then hurry, hurry, hurry, fast, fast, fast, rush it through, rush it through, rush it through?

\* (00:20)

Why would that be? Why would you want that kind of an amendment to your democracy? We are elected officials to uphold our democracy when we took our oath. That's what is expected of us. That's what's expected that we would do. What we see here is the opposite. We see a government trying to strip down the opposition and how it can function and what it can do.

I didn't even talk about this. Government spent \$7 million on advertising over five years where the opposition was allowed to spend \$250,000 and, somehow, feel that's fine. Again, the day will come when the roles will be reversed and then the Member for Minto (Mr. Swan) will sit at this table and say, whoo, ooh, ooh, woe is us. Oh, my goodness, what did—how could we ever be an effective opposition? Oh, oh, and he'll be sitting at this table crying, and we'll point out to him it was your legislation. You were happy with it when you were government. Now you live with it when you're opposition.

#### Point of Order

**Mr. Chairperson:** Honourable Minister of Justice, on a point of order.

**Mr. Chomiak:** I don't know if the *Hansard* could pick up the comments of the Member for Springfield (Mr. Schuler). I just want to clarify it was, Ooh, ooh, ooh and I don't know if that can get captured appropriately by *Hansard*, but I just wanted to clarify it.

**Mr. Chairperson:** Mr. Goertzen, on the same point of order.

**Mr. Goertzen:** Mr. Chairperson, this is a serious issue and it's important that the member keep the facts on the record. It was actually whoo, is what the member said. It's important that that be clarified for the record.

**Mr. Chairperson:** I think we're getting a little carried—[interjection] Order, please. I think we're getting a little carried away here, folks.

I have to indicate, as Chair, that, on the point of order raised by the Minister of Justice, there is no point of order.

\* \* \*

**Mr. Chairperson:** Mr. Schuler, you have the floor, sir. Please continue.

**Mr. Schuler:** I know we're not allowed to reflect on the rulings of the Chair. I would have to say that was a brilliant ruling, Mr. Chair, and I know I'm not supposed to—I would be on your side. I don't think there was a point of order there.

The Member for Minto (Mr. Swan) and the Member for Radisson (Mr. Jha), I doubt he'll be back next election, but maybe the Member for Minto and other colleagues and, you know, if the Member for Radisson actually wants to—[interjection] maybe if he wants to speak, I've probably got a couple of minutes left and then he can speak and we've said, free Bidhu, take the duct tape off. Whoosht. Rip off that duct tape. Let him speak.

You know, we've had that movie *Free Willy* where the kids helped that whale jump over the wall. We'll help you. We'll help the Member for Radisson that he has an opportunity to stand up and fight against this anti-democratic bill. I know the member loves democracy. I've heard him speak about how he is a proud social democrat. Well, you know what? I would say tonight he should emphasize democrat and actually speak against this legislation. Be a proud democrat. Never mind socialist. Be a proud democrat. I am. I love this democracy, and what you're doing, what the Member for Radisson, Member for Minto, the Minister of Justice and the rest of the NDP caucus are doing is putting handcuffs on democracy. That's terrible, and we're watching it happen.

It's sort of like watching this car wreck happening in front of us. They're actually trying to destroy our democracy, which so many people come to this country for and love this country for, this democracy, its beauty and its purity. I mean, can you imagine all those people that want to come here and participate if they knew that you're putting handcuffs on the opposition? No, we're not talking about a third-world country emerging from darkness, trying to get itself up. No, it's not doing that.

**Mr. Chairperson:** Order, please. Mr. Schuler, your time has expired, sir.

**Mr. Rick Borotsik (Brandon West):** I really am going to find it very difficult to follow that very invigorating, very interesting—[interjection] Well, the adjectives are very difficult to try to describe that, but, certainly, I do appreciate my colleague from Springfield for allowing me to listen to that diatribe because it's something that I would have absolutely missed had I been where I should be—sleeping at this time of the night. However, I do



appreciate it. I have to admit the Minister of Justice (Mr. Chomiak) is not right very often, but he was exactly right on that one. I could have heard that particular speech in the other committee room, so it was very interesting to be able to experience it first-hand.

The motion itself is maybe lost on members opposite, but the motion itself is really a very vital motion. It is one that does speak to democracy. What we do as members of the Legislature and what we do as members of this committee is ask Manitobans to make presentation, to come to this committee room and to put their views and opinions forward so that we, as legislators, can listen to well-thought-out, well-articulated, intelligent opinions, something that we're not getting an awful lot of at this table right now, I can assure you, but what I do believe is that those individuals that we invite here have a right to do so in a reasonable time frame.

Now, the motion itself, if people have forgotten what the motion was, is to hold committee hearings from 6 to 10, Monday to Thursday, which is a very, very reasonable request to make. We're now sitting here well into the new day and I can honestly say that I doubt very much if a private citizen had made a registration to make a presentation that they would stay here for this length of time to make their opinions heard, and that's wrong. That's wrong. We believe—

#### Point of Order

**An Honourable Member:** Point of order.

**Mr. Chairperson:** Mr. Cullen, on a point of order.

**Mr. Cliff Cullen (Turtle Mountain):** Yes, thank you very much, Mr. Chairman. It would appear that the Attorney General has decided that the Leg Counsel can go home for this evening and I just want to point out that, you know, we on this side of the House respect the tremendous work that the Leg Counsel does day in and day out for us as legislators and us as Manitobans and I know they've been called to the task for the last week or so in terms of staying overtime and putting in a lot of work on our behalf and we anticipate there will be many long hours ahead over the next couple of weeks, or maybe even further. So we certainly, on this side of the House, want to applaud the work they do.

We, obviously, as opposition members, put forward some requests in terms of amendments to

legislation that's brought forward to the government and we know there's a tremendous amount of legislation that needs a tremendous amount of work that the government has brought forward and we certainly, working on behalf of Manitobans, want to do our best to ensure that Manitobans are well respected in terms of legislation brought forward and we can do this with the assistance of the people on Leg Counsel and we just want to acknowledge the work they do, day in, day out and the work they do tonight, and put up with a lot of stuff during committee meetings whether it's—it's not always entertaining every night but we do thank you for everything you do for us. So thank you very much.

**Mr. Chairperson:** Honourable Minister of Justice, on the same point of order.

**Mr. Chomiak:** Not to prolong it, I agree totally and we all agree. That's the point I want to make is that we have all agreed tonight that we're having a vigorous debate on some procedural issues, and we've all agreed that we don't want to needlessly—since their time is not required for these points, I think it's a mark of credit to this committee that we've said to the legislative draftspeople, we're not going to make you sit here tonight while we work through the thorny issues of process and procedure. So I want to not only thank you, but also thank the committee for recognizing that fact. And it's for observers out there who sometimes shake their head, who don't know how often we do agree on things, more often than not. This is an example of us agreeing on something that, I think, shows that, despite our fighting with words and our fighting with rhetoric and fighting our principles, we also understand the long hours and the kind of work that people around this building put in on our behalf.

\* (00:30)

**Mr. Chairperson:** Mr. Goertzen, on the same point of order.

**Mr. Goertzen:** On the same point of order. I'll echo those comments, I won't repeat them. I also want to acknowledge the Clerk who's here and other *Hansard* staff and staff at the back of the room making sure that notes come in, you know. If there was will of the committee, I'd be happy to serve as the Clerk for the remainder of the hearing. I'd be happy if they were able to go home to their family as well. I'm not sure that I'll get that leave, but, in the absence of that leave, I want to ensure that all the staff that are here who might not be able to leave

because of this government's heavy hand of running the committee to 4 a.m., we want them to know that we appreciate their work, and we hope that after today the government will have learned its lesson and not to take this sort of heavy-handed approach again in the future, both for Manitobans and for all the staff here. So, for those who are leaving, have a good night. For those who are staying, enjoy the ride.

**Mr. Chairperson:** I think the Chair has heard enough advice on this point of order. It has to rule that there is no point of order. But I think the information is valid, and we thank the Legislative Assembly staff and Leg Counsel staff that we have here. I appreciate very much their services on behalf of all committee members here this evening.

\* \* \*

**Mr. Chairperson:** We'll continue with the discussion on the motion. Mr. Borotsik has the floor.

**Mr. Borotsik:** Thank you very much, Mr. Chairman. I, as well, echo the comments that were made. The only ones that were left out, which again should be recognized, are the pages that we have. I know they've finally had the opportunity to go home, but our page in the other committee was exceptional, as I know that your page in this committee would have been equally as exceptional. They're here to serve members of this committee, and I think they too deserve some recognition, so I'm very pleased to be able to put that on the record.

But I think basically what we've just identified here is exactly what this motion speaks to. We have staff, we have Leg Counsel, we have Clerks, we have legislative staff that are forced to stay here by this government till 4 a.m. in the morning, and the motion speaks to that because what it's saying is we don't expect, nor should we demand, that the public come to this committee meeting and be forced to stay until 4 o'clock in the morning. Quite frankly, I doubt very much if we would get any presenters at that particular time, between the hours of 10 o'clock and the hours of 4 a.m., so the motion is really quite valid. When we expect people to make presentations, we expect them to be here making sacrifices that they do make but, certainly, we don't expect them to make sacrifices to stay here until 4 a.m. in the morning.

*Mr. Vice-Chairperson in the Chair*

Most presenters that we've identified are private citizens who have made sacrifice. In fact, they have families, they have children—it's nice to see the Minister of Justice (Mr. Chomiak) at the podium, and I don't know whether he's going to get into a point of order or not, but that's entirely up to him. We do have these individuals who have families, who have children, who have soccer games to attend, who have graduations to attend, who have all types and forms of functions that they make commitments for, but they're prepared, because they themselves feel very strongly about Bill 37, but they don't feel strongly in a positive fashion. They feel strongly in a very negative fashion. They see that Bill 37, in fact, erodes their democratic rights here in this great province of Manitoba.

If this bill passes, then the individuals, Manitobans, are going to be the losers, and, quite frankly, I still believe that not only are Manitobans in general going to be the losers, but members of government are ultimately going to be the losers as well.

They are going to have to live with this legislation over the next three years, but the worst part for them is they will have to live with this legislation when they become opposition. I guess the question bears to be asked: Would they vote for this legislation if we were in government and they were in opposition? And that's a very honest question to ask and it's even a more honest question to have them answer. Would you, as government today, vote for this legislation if you were in opposition? And my answer is rhetorical obviously. You would not vote for this legislation. There would be a hue and cry from the government's benches right now. The individuals that are sitting here that are going to simply stand up and vote in favour of this legislation would be absolutely impossible to vote for this legislation if they were in opposition. The member says that I might be surprised. I wouldn't be surprised. If we could turn the tables right now and give us government and you were in opposition, I can guarantee you that would not pass.

Anyway, the 6 to 10 motion is a very valid motion. I wish this committee and the government members would in fact support this motion. I don't think we should force Manitobans to travel a great distance and sit between the hours of 10 p.m. and 4 a.m. It's rude. I would say it's almost deplorable that you would force individuals to do that, and that's why this motion has been put forward. I think it's only fair.

Talk about Bill 37, which is not fair. Bill 37 is anti-democratic even in the fashion in which it was presented to the House and presented to opposition. It was done in the eleventh hour. It was done on April 30 when in fact the sessional order said it had to be tabled before April 30, before May 1. It was done at the eleventh hour. It was done with stealth, as I heard one of my colleagues say, and, to be honest, it was done with a modicum of dishonesty attached to it because when it was put out, the spin, as normally is with the government, was one of fixed election dates. If people have been here listening to the presenters, the only clause in this particular piece of legislation in this omnibus bill, the only thing that has been accepted by some, I will not say a majority, but I'll say some of the presenters, is the fixed election dates.

So do you think Manitobans are silly enough or, for that matter, stupid enough to buy into that political spin that this is in fact all about and only about fixed election dates? Well, Manitobans are smarter than that, and when they look at the piece of legislation and they start analysing it, they recognize that there are certain sections of this bill that don't speak to anything of the fixed election dates, it speaks to a hand in your pocket, it speaks to a government who is having difficulties raising money, therefore they want to go to the taxpayer to fund their political operations on annual basis. That's what it speaks to, and that's what the people at that podium are talking about, and we want the people at that podium to speak more and more and more. We want more of the people to feel free and to feel that they will be appreciated when they come and make those comments.

But, no, the government hasn't heard them. But they speak against the elections vote tax, which they should speak against, it's not necessary. They speak against the absolutely undemocratic process of censorship for the opposition, censoring our opportunity to communicate with our constituents. I don't think there's one member of the government opposite that would acknowledge the fact that we, as individual members of the Legislature, have the right to communicate with our constituents.

You cannot take that away from us. That is democracy foundation. You have to be able to communicate with your constituents, whether it be on a positive basis about your own policies and platforms, or whether it be on a negative basis about the policies and platforms of the government. That's what you're taking away from us as legislators, and

that's what the people at the podium are saying. If you would listen to the people at the podium, they're saying, don't do this. You are putting into place a piece of legislation that is going to come back to be very detrimental to this province. It's going to be detrimental to you as a government member and it certainly is going to be detrimental to us as a member of the opposition.

\* (00:40)

This smacks of power simply for the sake of power. What is the justification of this? Why did this come in at the eleventh hour? Why was it hidden under the cloak of secrecy of a fixed election date? Why did you try to hide from Manitobans the real issues that were hidden in this piece of legislation? The reasons are, we can only surmise, is the government's afraid. Power for the sake of power throws many roadblocks into the way of the opposition to try to make sure that you're going to retain power forever. Well, I can assure you, with the exception of Alberta, that does not happen. So you will be handcuffed with this legislation if, in fact, you pass this legislation. You will be the ones who will be coming to the table after the next election and saying, this is a draconian piece of legislation; we have to get rid of it.

I want people to tell us that. I want people to tell us that in a reasonable time line. I want them to be able to come to this committee between the hours of 6 p.m. and 10 p.m., Monday through Thursday. I don't think we should take their time away from their families, time away from their work, time away from their recreational pursuits. I don't think we should allow that to happen, and I think this motion is absolutely vital. I think it's a motion that has to be passed by this committee, and I would thank again the Member for Steinbach (Mr. Goertzen) for putting it forward. Thank you, Mr. Vice-Chairman.

**Mr. Chomiak:** I'm not sure if this has to be followed by a substantive motion, but insofar as the—what we had hoped tonight—and correct me if I'm wrong—we had hoped that perhaps we could get all the presenters done, and I'm not—that had been our expectation, and insofar as we didn't get all the presenters done, we had hoped we'd get all the presenters done and go to clause by clause. We knew we were going to be here for a long time in clause by clause, so we thought that was fine, just to run it through and start doing clause by clause.

It's clear that we didn't get through the presenters' list tonight, and it's clear, also, that as

useful as some of this discussion is, we are going over the same territory. I was talking with some of the members of all sides of the House and we were suggesting if we are going over the same territory over and over again, without prejudice to anyone, and knowing that everyone's given it their vigorous best shot, and we've had a pretty good chance to both talk about some of the issues and to vent, which is really—actually venting is very important in our process, I believe, because it allows us in the parliamentary system to express emotion and other, shall we say, more rougher characteristics without reaching across the table and patting each other on the head or otherwise.

So I'm just throwing it out to the committee without prejudice that, under those circumstances where perhaps people might be agreeable, and I think it would have to be the whole committee agreeing, that we could try to wind up at 1 o'clock rather than 4 o'clock, and without any prejudice, on the basis that it appears like most of the ground we'll be covering in the next three hours will be ground we've covered the last three hours. So, I'm throwing that out. I've had some discussions, but I'm throwing it out to the committee. I presume we'll need a motion to do that, but I throw it out right now.

**Mr. Vice-Chairperson:** Mr. Goertzen, on the same discussion.

**Mr. Goertzen:** I thank the Attorney General (Mr. Chomiak) for, I think, those well-placed and well-intentioned comments. If what he means by without prejudice is that we won't use his comments against him, that certainly would be our intention, not to use his comments against him. I think he's recognized, and, rightfully so, that trying to get presenters at this late hour would serve no purpose for anyone because, certainly, it would be unfair to expect people to come and present to a committee at 20 to 1. So what I might ask for leave for, and I'll formally ask for leave, Mr. Vice-Chairperson, is that after debate and after this motion is dealt with, that the committee then rise after dealing with this motion which is currently on the floor.

**Mr. Vice-Chairperson:** Okay. The request of the committee has been made for leave that, once the motion we are debating has been resolved, the committee would agree to see 4 o'clock. Is it the will of the committee to do that? *[Agreed]* Leave is hereby noted. That matter is dealt with.

We now revert back to the original motion where Mr. Cullen is our next and, at the moment, final speaker on the speakers' list.

**Mr. Cullen:** I appreciate the opportunity to speak to the motion that was brought forward sometime ago, and I do believe this particular motion has a lot of valid points to it, and not just in dealing with this particular committee but other committees that we encounter throughout the year as well. The concept of dealing with the public on a 6 to 10, during the evening, certainly seems to make a lot of sense to me.

*Mr. Chairperson in the Chair*

We as legislators make a lot of sacrifices to be here when the House sits, and we also make a lot of sacrifices when we sit through committee. For instance, the process we're going through tonight, we're sacrificing time away from our family and time away from other activities that we could be involved in. In fact, it may have been the final game of the Stanley Cup tonight. We don't really know. When last I heard, it was the third overtime and—*[interjection]* Pittsburgh was able to come through and score a goal so the cup carries over for another evening. Okay. *[interjection]* The cup runneth over. That's good, we'll be able to look forward to another game on the Stanley Cup road and certainly we will look forward to that and see what happens. We look forward to the day when we as Manitobans can have the Winnipeg Jets back in town here and look after things. I'm sure that the Jets will be here and things will be good, and we will bring the people back to the arena, back to the MTS Centre, and we'll have some great hockey here in Manitoba.

You know, Mr. Chairperson, we certainly appreciate all the work that the committee people do around the table, and we appreciate the time that Clerk's office has in these committees. We certainly understand the undertaking that the Attorney General has (Mr. Chomiak) made tonight in trying to shorten up committee. I think that's a great move and a positive step forward. We're certainly going to have lots of time to debate bills, and we're going to have an opportunity for Manitobans to hear what they think about legislation coming forward. That's really what it's about.

I go back to the Member for Fort Rouge (Ms. Howard), who made a few comments, oh, about an hour or so ago. She talked about 57 legislators making rules and making laws. Quite frankly, I think

that we as legislators have a role to play, and our role is to respect what Manitobans have to say. I think that's really fundamental in terms of legislation and the democratic process, is hearing what Manitobans have to say about where they want their government to go, where they want legislation to go, how that legislation will impact them, how that legislation will affect them and how that legislation will protect them into the future.

\* (00:50)

When we talk about Bill 37, we want to talk about the democratic process and how democracy will be portrayed and how it will unfold for future years here in Manitoba. It's very important that we, as legislators, listen to what Manitobans have to say. I think it's important that we do stop and take the whole concept of how this legislation will unfold to the people of Manitoba. We look at Bill 37; the government has portrayed this as being fixed election dates. Bill 37, if you really read it—there are 48 pages of legislation, 48 pages that impact six different laws in Manitoba. Quite frankly, Mr. Chairperson, this legislation will have a very dramatic impact on all Manitobans, all elections, how elections are financed and various other rules that impact Manitobans for many, many years to come.

Someone said in the committee the other night—and it wasn't in this particular committee, but the comment was made—legislation is like pouring concrete; you have to be very careful on how you lay it and where you pour it, because it's going to be there for a long time.

I think that's something that the government of the day has to be aware of. How is this legislation going to impact them in future years as well? That's something I want you, as government members, to consider when we go forward.

Reading in the papers over the last couple of weeks—I hope the government members have been reading the papers over the last few weeks. We get people writing about people like Tommy Douglas, saying things about this particular legislation. They're talking about Bill 37. They're talking about Bill 38, Bill 17, and how that will impact Manitobans going forward. Their comments are that Tommy Douglas would roll over in his grave if he knew what this particular government was trying to do.

#### Point of Order

**Mr. Chairperson:** Honourable Minister of Justice (Mr. Chomiak), on a point of order.

**Mr. Chomiak:** I knew Tommy Douglas. That's it.

**Mr. Chairperson:** No further comment. Seeing no further comment, there is no point of order.

\* \* \*

**Mr. Chairperson:** Mr. Cullen, to continue with your comments.

**Mr. Cullen:** Mr. Chairman, I guess that does point to the age of the Attorney General. I don't think you can get around this. The New Democratic Party has changed. The New Democratic Party—it appears to me, being a relatively new legislator—this government must be running scared.

A few years ago, when this government became the government of the day, they brought forward legislation dealing with The Elections Act and how elections were financed. We as opposition and Progressive Conservatives finally understood what exactly they were trying to get at.

We understand now what the rules were when they brought them in. We were able to play within those rules; we understood where the government was coming from. I think it was for the better for us. So we were finally able to understand exactly what the government was trying to do.

I realize now that the government of the day realizes that the Progressive Conservative Party raised more money last year, during the election period, than the NDP party did. The NDP party recognized that the Conservatives caught on to how they re-jigged the election financing rules; we did. Now the NDP party says, wow, if the Conservatives are on to the rules, we'd better jump in there and change the rules.

So here we are, after the election, the NDP party comes forward, trying to re-jig the rules and looking at six different legislations in process right now, trying to change those particular acts to their favour.

Frankly, Mr. Chairman, Manitobans don't like it. We hear Manitobans coming forward to talk about it and they don't like it one bit. This government, sitting here at the table, don't like to hear what Manitobans have to say about their legislation, about their proposed legislation.

Maybe it's time that the government either withdrew this legislation or take it to the people. Take it to the people, take it to the people and see what they want to say. I ask the Attorney General (Mr. Chomiak), I could ask the Attorney General

right now: Who asked for changes in The Elections Act, or the other six acts? What Manitobans asked for changes in all these acts?

**An Honourable Member:** Gary Doer.

**Mr. Cullen:** Was it Gary Doer?

**Some Honourable Members:** No.

**Mr. Cullen:** Well, let's spell it out here, clause by clause. We look forward to the opportunity once Manitobans have had a chance to come to the table and talk about it. The whole point of this motion we have before the table, 6 to 10, let's let average Manitobans come to the table; 6 to 10, each and every night, Monday to Thursday. Let's talk about this particular legislation and let's get at it. Let's get at it; let's talk about the bills. Let's move forward and we'll go ahead from there.

Mr. Chairman, I'm sorry, my time's up. I realize that, but I certainly look forward to a future debate on this and other legislation coming forward.

**Mr. Chairperson:** Any further speakers on this motion?

I'd like to thank all members of the committee for their advice on this motion before committee. I'll reread the motion for the benefit of members of the committee.

It's been moved by Mr. Goertzen and is as follows:

I move that this committee recommend to the House that the committee only sit during the hours of 6 p.m. until 10 p.m. and only on Monday, Tuesday, Wednesday and Thursday to ensure members of the public have an opportunity to view the committee deliberations.

#### **Voice Vote**

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

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

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

#### **Formal Vote**

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

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

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

**Mr. Chairperson:** The motion is accordingly defeated.

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**Mr. Chairperson:** Is it the will of the committee to call it 4 a.m.? *[Agreed]*

The hour being 4 a.m., then, committee rise.

**COMMITTEE ROSE AT:** 12:56 a.m.

#### **WRITTEN SUBMISSIONS PRESENTED BUT NOT READ**

Re: Bill 37

Thank you for this opportunity to share my very simple concern with Bill 37. The nature of this proposed vote tax as I understand it (to provide an "annual allowance" to each party) is that it will significantly benefit the party in power due to the retroactive nature of the funding as a result of the calculation being based on the "*number of votes received by each candidate endorsed by the party in the most recent general election.*"

In my view, a fair and democratic approach would be for all parties to agree on the timing and structure of any tax of this nature. At a minimum, if all parties agree that the "annual allowance" is appropriate and supportive of the democratic process, then the policy should be instituted on a go-forward basis and the results of the next election following the effective date of this amendment (as opposed to the most recent election) would dictate how the funds are distributed. Obviously, on a go-forward basis the calculation would be based on the most recent election.

I would propose to add wording in the spirit of what I've inserted below in bold blue:

Schedule C, The Elections Finances Amendment Act  
Annual Allowance for Registered Political Parties  
Annual Allowance

70.2(2) The annual allowance is the lesser of the following amounts, as determined by the Chief Electoral Officer:

(a) subject to subsection (3), the amount equal to the product obtained by multiplying \$1.25 by the number of valid votes received by each candidate endorsed by the party in the first general election following the effective date of this amendment, and the most recent general election thereafter, to a maximum of \$250,000;

(b) the total expenses paid by the party in the year, as set out by the party in its audited statement filed with the Chief Electoral Officer under section 59.

Thank you for your time.

Mr. Mark Tisdale

\* \* \*

Re: Bill 37

### **Bill 37–Lobbyists Registration**

Manitoba Wildlands comments regarding Bill 37, The Lobbyists Registration Act (section of that Bill). Speaker's Office staff indicated that due to inability to deliver these comments in committee Monday, May 26, 2008, they could be sent in by email. Travel to the committee sessions was from my home in rural Manitoba.)

Several years ago Manitoba Wildlands began writing letters to Manitoba cabinet ministers to recommend that our province put in place a **registry for lobbyists and consultants**. While a start has been made on this objective with this section of Bill 37 significant additions are needed for such a registry to provide Manitobans with the information they need. In short all consultants who provide services with respect to any undertaking that receives or utilizes public funds should be registered. Another way of saying this would be to indicate it is long overdue for all consultants who are paid for their services in Manitoba public funds to be registered. This way Manitobans can know who they are paying, for what. It is obvious also that consultant lobbyists may also be consultants who provide a variety of services. In the current situation communities and community organizations are often unable to figure out who is a government official, and who is a consultant.

Any registry of Manitoba consultants and lobbyists must be fully public, both available on line and on paper – so that citizens can find information about easily.

The following comments relate to the section of Bill 37 as it is currently worded.

Manitoba Wildlands has indicated in comments for other bills that the lack of regulations, with the stated intentions for the Bill means steps to arrive at regulations for Bill 37 (this section) must involve public review, public comments, and posting of the public process contents. We agree with other comments to the legislative committee that too many Bills have been combined in one Bill, without adequate public notice or discussion.

### **Recommendations:**

- 1) All lobbyists who are seeking outcomes with respect from the Manitoba government should be registered. All lobbyists who seek outcomes for the Manitoba government should also be registered.
- 2) All consultants who receive public funds or work for undertakings that receive public / provincial funds should also be registered. We note that the Bill does not indicate a threshold amount of funds, and would suggest that a threshold is needed. Nor does the Bill indicate a reporting period or activity period, such as in a fiscal year.
- 3) Steps to arrive at regulations for Bill 37 need to involve public posting, public review of comments, and a public record of the process. We would observe that there has been a steady decrease in public process to arrive at regulations for Manitoba Acts, while use of discretionary powers to add regulations under legislation increases. Departmental staff are inclined these days to gleefully indicate that they don't need to have any public process for significant new regulations. If our government tables Bills where we cannot tell how the law will operate, then we are commenting on incomplete, generalized intentions.
- 4) We recommend definitions in the Bill be expanded. Several terms used in the definitions are themselves not clear, and used in a way that leaves the citizen wondering what is intended. Therefore we suggest the following be added to improved in the definitions section: advice, advise, benefit, contract, coalition, communicate, consultant, corporation, crown corporation,

- interest group, society, significant, government agency.
- 5) This section of Bill 37 ignores possible combinations of consultant lobbyist and in house lobbyist activity for the same organization, or the same goals. We suggest such a combination is not unlikely. The Bill needs to be adjusted so that the possibility of an organization having both in house and consultant lobbyists be addressed. This also require improvement in the definitions section.
  - 6) Clarity helps the operation of any Act and its regulations. This bill needs to be absolutely clear that all crown corporations, all self operating agencies of government, all organizations or entities for which an Act of the legislature exists are included in its requirements. If public comments at this stage are a valid process then definitions must be improved.
  - 7) Section 3 (9) needs to have the specific program source of funding added to the text
  - 8) Section 4 (7), (8) places mixed expectation which may cause confusion. Reporting either needs to be lobbying activities done or lobbying activities expected. These are separate kinds of reporting. A comparison of lobby registration and reporting systems in other jurisdictions would provide clarity, but we are sure that Section 4 needs improvement, and currently leaves far too much uncertainty.
  - 9) Without adequate public information regarding government officials, government departments, and agencies, their staff etc this Bill will not function. A complete, easily accessible directory for government departments and agencies is long overdue for Manitoba. The current online government directory is not accessible unless you use the internet, and does not function adequately for those who do use the internet. We recommend that the Manitoba government return to publishing (both paper and online) a directory that does not demand a citizen know the person they are looking for, first. Today's database tools allow much more accessible and sophisticated searches than the Manitoba government on line directory includes. The new directory could also be available on a CD, and an annual product that includes the registry of consultants and lobbyists could also be made available on CD.
  - 10) The definition of 'public official' needs attention: it contradicts other definitions, and needs to include an employee of crown corporations, self operating agencies etc. It is unclear why (c) (ii) exempts these appointees, while others are included.
  - 11) The definition of undertaking is weak. Similar to the use of the word communicate, both need to be defined clearly.
  - 11) The definition of lobby is non specific and appears to include all forms of communication. Our knowledge of similar registry systems does not reflect all forms of communication being included.
  - 12) 1(1)(v) omits contracts, while (b) (ii) includes contracts. They need to both include contracts. It also omits crown corporations, and government agencies. Consistency in language is simply not in place yet in this or other sections of Bill 37.
  - 13) 1(1)b indicates that only a consultant lobbyist needs to report when they arrange a meeting. In house lobbyists appear to be different. Why ? The lack of a definition of the 'crown' in the Bill is another gap in consistency in language.
- In closing Manitoba Wildlands requests that a thorough review of comment to the legislative review committee to plan improvements to this section of Bill37 be undertaken. We suggest that consultants *and* lobbyists in the sphere of Manitoba government and public section activity need to be registered. Also **consultants and lobbyists for the Manitoba public sector**, and all / any government agencies should be included in the registry. Any government who wishes to have public registering of lobbyists should include registration of its own lobbyists. Manitobans deserve to know who is speaking for their government, where, and on which issues. This provides a further reason why we indicate that consultants be registered.
- Much of the content of this draft section of Bill 37 is about reporting. Little is said about the actual registry, despite the registry being the main tool for citizens.



Manitoba organizations, citizens, and communities have been making decisions and participating in our democracy for a long time without knowing who they are talking with, what else consultants and lobbyists do, who is paying who, and who they provide services to.

If the Manitoba government intention is to be realized then our government, its agencies and crown corporations should also walk the talk, **and register its own consultants and lobbyists.**

Thank you for the opportunity to provide these comments.

Gaile Whelan Enns, director  
Manitoba Wildlands

\* \* \*

Re: Bill 37

I wish to express my opposition to Bill 37. In particular, I object to taxpayers being expected to

pay a cost of living adjustment to the "per vote" funds collected after an election. In my opinion, this is a flagrant abuse of power and an unscrupulous money grab. This government does not ensure a cost of living adjustment to all taxpayers, even those living on fixed incomes. It has refused to adjust income tax thresholds in recognition of the inflationary effect on income. Yet the government wishes taxpayers to pay a COLA on money collected for votes during an election. Adding a cost of living adjustment to "pay for votes" is hypocritical, especially since there is little, if any, acknowledgement from this government that too many citizens are themselves experiencing a loss of purchasing power due to inflation.

The idea of collecting money from taxpayers to pay for votes seems abhorrent to me and I strongly object to these aspects of Bill 37.

Sandra Johnston

The Legislative Assembly of Manitoba Debates and Proceedings  
are also available on the Internet at the following address:

**<http://www.gov.mb.ca/legislature/hansard/index.html>**