

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

Chairperson
Mr. Doug Martindale
Constituency of Burrows

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Ninth Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS

Monday, June 2, 2008

TIME – 9 a.m.

LOCATION – Winnipeg, Manitoba

**CHAIRPERSON – Mr. Doug Martindale
(Burrows)**

**VICE-CHAIRPERSON – Ms. Bonnie
Korzeniowski (St. James)**

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Ms. McGifford, Hon. Mr. Selinger

Ms. Blady, Mr. Borotsik, Ms. Korzeniowski,
Messrs. Maloway, Martindale, McFadyen,
Schuler, Ms. Selby, Mrs. Stefanson

APPEARING:

Mr. Kelvin Goertzen, MLA for Steinbach
Mr. Gregory Dewar, MLA for Selkirk
Hon. Jon Gerrard, MLA for River Heights
Mr. David Fauschou, MLA for Portage la
Prairie
Mr. Blaine Pedersen, MLA for Carman
Mr. Stuart Briese, MLA for Ste. Rose
Mr. Larry Maguire, MLA for Arthur-Virden
Mrs. Mavis Taillieu, MLA for Morris

WITNESSES:

Bill 25–The Embalmers and Funeral Directors
Amendment Act

Mr. Nick Knysh, Knysh Funeral Chapel

WRITTEN SUBMISSIONS:

Bill 38–The Balanced Budget, Fiscal
Management and Taxpayer Accountability Act

Pat Bowslaugh, Private Citizen
Lynne Fernandez, Canadian Centre for Policy
Alternatives

MATTERS UNDER CONSIDERATION:

Bill 6–The Securities Amendment Act
Bill 25–The Embalmers and Funeral Directors
Amendment Act
Bill 29–The Business Practices Amendment Act
(Disclosing Motor Vehicle Information)

Bill 38–The Balanced Budget, Fiscal Management
and Taxpayer Accountability Act

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Mr. Chairperson: Good morning. Will the
Committee on Legislative Affairs please come to
order.

This meeting has been called to consider the
following bills: Bill 6, The Securities Amendment
Act; Bill 25, The Embalmers and Funeral Directors
Amendment Act; Bill 29, The Business Practices
Amendment Act (Disclosing Motor Vehicle
Information); Bill 38, The Balanced Budget, Fiscal
Management and Taxpayer Accountability Act.

We have a number of presenters registered to
speak this morning. Please refer to your presenters'
lists.

Before we proceed with presentations, we have a
number of other items and points of information to
consider.

First of all, if there's anyone else in the audience
who would like to make a presentation this morning,
please register with staff at the entrance of the room.

Also, for the information of all presenters, while
written versions of presentations are not required, if
you're going to accompany your presentation with
written materials, we ask that you provide 20 copies.
If you need help with photocopying, please speak
with our staff.

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
another five minutes allowed for questions from
committee members.

Also in accordance with our rules, if a presenter
is not in attendance when their name is called, they
will be dropped to the bottom of the list. If the
presenter is not in attendance when their name is
called a second time, they will be removed from the
presenters' list.

A written submission on Bill 38 from Pat
Bowslaugh has been received and distributed to
committee members. Does the committee agree to

have this document appear in the *Hansard* transcript of this meeting? *[Agreed]*

Order of presentations: on the topic of determining the order of public presentations, since our last meeting we have received an out-of-town presenter as well as additional presenters to Bills 25 and 29. We left off on Thursday evening hearing in-town presenters on Bill 38.

With these considerations in mind, then, in what order does the committee wish to hear the presentations?

Mr. Rick Borotsik (Brandon West): Mr. Chairperson, prior to getting into presentations, I have a motion that I would like to table with the committee.

The motion reads: I recommend to the House that the Legislative Affairs Committee meeting scheduled for Monday, June 2, from 9 a.m. to 12 a.m., be cancelled.

Mr. Chairperson: The motion is in order.

It reads as follows, moved by Mr. Borotsik: I recommend to the House that the Legislative Affairs Committee meeting scheduled for Monday, June 2, from 9 a.m. to 12 a.m., be cancelled.

The floor is open for questions.

Mr. Borotsik: As I heard from some of the comments from the government side, they said, this is the meeting that we're in already. It is true that we are in this meeting. I would like to place to the committee the motion for two very specific reasons.

One, Mr. Chairman, it seems to me somewhat undemocratic that the committee meeting would be scheduled at this time of the day, particularly with out-of-town presenters. There are a number of out-of-town presenters that are on the list right now, some of them coming from my community.

In order for them to make presentation at 9 a.m. on a Monday means that they would have to leave the community in which they reside probably around 5 or 6 a.m., in order to get here to make presentation which, I think, is a condition that is extremely difficult for them to comply with.

The second thing is that there are a number of people on this list making presentation to all of the bills. For the most part, believe it or not, they are gainfully employed in specific job functions throughout this province. To try to get out of employment in order to make presentation to

committee at 9 a.m. to 12 a.m. would be, in the most cases, most difficult.

As you're aware, the requirements that you just listed here to the committee are, if they aren't here and present, then they will drop to the bottom of the list. They have only one chance to make a presentation. If they're dropped to the bottom of the list, then it's their responsibility to try to make their attendance available here at this committee at some future date, which is difficult to be able to plan.

When you are employed, when you do have families, when you do have other functions as parents in this particular province, sometimes you're not able to just simply, at the drop of a hat, make a time available to make presentation to the committee.

I think we're putting an onerous condition on a lot of the presenters who have taken a great effort, a great time to not only inform the Clerk's office that they wish to make presentations to bills, whether it be Bill 38 or 37 or any other bill right now, but they've also taken a great deal of effort and time to look at the legislation, to analyze the legislation, to see how it, in fact, is going to impact them, how it's going to impact their families, how it's going to impact Manitobans in the long run, particularly with Bill 38. It's a very complex piece of legislation.

A lot of these presenters, a lot of these individuals have taken a lot of effort, a lot of time to, as I say, analyze this particular piece of legislation, to look at the specific clauses, to make phone calls to experts to make sure that, when they make their presentation, it's made in a very concise, very intelligent manner.

I think that, Mr. Chairperson, to have this session from 9 a.m. on a Monday is not only undemocratic, I think that it's at the point where, in fact, we're asking citizens of Manitoba to do some things to make themselves available at a time when it's almost impossible for them to do so.

* (09:10)

To put that condition on these individuals is disallowing their absolute democratic right. I don't think the minister—I don't think the government has any intention to stop people from making presentations, quite the opposite. I think the minister and the government would like to hear what real, honest, ordinary Manitobans have to say about a piece of legislation that's going to affect them and their financial wherewithal in the province.

I think the government would like to support this motion and simply agree that the committee should not hold these meetings, should not allow the presenters to miss their opportunity to make presentation.

Another issue, obviously one that's perhaps not of equal importance of the democratic rights of individuals here in the province of Manitoba, is that there are other functions that members of this committee, whether they be government members or whether they be opposition members, other functions that have been set for this morning. Early this morning, at 10 o'clock, there's another function. It is a one-of-a-kind function. Prince Edward is going to be here. He's going to be on the legislative grounds and, as a legislator, I believe it's my right and it's certainly the rights of all members at this committee, certainly government members as well, to take advantage of a one-of-a-kind opportunity. Sitting in this committee from 9 until 12 does not allow me that right as a legislator to take advantage of that particular event.

I think it's very obvious that having a committee meeting struck this early on a Monday morning, and I keep stressing, Mr. Chairman, a Monday morning, there are a number of things that we could be doing other than sitting in a committee.

Committees historically have been designed to sit in the evening. The reason why it's historically been designed to sit in the evening is to give Manitobans the opportunity to set their personal affairs in order and make their time available so that they can present before the committee. As I say, I find it very undemocratic. I find that the fact that it has been struck at this time is disallowing most Manitobans the time line and the opportunity to make their voices heard. That's what this is all about.

This piece of legislation, as I said earlier, a very serious piece of legislation, as the minister has identified before, it's a piece of legislation that I don't think can go unchallenged. I don't think that it can go without having opinions placed before the committee, whether they be in favour or contrary. To allow this committee to continue during the morning hours, as I say, disallows too many Manitobans the right and the opportunity to make their presentation.

Mr. Chairman, the motion stands as presented. I believe very strongly in democratic rights, as I do know that the minister and the government should also hold those freedoms and those rights paramount prior to sitting and listening at this time. To

committee members, I would like to hear members of the government also speak to this motion. I would believe that they would feel as strongly as I do that no one should be left unheard. I know the more people that make presentations, the more people that come from out of town, is the right of not only themselves, but certainly of the government and the committee to hear them.

If we were having a presenter right now who was coming from as far away as Thompson or Churchill or even in my constituency in the southwestern Manitoba area of Melita, it would be impossible for those individuals to make their presentation at this time of the day. As I said earlier, the rules of the House are very specific that those individuals would be dropped to the bottom of the list and the individuals would not have the ability to have any specific time line as to when they could come and make presentations toward this committee.

I strongly, strongly urge members of the government to support this motion, to comply with this motion. At this time we would be able to sit this evening as being scheduled. I think that that would be a more convenient time to make sure that these individuals would make their presentation in a timely fashion.

Thank you, Mr. Chairman, for accepting the motion, and I do wish to hear the comments of members from the opposite side.

Mr. Chairperson: I have a speakers' list which so far includes Mr. Schuler, Mr. McFadyen, Mrs. Stefanson and Ms. McGifford.

Mr. Ron Schuler (Springfield): I, too, want to put a few comments on the record in regard to this particular motion.

We have seen a lot of things come forward in this session which are, at best, anti-democratic, and that's giving it probably the best one can. We have seen legislation being tabled in darkness of night at the last moment possible. When substantive legislation is introduced it should be given the fullness of time. It should be introduced at a time when there would be the opportunity to debate, when there would be the opportunity to have the public and the Legislature look at the kind of proposals that are coming forward. We have seen, besides these two bills, Bills 37 and 38, one of which is being discussed at this particular committee, we have seen Bill 38, which was a bill that the government used—one of the pillars of their campaign in 1999 was to

keep balanced budget legislation, and what we see here now is a complete reversal, a complete turning their back on that commitment. That, along with the commitment of ending hallway medicine in six months and \$15 million, which, really, most Manitobans now view as an insult to their intelligence for even having made that kind of proposal. But the balanced budget legislation was one of the pillars that they ran on.

We have now come full circle. They have basically used balanced budget legislation as a framework and now have realized that they have run out of money. We know that approximately 40 percent of the income for the province is from the federal government. We know that this government has basically got themselves onto a shoestring style of a budget where any kind of fluctuation or any kind of movement in the economy will affect their ability to fund the programs that they've put forward. So they've gotten themselves into a tight spot. How do they keep funding the programs they have and then still try and live by their commitment of 1999? The two just can't be melded anymore.

We've seen over the weekend where the Premier (Mr. Doer) has indicated that there will be deficit spending starting with this budget. So the government is hell-bent—is bent on, pardon me. I change that word. The government is bent and determined to get Bill 38 through because they know that they are going into the realm of deficit spending. They are going to take us back to the Howard Pawley-style government. We are going to be looking across the table and, instead of seeing this minister, Minister Selinger, we're actually going to see Vic Schroeder, Eugene Kostyra and the other bankruptcy boys that used to run things in this province under Howard Pawley. We are going to see the kind of disastrous budgets come forward that we used to see under the Howard Pawley administration.

But what this Bill 38 does, besides gutting and eliminating balanced budget legislation, which they have committed to running on, what they're going to do is try to hide it with a system. It's basically a shell game with the Crown corporations. We know that this government has been brilliant when it came to spin. This government is brilliant when it comes to the shell game, when it comes to hiding and subterfuge. They are going to very effectively try to make a deficit-spending government not look like a deficit-spending government. Only, only this government could actually come out with legislation that will help them get to that means, to that end, and

they will use this legislation as the means. It is really unfortunate because we have, out there in Manitoba, a lot of taxpayers that are starting to become a little bit uneasy where the economy is going. You know, they see what's happening in the United States and around the world. They see what's going on even here in Canada, what's going on in Ontario. I know for a lot of Manitobans they're hoping that the western provinces, which are booming, will be enough of a buffer to what's happening in eastern Canada, namely, in Ontario.

* (09:20)

But we know what's happening in western Canada. Basically, the map is being withdrawn under this government; not even the west wants to claim Manitoba as being one of the western provinces. They are showing us the cold shoulder because we have a government that is heavy, heavy into public spending, does not show any responsibility when it comes to financing. By Bill 38, you can see that that is going to try to use Crown corporations, the people's corporations, for instance, our Autopac, our own insurance company; they're going to use high rates at Autopac to help pay or make it look like there is not deficit spending. That is actually a very unfortunate part to this.

So what the government has done is they've called meetings that are probably the most inconvenient times for people to come forward. Did the government come forward and say, what we will do is we would like to hear any presenter that might be here this morning, but nobody would drop off the list? We would allow that those individuals would have the opportunity to come forward this evening and still be heard. Was that suggested at this table? No. What the government wants to do is drop everybody off the list. I would like to point out to members opposite that there are individuals out there in the economy that have jobs that they have to go to, perhaps 9 to 5, at best maybe 8 to 4. They don't have the same kind of lifestyle that we have where we can sit here from morning till night because that is actually our job. That's not their job. They would like to come to committee; they would like to present; but the government, conveniently for the NDP, called committee when people are going to be at work.

So we have an important piece of legislation that is going to gut one of the promises that this government got elected on and is going to go into deficit spending, all under the cover of darkness when people are busy at work and have no

opportunity to come to committee and try to convince this government of its bad ways. That's what's so unfortunate about what's happening this morning; this government is going to try to cut off debate and basically this is closure; this is the ugly side of legislators; it's when government brings down the big hammer and crushes the public and the public's ability to come forward and speak to legislation. They are going to crush that ability and ensure that people don't have the opportunity to come forward. Normally committees sit when—we had some that sat from 4 to 10, but normally they would sit from 6 till 10, 6 till 12. *[interjection]*

The member opposite from Elmwood is encouraging me to get to the end of my speech because he wants to speak on this. He wants to stand up to his government. We know that he stood up to his Premier (Mr. Doer); we know that he is completely off-side with this Premier on the bridge, the Disraeli Bridge, which, I think, is a very courageous move. He showed courage once; once in the nine years that I've been here, the Member for Elmwood (Mr. Maloway) actually showed courage. Well, he did show courage one other time when he said that pensioners can't be trusted with their pension money because they would go out and blow it on cottages. That was the other time that he showed a little bit of courage. He was wrong; it was offensive; it was mean-spirited.

Let's bring it back to the present. We would like—

Mr. Chairperson: Excuse me, Mr. Schuler. You have one minute left.

Mr. Schuler: Thank you, and I will squeeze every second out of that last minute. I'm going to encourage the Member for Elmwood—in fact, we will even let him cut in and get into place, so he can stand up and have his say on this, say and show the same kind of courage that he did on the Disraeli freeway. We look forward to hearing the Member for Elmwood give his comments.

Mr. Hugh McFadyen (Leader of the Official Opposition): Mr. Chairman, I want to support the motion brought by the Member for Brandon West (Mr. Borotsik) for fairly obvious reasons. It would be a very different situation if there was some urgency to the main bill in front of this committee, which is Bill 38. If there was some sense that the bill had to be passed in order to meet some pressing and urgent requirement or issue, then it might be a very different story. But, given the lack of urgency associated with

dealing with this bill, we believe it's important, given the fundamental changes that Bill 38 proposes to bring about to the structure of financial accountability in Manitoba, important that every Manitoban who wants to have a say, every Manitoban who has shown an interest in the contents of Bill 38 and its implications for the financial future of our province, have that opportunity to come and make a presentation.

What we see with the calling of committee this morning at 9 a.m. is that many presenters will be dropped from the list and will, thereby, either be dropped to the bottom of the list and then run the risk of being removed from the list entirely, and some others will be removed from the list completely who may very well want to have an opportunity to come and speak on this important piece of legislation.

When we look at Bill 38 and what it contains, it's clear that it is a piece of legislation that has far reaching implications for our province. It consolidates the financial statements of the Province and the budgeting of the Province so that the various Crown entities and arm's-length parties under the jurisdiction of the provincial government are brought into a consolidated summary financial statement. That in and of itself we don't believe is of particular concern, Mr. Chairman. What we have concerns about is the ability of government to then count the net revenues coming off of those agencies in its balanced budget calculation, thereby taking some of the discipline out of the finances of the Province.

We've heard presenters to date already, including Mr. Starmer from the Manitoba Chamber and Mr. Carr from the business council, outline their concerns about the implications of Bill 38, and call into question the necessity of Bill 38 in the first place. We currently have a piece of legislation in place in Manitoba, the balanced budget, taxpayer protection and debt repayment act, which is not perfect by any means, but which has served our province very well for a number of years, for 13 years now, 13 budgets which have been balanced under that legislation. Some may argue with some of the techniques that have been used to achieve that balance, but none will argue with the fact that all budgets over the past 13 years have met the requirements of that act, budgets under two different parties and two different governments, Mr. Chairman.

I think what it indicates is that, regardless of partisanship, the commitment to balanced budgets is

very strong in Manitoba. It's no longer a partisan issue. Progressive Conservative governments and NDP governments believe in balanced budgets, are committed to them in every way. In fact, the Premier (Mr. Doer) made that the centrepiece of his 1999 election campaign, a commitment to keeping the balanced budget law and to balancing budgets each and every year under that law. That commitment was a significant one. It was a significant departure in policy for his party which, to that point, had campaigned vigorously against the idea of balanced budgets.

We recall some of the comments that were made at the time the balanced budget law was introduced, some calling it an irresponsible fiscal straitjacket, and other such quotes coming from members of the New Democratic Party who didn't like the idea of having to live within certain financial parameters, didn't like the idea that they were going to have to take into account the financial interests of the next generation and not just the generation at present, that they were going to have to think long term and not just about short-term political considerations. So the law was considered significant and groundbreaking at the time. It elicited much negative reaction from members opposite at the time. But there was a change on the part of that party as they came to see that the people of Manitoba wanted balanced budgets, were committed to the legislative framework that was put in place by the prior government. Once they saw that balanced budgets were a non-negotiable item for the people of Manitoba, they did what any good democratic party would do, a New Democratic Party or any other kind of democratic party, and they adopted a commitment to balanced budgets and to Bill 2, which was the original balanced budget act.

* (09:30)

So what we see with Bill 38 is an attempt to effectively repeal that piece of legislation. It's a dramatic move in the third term of this government. For some it may give rise to concerns that perhaps there was an intent all along to repeal a balanced budget law, that after three elections, the NDP are finally deciding to go their own way, to cut and run from public opinion on this issue and to repay those groups within the party, within the New Democratic Party who opposed balanced budgets all along.

So Bill 38 is a significant piece of legislation. It's an important piece of legislation. It changes the rules of the game and has implications for many, many

Manitobans and that's why it's so important that those Manitobans be given every opportunity to participate in this committee with their comments.

When I think about the people who could be impacted by Bill 38 I think about the children of the next generation here in Manitoba and the generation after them who, at some point, will be called upon to repay the debt of our province, a debt which has grown under the last eight years in spite of record increases in revenues, and who we fear will be called upon to repay even more debt than what is necessary as a result of Bill 38 which will have the effect of allowing the government to run deficits on the operating account, thereby going out and borrowing in order to meet their short-term cash needs while being able to spin that deficit as a surplus by counting toward their overall budget credits which they would derive from surpluses and net income from Crown corporations and other arms-length entities.

So it's the next generation of Manitobans who have the most to lose from Bill 38. Unfortunately, they can't be here at committee to present, so others have to be here to present on their behalf, to speak up for those in the next generation who may be concerned about rising debt levels and the capacity of that generation to meet their needs with the added financial burdens that could arise if a government were to choose to run deficits under Bill 38.

We're not necessarily saying—I know many of the presenters have commented on this, that this Finance Minister or this government would necessarily run deficits or even want to run deficits. What we're concerned about is that Bill 38 allows them to do so without consequence and that is the most profoundly bothersome part about Bill 38. I know that people like the Member for Selkirk (Mr. Dewar), who has a profound concern for the next generation of Manitobans, or at least purports to, would be concerned about rising debt levels for that generation and I know would want every Manitoban to have the opportunity to speak out on this bill.

In addition to those in the next generation who have an interest in Bill 38, we think of the ratepayers for Manitoba Hydro, many of whom are on fixed incomes, many of whom can't afford to see unnecessary rate increases take place without some off-setting financial benefit. They would be concerned about Bill 38 because what they would see within this bill is the opportunity for the government to use net revenue from Manitoba Hydro

as a credit in its calculation as to whether or not the government balanced the budget.

This could, not necessarily, but it could have an effect of putting upward pressure on hydro rates where the government may find itself in difficult financial circumstances one year. We even wonder perhaps whether the Premier (Mr. Doer), with his comments yesterday, is laying the groundwork for a deficit in 2008-09 with his comments about the cost of forest fires running at one one-hundredth of one percent of the overall budget per day. So we see the steps, the communications maneuvering now ongoing on the part of the Premier to lay the groundwork, to prepare the ground for the potential deficit which could occur in this year. We hope it won't, but it would appear that the red flags are going up.

So we think about Manitoba Hydro ratepayers when we think about the potential for a deficit and the fact that should hydro be facing a challenging year or perhaps its margins were getting restricted that there may be a temptation on the part of government to want to raise hydro rates to increase Hydro revenue to allow the government to falsely claim a balanced budget as a result of higher net income at Manitoba Hydro.

Some have spoken about the role that the PUB plays in this process but we know the PUB doesn't second-guess policy decisions. In fact, they took into account the \$200-million-plus transfer of revenue from Manitoba Hydro into the general consolidated account of government several years ago and simply said that this was a factor that would have to be considered in Hydro's rate-setting decisions and policies—

Mr. Chairperson: Excuse me, Mr. McFadyen, your time has expired.

The next speaker is Mrs. Stefanson.

Mrs. Heather Stefanson (Tuxedo): Certainly, it pains me to have to be here today and actually have to support this type of motion. I don't think that my colleague from Brandon—you know, I think it's unfortunate that he felt compelled that he had to do this because of people out there in our communities who want desperately to come and be here in committee and before this committee and present to this committee because they feel strongly that this bill is not a good bill, that this bill should not be passed through this Legislature, and not only should it not be passed, Mr. Chair, but certainly we should

at least give people the opportunity to come before committee and give their say.

I think, time and time again, what we see from this government is unfortunate, but they feel a need to expedite legislation through the legislative process in our province, and I think it's unfortunate because we leave people out who have a lot to say about specific bills and, in particular, this one which is not a good piece of legislation.

We have heard from countless numbers of people already in committee last week who are opposed to this legislation and others who have serious concerns with respect to the legislation. I think what's unfortunate is that the government sees fit to bring forward legislation in this Legislature without consulting the public. This is just another prime example. Not only did they not consult the public before they brought this bill forward, but now they're preventing people from coming forward and speaking their minds about what they believe in with respect to this legislation.

We've already heard that there's a number of them who have serious problems with this legislation. I for one have some—and I know members opposite and all members of this Legislature have constituents who want to come forward and who are on the list to come forward and speak to this legislation. I think it's unfortunate that, you know, they're unable to, certainly during business hours.

Many of these people, or all of them, are working out in our communities, trying to make a difference in our province, trying to take us from being a have-not province to a have province because there are so many people out in our communities who believe so strongly in our province and want to see our province succeed, but, again, the government is preventing them from being able to come forward by holding committee hearings during the working hours. It's very difficult for people to take time out of their busy schedules during the day to come down to the Legislature and to wait to put their 10 minutes' worth of opposition towards these bills on the record, but it's not because they don't want to; it's because they're being prevented, again, by this government who seems to have serious problems with consulting the public.

They don't do it beforehand, before they bring legislation forward, and then when there are countless numbers of people on this list to come out and present, they do everything in their power once

again to ensure that they're not given the opportunity to come forward. I would say to this government, what are they really afraid of? Oh, heaven forbid that there would be people out there who would oppose their legislation. That is, of course, what we're seeing here, Mr. Chair, is that there are a number of people signed up to speak against this legislation and yet, you know, once again, the members opposite are preventing them from doing so.

I know, certainly, constituents of mine believe that this is an infringement on their right, that certain—[interjection] Well, you know what? If you want to hear them, then maybe you should start holding committee hearings during times that they can actually be here. These people are working out there—

Mr. Chairperson: Excuse me. I hate to interrupt the member, but we need a little order here and decorum so that the member who has the floor can be heard without being heckled, so I'd ask all members to refrain and wait until they have their place on the speaking order.

* (09:40)

Mrs. Stefanson: Thank you very much, Mr. Chair. Certainly, I was having troubles hearing myself speak, so I'm sure that members opposite were having difficulties hearing themselves heckle.

But I think this is a very important motion that has been brought forward by the member for Brandon because we need to stand up for our constituents. We need to stand up for Manitobans who should be given the right and the right respected to come forward and speak either for or against legislation. But, you know, I know a number of the people who are my constituents will be coming forward at some point in time to speak against this legislation.

I think it's unfortunate, I mean, I know members on the list who are busy, not only just working out there, but volunteering in our community. There are people who are, in fact, when they drop their kids off at school in the morning, are spending time at schools volunteering with their children's classes. Again, I mean, when they're volunteering in our schools, when they're volunteering in our communities, how are they supposed to, then, also take the time to come down to the Manitoba Legislature during these volunteer times, during these working times to make a presentation?

I think it's unfortunate that some people, then, see that, rather than coming down and being able to present their beliefs and their opposition to these bills themselves, feel that because this government likes to have committees at times when they're working, they have to do written submissions. What's unfortunate about those is that we don't get an opportunity to see, and all members know, the real true feelings and beliefs of, as someone who is standing right in front of us and how their opposition, the true passion behind their opposition in a written submission—I think it's unfortunate that then people feel a need to give written submissions as opposed to coming down here and having the right to present it themselves.

The other thing about written submissions is that they don't allow the opportunity for us as committee members to ask questions of those who take the time out of their busy schedules to come down here and speak to the legislation. I think it's unfortunate because we all know that, when we ask them questions, there are some things that come out that are not necessarily in their written submissions.

So I think, you know, the Member for Brandon bringing forward this motion—it was a very good motion. I think, and I hope, that members opposite will speak in favour of it. I think there are members opposite, certainly, and some may, you know, who sit in the back benches, want to stand up for their constituents and the rights of their constituents as well. I'm sure that they also will want to come forward, Mr. Chair, and put some words on the record with respect to how this infringes on the rights of their constituents, many of whom may be on the list to speak, many of whom may want to show up, just show up and actually have the opportunity to speak.

We know that not always are members on the list, but they hear about the fact that there is legislation being debated at the Legislature and that they have an opportunity to come down and speak out either for or against the legislation. Oftentimes we know, and we've seen last week and we've seen—I mean, I've been here for almost eight years and certainly, over the years, we see people who show up at committee and come in the back door and they sign up and just on the spot because they feel a need. They come in and maybe they're coming in to speak to other bills, Mr. Chair, in other committee rooms, and all of a sudden they come across and they read the legislation and they say, hey, you know what? I disagree with that. I feel that I should have the right

to stand up and to come out and to speak out against that.

But the unfortunate part about all this is that the government is preventing those people from having the opportunity by holding this during working hours. I think it's unfortunate, Mr. Chair, that the government would see fit to run the House that way. I think, again, it goes back to the fact that, really, they don't care about the average Manitoban out there. What they care about is their agenda, and I would suggest that this is nothing more than a ploy on their part to run a deficit budget.

This is a piece of legislation that will allow the NDP to run an operating deficit, an operating budget deficit, and certainly, you know, I think it's unfortunate. People want to come down, have the opportunity to speak, but the NDP is so concerned about their own hidden agenda that they lose sight of really what's happening out there and the way people really feel about—

Point of Order

Mr. Chairperson: Point of order, Mr. Goertzen.

Mr. Kelvin Goertzen (Steinbach): Thank you very much, Mr. Chairperson.

I listened intently to my colleague from Tuxedo, a passionate discussion and a great orator in terms of putting forward the position. While I was trying to listen, I heard the Member for Selkirk (Mr. Dewar) indicate that members opposite, because we're concerned about the government running a deficit, may in fact not be concerned about forest fires. He asked the question, don't you care about forest fires?

Clearly, Mr. Chairperson, under *Beauchesne's*, and I'll look for the citation for you, section 64. I'm quoting from the 6th Edition of *Beauchesne's Parliamentary Rules & Forms*. My issue is published by Carswell. [interjection]

Well, apparently, the Member for Selkirk has a different edition. I'm willing to wait for him if he wants to find the proper edition, but in my edition I'm pointing specifically to *Beauchesne's* section 64: Reflections on Members. I'll just read a little bit. It says: The House has occasionally taken notice of attacks on individual Members. Then it goes on for some different examples, one being where a member was referred to as a cheat and a swindler.

I'm not sure that this rises to that level, Mr. Chairperson, but certainly when the Member for Selkirk indicates that members opposite may not care

about forest fires, or floods, or those sorts of things it certainly is a reflection upon a member.

I take my role, Mr. Chairperson, as you do, I know, as a judicious and fair Chair that you are, I know we all take our roles seriously here in the Legislature. How is it that we could leave on the record—I don't know if *Hansard* will have picked up the comments from the Member for Selkirk. I'll review *Hansard* for sure, because, if they are, it might in fact become a matter of privilege within the House. I'd want the record to be straight.

I'll take this opportunity using section 64 of *Beauchesne* as my base to put this grievance to you through the matter of a point of order, because all of us, I believe, are honourable. I think that, regardless of the different views we bring to this debate and to the Legislature, regardless of the parties that we represent—and we're all elected to be there for different political parties, and we have our own, of course, philosophies as a result of those parties that we run for—we all come with the best intentions, I believe. We're all looking for a similar goal. I think most of us are trying to better Manitoba, but we have different roads on how to get there, different views on how we navigate the difficult course to improve Manitoba over the long run and over the short term.

For a member, any member—whether it's the Member for Selkirk (Mr. Dewar), who I would say I've always had a good relationship with, I think, in the House. Even though we represent different political parties, I've generally found him to be an honourable individual, but, obviously, early in this morning on a Monday, he's had a bit of a slip. Perhaps it wasn't a good weekend. Maybe he's concerned about how things will progress over the course of the week. But reflecting upon a member, as section 64 specifically says we are not to reflect upon, Mr. Chairperson, I think is egregious. At this early stage of the week it's particularly troubling.

I want the member to know—and I'm hoping for a ruling from you, Mr. Chairperson. Perhaps there will be others who wish to speak to this point of order as well. I want you to know, Mr. Chairperson, that I bring to this role and to this job a concern for all Manitobans, whether they live in southern Manitoba or in Winnipeg or in Brandon or northern Manitoba, where I understand there are forest fires raging. There were forest fires in southern Manitoba last week as well in the Sandilands area. I know my colleague from Emerson raised that issue in the Legislature to try to bring to this government's

attention the need to ensure that we do what we can to prevent these forest fires from starting. Forest fires aren't limited to one portion of the province or to any individual constituency.

I think that all members of this House—

Mr. Chairperson: Excuse me, Mr. Goertzen. Normally, you're entitled to 10 minutes if you wanted to speak to the motion, but this is a point of order. So I'd ask you to wind up fairly quickly. Thank you.

* (09:50)

Mr. Goertzen: Absolutely, Mr. Chairperson. I appreciate the fact, because I want to put on the record germane information for you to make a judicious decision.

In terms of section 64 where we're all advised that we shouldn't be reflecting negatively upon other members, I would ask, Mr. Chairperson, if you rule in my favour, to set the proper tone and the proper course for the committee over the week, so that all members recognize that we are here as honourable members and that we shouldn't be reflecting upon the motives or aspirations of other members.

Perhaps the Member for Selkirk (Mr. Dewar) wants to withdraw. He might choose simply to apologize. If he does, I am open to that apology. I know the member to be an honourable individual and I suspect he might want to do the honourable thing in this particular situation but, in the absence of honour, I know that you'll rule in my favour on this issue.

Mr. Chairperson: Because this is a point of order, I'm going to recognize one person from the other side and then I'll make a ruling.

Mr. Gregory Dewar (Selkirk): If I offended the members opposite by comments that I may have made on or off the record, I withdraw and apologize to all members.

Mr. Chairperson: Because there's been an apology and a withdrawal on the record, that concludes the matter.

I thank all honourable members for their contribution to this point of order.

* * *

Mr. Chairperson: Mrs. Stefanson's time has expired.

Next, I have Ms. McGifford.

Hon. Diane McGifford (Minister of Advanced Education and Literacy): I'll be brief and to the point and want to say, with the greatest of respect, I certainly can't support the Member for Brandon West's motion.

I think there are a number of factors I'd like to put on the record. First of all, I've heard the term "democratic rights" bandied about. Most speakers have used this expression several times. I want to point out that this is the only Legislature in the country, I believe, that does hold these committee hearings. If we wish to speak about democratic rights, this is certainly a very open and obvious sign of our commitment to democratic rights.

If any member can't attend on Monday morning, I agree with the members opposite. They've made the point that not all members can attend on Monday morning, but we do have some people here this morning who've been sitting very patiently and, I'm sure, eager to make their presentations. So I would like to not delay those people any longer.

There is also, of course, the possibility of written submissions. Members receive written submissions. Written submissions form part of *Hansard*, so any person who wishes to communicate has this opportunity.

Also, in my years in the Legislature—I was elected in 1995—since then, it has been frequent practice to hold committee hearings in the morning, in the afternoon, in the evening. Indeed, in the MTS committee hearings—talking about anti-democratic measures—that particular hearing went all night.

So, Mr. Chairperson, I think I'll just conclude with two statements. First of all, I think the most anti-democratic thing that's been going on this morning is the filibustering. Secondly, I'd like to call the question.

Mr. Chairperson: I will consider that a point of order but, actually, it's not a point of order because you cannot ask for the question to be put in Standing Committee, according to parliamentary experts and Manitoba practice.

So we will continue with the debate on the motion. The speaking order is as follows: the Honourable Mr. Gerrard, Mr. Faurichou, Mr. Maloway, Mr. Goertzen.

Hon. Jon Gerrard (River Heights): Mr. Chairperson, I would just very briefly make a couple of points.

The first is that there are individuals who have come here to present, who have taken time out of their very busy schedules. One of these is Mr. Knysh; he would very much like to provide his comments and contributions on Bill 25, The Embalmers and Funeral Directors Amendment Act. He should have the right to be heard.

I know that there was at least one other person here, who was ready to present; unfortunately, he's left in disgust about what is happening.

So, Mr. Chairperson, I think that it's pretty important that we, at least, hear those who are here. I think it's also important that we don't penalize people who were not able to come here and that we make sure they have an opportunity to present this evening or on another occasion. Thank you.

Mr. David Faurshou (Portage la Prairie): I have heard a lot this morning in regard to being open and accountable and the motion put forward by the honourable Member for Brandon West (Mr. Borotsik) is indeed a good one.

We see on the list before each and every committee member this morning 81 names that have contacted the Clerk's office, requesting the ability to present to committee. We had one presenter here this morning, and I believe, perhaps, there was only one to this particular Bill 38. There is an additional presenter for Bill 25. However, we can see by the participation this morning in the committee room that obviously this is not a good time for persons to make presentation.

I think the government itself is probably embarrassed about the call of this committee and for the lack of attendance. Certainly, I would be if I was the one that had called for a meeting. And we want to, as legislators—and I do appreciate the honourable member for making the point that Manitoba does have a process which engages the public in the legislation passage. But, when you actually call the committee and seek out that public presentation and you make it at hours that are so inaccessible for the general public, then really, truly, are you being that open and accountable and wanting, in fact, for the public to participate?

It's definitely a process that, when originally crafted, was unique in the nation, and I completely wholeheartedly support because the public always, always impresses me with their depth of thought and knowledge, experience, to which we, as legislators, definitely benefit from.

The situation, though, when we make the committee hours at such inappropriate times such as this morning and also last week, and again this evening, the hours that we are hearing presentations are really, really outside the norm for the average citizen of Manitoba to be requested to appear at midnight, moments before midnight, or to appear first thing on a Monday morning without a lot of time to prepare and rejig one's schedule.

Obviously, from the attendance here this morning, the words that I speak can be verified, and I ask that the committee give consideration to the motion before us and to effectively rise and reconvene at an hour more appropriate for a greater level of participation, because I do know that all members of the Legislative Assembly want to show the respect to constituents throughout the province that are genuinely interested in the legislation and willing to volunteer their time to provide insight into the impact that the legislation will have on themselves and their vocation.

* (10:00)

So I'm really wanting to ask the Chair to recognize what we have seen here this morning and to make the most of the valuable time of not only the public but us as legislators in sitting at convenient times for everyone concerned that is, indeed, interested in making their points known.

I did hear earlier the comment from one committee member saying that perhaps we at the table this morning were those that drew the short straw, which I concur, that this is perhaps being banished to an hour to which is less than fruitful for the activities of the Legislature. That's why I truly support the Member for Brandon West's (Mr. Borotsik) motion that we as a committee should rise and then reconvene at a more appropriate time where Manitobans are able to attend, as we have seen that participation this morning, indeed, speaks volumes and should tell us all that, if we are interested in hearing their knowledgeable assessment of the legislation before us, we should convene the committee at a time that is most conducive for the greatest number of Manitobans in which to participate with the process.

I know the Chair is very understanding and realizes that Manitobans' time is volunteered to come to presentation should be at an hour that is where persons can, indeed, take the time to participate. So I would hope that these words that I have contributed to the dialogue here this morning are ones that will

be taken to heart, and we, when finished debating this motion, will indeed rise and reconvene this evening.

It's not only the convening hours, but I will say that the committee is actually scheduled to commence sitting this evening as well, but there is, at this point in time, no end time. I look to the Chair and wonder if indeed we're starting at 9 o'clock in the morning here and this motion is defeated, then we could conceivably be sitting greater than 15 hours today with duties as legislators through session this afternoon and committee time. I do not understand, and I hope the Chair will consider that, if we are going to be alert and able to comprehend the presentations provided to us, after 15 hours I don't believe that we are going to be as readily comprehending as we should be. This, again, speaks volumes in regard to respecting those that are coming before us to make presentation.

So we are in the business of hearing Manitobans, and we need to understand that the committee must meet at hours that are most conducive and respectful of individuals in coming before us. Thank you.

Mr. Chairperson: For the information of all members, the Chair is neutral and the Chair does not decide any questions. The committee decides all questions before it.

The next speaker is Mr. Maloway.

Mr. Jim Maloway (Elmwood): Given that Prince Edward is here this morning, might I suggest that we take a 25-minute break so that we can hear him on the back lawn and then come back here? I'll continue my presentation at that time, in 25 minutes from now.

Some Honourable Members: Agreed. *[interjection]*

Mr. Maloway: Who just got here? *[interjection]* Well, maybe we don't want to go until—we can wait.

Mr. Chairperson: Well, the problem that I have as Chair is that we have a motion before the committee, and the normal practice would be to vote on the motion and dispense with it or decide it one way or the other, and then consider a motion from Mr. Maloway.

There is one way to get around that and that is if there was unanimous consent. What is the will of the committee? *[Agreed]*

Okay, so just to get this on the record, what is being agreed to is that we now adjourn for

30 minutes. Sorry, we recess for 25 minutes and, in the meantime, set aside the motion and reconvene. When we come back, decide the motion that is before us, at 10:30. Is that agreed? *[Agreed]*

Committee recess.

The committee recessed at 10:06 a.m.

The committee resumed at 10:41 a.m.

Mr. Chairperson: Will the Standing Committee on Legislative Affairs please come to order.

Before we recessed, Mr. Maloway had the floor.

Mr. Maloway: Mr. Chairman, what we've seen in this committee all morning has been nothing short of a filibuster. We have a number of people on the list. We've had a number of people here to make presentations this morning, and the members opposite are refusing to let them speak. And, you know, in all the years I've been here and some of the members across have been here for a while as well, they know that it is common courtesy to always let the presenters make their presentations, and then, if we want to do filibustering or other procedural wrangling, we do that after the presenters have left. That's just been the procedure around here for many, many years, so I wish we could get back to that.

Having said that, Mr. Chairman, I would like to call the question on the motion on the floor.

Mr. Chairperson: Unfortunately, Mr. Maloway, we can't do that, because in standing committee it is against the rules and against the practice in Manitoba to call the previous question. You could if you were in the House or in Committee of Supply, but not in standing committee.

Just before we go back to the speakers' list, for the information of committee members, we've had a submission by Lynne Fernandez of the Canadian Centre for Policy Alternatives, Manitoba office. Is it the will of the committee to submit this as a written presentation for inclusion in *Hansard*? *[Agreed]*

Mr. Goertzen: I know for the record that I know you didn't mean: unfortunately we couldn't call the question; you meant, as a point of interest for the committee, that we're not able to call the question.

Mr. Chairperson: I stand corrected.

Mr. Goertzen: Well, now, I've known the Member for Burrows (Mr. Martindale) has been an impartial

and judicious Chair for many years, and all of us appreciate the even hand with which he has his hand on the tiller of this committee.

First of all, let me correct the record for the Member for Elmwood (Mr. Maloway). He indicates that in his history of the Legislature of time here that there's never been a time when presenters were put off for whatever reason. I would refer him to the opening of the debate on the issue of the MTS sale where his colleague from Thompson spent two hours debating a motion on—

An Honourable Member: After the presenters.

Mr. Goertzen: No, prior to the presenters. Before one presenter was heard on the first day that that committee was called, the Member for Thompson (Mr. Ashton) spent two hours debating a motion on whether or not there would be public hearings throughout Manitoba on that, so he can certainly check the record. I believe it was the 29th of October or possibly November in 1997. He'll double-check on the record, but I can assure him that the first order of business by the Member for Thompson was debating a motion. So that's correction No. 1. I'm sure I'll have further corrections as we go along and hear from the Member for Elmwood.

On the issue of whether or not this committee should be taking place from 9 till 12, and I would also submit to you after 10 p.m. of the evening when it's difficult for members of the public because of their jobs to come forward and make presentations, or even after 10 at night where there's many people. We've seen people of advanced age come here and make presentations who I don't think would feel safe leaving their homes after 10 o'clock. If you look at the newspaper, there's good reason not to feel safe sometimes in the NDP Manitoba. They would not want to come to the committee at that time to make presentations. We have to be very mindful of the times that this committee is sitting, Mr. Chairperson.

I've heard from the Premier (Mr. Doer), from the Attorney General (Mr. Chomiak) and from others in the NDP caucus talk about how they want to hear from Manitobans, all Manitobans, as possible, and yet they call committees at these times of the night and day when it's difficult for Manitobans to come.

I remember the words of the Member for Thompson echo in my ears when—it may even have been in this committee room where he spoke for some six hours during the course of a nighttime committee, because he didn't believe that things

should be done at hours that were not conducive to the public.

It seems that there's been somewhat of a conversion on the road to Damascus, as the Premier likes to say, in the course of the members opposite being in government, or what was not acceptable in the 1990s is apparently acceptable now.

This will come as a shock to some of the new members, perhaps the Member for Southdale (Ms. Selby) and the Member for Kirkfield Park (Ms. Blady), as they will have gone to their caucus meetings and heard from the Premier and others speak about how undemocratic the opposition is being.

I'm sure that they never turned back the clock and pointed to the Member for Thompson in that caucus meeting, to talk about the sort of tactics that he used. It would be, no doubt, a shock but instructive for the new members of this NDP caucus to read the *Hansard*, as I did over the weekend from the MTS committee debate.

I think they'll learn that some of what their Premier and their leaders in their caucus are saying doesn't exactly match up to what their words were in the 1990s.

I think consistency is important in politics and in public life, that if you said something once, if you believe that the public should have the right to hear one point, then you should stick to that and demonstrate a different approach when you reach government, if you didn't agree with the previous approach.

Yet, here we have a government that's trying to ram through important pieces of legislation or by sitting to midnight and perhaps beyond. We'll see.

The Member for Elmwood (Mr. Maloway) saw me walk up this morning into the Legislature with my duffle bag and my sleeping bag, ready to have this government bring down the heavy hammer of power. If it happens, I'll be here. If it happens, if they try to ram a 24-hour committee, I'll be here to stand up for Manitobans and to ensure that they aren't subjected to that sort of tactic from this government.

The Minister of Finance (Mr. Selinger) might be here as well, and we can have a 3 a.m. discussion on points of procedure. I'm happy to have that discussion with him at three or five, but it's a slap to democracy, not just for presenters, Mr. Chairperson, but for those who just simply want to hear debate.

Not every Manitoban will feel comfortable coming to the mike and giving their presentation, but there are some who will want to come and hear the debate that happens at committee—not millions, of course, but some. If there was even one Manitoban who would like to hear the debate that happens at a committee, I think it's incumbent upon us to allow for that to happen by having reasonable hours.

I know, Mr. Chairperson, there's an issue that's before the Legislature as a matter of privilege. I'm not going to speak to the specific issue that's before the Legislature, that being a matter of privilege, whether or not a matter of privilege has been breached, or rights of a member have been breached, by virtue of a sign saying that the building was closed being on the building. I won't speak to whether or not that is, in fact, a prima facie matter of privilege case, but the fact that the sign was there is not in dispute.

The government has acknowledged that the sign was there. The opposition saw it there; the independent members have also seen it there. That is not in debate and so I know that I can speak to that issue. The mere fact that there was a sign on the door of the Legislature, saying that this building was closed during committee hearings would have certainly turned some members off and away from the debate.

We don't know how many, and we don't know if there were five, 10 or 50 who wouldn't have been able to be present, because they were under the wrong impression that the building was closed.

Given that that has happened along with a number of other issues within the committees, I think it's incumbent upon us to make sure, as we go forward, that it's more accessible than ever, that we do everything we can to ensure accessibility for the public.

* (10:50)

When the Member for Elmwood (Mr. Maloway) raised the motion or looked for leave to have the committee recess, so that we could go to the Prince, I thought—

An Honourable Member: Honourable thing to do.

Mr. Goertzen: It was the honourable thing to do. I agree with the Minister of Finance (Mr. Selinger) there, but I thought it maybe harkened to a new spirit at this committee, a new spirit of co-operation, and perhaps it will. Perhaps it will set the tone and—

[interjection]—I'll have my sleeping bag here as long as I need to have it here.

I thought maybe that there would be a new tone, Mr. Chairperson, to this committee given the comments by the Member for Elmwood previously. I suspect that's not the case. But, as we have a vote on this at some point this morning, I hope that this new sense of co-operation will carry forward to the members opposite, and they'll support us on this, because it's not really us they're supporting. It would be easy to say, well, this is an opposition motion, so we should vote against it because we always shoot down anything the opposition does. I know that's sometimes how the government feels that they have to do. But it's not really us that they're affecting; it's the public. They'll be voting, if they vote against this motion, against members of the public, who might want to come, but find that these hours are not suitable for them.

So members opposite shouldn't take any sort of great pride and shouldn't march back thumping their chests as they go back into caucus, oh, we voted down another opposition motion. They should, in fact, hang their heads in shame that they voted against the public, the very public that they are elected to serve, that entrusted them with their positions, and to come here in the Legislature. They should support those individuals and not look at this as a partisan debate. I always try to rise above the partisan bickering that happens in the Legislature and in the House, Mr. Chairperson. I think that this is probably the prime time for all members to put aside their partisan stripes, their political stripes, to recognize that what we do here today, we do for the public and for an individual who might be working at a grocery store this morning, or working at a union shop even, wherever they might be working. They should have the opportunity to come to this debate because the things that are before us today affect all of them.

We look at Bill 38 and this government's intention to run a deficit budget, Mr. Chairperson. We know that it's been a few years now where the Minister of Finance and his Premier (Mr. Doer) have been trying to find a way around balanced budget legislation. They never really believed in the legislation to begin with in 1995. They've worked hard to try to find a way to—

Mr. Chairperson: Thirty seconds.

Mr. Goertzen: Oh, it almost looked like I had 30 minutes left.

I know, Mr. Chairperson, they've looked hard to find a way around balanced budget legislation, but this will impact all Manitobans. So I know, as we hear from other speakers and move toward a vote on this important issue, the members opposite will either stand with the public or they'll stand by their partisan bickering. I hope that they'll support the public and vote for this motion.

Mr. Blaine Pedersen (Carman): I would certainly like to voice my support for this resolution to adjourn committee. It seems ironic that the government committee members would agree to a recess, but they see fit to sit here all morning when people are finding it difficult to make it to morning committee meetings. After we had leave for the—I call it recess, it's a bit like school, going outside and having a good time. It was my favourite part of school.

But going down the hallway, I met an elderly lady and she was quite adamant. She said she was 81 years old. She'd worked for Premier Schreyer in his administration. She said this government is treating me—well, I can't use the word that she said. She was very distressed at how she's being treated once she came in this building today. Being the gentleman I am, I guided her down the hall and showed her the south door so she could get out to see Prince Edward. But I thought, now, isn't that ironic, we're in committee and this government is trying to do everything they can to shut down people from coming. Even people who worked for this previous government are distressed at the way that they're being treated.

When I was home on the weekend, I was at a couple of different functions. It was incredible the number of people that came up to me and said, what are they doing with these bills? They even have the numbers down pat. They said, Bill 38; that's a terrible bill. Well, I couldn't agree with them and, of course, it is, and when you start explaining more about it, then they get even more upset. I said, well, committee starts at 9 o'clock Monday morning. I can't be there. People have jobs.

An Honourable Member: They can do written submission.

Mr. Pedersen: Yes, I know they can do written submissions, but it's not the same when they sit there and see the minister reading a paper and how interested she would be in their verbal presentations, so I'm sure she'd be even more interested in the written presentation. They talk about Bill 37—

Point of Order

Mr. Chairperson: We have a point of order.

Ms. McGifford: Yes. I would like to make the point that I would be very interested in hearing the presenters. It's the member opposite whose filibuster I'm not interested in hearing.

Mr. Chairperson: I'll hear one more person on the point of order.

Mrs. Stefanson: Well, thank you very much, Mr. Chair.

Time and time again we have been saying to this minister and members opposite that they have, in fact, prevented people from being able to be here, and my colleague was just saying and talking about the written presentations. It isn't the same; it isn't the same as having the opportunity to be here in front of the committee and being able to present and, for all of us, being able to see the passion behind a number of these presentations. It also gives us an opportunity for us as sitting members to ask the presenters various questions. Many of those questions are questions about issues outside of what is presented, and so it allows us the opportunity to hear first-hand from presenters about some things that maybe they would have forgotten or maybe they didn't have a chance to get to in their presentations. That's the thing that we don't get a chance to do with written presentations.

So I think, certainly, the minister does not have a point of order, that she is trying to create the impression, a false impression, that we don't want to hear presentations. We absolutely do, and that's the point that we're making here right now.

So, Mr. Chair, I think you will do the honourable thing here and suggest that this is not a point of order and the minister is wrong.

Mr. Chairperson: Thank you members. I've heard enough; now I will make a ruling. This is not a point of order. It's a dispute over the facts.

* * *

Mr. Chairperson: Mr. Pedersen has the floor.

Mr. Pedersen: Thank you, Mr. Chairman, for your ruling.

As I was saying, when I was talking to some of my constituents on the weekend, an interesting point was brought up. When we're in debate in the House, there are many times that many of the backbenchers,

government backbenchers, are crying foul over the MTS being sold and how devastating that is, and I understand now just how devastating that is to the NDP that it's sold, because that's one less Crown corporation that they'll be able to raid when they need to balance the budget for Bill 38.

Our constituents understand what this is about, and they would like to be heard here at presentation, in committee, and, obviously, mornings do not suit them. It's unfortunate this government doesn't listen to that. Never mind the fact that we've all had invitations from the Premier (Mr. Doer) and his wife to attend the reception for Prince Edward this evening, yet we're still going to have committees at the same time. So I guess that apparently they've flip-flopped on that. I have to be in committee, so they don't want me there. I guess I'll have to be here in committee because the government not only tramps on ordinary Manitobans but also on members of the Assembly here.

* (11:00)

When I was talking to my constituents this weekend, as I said, they certainly understood the bill numbers and their implications, and they talked about Bill 17 and the vote tax. They were certainly very adamant about what their opinion was, and it was all negative in terms of a vote tax. One person that I talked to who understands, has been on executive of political parties in the constituency before, and certainly understood about this Bill 37 and its attempt to muzzle the opposition in their communications, he found it just appalling that they would even suggest something like this. The person, again, was not able to come during the day. I believe he is signed up for Bill 38, but he can only come in the evening. We'll hear from him when he comes in.

Bill 17 is interesting when you talk to—and I'm not soliciting. These are people coming up to me at these functions and talking to me about this, Bill 17, the anti-farm bill. Being in a rural constituency, people are just looking at this bill as an attack on them and on their life and their work. The last thing they feel they're doing is polluting Lake Winnipeg, and they have the science behind them. This government doesn't have the science behind their bill.

Interesting, when the Premier (Mr. Doer) is announcing two lakes being named after Prince Edward's children, I'm sure they'll be crystal clear lakes now because of Bill 17, in the government's eyes.

The way that they're treating Manitobans through this entire committee process is a sham. We would hope that they would do the right thing here and adjourn this until this evening; and 8 o'clock tonight would be even better than 6 o'clock, but I guess the government—I have my sleeping bag in town here, too, so I'm ready to go. I have no problem with long hours, have been used to that, and I can stand up to anybody who tries to ram things through.

It'd be interesting to see if the mettle is there from members opposite, but I guess we'll find that out this week.

Mr. Chairman, even the government members should realize that adjourning debate right now, adjourning committee for the morning here would be the proper thing to do. It would allow us to get some other work done to get ready for the day.

I hope they're enjoying sitting here listening to a debate on a resolution, rather than doing meaningful work.

So, Mr. Chairman, I'll just leave it at that. I would hope that they would come to their senses and adjourn this for this morning. Thank you.

Mr. Chairperson: I have no one else on the speakers' list.

Oh, I'm sorry, Mr. Briese.

Mr. Stuart Briese (Ste. Rose): Thank you, Mr. Chairman. I'm pleased to be able to speak in support of the motion to adjourn the committee.

I, this morning, travelled in from my home. It's around two and a half hours to get to the Leg. The northern end of my constituency is two hours further than that. If one of my constituents was called to speak to the bill here, they could be travelling as much as four and a half hours to get here.

I think early morning, or 9 o'clock—it's not early morning for me, I was raised on a dairy farm, but it's early morning to a lot of people—is out of the question for them to even be able to appear. Their names would be called and they wouldn't be here. They'd be moved down the list. If they happen to hit another early morning, they would be removed from the list. I just don't think that's giving them an opportunity to come in and present to these bills.

I don't think, when we consider that, that the government is being accountable to the public. We should be prepared to convenience them somewhat

and have hearings at a time when people can attend. I think evening hearings are definitely the best.

I know, as we sit here, we hear references to various precedents that have been set in other years in other sittings of this Legislature. I'm fairly new in here. I've only been here a year, and I sometimes get a little tired of all the harking back to other days and other governments. What are we doing today that is helping the people of Manitoba?

It appears that the NDP are trying to rush legislation and trying to ram it through. There was lots of time during the sitting to put forward legislation earlier. Instead, they waited till the last possible moment to put some pieces of legislation forward and intentionally held it back and created as little time as possible for both the members of the opposition and the public to input on the proposed bill, bills that are on the table.

I heard some comments earlier about the forest fire costs, and I heard it on the radio this morning. Once again, we're being told that they're going to blow their way through the budget that was set for forest fires very quickly. There have been forest fires before, and somehow they got handled and paid for. I think it definitely shows a lack of planning, and I can tell you where another lack of planning is going to rear its head before too many years.

We've seen the anti-farm bill, the assault on the moratorium on hog barns. That's just one chink in the armour, and there isn't a strong interest in agriculture from this government. We are living with fairly good grain prices right now, but, believe me—and I've farmed for 35 years—they will drop. The inputs won't follow them down, and if this government hasn't done some pretty good planning, look out for the CAIS program because if you think the payments in it are high now, wait until grain hits it. Those are supposed to be guaranteed coverages, so you better start some long-term planning to address that when that actually happens.

Clearly, to me, the NDP don't really believe in Bill 38. They don't think it's important or they wouldn't have left it till the last possible moment to bring it forward. They didn't consult with the public before they brought it forward, and now they don't seem to want to accommodate the public at these committee hearings.

These are working people that we're asking to present at these hearings, or inviting to present at these hearings. They're the ones that are used to

balancing the books, and they're the ones that are used to living within their means. They're shocked by some of the proposed legislation that's before them, especially Bill 38.

Hardworking Manitobans certainly see this as another assault on their livelihoods, and this government is inventing another way to take away some of their hard-earned dollars. I'm sure there's a lot more that would be here to present on the various bills if these hearings were held in the evening, as I believe they should be.

Madam Vice-Chairperson in the Chair

The only people, to me, that don't believe in balanced budget legislation in Manitoba are the NDP. In spite of the unprecedented revenues, higher transfers from the federal government, this government seems to feel a need to get rid of balanced budget legislation and feed their spending addiction. If a private business tried to run their business that way or a private individual, it wouldn't be long before they were out of business. There'd be nothing left for the Province to tax them on.

* (11:10)

With those few words, I think I'll issue my support once again for the resolution to suspend these hearings at this time of day. I'll turn it back over to the Chair. Thank you very much.

Mr. Larry Maguire (Arthur-Virden): It's my opportunity to put a few words on the record in regard to this motion brought forward this morning to set this committee aside from 9 until 12, because of the opportunity that it doesn't provide, not because of what it does provide.

There are an awful lot of Manitobans that, because of their distance from the Legislature—No. 1—need to have the opportunity to come. I guess the irony of this is that, if the government doesn't want people to come, they could call it at this hour of the day, 9 to 12.

An awful lot of people in our society, at least today, work, thankfully. It's very tough for an individual unless they run their own company, that sort of thing, to be able to get time off from their work to be able to present. Even as important is that, if you are an individual business owner, you've obviously got to co-ordinate your affairs in your company to continue to make a living in the province of Manitoba, the highest-taxed province west of Québec. All of those things going against them,

some of the small business people have to work much harder than they do in other provinces to make sure that they have a living that they can make and keep their employers working.

That's why I support this motion that came forward this morning. I believe that it's because of bills, and I said it earlier in regard to Bill 37, Bill 38 particularly that we're speaking to here in this committee, The Balanced Budget, Fiscal Management and Taxpayer Accountability Act, that Manitobans are concerned. This is some of the most brutal legislation that's ever come forward in this province's history in regard to Bills 37 and 38: one, confiscating the ability of individuals to put forward as MLAs, whether they are on the government side, or backbenchers of the government side or in the opposition, the opportunity to present their views to their constituents without being scrutinized by a committee that's run by the majority of the government side.

But particularly balanced budget legislation, this act, Bill 38, replacing The Balanced Budget, Debt Repayment and Taxpayer Accountability Act, is quite detrimental to the future of Manitoba. Of course, members of the government may feel that—well, first of all, I'd have to say that I don't think a lot of the members of the government knew this bill was coming forward, or 37, until the Premier (Mr. Doer) and the Minister of Finance (Mr. Selinger) brought forward the balanced budget new type of legislation that he wants which balances the books only once every four years or five years, and then only in the opportunity of, you know, in that last year if there's a disaster, and it's described as either a weather disaster or an impact from another level of government, they don't have to balance the books then either.

There's no definition to the word "weather," or "impact," and I think that's significant. What kind of a weather impact would we have? Right now we've got forest fires blazing in northern Manitoba where obviously we're spending a million a day is what the Premier has said this morning. I've indicated the dryness in the southwest part of Manitoba as well as what we're seeing in the north. There is a tremendous cost to that. But I know that the Minister of Finance has set funds aside for dealing with those kinds of disasters, albeit it may not be enough in this particular circumstance. But that's why you have a rainy day fund, Madam Vice-Chair, a fiscal stabilization account. That's to deal with these kinds of disasters as they arise.

Of course, we had disasters last year with the tornado that went through Elie and the town of Elie and the southwest area, all the way from the Saskatchewan border through my constituency, some of the Member for Minnedosa's (Mrs. Rowat), some of the Member for Turtle Mountain's (Mr. Cullen), as well, all the way over to the Baldur-Belmont country. We had hailstorms that went through the town of Dauphin, a tremendous hailstorm that went through there.

A lot of that was perhaps covered by private insurance, but there are—my point is that there are funds to be set aside to be used, and the government even elaborates on the amount of money that they have in that fund. Of course, due to the largesse coming from Ottawa, they have been able to put some funds into that account. Some in the past have been earmarked for health that were put in there as sort of a savings account and earmarked for health, but put in there as a part of the fiscal stabilization account, which was an erroneous misleading for the people of the province of Manitoba. Nevertheless, that's not the point that I want to debate here right now.

I think we need to set this time aside this morning from 9 till 12. Of course, you know, there was already a short break taken because Prince Edward is here and was on the south lawn, greeting many of the families of members that we have in Afghanistan. I commend the government for at least having the foresight to be able to set that aside. Look forward to their co-operation on some of the other events later tonight that the Premier (Mr. Doer) has invited us to as well, invited all MLAs to.

I just want to make the point that Manitobans need to have the opportunity to come and make presentations, and we have to be somewhat cognizant of the fact that they have to have—they have to be able to get to work and they have to be able to manage their work and their businesses, Madam Vice-Chairperson. We have all kinds of time to be able to make presentations or hear presentations from them, and we need to be cognizant of giving them that opportunity to make presentations to these kinds of bills as well. If we can't do it when the—or able to get away from work in a convenient manner, at least, it's detrimental to this process. It's rather ironic that Bill 37 limits the process in regard to getting information out to people, which is exactly what we need to do.

Madam Vice-Chairperson, it's much more convenient for those types of individuals to come either after work or in the evening, say, 6 till even 10 or 11, at least. I don't know how many people would like to be making presentations at 2 or 3 in the morning, although I've sat through many of those before, some of what was termed, I think, by both sides, "common sense rules," to change that to the fact that committees can't sit after midnight. But the government may abuse their authority in regard to doing that, rather than having started the session earlier in the spring or amending some of this legislation to get it through, or else deciding to bring the legislation back in the fall because, of course, when we stop on June 12, as you know, the session doesn't end. The government could call us back in the fall to deal with this legislation if they feel that it's that important.

I want to just say that, while I'm speaking to this motion, that we're—the main bill that we're discussing today in this committee is Bill 38. As I said, the difference between the two titles is that the new one that the government's bringing forward includes the words "fiscal management" and throws out the words "debt repayment." I find that an oxymoron, Madam Vice-Chairperson, because debt repayment is part of fiscal management no matter how you cut it. The government is basically saying, we're going to throw away debt repayment and we're going to be able to spend an oblivion into the future. That's what this bill allows them to do. It's really smoke and mirrors when you can set up a ledger on one side that allows you to use all of the per-profits and surpluses in the Crown corporations, not to take them out and use them as operating budget, but to allow you to borrow against them if you've run a deficit. I think that, of course, the legislation that was brought in in 1995 was some of the most stringent and accountable legislation in North America at that time, not just Canada, and the government needs to heed that.

Mr. Chairperson in the Chair

You know, they ran two elections on it—three elections, actually, in '99, 2003, 2007—by saying they would keep balanced budget legislation and debt repayment legislation as well. You can't be accountable to taxpayers unless you're going to have a plan of debt reduction as was set forward in those years when the previous Progressive Conservative government was in power in the province of Manitoba. Manitobans elected them. The government of the day, the NDP now has been elected, but part of their promise was to keep The

Balanced Budget, Debt Repayment and Taxpayer Accountability Act in place. Nowhere did they say that they would bring in this kind of derogatory legislation to balance the books once every four years.

* (11:20)

I think, Mr. Chairperson, that Manitobans need to have the opportunity to come forward when it's more convenient for them to be able to come and present. The government may not like what they hear from a good majority of the people that are signed up to present, but I think it's very imperative that those from afar—certainly, if you're out in my constituency—the Member for Ste. Rose (Mr. Briese) indicated that it's four and a half hours from some of his region to get here. It's further than that from Lyleton, Manitoba, to get here, Mr. Chair, in the far southwest corner of the province up against the Saskatchewan and American borders. Those people have just as much right as anybody else in this province to be able to come forward and put their views on the record within a reasonable time frame. Being able to come in through the day and make a presentation in the evening would be much more beneficial to them. I'm not saying midnight; I'm saying some time convenient between 6 and 8 for them, so that at least they could still drive home by midnight if they chose to not stay in the city and be able to get back that far.

But, even from the community that I live in now, Virden, it's—you'd have to say it's over three hours of steady going to get here. It usually takes me three and half hours at least to make the trip from Virden to the Legislative doorstep, and, Madam, or Mr. Chair—there's been a change in the Chair, I appreciate that. That's basically a trip into town without stopping for as much as a gas fill-up. You want to make sure you're full when you leave.

Mr. Chair, I think that it's incumbent upon every Manitoban to have an opportunity to speak to these bills. Obviously, there are a few people that can come, and we're not just talking about Bill 38. There are other bills that the government has on the agenda for this committee as well, and, while some bills are not as controversial, I guess, is the word I would use, as Bill 37 and 38, many are not as controversial; some are just as controversial.

Another one I would mention is Bill 17 that was mentioned by the Member for Ste. Rose when I came into this committee, and we will continue to look at it.

There's other legislation such as—there are a few concerns in other bills as well, Bill 40 being one of those. I've got one in Bill 13, Mr. Chair, and I think it's very incumbent that all citizens of the province be able to come in and make presentations on these bills. You know, when you've got a bill like 37, which I know is not one of the ones on this particular committee, but one of the more detrimental bills that people talk to me about in the province, where you've got a government that wants to take a dollar and a quarter for every voter out of the general revenue of the province and pay it to each of the political parties according to the distribution of votes in the previous election, that certainly gives the party in power the advantage in being able to get their message across. The party in power doesn't have much trouble doing that because they've got all their departments and advertising that they can do on a regular basis anyway. That's what's most irking to the citizens that have come forward to me with their comments and concerns about the type of dictatorial legislation that the government is bringing forward in the bills that I've just referred to.

Mr. Chairperson: Excuse me, Mr. Maguire, your time is up.

On the speakers' list we have Mr. Lamoureux and then Mrs. Taillieu.

Mr. Lamoureux.

An Honourable Member: He's not here.

Mr. Chairperson: Mr. Lamoureux is not here?

Next is Mrs. Taillieu.

Mrs. Mavis Taillieu (Morris): Thank you, Mr. Chair.

I do want to speak to the motion brought forward by the Member for Brandon West (Mr. Borotsik) to cancel the morning committee sessions, because I think it's not really a conducive time for many people to come to the committee to make their representation. I think when people take an opportunity to come before committee, there are two things that—well, three things, I suppose, because, first of all, they're looking at the importance of the legislation and how it impacts not only their lives, but lives of all of us in the province. But, certainly, then, they'll look at the opportunity in the time and the place where the presentation is to be made. I should say at this point it's wonderful that so many Manitobans have come forward to speak on some of these very draconian pieces of legislation that have

been brought forward because, as most people will know, fear of public speaking is a No. 1 fear among a lot of people. So for people to actually come to a committee and make presentation certainly shows the feelings that people have for this legislation; otherwise, they probably wouldn't have made the effort, but because of the nature of the very heavy-handed and draconian legislation that is being brought to these committees, it certainly raised a lot of ire in the community.

When you look at having meetings on Monday morning, it's a very difficult time for a lot of people getting to—most people have to be at work Monday morning by 9 o'clock in the morning or maybe earlier. Certainly, it's not all that conducive. Secondly, if you have to make arrangements to be away from your job, maybe you have to make arrangements for child care, and certainly that's an issue in the province with the lack of appropriate child care that we have.

Also, we have traditionally had committees run in the evening at certain times because it's the most appropriate time and the most accessible time for most people to get down to a committee hearing after they have completed their job day, and after they have completed the family responsibilities as much as possible, allowing them some more time to come down to a committee.

But, having just been out in rural Manitoba over the weekend and speaking to a number of people outside of Winnipeg, the question arises: Why are we not holding committee hearings outside of Winnipeg?

There's ample opportunity to take these committee hearings across the province and that would ensure that a lot more people had opportunity to present and had more time to do it. Certainly, we know with a lot of these pieces of legislation, there was no meaningful consultation in drafting of this legislation outside a very few members of their caucus, and a lot of people in Manitoba are not aware of the implications of some of this legislation.

Speaking about the balanced budget legislation—or the unbalanced budget legislation—Bill 38, talking about that to people in my community and farther out in rural Manitoba has raised a lot of questions. I think that more people would be willing to make presentations at committee if they had the opportunity to do so without having to travel and take more time away from work and family, and if they had that time within their community.

It's interesting that the government is trying to push these committee hearings so near the end of the session where there was plenty of opportunity to have more time, but when a bill is introduced at the very last day before the bill can actually be passed in this legislative session, that compresses the amount of time that is available for committee hearings. I don't think that that was necessary. I think there was ample opportunity to give the public more access over more time, more days, without having to ram it through in a very short time. Certainly, if the legislation had been introduced in April, there would—and I suppose it's by design that it was not. Certainly, the government would like it not to be out in the public as much as it has been and certainly would like to pass it through very quickly.

With those few words, Mr. Chair, I'll pass it on to others who also want to put a few words on the record.

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

Some Honourable Members: Question.

Mr. Chairperson: Would you like the motion read again?

Some Honourable Members: Yes.

* (11:30)

Mr. Chairperson: It was moved by Mr. Borotsik, the following:

I recommend to the House that the Legislative Affairs Committee meeting scheduled for Monday, June 2, from 9 a.m. to 12 a.m., be cancelled.

Voice Vote

Mr. Chairperson: All those in favour of the motion, say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Nays have it.

Formal Vote

Mr. Borotsik: A recorded vote, please.

Mr. Chairperson: A recorded vote has been requested.

A COUNT-OUT VOTE was taken, the result being as follows: Yeas 2, Nays 6.

Mr. Chairperson: I declare the motion failed.

Mr. Borotsik: Mr. Chairman, I wonder if we could hear presenters on the other bills at the present time, bills being with only one presenter going first, if we could.

Mr. Chairperson: Is it the will of the committee to hear presenters on the other bills? *[Agreed]*

Bill 25—The Embalmers and Funeral Directors Amendment Act

Mr. Chairperson: We will call, then, on Bill 25, The Embalmers and Funeral Directors Amendment Act, Mr. Nick Knysh, Knysh Funeral Chapel.

Do you have a written presentation, sir?

Mr. Nick Knysh (Knysh Funeral Chapel): No, sir.

Mr. Chairperson: That's fine. Please proceed.

Mr. Knysh: My name is Nick Knysh. I've been a licensed funeral director in the province of Manitoba for 23 years. I've been in the funeral industry for 25 years.

In regard to the legislation, it's time in coming that amendments be made. I remember when I first started, Don Zasada was the chairperson of Consumer and Corporate Affairs. He actually cared about our industry in the acts, in the legislation. When he passed away, Alex Morton took it over and couldn't give a rat's. Then Carolyn Klaus was given the same responsibility, who was director of Vital Statistics, who just couldn't deal with issues and other things that we met with the board continuously on issues.

My brother and I opened our funeral chapel 10 years ago. We took a company that did no funerals, in 10 years has done 200 funerals. We never solicited, never price-shocked or did anything like that. We provided service to a community in the North End, where people had money, had no money. We never turned anyone away. I've dealt with people that are millionaires to people that are skid-row bums. Everyone has a right to a proper burial.

Proposed amendments taking away the embalmers and funeral directors act and bringing in the funeral service act is a step. But we can't eliminate the word "embalmer." That's where your basic care comes in of taking care of your mother, your daughter, your son, your loved one. 'Cause once

we lose respect on that, we become car salesmen, which our industry has become.

In the last 10 years, there have been more places open up in Manitoba than I can ever imagine. They couldn't do any business, but they started putting in prices—\$485, \$469, \$585, \$650. Ten years later, it's \$650 to \$750, where the cost of business has gone up a lot, and they're still allowed to put in those prices. We've asked the board, we've asked other people to make changes in the legislation. I kept hearing this morning about Bill C38. People are poor. A funeral is a detriment to people, but it shouldn't be a burden. People pick up phone books where guys are putting in \$80,000 ads telling people they can do the same service for \$400. Then when they go in there, everything is added. Be fair and honest. I'm passionate. I love what I do. I gave up a football career—care about—seen people at their worst.

I think it's very, very important for us to look at this legislation and to make the amendments, have people that represent funeral homes that are licensed funeral directors, not people that are salesmen or pretending to be funeral grief counsellors which lead into people sitting around—80-year-old ladies, 90-year-old ladies, trying to sell them products which they don't know what they've bought. Then when the death occurs, they go there expecting everything to be paid, and they're still adding on \$10,000, \$15,000, \$20,000.

Why do I talk about this? This is my profession. I've never misled anyone—or my brother or our company.

There's something wrong when the government pays us \$1,616 for a simple cremation for someone that is indigent. You open up the yellow pages—companies, \$585 for the same. Who's misleading whom?

In the last 10 years, there are more companies that have opened up. Winnipeg: 800,000 people; there are 33 funeral homes; Toronto: five million, surrounding area is eight million—there's 44, and everything is based on price, not service. A funeral service of any kind is simple; you have a body, you bury or cremate. You provide that service.

Our industry is complicated so much that people aren't even aware of what we provide or who we are. I say that we stop: (a) non-licensed people representing funeral homes. Price advertising should be completely shut down.

We've gone to the board, asked and showed them pricing in materials and magazines where people are taking out \$20,000 ads, \$10,000 ads. They tell us we can't do anything about it. What do you mean you can't do anything about it? It's legislation. Then you wonder why the consumer is crying.

Alex Freedman just exposed, a year ago, a firm that was running around \$695. People were leaving bills with \$5,000, \$7,000, and no one did anything about it. It's serious.

Some 400 years ago, when people couldn't afford to bury the dead, they left them on the street. The bubonic plague came in. People were treated like garbage. Is that what we've become in our society? Where are the respect and the care?

My brother and I want to build a place—\$2.5 million, \$2.8 million for a mortgage. We go to the bankers. We go there; our bottom line—well, there's not enough profit. I go, well, great, I'll drop my prices to \$400; I won't even be in business. We pay taxes. We've never refused anyone's service—no one, and that's the truth.

We're here because we care. You won't see any other places here or people in our industry here that, (a) have salesman running around, misleading people, because that's how they make their commission. In a week, they don't care if they're there anymore.

New companies have opened up—prices, prices, prices, prices. Are they going to be here? No. Is the government saying to be responsible? We're asking you to be responsible to us, as business owners, to help us help the community that we serve.

It's sad when people have a thousand dollars a day to blow on gambling, to help medicare, then someone dies and they're calling us. How much is a cremation? What would you like? Were prices given to the board? Certainly, basic standards but, the thing is, be truthful and honest. If it cost you \$3,000, it cost you \$3,000. If it cost you \$2,000 to operate, it cost you \$2,000.

Our own profession has complicated things so much that people themselves don't even know what they're buying or what they're getting. That's sad.

A lot of people don't come to these things because—I hear this from everyone—you're all the same. Sad when the peoples' perspective is that we're all the same. But you make that difference, that one

person, to where you show that care, the love and the respect that they deserve.

It's not money. If I wanted to be a millionaire, I would have done something else. I work hard; I have a daughter going to university. I have a son; maybe he'll make professional baseball. That's my retirement ticket.

* (11:40)

Mr. Chairperson: Excuse me, Mr. Knysh, you're quickly running out of time.

Mr. Knysh: Thank you, Mr. Chairman. I've listened for two and a half hours of people talking, and I couldn't understand what you were saying. I think you can give me another minute or two longer.

It's important that this bill and changes be looked at because we're not car salesmen, we're not used car salesmen. I was so offended when I heard that the government was going to look at the funeral directors bill and put us—first used car salesmen and their parking lots in every corner, and then the funeral directors right behind them. Is your mom a used car? Is your dad a used car? Your sister? Your brother? No. They're human beings.

It's our responsibility to take care of the most vulnerable people in society. That's why I'm here. Bill 25 should be looked at, the amendments and changes and other things added, to eliminate the people that are preying on the most vulnerable and lying to them at the most difficult time in their lives. We have people who have more complaints against them in the last five years than the industry has had in 100 years, and the board hasn't done anything. We have an owner that operates three funeral homes that has been charged twice by MPI for fraud. No one's done anything by it. We have firms that are driving Escalades for \$130,000, \$150,000 that have no business—where's the money coming from? This goes deeper than just funeral service. Are we accepting this? Am I mad? Yes. This is my livelihood, but I've never made my livelihood on the back of anyone. That's the truth.

One day, all of us here have to close our eyes, were going to have to meet someone higher, and He knows the truth what's in everyone's heart. That's all we have to answer to. How many of us in this room can say that we actually do that every day?

We can't sell our soul to the devil. I'll end with that.

Mr. Chairperson: Thank you, Mr. Knysh.

Hon. Jon Gerrard (River Heights): Thank you for a very passionate presentation. You obviously care a great deal about what you do. I think that comes through very clearly in what you said.

Let me just summarize. My sense is that you would want to end the practice of telemarketing. It's not appropriate, particularly, when somebody is very vulnerable after somebody's died. You want to make sure that only funeral directors can actually sell services, somebody who's licensed rather than the practice at the moment with a lot of salesmen. Three, you'd like to either end completely the practice of price advertising or have it very clear in the fact what the prices stand for because right now it's not happening. There's a very muddled situation and people are giving prices that are very low. Then, when people come in, they are being forced to pay something that's much higher.

Mr. Knysh: Everything Dr. Gerrard said, I agree with, but I also think it's very important for us to completely eliminate advertising our prices. That's very, very important because that's where a lot of the problems have occurred and have stemmed from. If another person wants to come and buy a pre-arrangement, they should be able to pick up their phone, come directly through your doors and meet with you, one on one. Not where someone else is coming in to sell them a product and saying, I represent so and so, just to make a sale. That's misleading.

There are firms that sit in malls with a big sign, here put your name in here for a \$10,000 draw. Easy \$10,000. Then they're getting cold calls, salesmen harassing them. How'd you get my name? Well, you know, da da da. That's misleading.

Families used to choose who they wanted to serve by—not the product, the service that was provided. That's what should separate us in this industry, by our service and our ability to provide the best service possible. That's being fair to the consumer. Not people harassing them, lying to them. They're phoning there a week later; they're not even there. They've been fired because they didn't meet their quota.

If people are going to pre-arrange, they should pre-arrange everything or nothing. I'll be truthful: we have people that come in showing us contracts for a simple cremation; they have just a cremation fee and an urn for \$4,000. We ask them, what about this and that? And they go, well, they told us we had everything. Then people go there and sit down, and

the guy says, well, now we have to take you—who are you? Well, I'm the funeral director. We just met with the guy who's the funeral director. Five years ago. He told us we had everything.

Be honest. What's more important? People in our community or shareholders?

Mr. Chairperson: Excuse me, Mr. Knysh, we have at least two other people on the speakers' list and a maximum of five minutes, so I'm going to go now to Mr. Selinger and then Mr. Fauschou.

Hon. Greg Selinger (Minister of Finance): First of all, I'd like to thank you for your patience in waiting this morning and then making your passionate presentation.

This bill is intended to get at the practices that you're concerned about. There will be a code of ethics in the bill and there will be a regulation on disclosure of information. I'm going to ask my staff to consult you as they develop those regulations so that you can share your experience with us because we do want to make sure that the public is not in any way misinformed or overly pressured at this very delicate time in their lives.

The code of ethics, I think, will give a good opportunity to stamp out some of the practices that you've discussed with us this morning and allow the legitimate operators, such as yourself, to be able to compete on a level playing field without misinformation pulling people away into situations where they get a loss leader up front and they wind up paying three or four, maybe even many more multiples of that as a final service after they've been trapped.

So I want you to know that we've taken your presentation very seriously and that the bill is designed to get at the concerns you've got and you will be consulted on it as we draft the regulations.

Mr. Knysh: Mr. Selinger, thank you very much, sir, but I'd also like right now the committee that's looking into this legislation to talk with Susan Boulter right now to show how many complaints there are right now about the same funeral providers because that involves the code of ethics and the standards to be set. It's amazing. There are more complaints in the last 10 years about three or four firms than there have been in over a hundred years about all the firms put together. There's a problem.

Mr. Selinger: Yes, and some of the additional reprimands or fines will cover that as well as the ability to suspend a licence.

I also want you to know that we will keep the word "embalmers" in the bill title so that there might be a reorganization because most people look under the word "funeral" when they're searching for a service now or legislation, but we will also keep the word "embalmers" in the bill as well.

Mr. Knysh: Also, Mr. Selinger, I think it's very important, when I became a licensed embalmer funeral director, I went two years to get my embalmer's licence and three years to get my funeral director's licence. In order to become a funeral director, you should be able to get your embalmer's licence first. How can you even meet with the family if you don't even know the basic steps of how to conduct yourself around a body or the situation you find itself in to direct the family to making a proper decision?

Nowadays, everyone wants to eliminate being an embalmer to be a funeral director to sell merchandise. I'm not here to sell merchandise. I'm here to provide a service. That's so, so important to realize. You need both.

* (11:50)

They should look at the school again, and revamping that maybe, because when it was run by the Western School of Mortuary Practice, it was unbelievable school. Now it's become money. They're promising kids \$80,000, \$100,000 a year. I don't even make that and I own my own company. I work seven days a week, 20-hour days to provide a living and to be of service to our community and to feed my kids and put them through school. I'm a hardworking Manitoban. I want our business to be here and for us to be here for the next hundred years as my kids are part of it, my brother's children. We're not here to sell. We're here for a reason and God put us here for that reason. I'm grateful for that. Thank you.

Mr. Chairperson: Thank you, Mr. Knysh.

Mr. Fauschou dropped off the list. Is there anyone else that has questions? I'll allow one brief question.

Seeing none, thank you for being here.

Are there any other presenters on Bill 25?

Mr. Chairperson: Seeing none, should we go to Bill 29, The Business Practices Amendment Act?

We have one presenter, Mr. Robert Waddell, private citizen. Is Mr. Waddell here? Mr. Robert Waddell. Robert Waddell's name is dropped to the bottom of the list.

The next bill is Bill 38, The Balanced Budget, Fiscal Management and Taxpayer Accountability Act.

We're calling out-of-town presenters, and I'm informed that the next out-of-town presenter to be called would be No. 20, Beverley Ranson. Is Beverley Ranson here? Beverley Ranson's name is dropped to the bottom of the list.

The next out-of-town presenter is—we had No. 46, John Doyle, but he already presented.

No. 80, James Cotton, private citizen. Is James Cotton here? James Cotton's name is dropped to the bottom of the list.

That ends the people that I have in front of me whose names have been called at least once. Now, we're going to go to out-of-town presenters whose names are being called for the second time.

Mr. Rick Borotsik (Brandon West): If I may have leave, Mr. Chairman, to call Mr. Peter Holle, who is the first in-town presenter to make presentation.

Mr. Chairperson: It has been recommended that we depart from the normal procedures of the committee and, instead of calling names of out-of-town presenters, that we call for a presenter who's actually in the room, Mr. Peter Holle, Frontier Centre for Public Policy. What is the will of the committee?

I can't recognize people who don't have their hands up. Mr. Borotsik has his hand up.

Point of Order

Mr. Borotsik: Point of order, Mr. Chairperson.

If I can, the out-of-town have been called once and they dropped to the bottom of the list. I appreciate that. Then is it not the normal procedure to go to the in-town presenters at that time to make presentations rather than call for the out-of-towners in the second time? The same is true with the motion that these out-of-town presenters could not possibly make it in for a Monday meeting. If you could have Mr. Holle make presentation rather than drop off the other out-of-town presenters, they may well be making presentation this evening. They could be

coming from places a considerable distance from here and would be making presentations this evening at our committee.

Mr. Jim Maloway (Elmwood): I would suggest we follow the procedures that are laid out by the committee. We move along quickly. Mr. Holle will have a chance to make his presentation before we adjourn.

Mr. Larry Maguire (Arthur-Virden): Well, Mr. Chair, I would agree with that, providing that we follow normal procedures which is to go through the people that are out-of-town presenters and then come on with the ones from the urban area and go forward. We've just had a motion this morning that we've spoken to in regard to inhibiting people from rural Manitoba setting aside the opportunity here this morning to have them come and speak, and now we're going to go through and knock them all off for the second reading because we know they're not here. It just seems very undemocratic to be able to move forward of that.

My understanding from years on these committees is that you go through that list and you go through the whole list of perhaps other people that haven't spoken from the urban area as well.

So I would encourage the committee to continue to move forward. We've got one presenter here at least that is prepared to speak this morning, from what I understand, and I think we should move forward with him as opposed to taking all of the people that might be from the rural side and not allowing them to speak because they weren't able to get here this morning. Perhaps some of them will be able to make it later tonight as well, so I would be encouraged if we could move forward in that manner.

Mr. Hugh McFadyen (Leader of the Official Opposition): Mr. Chairman, I think the Member for Brandon West (Mr. Borotsik) was seeking leave of the committee to call Mr. Holle without going through the process of reading through out-of-town presenters who aren't able to be here this morning and thereby having those presenters dropped from the list, people who have a vested interest in Bill 38, who have a desire to be present in person before this committee. So I think, before we move on to the issue of the current state of the rules or any number of other issues, perhaps the committee could be canvassed to see whether there's leave to call Mr. Holle. Then why don't we move on to the next step

in our discussion following that canvassing of the committee?

Hon. Diane McGifford (Minister of Advanced Education and Literacy): Yes, I'd like to agree with my colleague Mr. Maloway that we follow the procedures. It's really unfortunate there was so much filibustering this morning. If members had been concerned about presentations earlier instead of the last minute, we would certainly have heard from the presenter. I think we should follow the procedure.

Mr. Borotsik: Well, Mr. Chairman, it was a simple matter of leave to have Mr. Holle present, and, as was mentioned earlier there were a number of difficulties for out-of-town presenters to make it in, particularly on a 9 o'clock on a Monday morning. I've been going through the out-of-town presenters who have already dropped to the bottom of the list, and what it is the intention now of this committee is to call those individuals who have not been notified that they would be speaking this morning.

I have gone through the list and I can identify at least a half a dozen of those individuals who have made their intentions known that they will be here to speak to this committee. They have taken their time to develop a presentation. They have taken their time to analyze Bill 38 in its entirety, which is a very complex bill. They have taken their time and their energy in the past to register with the Clerk's department. To simply go through this list right now, Mr. Chairman, and drop these people off the list, then I strongly would object because it is a direct inability for them to demonstrate and put forward their own democratic rights.

That's where we're heading right now. The committee not allowing Mr. Holle to make presentation at this time and go to the out-of-town speakers is, in fact, stopping my presenters from my area, from Brandon, from—*[interjection]* They weren't just stopped this morning. They could not make it this morning. They could not. There were two people here—*[interjection]*—the Minister of Finance (Mr. Selinger) is obviously getting into my debate time. They were not here. The out-of-town presenters have indicated they could not make a morning session at 9 o'clock. They have indicated to me that they will be here in the evening. They will make an attempt to drive the two and a half hours to make presentation at this committee, and if it's this committee's intent to drop them off the list right now, if that's what the intent is, then it's wrong. It's undemocratic. It's not allowing people to make

presentation, and I would suggest very strongly that these people do have the right to make that presentation.

* (12:00)

I had hoped that the committee would have allowed Mr. Holle to speak. We did have time to hear his presentation. He was the first person on the list of individuals who were in-town presenters. He's here. He would have loved to make the presentation. I believe it was important that we hear him, but obviously now we want to go and drop a number of potential presenters off the list instead of listening to Mr. Holle. I would suggest that it's unfortunate because I know Mr. Holle has some other time constraints, and he would have liked to have been here this evening. He could not be here this evening, but he did make some attempt to be here. It seems that we haven't allowed him to speak, nor have we allowed my out-of-town presenters.

I will not stand by and allow some 40-odd members to be dropped from the presenters' list, just simply because the Chairman and the committee will not allow them to stay on this list and present later on this evening, because it was my understanding that, once they were dropped to the bottom as an out-of-town presenter, you would then go to the in-town presenters. You would listen to those in-town presenters and then go back as a procedure to the out-of-towners that were dropped to the bottom, not simply go back to the bottom ones and remove them at this time. That's absolutely not wrong, and I would question the procedure, Mr. Chairman, if I could.

Mr. Chairperson: With the—oh, Mr. McFadyen wishes to speak.

Mr. McFadyen: I think it's a point of order, Mr. Chairperson. As I understand it, and the House leader is checking this, the rules don't specifically require that out-of-town presenters be called ahead of presenters within the city. This is a practice of these committees to proceed on that basis. It's a practice that has been introduced on a common-sense, case-by-case basis to allow for those who've come from out of town to present ahead of those from in town, but it's not part of the rules. So where common sense would dictate that where you have an in-town presenter present, an out-of-town presenter who is not present but who intends to present and who've expressed a desire to present at the next possible opportunity, it would seem that that practice ought to be adapted to deal with circumstances such as the one we find ourselves in now.

So the point would be to allow—well, I believe we've reached 12 o'clock, so it may be a moot point at this stage, but to allow a presenter who is present without reading through the list of those out-of-town presenters who aren't present and thereby compromise their ability to present to the committee.

Mr. Chairperson: I'm advised that we have to deal with the procedural motions before we adjourn, so I'm going to deal with them in three stages.

First, I'm going to rule on the point of order of Mr. McFadyen. He does have a valid point of order. It's up to the committee to decide whom we hear first or in what order.

Secondly, I am going to deal with the request for leave to hear Mr. Holle, and we will have to put that to the committee and ask if there is leave. However, even if leave is granted, we're going to hit the order of the day 12 o'clock, so that won't actually happen. But we'll deal with the request.

Then, thirdly, probably at 6 p.m. we'll deal with the item of whether or not we're going to hear out-of-town presenters first.

So is there leave of the committee to hear Mr. Holle at this time?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour, say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Nays have it, but it's moot because we're hitting the order of the day.

* * *

Mr. Chairperson: I am going to recommend that we deal with the issue of out-of-town presenters first or not when we reconvene at 6 p.m.

If members could leave their copies of the bills on the table for tonight's meeting, that would be appreciated.

As previously agreed to by the House, the time being 12 noon, committee rise.

COMMITTEE ROSE AT: 12:03 p.m.

WRITTEN SUBMISSIONS PRESENTED BUT NOT READ

Re: Bill 38

I wish to acknowledge Bill 38 by sharing my serious concerns regarding its implications.

In reading through Bill 38 and also the accounts in the newspapers, it is my understanding that this bill essentially allows the government to mismanage money. For example, it says that:

"At least once every five years after March 31, 2006, at a time to be determined by the Lieutenant Governor in Council, the minister must use the balance in the debt retirement account to repay general purpose debt and reduce the government's pension liability, according to the allocations made under section 15."

This tells me that the money set aside for debt reduction may not necessarily go for that use and must pay general purpose debt. This causes me great consternation. As a citizen who has obligations to meet, my personal budget MUST be adhered to in such a fashion that I do not "rob Peter to pay Paul." I can't believe that the government would forgo paying its major debt obligation. The government should be a role model to its citizens and adhere to its budgetary obligations.

Debt reduction is a huge priority and with two sons and their families, including three grandchildren, I am adamantly opposed to having them inherit a debt in their future. Again, to me, this shows a serious lack of proper planning within the available resources. We must not mortgage our children's future!

Then I find this passage:

"Under Part 1 of the new act, the government is still required to achieve a positive balance each fiscal year, but the balance will be based on the audited summary financial statements for the government reporting entity and will be calculated over the four-year period ending at the end of the fiscal year. Transfers to and from the Debt Retirement Fund and the Fiscal Stabilization Fund will no longer affect the calculation of balance. (section 3)"

How can we PLAY with numbers? Why do we say it must have an annual positive balance but do so on the backs of the citizens in a way that is punitive

and "hidden"? It is my understanding that, if extra money is needed, that the government can "tweak" the Manitoba Hydro and the Manitoba Public Insurance Corporation by raising the fees paid by the ordinary citizens.

This action is of great dismay. Please note that the government should not and must not sabotage seniors by raising the tariff on these basics of life. This is not the 1800s. This is the 21st century and people have been conditioned to heat and lights, hydro for cooking and baking, and gas for an insured vehicle, and to think that John Q. Ordinary Citizen can afford to pay more is a complete fallacy. Many cannot afford what they already must pay. To think that there is the potential to pay even more in this manner to balance a budget is completely unacceptable.

I ask you now to think of the presentation I made on Monday night where I cited the Cost of Living Adjustment being received by retired teachers. It bears repeating that the COLA in 2005 was 0.4 percent which is equivalent to 19.2 percent of the CPI for that year. Given that the average annual salary was \$19,200 (source: 2005 TRAF Report) in that year, the COLA, on average, was clearly less than \$80 for the year or \$7.50 per month.

I ask you HOW are our retired teachers going to live on \$7.50 when their hydro costs or vehicle insurance is carefully besieged by the very government that says it looks after people? How will \$7.50 support the potential changes? I am recalling the people who live only on savings with no pension. How will they survive?

This is a massive travesty on the verge of happening. Please spend within your tax-generated limits. Do not conjure up ideas of how to snag even more of the taxpayers' dollars. This not just! It is not FAIR!

I would have preferred to present these points in person; however, I did attend the presentations on Monday on Bill 37, arriving at 4 o'clock, as instructed, but not being heard until almost six hours later at 9:45 p.m. I found this to be so frustrating and exhausting, given that I had driven in from Brandon. We sat through the dinner hour thinking I was due to be called and then was asked if I could stay over for the next evening.

Because I am employed and needed to return home, following a quick snack, we arrived home at 2

a.m. I could not afford the time to do this twice in one week.

Pat Bowslaugh

* * *

Re: Bill 38

The Canadian Centre for Policy Alternatives—Manitoba (CCPA) wishes to register its support for Bill 38. In order to understand why the CCPA supports Bill 38, it is necessary to put it within the context of the legislation that it will amend if passed: *The Balanced Budget, Debt Repayment and Taxpayer Protection and Consequential Amendments Act*. The CCPA has had serious concerns with this Act since its inception.

The existing Act allows for the shrinking of our public sector and limits the capacity of government to respond, with tax increases, to serious fiscal and economic problems. It also prohibits the government from using rational economic tools—such as running reasonable and occasional deficits—to respond to serious downturns in the economy. Bill 38 introduces legislation that begins to reverse the negative effects of the original Act.

These negative consequences flow from two ill-founded premises: (1) the narrow economic assumption that all government debt is counterproductive, and (2) that Manitoba has a particularly grave problem with its provincial debt. Firstly, it is simply not true that all government debt is bad, anymore than it is true that all family debt is bad (if that were true, none of us would have a mortgage). Debt and deficits, responsibly managed, are productive economic tools that can stimulate demand in a depressed economy and ameliorate human suffering when the level of employment contracts. Not to run a deficit in a recession/depression is irresponsible and immoral.

It is particularly worrisome that the existing legislation prohibits deficit spending while making it necessary to hold a referendum to increase taxes. These two obstacles mean that the government is hemmed in on both sides: it cannot raise revenues easily and it cannot temporarily spend beyond limited revenues should circumstances take a turn for the worse. It is also worth noting that the government does not have to run a referendum to lower taxes, making this aspect of the existing legislation asymmetric and unfair.

Secondly, Manitoba does not have a debt problem now and it did not have a grave debt problem when the original legislation was enacted in 1995. Our debt/GDP ratio is a very respectable 21.7 percent and our credit rating is AA. The indicators, although not as strong as today's, were also decent 13 years ago.

Under the guise of protecting taxpayers, Manitoba's balanced-budget legislation fails to recognize the social obligations of governments in the budgetary process. There is no mention of the need to address problems of unemployment, income inequality and poverty. There is no requirement to provide satisfactory levels of schooling, health care, or social assistance. In order to meet these obligations, the government must be able to control revenues—increasing them through tax increases when the economy is strong (and paying down the debt), and decreasing them when the economy contracts, and running a deficit if needed. We must resist the impulse to decry this kind of rational fiscal policy as only "tax and spend" while ignoring the equally important "reduce and save" side of the equation. A government must be able to do both to respond to the vagaries of our free-market economy. The government needs one tool to deal with economic booms and another to deal with economic busts; to artificially restrict the use of one of those tools is pernicious and irresponsible.

The CCPA supports Bill 38 because it loosens the restrictions imposed by the existing act. Bill 38

allows the government to work within a four-year timetable. By averaging the balance over four years, the government will have more latitude to absorb budgetary shortfalls in the short term—say a one- or two-year period and rectify them over the longer term (four years to be exact). As noted above, we do not support deficit spending for frivolous reasons. Deficit spending should be undertaken to cushion the effects of a contracting economy and/or to invest in social infrastructure to reduce the future costs of important social responsibilities including social assistance and health care.

The CCPA is hopeful that Bill 38 will allow this government to invest in areas it has neglected and which are in dire need of upgrading. Investment in fundamentals like social housing and strategies to prepare our growing Aboriginal youth population for tomorrow's jobs is essential. If this government does not want to collect enough taxes for these investments, it may have no choice but to run the occasional deficit to do so.

In closing, the ideal solution would be to reverse balanced-budget legislation in its entirety, a move that we encourage the government to undertake. In the interim, we acknowledge the positive, albeit limited, policy move contained in Bill 38.

Lynne Fernandez
Canadian Centre for Policy Alternatives
Manitoba Office

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>