

First Session – Forty-First Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Legislative Affairs

Chairperson
Mrs. Sarah Guillemard
Constituency of Fort Richmond

Vol. LXIX No. 3 - 6 p.m., Tuesday, October 18, 2016

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MANITOBA LEGISLATIVE ASSEMBLY
Forty-First Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS

Tuesday, October 18, 2016

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

**CHAIRPERSON – Mrs. Sarah Guillemard
(Fort Richmond)**

**VICE-CHAIRPERSON – Mr. Shannon Martin
(Morris)**

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Ms. Clarke, Hon. Mrs. Stefanson

*Ms. Fontaine, Mrs. Guillemard, Mr. Johnston,
Ms. Lamoureux, Messrs. Lindsey, Martin,
Pivniuk, Smith, Swan*

MATTERS UNDER CONSIDERATION:

Bill 2–The Legislative Assembly Amendment Act

Bill 4–The Elections Amendment Act

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Madam Chairperson: Good evening. Will the Standing Committee on Legislative Affairs please come to order.

Our first item of business is the election of the Vice-Chairperson.

Are there any nominations?

Mr. Doyle Pivniuk (Arthur-Virden): I nominate Mr. Martin as Vice-Chair.

Madam Chairperson: Are there any other nominations?

Hearing no other nominations, Mr. Martin is elected Vice-Chairperson.

This meeting has been called to consider the following bills: Bill 2, The Legislative Assembly Amendment Act; Bill 4, The Elections Amendment Act; Loi modifiant la Loi électorale

How long does the committee wish to sit this evening?

Mr. Andrew Swan (Minto): Until the work of the committee is completed.

Madam Chairperson: Does the committee agree?
[Agreed]

Currently, there are no registered presenters for tonight's meeting. If there is anyone in the audience who would like to make a presentation this evening, please come forward and state your name clearly for the record.

Seeing none, we will proceed immediately to clause-by-clause consideration of these bills.

In what order does the committee wish to proceed?

Mr. Shannon Martin (Morris): In numerical order, the bills.

Madam Chairperson: Does the committee agree?
[Agreed]

During the consideration of a bill, the preamble, the enacting clause, and the title are postponed until all other clauses have been considered in their proper order.

Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose.

Is that agreed? *[Agreed]*

Bill 2–The Legislative Assembly Amendment Act

Madam Chairperson: We will now proceed to clause-by-clause consideration of the bill, Bill 2.

Does the minister responsible for Bill 2 have an opening statement?

Hon. Heather Stefanson (Minister of Justice and Attorney General): Madam Chair, just briefly, it's a privilege to present Bill 2, The Legislative Assembly Amendment Act, to this committee.

My colleagues and I campaigned on a platform to bring more transparency and openness to government. A central piece of the mandate I was given as a minister by the Premier (Mr. Pallister) was to implement the Open Government Initiative to make sure that this and every future government will

be more open, more transparent and more accountable. This bill is part of that broader package of reforms. Manitobans have a right to representation in the Legislature with a local MLA.

This bill will reduce the maximum amount of time an MLA seat will sit empty in the event of a vacancy. In the past, some Manitobans have had to wait for nearly a year before regaining their voice in the Legislature with a local elected MLA after a seat became vacant.

In the future, with this legislated change, with few exceptions, Manitobans will not be left without representation in the Legislative Chamber for any longer than 180 days, reducing the maximum allowable period of time to fill a vacancy by half. There is, of course, a situation which may arise where a vacancy occurs close to the date of a fixed-date election, which could, if there was no exception in this amendment, result in a by-election being held weeks before the start of a general election. That's why this act includes a provision to exempt the government from the general 180-day rule if the seat becomes vacant within a year of a fixed-date general election.

This legislation strengthens democracy in Manitoba by ensuring Manitobans will have representation in the Legislature within a timely manner if their MLA resigns.

At this point in time, in the interest of openness and transparency, I'd like to indicate that based on a recommendation of the Chief Electoral Officer, I'll be introducing a minor amendment to the bill to provide clarity. I'd like to thank the staff who helped prepare this bill, and I look forward to the discussion here this evening.

Thank you.

Madam Chairperson: We thank the minister.

Does the critic from the official opposition have an opening statement?

Mr. Andrew Swan (Minto): This was the first substantive bill that was introduced by the new government and it's—I think it's probably fair to say it's pretty thin gruel.

We have a minister who received a mandate letter, which, I expect, was probably as disappointing for her as it was disappointing for those of us in the

opposition. It was a mandate letter that contained 17 points, absolutely none of which actually dealt with public safety and reducing crime in the province of Manitoba. It may be that the Premier (Mr. Pallister) doesn't think there's any more work to be done on public safety and crime. I'm prepared to admit there probably is more work to be done.

Of course, we have a Premier who, like Goldilocks, complains if by-elections are called too soon and complains if they're called too slow. We know that when he was—not elected as leader because, of course, there was no election for the Progressive Conservative Party. When he became leader, our then-government called the election, the by-election in Fort Whyte, extremely quickly. And rather than being grateful for the opportunity to go before the public as quickly as possible and try for election, the then-candidate for Fort Whyte decided instead to complain. And he complained that the by-election was being called too soon. And it was August, and everybody knows that August is family time.

Well, the election had been called, so he had no choice but to get out there and he was ultimately elected, as we know. Sometimes he thinks it's too slow; sometimes he thinks it's too fast. As we can see, there has not exactly been a torrent of Manitobans wanting to come down to this public and open committee meeting to express their views. We'll wait until Bill 7, I suppose, to hear Manitobans who are actually fired up about a particular bill.

In theory, we don't really have a difficulty with the nature of the bill. I am hoping, though, that this minister will be able to free herself from the yoke of the mandate letter that this Premier has put on her and can actually begin to take steps to continue the fine work that the previous government did on improving public safety and the administration of justice and crime reduction in the province of Manitoba.

Madam Chairperson: We thank the member.

Clause 1—pass.

Shall clause 2 pass?

Mrs. Stefanson: I have an amendment, Madam Chair.

*(18:20)

Madam Chairperson: Go ahead, Minister Stefanson.

Mrs. Stefanson: I move

THAT Clause 2 of the Bill be replaced with the following:

Section 27 is replaced with the following:

By-election to fill vacancy

27(1) A by-election must be held if a vacancy in the representation of an electoral division occurs.

Election day within 180 days of vacancy

27(2) The election day for the by-election must be within 180 days after the vacancy occurs.

Exception

27(3) Despite subsection (1), no by-election is required if the vacancy occurs less than one year before the election day for a general election held on a fixed date under section 49.1 of *The Elections Act*.

Madam Chairperson: It has been moved by Minister Stefanson

THAT Clause 2 of the Bill be replaced with the following:

Section 27 is replaced with the following:

By-election—

An Honourable Member: Dispense.

Madam Chairperson: Dispense?

The amendment is in order. The floor is open for questions.

Mr. Swan: Well, I just—I mean, I want to thank Elections Manitoba for having a look at this bill and basically rewriting it. I don't think it makes any substantive change in the intention but certainly is good work done by Elections Manitoba to clean up the bill.

Mrs. Stefanson: I just wanted to just put a few words on the record with respect to this. And just so that members know, the bill—the Chief Electoral Officer had been consulted about this bill, and just after that, after we had written the bill and so on, was brought to our attention that some—there could be some ways to provide clarity to the bill. And we agree with that. And so we have no problem accepting the recommendations from the Chief Electoral Officer, as we have here today. And so I just want to thank the committee and the Chief Electoral Officer for the comments.

Madam Chairperson: Is the committee ready for the question?

Some Honourable Members: Question.

Madam Chairperson: The question before the committee is as follows:

Amendment—pass; clause 2 as amended—pass; clause 3—pass; enacting clause—pass; title—pass. Bill as amended be reported.

Bill 4—The Elections Amendment Act

Madam Chairperson: Now, we'll deal with clauses in Bill 4.

Does the minister responsible for Bill 4 have an opening statement?

Hon. Heather Stefanson (Minister of Justice and Attorney General): I'm pleased to present Bill 4, The Elections Amendment Act, to this committee, continuing with the theme of strengthening democracy and transparency. This bill is another component of our government's plan for open government.

We are committed to levelling the playing field with common sense reforms that will make our elections more fair and more transparent for all parties. Consistent and predictable election rules are mandatory in a free democracy. This is also true when it comes to the timing and length of election periods. While Manitoba elections have followed a fixed election date beginning with the 2011 election, there remains too much variability in the length of elections in our province. This bill will change that. It builds on Manitoba's set election dates by further setting election periods.

This bill will establish a fixed election period of 28 days for all fixed-date elections and an election period of between 28 to 34 days for any other election, including by-elections. According to Elections Manitoba, this simple change will, and I quote, further level the playing field while also providing clarity for all stakeholders, end quote.

I'd like to thank everyone who was involved in preparing this bill and I look forward to our discussion this evening.

Thank you, Madam Chair.

Madam Chairperson: We thank the minister.

Does the critic from the official opposition have an opening statement?

Mr. Andrew Swan (Minto): I do, Madam Chairperson.

Madam Chairperson, of course, the bill, the intention is to set the length of election campaign from between 28 and 34 days, which is slightly shorter than at present. It's not a great change, or a major change and, again, we haven't had a calvacade of Manitobans coming down here to either support or oppose the bill.

I will have a couple of questions for the minister as we get into clause-by-clause discussion arising out of some of the questions and some of the debate that we had on second reading in the House.

Madam Chairperson: We thank the member.

Shall clauses 1 through 3 pass?

An Honourable Member: Pass.

An Honourable Member: No.

Madam Chairperson: I hear a no.

Mr. Swan: Just a question for the minister. I had asked in the question-answer period about the ability for the government of the day to provoke an election, perhaps to take advantage of whatever the circumstances might be at that given time, and the shorter the election period, certainly, the greater concern that is for democracy, that even though there is a set election date, I think most Manitobans would be concerned if the government did as federal governments have done in the past and simply ignored that set election date in calling an earlier election. I don't believe the minister can point to anything in this bill that would prevent a government from doing that, and I wonder if she can comment on that.

Mrs. Stefanson: I want to thank the member for that question. And this question was raised and I believe answered at second reading. But, you know,

members on this side of the House believe in following the rules of law; we don't believe in trying to circumvent rules of the law as members opposite did in many occasions in the past when they were in government. And so we believe that this bill as it is, adequately reflects the changes that should be made in order for an open and transparent process, electoral process.

Mr. Swan: Well, I asked the question because I didn't get an answer in the time that was allotted in the House. Based on what the minister is saying, will she, as the Attorney General and as the senior law officer for this—law officer for this government, commit, then, this government will not call an early election within this term?

Mrs. Stefanson: Well, again, we follow by the rule of the law. We believe that this accurately reflects where, you know, an open, transparent process that Manitobans elected us to bring in. Of course, I do recall answering that question during second reading, and I had mentioned to the member that, of course, he's free to bring amendments forward if he chooses to; he can certainly do so this evening and we look forward to seeing those amendments from him.

Madam Chairperson: Clauses 1 through 3—pass; clauses 4 and 5—pass; enacting clause—pass; title—pass. Bill be reported.

The hour being 6:29, what is the will of the committee?

Mr. Shannon Martin (Morris): I think the committee can recess, or sorry, rise. Sorry. Apologize. Rise.

Madam Chairperson: Committee rise.

COMMITTEE ROSE AT: 6:29 p.m.

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